

NOTICE OF SPECIAL MEETING CITY COUNCIL CITY OF REDLANDS, CALIFORNIA TUESDAY, AUGUST 23, 2022

In accordance with California Government Code Section 54956, Mayor Barich has called a special meeting of the City Council to be held on AUGUST 23, 2022 at 5:00 p.m. in the Council Chambers, Civic Center, 35 Cajon Street, Redlands, California.

To join via Zoom on a computer, laptop, or smart device

Please visit www.zoom.us, click on Join a Meeting
Enter the **Meeting ID 859 1284 0013** then run the Zoom launcher

To join via Zoom with audio only (cell phone or landline):

Dial **1-877-853-5247**
Enter the **Meeting ID 859 1284 0013**

Should the City lose connectivity with Zoom, we will halt the meeting until it can be restored. To check on the status of remote connectivity in the event of an outage, go to the City's website at www.cityofredlands.org or to the City's Facebook page at @CityofRedlands or the Instagram page at @CityofRedlands_CityHall.

In the event the City cannot reestablish Zoom connectivity in a reasonable amount of time, the mayor will adjourn the meeting to a future date.

Anyone desiring to speak on an agenda item at this meeting may do so during the consideration of that item. Due to time constraints and the number of persons who may wish to give oral testimony, public comments will be limited to three (3) minutes.

• **To provide comment while participating from Council Chambers:**

- Although it is not required, speakers are encouraged to submit a "Speaker Sign Up Sheet" before the meeting is convened. Forms are available in the Office of the City Clerk or in Council Chambers.
- After the meeting has convened, you may place the speaker form in the basket at the table along the north wall of the Chambers. Please do not disturb the City Clerk while the meeting is in progress.

• **To provide comment through Zoom (on a computer, laptop, or smart device):**

- Click the "Raise Hand" button and the moderator will unmute you when it is your turn to speak

• **To provide comment via audio only (cell phone or landline):**

- Dial *9 to "Raise Hand". The moderator will identify you by your area code and last 3 numbers of your telephone number when it is your turn to speak.



**PLEASE SILENCE CELL PHONES, PAGERS AND OTHER ELECTRONIC
COMMUNICATION DEVICES UPON ENTERING THE CHAMBERS**

A. Call Special Meeting to Order

B. Public Comment - City Council

(At this time, the City Council will provide an opportunity for the public to address them on any subject, within the jurisdiction of the City Council, which is not already scheduled on this agenda. However, any matter that requires action will be referred to staff for a report and possible action at a subsequent meeting. Comments will be limited to three {3} minutes.)

C. Consent Calendar

(The following routine items have been recommended for approval and will be acted upon simultaneously unless separate discussion and/or action is requested by a Councilmember or a member of the audience.)

1. Approve Resolution No. 8384 authorizing remote teleconference meetings by the City Council and all Boards, Commissions, and Committees of the City in accordance with Assembly Bill 361 (2021) for a period of 30 days (Council Member Davis)
2. Approve Resolution No. 8383 Authorizing the City of Redlands to enroll and participate in the California Low-Income Household Water Assistance Program (LIHWAP) (Management Services/Finance Director Garcia)

D. Recess City Council Meeting to a Closed Session

1. Conference with labor negotiator - Government Code §54957.6 (Assistant City Manager McConnell)

Agency Negotiator:	Laura Kalty, Liebert Cassidy Whitmore; Janice McConnell; Tommi Ng, Danielle Garcia
Employee Organizations:	Redlands Association of Department Directors Redlands Association of Management Employees Redlands Association of Mid-Management Employees Redlands Association of Safety Management Employees Redlands Association of Fire Management Employees Redlands Police Officers Association Redlands Professional Firefighters Association Redlands Civilian Safety Employees Teamsters Local 1932 Redlands Chapter

E. Closed Session Report

(No reportable action taken in closed session unless otherwise announced by the City Attorney at this time.)

F. Adjournment

If you challenge any proposed development entitlement listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Goutam Dobey, of the Municipal Utilities and Engineering Department at (909) 798-7584 ext 2. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

(28 CFR 35.102-35.104 ADA Title II)

Any writings or documents distributed to a majority of the City Council regarding an open session agenda item less than 72 hours before this meeting are available for public inspection at the City Clerk's Office or at the dais of the City Clerk once the open session meeting begins.

Staff reports or other written documentation relating to items referred to on the agenda are available at the A. K. Smiley Public Library, 125 West Vine Street, Redlands, California, and on the City's website referenced below.

Regular meetings are televised live on Redlands TV Channel 3 (Spectrum) and Channel 35 (Frontier) and re-broadcasted at 7:00 P.M. the following Wednesday, Friday and Sunday; and at 9:00 A.M. Thursday, Saturday and Monday. Agendas, staff reports and minutes of the City Council of the City of Redlands are available on the Internet:

<http://www.cityofredlands.org>



City Council Special Meeting

C. 1.

DATE: 08/23/2022

TO: Honorable Mayor and City Council Members

SUBJECT: Approve Resolution No. 8384 authorizing remote teleconference meetings by the City Council and all Boards, Commissions, and Committees of the City in accordance with Assembly Bill 361 (2021) for a period of 30 days (Council Member Davis)

MOTION:

I move to approve Resolution No. 8384.

DISCUSSION:

On August 4, 2022, the City Council re-adopted Resolution No. 8381 authorizing remote teleconference meetings by the City Council and all Boards, Commissions, and Committees of the City in accordance with Assembly Bill 361 (2021) for a period of 30 days ending September 3, 2022. AB 361, signed into law on September 16, 2021, amends Government Code Section 54953 to provide the authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown Act.

In accordance with Government Code Section 54953 (e)(3), the City Council must review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency. With the adoption of Resolution No. 8384, the City Council is reaffirming its findings and compliance with AB 361 for an additional 30 days ending September 21, 2022.

SUBMITTED BY:

Council Member Denise Davis

Attachments

Reso. 8384 Teleconference Meeting

RESOLUTION NO.8384

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS AUTHORIZING REMOTE TELECONFERENCE MEETINGS BY THE CITY COUNCIL AND ALL BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY IN ACCORDANCE WITH ASSEMBLY BILL 361 (2021) FOR A PERIOD OF THIRTY DAYS

WHEREAS, COVID-19 (also known as the “Coronavirus Disease”) is a respiratory disease that has spread across the globe, with thousands of confirmed cases in California, including within the City of Redlands (“City”); and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by COVID-19, and the President of the United States issued a proclamation declaring a national emergency concerning COVID-19 beginning March 1, 2020; and

WHEREAS, in response to COVID-19, the Governor of the State of California issued a proclamation of a state of emergency on March 4, 2020; and

WHEREAS, the City Council of the City adopted a proclamation of a local emergency related to the COVID-19 virus on March 17, 2020; and

WHEREAS, the City is committed to preserving and fostering public access, transparency, observation, and participation in meetings of the City Council and City boards, commissions, and committees (hereafter collectively referred to as “legislative bodies;”) and

WHEREAS, all meetings of the City Council and legislative bodies are open and public as required by the Ralph M. Brown Act (“Brown Act”) (Government Code section 54950 *et seq.*), so that any member of the public may attend, observe, and participate in a meaningful way; and

WHEREAS, Government Code section 54953(b)(3) of the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met:

1. Each teleconference location from which a member is participating is noticed on the agenda;
 2. Each teleconference location is accessible to the public;
 3. Members of the public must be able to address the body at each teleconference location;
 4. At least one member of the legislative body must be physically present at the location specified in the meeting agenda; and
 5. During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body’s territorial jurisdiction;
- and

WHEREAS, the Brown Act, as amended by AB 361 (2021), at Government Code section 54953(e), allows for remote observation and participation in meetings by members of a legislative body and members of the public without compliance with the requirements of Government Code section 54953(b)(3), subject to certain conditions; and

WHEREAS, the initial required condition of Government Code section 54953(b)(3) is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the City, caused by conditions as described in Government Code section 8558; and

WHEREAS, the Governor's proclamation of a state of emergency includes area within the jurisdictional boundaries of the City; and

WHEREAS, Government Code section 54953(e)(3)(A-B), added by AB 361, provides an alternative to having public meetings in accordance with Government Code Section 54953(b)(3) when the City Council has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:

1. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's boards, commissions, and committees to meet safely in person; and
2. The State of California and the County of San Bernardino continue to recommend measures to promote social distancing; and

WHEREAS, Government Code Section 54953(e) further requires that state or local officials have imposed, or recommended, measures to promote social distancing, or the legislative body finds that meeting in person would present an imminent risk to the health or safety of attendees; and

WHEREAS, such conditions now exist in the City in that (i) state and local officials do recommend social distancing measures, and (ii) emergency conditions evidenced by COVID-19 and its variants create ongoing COVID-19 cases, hospitalizations, and deaths, such that meeting in person would present imminent risk to health or safety of attendees; and

WHEREAS, the City Council affirms that it will allow for observation and participation by City Council members as well as board, commission, and committee members and the public, via Zoom, or other appropriate technology, in an effort to protect the constitutional and statutory rights of all attendees; and

WHEREAS, Government Code Section 54953 (e)(3) further requires that the City Council review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDLANDS HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council finds that the state of emergency conditions related to COVID-19 as set forth in the Governor's and City's proclamations of emergency are on-going.

Section 3. The City Council further finds that State and county officials recommend social distancing conditions causing imminent risk to attendees as described above exist.

Section 4. The City Council hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Governor, and the City, and affirms, authorizes, and proclaims the existence of a local emergency throughout the City.

Section 5. The City Council finds that the state of emergency as a result of COVID-19 continues to directly impact the ability of members of the City Council and the members of the City's boards, commissions, and committees to meet safely in person and such fact creates an imminent health risk to such members.

Section 6. The City Council hereby authorizes the City Council, and all of the boards, commissions, and committees of the City, to conduct their meetings without compliance with Government Code section 54953(b)(3), and to instead comply with the remote meeting requirements as authorized by Government Code section 54953(e).

Section 7. The City Manager and City Clerk are authorized and directed to take all actions reasonably necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings remotely in accordance with Government Code section 54953(e), and other applicable provisions of the Brown Act, for all City Council meetings, and all boards, commissions, and committee meetings of the City.

Section 8. This Resolution shall take effect immediately upon its adoption and shall be effective until either (i) September 21, 2022, or (ii) such time as the City Council adopts a Subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and all City legislative bodies may continue to meet remotely, without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e).

ADOPTED, SIGNED AND APPROVED this 23rd day of August 2022.

ATTEST:

Paul T. Barich, Mayor

Jeanne Donaldson, City Clerk



City Council Special Meeting

C. 2.

DATE: 08/23/2022

TO: Honorable Mayor and City Council Members

SUBJECT: Approve Resolution No. 8383 Authorizing the City of Redlands to enroll and participate in the California Low-Income Household Water Assistance Program (LIHWAP) (Management Services/Finance Director Garcia)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move to approve Resolution No. 8383.

RECOMMENDATION:

Staff recommends that Council approve Resolution No. 8383 and authorize the City to enroll and participate in the California Low-Income Household Water Assistance Program (LIHWAP); and authorize the Management Services/Finance Director, or designee, to sign and file any and all documents necessary to receive payments from the California Department of Community Services and Development (CSD) and its third-party funds disbursement partner, HORNE, LLP, for the purpose of applying credits to specified low-income customer accounts on behalf of the City of Redlands.

DISCUSSION:

The California Low-Income Household Water Assistance Program (LIHWAP) is a one-time federally funded relief program to provide financial assistance to low-income residential water and wastewater customers to reduce water and wastewater arrearages. The funding source for this program is the State of California's share of federal Consolidated Appropriations Act and American Rescue Plan Act (ARPA) funds appropriated to LIWHAP. At the state level, the program is administered by the California Department of Community Services

and Development (CSD). A Local Service Provider (LSP), the Community Action Partnership of San Bernardino County, will administer the program at the local level including customer outreach, intake, eligibility verification, and identification of the LIHWAP credit amount.

The funding provided through LIHWAP complements the aid provided through the California Water and Wastewater Arrearage Payment Program (CWWAPP) by offering assistance to eligible low-income households continuing to experience difficulty making payments for residential water and wastewater services. A one-time payment of up to \$2,000 will be applied to eligible low-income residential water and/or wastewater charges. The LSP has begun accepting customer applications, and LIHWAP will operate through August 31, 2023. HORNE, LLP, CSD's third party disbursement partner, will issue LIHWAP financial assistance payments directly to water systems. In order for City of Redlands water and wastewater customers to participate, the City must enroll in the program and sign a Direct Payment Agreement with HORNE, LLP.

ALTERNATIVES:

The Council may choose to reject this item and not participate in the LIHWAP Program.

STRATEGIC PLAN:

N/A

SUBMITTED BY:

Danielle Garcia, Management Services/Finance Director

RECOMMENDED BY:

Charles M. Duggan Jr., City Manager

REVIEWED BY:

Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager

Fiscal Impact

Fiscal Year: 2022-23

Appropriation Required Y/N: N

Discussion:

Acceptance of LIHWAP funds will not impact the General Fund. The funds received will be used to reduce or eliminate past due balances on residential water and wastewater customer accounts. This will reduce accounts receivables and the potential for bad debt incurred by the Water and Wastewater funds. All payments will be deposited in the Water Fund and Wastewater Fund. The amounts received are dependent on how many customers sign up and are approved for the program.

Attachments

LIHWAP Direct Payment Agreement
Resolution No. 8383 LIHWAP



DIRECT PAYMENT AGREEMENT

THIS DIRECT PAYMENT AGREEMENT (Agreement) is made and entered into effective as of the date signed below (the “Effective Date”), by and between
CITY OF REDLANDS

(“the Water System”),

35 CAJON ST. SUITE 15B, REDLANDS, CA 92373

(Entity Address)

and **HORNE LLP**, a Delaware limited liability partnership, having a place of business at 661 Sunnybrook Road, Suite 100, Ridgeland, MS 39157 (“HORNE”).

WHEREAS, the California Department of Community Services and Development (“CSD”) is authorized to administer the Low-Income Household Water Assistance Program (“LIHWAP” or “Program”) to provide financial assistance to help low-income Californians manage their residential water utility costs;

WHEREAS, CSD has contracted with HORNE to disburse direct payments to water systems to apply a LIHWAP credit to households identified as eligible for LIHWAP assistance by CSD or its Local Service Providers (LSPs);

WHEREAS, CSD has authorized HORNE to enter into this Agreement with Water System; and

WHEREAS, the Water System desires to enroll in LIHWAP and participate in the direct payment service established by the Direct Payment Program.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Water System agrees to receive direct payments from HORNE for the benefit of California residents who qualify for LIHWAP and agrees to abide by all terms and conditions below:

Direct Payment Program General Terms and Conditions

- 1.1 To participate in the Direct Payment Program, a Water System must be defined as a “Community Water System” or “Community Water System Billing Entity”, “Wastewater Treatment Provider” or “Wastewater Billing Entity” (collectively referred to as a “Water System” in this Agreement).
- 1.2 A “Community Water System” means a public water system with at least 15 service connections used by yearlong residents or regularly services at least 25 yearlong residents.
- 1.3 A “Community Water System Billing Entity” means a third-party entity that is the designated billing entity for a community water system.
- 1.4 A “Wastewater Treatment Provider” means a city, county, special district, or joint powers authority that provides wastewater collection, treatment, or disposal service through a publicly owned treatment works.
- 1.5 A “Wastewater Billing Entity” means a local government entity (city, county, or special district) that is the designated billing entity for a wastewater treatment provider.
- 1.6 The Water System enrolled in the Direct Payment Program must be the responsible entity for applying the LIHWAP credit to customer accounts.
- 1.7 Qualified low-income residential customers will be identified by CSD and its LSP partners. CSD will provide HORNE with a direct pay file that contains customer account information as well as the amount for the direct payment to the Water System for each customer. Commercial customers are not eligible for the program.
- 1.8 HORNE will provide the Water System a direct pay file that contains customer account information and the LIHWAP benefit amount for the purpose of crediting the accounts of qualified low-income residential customers of the Water System who have been identified as eligible for water assistance payments under LIHWAP by CSD or its LSPs.
- 1.9 HORNE will establish a secure method to provide the direct pay file and

customer information to the Water System and a secure method to receive the Direct Payment Summary from the Water System as described in 2.11.

- 1.10 The Water System is encouraged to offer a payment plan or other forms of assistance to customers who have a remaining balance after the LIHWAP benefit is applied to support the continuation of services or the restoration of services for accounts where services are terminated due to nonpayment.

Obligations of the Water System

- 2.1 Water System shall provide water and/or wastewater services to each eligible and approved residential household for which payment is provided under LIHWAP.
- 2.2 Water System shall charge LIHWAP residential households using the Water System's normal billing process, the difference between the actual amount due and the amount of the payment made by the LIHWAP payment.
- 2.3 Water System shall restore water services on a timely basis or remove disconnection status upon payment, if applicable, and shall confirm this action to HORNE by submission of the Direct Payment Summary report as specified in provision 2.11.
- 2.4 Water System shall charge all LIHWAP eligible residential households the same rates charged for home drinking water and/or wastewater services billed to other similarly situated residential households that are non-eligible, as determined by the approved rate setting process.
- 2.5 Water System shall not apply LIHWAP payments to account balances that have previously been written off. The Water System shall return the Direct Payment Summary specified in 2.11 identifying these payments to HORNE within 30 calendar days of receipt for accounts where the owed balance has been discharged (written off) in its entirety by the Water System. Within one business day of submission of the Direct Payment Summary, HORNE will transmit an invoice for the amount of program funds to be returned. Water System shall have

- 3 business days following receipt of the invoice to return the funds identified.
- 2.6 Water System shall apply the LIHWAP benefit to closed accounts to cover the pending balance and shall return the Direct Payment Reconciliation Summary specified in 2.11 identifying any remaining amount of the LIHWAP payment to HORNE within 30 calendar days. Within one business day of submission of the Direct Payment Summary, HORNE will transmit an invoice for the amount of program funds to be returned. Water System shall have 3 business days following receipt of the invoice to return the funds identified.
- 2.7 Water Systems shall adhere to existing credit return policies when returning funds to a customer that received a LIHWAP benefit, and the account is later closed and there is a remaining LIHWAP credit balance on the account.
- 2.8 Water systems that include other services on the customer's bill shall only apply LIHWAP payments towards the water, wastewater, and/or storm water amount owed including any applicable late fees, reconnection fees, taxes, and other charges.
- 2.9 Water System shall not discriminate against a LIHWAP eligible household with respect to terms, deferred payment plans, credit, conditions of sale, or discounts offered to other customers.
- 2.10 Water System shall post all payments to customer accounts within 5 business days from receipt of payment.
- 2.11 Water System shall submit to HORNE a Direct Payment Summary (in a format provided by HORNE) that reconciles the associated direct pay file and return payments that could not be credited to customer accounts within 30 calendar days of receipt of payment. The Direct Payment Summary must contain information on the date the credit was posted, direct pay file date; the total number of customer accounts that the Water System was successful in fully crediting; and the total number of customer accounts that the Water System was not successful in crediting. For those customer accounts that were not credited, the Water System shall reflect in the Direct Payment Summary the customer

accounts that were not credited to include customer account information (customer name, account number, account address, benefit amount), and reason why the LIHWAP benefit was unable to be applied to the customer's account. The Water System shall use customer and account information contained in the direct pay file to complete the reporting and identification of customer accounts that were not credited.

- 2.12 Water System shall clearly enter, on the LIHWAP recipient's bill, the amount of LIHWAP payment(s) received and identify the payment was received from LIHWAP. The credit should appear on the first billing statement after the credit has been posted. If posting on the LIHWAP recipient's bill is not feasible, the Water System shall send customers a notification of the LIHWAP payment via phone call, letter, text, or email communication as soon as practicable.
- 2.13 Water System shall cooperate with any Federal or State investigation, audit, or program review related to the administration of LIHWAP to ensure funds are accurately applied to customer accounts in compliance with this Agreement, including allowing CSD and its designated representatives access to all books and records related to the receipt and posting of LIHWAP benefits under review.
- 2.14 Water System is informed that failure to cooperate with any Federal or State investigation, audit, or program review may result in the immediate suspension or disqualification from participation in LIHWAP.
- 2.15 Water System shall take corrective action in the time frame specified by the CSD if violations of this Agreement are discovered. Corrective action may include, but is not limited to, providing detailed documentation of changes made and detailed plans for future changes that will bring the Water System into compliance.
- 2.16 Water System is informed that failure to implement corrective actions may result in the immediate suspension or disqualification from participation in LIHWAP.
- 2.17 Water System shall comply with all federal and California privacy laws, and shall take all necessary steps to protect the confidentiality of the information provided by HORNE to the Water System. Water System agrees to provide required

security to ensure the confidential, physical security and safekeeping of all data, information files, and documents (“customer information”) pertaining to the recipients of LIHWAP utility assistance payments, while such customer information is in its possession. Water System will, in accordance with applicable law and the terms of this Agreement, protect from unauthorized use and disclosure all sensitive data, documentation, or other customer information provided to Water System by HORNE, CSD, or CSD’s LSPs for purposes of this Agreement.

Term

- 3.1 The term of this Agreement shall be the effective date of this contract through October 31, 2023.

Project Coordinator

- 4.1 The Project Coordinator is designated to manage all HORNE inquiries regarding direct payments, issues with the direct payment process, mishandled or incorrect payments, clarification and updates of reports, and fraud and abuse. The Project Coordinator during the term of this Agreement is listed below. The Water System may designate a different Project Coordinator by notifying HORNE in writing.

Water System’s Project Coordinator

Name and Title: Aimee Hoover
Company Name: City of Redlands
Address: 35 Cajon St. Suite 15B
City, State, and ZIP Code: Redlands, CA 92373
Email: ahoover@cityofredlands.org
Phone: (909) 798 - 7596

Additional Provisions

- 5.1 Amendment. All amendments to this Agreement shall be in writing, signed by HORNE and Water System.
- 5.2 Assignment. Neither this Agreement nor any of the rights, interests, or obligations under this Agreement shall be assigned by any party without the prior written consent of the other parties.
- 5.3 Merger/Entire Agreement. This Agreement (including the attachments, documents and instruments referred to in this Agreement) constitutes the entire agreement and understanding of the parties with respect to the subject matter of this Agreement and supersedes all prior understandings and agreements, whether written or oral, among the parties with respect to such subject matter.
- 5.4 Nonwaiver. The waiver by either party of any breach of any term, covenant, or condition contained in this Agreement, or any default in the performance of any obligations under this Agreement, shall not be deemed to be a waiver of any other breach or default of the same or any other term, covenant, condition, or obligation; nor shall any waiver of any incident of breach or default constitute a continuing waiver of the same. All waivers shall be in writing.
- 5.5 Severability. If any provision of this Agreement is found invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of this Agreement will not be in any way impaired and shall remain in full force and effect.
- 5.6 Venue. In the event that suit shall be brought by either party to this Agreement, the parties agree that venue shall be exclusively vested in the State Courts of the County of Sacramento, or where otherwise appropriate, exclusively in the United States District Court for the Eastern District of California in Sacramento, California.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement, or caused it to be signed by their duly authorized representatives “below”.

HORNE LLP

By: _____

Name: Loden Snell

Title: Deputy Project Manager

Date: _____

Water System:

CITY OF REDLANDS

By: _____

Name: Danielle Garcia

Title: Management Services/Finance Director

Date: _____

ATTEST:

Jeanne Donaldson
City Clerk

RESOLUTION NO. 8383

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS AUTHORIZING THE CITY'S ENROLLEMENT AND PARTICIPATION IN THE CALIFORNIA LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM

WHEREAS, on December 27, 2020, the Consolidated Appropriations Act was signed into law and appropriated \$638 million to the Low-Income Household Water Assistance Program (LIHWAP). Additionally, on March 11, 2021, the American Rescue Plan Act appropriated \$500 million to LIHWAP; and

WHEREAS, \$116 million in one-time funding has been allocated to California to provide LIHWAP assistance; and

WHEREAS, LIHWAP is administered at the federal level by the U.S. Department of Health and Human Services and at the state level by the California Department of Community Services and Development (CSD); and

WHEREAS, the funding source for LIHWAP is federal funds allocated to the state through the Consolidated Appropriation Act of 2021 and the American Rescue Plan Act of 2021; and

WHEREAS, LIHWAP is a customer-based temporary federal program that will serve as a complimentary program resource to the California Water and Wastewater Arrearage Payment Program by offering another form of potential assistance to low-income households continuing to experience difficulty making payments for residential water and wastewater services; and

WHEREAS, on April 11, 2022, CSD adopted final program guidelines establishing the process and criteria for the administration of funds appropriated for the program; and

WHEREAS, California's implementation of LIHWAP requires that benefits are issued to eligible households whose community water system, wastewater treatment provider, or wastewater billing entity (water systems) are enrolled in the program to receive LIHWAP assistance benefits directly from CSD via its third-party funds disbursement partner, HORNE, LLP; and

WHEREAS, the City operates an eligible water system consistent with the LIHWAP Guidelines and must be enrolled in LIHWAP to ensure income eligible customers can participate in the program; and

WHEREAS, to enroll in the program the City must, among other things, execute a Direct Payment Agreement with CSD's third-party funds disbursement partner, HORNE, LLP; and

WHEREAS, eligible customers are residential customers with (1) a total household income at or below 60 percent of the State Median Income or (2) a member of the household who is currently a recipient of the Low-Income Household Energy Assistance Program, CalFresh, or

CalWORKs; and

WHEREAS, LIHWAP payments may be applied toward the water and/or wastewater arrearage amounts, which include current charges, late fees, reconnection fees, taxes, and other charges, accrued during any time period; and

WHEREAS, low-income customers can apply to their Local Service Providers (LSPs) to receive a one-time benefit in the form of a credit of up to \$2,000 on their water and/or wastewater bill; and

WHEREAS, CSD via HORNE, LLP is responsible for the issuance of LIHWAP assistance payments to all water and wastewater systems enrolled in the direct payment program; and

WHEREAS, once the City is provided payment, the City must apply the payment, as a credit, to the customer's account within five business days and on the first billing statement after the credit has been posted, must notify customers of the amount of LIHWAP payment received and identify the payment was received from LIHWAP; and

WHEREAS, LSPs have begun accepting customer applications and will operate through August 31, 2023; and

WHEREAS, customers may only benefit from LIHWAP if the City is enrolled;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Redlands as follows:

Section 1. The City Council approves and supports the enrollment and participation in the California Low Income Household Water and Assistance Program and approves the direct payment agreement with HORNE, LLP.

Section 2. The Management Services/Finance Director, or designee, is authorized to sign and file any and all documents necessary to receive payments from the California Department of Community Services and Development (CSD) and its third-party funds disbursement partner, HORNE, LLP, including the Direct Payment Agreement, for the purpose of applying credits to specified low-income customer accounts.

Section 3. The Management Services/Finance Director, or designee, is authorized to provide any and all assurances, certifications, and commitments required to enroll in and receive monies from LIHWAP.

Section 4. The Management Services/Finance Director, or designee, is authorized and directed to represent the City in carrying out its responsibilities for participation in LIHWAP, including completing direct payment summaries as required by CSD and compliance with applicable state and federal laws.

Section 4. The Management Services/Finance Director, or designee, is authorized to accept and apply funds from LIHWAP in accordance with the guidelines adopted by the CSD.

Section 5. This resolution shall be effective upon approval by the City Council.

ADOPTED, SIGNED AND APPROVED this 23rd day of August 2022.

Paul T. Barich, Mayor

ATTEST:

Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at a special meeting thereof held on the 23rd day of August 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeanne Donaldson, City Clerk