

ORDINANCE 511

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 425, PERTAINING TO PAYMENT POLICIES FOR MONTHLY WATER SERVICE CHARGES AND DECLARING AN EMERGENCY.

THE CITY COUNCIL OF THE CITY OF OAKLAND FINDS:

1. THAT the payment policies for water service charges spelled out in Section 1 of Ordinance 425 are unreasonably restrictive.
2. THAT the actual policy followed by City of Oakland staff has been considerably more lenient than the policies of Ordinance 425.
3. THAT it is imperative that staff adhere to policies set forth by ordinance.

NOW THEREFORE THE CITY OF OAKLAND ORDAINS AS FOLLOWS:

SECTION 1. THAT Section 1 of Ordinance 425 is amended to read as follows:

Section 11, subsections (5), (6), and (7) of Ordinance 413 are hereby amended to read and provide as follows:

(5) Billing and Payments

Each bill rendered is due and payable on the 15th day of the month in which the bill was posted unless other arrangements have been made with the Water Department in writing that specify another due date and/or amount. Customers not having paid by the due date will be charged interest that shall accrue from the due date at a rate of twelve percent (12%) per annum. Closing bills will be due and collectible at the time of discontinuance of service. The owner of any premises shall be ultimately responsible for payment of any and all amounts owed the Water Department regardless of occupancy or tenancy in the premises.

(6) Delinquent Accounts

(a) A water bill is delinquent if it is not paid by the 1st day of the month following the month in which the bill was originally due. A written delinquent notice will be mailed within 3 business days of the date of delinquency to any customer whose account has not been paid in full and does not have a separate written agreement with the Water Department, as provided for in Section 11, subsection (7) of this Ordinance. This notice will state that service will be discontinued if the delinquent bill has not been paid in full within 7 days of the notice. Delinquent accounts unpaid by the 6th day following the initial notice will receive a second notice posted on the premises at least 24 hours prior to discontinuance of service.

(b) On the turn-off date, the meter reader or other agent of the City of Oakland shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts and service fees have been paid. The meter reader or other agent of the City shall immediately thereafter turn off the service. A delivery to the premises served by the meter reader shall be considered a delivery to the customer.

(c) In all instances where water has been turned off because of a delinquent account, a service charge will be collected in addition to the delinquent amount prior to restoring and service. Applicable charges for restoring service shall be as provided in the rate schedule.

(7) Installment Option for Delinquent Accounts

The City Council shall have the authority to approve by motion a satisfactory installment payment plan for payment of an overdue account. The installment plan will be available to customers with temporary financial hardships and in cases where discontinuance of service for a delinquent account would cause severe hardship or loss of life. Failure on the part of the customer to meet the terms of the written installment payment agreement will result in discontinuance of service. The City Council may in its discretion, instead of discontinuing service, initiate another collection action against the customer. This action may include any remedy legally allowable.

SECTION 2. THAT Section 1 of Ordinance 413 shall have an additional subsection to read and provide as follows:

(8) Request for Hearing

Any water customer receiving notice of termination of utility service may request a hearing before the Oakland City Council. The customer shall submit the request for a hearing in writing to the City Recorder by the deadline established by the City Recorder. In no case shall the deadline be less than 5 days after the date of the delinquency notice. The request for a hearing shall specify the customer's objections and shall be dated and signed by the customer requesting the hearing.

Upon receipt of a request for a hearing, the City Recorder shall schedule a hearing at the next regularly scheduled Council meeting, or as soon as is reasonably practical. The customer objecting to the termination of the utility service shall be given an opportunity to testify and present evidence at the hearing. The City Council shall be the final decision-making body. Utility services shall not be terminated until the City Council has rendered its decision. No more than two hearings in a calendar year will be allowed for any water account.

SECTION 2. EMERGENCY CLAUSE. THAT the matters contained herein concern the public welfare and safety and therefore, an emergency is hereby declared to exist, and this Ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

PASSED BY the Common Council of the City of Oakland, this 16th day of January 2001.

Approved by the mayor this 17th day of January, 17th 2001.