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ORDINANCE # 75

AN ORDINANCE OF THE FORESTVILLE WATER DISTRICT AMENDING ORDINANCE # 69- BILLING ADJUSTMENT FOR A WATER LEAK

Be it ordained by the Board of Directors of the Forestville Water District as follows:

A: Definition and Conditions: A leak adjustment is a monetary adjustment to a customer's water bill due to a water leak. The General Manager may consider approving a leak adjustment under the following conditions:

1. The customer requesting a leak adjustment notifies the Forestville Water District of a water leak, requests a leak adjustment and completes and returns the leak adjustment request form;
2. The customer repairs the water leak prior to requesting a leak adjustment; and
3. The adjustment requests includes: (1) A receipt from a licensed plumber indicating that there was a leak and it was repaired, and (2) District staff inspects the leak and repair, or other proof deemed acceptable, and the General Manager determines that the problem has been satisfactorily resolved. Failure to provide the foregoing information shall result in denial of the leak adjustment request.

B: Property Owner responsibility: It shall be the property owner's responsibility to maintain the piping and plumbing on their property in good condition to avoid water leaks. The Forestville Water District Board of Directors (the "Board") recognizes that a high water bill resulting from an accidental, unpredictable water leak can present a financial hardship to a customer. While most water leaks are preventable, there are certain circumstances when a leak occurs and cannot be reasonably prevented. As set forth below, a customer may be eligible to receive an adjustment to their water bill when such a leak occurs.

C: Denial of Request: A leak adjustment request may be denied for any of the following reasons:

1. The excessive water volume is due to customer's usage decisions such as high seasonal use for landscape irrigation, gardening, filling of swimming pool or spa, etc.
2. The excessive water volume is due to a third party from whom the customer is able to recover costs (e.g., construction damage, etc.).
- 3.
4. Excessive water use is due to customer negligence. One or more of the following may be considered together with any other relevant information by the District, in its sole discretion, as evidence of customer negligence:
 - a. More than one request for a leak adjustment for the same property within a seven-year period;
 - b. Duration of leak is excessive under the circumstances;
 - c. Customer did not take affirmative steps to repair the leak (e.g. contact a plumber) within three days of becoming aware of the leak;
 - d. The leak occurred at an interior plumbing fixture (e.g., faucet or showerhead);
 - e. The leak occurred on a vacant or unoccupied property;
 - f. The plumbing on the property is in poor condition due to age, lack of maintenance, or failure to perform adequate repairs;

- g. Failure of plumbing installations or repairs made by an unlicensed plumber; and
- h. Any other information the District deems material to the general maintenance, condition, and upkeep of the plumbing on the property.

D: Adjustment Calculations: In the event the District grants a leak adjustment, the adjusted bill shall be calculated as follows:

1. The adjusted bill shall charge the standard water rate established for the Property on all water used based on the average usage for the same billing period.
 - a. Average water use shall be calculated by determining the total water usage from the same billing period for the past two (2) years and dividing the total two-year water usage by two (2).
 - b. For customers that do not have two (2) years of historical usage, the total two-year water usage will be calculated by using five thousand (5,000) gallons per month for each month that data is not available.
2. The adjusted bill shall charge the District's wholesale water purchase rate on all water volumes greater than the average water billing period water use for the property in question.

E: Sewer Direct Charges:

1. For leaks occurring during the period used to determine the customer's direct charges that have been granted a leak adjustment are eligible to have their sewer direct charges adjusted using the method described in C.1.a & b of this ordinance.

F: Severability Clause: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, or unlawful, such provision shall not affect the remaining portions of this Ordinance. The Board of Directors of the Forestville Water District declare that if it would have passed each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional.

Section G: This Ordinance shall be in full force and effect until further order of the Forestville Water District Board of Directors.

Section H: All Ordinances and Resolutions of the Forestville Water District which are inconsistent herewith are repealed and amended to conform to this Ordinance.

I: Applicability: Customers who have experienced a leak in the six months prior to the date this Ordinance was adopted and thereafter, may apply for a leak adjustment under this Ordinance Number 75.

ORDINANCE # 75 WAS DULY & REGULARLY ADOPTED THIS 8th DAY OF SEPTEMBER 2020.

Passed: Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Directors Bandettini, McDermott, Akins, Hughes and Aldridge.

FORESTVILLE WATER DISTRICT

BY: Steven Bandettini
Steven Bandettini, Chair of the Board of Directors

ATTEST: Gwen Taylor
Gwen Taylor, District Secretary