

CASITAS MUNICIPAL WATER DISTRICT

RESOLUTION 2022-23

A RESOLUTION OF THE CASITAS MUNICIPAL WATER DISTRICT ADOPTING A
REVISED BILL RELIEF PROGRAM

WHEREAS, provisions of the Rates and Regulations for Water Service, adopted by the Casitas Municipal Water District Board of Directors on December 19, 2009 provided for a Leak Adjustment Program;

WHEREAS, on April 11, 2015, the District declared a Stage 2 condition existed due to declining Lake Casitas water supplies and implemented measures to ensure efficient use of water,

WHEREAS, on May 13, 2015, the District suspended the Leak Adjustment Program and began implementation of a Conservation Penalty and Appeals process in accordance with the Water Efficiency and Allocation Program at the time and as amended;

WHEREAS, the District desires to streamline the process for reviewing customer requests for bill relief related to extraordinary water use through a revised Bill Relief Program;

WHEREAS, the purpose of the Bill Relief Program is to relieve eligible customers of extraordinary water charges when the circumstances giving rise to the extraordinary water charges were caused by circumstances beyond the customer's reasonable control;

WHEREAS, customers are expected to use water efficiently and are responsible for timely action and accountability in resolving leak issues;

WHEREAS, in order to receive financial relief from the District, resolving the leak issue is a conservation measure that preserves available water supply for all customers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Casitas Municipal Water District as follows:

The Leak Adjustment program described in Section 11.1.3 of the 2009 Rates and Regulations for Water Service, and the Conservation Penalty Appeals process described in Section 5.7.e of the 2021 Water Efficiency and Allocation Program (WEAP), shall be rescinded and replaced with the Bill Relief Program described herein.

BILL RELIEF PROGRAM

1. Purpose of Bill Relief: The District offers this program to its customers to relieve eligible customers of extraordinary water charges when the circumstances giving rise to the extraordinary water charges were caused by circumstances beyond the customer's reasonable control.
2. Types of Bill Relief: A District customer may only seek the following forms of bill relief:
 - 2.1. A bill adjustment for leak relief relating to volumetric water rates
 - 2.2. A bill adjustment relating to WEAP Conservation Penalty
3. Eligibility for Bill Relief:
 - 3.1. Leak Relief Adjustment: A leak relief adjustment shall only be available to a customer who satisfies all the following conditions:
 - 3.1.1. Applications for relief submitted after the effective date of this Resolution.
 - 3.1.2. The customer is receiving Residential or Ag Domestic water service;
 - 3.1.3. For Ag Domestic customers, a maximum of 50 HCF per month is eligible for relief (relating to Tier 1 and 2 water rates intended for domestic use)
 - 3.1.4. The water usage caused by the leak is twice the average of the customer's three (3) year historical usage;
 - 3.1.5. The circumstances giving rise to the customer's request for relief were beyond the customer's reasonable control and not due to a negligent failure to properly maintain and/or replace in a timely manner any leaking water fixtures, water pipes, or other water infrastructure on the customer's property;
 - 3.1.6. The customer has not received another form of bill adjustment for Leak Relief or Conservation Penalty Relief from the District in the past five (5) years.
 - 3.1.7. The request for relief is only for volumetric water rates; and
 - 3.1.8. The customer submitted a timely request for relief per Section 4.
 - 3.1.9. If the leak relief request occurs when mandatory conservation measures are being implemented under the WEAP, the customer must have a reasonable record of staying within their annual allocation prior to the extraordinary use occurring.
 - 3.2. WEAP Conservation Penalty Relief: Relief from a Conservation Penalty shall only be available to a customer who satisfies all the following conditions:
 - 3.2.1. Applications for relief submitted after the effective date of this Resolution, unless a customer previously submitted an application and a final determination by the District is still pending as of the effective date of this Resolution.
 - 3.2.2. All customer classes are eligible for Conservation Penalty relief.
 - 3.2.3. The customer has not received another form of bill adjustment for Leak Relief or Conservation Penalty Relief from the District in the past five (5) years.
 - 3.2.4. The circumstances giving rise to the customer's request for relief were beyond the customer's reasonable control and not due to a negligent failure to properly

maintain and/or replace in a timely manner any leaking water fixtures, water pipes, or other water infrastructure on the customer's property;

3.2.5. The customer submitted a timely request for relief per Section 4.

3.2.6. If the leak relief request occurs when mandatory conservation measures are being implemented under the WEAP, the customer must have a reasonable record of staying within their annual allocation prior to the extraordinary use occurring.

4. Process to Apply for Bill Relief: To apply for bill relief, the applicant shall:

4.1. Submit a request for relief, in writing on a form provided by the District, to the District's Bill Hearing Officer¹ within forty-five (45) days of the billing date for which the customer seeks relief. Failure to submit a request within forty-five (45) days renders a request untimely and the customer shall be ineligible for relief.

4.2. The written request for relief shall be accompanied with and supported by substantial and adequate written and photographic documentation that provides evidentiary support that the cause of the event giving rise to extraordinary water charges were caused by circumstances beyond the customer's reasonable control and have been promptly repaired. Failure to include any evidentiary support with a written request for relief will result in denial of the request.

4.2.1. Examples of Adequate Supporting Evidence

4.2.1.1. Evidence that a leak was discovered.

4.2.1.2. Evidence of a naturally occurring phenomenon such as an earthquake, wildfire, landslide, or vegetative growth which was likely to have caused the leak.

4.2.1.3. Evidence that the leak was timely repaired.

4.2.1.4. Photographs of the leak and of the repair.

4.2.1.5. Repair receipts from a plumber.

4.2.1.6. Receipts for materials used in the repair.

4.2.1.7. Any other evidence the leak has been repaired.

4.3. The customer shall remain current on payment of water bills. All fixed and volumetric charges shall be paid in order to avoid late fees. Upon District approval of a Leak Relief Adjustment, eligible volumetric charges will be provided as a credit back to the customer. Only the WEAP Conservation Penalties may be put into abeyance until a final determination is made.

5. District Review.

The Bill Hearing Officer will review the request and the documentation or evidence provided by the customer supporting the appeal. The Bill Hearing Officer may request additional information from the customer. Following a review of the request, the Bill Hearing Officer shall make a recommendation and provide to it the General Manager.

¹ As designated consistent with the Rates and Regulations.

5.1. Requests for bill relief for a total amount less than or equal to \$1,500.00 (combined total relief relating to Leak Relief Adjustments and WEAP Conservation Penalties) shall be granted if the General Manager finds all of the following:

- 5.1.1. The customer is eligible for the type of relief requested;
- 5.1.2. The customer's claim for relief is due to circumstances beyond the customer's reasonable control;
- 5.1.3. The customer's claim for relief is supported with substantial and adequate evidence.
- 5.1.4. The District has verified that a repair has been made and water use has returned to normal.

5.2. If a request for bill relief for an amount equal or less than \$1,500.00 is denied by the General Manager, the customer may request an appeal of the decision with the Casitas Board of Directors' Appeals Panel per the process described in Section 5.3.

5.3. If a request for bill relief is more than \$1,500.00, the following process shall apply:

- 5.3.1. The General Manager shall schedule an evidentiary appeal hearing before the Board of Directors' Appeals Panel.
- 5.3.2. The General Manager shall make a recommendation to the Appeals Panel. A copy of the General Manager's recommendation will be provided to the customer/appellant.
- 5.3.3. The customer /appellant shall have an opportunity to state their case and present evidence supporting their appeal.
- 5.3.4. Following the customer's presentation of the grounds for appeal, the Appeals Panel shall review the General Manager's recommendation and determine whether to grant the appeal in full, apportion the penalty or deny the appeal.

5.4 This process will remain in effect until water conditions improve and Conservation Penalties are no longer being assessed by the District. At such time, the Board of Directors will assume the duties of the Appeals Panel related to the Leak Relief Adjustment Program.

6. Bill Relief.

If Bill Relief is granted, the following calculations will be used for bill adjustment:

- 6.1.1. For a Leak Relief Adjustment relating to volumetric water rates, the adjustment will be calculated as follows:

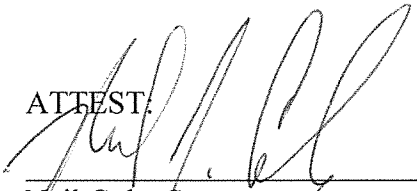
The cost of the leak shall be divided by two, equally splitting the District's calculation of the water cost that is eligible for leak adjustment between the customer and the District. The cost of the leak shall be determined based on either:

- 6.1.1.1. The difference in the bill based on the quantity of water used over the leak period (maximum of 2 months) less the bill based on average water use over the same period in 3 prior years (provided there is prior water use history available for the customer seeking bill relief), or
- 6.1.1.2. The difference in the bill based on the total amount of water used at a cost per HCF of the lowest unit rate for residential customers.

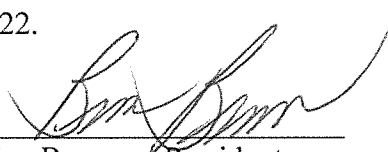
6.1.2. For Conservation Penalties, the District may provide full or partial relief of penalties based on review of the claim.

This resolution shall become effective upon its adoption.

ADOPTED this 22nd day of June 2022.

ATTEST:


Neil Cole, Secretary
Casitas Municipal Water District



Brian Brennan, President
Casitas Municipal Water District