

## RESOLUTION NO. 2205

### A RESOLUTION OF THE BOARD OF DIRECTORS OF MONTECITO WATER DISTRICT UPDATING ITS 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**, in August 2017, the District adopted Resolution No. 2156 modifying sections 6.2 and 9.1 of Ordinance 82 and establishing a *Water Loss Adjustment Policy*; and

**WHEREAS**, in early 2020, the District instituted a Smart Metering Program which, when fully implemented by the District, will provide both customers and the District with the necessary tools to monitor water use in real-time and reduced unintended water losses; and

**WHEREAS**, the purpose of this Resolution is to: (a) rescind Resolution No. 2156 and the current *Water Loss Adjustment Policy*; and (b) establish an updated *Water Loss Adjustment Policy* effective upon adoption of this Resolution.

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

- I. The *Water Loss Adjustment Policy* adopted by Resolution No. 2156 is hereby rescinded in its entirety and replaced with the *Water Loss Adjustment Policy* contained in this Resolution. This includes a repeal of Resolution 2188 which modified Resolution 2156.
- II. 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.

III. 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 factors:

- a. The cause of the water loss;
- b. The customer's opportunity to detect the water loss; including but not limited to, the customer's enrollment in and demonstrated utilization of the District's smart metering technology for monitoring real time water use and receiving notifications of apparent water loss;
- c. Any act or omission of the customer in connection with the water loss;
- d. Evidence of steps taken to correct the problem; and
- e. The promptness with which the water loss was discovered, stopped and repaired.

IV. Water Loss Adjustments will be handled on a case by case basis.

V. In order to qualify for a Water Loss Adjustment, the customer must:

- a. Take corrective action to remedy the specific condition, if reasonably available, immediately upon discovering the water loss or receiving an unusually high water bill for their property, whichever occurs first. Alternatively, the customer may temporarily turn off water service to their property at their valve located on the customer's side of the water meter and/or request the District temporarily shut off the water to the property until such time as remedial repairs of the specific condition are made.
- b. Fill out and submit a *Water Loss Adjustment Request* form and provide 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. Report(s) from a leak detection specialist;
  - iv. Invoice(s) for parts;
  - v. 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 (and without an outstanding balance) at the time of the Water Loss Adjustment request.

VI. 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 which the loss occurred 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) consecutive 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. at a unit rate equal to the additional cost incurred by the District to replace the lost water as specified in the attached Appendix A. This unit rate specified in Appendix A will be reviewed annually and updated accordingly.
  - 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.

VII. 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. Until such time as the District's Smart Metering Program is fully implemented, 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. Upon full implementation of the District's Smart Metering Program, Water Loss Adjustments will be limited to one adjustment every twenty-four (24) months as detailed in this section.

VIII. 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. 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.

IX. This Resolution shall be immediately effective upon passage, and applicable to all Water Loss Adjustment Requests submitted subsequent to the date of passage of this Resolution.

**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 26 day of January, 2021.

AYES: Directors Coates, Goebel, Hayman, Plough and Wicks

NOES: None

ABSENT: None

**APPROVED:**

  
\_\_\_\_\_  
Tobe Plough, President

**ATTEST:**

  
\_\_\_\_\_  
Nicholas Turner, Secretary

**Approved as to form and content**

\_\_\_\_\_  
Robert Cohen, District Counsel

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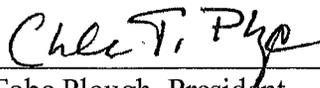
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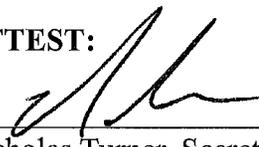
NOES: None

ABSENT: None

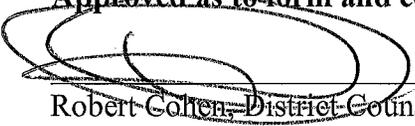
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~~Approved as to form and content~~

  
\_\_\_\_\_  
~~Robert Cohen, District Counsel~~

**Montecito Water District Resolution No. 2205**  
**Appendix A**

All excess water will be billed at a unit rate equal to the additional cost incurred by the District to replace the lost water.

This rate is determined to be \$3.33 for 2021.