

ORDINANCE O2025-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MANTECA, STATE OF CALIFORNIA, REPEALING AND
REPLACING SECTIONS 13.04.060, 13.04.080, 13.04.090,
13.04.110, AND 13.04.150; ADDING SECTION 13.04.230 OF
THE MANTECA MUNICIPAL CODE

WHEREAS, the City of Manteca ("City") seeks to update its water rates and amend certain sections of the Chapter 13.04 (Waterworks System) of Title 13 (Public Services) of the Manteca Municipal Code ("MMC"); and

WHEREAS, Section 13.04.060 (Monthly Rates) of the MMC currently sets forth the monthly water rates for customers of the City's waterworks system; and

WHEREAS, staff is recommending that the MMC be amended to allow the City Council to fix charges for water rates by resolution and revise water rates from time to time with the objective that the City's waterworks system be operated on a sound economic basis; and

WHEREAS, pursuant to the Water Shutoff Protection Act (Health and Safety Code §§ 116900 *et seq.*), established by SB 998 (2018), local governments are required to have a written policy on the discontinuation of water service that meets certain specified requirements; and

WHEREAS, the City wishes to amend the MMC to streamline adoption of water rates in the future and comply with the Water Shutoff Protection Act; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: The above findings are true and correct, are material to the adoption of this Ordinance, and are incorporated herein by reference.

SECTION 2: Environmental Review. The City Council finds that the adoption of the Ordinance is not considered a project under the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21065 and CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387) Section 15378 because the Ordinance does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the Ordinance addresses requirements for a government funding mechanism which do not involve any commitment to any specific project. The Ordinance is also exempt from CEQA as there is no possibility for causing a significant effect on the

environment, per Section 15061(b)(3).

No specific projects are associated with this Ordinance. The Ordinance is policy-oriented and would establish a funding mechanism for future water facilities. When and if specific projects are developed and proposed for implementation, the environmental impacts of such facilities would be evaluated in accordance with CEQA and City practice.

SECTION 3: Amendment. Title 13, Chapter 13.04, Section 13.04.060 of the MMC, entitled “Monthly Rates,” is hereby repealed and replaced with:

“§ 13.04.060 Charges established.

The City Council shall set the monthly rates for water service charges by ordinance or resolution. The failure to pay any charge shall constitute a violation of this chapter.”

SECTION 4: Amendment. Title 13, Chapter 13.04, Section 13.04.080 of the MMC, entitled “Disconnection – Service reestablishment,” is hereby repealed and replaced with:

“§ 13.04.080 Written policy regarding service disconnection.

- A. The City shall have a written policy on discontinuation of residential water service due to nonpayment of water charges. The written policy shall be available in English, the languages listed in Civil Code section 1632, and any other language spoken by at least 10 percent of Manteca residents. The written policy shall be posted on the City’s website. The written policy must include the following requirements:
 - 1. A plan for deferred or reduced payments.
 - 2. Alternative payment schedules.
 - 3. A formal mechanism for a customer to contest or appeal a bill.
 - 4. A telephone number for a customer to contact to discuss options for averting the discontinuation of residential service for nonpayment.
- B. Such written policy shall be adopted by City Council resolution and shall comply with the requirements specified by the Water Shutoff Protection Act (Health and Safety Code section 116900 *et seq.*).”

SECTION 5: Amendment. Title 13, Chapter 13.04, Section 13.04.090 of the MMC, entitled “Service disconnection,” is hereby repealed and replaced with:

“§ 13.04.090 Service disconnection.

The City may discontinue residential water service due to nonpayment of water charges pursuant to its written policy adopted by City Council resolution; provided, however, that the written policy abides by the requirements specified in the Water Shutoff Protection Act (Health and Safety Code section 116900 *et seq.*).”

ATTACHMENT 1

SECTION 6: Amendment. Title 13, Chapter 13.04, Section 13.04.110 of the MMC, entitled “Fraud – Refusal of service,” is hereby repealed and replaced with:

“§ 13.04.110 Fraud – Refusal of service.

The city shall have the right to refuse to serve water to any person or premises at any time or to discontinue service, after following the requirements set forth in its policy for discontinuation of water service, if found necessary to do so in order to protect itself against fraud or abuse.”

SECTION 7: Amendment. Title 13, Chapter 13.04, Section 13.04.150 of the MMC, entitled “Temporary service – Fee,” is hereby repealed and replaced with:

“§ 13.04.150 Temporary service – Fee.

- A. Temporary service, as considered in this chapter, refers to service to circuses, bazaars, fairs, temporary restaurants, construction works, etc., of a temporary nature.
- B. The city will, if in its opinion the furnishing of such service will not create a hardship upon it or its consumers, furnish temporary services under the following conditions: The applicant for such temporary services shall be required to pay to the city, in advance or otherwise, as the city may elect, the net cost of installing and removing any facilities necessary in connection with furnishing of such service by the city.
- C. Potable water use for construction purposes is prohibited, except on projects of less than twenty acres in total project acreage and physically located further than one mile from the water quality control facility's (WQCF) recycled water fill station. Projects in excess of twenty acres or closer than one mile to the WQCF's recycled water fill station may use city supplied recycled water. In order to receive recycled water, the water truck operator must obtain a certification card from the public works department for recycled water handling by attending a mandatory workshop on recycled water.
- D. Persons authorized to use potable water for construction purposes shall obtain a water permit from the city and shall obtain a water meter and backflow prevention assembly from the city. All potable water used for construction purposes shall be metered by said city-provided assembly. The charges associated with potable water consumption and the use of the water meter/backflow prevention assembly shall be established by the City Council by resolution.”

SECTION 8: Amendment. Title 13, Chapter 13.04, Section 13.04.230 of the MMC, entitled “Refund of Water Rates,” is hereby added as follows:

§ 13.04.230 Refund of Water Rates.

ATTACHMENT 1

- A. Whenever the amount of any water rate has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the city, it may be refunded as provided in this section.
- B. The claimant or their guardian, conservator, executor, or administrator must submit a written application to the city's finance director within one year of the alleged overpayment or erroneous or illegal collection. The application must clearly establish claimant's right to the refund by written records.
- C. Upon receipt of the claim, the city's finance director will evaluate the request and provide a written evaluation of their analysis, including any refund due, within sixty days.
- D. Any claimant aggrieved by the finance director's decision with respect to its refund request may appeal to the city manager by filing a notice of appeal with the city clerk within 15 days of the finance director's decision. The city manager will render a written decision within sixty days of the claimant's filing of the appeal. The findings of the city manager shall be final, and any amount due shall be immediately due and payable upon the service of notice of the city manager's decision.

SECTION 9: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 10: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: _____
GARY SINGH

ATTEST: _____
CASSANDRA CANDINI-TILTON
CITY CLERK

ATTACHMENT 1

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ____ day of _____, 2025, and had its second reading and was adopted and passed during the public meeting of the City Council on the ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk