SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-A**

FROM: Steve Mack, General Manager

Meeting Date: January 8, 2015

SUBJECT: UPDATE ON POSSIBLE AMERICANS WITH DISABILITIES ACT (ADA) WATER RATE ACCOMODATIONS

RECOMMENDED ACTION: Receive a presentation by Staff on progress on looking at accommodations for medically disabled District customer water rates.

FISCAL IMPACT: none

DISCUSSION:

The Board has heard a presentation by Mr. Richard Skaff requesting that the Board have water rates that accommodate medically disabled District customers who need greater amounts of water because of their medical disability. At the October 2014 meeting the Board received a presentation by District legal counsel Robin Donoghue who stated her opinion that the Board has no responsibility under Federal law to provide for such rates. In October General Manager Steve Mack met with Mr. Skaff and Director Gaylord Schaap to discuss this matter to see if some accommodation might be possible. That meeting identified additional work and investigations for the General Manager:

- The MMWD program requires that a doctor certify the water need. The General Manager talked with Mary Scezsey, Executive Director of West County Health Centers, who said her providers could probably provide this service. She requested to see the form so that she could share it with the medical staff. She stated that she doubted medical practitioners would have much knowledge of water use.
- More research was needed on how the program works at MMWD – The General Manager talked with staff at MMWD who said the program had been in effect for some time (over 17 years, approximately 125 applications were received annually, and that the program seemed to be working fine). They do no followup as a general rule.
- How would this work at SSWD? Because the District is so much smaller than MMWD, having an identical process does not seem appropriate. Staff would prefer to handle this on a case by case basis by the General Manager with general guidelines approved by the Board, should the Board wish to move

forward with this program. And rather than having a special rate for a small number of customers, a flat fee credit on an annual basis would be easier to administer.

The revenue impact on the District would be small - a few recipients getting extra water at the Tier 1 rate when the difference in the tiered rates is $1.30 in FY 15. As an example, if the maximum additional tier 1 water allowed was 8 units, the maximum effect per customer would be $10.40 every 2 months, if the District was doing a Tier 1 credit.

If this program goes forward, what should be the allowed additional Tier 1 water or annual credit? MMWD allows 9 additional units and had no information on how much of that was used by program recipients. Average water use is much lower in our District; however medical needs are medical needs. It's clear from my discussion with Ms. Szecsey of West County Health Centers that medical providers cannot estimate water needs and staff does not and will not have access to medical information (and does not want that access) to make an estimate of extra water needs. A one size fits all, similar to MMWD, may be appropriate, but what is that size? District water rates were established such that Tier 1 is approximately the median water use amount by single family residential customers in the District. Allowing 50% of Tier 1 might be an appropriate starting point. That would calculate to an annual credit of $31.20, if we were taking that approach.