

RESOLUTION NO. 2156

A RESOLUTION OF THE BOARD OF DIRECTORS OF MONTECITO WATER DISTRICT ADOPTING A WATER LOSS ADJUSTMENT POLICY

WHEREAS, Montecito Water District (the District) is responsible for the repair and maintenance of its water distribution system up to and including the water meters installed to serve District customers; and

WHEREAS, District customers are responsible for the repair and maintenance of the water system and plumbing facilities from the water meter to and including all plumbing fixtures on their property (i.e. the water system on the customer side of the water meter); and

WHEREAS, the District occasionally receives requests from customers to reduce their water bill due a water leak or water loss which occurred on the customer's side of the water meter; and

WHEREAS, in accordance with Ordinance 82, the customer is responsible for payment for any water that is recorded through the meter including water that is lost due to a plumbing leak, a service line break, theft or unaccounted for water use; and

WHEREAS, the District wishes to modify sections 6.2 and 9.1 of Ordinance 82 with the addition of the following *Water Loss Adjustment Policy*.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of Montecito Water District hereby adopts the following Water Loss Adjustment Policy:

1. Notwithstanding the customer's responsibility for charges due to water that is lost on the customer's side of the water meter under section 6.2 of Ordinance 82, the District may, upon written request of a customer, grant an adjustment of a customer's bill ("Water Loss Adjustment") in the event of loss of water due to circumstances beyond the reasonable control of the customer such as a mechanical malfunction, blind leak, theft of water, vandalism, unexplained water loss or other unusual or emergency condition. Water Loss Adjustments will not be made for leaky faucets or toilets.
2. A determination as to whether a Water Loss Adjustment will be granted shall be made at the discretion of the General Manager or his/her designee. In making the determination, the General Manager or designee will take into account the following:
 - a. The cause of the water loss;
 - b. The customer's opportunity, if any, to detect it;
 - c. Any act or omission of the customer in connection with the water loss;

- d. Evidence of the loss taking place and steps taken to correct the problem; and
 - e. The promptness with which the water loss was discovered, stopped and repaired.
3. Water Loss Adjustments will be handled on a case by case basis.
4. In order to qualify for a Water Loss Adjustment, the customer must:
- a. Notify the District of the apparent water loss on their property within one (1) business day of discovering the water loss, or five (5) business days following the customer's receipt of a water bill indicating inconsistent usage on their property, whichever is sooner. The customer must take corrective action, if reasonably available, within forty-eight (48) hours of discovering the water loss or receiving an unusually high water bill for their property, whichever is sooner. Alternatively, the customer shall request the District temporarily shut off the water to the property until such time as the repairs are made.
 - b. Fill out and submit a *Water Loss Adjustment Request* form including any supporting documents to the District within thirty (30) days from the billing date for the period in which the loss occurred. Supporting documents may include, but are not limited to:
 - i. A log of weekly meter reads.
 - ii. Invoice(s) for the repair.
 - iii. Invoice(s) for parts.
 - iv. Photographs or videos depicting the water loss and/or repairs.A site visit by District personnel may be required.
 - c. Have an account in good standing at the time of the Water Loss Adjustment request.
5. The Water Loss Adjustment will be determined as follows:
- a. The District will estimate a customer's normal water use ("Normal Use") in hundred cubic feet (HCF) for the month in question based on the following:
 - i. For existing accounts, Normal Use shall be an average of the usage during the same month for the past three (3) consecutive years. If less than three (3) years of data is available, an average

of the available data shall be used.

- ii. For new accounts with historical water use data available for the property, Normal Use shall be calculated in the same manner as existing accounts. For new accounts without historical water use data (i.e. new development), historical water use information for similar properties may be used.
- iii. Other information may be used in estimating Normal Use on a property, as determined appropriate by the General Manager.

The General Manager or his/her designee will assess the available information and make a determination of estimated Normal Use for the month in question.

- b. The difference between the billed amount and the Normal Use will be considered the “Excess Water” resulting from the loss.
 - c. All Excess Water will be billed as follows:
 - i. Using the lowest tiered rate.
 - ii. Surcharges and/or Penalties, if in place at the time of the adjustment request, will not apply.
 - d. The amount of the customer’s revised bill as determined above will be due and payable in the billing cycle immediately following the billing cycle during which the Water Loss Adjustment is granted.
6. Water Loss Adjustments will be limited to two consecutive billing periods depending on the time and circumstances of the loss and will be limited to one adjustment every twenty-four (24) months. If a second water loss occurs within the twenty-four (24) month period, the customer would be eligible to substitute a second Water Loss Adjustment for the first Water Loss Adjustment. If such an adjustment is requested and approved, the total adjustment will be equal to the larger of the two requests. No further adjustments will be permitted in the twenty-four (24) months following the second Water Loss Adjustment.
7. The customer may appeal the decision made by the General Manager or his/her designee under this Resolution to the Board of Directors by filing a written appeal with the District within 30 days of written notice of the General Manager’s decision and paying an appeal fee of \$115, refundable in the event the appeal is granted. Such an appeal will be governed by the procedures set forth in section 9 of Ordinance 82, with the amount due under subdivision (d), section 5 above substituted for “the total amount due to the District” for

purposes of section 9.1.

BE IT FURTHER RESOLVED that the General Manager may take appropriate actions as may be necessary to implement this resolution.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Montecito Water District this 23rd day of August 2017.

AYES: Directors Frye, Morgan, Plough, Shaikewitz, and Wicks

NOES: None

ABSENT: None

APPROVED:



Richard Shaikewitz, President

ATTEST:



Nicholas Turner, Secretary