

SECTION 2200. APPEALS**§ 2201. General Appeals Procedure/Policy.** *(M-3971, R-07-05-02)*

Except as otherwise specifically provided for in this Section, the general procedure and policy regarding appeals is as follows:

- A. Appeals to General Manager. A customer may appeal a decision, policy, procedure, rate, fee or charge by submitting a written appeal to the General Manager of the District; provided however, this Section 2201 shall not apply to any appeals relating to the approval of a water and/or wastewater rate or charge and such appeals shall be submitted in accordance with Section 1650 herein. All rulings of the General Manager shall be final unless appealed in writing to the Board within five (5) days.
- B. Appeals to Board of Directors. A customer may appeal the General Manager's decision, policy, procedure, rate fee or charge by submitting a written appeal to the Board of Directors; provided however, this Section 2201 shall not apply to any appeals relating to the approval of a water and/or wastewater rate or charge and such appeals shall be submitted in accordance with Section 1650 herein. The District Secretary will place the appeal on the agenda of the next regularly scheduled board meeting. All rulings of the Board shall be final.

§ 2202. Extraordinary Water Use Appeal Policy. *(M-3971)*

- A. Purpose. Assist residential customers that experience unusually high water usage, for both known and unknown issues, by adjusting any usage billed at the third, fourth and fifth levels of the tier rate structure to the second tier level, which represents the average cost of producing water. The customer shall be responsible for all other associate water costs, such as Power Zone charges.
- B. Qualifications. The appeal will be considered under this policy if the water usage in question for the billing period(s) appealed by the customer is at least 100% more than the property's average seasonal water use as evidenced by the historical water usage available for the property. The same month the extraordinary usage occurred, along with the month prior and month after for the years prior to the current year, going back no more than 3 years, will be averaged.
- C. Appeal Limits. Appeals will be limited to one every 12 months.

- D. Homes Under Warranty. Homeowners that have recently purchased a property and experience unusually high water bills must contact the property developer or warranty company for reimbursement of water bill expense if a situation causing high water usage is covered under the home warranty.
- E. Period of Appeal. In order for the appeal to be considered, the responsible billing party must submit the required Extraordinary Water Use Appeal paperwork within 45 days of the bill date for the first bill in question.
- F. Period of Adjustment. Any potential adjustment of the customer's account will be limited to two (2) consecutive billing periods. Adjustments will not be processed until it has been demonstrated that action has been taken to repair or resolve the issue that caused the extraordinary water usage.
- G. Responsibility of Charges. At the time of appeal, if the entire balance of the billing period(s) under appeal has not been paid, the customer is required to sign a Will Pay agreement which will outline a repayment schedule, minus any potential adjustment. The Will Pay agreement will not extend beyond 5 months of equal payments, in addition to the balance of subsequent billings, without the approval of the Customer Service Manager. The due date of monthly payments shall be the normal due date of subsequent billings. Customers whose accounts have already been closed are not eligible for Will Pay agreements, and payment for the full balance of the account, minus any potential adjustment, is expected within 21 days of the closure of the account.
1. During the period included in the Will Pay agreement, if the terms of the Will Pay agreement are adhered to, then the customer's account will not incur late fees, or be interrupted for non-payment.
 2. If the Will Pay agreement agreed to and signed by the customer is not fulfilled, then payment for the full balance will be required and the account will be placed in a status where delinquent charges will be incurred and may be interrupted for non-payment.
 3. The District reserves the right to file a lien on the property served, if applicable, as a method of ensuring payment of all monies owed the District, until the repayment schedule has been completed.
- H. Submitting Appeal. The customer will be provided with an Extraordinary Water Usage Appeal application. The form will contain all pertinent facts relating to the reasons why the customer believes their bill should be adjusted. The customer should provide all relevant documentation (i.e., pictures, repair bills) that would assist the District in processing the appeal.

- I. Processing Appeal. After the appeal application has been completed by the customer and received at the District's main office, the Customer Service Department will ensure the following steps are completed:
 1. Review the appeal application and determine if the situation meets the minimum qualifications outlined in Paragraphs B, C & E. If the appeal does not meet minimum qualifications, Customer Service will notify the customer.
 2. If the appeal meets the minimum qualifications outlined in Paragraphs B, C & E, staff will contact the customer within 5 business days to inform them that the appeal will be processed. At this time staff will also ensure that a Will Pay agreement is signed by the customer if the full balance in question has not been paid. Appeals will not be processed without the completion of a payment schedule.
 3. At anytime after the appeal is received, and if warranted, an inspection of the property will be scheduled with the customer and staff will provide written documentation as to observations made at the property, including but not limited to:
 - a. Size of property and any improvements (landscaping, acreage, pool, etc.)
 - b. Evidence of areas where leaks are to have occurred.
 - c. Satisfactory repairs or resolution of the issue that initially caused the extraordinary usage.
 - d. Pictures of repairs.
 - e. Relevant notes of meeting with customer.
 - f. Other information as required.
 5. Staff will forward the appeal information to the Customer Service Supervisor for initial review and verification of calculated adjustment.
- J. Calculation of Adjustment. An adjustment will be applied to the commodity charge only. Adjustments will not be applied to other variable charges such as power or fixed meter charges. All usage billed at the 3rd, 4th and 5th tier rates shall be recalculated using the 2nd tier rate. The amount of usage will not be reduced.
- K. Schedule of Authorization. The Customer Service Manager shall review and forward all appeals to the Director of Finance for approval. If the appeal in question is an Unexplained Usage Appeal, then the Director of Finance shall submit the appeal to the General Manager for approval.
- L. Customer Notification. Staff will notify customers in writing if the appeal is approved or denied. If the appeal is approved, then the notification will

include the amount and date of the water charge adjustment. If the appeal is denied, then notification will include the reasons the appeal was denied.

§ 2203. Sewer Bill Appeals Procedure Regional System. (M-524)

The Clean Water Grant program provided funding for the District's Regional Wastewater system and requires local compliance with State and Federal Revenue Program Guidelines. In 1987 the District's revenue program for this sewer division was approved by the State Water Resources Control Board. This program requires that revenues be sufficient to operate the system and all customers be equitably charged. Four cost allocation components were utilized to define the revenue requirements for each class of user and these were as follows:

- A. Flow – actual contribution to system.
- B. BOD – Biochemical Oxygen Demand.
- C. SS – Suspended Solids.
- D. Customer Units.

Each cost component is important in generating an equitable revenue program with the primary consideration being given to the flow factor which carries with it 83% of the cost allocation.

A Sewer Appeal Committee comprising one Board member and staff was established to develop guidelines for the review of sewer service charge appeals. The following procedure has been established to facilitate the review of an appeal. If the appeal is successful, the appeal date will be used to calculate any credits to be applied to the customer's account.

- A. Customer shall complete an appeal application.
- B. Staff will collect the following information for Committee review:
 - 1. The property historical water usage – a one-year of history required.
 - 2. An accuracy test will be performed on the meter, if necessary.
 - 3. An on-site evaluation of outside landscaping and irrigation will be performed.
 - 4. A calculation of equivalent dwelling units (EDUs) will be performed based on the District's sewer connection fee program and the historical water usage.
 - 5. A review of BOD and SS characteristics of the user.
- C. After review of the information collected, a recommendation will be prepared and submitted to the Board of Directors for consideration.

§ 2204. Extraordinary Commercial Sewer Usage Appeal. (M-3971)

- A. Purpose. Assist commercial customers that experience unusually high water usage due to leaks, or other known issues, by adjusting only the

resulting sewer charge which is based upon water consumption. The customer shall be responsible for all other charges associated with the water used.

- B. Qualifications. The appeal will be considered under this policy if the water usage for the sewer billing period(s) appealed by the customer is at least 100% more than the property's average seasonal water use as evidenced by the historical water usage available for the property. The same month the extraordinary usage occurred, along with the month prior and month after for the years prior to the current year, going back no more than 3 years, will be averaged.
- C. Appeal Limits. Appeals will be limited to one every 24 months.
- D. Period of Appeal. In order for the appeal to be considered, the responsible billing party must submit the required Extraordinary Commercial Sewer Usage Appeal paperwork within 45 days of the bill date for the first bill in question.
- E. Period of Adjustment. Any potential adjustment of the customer's sewer charge will be limited to two (2) consecutive billing periods. Adjustments will not be processed until it has been demonstrated that action has been taken to repair or resolve the issue that caused the extraordinary water usage.
- F. Responsibility of Charges. The customer will be responsible for paying the account balance, minus any potential sewer charge adjustment, by the normal due date of the bill. No payment arrangements will be made for commercial accounts.
- G. Submitting Appeal. The commercial customer will be provided with an Extraordinary Commercial Sewer Usage Appeal application. The form will contain all pertinent facts such the dates of the water leak, when the water leak was repaired, etc. The customer must provide all relevant documentation (i.e., pictures, repair bills) that would assist the District in processing the appeal.
- H. Processing Appeal. After the appeal application has been completed by the commercial customer and received at the District's main office, the Customer Service Department will ensure the following steps are completed:
 - 1. Review the appeal application and determine if the situation meets the minimum qualifications outlined in Paragraphs B, C & D. If the appeal does not meet minimum qualifications, Customer Service will notify the commercial customer.

2. If the appeal meets the minimum qualifications outlined in Paragraphs B, C & D, staff will contact the customer within 5 business days to schedule an appointment for staff to inspect the property and discuss the appeal with the customer. The commercial customer must meet with District staff at the property in order for the appeal to be processed.
 3. District staff will provide written documentation as to observations made at the property site, including but not limited to:
 - a. Size of property and any improvements (landscaping, acreage, etc.)
 - b. Evidence of areas where leaks are to have occurred.
 - c. Satisfactory repairs or resolution of the issue that initially caused the extraordinary water usage.
 - g. Pictures of repairs.
 - h. Relevant notes of meeting with customer.
 - i. Other information as required.
 5. Staff will forward the appeal information to the Customer Service Supervisor for initial review and verification of calculated adjustment.
- I. Calculation of Adjustment. An adjustment will be applied to the sewer charge only. The water usage from the same billing period during the previous year shall be used as a basis of calculation for the sewer charge under appeal.
 - J. Schedule of Authorization. The Customer Service Manager shall review and forward all appeals to the Director of Finance for approval.
 - K. Customer Notification. Staff will notify customers in writing if the appeal is approved or denied. If the appeal is approved, then the notification will include the amount and date of the sewer charge adjustment. If the appeal is denied, then notification will include the reasons the appeal was denied, and inform the customer of the further right to appeal to the General Manager.

§ 2205. Special Circumstance Extraordinary Water Usage Appeal
(M-4253)

- A. Purpose. Reduce water usage billed to a customer that was directly or indirectly caused by the action or inaction of the District, which in turn caused water to register through the customer's meter.
1. An example of this would include, but is not limited to, failure of District maintained couplings on the customer side of the meter.
 2. This policy does not apply to failure of any equipment that is the responsibility of the customer, which is addressed in the Extraordinary Water Use Appeal described in this section.
- B. Eligibility. Appeals of this nature will be supported by documentation that recent work was completed on District equipment that resulted in extraordinary water usage in close proximity to the customer's service, and within a date range that coincides with the water usage in question.
- C. Period of Appeal. In order for the appeal to be considered, the responsible billing party must submit a written appeal within 45 days of the bill date for the first bill in question.
- D. Schedule of Authorization. The Customer Service Manager shall review and forward all appeals to the Director of Finance for second review and then to the General Manager for final approval or denial.
- E. Calculation of Adjustment.
1. For the billing period in question, the usage will be divided by the number of days within the billing period. That figure will be multiplied by the number of days it was determined the issue impacted usage. The resulting figure will be eligible for adjustment.
 2. If it cannot be determined how many days the issue impacted usage, then the average usage for the previous years during the same time of the year (same month, one month before and one month after) will be used to calculate the usage that will be the customer's responsibility. All usage above that figure will be eligible for adjustment.
 3. The Power Zone charge associated with the usage in question will also be adjusted.