



CALEXICO *California*

WHERE CALIFORNIA AND MEXICO MEET

Calexico Water Shutoff Investigation

The City of Calexico, by unanimous vote of the City Council, has reached a legal settlement with the State of California relating to the City's previous policies and practices affecting water service customers. The resolution concludes an investigation by the State Water Resources Control Board and California Attorney General relating to the City's compliance with the Water Shutoff Protection Act and the Water and Wastewater System Payments Under the American Rescue Plan Act of 2021.

The Water Shutoff Protection Act, which took effect in early 2020, requires water systems to follow certain procedures to protect residential water customers from shutoffs for nonpayment, and to have a written policy containing those procedures available to the public, among other things. The Water and Wastewater System Payments Act provides funding to various water and wastewater systems to assist customers whose delinquencies arose during the COVID-19 pandemic period, and conditioned the funding on compliance with certain requirements, such as waivers of late fees.

Recently, the City Council adopted an updated water account ordinance and a new City policy on discontinuation of residential water service for nonpayment. The new ordinance and policy are compliant with—and go beyond—the requirements of State law. In conjunction with the new ordinance and policy, the settlement provides assurances that the City will take additional measures to avoid shutoffs of residential water customers for nonpayment and will make customers whole that were previously harmed by certain late fees and shutoffs that occurred in 2020, 2021 and 2022.

Among various other provisions, the settlement provides that the City will:

- Return late fees collected during the COVID-19 pandemic relief period (March 4, 2020 to June 21, 2021, with interest;
- Return fees and charges for water shutoffs conducted between February 1, 2020 through December 31, 2022, with interest, and provide a bill credit or payment of \$105.00 to those customers; and
- Issue bill credits to additional customers who are eligible for assistance under the State's Extended Arrearages Payment Program;
- Establish and fund a water conservation program for residential customers for the purpose of promoting water efficiency and conservation, thereby reducing residential customers' water service bills; and
- Pay a penalty to the State Water Board's Safe Drinking Water Account.

The settlement will allow the City to avoid the costs of going to trial and focus on moving forward with implementing customer protections and making customers whole who were previously harmed. Detailed information will be available upon the State filing the Consent Judgement.

City Manager Esperanza Colio Warren expressed satisfaction with the settlement, stating, “We are pleased to have reached a resolution with the State that avoids costly litigation and allows the City to move forward by providing protections for our water customers and restitution for those harmed by past practices. The City of Calexico is committed to the well-being of our residents and intends to diligently comply with the settlement, as well as the new policies enacted by our Council to protect residential water customers.”

If you have any questions regarding this matter, please contact the city manager’s office at 760.768.2110.