SWEETWATER SPRINGS WATER DISTRICT

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

FROM: Steve Mack, General Manager

Meeting Date : August 5, 2010

SUBJECT: DISCUSSION/ACTION RE CLAIM NO. 2010-01, TIM ROSSETTI, 14703 EAGLE NEST LANE, GUERNEVILLE

RECOMMENDED ACTION: Reject the claim by Tim Rossetti for forgiveness cost of water registered by his meter for the April 15, 2010 water bill, disputed amount is $92.00.

FISCAL IMPACT: $92.00.

DISCUSSION:

Mr Rossetti has disputed his April 15, 2010 water bill in the amount of $92.00 as explained in the attached letter from him. He has stated that if we don't give him relief from this amount he will go to Small Claims Court to achieve relief.

Mr. Rossetti is a part-time resident and full-time customer at 14703 Eagles Nest Lane, Rio Nido. His typical water use is in the 0-2 units per billing period range. Prior to this bill, and looking back into the billing record to 2004, his highest water use in any one billing period was 5 units. For the April 15, 2010 bill, the water use recorded was 36 units and he was billed accordingly. He protested that bill in a letter received in May 28, 2010, writing that he was not at the house during that period and we responded on June 1, 2010, writing that we agreed that the use was unusual, but the meter read was correct (it was checked) and therefore, the bill was correct. Mr. Rossetti responded with his claim and statement of intention to go to Small Claims Court if the $92.00 was not forgiven and claiming the meter must be reading incorrectly in a letter received June 24, 2010. Staff called Mr. Rossetti, did not get him directly but did leave a message offering to have the meter tested – the cost borne by him if it tested accurately and by the District if not (this is a standard practice for all customers questioning their meter's accuracy). We have not received a response to that voicemail. The letters from Mr. Rossetti and the District response are attached.

Consideration of this claim by the Board is the next step in this process. Mr. Rossetti did not file a claim using the District's form, but his June 24, 2010 letter represents a claim and can be considered as such. The General Manager has authority to settle claims for less than $1,000, but not to reject claims. As this claim has not been settled, Board action is required.

Mr. Rossetti is basing his claim on the meter being inaccurate. No device is perfect, but meters, if inaccurate, in almost all cases read low, not high. In my 20 years in the utility business I have not been involved in any situation where a tested meter read high and I have been told by others that when they do test high it is a relatively small amount - 10-20 percent. I am not aware of any situations where a meter would be off by a large amount (36 units instead of 1-2 units for a two month period in this case) for one billing period and then go back to normal reads. The District's meter vendor agrees with my experience. Mechanically, a meter cannot increase its reading unless there is something going through the meter moving the register and that can't happen unless something is open on the downstream side of the meter.

The amount read for the April bill is unexplained but there are possible explanations, the two most likely are that a hose bib or faucet was left open, or a toilet was leaking through a flapper valve not being sealed correctly. It does not appear to be a leak in the underground plumbing because subsequent meter reads do not show the high use continuing. Underground leaks do not repair themselves and Mr. Rossetti has provided no information that he made such a repair.

The District charges for water going through the meter. In cases of high use during leaks, the District policy is to forgive 50% of the cost of water going through the meter if the leak is repaired and the cost of water is more than $100 above average water use. Mr. Rossetti's bill does not meet the cost standard.

It is staff's determination that the meter reading for the April billing was correct, the April bill was correct and appropriate, and staff recommends that the Board reject Mr. Rossetti's claim. A letter rejecting Mr. Rossetti's claim is attached.

Steven Mack.
Sweetwater Springs Water
P.O. Box 48, 17081 Hwy. 116 Ste. B
Guerneville, Ca. 95446

RECEIVED
MAY 28 2010
SWEETWATER SPRINGS
WATER DISTRICT

RE: Account 27025002
14703 Eagle Nest
Guerneville Ca.

This letter is being submitted to follow up on my two prior telephone calls in regards to my water bill.

I received my statement and noticed that my bill was out of the normal range by like $90.00 or so. If you check my regular statements during the past 4 or so years now that I have service with you you will see that issue at hand.

I do not live at this house and for the most part no one has been in the house for months now, with the exception of may be one or two days per month. This has only been to check up on the property and clean up around the house

I have spoken with staff from your office, and they could not offer any reason why my water usage went from 1-3 unit's to 36 units.

They reported that the meter was rechecked and it confirmed the reading.

They also confirmed the new reading and there has not been any unexplained high usage.

Your staff offered the explanation that may be some else came along and used my water from outside.

I doubt that as the house sits alone and on a hill that is not readily accessible from the road way.

I think it important to point out that I received a notice from your office that actually has the wrong address reflected on it for my account.

The notice states

Situs Address:
14760 EAgle WEST CT.
Account 27025002.

This is in error, as my address is 14703 Eagle WEST. I am not sure why the above address is reflected.

I am asking for your review and assistance in resolving this matter.

You can ask my neighbors if anyone has been at the house. You can also ask them if they have seen anyone using water, which I highly doubt anyone has. This is based on the location / access to the house itself.

Your staff also indicated that you have the means to adjust / settle my account concerns, in light of the facts presented.

I like to thank you in advance your assistance in reviewing my concerns

In the event that you are unable/or willing to assist in resolving my concerns.

If you could please advise me if there is any other appeal process within your Department.

Tim Rossetti
532 Cherry Ave
San Bruno
Ca. 94066
650-873-1782 -
707 869-9092

cc. file.

Sweetwater Springs Water District
P.O. Box 48, 17081 Hwy. 116, Ste. B
Guerneville, CA 95446
(707) 869-4000

COPY

Sweetwater Springs WATER DISTRICT

June 1, 2010

TIM ROSSETTI
532 CHERRY AVE
SAN BRUNO, CA 94066

Account Number: 27025002
Street Address: 14703 EAGLE NEST LN

Dear Mr. Rossetti:

I have reviewed the letter you sent at the end of May regarding the unexplained high water usage on your April 15 water bill. In that letter, you also indicated that we have the wrong address for the property -- 14760 instead of 14703.

Unfortunately, we have no better explaination as to how the additional water was used than you do. We have, however, re-read the meter to confirm the meter read and that read is accurate. I realize it is difficult to pay for water usage you can't explain, but because the read is accurate I cannot adjust the bill.

We have changed the address for your account to be 14703 Eagles Nest Lane, which also agrees with the County's address for the parcel. Please note that our having the account referenced as 14760 Eagles Nest Lane would have no bearing on your meter read. Our meter reader reads the same meter each month for this house, and that meter has an identification number.

Finally, I understand you are not a fulltime resident of the river area. You may wish to consider hiring a plumber to install an isolation valve at your meter box. Many of our part-time residents have such a valve, which enables them to turn off the water to the property when they are not here.

You account is being returned to "Regular" status of today.

Sincerely,

Steve Mack
General Manager

Steve Mack
Sweetwater Springs Water
P.O. Box 48, 17081 Hwy. 116 S.
Guerneville Ca. 95446
(707) 869-4000.

RECEIVED
JUN 24 2010
SWEETWATER SPRINGS
WATER DISTRICT

RE: 27025002. Account.

This letter to acknowledge receipt of your June 1, 2010, letter in response to my letter regarding the unexplained high water usage.

First I wish I could say I was surprised by your response, however I was not.

Therefore in accordance with Small Claims Court Rule, this letter will serve as my Demand for Payment of the $92.00 to be credited or returned to me accordingly. If payment is not made or received by 5.00 PM, on July 2, 2010, I will proceed with filing in Small Claims Courts to obtain reimbursement. I still maintain that I did not use the alleged

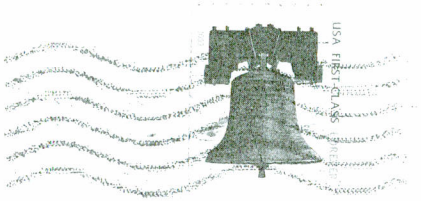
amount water which based on my past billing history can be verified. Also I have verification that no one has been staying at this house.

I contend that your meter is bad, and charged the wrong amount of usage.

Timothy Rossetti

NORTH BAY CA 949

22 JUN 2010 PM 1 T



PLEASE NOTIFY YOUR
CORRESPONDENTS OF YOUR
PROPER MAILING ADDRESS

Steve Mack.
Sweetwater Springs
P.O. Box 1[illegible]81 Hwy. 116.
Sut[illegible]rnevillę ca.
95446.

48

95446+9999

August 6, 2010

Timothy Rossetti
532 Cherry Ave.
San Bruno, CA 94066

Re: Rejection of Claim
Claim No. 2010-01

Dear Mr. Rossetti:

Notice is hereby given that the claim you filed with the District on June 24, 2010, was presented to the Board of Directors of the Sweetwater Springs Water District on August 5, 2010, and was rejected in whole by action of the Board of Directors of the District on that date.

"WARNING"

"Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately".

_____
Steve Mack
General Manager