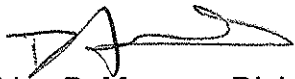


CITY OF LOS ANGELES  
INTER-DEPARTMENTAL CORRESPONDENCE

Date: JUN 27 2012

To: The Honorable City Council  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, CA 90012From: Enrique C. Zaldivar, Director  
Bureau of SanitationBy:   
Lisa B. Mowery, Division Manager  
Financial Management Division**TRANSMITTAL OF RESIDENTIAL SEWER SERVICE CHARGE (SSC) APPEAL – 3246 PUEBLO AVE**

On May 14, 2012, the Board of Public Works voted to deny Ms. Josefina Bretado's appeal of the Director of Sanitation's SSC adjustment determination for her property at 3246 Pueblo Ave. Subsequently, our office received a copy of additional correspondence from Ms. Bretado detailing her intent to appeal the Board's decision to the City Council. Ms. Bretado also informed our office that the original appeal letter had been mailed to the Office of the City Clerk.

Per Section 64.41.07(l) of the Los Angeles Municipal Code under "Adjustments – Exemptions – Appeals", this notice to appeal is to be filed with the City Clerk. Due to the possible misplacement of the original correspondence, a copy of her letter is being forwarded to your office for processing. Additional documents are included for your reference.

If you have any questions, please contact **Matt Vong** at (213) 485-2437 or **Alex Vazquez** at (213) 485-2422.

**TRANSMITTAL**

1. Letter from customer with intent to Appeal to City Council. This correspondence includes a copy of the Residential SSC Determination Letter dated May 14, 2012, which informed the customer of the Board of Public Works decision to deny her appeal.
2. Board Report dated May 14, 2012

ECZ/LBM/mv

Josephina Buitrago  
3246 Pueblo Ave.  
L.A. CA 90032

This is a follow-up on my request to have my water bill investigated. I'm a single and adopted parent 4 adolescents, which 2 are on their own with their new family. I'm in great need of your assistance.

I live in a lot where there are two small houses. The one in the back is occupied by my daughter and her son, during the day she works and her son is in school all day. I too work and my sons go to school and we also are out all day. We do not have a swimming pool and/or jacuzzi that would consume large amounts of water. We are a family of five that reside on my property. I have a small front lawn and the majority of my back yard is cement therefore, I also have my minimal ~~grass~~ grass that requires watering.

As you can see that is absolute impossible that I use so much water. Please see previous water bill ~~consumption~~ consumption. Perhaps it is a mistake on the reading of the meter, or the  
(over)

meter is not working properly, also the  
accounts might be mix up with  
the account of a big building. I  
once pay on other occasion  
paid \$3,000.00, which I consider a  
mistake. Please if you can  
intercede on my behalf I'm  
desperate I can truly can't pay  
this outrageous bill. Whatever you  
can do for me, I will be  
forever grateful for your help &  
consideration for my problems.

Thank you,  
Josephine Bretade

BOARD OF  
PUBLIC WORKS  
COMMISSIONERS

ANDREA A. ALARCÓN  
PRESIDENT  
JERILYN LÓPEZ MENDOZA  
VICE PRESIDENT  
JOHN J. CHOI  
PRESIDENT PRO TEMPORE  
STEVEN T. NUTTER  
COMMISSIONER  
VALERIE LYNNE SHAW  
COMMISSIONER

CITY OF LOS ANGELES  
CALIFORNIA



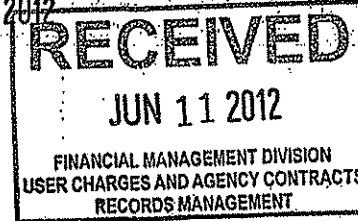
DEPARTMENT OF  
PUBLIC WORKS  
BUREAU OF SANITATION

ENRIQUE C. ZALDIVAR  
DIRECTOR  
TRACI J. MINAMIDE  
CHIEF OPERATING OFFICER  
VAROUJ S. ABKIAN  
ADEL H. HAGEKHALIL  
ALEXANDER E. HELOU  
ASSISTANT DIRECTORS

ANTONIO R. VILLARAIGOSA  
MAYOR

FINANCIAL MANAGEMENT DIVISION  
RESIDENTIAL SEWER SERVICE CHARGE  
ADJUSTMENTS  
P.O. Box 79083  
LOS ANGELES, CA 90079  
1 800 540-0952 / 213 473-4181  
FAX: (213) 485-4289 • TTY: (213) 473-4112

MAY 14 2012



Josefina Bretado  
3246 Pueblo Ave  
Los Angeles, CA 90032

Dear Ms. Bretado:

**RESIDENTIAL SEWER SERVICE CHARGE (SSC) APPEAL ADJUSTMENT – 3246 PUEBLO AVE**

The Board of Public Works has denied your appeal for an SSC adjustment at their meeting on May 14, 2012.

Should you disagree with the decision of the Board, you may request that the matter be referred to the City Council, where you will be able to express your concerns to the Council's Energy and Environment Committee. To do this, you must file a Notice of Appeal with the Office of the City Clerk, 200 North Spring Street, Room 360, Los Angeles, CA 90012, within ten (10) days of the postmarked date of this letter. This notice of appeal must be in writing and must set forth specifically wherein you believe there was an error or abuse of discretion on the part of the Board.

If you have any questions or need further assistance, please contact Matthew Vong of my staff at (213) 485-2437.

Sincerely,

Enrique C. Zaldivar, Director  
Bureau of Sanitation

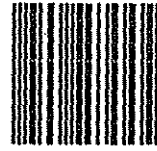
By: Lisa B. Mowery  
Division Manager  
Financial Management Division

ECZ/LBM/mv  
Board Action Letter  
Ref #121273



Josefina Bretado  
3246 Pueblo Avenue  
L.A., CA 90032

ML  
6/4

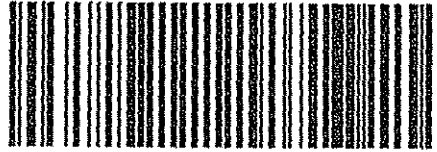


U.S. POSTAGE  
PAID  
LOS ANGELES, CA  
90032  
JUN 02, 12  
AMOUNT

\$5.75  
00082635-09

RETURN RECEIPT  
REQUESTED

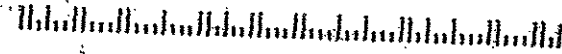
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL**



7011 2000 0001 2240 1777

9007900083

City of Los Angeles  
Bureau of Sanitation  
Residential SSC  
P.O. Box 79083  
Los Angeles, CA 90079-0083



DEPARTMENT OF PUBLIC WORKS

COMMISSIONER ANDREA ALARCON

REPORT NO. 1

May 14, 2012

CD: 14

3246 PUEBLO AVE — APPEAL OF BUREAU OF SANITATION'S DETERMINATION OF  
SEWER SERVICE CHARGE (SSC) RESIDENTIAL WINTER WATER USE (WWU)  
ADJUSTMENT

---

RECOMMENDATION

Deny Ms. Josefina Bretado's appeal of the Bureau of Sanitation's determination, which denied her initial request for an SSC adjustment to her account. The Bureau of Sanitation's determination was based on the Los Angeles Municipal Code and the "Rules and Regulations for the Administration of the SSC."

TRANSMITTAL

Communication No. 121273 from Ms. Josefina Bretado, 3246 Pueblo Ave, Los Angeles, CA 90032. Referred by the Board of Public Works on March 8, 2012.

DISCUSSION

Ms. Bretado applied for an SSC residential Winter Water Use (WWU) adjustment for the premises at 3246 Pueblo Ave by letter received November 3, 2011. The SSC adjustment request was for a water leak that occurred during the 2008-2009 winter period and affected the fiscal year 2009-2010 SSC calculation. The Director of Sanitation denied Ms. Bretado's request by letter dated January 19, 2012.

Ms. Bretado filed an appeal on this decision which was dated February 7, 2012.

Ms. Bretado had a phone hearing with me on April 25, 2012.

Ms. Bretado's argument followed by the Bureau of Sanitation's response is:

**Argument:** The appellant argues that the outstanding balance of over \$5,000 of SSC on her account cannot be correct. She maintains that a water leak during the 2008 – 2009 rainy season caused her SSC to increase and that there may have been possible errors with meter reads and/or malfunctions of her water meter. The appellant believes it is impossible for her family to use that much water that would warrant such a high SSC. She states that she is unable to afford such an outrageous bill and would be grateful for any help and consideration on this matter.

**Response:** The Director of Sanitation's determination denying an adjustment was based on the following: On July 1, 1997 the City of Los Angeles implemented a new method for determining residential SSC. This method, also known as the WWU system, bases a resident's SSC on their lowest water consumption during the previous winter season (approximately mid-October through the end of April). Each fiscal year, beginning July 1, the Department of Water and Power calculates

the SSC for the upcoming fiscal year based on the lowest daily average water use from the previous winter. A reduction factor is also applied to further reduce the daily average to account for winter irrigation. The accuracy of the WWU system however, depends upon the cooperation of the customer to minimize his or her irrigation use during the winter season.

An adjustment to the WWU can be granted under certain conditions when there is an abnormal occurrence during the winter season, also referred to as the Rainy Season Review Period (RSRP), altering the customer's water consumption and subsequently their SSC. Examples of conditions warranting such an adjustment are: completely filling a swimming pool, a water leak, installation of new landscaping, greenhouses, and partial discharge to a septic tank.

In addition, section 64.41.07(h) of the LAMC states: any user or person billed may apply in writing for an adjustment to the office designated by the Board within thirty (30 days) from the date the bill is mailed or delivered with respect to the period for which the user or person billed seeks adjustment. However, the application may be made within one (1) year from the date the bill is mailed or delivered with respect to the period for which the user or person billed seeks adjustment under the following two circumstances:

- (a) the premises was unoccupied; or
- (b) the result of the calculation performed by the Department of Water and Power was inaccurate because of defective water consumption data.

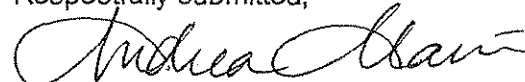
The Board has additional authority to grant adjustments for periods up to one year prior to the request pursuant to the City Charter Sec. 350, Claims Against the City. This section specifies that claims against the City must be presented within one year after the occurrence from which damages arose. In addition, the California Government Code Sec. 911.2 requires claims to be presented within one year of the accrual of the cause of action.

At the hearing held before me on April 25, 2012, the appellant presented arguments regarding an adjustment of SSCs at her premises. Ms. Bretado's water leak occurred from November of 2008 to May of 2009, which affected her fiscal year 2009 – 2010 SSC calculation. Ms. Bretado's initial request for SSC adjustment was not received until November 3, 2011, well passed the statute of limitations for which the Bureau of Sanitation and the Board are allowed to grant an adjustment. Therefore, it is my recommendation to deny the SSC adjustment as recommended herein.

The appellant has been advised of the recommendation contained herein and the date and time this matter will be considered by the Board. The appellant was also advised that the Board meeting is open to the public and the appellant may be present if she wishes. Furthermore, if the appellant disagrees with the decision of the Board, she may file a Notice of Appeal with the Office of the City Clerk within ten (10) days of the date of the mailing of the Board's written determination to have the matter referred to the City Council and will be able to express her concern to the Council's Energy and Environment Committee.

REPORT NO. 1  
May 14, 2012  
Page 3

Respectfully submitted,



Andrea Alarcon  
Commissioner  
Board of Public Works

Prepared by:  
Matthew Vong, FMD  
(213) 485-2437

c:  
Ms. Josefina Bretado  
3246 Pueblo Ave  
Los Angeles, CA 90032  
[Ref # 121273]  
Board of Public Works