

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Resolution No. 553

Establishing Criteria for Requests by District Customers for Relief from Quarterly Metered Water Delivery Charges in the Event of a Leak or other Water Loss.

WHEREAS, the Bolinas Community Public Utility District (“BCPUD”) recently raised the quarterly metered water delivery charges billed to its customers for their water consumption for the purpose of, among other things, encouraging water conservation at the highest consumption levels;

WHEREAS, BCPUD customers periodically experience leaks or other form of unintentional water losses at their property;

WHEREAS, such leaks or other forms of unintentional water loss result in a customer’s receipt of a higher than usual bill for quarterly metered water delivery;

WHEREAS, such bills can pose a financial hardship to district customers who experience such leaks or other water losses;

WHEREAS, the Board of Directors has determined that there are circumstances under which it is appropriate for the district to grant financial relief to its customers from a portion of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the BCPUD (“Board”) that the Board may adjust a customer’s higher-than-usual bill attributable to a leak or other form of unintentional water loss in accordance with the terms and conditions of this resolution.

(1) The affected customer must submit a written request to the BCPUD for financial relief from the district’s quarterly metered water delivery charges. The written request should contain enough detail to show that the leak or other form of water loss was due to circumstances beyond the reasonable control of the customer, such as a sudden and unforeseeable mechanical malfunction, a blind leak, theft of water, vandalism, other unusual or emergency conditions, or that the loss was due to excusable neglect. The written request should also include as much information as possible relating to the conditions set forth in Section 4(a) – (d) of this resolution, which are necessary conditions of financial relief.

(2) upon receipt of the customer's written request for financial relief, the General Manager shall include an item on the next regularly scheduled meeting of the Board to hear the request. The General Manager shall provide written notice of the time and place of this Board hearing to the affected customer (and/or the customer's agent) at least 72 hours in advance of the meeting;

(3) the Board's determination as to whether it will grant a customer's request for financial relief will be based on a number of factors including, but not limited to:

(a) the circumstances causing the leak or other water loss which the customer claims were beyond his or her reasonable control;

(b) any circumstances relating to the leak or other water loss that were not beyond the customers's reasonable control;

(c) the time of year the leak or other water loss occurred;

(d) the extent (amount of water used) of the leak or other water loss;

(e) the impact of the leak or other water loss on the district's stored water supply;

(f) the risk posed to public health and safety by the leak or other water loss;

(g) the expense presented to the district as a result of the leak or other water loss; and,

(h) such other factors as the Board may, in its sole discretion, determine to be relevant to its determination whether to grant the requested financial relief; *provided, however, that* except in extraordinary circumstances no such relief shall be granted for leaks or other water losses attributable to any landscaping irrigation system or any device that automatically turns on or off the flow of water, with the exception of household appliances.

(4) The Board, upon making a determination that the leak or other form of water loss resulted from circumstances beyond the reasonable control of the customer or from excusable neglect, may grant relief from a portion of the customer's quarterly metered water rates provided that all of the following conditions are met:

- (a) The customer's total metered water usage during the billing period in which the leak or other form of water loss occurred was at least 2100 cubic feet;
- (b) The customer's total metered water usage during the billing period in which the leak or other form of water loss occurred was at least 150% of the customer's normal usage for that billing period, based on the average of the customer's usage during the same billing period over the three preceding years;
- (c) The customer took remedial action with all deliberate speed upon discovering the leak or other form of water loss; and
- (d) The customer has provided documentary or other evidence of a complete repair of the leak or other form of water loss within 30 days from the billing date during which the water loss has occurred.

At the conclusion of the hearing, the Board of Directors shall render its decision on the customer's request for financial relief by motion duly recorded in the district minutes. The decision may incorporate any reasonable conditions and shall be forthwith transmitted to the customer (and/or customer agent) by either first-class mail or personal delivery.

In the event the Board of Directors resolves to grant financial relief from a quarterly metered water bill to a requesting customer in accordance with the foregoing criteria, such relief shall take the form of forgiveness of a percentage of the water loss attributable to the leak (as determined by the customer's historic water use during the same quarter in the prior three years). The percentage of the water loss the Board of Directors may forgive, if any, shall be no more than 90% of said excess usage. The Board of Directors shall select the appropriate percentage of relief, if any, in its sole discretion according to the above-described criteria.

IT IS HEREBY CERTIFIED that this resolution was duly introduced and adopted by the Board of Directors of the Bolinas Community Public Utility District this 17th day of October 2007 by the following vote:

AYES: Amoroso, Bender, Kimball, Siedman, Smith

NOES: None

ABSTAIN: None

ABSENT: None

Jack Siedman

President, Board of Directors

attest:

Jennifer Blackman

secretary

As amended by the Board of Directors on March 16, 2011, and as further amended on July 20, 2016 and on June 17, 2020.