

RESOLUTION NO. 2023-08

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TAMALPAIS
COMMUNITY SERVICES DISTRICT TO APPROVE A
REVISED WASTEWATER AND SOLID WASTE SERVICE BILL ADJUSTMENT
POLICY**

WHEREAS, in December 1999, the TCSD Board adopted a policy to address bill adjustments due to billing errors for solid waste and wastewater service charges; and

WHEREAS, in August 2004, the Board revised the policy; and

WHEREAS, the policy was to allow refunds up to 4 years for overcharge of services and bill up to 3 months if TCSD undercharged for services.

WHEREAS, TCSD wishes to revise and update this policy.

NOW, THEREFORE, BE IT RESOLVED that the Tamalpais Community Services District approves the revised Wastewater and Solid Waste billing adjustment policy shown in Exhibit A and incorporated herein, and that this resolution supersedes any previous billing adjustment policies adopted by TCSD.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Tamalpais Community Service District at a duly noticed meeting held in said District on the 12h day of April 2023 by the following vote:

AYES: **BARTSCHAT, BROWN, JACOBS, LEVINE**

NAYS: **0**

ABSENT: **Mc MATTON**



Steffen Bartschat, President

ATTEST:



Secretary, Tamalpais Community Services District



EXHIBIT A

TAMALPAIS COMMUNITY SERVICES DISTRICT

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WASTEWATER AND SOLID WASTE SERVICE BILL ADJUSTMENT POLICY

I. General Policy

This policy is intended to address requested for billing adjustments due to billing errors for wastewater and solid waste collection services. It incorporates previous policies and practices into a formal adopted TCSD policy.

II. Billing Error Defined

Billing error is the incorrect billing of a Customer account due to an error by the TCSD or the Customer, which results in incorrect charges to the Customer. Billing error includes, but is not limited to, incorrect charges for special service, clerical errors, incorrect annual service charge, an incorrect billing calculation, or an inapplicable rate calculation. For wastewater, water leak adjustments requests are considered billing errors and will be considered pursuant to Section IV. below.

Billing error includes failure of the Customer to notify the TCSD of incorrect billing within the last 36-month period.

III. Requests for Adjustments Due to Billing Error in Writing

All requests by customers for adjustments due to billing errors must be in writing on TCSD approved forms. Customers may submit one billing error adjustment request once every 12 months. The billing error must have occurred within the last 36-month period.

IV. Adjustments for Billing Error

Where TCSD overcharges or undercharges a Customer as the result of a billing error, TCSD may render an adjusted bill to the Customer for the amount of any undercharge, and shall issue a refund or credit to the Customer for the amount of any overcharge in accordance with the procedures and limitations set below. Such adjusted bills shall be computed per this policy.

1. Billing Error Resulting In Overcharges To The Customer

If either a residential or nonresidential wastewater or solid waste service(s) is (are) found to have been overcharged due to billing error, the TCSD will calculate the amount of the overcharge for refund to the Customer(s) for a period of up to three (3) years from the date of the request. The overcharge will be calculated for only those months during which the billing error occurred.

2. Billing Errors Resulting In Undercharges To The Customer

If a residential or non-residential wastewater or solid waste service(s) is (are) found to have been undercharged due to a billing error, the TCSD may bill the Customer(s) for the amount of the undercharge for a period of up to three (3) years. However, the undercharge will be calculated for only those months during which the billing error occurred.

V. Determining the Amount of Adjustment

A determination of whether an adjustment is granted, the amount of the adjustment, and the form of the adjustment (i.e., refund or credit) shall be made at the sole discretion of the General Manager or his or her designee and shall be final. In making the determination, the District will take into account the reason for the adjustment, any District error, and any other factors deemed appropriate. TCSD shall inform customers of the General's Manager's determination in writing. Any adjustment that will exceed \$25,000 will require Board approval.

VI. Wastewater- Adjustment For Water Leaks

1. Upon written request, the District may adjust customer's wastewater bill in the case of water leak, due to circumstances beyond the reasonable control of such customer.
2. Written request (using TCSD form) must be submitted and supported by repair bills, water loss report filed and approved by the Marin Municipal Water District (MMWD), or other appropriate documentation. Water leak adjustments will be limited to one adjustment every 12-month period.
3. A determination of whether an adjustment is granted, the amount of the adjustment, and the form of the adjustment (e.g., refund, adjustment to winter water usage) shall be made at the sole discretion of the General Manager or his or her designee and shall be final. In making the determination, the District will take into account the cause of water leak, the period during which it occurred, the customer's opportunity, if any, to detect it, any negligence or fault of the customer in connection therewith, the promptness with which the water leak was discovered, stopped and repairs made, and any water usage adjustments made by MMWD regarding water service. The water leak period must be within 36 months of the request for adjustment.
4. Any portion of the customer's wastewater charges paid toward out-of-pocket expenses and/or financially paid/committed toward sewage treatment (e.g., SASM) and/or capital repairs/maintenance attributed to the customer's usage are not eligible for financial refund/credit.
5. Per District Resolution 2021-02, the wastewater bill consists of two parts, the base sewer system charge, and the usage charge. The winter water usage (i.e., estimated wastewater flow) is based on water usage for the January and March bi-monthly billing periods (4 months total), as provided by the Marin Municipal Water District,

subject to a 60 CCF residential cap for each dwelling unit of single-family residential customers only.

The customer must prove the water leak to have significantly impacted the wastewater flow from their property. The District shall make the final determination on the amount of water loss, i.e., water that would not have reached the District's sewer system but for the water leak, and hence, not have contributed to the winter water usage that is used in the calculation of the wastewater bill, both retroactively and moving forward.

When applicable, the District may use the average single-family residential winter water use, during that fiscal year, to apply as the assumed wastewater flow from residential property.

VII. Annual Reporting

Once a year the General Manager shall report to the Board the number of requests made, requests granted, and the adjustment amounts due to billing error.