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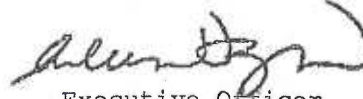
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ADOPTED BY THE BOARD  
PUBLIC WORKS OF THE CITY  
of Los Angeles California

FEB - 5 2014

CITY CLERK  
DEPARTMENT OF PUBLIC WORKS

BY ~~COMMISSIONER~~ COMMISSIONER BARBARA ROMERO  
REPORT NO. 1  
February 5, 2014

  
Executive Officer

CD: 5

10573 LE CONTE AVE — APPEAL OF BUREAU OF SANITATION'S DETERMINATION OF  
SEWER SERVICE CHARGE (SSC) RESIDENTIAL ADJUSTMENT REQUEST

RECOMMENDATIONS

1. Grant Mr. John Rastegar's appeal for a residential Sewer Service Charge (SSC) adjustment for the period of April 16, 2012 to February 14, 2013.
2. Instruct the Bureau of Sanitation [attn: Lisa Mowery, Division Manager, Financial Management Division] to calculate and process adjustment for SSC billings retroactive from April 16, 2012 to February 14, 2013.

TRANSMITTAL

Communication No. 121635 from Mr. John Rastegar, 10573 Le Conte Ave, Los Angeles, CA 90024. Referred by the Board of Public Works on September 20, 2013.

DISCUSSION

Mr. John Rastegar applied for an SSC residential adjustment for the premises at 10573 Le Conte Ave by letter received May 3, 2013. A field investigation conducted by the Bureau of Sanitation on July 24, 2013 discovered that the premises was served by two water meters. The primary water meter (90080854) solely served house usage. The secondary water meter (49117032) served landscaping only. Subsequently, the Director of Sanitation partially granted Mr. Rastegar's request by letter dated August 8, 2013. In accordance with the rules of the Los Angeles Municipal Code (LAMC), the letter authorized the exemption of water meter (49117032) retroactive to February 14, 2013. At the same time, the primary water meter (90080854), which solely serves house water usage, was effectively billed SSC based on one hundred percent (100%) of the metered water consumption.

Mr. Rastegar filed an appeal on this decision which was dated August 20, 2013.

Mr. Rastegar had a phone hearing with me on January 2, 2014.

Mr. Rastegar's argument followed by the Bureau of Sanitation's response is:

**Argument:** The appellant argues that the irrigation meter for his premises had been erroneously billed SSC. He asks that the assessed SSC be refunded retroactive to August of 2002, which is the installation date of the irrigation meter.

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**Response:** The Director of Sanitation's initial determination dated August 8, 2013 is in accordance with the LAMC, Sec. 64.41.07 (h) which 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:

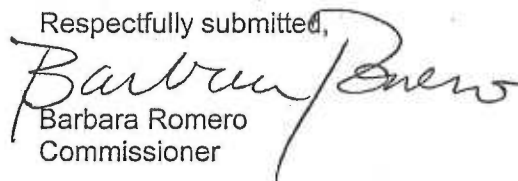
- (a) the premises was unoccupied; or
- (b) the result of the calculation performed by the Department of Water and Power was inaccurate because of defective water consumption data.

However, the Board has additional authority to grant adjustments for periods of 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. These authorities allow an additional adjustment to be granted for the period of April 16, 2012 to February 14, 2013.

At the hearing held before me on January 2, 2014, the appellant presented sound arguments regarding an adjustment of SSCs at his premises. Therefore, it is reasonable to grant him a one year 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 he wishes. Furthermore, if the appellant disagrees with the decision of the Board, he 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 his concerns to the Council's Energy and Environment Committee.

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

Respectfully submitted,  
  
Barbara Romero  
Commissioner

c:  
Mr. John Rastegar  
10573 Le Conte Ave  
Los Angeles, CA 90024  
[Ref # 121635]  
Board of Public Works