

Utility Appeals Board
January 20, 2015
Draft Minutes

Board Members Present:

Tom Arnold, Carlos P. Baía, Beth Campbell, Councilor Brent Todd

Staff Present:

Jeff Hoadley, Lucie Muhlfelder, Tere Segalini, Rob Young

Meeting called to order at 5:45 p.m.

Minutes of the September 30, 2014 meeting

Tom Arnold moved approval. Carlos Baía seconded the motion. Minutes approved unanimously.

Case #2015-001: 58 Metalak Drive

Carin Plante and Scott Desmarais explained that their water bill has always been consistent except for the period in question. They were away for 11 days during that billing period and no one stayed at their home although they did have neighbors come in to water their plants. The appellants didn't check for a leak but the bill went back to its normal amount the very next billing cycle leading them to conclude there wasn't a leak.

The issue of a replaced meter component was raised. Councilor Todd asked staff to demonstrate the functions of the meter elements.

Jeff Hoadley, utilizing an actual meter, noted the function of the different components within the meter and the need to produce an estimated reading should the components fail to send a signal. Councilor Todd asked if the appellants understood what Mr. Hoadley had demonstrated. Mr. Desmarais replied that he did understand.

Ms. Campbell asked if there could have been a chance that the neighbors that had access to their home during their vacation could possibly have used the water in question. Ms. Plante replied that she could not picture them doing that.

Mr. Baía asked if their home had an exterior hose bib. Mr. Desmarais indicated that it did but stated that they turn off the valve from the inside during the winter.

Ms. Campbell wondered if it couldn't possibly have been a running toilet. Ms. Plante stated that they've never had such a problem and that the bill went back to their typical usage once they were back indicating to her that it wasn't a problem with a toilet. Ms. Campbell stated that sometimes the running toilet can be stopped merely by wriggling the flush mechanism—perhaps when they returned. Ms. Plante did not feel that this was the case and contested how a running toilet could have consumed more water than their entire household did in one typical month.

Ms. Campbell asked staff how much water a running toilet could consume. Mr. Hoadley spoke that anecdotally, it would not seem far-fetched for a running toilet to consume \$40 of water in a period of a few days.

Mr. Baía explained to the appellant that their type of appeal is not uncommon in terms of what the Board hears. In all past instances in his recollection, the Board has denied similar appeals where there isn't any significant evidence to support the appeal beyond the appellant's opinion. However, the Board has the discretion to waive penalties and direct staff to create a payment plan for the balance in question.

Mr. Baía suggested that the balance be allowed to be paid over 12 months. He asked Mr. Desmarais if that would be satisfactory. Mr. Desmarais replied that it would be.

Ms. Campbell moved that the appeal be denied but that the penalties be waived and that the remaining balance be paid over 1 year.

Mr. Baía seconded the motion.

Motion approved unanimously.

Case #2015-002: 3 Chablis, Unit 1, The Vineyards

Monika Arrington, Property Manager and Bill Kiernan, Vineyards Association President, spoke on behalf of the appellants. Mr. Todd asked if they had any additional facts to submit beyond what was in their correspondence.

Ms. Arrington asked for a clarification of the bill terms "EST," "AMR," and "MAN." The Water Division staff explained that EST stands for estimate, AMR for automated meter reading and MAN for manual reading. There was some back and forth discussion between Ms. Arrington and staff regarding billing and meter reading practices.

Mr. Kiernan explained that he would like to have actual meter readings not estimates, particularly during the irrigation season prior to them winterizing the system. This way they could have a better understanding of their true water usage while there was still time to test or adjust their irrigation system.

Mr. Kiernan stated that he didn't dispute that the Association may have actually used the water in question. He indicated that they will be checking the irrigation system in the spring for leaks and acknowledged that the pool may have also used more water than in the past. He concluded that the Association consumes a lot of water and therefore, in his opinion, merits an actual reading and not an estimate.

Councilor Todd asked if there was a way that customers could call the City to get an actual reading. Tere Segalini stated that this is done every time a customer requests it.

Mr. Baía asked if the meter associated with the contested bill was for one zone or for irrigating the entire Vineyards development. Mr. Kiernan answered that it was for one zone that roughly covered more than a quarter of the entire 112 home development.

Ms. Arrington added that there is no way, in her opinion, that the Association could have used that much water for irrigation. Ms. Segalini noted, however, that since the bill was based on estimates there is no way to tell when the water was used.

Ms. Arrington acknowledged that there were times this past year when the Association experienced some burning of the landscaping and directed that the irrigation be increased. However, she was not sure that it was in this particular zone.

Mr. Hoadley noted that the water consumption could appear to be more substantive due to the estimates that are based on what the typical consumption would have been for the same period one year prior. If the water utilization for the contested billing period was in actuality more than for the similar period in 2013, when the actual reading was done it would show a spike.

Mr. Hoadley also indicated that the meter was tested and is within the accepted parameters.

Ms. Campbell explained that the Board's charge is to make a decision based on the City's water system and she understands that the system in this case was working and the water was utilized.

Councilor Todd explained that some practical remedies for the future would be for the Association to take meter readings for themselves to corroborate the utilization.

Tom Arnold moved to deny the appeal. Beth Campbell seconded the motion.

Motion passes unanimously.

Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Carlos P. Baía