



January 25, 2010

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Dan Gilmore

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Matt Jenkins

Battalion Chief
Phill Veneris


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Phone 805/528-9370
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www.lososocsd.org

TO: LOCSO Board of Directors

FROM: Dan Gilmore, General Manager 

SUBJECT: Agenda Item 5H – 02/04/2010 Board Meeting
Appeal of the District's Policies Pertaining to Water Rate
Adjustment for Excessive Water Usage

SUMMARY

On December 23, 2009, Charles Sitton submitted a request for a utility billing adjustment due to an abnormally high water bill. The initial request submitted by Mr. Sitton stated that he had worked with local citizens to plant several trees along South Bay Boulevard and had been watering them for the past 10 to 12 years. A broken irrigation pipe led to the high water usage, which went undetected until the water bill arrived. After receiving the high water bill, Mr. Sitton dismantled the irrigation system for the trees, expecting that they were now mature enough to survive on their own.

The District requires that property owners maintain their irrigation systems in good working order to prevent water waste (LOCSO Code Section 2.01.07.A.3). District Code also prohibits property owners from utilizing water provided by the District on any other property than the one for which the service is intended (LOCSO Code Section 2.02.02.E). The General Manager reviewed the request in accordance with District policy, weighing the infractions described above against the community-wide benefit provided by the trees. The request for bill adjustment was granted, crediting half the value of the water lost (\$539.59) to Mr. Sitton's account, in accordance with District policy.

Mr. Sitton is currently requesting that the Board credit his account for the remainder of the overage, or another \$539.59. This action is not recommended, as it would absolve Mr. Sitton of any responsibility to this matter, when clearly some responsibility exists. The District's policy is fair to the customer, while recognizing that water in this community is a precious commodity and the responsibility to prevent waste lies with all residents.

RECOMMENDATION

Staff recommends the Board, by motion, deny the appeal of Mr. Sitton, 1440 Santa Ysabel Avenue, Los Osos and instruct the General Manager to communicate this determination of the Board of Directors to Mr. Sitton.

January 11, 2010
Charles Sitton Jr
1440 Santa Ysabel Av
Los Osos, Ca 93402

Los Osos Community Services Dist.
PO Box 6040 2122 9th St. St 102
Los Osos, Ca. 93402

JAN 11 2010

Honorable Board Of Directors, Los Osos Community Services District ;

Subject ; Credit for a water bill and subsequent action by Dave Gilmore, General Manager.

Dear Neighbors ; Recently I received a credit of \$ 530.59 for fixing a water leak on my service at 1440 Santa Ysabel Avenue. Mr Gilmore made this credit in accordance with your Title 2, section 2.01.20. I am requesting that you review this credit, with the end result being an additional credit to my account in the amount of \$ 530.59. By rule Mr. Gilmore is only allowed to credit one half of the amount which is above my normal usage for this time of year. I am asking you to review the credit and authorize Mr Gilmore to extend the credit for the full amount of overage of my normal bill which would be an additional \$ 530.59.

Justification : Approximately ten years ago, I was approached by a citizens group, The Santa Ysabel Traffic Calming Committee. They wanted to plant some trees on Southbay Boulevard as you approach Santa Ysabel coming from Morro Bay. They needed someone to water these trees and to provide a watering system. I agreed to help them out and I have been watering these trees ever since ~~at my own cost~~ (I was unaware the watering off my property was not allowed until such time as I received this information from Mr. Gilmore on January 5, 2010). I also made a cash contribution for one or two hundred dollars. This watering system has functioned properly and the living trees have added a nice look as you approach our community. So what happened ? The water line going to the trees ruptured. I was unaware of this as the system is located on the other side of a fence that I usually never go behind.

My first indication that there was a leak was when I received my water bill for \$ ~~1215.92~~
(my previous bill was \$ 66.31)

Bottom Line, Your policy of crediting up to one half for over usage is fair and generous. ~~There is a difference here that should allow you to make an exception.~~ As a good samaritan I was providing water for the community and not for my use in any way. Hopefully you will act on my behalf.

Respectfully Submitted, Charlie Sitton



Attachments ; My water bill / correspondence with your staff / Photograph of some of the trees

Dan Gilmore

From: Dan Gilmore
Sent: Tuesday, January 05, 2010 3:42 PM
To: 'charliesit@charter.net'
Cc: Sandi Woods
Subject: Water Adjustment

Hi, Mr. Sitton. I have reviewed your request for a leak credit, and I have decided to approve the credit of \$530.59 in accordance with District policy. My decision took some time and was made with some reluctance, as the situation violates more than one provision of the District's ordinances; specifically, the requirement to maintain the private water facilities to prevent water waste, and the requirement to use the water only on the property being served. Please understand that it is a violation of District ordinance to use or deliver water provided by the District on any property other than the property associated with the particular water account. I appreciate your good intentions, and I hope that you will work with District staff to get prior authorization before entering into any such situation in the future.

Dan Gilmore, PE
General Manager
Los Osos Community Services District
PO Box 6064
2122 9th Street, Suite 102
Los Osos, CA 93402
(805) 528-9370 Office
(805) 528-9377 Fax

Charlie Sitton

From: "Charlie Sitton" <charliesit@charter.net>
To: <swoods@losososcsd.org>
Sent: Wednesday, December 23, 2009 2:58 PM
Attach: Los Osos Tree Watering 001.jpg; Los Osos Tree Watering 003.jpg; Los Osos Tree Watering 004.jpg; Los Osos Tree Watering 005.jpg; Los Osos Tree Watering 007.jpg; Los Osos Tree Watering 008.jpg
Subject: Emailing: Los Osos Tree Watering 001, Los Osos Tree Watering 003, Los Osos Tree Watering 004, Los Osos Tree Watering 005, Los Osos Tree Watering 007, Los Osos Tree Watering 008

Greetings Ms Woods ;

Sandi, thank you for taking the time in reviewing my water bill. As you know, my billed usage for the time period 10/11/09 to 12/10/09 is approximately ten times my usual amount. After considerable effort on my part and with suggestions on your part I have found the source of the over usage.

As a good Samaritan I have been watering trees along Southbay Blvd. for the past ten to twelve years. This watering has been on a timer and has been a part of my normal water bill. These trees were planted by local citizens as part of a beautification project. If you need the names of those individuals it will take some research on my part, but I can probably provide at least a partial list. Bottom line, I am requesting that you forgive the cost of my waterbill that is above what I have used on average over the past several years. I have removed the watering system as the trees seem to be mature enough to continue on with what mother nature provides. Attached photos will provide needed documentation.

Sincerely, Charlie Sitton Charles Sitton Jr. 1440 Santa Ysabel Av. Los Osos 534-9710 or 439- 0799

The message is ready to be sent with the following file or link attachments:

Los Osos Tree Watering 001	Three Oak Trees
Los Osos Tree Watering 003	Ceanothus survived/ tree died
Los Osos Tree Watering 004	Oaks and Cypress
Los Osos Tree Watering 005	Cypress Trees/ also shows where the pipe was broken underground evidenced by green grass area
Los Osos Tree Watering 007	Pipes removed
Los Osos Tree Watering 008	Pipes removed

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Information from ESET NOD32 Antivirus, version of virus signature database 4713 (20091223)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>