

LAKEHAVEN UTILITY DISTRICT
King County, Washington

Resolution No. 99-905

A **RESOLUTION** of the Board of Commissioners of Lakehaven Utility District, King County, Washington, adopting a program to encourage water conservation by customers through the timely repair of domestic water system leaks.

WHEREAS, the District is authorized under state law to consider the encouragement of water conservation goals and the discouragement of wasteful practices in establishing monthly rates, and

WHEREAS, water may be lost through leaks in customers' building supply lines and/or plumbing systems in amounts that adversely impact the conservation of increasingly scarce water supplies,

WHEREAS, the Board of Commissioners has determined that a program which provides an incentive to customers to make timely repairs of leaks occurring in their domestic water systems is in the best interests of the District, and

WHEREAS, having reviewed the alternatives and believing the program herein to be appropriate and beneficial;

NOW, THEREFORE, **BE IT RESOLVED** as follows:

- i) In the event that the District is informed of or otherwise becomes aware of the existence of a possible leak in the domestic building supply line between the meter and building, or other structure served by the line, or within the domestic plumbing system of the building or structure, the District will take steps to investigate to determine whether such a leak exists. If it is determined that a leak exists, the District will provide the customer with written notification of its determination and the requirement that the line be repaired no later than thirty (30) days after the date of the notice. Such written notification shall include a copy of the leak program as defined herein. Where a customer independently becomes aware of a leak, the customer shall have thirty (30) days following the discovery of the leak to make repairs.
- ii) If the District determines that the necessary repairs have been made within the thirty (30) day time limit, based upon verifiable repair records or other available information, the District shall provide customers, where the cost of the water leaked equals or exceeds \$40.00, an adjustment on the water account equaling fifty percent (50%) of the charge for the water leaked for a period beginning no more than sixty (60) days prior to the notification of the leak by the District, or sixty (60) days prior to the customer's discovery of the leak, and ending when the leak is repaired. Adjustments shall not be made if the amount of the adjustment would be less than

\$20.00. The calculation of the quantity of water leaked shall be determined by the District using, at its discretion, prior water consumption by the customer during the period in question. If such consumption information is not available, the District shall use the best information it deems available to determine applicable consumption.

- iii) Should the leak occur during the period designated for establishment of the wet-month averages for sewer rates and the customer be entitled to an adjustment pursuant to sub-section ii) above, the District shall exclude, using criteria established in sub-section ii), the water leaked in determining the applicable wet-month average. For commercial sewer accounts eligible for an adjustment as described above, the District shall exclude, using criteria established in sub-section ii) , water leaked which does not enter the sewer system in determining the bi-monthly sewer charges over a period not to exceed the length of period of the water account adjustment.
- iv) Customers shall be eligible for no more than one leak adjustment in a twelve month period. Customers with leaks caused intentionally or negligently by the customer, or any invitee on the property, or by the failure to reasonably maintain their service line and plumbing system and appurtenances, shall not be eligible for a credit under these provisions. In the event that a leak is caused by the negligence of a third party and the customer is deemed otherwise eligible for a rate adjustment, the customer shall, as a further condition of eligibility, assign, for collection, the claim for the loss of the water subject to the adjustment to the District for reimbursement of the account adjustment.
- v) In the event that the Customer is notified of the existence of a leak and fails to repair the leak within the time specified, the customer shall be ineligible for an adjustment for the leak in question and for any subsequent water leaks which occur for a period three (3) years following the leak notice sent pursuant to subsection i) above.
- vi) The leak program established herein is intended to cover water leaks in the domestic service facilities and is not intended to cover leaks in irrigation or fire protection systems.
- vii) The leak program herein may be applied to water leaks occurring during calendar year 1999 and before the effective date of the program set forth below under the following criteria:
 - a. The leak was repaired in compliance with the provisions of this leak program.
 - b. The customer signs an agreement stating that they will repair all leaks in their domestic service facilities for the following three (3) year period without recourse to the benefits of the leak program. The agreement shall provide that a breach of the obligation to repair such leak shall cause the customer to forfeit the leak adjustment and the amount of the adjustment, with interest at eight (8%) percent accruing from

the date of the adjustment to the date of payment, shall be immediately due and owing to the District.

- viii) The District staff is authorized to consider special circumstances in applying the leak program herein to any particular case and may deviate from the requirements to the extent, and only to the extent, necessary to accomplish the water conservation objectives of the policy herein.
- ix) The leak program herein shall be effective October 28, 1999, the date of approval of the program by the Board of Commissioners.

ADOPTED by the Board of Commissioners of Lakehaven Utility District, King County, Washington, at an open public meeting this 11 day of November, 1999.

9th
BT

ATTEST:

Beverly J. Tweddle
President and Commissioner Yea Nay Abstain

Donald L. Miller
Vice President and Commissioner Yea Nay Abstain

P. Mayer
Secretary and Commissioner Yea Nay Abstain

Thomas M. Johnson
Commissioner Yea Nay Abstain

NOT PRESENT

Commissioner Yea Nay Abstain

Approved as to form: *H. J. [Signature]*
General Counsel