



**City of St. Helena
Water Advisory Board
Regular Meeting**

Friday, January 21, 2022 @ 10:00 AM

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but please observe the time limit of four minutes.

This meeting will be conducted pursuant to the provisions of Government Code Section 54953 (as amended by AB 361) which authorizes teleconferenced meetings under the Brown Act during certain proclaimed States of Emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. This teleconferenced meeting is necessary so that the City can conduct essential business and is permitted under Government Code 54953 in order to protect public health and safety of attendees.

Consistent with Government Code Section 54953, this City Council Meeting will be held via teleconference only, and will not be physically open to the public. Water Advisory Board members and staff will teleconference into the meeting by audio and/or video. The meeting will be conducted via Zoom Webinar. Public comment for Water Advisory Board meetings will be accepted via email to publiccomment@cityofstheleena.org. All public comments must be emailed by 8:00 AM prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line Water Advisory Board agenda.

In the event a quorum of the Water Advisory Board loses electrical power or suffers an internet connection outage that is not corrected within 10 minutes, the meeting will automatically be adjourned. Any items noticed as public hearings will be continued to the next regularly scheduled meeting of the Water Advisory Board. Any other items on the agenda that the Board has not taken action on will be placed on a future agenda. Please see the end of the agenda for detailed PUBLIC PARTICIPATION instructions. To learn how to use Zoom, please see the instructions below.

Please click the link below to join the meeting:

<https://us02web.zoom.us/j/82070802157>

Or One tap mobile :

US: +16699006833,,82070802157# or +13462487799,,82070802157#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or
+1 301 715 8592 or +1 312 626 6799

Meeting ID: 820 7080 2157

International numbers available: <https://us02web.zoom.us/j/kdIJ8BN89b>

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2. ROLL CALL
Chair: Brent Randol
Vice Chair: Dianna Ortiz
Board Member: George Schisler
City Council Representative: Anna Chouteau
Planning Commission Representative: Daniel Hale

3. PUBLIC FORUM:
An opportunity for the public to directly address the Board on items of interest to the public that are not listed on the agenda. Any person addressing the Board should provide his or her name and address, and limit comments to four minutes. Because of restrictions imposed by **the Brown Act, the Board may not engage in substantive discussion, nor take action on matters not described on the agenda.**

4. REPORTS BY STAFF AND BOARD
Reports by staff and/or Board on items of general interest. Brief questions for clarification may be posed and answered, and Board may request that items be placed on a future agenda. Except under certain circumstances, **the Brown Act prohibits any other discussion or action by the Water Advisory Board.**

5. CONSENT CALENDAR:
Members of the Water Advisory Board or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, on motion may be used to adopt all recommendation actions.
 - 5.1. None

6. OLD BUSINESS:
 - 6.1. Consideration of Water Allocation Exception – Knobel, David 7 - 85
Prepared By: April Mitts, Administrative Services Director
Recommendation:
Discuss and provide direction for water exception request.
[STAFF REPORT - Water Advisory Exception Request Knobel, David](#)
[Public Comment.Jonathan Kathrein](#)

 - 6.2. Consideration of Penalty Adjustment – Kee, C. Continued 87 - 105
Prepared By: April Mitts, Administrative Services Director
Recommendation:
Discuss and make a determination for Water Penalty adjustment request.
[STAFF REPORT - Kee, C. Water Advisory Penalty Waiver Request](#)

7. NEW BUSINESS:
 - 7.1. Consideration of Penalty Adjustment – Del Dotto, David & Yolanda 107 - 133
Prepared By: April Mitts, Administrative Services Director
Recommendation:
Discuss and make a determination for Water Penalty adjustment request.
[STAFF REPORT Del Dotto, David Yolanda - Water Advisory Penalty Waiver Request](#)

- 7.2. Consideration of Penalty Adjustment – Gehan, Glenn
Prepared By: April Mitts, Administrative Services Director
Recommendation:
Discuss and make a determination for Water Penalty adjustment request.

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[STAFF REPORT Gehan, Glenn](#)

8. ADJOURNMENT

The next regular Water Advisory Board meeting is scheduled for February 4, 2022 at 10:00 am.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on January 18, 2022 at 9:35 am.



Cindy Tzaopoulos, City Clerk

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 968-2742. Notification 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**THE CITY OF ST. HELENA ENCOURAGES ONLINE PUBLIC
PARTICIPATION IN
VIRTUAL MEETINGS**

St. Helena, CA– The City of St. Helena is committed to public participation in City government in a manner that is consistent with guidance provided by the Napa County Public Health Official and Governor Newsom's Executive Order N-25-20. These guidelines relate to social distancing, and are intended to protect everyone by limiting the spread of COVID-19 in our community. In adherence to these guidelines, the St. Helena Water Advisory Board will host a Virtual Meetings on Zoom; a free teleconferencing tool that enables users to watch and/or call into the meeting from their computers or phones. This meeting will be open to public and allows for live public comment. The meeting will also be recorded, and posted on the City's website at the conclusion of the meeting: <https://sthelena.civicweb.net/Portal/>

The ZOOM web link, meeting ID, and phone number will be listed at the top of the Meeting Agenda. You will be required to enter the meeting ID, but there will be no password or participant ID.

How to Watch or Listen to Meetings:

1. Watch and Listen on Zoom.us by clicking on the link in the Agenda
2. Listen only by calling the Zoom number listed on the Agenda

Watch by Joining the Zoom Meeting:

1. **By Computer, Tablet, or Smart Phone:**

1. Before joining the virtual Meeting, it is highly encouraged that you download the Zoom App. To sign up for your own free account, visit zoom.us/signup and enter your email address. You will receive an email from Zoom (no-reply@zoom.us). In this email, click Activate Account.
 2. If you are logged into your account, Enter the **Meeting ID** listed on the Agenda. If you have not created an account go to: <https://zoom.us/join> and enter the **Meeting ID**
 3. Select if you would like to connect audio and/or video and tap **Join Meeting**.
 4. For specific instructions for your device, go to: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>
1. **Listen Only by Telephone:**
 1. **Dial** the number listed on the Agenda.
 2. At the prompt, enter the **Meeting ID** provided on the top of the Meeting Agenda and **Press #. A participate ID is not required.**
 3. To disconnect from the meeting, hang up the phone.

Ways to Provide Public Comment:

While attending the virtual Meeting, the public will have the opportunity to provide live public comment during Public Forum and after each agenda item. When it is the appropriate time for public comment the Chair will verbally open public comment. At this time each individual is permitted 4 minutes to speak.

1. **Send a Public Comment in by 8:00 AM Prior to the Meeting to:**
publiccomment@cityofsthelena.org

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to publiccomment@cityofsthelena.org. Please include in the subject line "COMMENT TO WATER ADVISORY BOARD and the AGENDA ITEM". Any public comment is required to be submitted no later than 2 hours before the scheduled meeting and will be included as an attachment to the agenda. All public comments will be made publicly available and attached to the agenda item and will not be read out loud. All public comments that are received after 8:00 AM will be attached to the agenda the following day.

2. **Provide Comment through Zoom meeting from a computer, tablet, or smart phone**

This option allows the public to virtually attend the meeting as a muted 'attendee' with no video or screen sharing capabilities. You will be able to see and hear those participating in the meeting, but they will not be able to hear you until the host unmutes you.

If you wish to provide public comment during a specific agenda item or during public forum, you can use the "**raise hand**" feature located in the control panel at the bottom of your screen. The icon is a small blue hand. In Windows you can also use the Alt+Y keyboard shortcut to raise or lower your hand. In Mac you can also use the Option+Y keyboard shortcut to raise or lower your hand.

The host will be notified that you've raised your hand and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. To be removed from the queue, just click the '**raise hand**' button again.

3. Call in to the ZOOM meeting from a cell phone or landline phone only

This option allows the member of the public with the opportunity to verbally participate in public comment.

If you wish to speak during public comment time dial ***9** on your telephone.

The host will be notified that you would like to speak and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. You may press ***9** again if you wish to be removed from the queue.

You will be notified at the end of your statement that you have been muted.



Report to the City Council
Water Advisory Board – January 21, 2022

Agenda Section: **NEW BUSINESS**

Subject: **Consideration of Water Allocation Exception – Knobel, David**

CEQA **Not a CEQA project**
Determination:

Prepared By: April Mitts, Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On October 27, 2020, the City Council established Phase II Water Regulations and, in accordance with the St. Helena Municipal Code (SHMC), established the Water Advisory Board consisting of one City Council member, one Planning Commissioner, one winery customer, and two public members, one of whom shall solely be a residential customer.

The Water Advisory Board shall have access to all records in the possession of the water enterprise necessary in its judgement to perform its duties, including customer records. The Board shall maintain confidentiality of individual customer records unless the Board determines by resolution that release of such information is necessary in the pursuit of its duties.

The Water Advisory Board shall meet at least monthly and may grant permits for uses of water, for exceptions to water conservation measures, or for water connections otherwise prohibited. The Water Advisory Board shall prescribe necessary procedures for application for and use of exception permits pursuant to SHMC Section 13.04.280.

On April 30, 2021, the Water Advisory Board approved SOP-FI-0021 *Application and Use of Exception Permits Water Emergency* and the applicable *Exception Form*. On June 4, 2021, the Water Advisory Board approved Revision #1 to SOP-FI-0021 *Application and Use of Exception Permits Water Emergency* and the applicable *Exception Form*.

DISCUSSION

On September 15, 2021 the City received an application for an exception by David Knobel (Attachment 1). The applicant is requesting the following exception(s) for the following reason(s):

1. Single-family residential parcels exceeding 7,000 square feet in area.
2. Applicant is seeking a total outdoor landscape allocation of 3,700 gallons per day, which exceeds the allocation cited in the municipal code of and additional maximum of 250 gallons per day.

The current allotment for this property based on a 30-day month is:

	Gallons	HCF
4 Person Household	7,800	
Summer Landscape (April through October)	2,500	
Additional Landscape based on lot size (per SHMC)	7,500	
<i>Total Current Allocation</i>	<i>17,800</i>	<i>23.80</i>
Additional Allotment Request	103,500	
<i>TOTAL ALLOTMENT IF GRANTED</i>	<i>121,300</i>	<i>162.15</i>

The applicant has included several appeals in the letter attached to the Water Exception Permit Form. The appeal before the Water Advisory Board is only in reference to the additional outdoor landscape request, all other appeals will be heard by the City of St. Helena City Council at a later date.

On November 5, 2021, the Water Advisory Board heard the appeal presented by Mr. Knobel for an additional allotment. At this meeting and in the water appeal, Mr. Knobel indicated the need to maintain and create a defensible area of adequately watered space no less than 196 feet around the home. The Water Advisory Board asked City staff to inspect the property and provide a report of the area which is considered defensible space and the amount of landscaping that required watering to assist in making a determination if an additional water allocation is warranted.

In December, Fire Chief Sorensen and Fire Inspector Vidler visited the property and prepared the attached report which summarizes the landscaping around the house and property.

FISCAL IMPACT

Not Applicable.

RECOMMENDED ACTION

Discuss and provide direction for water exception request.

ATTACHMENTS

Attachment 1 – 1700 Howell Mountain Rd. Site Report

Attachment 2 – Historical Use for 1700 Howell Mountain Road

Attachment 3 – Exception Application – Knobel, David

1700 Howel Mountain Rd.



North Side of Property

Photos of north side of property showing a steep slope from driveway towards Howell Mountain road. Vegetation comprised of grass and wood chips that appear to be from the Glass Fire clean up efforts. Multiple downed fir tree logs in many diameter sizes. Downed trees are a hazard from rolling down onto Howell Mountain Rd. and pose a heavy fuel load.

A 2,000 gallon water storage tank and pump appears to be in working order. Tank and pump are located on the North side of the property.



Driveway on North side of property has 16 young olive trees and 30 English Laurel shrubs planted along the 183 ft. driveway. This row of trees and shrubs appear to have been planted this year and confirmed by the property owners representative at time of site visit.

North Side of Property Cont.



Small amounts of shrubs have been planted in gravel landscape areas





Westside of Property

A small vineyard that appears to be over 5 years of age is located on the west side of the property. There are approx. 165 vines including 25 new growth vines. Unknown if vineyard was tilled or mowed for last year's fire season.





East Side of Property

Large areas of defensible space have been established on the East side of the property with madrone & oak trees as well as trimmed native grasses.





South Side of Property

Gravel landscape areas with shrubs planted in gravel beds. A pool is located in the South side of the property as well as a pergola and sitting area.



Utility Billing
Knobel David 007974-000 - 1700 Howell Mtn Rd

User: AprilM
Printed: 1/17/2022 3:12:05 PM



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000000-000	8/16/2021	0	0	08/2021	False	True	False	0	0.00000

Utility Billing

Knobel David 007974-000 - 1700 Howell Mtn Rd



User: AprilM

Printed: 11/4/2021 10:20:19 AM

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007974-000	9/7/2012	3277	155	09/2012	False	True	False	0	0.00000
007974-000	8/8/2012	3122	143	08/2012	False	True	False	0	0.00000
007974-000	7/9/2012	2979	155	07/2012	False	True	False	0	0.00000
007974-000	6/8/2012	2824	96	06/2012	False	True	False	0	0.00000
007974-000	5/8/2012	2728	55	05/2012	False	True	False	0	0.00000
007974-000	4/9/2012	2673	25	04/2012	False	True	False	0	0.00000
007974-000	3/8/2012	2648	42	03/2012	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
007974-000	2/8/2012	2606	27	02/2012	False	True	False	0	0.00000
007974-000	1/9/2012	2579	68	01/2012	False	True	False	0	0.00000
007974-000	12/8/2011	2511	110	12/2011	False	True	False	0	0.00000
007974-000	11/8/2011	2401	65	11/2011	False	True	False	0	0.00000
007974-000	10/7/2011	2336	98	10/2011	False	True	False	0	0.00000
007974-000	9/8/2011	2238	77	09/2011	False	True	False	0	0.00000
007974-000	8/8/2011	2161	161	08/2011	False	True	False	0	0.00000
007974-000	7/7/2011	2000	134	07/2011	False	True	False	0	0.00000
007974-000	6/8/2011	1866	18	06/2011	False	True	False	0	0.00000
007974-000	5/6/2011	1848	30	05/2011	False	True	False	0	0.00000
007974-000	4/7/2011	1818	1	04/2011	False	True	False	0	0.00000
007974-000	3/8/2011	1817	0	03/2011	False	True	False	0	0.00000
007974-000	2/8/2011	1817	4	02/2011	False	True	False	0	0.00000
007974-000	1/7/2011	1813	4	01/2011	False	True	False	0	0.00000
007974-000	12/8/2010	1809	8	12/2010	False	True	False	0	0.00000
007974-000	11/8/2010	1801	18	11/2010	False	True	False	0	0.00000
007974-000	10/8/2010	1783	24	10/2010	False	True	False	0	0.00000
007974-000	9/9/2010	1759	12	09/2010	False	True	False	0	0.00000
007974-000	8/9/2010	1747	15	08/2010	False	True	False	0	0.00000
007974-000	7/8/2010	1732	5	07/2010	False	True	False	0	0.00000
007974-000	6/8/2010	1727	4	06/2010	False	True	False	0	0.00000
007974-000	5/10/2010	1723	26	05/2010	False	True	False	0	0.00000
007974-000	4/8/2010	1697	14	04/2010	False	True	False	0	0.00000
007974-000	3/8/2010	1683	9	03/2010	False	True	False	0	0.00000
007974-000	2/5/2010	1674	5	02/2010	False	True	False	0	0.00000
007974-000	1/7/2010	1669	8	01/2010	False	True	False	0	0.00000
007974-000	12/8/2009	1661	4	12/2009	False	True	False	0	0.00000
007974-000	11/9/2009	1657	15	11/2009	False	True	False	0	0.00000
007974-000	10/8/2009	1642	35	10/2009	False	True	False	0	0.00000
007974-000	9/10/2009	1607	51	09/2009	False	True	False	0	0.00000
007974-000	8/11/2009	1556	103	08/2009	False	True	False	0	0.00000
007974-000	6/8/2009	1453	3	06/2009	False	True	False	0	0.00000
007266-000	5/15/2009	1450	31	06/2009	False	True	False	0	0.00000
007974-000	5/15/2009	1450	0	06/2009	False	True	False	0	0.00000
007266-000	4/7/2009	1419	28	04/2009	False	True	False	0	0.00000
007266-000	3/9/2009	1391	4	03/2009	False	True	False	0	0.00000
007266-000	2/9/2009	1387	41	02/2009	False	True	False	0	0.00000
007266-000	12/9/2008	1346	79	12/2008	False	True	False	0	0.00000
007266-000	10/6/2008	1267	86	10/2008	False	True	False	0	0.00000
007266-000	8/8/2008	1181	83	08/2008	False	True	False	0	0.00000
007266-000	6/10/2008	1098	68	06/2008	False	True	False	0	0.00000
007266-000	4/10/2008	1030	36	04/2008	False	True	False	0	0.00000
007266-000	2/10/2008	994	39	02/2008	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
007266-000	12/10/2007	955	41	12/2007	False	True	False	0	0.00000
007266-000	10/10/2007	914	149	10/2007	False	True	False	0	0.00000
007266-000	8/10/2007	765	47	08/2007	False	True	False	0	0.00000
007266-000	6/10/2007	718	84	06/2007	False	True	False	0	0.00000
007266-000	4/10/2007	634	139	04/2007	False	True	False	0	0.00000
007266-000	2/10/2007	495	65	02/2007	False	True	False	0	0.00000
007266-000	12/10/2006	430	42	12/2006	False	True	False	0	0.00000
007266-000	10/10/2006	388	116	10/2006	False	True	False	0	0.00000
007266-000	8/10/2006	272	46	08/2006	False	True	False	0	0.00000
007266-000	6/10/2006	226	42	06/2006	False	True	False	0	0.00000
007266-000	4/10/2006	184	27	04/2006	False	True	False	0	0.00000
007266-000	2/10/2006	157	19	02/2006	False	True	False	0	0.00000
007266-000	12/10/2005	138	43	12/2005	False	True	False	0	0.00000
007266-000	10/10/2005	95	74	10/2005	False	True	False	0	0.00000
007266-000	8/10/2005	21	43	08/2005	False	True	False	0	0.00000



Water Exception Permit Form

DATE SUBMITTED: _____
RECEIVED BY: _____

PROPERTY & BILLING INFORMATION			
Date Applying 9/15/2021		Customer or Company Name David Knobel	
Account Number 007974-000		Phone Number 707-337-3531	Email Address david@dknobel.com
Mailing Address 1235 Lands Ends Rd		City Lantana	State FL
			Zip Code 33462
TYPE OF EXCEPTION REQUEST – CHECK ALL THAT APPLY			
☐	<u>Allocation based on previous water use</u> - it can be demonstrated that water conservation measures beyond those required in Chapter 13.12 were in place prior to the preceding nonshortage year. An additional quantity of water may be allocated to recognize the higher efficiency in place prior to the water emergency condition.		
☐	<u>Allocation based on previous water use</u> – it can be demonstrated that efficient and essential water uses are not represented in average water use.		
☐	<u>Irrigation</u> – Non-residential customers with irrigation and domestic use provided by the same water meter may receive an additional landscape allocation of up to 70 gallons (Phase II) per day per 1,000 square feet of landscaped area during April through October by documenting the landscaped square footage served by city water.		
☒	<u>Single-family residential</u> - parcels exceeding seven thousand (7,000) square feet in area, the quantity of up to twenty (20) gallons per day for each one thousand (1,000) square feet that the property area exceeds seven thousand (7,000) square feet for the purpose of maintaining mature landscape or orchard plants.		
☐	For medical conditions of a resident, a quantity as required to maintain health standards.		
Additional Amount Requested (if known): 3,700/day		Check One: ☐ HCF -or- ☒ Gallons	
Additional supporting information/considerations (please attach any additional supporting documentation): See attached letter.			

Updated 06/04/2021

PLEASE READ AND SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT			
If this condition is granted, I agree to: - Submit a request in writing to the Director of Public Works; - Adhere to all specific requirements contained within the exception; and - Any other specified conditions as determined by the City of St. Helena or Water Advisory Board - By signing below, applicant acknowledges and consents to the Water Advisory Board's review and use of applicant's customer records for the purpose of making a decision related to the permit application, and understands that such information, including historical water use, may be discussed and disclosed at a public meeting			
Name: <u>David Knobel</u>	Signature: <u>[Signature]</u>	Date: <u>9/15/21</u>	
PLEASE SUBMIT APPLICATIONS TO:		QUESTIONS?	
City of St. Helena: Public Works 1572 Railroad Avenue St. Helena, CA 94574		Email: mbeltran@cityofsthenela.org Website: www.cityofsthenela.org/Phaseii Phone: 707-968-2746	
STAFF USE ONLY			
Water use exception is hereby: ☐ Approved ☐ Denied			
Details of exception granted, including additional allocation:			
If denied, reason for denial:			
Approved by (check one):		☐ Public Works Director	☐ Water Advisory Board

Updated 06/04/2021



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September 15, 2021

Via E-mail and US Mail

Mark Rincón-Ibarra
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City of St. Helena
Department of Public Works
1572 Railroad Ave
St. Helena, CA 94574

Re: *1700 Howell Mountain Road - **Appeal of Water Allocation; Appeal of Water Penalty; and Application for Water Exception Permit***

Dear Mr. Rincón-Ibarra and Ms. Tzafoopoulos:

This office represents David Knobel regarding the above-referenced matter. Mr. Knobel hereby supplements the appeal filed on August 18, 2021 and attached as **Exhibit 1** (hereinafter, the appeal and this supplement are collectively referred to as the “**Appeal**”). This Appeal is made pursuant to Section 4(f) of City Council Resolution No. 2021-58 dated April 27, 2021 (“**Resolution 2021-58**”).¹ This Appeal contests: (I) the City of St. Helena’s (“**City**”) establishment of a Phase II water emergency; (II) the City’s imposition of the monthly water usage allocation (“**Monthly Allocation**”); (III) the City’s application of the Monthly Allocation to impose water excess penalties (“**Water Penalties**”), specifically those on Account No. 007974-000 for Mr. Knobel’s property at 1700 Howell Mountain Road, APN 025-140-030-000 (“**Property**”); (IV) the City’s arbitrary limits for customers to apply for a water exception permit (“**Exception Permit Application**”); and (V) the City’s insufficient notice to Mr. Knobel concerning the Monthly Allocation and Water Penalties.

¹https://www.cityofsthelena.org/sites/default/files/fileattachments/active_transportation_amp_sustainability_committee/page/24000/resolution_2021-0058.pdf. Resolution 2021-58 is entitled “Resolution of the City Council of the City of St. Helena Establishing Volumetric Penalties During Phase II and Phase III Water Emergencies.”

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While the City considers this Appeal and responds to the requests made herein, Mr. Knobel hereby requests an Exception Permit Application, pursuant to the City’s authority purportedly authorized by Section 6 of Resolution 2021-58 and St. Helena Municipal Code (“**SHMC**”) Section 13.04.280 to grant exceptions to the water conservation measures and Monthly Allocation imposed by Resolution 2021-58 (“**Exception Permit**”).² For the reasons described in more detail below, Mr. Knobel requests that the Property be granted an Exception Permit constituting the full amount of additional gallons under Section 13.040.280(A)(2) without the arbitrary upper limit of 250 gallons per day.

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² In applying for an Exception Permit, Mr. Knobel does not waive his right to contest the validity of the Monthly Allocation and Water Penalties, including by judicial review and court action. (See Water Code § 358 (“Nothing in this chapter shall be construed to prohibit or prevent review by any court of competent jurisdiction of any finding or determination by a governing board of the existence of an emergency or of regulations or restrictions adopted by such board, pursuant to this chapter, on the ground that any such action is fraudulent, arbitrary, or capricious.”); Water Code § 372(a) (“Nothing in this chapter prohibits a customer of the public entity from challenging whether the basic use allocation established for that customer’s account is reasonable under the circumstances.”); *Howard Jarvis Taxpayers Assn. v. City of Roseville* (2002) (97 Cal.App.4th 637) (granting declaratory, injunctive and mandate relief to plaintiff where Roseville violated Proposition 218).)

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I. RELEVANT FACTUAL BACKGROUND

A. Property Characteristics and Fire Hazard

Mr. Knobel's Property is 4.41 acres³ and sits on a hillside of forested land. The Property includes a single-family home, guest house, and small non-commercial vineyard (approximately 200 vine plants). The Property is in the City's Woodlands & Watershed zoning district,⁴ which the City considers a high fire hazard area. (SHMC 17.64.010(G).) Furthermore, the City identifies the Property as being within a Moderate Fire Hazard Severity area.⁵

Over the past 10 years, Mr. Knobel has completed extensive fire remediation work on the Property pursuant to his insurance company's instruction. In fact, following the insurance company's inspection of the Property in 2011, it required that Mr. Knobel trim trees hanging over the house, thin trees within 150 feet of the house, and create a defensible area of adequately watered space no less than 60 meters (196 feet) around his home because the Property is on sloped terrain.

Mr. Knobel took the precautions mandated by his insurance company, including creating a defensible space around his home with water-conscious landscaping and rock beds, trimming trees, and reducing the tree canopy. Per the insurance company's mandates, the Property's defensible space expands approximately 90,000 square feet around the home and includes the small vineyard. All of Mr. Knobel's fire remediation work has taken into consideration the maximum extent of water-use efficiency, and his water use is only as is necessary and reasonable in light of the size of the defensible space required around his property. The fire safety precautions cost Mr. Knobel approximately \$50,000 over the past five years.

Mr. Knobel's home was directly affected by the Glass Fire starting on September 27, 2020. His family was evacuated and could not live in the house for 110 days, and the fire swept through the Property burning the vegetation and trees up through a portion of the defensible area almost to the walls of his home. (See **Exhibit 2** – photos of the Property pre-Glass Fire – compared to **Exhibit 3** – photos of the Property post-Glass Fire.) His neighbor's home, less than 300 feet from Mr. Knobel's house on the Property, was completely destroyed. (*Id.*)

Mr. Knobel's home fortunately survived the fire, but the home and Property sustained a substantial amount of damage, including: (1) lifting and peeling of the stucco walls of the house

³ Napa County Assessor Information, APN 025-140-030-000.

⁴ http://www.ci.st-helena.ca.us/sites/default/files/fileattachments/planning_resources/page/1741/final_zoning_map_city_of_st_helena_updated_5.16.18_for_website.pdf.

⁵ See City of St. Helena Map Viewer (Public) available at http://gis.napa.ca.gov/html5viewer/?viewer=External_St_Helena

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causing the exterior to become exposed and porous, (2) molding of the roof due to the combination of ash and moisture, and (3) destroying his water tank, water lines to the home, cable and phone lines, septic system, landscaping lighting, and landscaping irrigation system on the Property. Notably, the irrigated vineyard within 150 feet of Mr. Knobel's home did not burn, despite the fact that the land on both sides of the vineyard was completely burned. (*Id.*)

Once Mr. Knobel replaced the infrastructure of the Property, he needed to clean and repair the exterior of the house and roof to remove fire, smoke, and ash damage and return the home to its fire-defensible condition. The risk and threat of fire danger to his home and the fact that his home was in barely livable condition necessitated that the repair work be completed as soon as possible. In Spring 2021, Mr. Knobel scheduled the cleaning and repair work for the next available date which was late June to August 2021.

To further emphasize the significant damage fires caused the Property, since Mr. Knobel was able to return to his home after being evacuated from the Glass Fire, he has had to repair water leaks caused by fire damage on six occasions. The latest leak occurred on August 17, 2021, of which he was notified by the City who called Mr. Knobel to inform him of a broken water line on his Property, caused by fire damage, which was leaking. As soon as Mr. Knobel learned of this leak on August 17, 2021, he immediately had it repaired. Despite Mr. Knobel's diligent and ongoing repairs, fire damage remains, as does the reality that the home could have burned but did not.

B. Mr. Knobel's Notice of City Actions Regarding Water Restrictions

The first notice provided by the City to Mr. Knobel that the City had declared a Phase II Water Shortage Emergency was by letter on February 19, 2021. (*See Exhibit 4.*) It stated that "Phase II water regulations limit residential users to 65 gallons per person per day during the months of November through March." (*Id.*) It blanketly provided a "monthly allotment" for no month certain of 7.82 units or 5,850 gallons for the Property. (*Id.*) No where in the letter did it state how the Phase II emergency was determined, how the water allocation was calculated, how the allocation was to be applied, when the allocation would go into effect, or how a customer would be affected if they exceeded the allocation. (*Id.*)

The next notice Mr. Knobel received from the City was by letter on May 21, 2021. (*See Exhibit 5.*) It indicated that the allotment of 65 gallons per person per day for residential indoor water use was "[s]tarting today, and through the remainder of the water crisis" and that penalties for inefficient water use were "effective June 1, 2021." (*Id.*) This was Mr. Knobel's first notice of the Property's June Monthly Allocation – 10 days before the program was to go into effect. The letter provided that Mr. Knobel's June 2021 Summer Monthly Allocation was 15.08 units or 11,282 gallons, different from the allocation in the February letter without explanation. (*Id.*) The

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letter did not explain the basis for his specific 15.08 unit (11,282 gallon) allocation, which appeared to depart from the calculations based on per-person and landscaping criteria set forth in the letter and SHMC Section 13.04.240. Therefore, it was unclear how the 15.08 unit or 11,282 gallons allocation was to be applied to per-person versus landscaping use. Based on the Property's historical water use in June 2019, according to the letter, the Property's June 2021 allocation was an 89% reduction from his June 2019 water use. (*Id.*) The May 21, 2021 letter was also the first notice to Mr. Knobel that the allocations were mandatory, versus advisory, and that the City was considering penalties "for inefficient water use." (*Id.*) However, the only calculation for the penalties was in a chart, without explanation. (*Id.*) Furthermore, the fact that the penalties were based on a per-unit/gallon-exceeded, rather than a flat charge, was only set out as a heading in the chart. (*Id.*)

As described above, Mr. Knobel already had in place many of the encouraged and mandatory conservation measures outlined in SHMC Section 13.04.221 including using water-saving devices, limiting the expansion or installation of new water-using appliances, limiting the hours of irrigation, and not washing any driveways, sidewalks, or motor vehicles at the Property. Nevertheless, upon receipt of the May 21, 2021 letter, Mr. Knobel immediately implemented additional water-usage reducing measures for the Property while still following his insurance company's requirements for an adequately-watered defensible space. This included changing all landscaping drippers from two gallons per hour to one-half gallon per hour, a 75% cut back. Mr. Knobel knew the Property would be vacant for most of June, and therefore, anticipated that the per-person water usage would also be heavily decreased.⁶ That said, without an example or clear explanation of how the penalties were to be implemented, Mr. Knobel did not find out until his next water bill whether his water-saving measures for the Property were sufficient to avoid a penalty; they were not.

It was not until July 23, 2021 when Mr. Knobel received his June 2021 bill that the effect of the 15.08 unit allocation and the fact that the penalty was calculated per exceeded-unit/gallon became clear, as (to the complete shock of Mr. Knobel) the bill included a June excess penalty of \$4,495.24. (See **Exhibit 6**.) Mr. Knobel had already completed the cleaning and repair work required on the exterior of his home following the Glass Fire damage, which occurred in early July 2021. The June bill confirms that the Property's June 2021 water usage decreased by 29% from its June 2019 water use. (*Id.*; see **Exhibit 5**.) To an even bigger shock to Mr. Knobel, when he returned to his primary residence in Florida on July 27, 2021, he received a letter from the City dated July 15, 2021 explaining that the June excess penalty emailed to him on July 23, 2021 was only 25% of the total penalty. The total penalty was actually \$17,980.95.

⁶ Mr. Knobel's primary residence is in Florida as reflected by the address of record on his Account No. 007974-000.

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Mr. Knobel immediately visited the City office after receiving his June bill to inquire about the penalty amount. City representative, Ian Dale, stated that the penalty was accurate. More recently, Mr. Knobel asked the City for an explanation of the breakdown of the 15.08 unit or 11,282 gallons allocation, because it differs from the criteria set forth in SHMC Section 13.04.240. According to the City, the allocation was determined by the following criterion: four people in the household, 33 days in the June billing period (May 26 to June 28), and a per day landscaping allotment which is different and lower than the flat 2,500 irrigation allotment set forth in SHMC Section 13.04.240. (See **Exhibit 7**.)

Mr. Knobel did not receive the Property's July Monthly Allocation in advance of July 1, 2021. Rather, the only notice Mr. Knobel received was in an August 11, 2021 letter from the City which notified him that he had exceeded the July Monthly Allocation. (**Exhibit 8**.) Mr. Knobel's July Monthly Allocation was 13.710 units or 10,256 gallons, without explanation. (*Id.*) Even though the Property's water use in July was a 41% reduction from water use in June 2019, Mr. Knobel is incredulously subject to \$7,198.78 in Water Penalties.⁷ As far as we can tell, the July Monthly Allotment was calculated similarly to the June Monthly Allotment, with a per day landscaping allotment that is different and lower than the flat 2,500 irrigation allotment set forth in SHMC Section 13.04.240. Mr. Knobel has not received a notice of his August Monthly Allotment, despite it being well into September.

II. APPEAL

A. CITY'S FLAWED ESTABLISHMENT OF PHASE II WATER EMERGENCY

Pursuant to California Water Code section 350 *et seq.*, the City Council may find that water shortage emergency conditions exist. (Water Code §§ 350 *et seq.*) SHMC 13.04.220 requires the City to classify the emergency into "phases" based on the severity of the shortage and make findings and determine that the relevant water shortage conditions exist. The City must also adopt a resolution setting forth the applicable phase. (SHMC 13.04.220.)

The criteria for a Phase II emergency is as follows:

1. The volume of water anticipated to be available prior to the next May 1st from all potable water sources, as determined by the director of public works based on a reasonable projection of the rainfall for the next rainy season, is not sufficient to meet the

⁷ Pursuant to the City's penalty forgiveness program, this amount represents 50% of the total penalty amount of \$14,397.55.

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projected demands through May 1st without demand reduction measures beyond the Phase I reductions being implemented; or

2. Conditions requiring the establishment of a Phase III water emergency appear imminent.
3. In assessing the need to impose Phase II restrictions, due weight shall be accorded to the trigger system developed by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.

(SHMC 13.04.240(A).)

On October 27, 2020, the City Council voted to purportedly declare a Phase II water emergency in Resolution 2020-107 (“**Resolution 2020-107**”). (See **Exhibit 9**.) However, the City’s establishment of a Phase II emergency and the accompanying Resolution 2020-107 are flawed because (1) Resolution 2020-107 provides no support for the City’s purported finding and only contains vague statements that make it invalid; (2) the Staff Report for the relevant agenda item discussed at the October 27, 2020 City Council meeting, at which Resolution 2020-107 was adopted, does not provide the requisite support for a Phase II declaration; and (3) the City did not review, consider, or discuss relevant evidence sufficient to declare a Phase II emergency at the October 27, 2020 City Council meeting. Therefore, the City failed to properly find and determine a condition within SHMC 13.04.240(A) exists.

First, in support of its finding that the prerequisites for declaring a Phase II water shortage emergency exist, Resolution 2020-107 provides no supporting evidence, or any evidence at all for that matter. Instead, Resolution 2020-107 includes vague and conclusory statements. For example, the recitals identify a “trigger system” found in the SHMC.⁸ The Code describes the “trigger system” as:

In assessing the need to impose Phase II restrictions, due weight shall be accorded to the trigger system developed by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the

⁸ Resolution 2020-107, Recital C; SHMC 13.04.240(A).

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level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.

(SHMC 13.04.240(A).)

This codified description is fundamentally invalid because it is too vague to provide sufficient notice to the public of a reasonable metric, or to have any legal meaning. Furthermore, the Staff Report for the relevant agenda item⁹ does not include any support for the Safe Yield Committee system or that a trigger system was reviewed. The City simply does not supply any support. The City did not raise or discuss the operative Safe Yield Committee report dated March 17, 2011¹⁰ until its February 23, 2021 City Council Meeting.¹¹ Resolution 2020-107 does not make any findings to support that it reviewed any evidence, let alone the Safe Yield Committee report. In other words, it appears the City made such a decision without any basis.

Second, the Staff Report from the relevant agenda item discussed at the October 27, 2020 City Council meeting¹² only provides that “as of October 13, 2020, Bell Canyon was at 399.8’ and 39.4% capacity.” However, the City supplies its water from three sources, and therefore, the information for Bell Canyon does not provide a clear picture. Furthermore, it does not explain how the Bell Canyon criteria fits within the Safe Yield Committee’s triggering analysis or otherwise triggers a condition under SHMC 13.04.240(A).

Third, the discussion at the October 27, 2020 City Council meeting surrounded the water regulations and restrictions that would flow from the Phase II declaration and how notice to customers would be effected. It was not until after the City Council moved to declare a Phase II emergency that a single council member inquired about the status of water supply and demand levels from the City’s three sources—Councilmember Paul Dohring raised the question of how much water is available and how that tied in with the Safe Yield Committee reports. Yet Councilmember Dohring’s question went unanswered and Resolution 2020-107 was adopted. Therefore, the City failed to properly find and determine a Phase II condition existed.

Indeed, water supply and demand levels were not discussed until the December 8, 2020 City Council meeting, the Staff Report for which indicated that “the available water supply versus projected demand through the end of fiscal year 2020/21 is currently in the positive” with the Bell Canyon Reservoir at 399.47 feet and 38.67% capacity, nearly identical to the numbers identified

⁹ Agenda Item 10.3 of the October 27, 2020 City Council Meeting.

¹⁰ SHMC 13.04.010 (defining “safe annual yield”)

¹¹ Staff Report for Agenda Item 11.1 at February 23, 2021 City Council Meeting.

¹² Agenda Item 10.3 of the October 27, 2020 City Council Meeting.

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in Resolution 2020-107.¹³ The December 8, 2020 Staff Report further evidenced that the water demand from July 1 to November 30, 2020 was below the water demand for the same time frame in 2018 and 2019. Even further, the projected water demand through the end of June 2021 was approximately 770 acre-feet whereas the projected water supply was 1,419 acre-feet.

Accordingly, the City failed to properly establish a Phase II water emergency given its lack of supporting evidence, in violation of Water Code section 350 *et seq.* and SHMC 13.04.220. Moreover, the City conceded in its Staff Report for the relevant agenda item at the February 23, 2021 City Council meeting that it “did not formally meet the criteria prescribed by SHMC Section 13.04.220” when it “moved forward with the declaration of a Phase I Emergency.”¹⁴

B. CITY’S MONTHLY ALLOCATION STRUCTURE EXCEEDS ITS AUTHORITY

Because the Phase I and II declarations (which were improper for the reasons explained above) serve as the City’s entire basis for the Monthly Allocations, the Monthly Allocation structure is inherently flawed as failing to have the requisite foundation. Even if the City properly determined and declared a Phase II emergency, which Mr. Knobel contests above, the City exceeded its authority by imposing its Monthly Allocation structure. Pursuant to Water Code section 353, once the City has determined and declared the existence of an emergency condition of water shortage, it can adopt regulations on the delivery and consumption of water “as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.” (Water Code § 353.) According to the SHMC, the City’s Phase II water regulations for single-family residential customers is a Monthly Allocation of sixty-five (65) gallons per person per day, plus twenty-five hundred (2,500) gallons per month from April through October for landscape irrigation. (SHMC 13.04.240(C)(2).) There is no similar monthly landscape irrigation allotment for November through March. (*Id.*)

The Water Code sets forth the requirements governing the City’s authority to implement any allocation-based conservation water program such as that set forth in Resolution 2021-58. Such programs must meet all of the following criteria:

- (1) Billing is based on metered water use.
- (2) A basic use allocation is established for each customer account that provides a **reasonable amount of water for the customer’s needs and property characteristics**. Factors used to determine the

¹³ Agenda Item 10.1 of the December 8, 2020 City Council Meeting.

¹⁴ Staff Report page 4 for Agenda Item 11.1 at February 23, 2021 City Council Meeting.

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basic use allocation may include, but are not limited to, the number of occupants, the type or classification of use, **the size of lot or irrigated area**, and the local climate data for the billing period. Nothing in this chapter prohibits a customer of the public entity from challenging whether the basic use allocation established for that customer's account is reasonable under the circumstances. Nothing in this chapter is intended to permit public entities to limit the use of property through the establishment of a basic use allocation.

(3) A basic charge is imposed for all water used within the customer's basic use allocation, except that at the option of the public entity, a lower rate may be applied to any portion of the basic use allocation that the public entity has determined to represent superior or more than reasonable conservation efforts.

(4) A conservation charge shall be imposed on all increments of water use in excess of the basic use allocation. The increments may be fixed or may be determined on a percentage or any other basis, without limitation on the number of increments, or any requirement that the increments or conservation charges be sized, or ascend uniformly, or in a specified relationship. The volumetric prices for the lowest through the highest priced increments shall be established in an ascending relationship that is economically structured to encourage conservation and reduce the inefficient use of water, consistent with Section 2 of Article X of the California Constitution.

(Cal. Water Code § 372(a), emphasis added.)

Criteria 2 includes that the City must allow a reasonable amount of water for the customer's needs and property characteristics. Here, the City has provided a flat amount of water allowed per single-family residence. The restriction therefore does not consider the size or other characteristics of a property, such as fire hazard. For example, this Property in the Woodlands and Watershed zoning district, where the lot areas range from 4 to 40 acres,¹⁵ is viewed, according to the City, in the same way as a property in the High Density Residential zoning district, where lot sizes can be as small as 1/28th of an acre.¹⁶ This Property, for example, is 4.41 acres. Moreover, the Woodlands and Watershed zoning district is intended to preserve community open space and is recognized as having steeply sloping areas and in high fire hazard areas,¹⁷ while the High Density Residential

¹⁵ SHMC 17.64.050.

¹⁶ SHMC 17.44.060.

¹⁷ SHMC 17.64.010(k).

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zoning district is generally limited to single and multi-family use and the homes sit among a neighborhood, which creates naturally defensible space from fire hazard.¹⁸ Despite the fact that most of the 4.41 acres on the Property is comprised of trees and vegetation, Mr. Knobel limits his irrigation water use to the required defensible space around his home per his insurance carrier's mandate. The fact that Mr. Knobel is granted the same amount of irrigation water use as other properties in different zones in the City is a clear violation of Criteria 2.

Furthermore, even if the City could justify the flat allocation for all residential zones (which it cannot), the City has put forth no support or explanation for its limit of 65 indoor gallons per day and 2,500 outdoor gallons per month. It appears the arbitrary amounts came from the City's prior shortage announcements in 2014, which were never actually implemented.¹⁹ The third party contractor that the City engaged to analyze and evaluate its Monthly Allocation structure and Water Penalties, Raftelis, estimated that the Monthly Allocation structure would result in a 29% overall demand reduction target for the summer months, with the residential user target at 41% reduction.²⁰ However, Raftelis did not determine that 29% reduction was even necessary. As set forth in its report, it posed to the City whether a 29% demand reduction would be sufficient and whether it was "appropriate and feasible to require a 41% reduction from residential users to achieve a 29% systemwide reduction."²¹ There is no evidence that the City adequately addressed these items before it implemented the limits.

Even if the 29% reduction were a carefully balanced criteria supporting the City's Monthly Allocations, Mr. Knobel has individually reached that reduction in June 2021 (29% reduction) and surpassed that reduction in July 2021 (41% reduction). Requiring the Property to further reduce water use by a percentage of 90% is impracticable and fails to take into consideration the Property's size and other characteristics. Raftelis further recommended that the City "harmonize irrigation water allotments between Residential and Non-Residential" classes, indicating that the City's 10% reduction for commercial customers was not fair or proportional to the impracticable reductions it required of certain residential customers.²² However, there is no evidence that any attempts were made by the City to do so. For these reasons, the City and Resolution 2021-58 do not meet Criteria 2.

¹⁸ SHMC 17.44.010.

¹⁹ Staff Report from relevant agenda item 12.2 from the March 23, 2021 City Council Meeting.

²⁰ Staff Report, page 46, from relevant agenda item 12.2 from the March 23, 2021 City Council Meeting; Staff Report, page 25, from relevant agenda item 10.1 from the April 13, 2021 City Council Meeting.

²¹ Staff Report, page 48, from relevant agenda item 12.2 from the March 23, 2021 City Council Meeting; Staff Report, page 27, from relevant agenda item 10.1 from the April 13, 2021 City Council Meeting.

²² Staff Report, page 49, from relevant agenda item 12.2 from the March 23, 2021 City Council Meeting; Staff Report, page 28, from relevant agenda item 10.1 from the April 13, 2021 City Council Meeting.

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Criteria 4 contemplates conservation charges on water use in excess of the basic use allocation, which is precisely the Water Penalties imposed by Resolution 2021-58. Criteria 4 allows the excess charge to be fixed or determined on a percentage or any other basis. Despite the discretion to allow for fixed excess charges, the City opted to impose percentage-based charges. The only explanation for this provided by the City was that the “penalties are designed to minimize the impact on those bills that exceed the allocation by a little bit, while sending a strong message to unusually heavy water users.” (See **Exhibit 5**.) However, if the basic use allocation does not take into account the wide-ranging lot sizes, needs, and characteristics of properties in the City’s different zoning districts, the percentage by which a customer exceeds the basic allocation does not fairly indicate whether or not a customer is an “unusually heavy water user.” Therefore, the City has not shown that the conservation charge is economically structured to reduce the inefficient use of water. For these reasons, the City and Resolution 2021-58 do not meet Criteria 4.

The City must meet all of the requirements of Section 372(a). However, the City fails to meet Criteria 2 and Criteria 4; therefore, the City has exceeded its statutory authority. The Monthly Allocation structure is thus invalid both as applied to this Property and as a whole.

C. CITY’S IMPOSITION OF WATER PENALTIES EXCEEDS ITS AUTHORITY

Because the Phase I and II declarations (which were improper for the reasons explained above) serve as the City’s entire basis for the Water Penalties, that structure is inherently flawed as failing to have the requisite foundation above. Even if the City properly determined and declared a Phase II emergency, which Mr. Knobel contests above, the imposition of Water Penalties approved through adoption of Resolution 2021-56 violates section 6 of article XIII D of the California Constitution because revenues derived from the fees exceed the funds required to provide water service to ratepayers, and because the fees exceed the proportional cost of water service attributable to each parcel.

Articles XIII C and Article XIII D of the California Constitution (commonly known as “Proposition 218”) limit the methods in which local governments can create or increase taxes, assessments, fees, and charges levied “as an incident of property ownership” or for a “property-related service,” which include water rates imposed on customers of a public agency. (See Cal. Const., Article XIII, Sections C-D; *see generally Capistrano Taxpayers Ass’n, Inc. v. City of San Juan Capistrano* (2015) 235 Cal.App.4th 1493.) In accordance with these Articles, a property-related fee must meet certain requirements including that: “Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service”; and “The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.” (Cal. Const., Article XIII D, Section 6(b)(1),(3).)

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California Water Code section 373 requires similar conditions as those in Proposition 218. That is, (a) Revenues derived from allocation-based conservation water pricing shall not exceed the reasonable cost of water service including basic costs and incremental costs; and (b) Revenues derived from allocation-based conservation water pricing shall not exceed the proportional cost of service attributable to the customer's parcel. (Water Code § 373.)

In analyzing Articles XIII C and D, California courts have cast doubt on any municipal price structure that imposes a penalty rate for excessive water use, as violating the proportionality requirement set forth in Proposition 218. (See *Capistrano*, 235 Cal.App.4th at 1514-15 (finding that a conservation penalty would make a “mockery of the Constitution” and would create a loophole to the requirements of Articles XIII C and D of the California Constitution so large that it would virtually repeal Proposition 218). The Court in *Capistrano* explained:

All an agency supplying *any* service would need to do to circumvent article XIII D, section 6, subdivision (b)(3), would be to establish a low legal base use for that service, pass an ordinance to the effect that any usage above the base amount is illegal, and then decree that the penalty for such illegal usage equals the incrementally increased rate for that service. Such a methodology could easily yield rates that have no relation at all to the actual cost of providing the service at the penalty levels. And it would make a mockery of the Constitution.

(*Capistrano*, 235 Cal.App.4th at 1515 (emphasis in original).)

The California Supreme Court clarified that agencies (and not property owners) bear the burden of proof to demonstrate Proposition 218 compliance in proving that the contested assessment is proportional to the benefits conferred on the property in question and that the revenue derived from the assessment does not exceed the funds actually required to provide the service. (*Silicon Valley Taxpayers Ass'n, Inc. v. Santa Clara County Open Space Authority* (2008) 44 Cal.4th 431, 448; see also *Capistrano* 235 Cal.App.4th at 1504.) Therefore, the burden of proving Proposition 218 compliance for any water conservation program lies with the agencies providing the service – here, the City.

Here, the penalty structure imposed by Resolution 2021-58 does not meet Proposition 218 or Water Code section 373 compliance because (1) the amount of the penalty on the Property undoubtedly exceeds the proportional cost of the water service attributable to the Property; and (2) the revenues derived from the penalties undoubtedly exceed the funds required to provide the Property water service. Both are violations of the California Constitution, Article XIII C and D, Section 6(b)(1),(3), and the latter is an additional violation of Water Code section 373.

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1. The City has not met its burden to show that the Water Penalties are proportional to the cost of water service attributable to the Property.

The City has implemented a percentage-based volumetric penalty which increases the fee depending on the level of water use that exceeds the Monthly Allocation. However, the City does not show that such percentage-based fee is proportional to the cost of water attributable to the Property.

For example, the City has required Mr. Knobel to reduce his water usage by almost 90% from his water use from June 2019, and any amount used in excess is charged at an increasing rate depending on over-usage. Meanwhile, the City requires commercial water users to reduce allocation by a flat 10%. (SHMC 13.04.240(C)(1).) It is inevitably more likely for a commercial water customer to incur a lower percentage of penalties than Mr. Knobel, just based on the different standards at which the Monthly Allocations are set. However, the City does not show that the cost of water service to commercial water customers is any lower than that to residential customers. This simply fails the proportionality test set forth in Proposition 218. (*See City of Palmdale v. Palmdale Water Dist.* (2011) 198 Cal.App.4th 926, 936 (holding that an agency failed to carry its burden of proving proportionality where it increased water rates for residential irrigation users while permitting commercial users to exceed their budgeted allocation).)

Given that the burden is on the City to prove compliance with the fee proportionality requirement of the California Constitution, by this appeal, Mr. Knobel requests that the City provide justification and legal authority for its Water Penalties.

2. The City has not met its burden to show that revenues it derives from the Water Penalties are proportionate to the funds actually required to provide water service.

At the City's Water Advisory Board meeting on July 16, 2021, it presented a June 2021 Water Meter Reads & Penalty Overview ("Penalty Overview"). (**Exhibit 10.**) The Penalty Overview confirms that 900 customers exceeded their June 2021 allocations, 371 of which exceeded it by over 100%. (*Id.*) Total penalties issued, and presumably collected, by the City in June 2021 was reported at approximately \$2.97 million. (*Id.*) It appears that, 861 of the 900 customers who exceeded their June Monthly Allocation were residential customers – 167 (or 19%) of which were issued penalties greater than \$3,000. (*Id.*) This revenue collected by the City cannot possibly be proportionate to the funds actually incurred to provide water service. And, even if it is, it is the City's burden to demonstrate proportionality.

The City likely recognized that it strayed from Proposition 218 once it realized the excessive and extortionate penalties that it would issue on 19% of its residential customers, including Mr. Knobel. This explains why the City suspended 75% of June 2021 penalties and 50%

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of July 2021 penalties.²³ The City further offered to forgive June and July penalties if a customer does not exceed their allocation in August through November 2021. However, “[i]f a customer does not keep usage below targets during the four designated months, then any suspended amount becomes payable to the City.” The City’s forgiveness program still strays from Proposition 218 and Water Code section 373 justification. Given that the burden is on the City to prove compliance with the revenue proportionality requirement of the California Constitution, by this appeal, Mr. Knobel requests that the City provide justification and legal authority for its Water Penalties structure.

D. CITY’S ARBITRARY LIMITS FOR EXCEPTION PERMITS DO NOT RESOLVE CITY’S AFOREMENTIONED FAILURES

Pursuant to SHMC Section 13.04.280, as part of Resolution 2021-58, the director of public works shall grant exception permits in addition to any Monthly Allocation, based on limited conditions, including the two discussed separately below. These exceptions are not sufficient to resolve the City’s lack of authority in imposing the Monthly Allocation and Water Penalties and, in any case, do not provide justification for the City to exceed its authority.

1. Exception 13.04.280(A)(2): parcels exceeding 7,000 square feet

One such condition applicable to the Property is Section 13.04.280(A)(2), which provides an exception “for single-family residential parcels exceeding seven thousand (7,000) square feet in area” and allocates “the quantity of up to twenty (20) gallons per day for each one thousand (1,000) square feet that the property area exceeds seven thousand (7,000) square feet for the purpose of maintaining mature landscape or orchard plants.” However, “[a]n exception granted based on this subsection shall allow the use of **no more than an additional two hundred fifty (250) gallons per day for this purpose.**” (SHMC 13.04.280(A)(2).)

While Section 13.04.280(A)(2) contemplates allocating additional water units based on Criteria 2 required under Water Code Section 372(a)(2) (*i.e.*, a property’s size and characteristics), it arbitrarily limits the exception to 250 gallons per day, which would be a maximum of 8,250 gallons for June (a 33-day billing period); and 7,500 gallons for July and August (30-day billing periods).²⁴

Mr. Knobel’s Property exceeds 7,000 square feet by 185,099.60 square feet (or approximately 185 parcels of 1,000 square feet). Under SHMC Section 13.04.280, this lot size would warrant an additional 3,700 gallons per day (185 parcels x 20 gallons). For June, the

²³ Press Release, City of St. Helena Approves Water Usage Penalty Forgiveness Program (7/30/21), <https://www.cityofstheleena.org/community/page/press-release-city-st-helena-approves-water-usage-penalty-forgiveness-program>.

²⁴ <https://www.cityofstheleena.org/water-emergency/webform/residential-allocation-calculator>.

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additional monthly amount for the Property would be 122,100 gallons (3,700 gallons per day x 33-day billing period) and for July and August, the additional monthly amount would be 111,000 gallons (3,700 gallons per day x 30-day billing period).

If Mr. Knobel were granted 122,100 gallons for June in addition to his Monthly Allocation of 11,281 gallons, his total allocation would increase to 133,381 gallons or 178.32 units. (**Exhibit 5.**) If this were the case, Mr. Knobel's June water use of 73,304 gallons or 98 units would be well within the allocation. (*Id.*) Similarly, if Mr. Knobel were granted 111,000 gallons for July and August in addition to his Monthly Allocation of 10,256 gallons, his total allocation would increase to 121,256 gallons or 162 units, which Mr. Knobel's actual water use would again be will within. (**Exhibit 8.**)

However, with the arbitrary limit of 8,250 additional gallons for June and 7,500 gallons for July and August, Mr. Knobel's allocation would only increase to 19,532 gallons or 26.11 units for June and 17,756 gallons or 23.8 units for July and August, which is insufficient to adequately address Criteria 2 of Water Code Section 372(a).

2. Exception 13.04.280(B): unnecessary and undue hardship; affecting fire protection

Another condition on which the director of public works may grant an exception permit is pursuant to SHMC Section 13.04.280(B). If the water advisory board finds and determines that current water conservation measures would: (1) cause an unnecessary and undue hardship to the applicant or to the public; (2) cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public; or (3) promote water conservation by providing for the establishment of water efficient landscaping meeting the standards of Section 17.112.140, an exception permit may be granted. (SHMC 13.04.280(B).)

Based on the facts described above that Mr. Knobel's Monthly Allocation does not take into account (1) his lot size in relation to other properties in different zones; (2) the Property's unique characteristics such as its sloping nature, heavily forested landscape, and high fire hazard area; and (3) Mr. Knobel's efforts to establish water efficient landscaping, an exception under SHMC Section 13.04.280(B) should clearly be granted for the Property. However, the City's standard of review on a Section 13.04.280(B) exception application is that it "may" grant the permit versus a strict "shall" standard that a Section 13.04.280(A)(2) permit requires. Furthermore, even if an exception is granted under Section 13.04.280(B), there is no enumerated calculation for the exception amount. Therefore, this exception does not resolve the City's lack of authority in implementing the Monthly Allocation and Water Penalties structure. The opportunity for a customer, including Mr. Knobel, to apply for an exception permit does not negate the City's obligation to meet its authority for imposing monthly allocations and penalties.

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E. CITY'S INSUFFICIENT NOTICE OF CONDUCT DESCRIBED HEREIN IS A VIOLATION OF CUSTOMERS' DUE PROCESS RIGHTS

The City is required to abide by the procedural and substantive due process requirements under constitutional law. (U.S. Const., XIV Amendment; Cal. Const., Article I, §§ 7, 15.) Here, the City's failure to abide by the Due Process Clause can be described as follows, without limitation:

- Providing inconsistent Monthly Allocations to Mr. Knobel for the Property;
- Providing Monthly Allocations which do not comply with SHMC 13.04.240(C)(2), as the per day landscaping allotment is different and lower than the flat 2,500 irrigation allotment set forth in SHMC 13.04.240.
- Failing to provide an explanation of the Monthly Allocation such that a customer could reasonably attempt to conserve accordingly;
- Providing only 10 days of notice of the Water Penalties before they were to be effective;
- Failing to sufficiently explain the Water Penalties and, particularly, the fact that they were based on per-unit/gallon-exceeded versus a flat fee;
- Failing to provide an example of how the Water Penalties would be applied;
- Failing to convey the Property's July and August Monthly Allocations; and
- Failing to set forth a clear method for Mr. Knobel to oppose and appeal the Monthly Allocation and Water Penalties.

Based on these failures, described with respect to Mr. Knobel more fully above in section I.B., the City failed to give sufficient procedural and substantive notice to Mr. Knobel of his Monthly Allocations and Water Penalties, and therefore, they should be invalid.

III. MR. KNOBEL TIMELY SUBMITTED HIS APPEAL

Pursuant to Section 4(f) of Resolution 2021-58, any person who wishes to appeal the imposition of a Water Penalty may do so. "[A]ny person who shall have a right to appeal . . . may, at any time within thirty (30) days after such determination, appeal to the city council by giving written notice to the director of public works and to the city clerk, setting forth the determination with which such person is dissatisfied."²⁵ (SHMC 13.04.180(A).)

²⁵ Resolution No. 2021-58 further requires that "[n]otice of the right to appeal the imposition of a volumetric penalty shall be included in the customer's water bill." However, Mr. Knobel's water bill contained no such notice. (*Memphis Light, Gas & Water Div. v. Craft* (1978) 436 U.S. 1, 98 (holding notice did not comport with constitutional requirements when it does not advise the customer of the availability of a procedure for protesting a decision.)

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Pursuant to Section 4(e) of Resolution 2021-58, the receipt of a water bill with any applicable Water Penalty shall serve as notice of violation of Resolution 2021-58. Mr. Knobel received his June 2021 water bill via email on July 23, 2021. (Email attached as **Exhibit 5**.) Thirty days from Mr. Knobel's date of receipt is August 22, 2021.

On August 18, 2021, Mr. Knobel gave timely written notice of appeal to the Director of Public Works and to the City Clerk setting forth his protest and appeal of the June Excess Penalty. (Email attached as **Exhibit 1**.) Mr. Knobel's appeal was timely because it met the 30-day limitation and has met the procedurally requirements to have his appeal addressed. However, the City has not provided Mr. Knobel, nor the public, with a clear method for appeal. The SHMC does not require a specific format for the appeal, we were unable to locate a relevant appeal form on the City's website, and the City has not responded to the appeal we submitted.

IV. MR. KNOBEL'S WATER EXCEPTION PERMIT REQUEST

In light of the above facts and argument on appeal, which is hereby incorporated into this Section IV, Mr. Knobel requests a water exception permit under SHMC Sections 13.04.280(A)(2) and (B) as follows: that the Property be granted the full amount of additional water contemplated under Section 13.04.280(A)(2) without the arbitrary upper limit of 250 gallons per day,²⁶ on the grounds that, without this requested exception, the Monthly Allocation – which was implemented by the City in excess of its authority (1) creates an unnecessary and undue hardship to Mr. Knobel, (2) has a negative effect on Mr. Knobel's fire protection efforts, and (3) does not take into consideration Mr. Knobel's established water efficiency efforts. This Water Exception Permit Request is to be applied retroactively beginning with Mr. Knobel's June 2021 bill.

V. CONCLUSION

Based on the foregoing, Mr. Knobel appeals: (I) the City's establishment of a Phase II water emergency; (II) the City's imposition of the Monthly Allocation, as it pertains to the Property and generally; (III) the City's Water Penalties, as they pertain to the Property and generally; (IV) the City's arbitrary limits on Water Exception Permits; and (V) the City's insufficient notice of the Property's Monthly Allocation and Water Penalties which makes it in violation of its due process requirements. By this appeal, Mr. Knobel requests that the City provide justification and legal authority for its Phase II water emergency, Monthly Allocation structure, and Water Penalties. While the City considers this Appeal, Mr. Knobel requests a Water Exception Permit for the full amount of additional water contemplated under Section 13.04.280(A)(2) without the

²⁶ i.e., 133,381 gallons (or 178.32 units) for June; 121,256 gallons (or 162 units) for July and August; and so on for the remainder of months that Resolution 2021-58 is in effect.

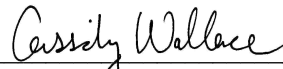
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arbitrary upper limit of 250 gallons per day. Mr. Knobel reserves the right to take further action as necessary.

Very truly yours,



Cassidy Wallace, Esq.
Kaufman, Dolowich & Voluck, LLP

CC:

Martin Beltran (via E-Mail and U.S. Mail)

mbeltran@cityofsthelena.org

City of St. Helena Public Works

1572 Railroad Avenue

St. Helena, CA 94574

Enclosures

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VERIFICATION

I, DAVID KNOBEL, declare as follows:

I am the water account holder for Account No. 007974-000 and property owner of 1700 Howell Mountain Road, APN 025-140-030-000. I am familiar with the contents of the letter by Cassidy A. Wallace of Kaufman Dolowich Voluck to Mark Rincón-Ibarra and Cindy Tzafopoulos regarding 1700 Howell Mountain Road - Appeal of Water Allocation; Appeal of Water Penalty; and Application for Water Exception Permit Request.

The information supplied therein is based on my personal knowledge and/or has been supplied by my attorneys or other agents and is therefore provided as required by law. The information contained in the foregoing is true, except as to the matters which were provided by my attorneys or other agents, and, as to those matters, I am informed and believe that they are true.

With respect to the Water Exception Permit Request, if the condition is granted, I agree to adhere to all specific requirements contained within the exception and any other specified conditions as determined by the City of St. Helena or Water Advisory Board. By signing below, I acknowledge and consent to the Water Advisory Board's review and use of my customer records for the purpose of making a decision related to the permit application, and understand that such information, including historical water use, may be discussed and disclosed at a public meeting.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this verification was executed September 15, 2021 at Lantana, Florida.

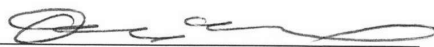

DAVID KNOBEL

EXHIBIT 1

Cassidy Wallace

From: Cassidy Wallace
Sent: Wednesday, August 18, 2021 4:36 PM
To: mrincon@cityofsthelena.org; ctzaopoulos@cityofsthelena.org
Subject: Notice of Appeal re: Water Penalty - 1700 Howell Mountain Road (Account No. 007974-000)

Dear Mr. Rincón-Ibarra and Ms. Tzaopoulos:

Please accept this correspondence as a notice of appeal of the City of St. Helena's imposition of volumetric water penalty (June Excess Penalty) issued on July 23, 2021 to 1700 Howell Mountain Road (APN 025-140-030-000) on behalf of the property owner, David Knobel. This notice is pursuant to St. Helena Municipal Code Section 13.04.180 and City of St. Helena Resolution No. 2021-58 Section 4(f). This office represents Mr. Knobel regarding the above and we respectfully request that you direct any communication regarding the appeal to this office.

Please confirm receipt and advise as to next steps. If there is a specific form on which you prefer appeals, will you please provide a copy? Thank you.

Best regards,
 Cassidy

Cassidy Wallace
 Attorney at Law



19327 Sonoma Highway, Suite 100
 Sonoma, CA, 95476

Direct: 707-509-5275
 Cell: 707-931-9997
 Main: 707-509-5260
 Email: cwallace@kdvlaw.com

425 California Street, Suite 2100
 San Francisco, CA 94104

Main: 415-926-7600
 Fax: 415-926-7601

WWW.KDVLAW.COM



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Please consider the environment before printing.

EXHIBIT 2

1700 Howell Mtn - Before Fire

Legend

 1700 Old Howell Mountain Rd

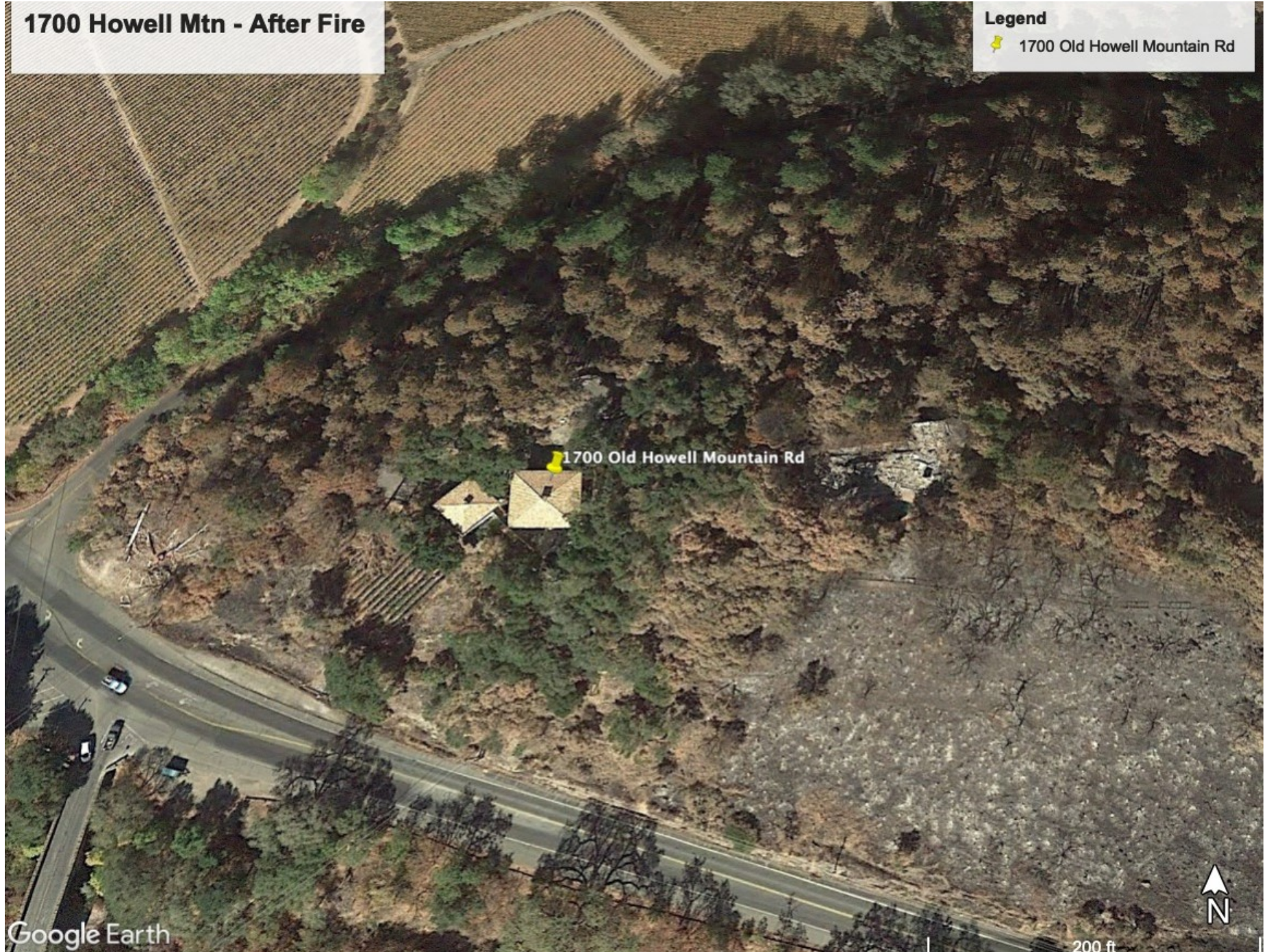


EXHIBIT 3

1700 Howell Mtn - After Fire

Legend

 1700 Old Howell Mountain Rd



Google Earth

EXHIBIT 4

01/02/2020 065330001660



CITY OF ST. HELENA
UTILITY BILLING DEPARTMENT
1480 MAIN ST
SAINT HELENA, CA 94574-1854

City of St. Helena
Utility Billing Department
1480 Main Street
St. Helena CA 94574
(707) 968-2745

065330001660*9*1*****MIXED AADC 970

DAVID KNOBEL
1235 LANDS END RD
LANTANA, FL 33462-4770

February 19, 2021



Account number: 007974 - 000
Service Address: 1700 Howell Mtn Rd

Dear David Knobel,

On October 27, 2020, the St. Helena City Council declared a Phase II Water Shortage Emergency because of the lack of rainfall and resulting low reservoir level. Phase II water regulations limit residential users to 65 gallons per person per day during the months of November through March. Your water use is billed in "units" of hundred cubic feet (HCF). There are 748.05 gallons per HCF; therefore, 65 gallons per day is equivalent to 2.61 units per person, per month.

During the months of April through October, an additional allocation of 3.34 units (2,500 gallons) per month will be allocated for landscaping. This equates to approximately an additional 83 gallons per day.

You can locate your water consumption per month on your utility bill here (Cons = Water use in "units")*:

METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
08798711	10/30/2020	2326	11/19/2020	2330	4
08798711	11/19/2020	2330	12/30/2020	2345	15

*Please note, the above is a SAMPLE and not your actual water bill.

Recognizing the importance of communication during the Phase II emergency, the City will be providing customers with monthly water use information. This will occur through the regular bi-monthly billing cycle and through letters on non-billing months.

On January 29, 2021, the City conducted a monthly, informational only, water meter reading. The usage associated with this account for the past 30 days is **31.00 units**, or **23,189.55 gallons**. Based on the information we currently have on file your monthly allotment is currently **7.82 units***, or **5,850.00 gallons***.

If you have not already completed the Household Survey online, please complete the online survey as soon as possible at: <https://www.cityofstheleena.org/watersurvey> or complete the enclosed survey and return by mail/drop off at Interim City Hall, located at 1572 Railroad Avenue, St. Helena, CA 94574.

**Please note that if the City does not receive a response, your water allocation will assume there are two persons in your household, which is not currently reflected in the above allotment calculations.*

We invite you to contact City staff if you have a question at (707) 968-2745 or by email at water@cityofstheleena.org.

EXHIBIT 5



CITY OF ST. HELENA
UTILITY BILLING DEPARTMENT
1572 RAILROAD AVE
SAINT HELENA, CA 94574-1169
(707) 968-2745

00000000000000000000

May 21, 2021



KNOBEL DAVID
1235 LANDS END RD
LANTANA, FL 33462-4770

Account number: 007974-000
Service Address: 1700 Howell Mtn Rd

Dear Knobel David,

Like many California communities, St. Helena is facing a water crisis. Lack of rain and use of water from Bell Canyon Reservoir to fight last year's wildfires has contributed to this worsening emergency.

As we did last year during wildfire season and throughout COVID-19, we must pull together as a community to weather this worsening drought. If we do not, it is inevitable that we will be forced to move from Phase II water restrictions currently in place to the more painful restrictions necessary in Phase III.

Doing Your Part

- Starting today, and through the remainder of the water crisis, we are calling on customers to use water efficiently and keep their residential indoor water use below **65 gallons per person per day**.
- During the summer period, residential customers must also limit outdoor irrigation to no more than 2,500 gallons per month. Known as an "allocation," some residential customers prefer to think of the 2,500 gallons per month as a monthly water budget for discretionary outdoor watering.

Penalties for Inefficient Water Use, Effective June 1, 2021

In recognition of the dire situation, City Council recently adopted a penalty structure for customers who exceed their property's monthly water allocation. These penalties are designed to minimize the impact on those bills that exceed the allocation by a little bit, while sending a strong message to unusually heavy water users.

Exceed Monthly Water Allocation By	Penalty per Hundred Cubic Feet (748 Gallons)	\$ per Gallon Exceeded
Less than 25% (up to 24,999%)	\$10.00	\$0.013
25-50% (25-49,999%)	\$25.00	\$0.033
50-100% (50-99,999%)	\$100.00	\$0.134
Greater than 100%	\$250.00	\$0.334

For Perspective

As a point of comparison, below is the water consumption we recorded on your account in the same month in 2019 (due to COVID, 2020 use was not used).

June 2019 water use: **138.00 units**, or **103238.00 gallons**.

June 2021 Summer Monthly Allocation: **15.08 units**, or **11282.00 gallons**.

We're in This Together!

The enclosed fact sheet provides more information and provides helpful tips on indoor and outdoor water conservation. Thank you for your work to help us get through this difficult time together as a community. As we have in the past, we have no doubt our friends and neighbors in St. Helena will emerge from this crisis stronger and more resilient than ever!

Questions or Concerns?

Contact City staff at (707) 968-2745 or by email at water@cityofstheleena.org.

EXHIBIT 6

7/24/2021

Mail - David Knobel - Outlook

Your bill from City of St. Helena is ready.

noreply@merchanttransact.com <noreply@merchanttransact.com>

Fri 7/23/2021 9:26 AM

To: David Knobel <david@dknobel.com>

City of St. Helena
1572 Railroad Avenue
St. Helena, CA 94574
17079682753
8 AM to 5 PM

Account Information

Account: 007974-000
Name: David Knobel
Service Address: 1700 Howell Mtn Rd
Service Period: 5/1/2021 to 6/30/2021 (61 days)
Billing Date: 7/15/2021
Due Date: 8/20/2021

Meter Reading

Serial	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
004118053	4/30/2021	9388.00000	5/26/2021	9465.00000	77.00000
004118053	5/26/2021	9465.00000	6/28/2021	9563.00000	98.00000

Current Charges

Miscellaneous: June Excess Penalty \$4,495.24
Water: \$0.00
Water: Water Base Fee 5/8" Residential \$131.26
Water: Water Base Fee 5/8" Residential Consumption \$0.00
Water: Water Use @ \$7.44 Consumption \$1,302.00
Total Current Charges: **\$5,928.50**

29% Reduction from June 2019 (handwritten note with arrow pointing to the Total Current Charges)

Bill Summary

Previous Balance: \$184.78
Payments Received: \$184.78
Adjustments: \$0.00
Current Charges: \$5,928.50
*** Total Amount Due by: 8/20/2021** **\$5,928.50**

* This was the amount due at the time of billing.

To view your amount due at the current time and make a payment [click here](#).

Auto payment is setup for this customer account, do not pay.

EXHIBIT 7

Cassidy Wallace

From: April Mitts <AMitts@cityofsthelena.org>
Sent: Tuesday, August 24, 2021 4:06 PM
To: Cassidy Wallace; Martin Beltran
Subject: RE: [External] Knobel, David (St. Helena Water Account # 007974-000)

[EXTERNAL SENDER]
 Hi Cassidy,

I was able to verify the methodology for the allocation for June for the account referenced above:

007974-000 has an allocation of 15.08 for June 2021.

June 2021 has 33 days in the billing period and 33 days with a summer residential outdoor allocation.

Indoor Allocation = 4 people in household 33 days X 65 GPCD / 748.05 gallon per HCF = 11.47 HCF

Outdoor allocation = 33 Summer Days X 81.78 Gallon per Summer Month Day / 748.05 gallon per HCF = 3.60 HCF

11.47 + 3.60 = 15.08 HCF allocation.

I hope this helps, please let me know if you have any questions.

April Mitts
 Administrative Services Director
 1572 Railroad Avenue
 St. Helena, CA 94574
 707.968.2751
amitts@cityofsthelena.org

Help End St. Helena's Water Crisis

 Indoor < 65 Gal per person per day	 Outdoor < 2,500 Gal per month	 Business and Agricultural ↓ at least 10%
--	---	--

For summer watering rules and conservation tips, visit www.cityofsthelena.org!

Ayuda a Poner Fin a La Crisis Del Agua en St. Helena

 Interior < 65 Gal por persona	 En las afueras < 2,500 Gal por mes	 Negocios y Agricultura Por Lo Menos 10% ↓
---	--	---

¡PARA LAS REGLAS DE RIEGO DE VERANO Y CONSEJOS DE CONSERVACIÓN, VISITA WWW.CITYOFSTHELENA.ORG!

From: Water
Sent: Monday, August 23, 2021 5:37 PM

To: 'Cassidy Wallace' <cwallace@kdvlaw.com>; Martin Beltran <MBeltran@cityofsthelena.org>
Subject: RE: [External] Knobel, David (St. Helena Water Account # 007974-000)

Hi Cassidy,

Thank you for your email. Martin is out of the office for a few days due to a family emergency, and I wanted to let you know that I am researching the allocation and will get back to you as soon as possible.

April Mitts
 Administrative Services Director
 1572 Railroad Avenue
 St. Helena, CA 94574
 707.968.2751
amitts@cityofsthelena.org

Help End St. Helena's Water Crisis



Indoor
< 65 Gal
 per person per day



Outdoor
< 2,500 Gal
 per month



Business and
 Agricultural
 ↓ at least **10%**

For summer watering rules and conservation tips, visit www.cityofsthelena.org!

Ayuda a Poner Fin a La Crisis Del Agua en St. Helena



Interior
< 65 Gal
 por persona



En las afueras
< 2,500 Gal
 por mes



Negocios y
 Agricultura
 Por Lo Menos
10% ↓

¡PARA LAS REGLAS DE RIEGO DE VERANO Y CONSEJOS DE CONSERVACIÓN, VISITA WWW.CITYOFSTHELENA.ORG!

From: Cassidy Wallace <cwallace@kdvlaw.com>
Sent: Monday, August 23, 2021 1:17 PM
To: Water <water@cityofsthelena.org>; Martin Beltran <MBeltran@cityofsthelena.org>
Subject: RE: [External] Knobel, David (St. Helena Water Account # 007974-000)

Hello,

I am following up on the below request.

Thanks so much,
 Cassidy

Cassidy Wallace
 Attorney at Law



19327 Sonoma Highway, Suite 100

Sonoma, CA, 95476

Direct: 707-509-5275
Cell: 707-931-9997
Main: 707-509-5260
Email: cwallace@kdvlaw.com

425 California Street, Suite 2100
San Francisco, CA 94104

Main: 415-926-7600
Fax: 415-926-7601

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 Please consider the environment before printing.

From: Cassidy Wallace <cwallace@kdvlaw.com>
Sent: Wednesday, August 18, 2021 2:34 PM
To: water@cityofsthelena.org; mbeltran@cityofsthelena.org
Subject: Knobel, David (St. Helena Water Account # 007974-000)

Dear St. Helena Water Department and Water Advisory Board:

This office represents St. Helena resident, David Knobel, concerning his property located at 1700 Howell Mountain Road (Water Account # 007974-000). On July 27, 2021, Mr. Knobel received the attached Notice of Penalty dated July 15, 2021 issued/governed by these departments. The Notice informs Mr. Knobel of his June 2021 allocation of 15.080 units. We are aware of St. Helena Municipal Code section 13.04.240 setting forth the criteria of measurement for allocations; however, Mr. Knobel's 15.080 unit allocation appears to vary from Section 13.04.240 and it isn't clear from the Notice how the 15.080 unit allocation was determined. We would like to better understand its make-up so we are respectfully requesting an explanation and/or documentation which reflects the basis for Mr. Knobel's 15.080 unit allocation. It would be very much appreciated, and we thank you in advance.

Best regards,
Cassidy

Cassidy Wallace
Attorney at Law



19327 Sonoma Highway, Suite 100
Sonoma, CA, 95476

Direct: 707-509-5275
Cell: 707-931-9997
Main: 707-509-5260

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EXHIBIT 8



City of St. Helena
Utility Billing Department
1572 Railroad Avenue
St. Helena CA 94574
(707) 968-2745

August 11, 2021

070901000026*2*1*****MIXED AADC 970

KNOBEL DAVID
1235 LANDS END RD
LANTANA, FL 33462-4770



Account number:
007974-000

Service Address:
1700 Howell Mtn Rd

Dear Knobel David,

MONTHLY ALLOCATION UPDATE – NOTICE OF WATER PENALTY

Like many California communities, St. Helena is facing a critical water crisis. Lack of rain and use of water from Bell Canyon Reservoir to fight last year's wildfires has contributed to this worsening emergency. This letter is being provided as a monthly update for your actual water use and notice that your water usage in June 2021 has resulted in a penalty.

Actual Water Use Update

Your July 2021 water allocation was: **13.710 units**, or **10,256 gallons**. The meter read for July reflects the following use **81.790 units**, or **61,183 gallons**.

Penalties

In recognition of the dire situation, City Council adopted a penalty structure for customers who exceed their property's monthly water allocation. These penalties are designed to minimize the impact on those bills that exceed the allocation by a little bit, while sending a strong message to unusually heavy water users. Given this is the first-time penalties have been imposed, on July 13, 2021, City Council adopted a program to suspend 75% of the penalties for overuse in June 2021 and to suspend 50% of the penalties for overuse in July 2021 with the ability for customers to have 100% of the penalties forgiven if allocation targets are met, in the months of August, September, October, and November 2021 (see enclosure for additional information). Below is a summary of the penalties that will be assessed on your water utility account.

Because you exceeded your July 2021 water allocation by: **68.080 units**, or **50,927 gallons** you are being assessed a penalty in the amount of **\$7,198.78**. This penalty amount represents 50% of the total penalty amount of: **\$14,397.55**. This penalty will be added to your bi-monthly utility bill.

Continuing Water Conservation

It is not too late to start conserving water! As we have in the past, we have no doubt our friends and neighbors in St. Helena will emerge from this crisis stronger and more resilient than ever! As we did last year during wildfire season and throughout COVID-19, we must pull together as a community to weather this worsening drought. If we do not, it is inevitable that we will be forced to move from Phase II water restrictions currently in place to the more painful restrictions necessary in Phase III.

Learn More

For more information and tips for how you can do your part to help our community navigate through the current drought, visit www.cityofstheleena.org!

Questions or Concerns?

Contact City staff at (707) 968-2745 or by email at water@cityofstheleena.org.

EXHIBIT 9

CITY OF ST. HELENA

RESOLUTION No. 2020-107

**Establishing a Water Shortage Emergency Condition
requiring the implementation of Phase II Water Regulations**

RECITALS

- A. St. Helena Municipal Code Section 13.04.220 establishes that at any time that the City Council finds and determines a water shortage emergency condition exists within the criteria of Sections 13.04.230 through 13.04.250, and that it is necessary to limit usage by the customers of the municipal water department, the City Council shall adopt a resolution setting forth the applicable phase; and
- B. St. Helena Municipal Code Section 13.04.240 A.1 provides for implementation of a Phase II Water Emergency when the volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase I reductions being implemented; and
- C. Per the trigger system identified in St. Helena Municipal Code Section 13.04.240 A.3, the City Council has been advised by the Director of Public Works that a Phase II emergency was triggered at the beginning of October 2020.
- D. The City Council finds that the prerequisites for declaring a Phase II Water Shortage Emergency have been met.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

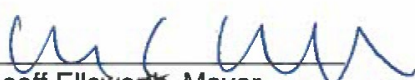
- 1. To establish Phase II Water Emergency Regulations.
- 2. To establish a Water Advisory Board consisting of one City Council Member, one Planning Commissioner, one winery customer, and two public members, one of whom shall be solely a residential customer.
- 3. That the City Clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the city, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further

declare that violations of such limitations are punishable in accordance with the provisions of Sections 13.04.290 and 13.04.310 of St. Helena Municipal Code. The establishment of a particular phase shall be completed and effective at midnight of the day on which the newspaper containing such notice is distributed.

Approved at a Regular Meeting of the St. Helena City Council on October 27, 2020, by the following vote:

Mayor Ellsworth: Yes
Vice Mayor Dohring: Yes
Council Member Chouteau: Yes
Council Member Knudsen: Yes
Council Member Koberstein: Yes

APPROVED:


Geoff Ellsworth, Mayor

ATTEST:

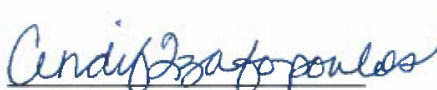

Cindy Tzaopoulos, City Clerk



EXHIBIT 10



June 2021 Water Meter Reads & Penalty Overview

July 16, 2021



Presentation Overview

- Water Emergency Background
- Adopted Water Penalty Structure
- June 2021 Water Meter Reads & Usage Penalties
- Water Ad Hoc Committee Recommendation



Water Emergency Background

- June 23, 2020 Phase I Water Emergency
- October 27, 2020 Phase II Water Emergency
- April 13, 2021 Water Penalty Structure Adopted
- April 27, 2021 Urgency Ordinance Updating Commercial, Industrial, and Institutional Users due to seasonal nature of water use
- June 2021 First month penalties applied



Adopted Water Penalty Structure

Bin	Volume Exceeded	\$ per HCF Exceeded	\$ per Gallon Exceeded
1	<25% Over (up to 24.999%)	\$10	\$0.013
2	25-50% Over (25-49.999%)	\$25	\$0.033
3	50-100% Over (50-99.999%)	\$100	\$0.134
4	>100% Over	\$250	\$0.334



June 2021 Water Meter Reads

Volume Exceeded	Number of Accounts
0-24.9%	206
25-49.9%	149
50-100%	174
100%+	371
Total	900



June 2021 Water Penalties

Penalty Range	# of Accounts*	Total Penalties	%
\$0	1,525	\$0	62.89%
\$0.01 - \$100	337	\$10,921.51	13.90%
\$100.01 - \$500	154	\$40,841.28	6.35%
\$500.01 - \$1,000	80	\$57,741.75	3.30%
\$1,000.01 - \$2,000	77	\$113,622.65	3.18%
\$2,000.01 - \$3,000	46	\$114,756.40	1.90%
\$3,000.01 - \$4,000	28	\$98,998.45	1.15%
\$5,000.01 - \$10,000	72	\$489,783.95	2.97%
\$10,000.01 - \$20,000	42	\$618,721.00	1.73%
\$20,000.01 - \$30,000	13	\$338,767.65	0.54%
\$30,000.01 - \$40,000	5	\$163,949.50	0.21%
\$40,000.01 - \$50,000	1	\$48,844.90	0.04%
\$50,000.01 - \$100,000	4	\$280,043.25	0.16%
\$100,000+	2	\$421,023.10	0.08%
Total	2,425	\$2,972,613.84	



Non-Residential June 2021 Water Penalties

<i>Non-Residential</i>	# in Category	% of Total Accounts*	% of Accounts in Category	% of Penalties Total Accounts	% of Penalties in Category	# of Accounts with Leak Letters
No Penalty	184	8%	65%			
0-24.9%	36	1%	13%	4%	37%	5
25-49.9%	15	1%	5%	2%	15%	2
50-100%	15	1%	5%	2%	15%	4
100%+	31	1%	11%	3%	32%	9
Total	281	12%		11%		20



Residential June 2021 Water Penalties

<i>Residential</i>	# in Category	% of Total Accounts*	% of Accounts in Category	% of Penalties Total Accounts	% of Penalties in Category	# of Accounts with Leak Letters
No Penalty	1,342	55%	63%			
0-24.9%	169	7%	8%	19%	21%	18
25-49.9%	134	6%	6%	15%	17%	18
50-100%	159	7%	7%	18%	20%	15
100%+	340	14%	16%	38%	42%	61
Total	2,114	88%		89%		112



Water Ad Hoc Recommendations

- Suspend 75% of June 2021 penalties and 50% of July 2021 penalties.
- Penalties in June and July 2021 will be forgiven if customer does not exceed their allocation in August, September, October, and November 2021.
- If customer does not keep usage below targets in August, September, October, and November 2021, then any suspended amount would become payable to City.



Questions



Jonathan Kathrein, Esq.
Email: jkathrein@kdvlaw.com

Kaufman, Dolowich & Voluck, LLP
19327 Sonoma Highway, Suite 100
Sonoma, CA 95476

Telephone: 707.509.5260
Facsimile: 707.509.5261
www.kdvlaw.com

January 21, 2022

Via E-mail Only

St. Helena Water Advisory Board
c/o Martin Beltran
Liaison to the Water Advisory Board
Mbeltran@cityofsthelelena.org

With copy to:

Cindy Tzafoopoulos
Clerk, City of St. Helena
ctzafoopoulos@cityofsthelelena.org

*Re: 1700 Howell Mountain Road, St. Helena
Application for Water Exception Permit*

Dear Water Advisory Board members:

This office represents Mr. Knobel regarding the above-referenced matter. We are writing in anticipation of the upcoming Water Advisory Board (“**Board**”) hearing on January 21, 2022. This letter also restates our appeal of the water allocation and appeal of the water penalty; however, we understand the City will address those at a later date. We also wish to respond to the investigation of the Property by the City’s Fire Chief and Fire Inspector as it relates to Mr. Knobel’s application for a water exception permit.

In the application for a water exception permit, we would like to remind the Board that the above-referenced property (“**Property**”) was severely damaged by the Glass Fire in 2020 and the home barely survived. Many of the trees, even those that did not burn, were destroyed by the fire and later cut by PG&E. The small hobby vineyard on the property was damaged by fire and fallen trees. Yet the home miraculously survived. After the fire, Mr. Knobel began to restore his property including replanting. As you can see from photos in the staff report, much of it has not recovered.

When Mr. Knobel learned of the water restrictions, he immediately reduced his water use at the Property. In fact, in 2021, during the water rationing months, Mr. Knobel reduced his water usage by 50% compared to his usage in 2019. Furthermore, Mr. Knobel conserved a significant

St. Helena Water Advisory Board

January 21, 2022

Re: 1700 Howell Mountain Road - Water Exception Permit Request

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amount of water on a property that is 192,099 square feet¹ while the standard parcel is 7,000 square feet²

We also wish to re-enforce that the initial decision to establish a Phase II water emergency was faulty because it exceeds the authority of the City to charge for services. And the penalty system violates due process because it provided insufficient notice and the system is arbitrary and indecipherable in that the penalties seem to be charged, reduced, recharged, and changed at the will of the City. The City did not provide, and may not even have, a clear metric or unit of consumption³ to which Mr. Knobel, and maybe other residents who intended to reduce their water consumption, to measure and determine his compliance until the City levied significant penalties. In addition, based on the City's own guidelines Mr. Knobel's property should have an allotment of water that far exceeds the limit provided by the City.

I. The Phase II Water Emergency violates Water Code Section 350 and SHMC 13.04.220

As stated in our previous communication, the City failed to properly establish a Phase II water emergency given its lack of supporting evidence in violation of Water Code section 350 *et seq.* and SHMC 13.04.220. Moreover, the City conceded in its Staff Report for the relevant agenda item at the February 23, 2021 City Council meeting that it “did not formally meet the criteria prescribed by SHMC Section 13.04.220” when it “moved forward with the declaration of a Phase II Emergency.”⁴

Even if the City properly determined and declared a Phase II emergency, which Mr. Knobel contests, the imposition of Water Penalties approved through adoption of Resolution 2021-56 violates section 6 of article XIII D of the California Constitution because revenues derived from the fees exceed the funds required to provide water service to ratepayers, and because the fees exceed the proportional cost of water service attributable to each parcel.

California Water Code section 373 requires similar conditions as those in Proposition 218: (a) Revenues derived from allocation-based conservation water pricing shall not exceed the reasonable cost of water service including basic costs and incremental costs; and (b) Revenues derived from allocation-based conservation water pricing shall not exceed the proportional cost of service attributable to the customer's parcel.⁵

¹ Napa County Assessor.

² According to SHMC § 13.04.280.

³ The City interchangeably uses “units”, “gallons”, and “HCF”. We do not believe this is a unit of water consumption most residential customers could readily understand or jump between and is therefore confusing and when penalties are charged against an unknown unit it is a violation of due process because it penalizes consumers who do not know they are in violation or how to remedy their violation.

⁴ Staff Report page 4 for Agenda Item 11.1 at February 23, 2021 City Council Meeting.

⁵ Water Code § 373.

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In analyzing Articles XIII C and D, California courts have cast doubt on any municipal price structure that imposes a penalty rate for excessive water use, as violating the proportionality requirement set forth in Proposition 218. (*See Capistrano*, 235 Cal.App.4th at 1514-15 (finding that a conservation penalty would make a “mockery of the Constitution” and would create a loophole to the requirements of Articles XIII C and D of the California Constitution so large that it would virtually repeal Proposition 218). The Court in *Capistrano* explained:

All an agency supplying *any* service would need to do to circumvent article XIII D, section 6, subdivision (b)(3), would be to establish a low legal base use for that service, pass an ordinance to the effect that any usage above the base amount is illegal, and then decree that the penalty for such illegal usage equals the incrementally increased rate for that service. Such a methodology could easily yield rates that have no relation at all to the actual cost of providing the service at the penalty levels. And it would make a mockery of the Constitution.

(*Capistrano*, 235 Cal.App.4th at 1515 (emphasis in original).)

Here, the penalty structure imposed by Resolution 2021-58 does not meet Proposition 218 or Water Code section 373 compliance because (1) the amount of the penalty on the Property undoubtedly exceeds the proportional cost of the water service attributable to the Property; and (2) the revenues derived from the penalties undoubtedly exceed the funds required to provide the Property water service. Both are violations of the California Constitution, Article XIII C and D, Section 6(b)(1), (3), and the latter is an additional violation of Water Code section 373. The City has not met its burden to show that revenues it derives from the Water Penalties are proportionate to the funds actually required to provide water service. It is the City’s burden to demonstrate proportionality.

II. ALLOCATION & EXCEPTION

A. Allocations are arbitrary

On May 21, 2021, the City provided Mr. Knobel with a notice that he was to receive an allocation of 65 gallons per day per person with a monthly allocation of 2,500 gallons for irrigation. We calculate the allocation to be 11,080 gallons or 14.8 units.⁶ However, the same notice showed that he must reduce his June 2019 water usage from 103,238 gallons or 138 units to a current usage in June 2021 of 11,282 gallons or 15.1 units. This is an 89% reduction in water usage; nearly

⁶ 65 gallons per person per day x 4 people x 33 days in the billing cycle = 8,580 gallons.
8,580 gallons + 2,500 gallons for irrigation = 11,080 monthly allocation based for June.
11,080 gallons / 748.05 = 14.8 units

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impossible with the few days' notice the City provided Mr. Knobel. It is also an amount that is difficult to calculate or understand, making it difficult for any customer to comply.

B. Exception 13.04.280(A)(2): parcels exceeding 7,000 square feet

Mr. Knobel's Property is 192,099 square feet.⁷ The City assumes residential properties are 7,000 square feet.⁸ This Property is far from the usual residential parcel because it exceeds 7,000 square feet by 185,099 square feet. According to the municipal code, a property of this size could be entitled to an additional 3,700 gallons per day of water usage for a total allocation of 124,232 gallons per month or 116 units per month.^{9 10} This is the allocation we request in this water exception permit request; however, Mr. Knobel's usage at this Property would comply with less than this allocation.

If Mr. Knobel were granted 124,232 gallons¹¹ for June in addition to his monthly allocation of 11,281 gallons or 15.1 units, his total allocation would increase to 133,381 gallons or 178.32 units. If this were the case, Mr. Knobel's June water use of 73,304 gallons or 98 units in June 2021, 82 units in July 2021, 87 units in September 2021 and 5 units in October 2021 would be well within the allocation. The chart below shows the Property's water usage in 2021 compared to 2019.

Usage Compared to 2019					
	2021 Units	2019 Units	2021 Usage over 2019	Reduced or Increased	
June	98.54	138	71%	-29%	Under 2019
July	81.79	154	53%	-47%	Under 2019
Aug	254.83	129	198%	98%	Leak Detected
Sept	87.21	42	208%	108%	Usage Over 2019
Oct	5.462	52	11%	-89%	Way under 2019
Nov	0	164	0%	-100%	Way under 2019

⁷ Napa County Assessor.

⁸ SHMC § 13.04.280.

⁹ SHMC Section 13.04.280

¹⁰ The Property is entitled to an extra 20 gallons per additional 1,000 square feet.

The Property has 185,000 additional square feet beyond 7,000.

$185,000/1,000 = 185$.

$185 \times 20 \text{ gallons} = 3,700 \text{ gallons per day in additional allocation.}$

$3,700 \times 30 \text{ days} = 112,950$.

For a total allocation of $11,282 + 112,950 = 124,232 \text{ gallons per month or 116 units per month}$ (if a unit is 748.05 gallons).

¹¹ 11,282 gallon standard allocation plus 112,950 gallons for property over 7,000 square feet. Explained in detail above.

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C. Exception 13.04.280(B): unnecessary and undue hardship; affecting fire protection

Another condition on which the Director of Public Works may grant an exception permit is pursuant to SHMC Section 13.04.280(B). If the Water Advisory Board finds and determines that current water conservation measures would: (1) cause an unnecessary and undue hardship to the applicant or to the public; (2) cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public; or (3) promote water conservation by providing for the establishment of water efficient landscaping meeting the standards of Section 17.112.140, an exception permit may be granted. (SHMC 13.04.280(B).)

Based on the facts described above the City should grant an exception under SHMC Section 13.04.280(B) for the Property because: (1) the Property is much larger than other residential properties and therefore the allocation is so low it causes undue hardship by penalizing Mr. Knobel with over \$100,000 in fines for restoring the property and preventing future fires; (2) the Property's unique characteristics, including its sloping nature, heavily forested landscape, and high fire risk require more water than other residential properties; and (3) Mr. Knobel has made efforts toward water efficiency and has reduced his use by 50% over 2019 and this action should be rewarded, not penalized.

The opportunity for a customer, including Mr. Knobel, to apply for an exception permit does not allow the City to otherwise exceed its authority in imposing monthly allocations and penalties. The City must apply its restrictions and penalties fairly and reasonably based on circumstances which should include property size and fire hazard.

III. MR. KNOBEL'S WATER EXCEPTION PERMIT REQUEST

Mr. Knobel requests a water exception permit under SHMC Sections 13.04.280(A)(2) and (B) as follows: that the Property be granted the full amount of additional water contemplated under Section 13.04.280(A)(2) without the arbitrary upper limit of 250 gallons per day,¹² on the grounds that, without this requested exception, the Monthly Allocation (1) creates an unnecessary and undue hardship to Mr. Knobel, (2) has a negative effect on Mr. Knobel's fire protection efforts, and (3) does not take into consideration Mr. Knobel's established water efficiency efforts. This water exception permit request is to be applied retroactively beginning with Mr. Knobel's June 2021 bill.

On November 15, 2022, the Water Advisory Board requested a site visit be conducted by the Fire Chief to make determinations about defensible space water requirements on the property. According to email correspondence with the city, Fire Chief Sorensen and Fire Inspector Vidler

¹² i.e., 133,381 gallons (or 178.32 units) for June; 121,256 gallons (or 162 units) for July and August; and so on for the remainder of months that Resolution 2021-58 is in effect.

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conducted the initial inspection at the beginning of December and sent a revised report at the beginning of January. The report, which is also included in the staff report for the upcoming hearing, does not say whether Fire Chief Sorensen or Fire Inspector Vidler wrote the report.

The basis for the Fire Chief and Fire Inspectors' examination of the property was to determine if a water exception permit should be granted based on defensible space on the Property. Despite this goal, the report makes almost no indication or findings of the kind. The only ascertainable determination made was that fallen fir trees on the property were "heavy fuel loads." From that point on, the inspection identifies features of the Property without giving any assessment as to their impact on fire prevention and water needs. For instance, the report notes newly planted shrubs, trees, and grape vines without any comment to how fresh, green, shrubbery can help slow the spread of a wildfire. These new shrubs represent the work done by Mr. Knobel to recover from the fire and make his property safe. It is clear from the Fire Chief's report that not only has Mr. Knobel added defensible space but planted the exact kind of vegetation needed to slow the spread of fire to protect his property.

The Fire Chief and Inspector note that Mr. Knobel's property contains about 165 vines that appear to have been on the property for at least five years. These vines were instrumental in stopping the spread of the Glass Fire. The report also notes that there are 25 new growth vines on Mr. Knobel's property. These new vines are a result of the damage caused by the fire. The property is still recovering from the damage. The same picture reveals the trees that caused damage to Mr. Knobel's property.

The pre and post fire satellite images of the Property, shown below, demonstrate the devastation to the Property from the Glass Fire. The fire spread right to the edge of Mr. Knobel's vines. The vines were the only thing that stood between Mr. Knobel's home and the fire. Mr. Knobel needs proper water allocation to ensure regrowth on his property and to protect from future fires.

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Despite the Property's water needs, Mr. Knobel has continued to take conservation seriously. In June, July, and October of 2021 Mr. Knobel made significant reductions in water use at the Property. In August, a leak was discovered on the Property due to damaged pipes, possibly

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from the Glass Fire. In September his 3,500-gallon tank had to recover from the loss of water in August. Mr. Knobel understands the importance of conservation.

Despite all the issues caused by the Glass Fire, not including the two months of used caused by the leak, Mr. Knobel was able to reduce his water usage by 50% in 2021 compared to his 2019 usage, as shown below.

Five Months without August Leak			
	2021 Units	2019 Units	2021 Usage over 2019
June	98.54	138	71%
July	81.79	154	53%
Sept	87.21	42	208%
Oct	5.462	52	11%
Nov	0	164	0%
Totals	273.002	550	50%

Not only does Mr. Knobel's 50% average reduction demonstrate his commitment to conservation, but it also demonstrates that the City forces Mr. Knobel to choose between adequate fire protection and recovery for his property or excessive fines. Mr. Knobel cannot enjoy his property when such significant burdens have been placed upon him. The City's current water allocation is forcing Mr. Knobel to make an unfair and difficult choice. The water allocation does not consider any of the significant damage from the Glass Fire, the size of Mr. Knobel's property, or the significant amount of water reduction that Mr. Knobel has already achieved.

IV. MR. KNOBEL TIMELY SUBMITTED HIS PENDING APPEAL

An exception permit would nullify Mr. Knobel's need for an appeal. However, Mr. Knobel has also timely submitted an appeal of the penalties the City has levied against him and intends to pursue that appeal if necessary. Pursuant to Section 4(f) of Resolution 2021-58, any person who wishes to appeal the imposition of a Water Penalty may do so. "[A]ny person who shall have a right to appeal . . . may, at any time within thirty (30) days after such determination, appeal to the city council by giving written notice to the director of public works and to the city clerk, setting forth the determination with which such person is dissatisfied."¹³ (SHMC 13.04.180(A).) Mr.

¹³ Resolution No. 2021-58 further requires that "[n]otice of the right to appeal the imposition of a volumetric penalty shall be included in the customer's water bill." However, Mr. Knobel's water bill contained no such notice. (*Memphis Light, Gas & Water Div. v. Craft* (1978) 436 U.S. 1, 98 (holding notice did not comport with constitutional requirements when it does not advise the customer of the availability of a procedure for protesting a decision.)

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Knobel has made his appeal and the City has informed Mr. Knobel it will not hear the appeal until after the present hearing for the exception permit application.

V. CONCLUSION

The City should grant the water exception permit to Mr. Knobel because not doing so, and charging fines in excess of \$100,000, would cause unnecessary and undue hardship. Failing to do so, and not allowing Mr. Knobel to protect his property from fire would also cause an emergency condition affecting health, sanitation, fire protection or safety of the applicant and the public. And in providing insufficient notice and an incomprehensible penalty structure, the City did not promote water conservation with its policies and regulations.

Very truly yours,



Jonathan Kathrein, Esq.

Kaufman, Dolowich & Voluck, LLP



Report to the City Council
Water Advisory Board – January 21, 2022

Agenda Section: **NEW BUSINESS**

Subject: **Consideration of Penalty Adjustment – Kee, C. Continued**

CEQA **Not a CEQA project**
Determination:

Prepared By: April Mitts, Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: April Mitts, Administrative Services Director

BACKGROUND

On October 27, 2020, the City Council established Phase II Water Regulations and, in accordance with the St. Helena Municipal Code (SHMC), established the Water Advisory Board consisting of one City Council member, one Planning Commissioner, one winery customer, and two public members, one of whom shall solely be a residential customer.

The Water Advisory Board shall have access to all records in the possession of the water enterprise necessary in its judgement to perform its duties, including customer records. The Board shall maintain confidentiality of individual customer records unless the Board determines by resolution that release of such information is necessary in the pursuit of its duties.

The Water Advisory Board shall meet at least monthly and may grant permits for uses of water, for exceptions to water conservation measures, or for water connections otherwise prohibited. The Water Advisory Board shall prescribe necessary procedures for application for and use of exception permits pursuant to SHMC Section 13.04.280.

The City of St. Helena is committed to preventing water waste but also understands that, infrequently, a water leak may occur. When a water leak does occur, customers can request a credit to their utility bill for a portion of the excess water in accordance with P-FI-0005 Leak Adjustment Policy. This policy provides relief to St. Helena water customers who have had a leak that is not due to negligent or willful acts. Under the current Leak

Adjustment Policy, leak adjustments are not granted if the City is in a Phase I or higher water emergency or subject to water use limitations by the State of California. However, recognizing the City's conservation efforts as well as the authority granted under P-FI-0005 for Leak Adjustment appeals, any request for a leak adjustment during a Phase II or Phase III emergency are being evaluated by the City Manager.

In addition to the ability to qualify for a leak adjustment, the City recognizes that during a Phase II or Phase III water emergency, penalties may have been incurred as a result of a leak. On July 27, 2021, the City Council adopted a resolution designating that the Water Advisory Board can hear/make a determination for reduction of penalties for those customers who receive a penalty as a result of a water leak.

On August 6, 2021, the Water Advisory Board adopted policy - P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties* and the applicable *Application Form*, to assist those customers who incurred penalties as a result of a water leak.

Per the established policy, the following criteria must be met:

1. The customer must have not received a leak letter for 2 or more consecutive months or can demonstrate there is a good faith effort to actively locate and fix leaks.
2. All leak(s) must be beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak.
3. The leak(s) cannot be the result of negligent, willful nor neglectful behavior.
4. Proof that the repairs were completed must be included with all requests for a penalty leak adjustment. Examples include a copy of the plumber's invoice or hardware store receipts showing items purchased or proof provided by the City that water use had returned to normal levels during subsequent months.

The Water Advisory Board will consider penalty leak adjustment amounts on a case-by-case basis with the following consideration:

- a. Up to 100% - First Leak
- b. Up to 50% - Subsequent Leaks

DISCUSSION

In accordance with P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties* on August 19, 2021, the City received an application for a leak adjustment and a water penalty leak adjustment for consideration (Attachment 1 and Attachment 2). This item was initially heard on September 17, 2021 by the Water Advisory Board; however, it was continued to a future meeting to see if water use had decreased.

Attachment 3 provides a summary of water use for this property.

Attachments 4-8 provide Account Statements from March 1, 2021 to present

Tables 1 through 4 provides additional information for the Water Advisory Board

Table 1 - Current Allocation – based on a 30-day month:

Current Allocation - based on a 30-day month, peak period				
			Gallons	HCF
Number in Household:	2		3,900	
Phase II Outdoor Summer Allocation:			2,500	
Additional Exception			1873	
			8,273	11.06

Table 2 - Penalties imposed:

Month Imposed	Amount Imposed	Total Penalty Requested for Waiver	Over Allocation (HCF)	Over Allocation (Gallons)
June	\$ 118.63	\$ 474.52	9.728	7,277
July	\$ 492.00	\$ 984.00	12.351	9,239
August	\$ 537.55	\$ 537.55	9.913	7,415
September	\$ 505.55	\$ 505.55	9.833	7,356
October	\$ 26.47	\$ 26.47	2.647	1,980
November				-
				-
TOTAL	\$ 1,680.20	\$ 2,528.09	44.472	33,267

Table 3 – Leak Letters Sent

April 2021
May 2021
June 2021
July 2021
August 2021
September 2021
October 2021

Table 4 – Previous Water Penalty Leak Adjustment(s)

Water Advisory Board Meeting Date	Adjustment Granted
N/A	

Staff reviewed the application for approval on an administrative level and due to leak letters being sent for more than two consecutive months, an administrative determination could not be made. A summary can be found on the Leak Appeal Checklist (Attachment 9).

The following information has been provided by the applicant for consideration of the Water Advisory Board:

1. The customer has been in constant contact with City representatives to find the leak – going back to August 2021 and continues to try to resolve all leaks.
2. After receiving another call from the City regarding a leak, in October the customer spend a week and a half, digging and looking everywhere in her front and back yard and found two small drip lines that were never closed off by the contractor. This happened last year when demolition was being done on the pool. The irrigation lines were cut off but had not been sealed or closed off. From there she hired an irrigation company to come and complete a full dig out of all the area where she found the two leaking drip lines and they were not able to find any other leaks. The irrigation company repaired and secured a complete disconnect of these drip lines. This was completed on 10/11/21.
3. The customer has purchased an on demand water heater for the house and installed it into the bathroom so the water is immediately hot once you turn it on so there is no need to run the water to get it up to temperature.
4. The customer barely exceeded their allocation in October and did not exceed their allocation in November.
5. A detailed meter read done on 12/20/21, does show a continuous leak; however, it is very small and the customer has been within their allotment. Although the customer is within their allotment, they have contacted American Leak Detection to see if the small leak can be found, and their first available appointment is January 28, 2022.

Based on the information presented, staff recommends approval of the Water Penalty Leak Appeal.

FISCAL IMPACT

Dependent on Water Advisory Board recommendation. The customer is requesting a full waiver of penalties totaling \$2,528.09.

RECOMMENDED ACTION

Discuss and make a determination for Water Penalty adjustment request.



Water Penalty Leak Adjustment Application

DATE SUBMITTED	_____
RECEIVED BY	_____

CYNTHIA126@icloud.com

PROPERTY & BILLING INFORMATION			
Date Applying 8-19-21	Customer or Company Name Cynthia Kee		
Account Number	Phone Number 903-3752	Email/Address Cynthia126@icloud.com	
Mailing Address 1635 Chardonnay St Helena	City CA	State CA	Zip Code 94574

WATER LEAK INFORMATION (in addition to Water Leak Application)	
Month Penalties Occurred: June & forward until today	Amount of Penalties Assessed: \$ 393 -

Please list any additional information for the Water Advisory Board consideration:

I received a call from Jessica & could not find a leak anywhere. Requested a City inspection & it was confirmed by the water dept that there was indeed a leak. I had already checked my entire home and no leaks inside. We have a small storage unit that had "old" irrigation pipes & a backhoe, there it was, a small drip leak. My landscaper came this morning & capped the area. (pictures were sent to Jan Reflective the report)

PLEASE READ AND SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT

- I have read and will adhere to all specific requirements of P-FI-0022 Leak Adjustment Policy – Phase II and Phase III Water Penalties and to any other specified conditions as determined by the City of St. Helena or Water Advisory Board.
- I am aware of and agree to comply with the Water and Wastewater System Rules and Regulations identified in the St. Helena Municipal Code: <http://www.codepublishing.com/CA/StHelena>.
- I certify that the leak was not the result of neglect, willful or neglectful behavior.
- By signing below, applicant acknowledges and consents to the Water Advisory Board's review and use of applicant's customer records for the purpose of making a decision related to this application, and understands that such information, including historical water use, leak information, and other water use related information may be discussed and disclosed at a public meeting.
- I am requesting relief under P-FI-0022 Leak Adjustment Policy – Phase II and Phase III Water Penalties.
- By signing this form, I certify the information provided is accurate and true, and agree to comply with all requirements set forth in the policy. Failure to comply with Water and Wastewater System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution.

Name: Cynthia Kee	Signature:	Date: 8-19-21
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PLEASE SUBMIT APPLICATIONS TO:	QUESTIONS?
City of St. Helena: Administrative Services Department – Finance Division 1572 Railroad Avenue St. Helena, CA 94574	Email: water@cityofstheleena.org Phone: 707-968-2745 Thank you for your consideration of my request.

Updated 08/07/2021

STAFF USE ONLY	
Leak Application attached	☒
Has Customer Received a Leak Notification: ☒ Yes ☐ No	
If yes, list all leak notifications sent and date of leak notification:	
APRIL 2021 MAY 2021 JUNE 2021 JULY 2021 AUGUST 2021	
Date item to be heard by Water Advisory Board:	9/17/21
Date customer notified via email the item will be heard by the Water Advisory Board:	9/13/21
Water use exception is hereby: ☐ Approved ☐ Denied	
Percentage of Penalty to be Adjusted (up to 100% for first leak and up to 50% for subsequent leaks): _____ % of Penalty to be Adjusted _____ Amount of Penalty to be Adjusted	
If denied, reason for denial:	
Date Approved by Water Advisory Board:	
Date notification of Approval/Denial emailed to customer:	
Date adjustment made to customer account:	

eic



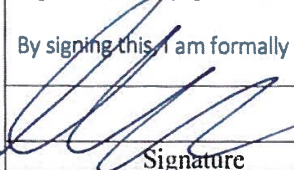
Residential Leak Appeal Application

DATE SUBMITTED	8/19/2021
RECEIVED BY	

PROPERTY & BILLING INFORMATION			
Date Applying:	8-19-21		
Account Holders Name	Daytime Phone Number	Other Phone Number	
Cynthia Kee	707. 812-2102	→	
Service Address	1655 Chardonnay St Helena CA 94574		
Email	CYNTHIA126@icloud.com CYNTHIA126@icloud.com		
Mailing Address (if different than above)	City	State	Zip Code
Same -			
TYPE OF SERVICE			
☒ Single Family			
☐ Multi-Family			
WATER LEAK DESCRIPTION			
Describe how and where the leak occurred; in addition to how the leak was repaired. (Include any proof of repair, such as receipts, invoices and/or photos)			
Please see explanation on "Water Penalty Leak Adjudgment form" All has been repaired with proof emailed to Dan Dale at Water Dept. Thank You for Your Consideration, Cynthia Kee			
Billing Period in which leak occurred:	Does Property have Low Flow Fixtures?		Sign up for Developer Water Retrofit Program?
may-june to present!	☐ Yes ☐ No ☒ Unsure		☐ Yes ☐ No

Updated 07/26/2021

Page 1 of 2

PLEASE READ & SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT		
I certify that I have read, understand and agree to the terms and conditions of a water leak adjustment policy identified below. - I am aware of and agree to comply with the Water and Waste Water System Rules and Regulations identified in the St. Helena Municipal Code: http://www.codepublishing.com/CA/StHelena - The water meter is property of the City of St. Helena. Turning on or off, tampering with or adjusting the meter is prohibited. - I am aware the excess water usage must be 100% higher than normal usage based on an average of the same billing period for the previous three years or the available account history. - I certify that the leak was not the result of negligent, willful or neglectful behavior. - I am aware leak adjustments will not be granted if water use does not comply with other existing laws. - I am aware that one (1) leak adjustment may be granted no more than once every 60 months per account. - I am aware adjustments are for one month only. - I am aware if any insurance payment, reimbursement from any other entity other than the City, or equivalent is received, I must immediately notify the City and may be required to pay back the adjusted amount. If I have received reimbursement for this leak, I must provide copies of the documentation with this form. I am aware leak adjustments will not be granted if the City is in a Phase I or higher water emergency or subject to water use limitations by the State of California. Also, leak adjustments will not be granted if a local natural disaster has been declared. I am requesting relief under P-FI-0005 Leak Adjustment Policy set by the City of St. Helena. I certify the information provided is accurate and true, and agree to comply with all requirements as set forth in the policy. Failure to comply with Water and Waste Water System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution. By signing this, I am formally requesting an appeal pursuant to Municipal code 13.04.180.		
 Signature	Cynthia Kee Print Name	8-19-21 Date
PLEASE SUBMIT APPLICATIONS TO:		QUESTIONS?
City of St. Helena: Utility Billing 1480 Main Street St. Helena, CA 95404		Email: water@cityofsthelena.org Website: www.cityofsthelena.org/water Phone: 707-968-2745
STAFF USE ONLY		
Billing month the leak occurred:	Prior Leak adjustment on file: ☐ Yes ☐ No Date:	Documentation of Repair attached? ☐ Yes ☐ No
Leak Verified by City Employee & Date of Verification: ☐ Yes ☐ No ____/____/____	Leak Letter Received? ☐ Yes ☐ No	Average Water Usage calculated for adjustment
Total Water Usage adjusted:	Total Dollar Amount Adjusted:	Verified adjusted dollar amount with customer: ☐ Yes ☐ No
Additional Notes:		
Leak adjustment request is hereby: ☐ Approved ☐ Rejected Reason for rejection:		
Signature	Print Name (Authorized Signature)	Date

Utility Billing

Kee Cynthia 006201-002 - 1655 Chardonay Way



User: AprilM

Printed: 1/17/2022 10:54:28 AM

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
006201-002	12/28/2021	2667	9	12/2021	True	False	False	0	0.00000
006201-002	11/29/2021	2658	7	11/2021	True	False	False	0	0.00000
006201-002	10/27/2021	2651	14	10/2021	False	True	False	0	0.00000
006201-002	9/28/2021	2637	21	09/2021	False	True	False	0	0.00000
006201-002	8/27/2021	2616	21	08/2021	False	True	False	0	0.00000
006201-002	7/28/2021	2595	24	07/2021	False	True	False	0	0.00000
006201-002	6/28/2021	2571	21	06/2021	False	True	False	0	0.00000
006201-002	5/26/2021	2550	15	05/2021	False	True	False	0	0.00000
006201-002	4/29/2021	2535	16	04/2021	False	True	False	0	0.00000
006201-002	3/29/2021	2519	9	03/2021	False	True	False	0	0.00000
006201-002	3/9/2021	2510	6	03/2021	False	True	False	0	0.00000
006201-002	1/29/2021	2504	5	01/2021	False	True	False	0	0.00000
006201-002	12/30/2020	2499	8	12/2020	False	True	False	0	0.00000
006201-002	11/19/2020	2491	11	11/2020	False	True	False	0	0.00000
006201-002	10/30/2020	2480	60	10/2020	False	True	False	0	0.00000
006201-002	8/27/2020	2420	25	08/2020	False	True	False	0	0.00000
006201-002	7/30/2020	2395	28	07/2020	False	True	False	0	0.00000
006201-002	6/30/2020	2367	16	06/2020	False	True	False	0	0.00000
006201-002	6/1/2020	2351	22	05/2020	False	True	False	0	0.00000
006201-002	4/30/2020	2329	18	04/2020	False	True	False	0	0.00000
006201-002	4/1/2020	2311	12	04/2020	False	True	False	0	0.00000
006201-002	2/28/2020	2299	9	02/2020	False	True	False	0	0.00000
006201-002	1/31/2020	2290	3	01/2020	False	True	False	0	0.00000
006201-002	12/31/2019	2287	2	12/2019	False	True	False	0	0.00000
006201-002	12/9/2019	2285	29	12/2019	False	True	False	0	0.00000
006201-002	11/7/2019	2256	9	11/2019	False	True	False	0	0.00000
006201-002	10/8/2019	2247	8	10/2019	False	True	False	0	0.00000
006201-002	9/6/2019	2239	10	09/2019	False	True	False	0	0.00000
006201-002	8/8/2019	2229	16	08/2019	False	True	False	0	0.00000
006201-002	7/8/2019	2213	6	07/2019	False	True	False	0	0.00000
006201-002	6/7/2019	2207	4	06/2019	False	True	False	0	0.00000
006201-002	5/10/2019	2203	5	05/2019	False	True	False	0	0.00000
006201-002	4/8/2019	2198	4	04/2019	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
006201-002	3/8/2019	2194	3	03/2019	False	True	False	0	0.00000
006201-002	2/7/2019	2191	4	02/2019	False	True	False	0	0.00000
006201-002	1/8/2019	2187	6	01/2019	False	True	False	0	0.00000
006201-002	12/7/2018	2181	14	12/2018	False	True	False	0	0.00000
006201-002	11/7/2018	2167	1	11/2018	False	True	False	0	0.00000
006201-002	11/5/2018	2166	4	11/2018	False	True	False	0	0.00000
006201-002	10/29/2018	2162	9	10/2018	False	True	False	0	0.00000
006201-002	10/8/2018	2153	16	10/2018	False	True	False	0	0.00000
006201-002	9/7/2018	2137	20	09/2018	False	True	False	0	0.00000
006201-002	8/8/2018	2117	24	08/2018	False	True	False	0	0.00000
006201-002	7/9/2018	2093	37	07/2018	False	True	False	0	0.00000
006201-002	6/7/2018	2056	23	06/2018	False	True	False	0	0.00000
006201-002	5/8/2018	2033	14	05/2018	False	True	False	0	0.00000
006201-002	4/9/2018	2019	13	04/2018	False	True	False	0	0.00000
006201-002	3/8/2018	2006	10	03/2018	False	True	False	0	0.00000
006201-002	2/8/2018	1996	10	02/2018	False	True	False	0	0.00000
006201-002	1/8/2018	1986	12	01/2018	False	True	False	0	0.00000
006201-002	12/8/2017	1974	11	12/2017	False	True	False	0	0.00000
006201-002	11/8/2017	1963	29	11/2017	False	True	False	0	0.00000
006201-002	9/8/2017	1934	22	09/2017	False	True	False	0	0.00000
006201-002	8/8/2017	1912	22	08/2017	False	True	False	0	0.00000
006201-002	7/7/2017	1890	19	07/2017	False	True	False	0	0.00000
006201-002	6/8/2017	1871	16	06/2017	False	True	False	0	0.00000
006201-002	5/8/2017	1855	8	05/2017	False	True	False	0	0.00000
006201-002	4/7/2017	1847	6	04/2017	False	True	False	0	0.00000
006201-002	3/8/2017	1841	4	03/2017	False	True	False	0	0.00000
006201-002	2/8/2017	1837	4	02/2017	False	True	False	0	0.00000
006201-002	1/10/2017	1833	1	01/2017	False	True	False	0	0.00000
006201-002	12/9/2016	1832	6	12/2016	False	True	False	0	0.00000
006201-002	11/8/2016	1826	12	11/2016	False	True	False	0	0.00000
006201-002	10/7/2016	1814	14	10/2016	False	True	False	0	0.00000
006201-002	9/8/2016	1800	20	09/2016	False	True	False	0	0.00000
006201-002	8/8/2016	1780	40	08/2016	False	True	False	0	0.00000
006201-002	7/8/2016	1740	40	07/2016	False	True	False	0	0.00000
006201-002	6/8/2016	1700	18	06/2016	False	True	False	0	0.00000
006201-002	5/9/2016	1682	10	05/2016	False	True	False	0	0.00000
006201-002	4/8/2016	1672	4	04/2016	False	True	False	0	0.00000
006201-002	3/8/2016	1668	4	03/2016	False	True	False	0	0.00000
006201-002	2/8/2016	1664	5	02/2016	False	True	False	0	0.00000
006201-002	1/8/2016	1659	4	01/2016	False	True	False	0	0.00000
006201-002	12/8/2015	1655	7	12/2015	False	True	False	0	0.00000
006201-002	11/9/2015	1648	15	11/2015	False	True	False	0	0.00000
006201-002	10/8/2015	1633	16	10/2015	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
006201-002	9/8/2015	1617	19	09/2015	False	True	False	0	0.00000
006201-002	8/7/2015	1598	19	08/2015	False	True	False	0	0.00000
006201-002	7/8/2015	1579	30	07/2015	False	True	False	0	0.00000
006201-002	6/8/2015	1549	18	06/2015	False	True	False	0	0.00000
006201-002	5/8/2015	1531	13	05/2015	False	True	False	0	0.00000
015243-000	4/8/2015	1518	22	04/2015	False	True	False	0	0.00000
015243-000	3/9/2015	1496	17	03/2015	False	True	False	0	0.00000
015243-000	2/9/2015	1479	19	02/2015	False	True	False	0	0.00000
015243-000	1/8/2015	1460	0	01/2015	False	True	False	0	0.00000
006637-000	12/8/2014	1460	4	12/2014	False	True	False	0	0.00000
006637-000	11/7/2014	1456	18	11/2014	False	True	False	0	0.00000
006637-000	10/8/2014	1438	16	10/2014	False	True	False	0	0.00000
006637-000	9/8/2014	1422	16	09/2014	False	True	False	0	0.00000
006637-000	8/8/2014	1406	14	08/2014	False	True	False	0	0.00000
006637-000	7/8/2014	1392	31	07/2014	False	True	False	0	0.00000
006637-000	6/9/2014	1361	3	06/2014	False	True	False	0	0.00000
006637-000	5/8/2014	1358	4	05/2014	False	True	False	0	0.00000
006637-000	4/7/2014	1354	3	04/2014	False	True	False	0	0.00000
006637-000	3/7/2014	1351	2	03/2014	False	True	False	0	0.00000
006637-000	2/21/2014	1349	2	02/2014	False	True	False	0	0.00000
006637-000	2/7/2014	1347	11	02/2014	False	True	False	0	0.00000
006637-000	1/9/2014	1336	13	01/2014	False	True	False	0	0.00000
006637-000	12/9/2013	1323	22	12/2013	False	True	False	0	0.00000
006637-000	11/8/2013	1301	26	11/2013	False	True	False	0	0.00000
006637-000	10/8/2013	1275	23	10/2013	False	True	False	0	0.00000
006637-000	9/9/2013	1252	30	09/2013	False	True	False	0	0.00000
006637-000	8/8/2013	1222	36	08/2013	False	True	False	0	0.00000
006637-000	7/8/2013	1186	27	07/2013	False	True	False	0	0.00000
006637-000	6/7/2013	1159	28	06/2013	False	True	False	0	0.00000
006637-000	5/8/2013	1131	30	05/2013	False	True	False	0	0.00000
006637-000	4/8/2013	1101	14	04/2013	False	True	False	0	0.00000
006637-000	3/8/2013	1087	12	03/2013	False	True	False	0	0.00000
006637-000	2/8/2013	1075	15	02/2013	False	True	False	0	0.00000
006637-000	1/8/2013	1060	9	01/2013	False	True	False	0	0.00000
006637-000	12/7/2012	1051	8	12/2012	False	True	False	0	0.00000
006637-000	11/8/2012	1043	22	11/2012	False	True	False	0	0.00000
006637-000	10/8/2012	1021	34	10/2012	False	True	False	0	0.00000
006637-000	9/7/2012	987	32	09/2012	False	True	False	0	0.00000
006637-000	8/8/2012	955	29	08/2012	False	True	False	0	0.00000
006637-000	7/9/2012	926	27	07/2012	False	True	False	0	0.00000
006637-000	6/8/2012	899	24	06/2012	False	True	False	0	0.00000
006637-000	5/8/2012	875	14	05/2012	False	True	False	0	0.00000
006637-000	4/9/2012	861	13	04/2012	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
006637-000	3/8/2012	848	19	03/2012	False	True	False	0	0.00000
006637-000	2/8/2012	829	24	02/2012	False	True	False	0	0.00000
006637-000	1/9/2012	805	27	01/2012	False	True	False	0	0.00000
006637-000	12/8/2011	778	15	12/2011	False	True	False	0	0.00000
006637-000	11/8/2011	763	30	11/2011	False	True	False	0	0.00000
006637-000	10/7/2011	733	23	10/2011	False	True	False	0	0.00000
006637-000	9/8/2011	710	51	09/2011	False	True	False	0	0.00000
006637-000	8/8/2011	659	55	08/2011	False	True	False	0	0.00000
006637-000	7/7/2011	604	6	07/2011	False	True	False	0	0.00000
006637-000	6/29/2011	598	55	08/2011	False	True	False	0	0.00000
006637-000	6/8/2011	543	103	06/2011	False	True	False	0	0.00000
006637-000	5/6/2011	440	32	05/2011	False	True	False	0	0.00000
006637-000	4/7/2011	408	6	04/2011	False	True	False	0	0.00000
006637-000	3/8/2011	402	6	03/2011	False	True	False	0	0.00000
006637-000	2/8/2011	396	3	02/2011	False	True	False	0	0.00000
006637-000	1/25/2011	393	5	02/2011	False	True	False	0	0.00000
006637-000	12/8/2010	388	4	12/2010	False	True	False	0	0.00000
006637-000	11/8/2010	384	34	11/2010	False	True	False	0	0.00000
006637-000	10/8/2010	350	43	10/2010	False	True	False	0	0.00000
006637-000	9/9/2010	307	44	09/2010	False	True	False	0	0.00000
006637-000	8/9/2010	263	50	08/2010	False	True	False	0	0.00000
006637-000	7/8/2010	213	22	07/2010	False	True	False	0	0.00000
006637-000	6/8/2010	191	4	06/2010	False	True	False	0	0.00000
006637-000	5/10/2010	187	3	05/2010	False	True	False	0	0.00000
006637-000	4/8/2010	184	2	04/2010	False	True	False	0	0.00000
006637-000	3/8/2010	182	3	03/2010	False	True	False	0	0.00000
006637-000	2/5/2010	179	3	02/2010	False	True	False	0	0.00000
006637-000	1/7/2010	176	2	01/2010	False	True	False	0	0.00000
006637-000	12/8/2009	174	3	12/2009	False	True	False	0	0.00000
006637-000	11/9/2009	171	13	11/2009	False	True	False	0	0.00000
006637-000	10/8/2009	158	21	10/2009	False	True	False	0	0.00000
006637-000	9/10/2009	137	27	09/2009	False	True	False	0	0.00000
006637-000	8/11/2009	110	110	08/2009	False	True	False	0	0.00000
000000-000	6/16/2009	0	0	08/2009	False	True	False	0	0.00000



1572 Railroad Avenue
St. Helena, CA 94574
water@cityofsthelema.org

(707) 968-2745

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 1/1/2021 to 2/28/2021
BILLING DATE: 3/15/2021

DUE DATE: 4/15/2021

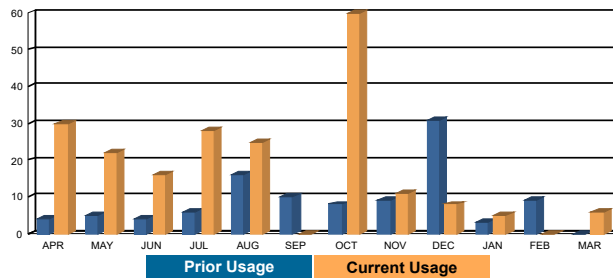
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
09183002	12/30/2020	2499	1/29/2021	2504	5
09183002	1/29/2021	2504	3/9/2021	2510	6

SPECIAL MESSAGE

To sign up for our Online Services or Autopay, please view the back of your statement for instructions. Any payments received after 3:00 pm on March 9th, 2021 may not be reflected on your statement. If you have any questions regarding your water bill please contact us at (707) 968-2745 or email water@cityofsthelema.org.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential	131.26
Water Use @ \$6.69	73.59
Sewer Use @ \$5.34	85.44
Sewer Single Family Residential	121.82

TOTAL CURRENT CHARGES 412.11

BILL SUMMARY

Previous Balance	463.44
Thank you for your payment.	-463.44
Adjustments	0.00
Additional Billing	0.00
Current Charges	412.11
TOTAL AMOUNT DUE	412.11

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 1/1/2021 to 2/28/2021
BILLING DATE: 3/15/2021

DUE DATE: 4/15/2021

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

AMOUNT DUE

TOTAL AMOUNT DUE BY 4/15/2021 412.11

AMOUNT ENCLOSED

AUTO PAY

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
St. Helena, CA 94574
water@cityofsthelema.org

(707) 968-2745

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 3/1/2021 to 4/30/2021
BILLING DATE: 5/15/2021

DUE DATE: 6/15/2021

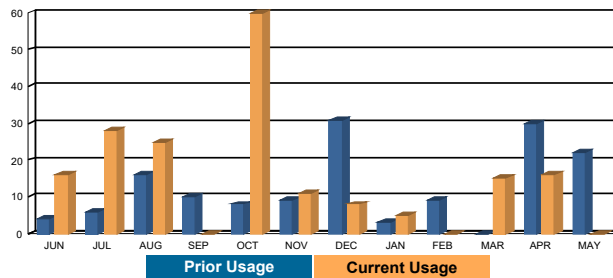
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
09183002	3/9/2021	2510	3/29/2021	2519	9
09183002	3/29/2021	2519	4/29/2021	2535	16

SPECIAL MESSAGE

BI-MONTHLY REMINDER - Your next statement will be issued July 15th, 2021. To sign up for our Online Services or Autopay, please view the back of your statement for instructions. If you have any questions regarding your water bill please contact us at (707) 968-2745 or email water@cityofsthelema.org.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential	131.26
Water Use @ \$6.69	167.25
Sewer Use @ \$5.34	69.42
Sewer Single Family Residential	121.82

TOTAL CURRENT CHARGES 489.75

BILL SUMMARY

Previous Balance	412.11
Thank you for your payment.	-412.11
Adjustments	0.00
Additional Billing	0.00
Current Charges	489.75
TOTAL AMOUNT DUE	489.75

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 3/1/2021 to 4/30/2021
BILLING DATE: 5/15/2021

DUE DATE: 6/15/2021

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

AMOUNT DUE

TOTAL AMOUNT DUE BY 6/15/2021 489.75

AMOUNT ENCLOSED

AUTO PAY

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
St. Helena, CA 94574
water@cityofsthelema.org

(707) 968-2745

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 5/1/2021 to 6/30/2021
BILLING DATE: 7/15/2021

DUE DATE: 8/20/2021

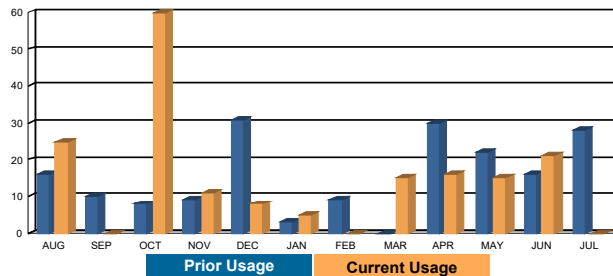
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
09183002	5/26/2021	2550	6/28/2021	2571	21
09183002	4/29/2021	2535	5/26/2021	2550	15

SPECIAL MESSAGE

If your bill includes penalties, please note that the penalty amount on your bill represents 25% of your total June Penalty. The remaining 75% of your penalty has been temporarily suspended and can be forgiven or become payable pursuant to the City Council's Penalty Forgiveness Program. For additional information please contact the St. Helena Finance Division at (707) 968-2745. Information pertaining to the Penalty Forgiveness Program is available at www.cityofsthelema.org/utility-billing.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential	131.26
Water Use @ \$7.44	267.84
Sewer Use @ \$5.34	69.42
Sewer Single Family Residential	121.82
June Excess Penalty	332.72

TOTAL CURRENT CHARGES 923.06

BILL SUMMARY

Previous Balance	489.75
Thank you for your payment.	-489.75
Adjustments	0.00
Additional Billing	332.72
Current Charges	590.34
TOTAL AMOUNT DUE	923.06

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 5/1/2021 to 6/30/2021
BILLING DATE: 7/15/2021

DUE DATE: 8/20/2021

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

AMOUNT DUE

TOTAL AMOUNT DUE BY 8/20/2021 923.06

AMOUNT ENCLOSED

AUTO PAY

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





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St. Helena, CA 94574
water@cityofstheleena.org

(707) 968-2745

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 7/1/2021 to 8/31/2021
BILLING DATE: 9/24/2021

DUE DATE: 10/25/2021

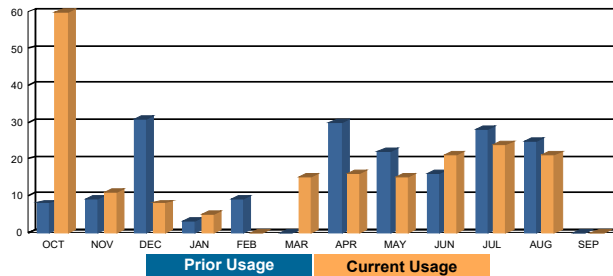
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
09183002	6/28/2021	2571	7/28/2021	2595	24
09183002	7/28/2021	2595	8/27/2021	2616	21

SPECIAL MESSAGE

If your bill includes penalties, please note that the penalty amount on your bill represents 50% of your total July Penalty and 100% of your August Penalty. The remaining 50% of your July penalty has been temporarily suspended and can be forgiven or become payable pursuant to the City Council's Penalty Forgiveness Program. For additional information please contact the St. Helena Finance Division at (707) 968-2745. Information pertaining to the Penalty Forgiveness Program is available at www.cityofstheleena.org/utility-billing.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential 131.26
Water Use @ \$7.44 334.80
Sewer Use @ \$5.34 69.42
Sewer Single Family Residential 121.82
July 50% Excess Pen 1,043.52
Aug Excess Penalty 537.55

TOTAL CURRENT CHARGES 2,238.37

BILL SUMMARY

Previous Balance 923.06
Thank you for your payment. -600.00
Adjustments -765.62
Additional Billing 1,581.07
Current Charges 657.30

TOTAL AMOUNT DUE 1,795.81

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 7/1/2021 to 8/31/2021
BILLING DATE: 9/24/2021

DUE DATE: 10/25/2021

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

AMOUNT DUE

TOTAL AMOUNT DUE BY 10/25/2021 1,795.81

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
St. Helena, CA 94574
water@cityofstheleena.org

(707) 968-2745

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 9/1/2021 to 10/31/2021
BILLING DATE: 11/19/2021

DUE DATE: 12/20/2021

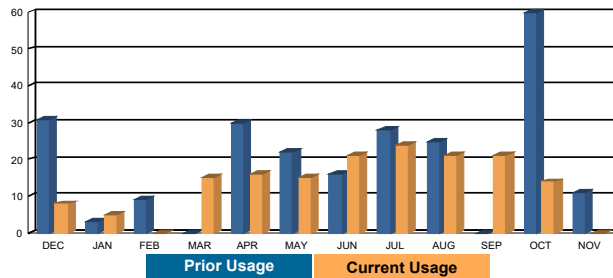
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
09183002	8/27/2021	2616	9/28/2021	2637	21
09183002	9/28/2021	2637	10/27/2021	2651	14

SPECIAL MESSAGE

If your bill includes penalties, please note that the newly assessed penalty amount on your bill represents September and October penalties related water use over allocated amounts. For additional information please contact the St. Helena Finance Division at (707) 968-2745. For information regarding the water emergency please visit: <https://www.cityofstheleena.org/wateremergency/page/water-emergency>

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential	131.26
Water Use @ \$7.44	260.40
Sewer Use @ \$5.34	69.42
Sewer Single Family Residential	121.82
Sept Excess Penalty	505.55
Oct Excess Penalty	26.47

TOTAL CURRENT CHARGES 1,114.92

BILL SUMMARY

Previous Balance	1,795.81
Thank you for your payment.	-700.00
Adjustments	0.00
Additional Billing	532.02
Current Charges	582.90
TOTAL AMOUNT DUE	2,210.73

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 006201-002
SERVICE ADDRESS: 1655 Chardonnay Way
SERVICE PERIOD: 9/1/2021 to 10/31/2021
BILLING DATE: 11/19/2021

DUE DATE: 12/20/2021

CYNTHIA KEE
1655 Chardonnay Way
St. Helena, CA 94574

AMOUNT DUE

TOTAL AMOUNT DUE BY 12/20/2021 **2,210.73**

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290



Customer Name: Kee, Cynthia
Customer Account Number: 006201-002

Residential:	Current Allocation - based on a 30-day month, peak period		
		Gallons	HCF
	Number in Household:	2	3,900
	Phase II Outdoor Summer Allocation:	2,500	
	Additional Exception	1,873	
		8,273	11.06

Non-Residential:	Current Allocation:	HCF	Gallons
	June	-	-
	July	-	-
	August	-	-
	September	-	-
	October	-	-
	November	-	-

Leak Letters Sent:	April 2021 May 2021 June 2021 July 2021 August 2021 September 2021 October 2021
--------------------	---

Penalties Imposed:	Month Imposed	Amount Imposed	Total Penalty Requested for Waiver	Over Allocation (HCF)	Over Allocation (Gallons)
	June	\$ 118.63	\$ 474.52	9.728	7,277
	July	\$ 492.00	\$ 984.00	12.351	9,239
	August	\$ 537.55	\$ 537.55	9.913	7,415
	September	\$ 505.55	\$ 505.55	9.833	7,356
	October	\$ 26.47	\$ 26.47	2.647	1,980
	November				-
					-
	TOTAL	\$ 1,680.20	\$ 2,528.09	44.472	33,267

Administrative approval of penalty waivers is up to \$50,000.

		Yes	No
1	Leak Letters Sent	X	
2	Has the customer received a leak letter for 2 or more consecutive months?	X	
3	If yes to #2, has the customer demonstrated a good faith effort to actively locate and fix leaks?	X	
3a	Additional considerations for administrative approval if there were 2 or more consecutive months in which leak letters were received: Customer has been working with the City since August to try to determine where the leak was occurring. The customer continues to have small, continuous use, but is within their allocation for November after irrigation lines were capped off in October 2021 (10/11/21). Use in October decreased after this correction was made.		
4	Was the leak beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak?	X	
5	Was the leak a result of negligent, willful, or neglectful behavior?		X
6	Is there proof the leak repairs were completed?	X	

7	If yes to #6, what proof has been provided (including, but not limited to receipts, total irrigation shut off, etc...) resulting in a decrease of usage within the prescribed allocation: This can be seen in the decrease in use since the two lines were capped.																		
8	Has the customer previously filed a penalty leak adjustment?		X																
9	If yes to #8, was the penalty leak adjustment approved?																		
10	If yes to #9, what was the amount of the penalty leak adjustment?																		
11	If yes to #8, months the penalties were waived/reduced:																		
12	Is there verification of dates the leak was fixed as compared to consumption?	X																	
13	If yes to #12, what is the verification: <table border="1"> <thead> <tr> <th></th> <th>June</th> <th>July</th> <th>August</th> <th>Sept</th> <th>Oct</th> <th>Nov</th> <th>Dec</th> </tr> </thead> <tbody> <tr> <td>Consumption</td> <td>21</td> <td>24</td> <td>21</td> <td>21</td> <td>14</td> <td>7</td> <td>9</td> </tr> </tbody> </table>				June	July	August	Sept	Oct	Nov	Dec	Consumption	21	24	21	21	14	7	9
	June	July	August	Sept	Oct	Nov	Dec												
Consumption	21	24	21	21	14	7	9												
14	Is there verification that overage was as a result of a leak?	X																	
15	If yes to #14, what is the verification: Reduction in consumption																		
16	Is there demonstration the customer has made an ongoing commitment to water reduction (e.g. Flume device, more active monitoring, etc..)?	X																	
17																			
18																			
19																			
20																			

Action:

Administrative Approval:	
By:	
Signature:	
Months the Penalties are being reduced:	
Total Penalty reduction:	\$ 2,528.09

Date Customer Notified: _____

Date Adjustment Made to Acct. _____

Item to be heard by the WAB for determination:	
Date to Water Advisory Board:	

Administrative Denial:	
If denied, reason(s):	
By:	
Signature:	



Report to the City Council
Water Advisory Board – January 21, 2022

Agenda Section: **NEW BUSINESS**

Subject: **Consideration of Penalty Adjustment – Del Dotto, David & Yolanda**

CEQA Determination: **Not a CEQA project**

Prepared By: April Mitts, Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: April Mitts, Administrative Services Director

BACKGROUND

On October 27, 2020, the City Council established Phase II Water Regulations and, in accordance with the St. Helena Municipal Code (SHMC), established the Water Advisory Board consisting of one City Council member, one Planning Commissioner, one winery customer, and two public members, one of whom shall solely be a residential customer.

The Water Advisory Board shall have access to all records in the possession of the water enterprise necessary in its judgement to perform its duties, including customer records. The Board shall maintain confidentiality of individual customer records unless the Board determines by resolution that release of such information is necessary in the pursuit of its duties.

The Water Advisory Board shall meet at least monthly and may grant permits for uses of water, for exceptions to water conservation measures, or for water connections otherwise prohibited. The Water Advisory Board shall prescribe necessary procedures for application for and use of exception permits pursuant to SHMC Section 13.04.280.

The City of St. Helena is committed to preventing water waste but also understands that, infrequently, a water leak may occur. When a water leak does occur, customers can request a credit to their utility bill for a portion of the excess water in accordance with P-FI-0005 Leak Adjustment Policy. This policy provides relief to St. Helena water customers

who have had a leak that is not due to negligent or willful acts. Under the current Leak Adjustment Policy, leak adjustments are not granted if the City is in a Phase I or higher water emergency or subject to water use limitations by the State of California. However, recognizing the City's conservation efforts as well as the authority granted under P-FI-0005 for Leak Adjustment appeals, any request for a leak adjustment during a Phase II or Phase III emergency are being evaluated by the City Manager.

In addition to the ability to qualify for a leak adjustment, the City recognizes that during a Phase II or Phase III water emergency, penalties may have been incurred as a result of a leak. On July 27, 2021, the City Council adopted a resolution designating that the Water Advisory Board can hear/make a determination for reduction of penalties for those customers who receive a penalty as a result of a water leak.

On August 6, 2021, the Water Advisory Board adopted policy - P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties* and the applicable *Application Form*, to assist those customers who incurred penalties as a result of a water leak.

Per the established policy, the following criteria must be met:

1. The customer must have not received a leak letter for 2 or more consecutive months or can demonstrate there is a good faith effort to actively locate and fix leaks.
2. All leak(s) must be beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak.
3. The leak(s) cannot be the result of negligent, willful nor neglectful behavior.
4. Proof that the repairs were completed must be included with all requests for a penalty leak adjustment. Examples include a copy of the plumber's invoice or hardware store receipts showing items purchased or proof provided by the City that water use had returned to normal levels during subsequent months.

The Water Advisory Board will consider penalty leak adjustment amounts on a case-by-case basis with the following consideration:

- a. Up to 100% - First Leak
- b. Up to 50% - Subsequent Leaks

DISCUSSION

In accordance with P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties* on September 30, 2021, the City received an application for a leak adjustment and a water penalty leak adjustment for consideration (Attachment 1 and Attachment 2).

Attachment 3 provides a summary of water use for this property.

Attachments 4-8 provides Account Statements from January 1, 2021 to present

Tables 1 through 4 provides additional information for the Water Advisory Board.

Table 1 - Current Allocation – based on a 30-day month:

Current Allocation - based on a 30-day month, peak period				
			Gallons	HCF
Number in Household:	4		7,800	
Phase II Outdoor Summer Allocation:			2,500	
Additional Exception			7,500	
			17,800	23.80

Table 2 - Penalties imposed:

Month Imposed	Amount Imposed	Total Penalty Requested for Waiver	Over Allocation (HCF)	Over Allocation (Gallons)
June	\$ 422.76	\$ 1,691.04	26.74	20,003
July				-
August	\$ 28,755.55	\$ 28,755.55	129.19	96,641
September	\$ 167,837.55	\$ 167,837.55	690.722	516,695
October	\$ 9,805.30	\$ 9,805.30	57.05	42,676
November				-
				-
TOTAL	\$ 206,821.16	\$ 208,089.44	903.702	676,014

Table 3 – Leak Letters Sent

December 2020
January 2021
March 2021
April 2021
May 2021
June 2021
July 2021
September 2021
October 2021

Table 4 – Previous Water Penalty Leak Adjustment(s)

Water Advisory Board Meeting Date	Adjustment Granted
N/A	

Staff reviewed the application for approval on an administrative level and due to leak letters being sent for more than two consecutive months, and the amount being above

\$50,000, an administrative determination could not be made. A summary can be found on the Leak Appeal Checklist (Attachment 9).

FISCAL IMPACT

Dependent on Water Advisory Board recommendation.

RECOMMENDED ACTION

Discuss and make a determination for Water Penalty adjustment request.



Water Penalty Leak Adjustment Application

City of St. Helena, City Hall

DATE SUBMITTED:	Received
RECEIVED BY:	SEP 30

 1480 Main St.
 St Helena, CA 94574

PROPERTY & BILLING INFORMATION			
Date Applying 9/30/2021		Customer or Company Name David & Yolanda Del Dotto	
Account Number 005620-000		Phone Number 707-333-8122	Email Address yolanda@deldottovineyards.com
Mailing Address 1291 Zinfandel Lane		City Saint Helena	State CA
			Zip Code 94574
WATER LEAK INFORMATION (in addition to Water Leak Application)			
Month Penalties Occurred: August, JUNE - OCTOBER		Amount of Penalties Assessed: 30880.05	
Please list any additional information for the Water Advisory Board consideration: We discovered a water leak under our house a week ago. We have been trying to find this leak for many months with no avail. The maintenance manager discovered water running in a sump pump from our french drain around the house and realized there was a broken pipe somewhere. It is in a place he could not get to under the sidewalks and house. He has a crew of 4-5 men working to dig a trench for a new line to the guest house and main house and bypass the leaking pipe. This will be completed today 9/30/2021. I will have pictures documenting all of the work being done. I am so sorry that all of this water literally ran down the drain! My last maintenance person tried everything he could to discover this leak but could not before he left in 2020. I hope you will consider an adjustment or forgiveness of the penalty you have assessed on us for this water usage.			
PLEASE READ AND SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT			
- I have read and will adhere to all specific requirements of P-FI-0022 Leak Adjustment Policy – Phase II and Phase III Water Penalties and to any other specified conditions as determined by the City of St. Helena or Water Advisory Board. - I am aware of and agree to comply with the Water and Wastewater System Rules and Regulations identified in the St. Helena Municipal Code: http://www.codepublishing.com/CA/StHelena. - I certify that the leak was not the result of neglect, willful or neglectful behavior. - By signing below, applicant acknowledges and consents to the Water Advisory Board's review and use of applicant's customer records for the purpose of making a decision related to this application, and understands that such information, including historical water use, leak information, and other water use related information may be discussed and disclosed at a public meeting. - I am requesting relief under P-FI-0022 Leak Adjustment Policy – Phase II and Phase III Water Penalties. - By signing this form, I certify the information provided is accurate and true, and agree to comply with all requirements set forth in the policy. Failure to comply with Water and Wastewater System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution.			
Name: Yolanda Del Dotto		Signature: Yolanda Del Dotto	Date: 9/30/2021
PLEASE SUBMIT APPLICATIONS TO:		QUESTIONS?	
City of St. Helena: Administrative Services Department – Finance Division 1572 Railroad Avenue St. Helena, CA 94574		Email: water@cityofsthenela.org Phone: 707-968-2745	

Updated 08/07/2021

STAFF USE ONLY	
Leak Application attached	☐
Has Customer Received a Leak Notification: ☒ Yes ☐ No	
If yes, list all leak notifications sent and date of leak notification:	
JAN-21 AUG-21 FEB-21 MAR-21 APR-21 MAY-21 JUN-21	
Date item to be heard by Water Advisory Board:	
Date customer notified via email the item will be heard by the Water Advisory Board:	
Water use exception is hereby: ☐ Approved ☐ Denied	
Percentage of Penalty to be Adjusted (up to 100% for first leak and up to 50% for subsequent leaks): ____ % of Penalty to be Adjusted ____ Amount of Penalty to be Adjusted	
If denied, reason for denial:	
Date Approved by Water Advisory Board:	
Date notification of Approval/Denial emailed to customer:	
Date adjustment made to customer account:	

Updated 08/07/2021

















Residential Leak Appeal Application

City of St Helena, City Hall
Received

DATE SUBMITTED:	SEP 30
RECEIVED BY:	
1480 Main St.	
St Helena, CA 94574	

PROPERTY & BILLING INFORMATION			
Date Applying:	9/29/2021		
Account Holders Name	Daytime Phone Number	Other Phone Number	
David/Yolanda Del Dotto	707-333-8122		
Service Address			
1291 Zinfandel Lane			
Email			
yolanda@deldottovineyards.com			
Mailing Address (if different than above)	City	State	Zip Code
	Saint Helena	CA	94574
TYPE OF SERVICE			
☒ Single Family			
☐ Multi-Family			
WATER LEAK DESCRIPTION			
Describe how and where the leak occurred; in addition to how the leak was repaired. (Include any proof of repair, such as receipts, invoices and/or photos)			
We have been notified of a continuous leak for months. We have been trying to locate the leak and finally found water running into a sump area via the french drain around the house last week. The maintenance person was able to determine that the leak was from a broken pipe under the house that he couldn't get to. He had to go to the source and track the pipe down so he could reroute another pipe to the house. There has been a crew of 4-5 men working on digging trenches and putting in new piping so they could bypass the leaking pipe that cannot be reached. I will attach pictures to an email when I get them from the maintenance manager.			
Billing Period in which leak occurred:	Does Property have Low Flow Fixtures?		Sign up for Developer Water Retrofit Program?
many months	☒ Yes ☐ No ☐ Unsure		☒ Yes ☐ No

Updated 07/26/2021

Page 1 of 2

PLEASE READ & SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT		
I certify that I have read, understand and agree to the terms and conditions of a water leak adjustment policy identified below. - I am aware of and agree to comply with the Water and Waste Water System Rules and Regulations identified in the St. Helena Municipal Code: http://www.codepublishing.com/CA/StHelena - The water meter is property of the City of St. Helena. Turning on or off, tampering with or adjusting the meter is prohibited. - I am aware the excess water usage must be 100% higher than normal usage based on an average of the same billing period for the previous three years or the available account history. - I certify that the leak was not the result of negligent, willful or neglectful behavior. - I am aware leak adjustments will not be granted if water use does not comply with other existing laws. - I am aware that one (1) leak adjustment may be granted no more than once every 60 months per account. - I am aware adjustments are for one month only. - I am aware if any insurance payment, reimbursement from any other entity other than the City, or equivalent is received, I must immediately notify the City and may be required to pay back the adjusted amount. If I have received reimbursement for this leak, I must provide copies of the documentation with this form. I am aware leak adjustments will not be granted if the City is in a Phase 1 or higher water emergency or subject to water use limitations by the State of California. Also, leak adjustments will not be granted if a local natural disaster has been declared. I am requesting relief under P-FI-0005 Leak Adjustment Policy set by the City of St. Helena. I certify the information provided is accurate and true, and agree to comply with all requirements as set forth in the policy. Failure to comply with Water and Waste Water System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution. By signing this, I am formally requesting an appeal pursuant to Municipal code 13.04.180.		
 Signature	Yolanda De Doff Print Name	9/30/2021 Date
PLEASE SUBMIT APPLICATIONS TO: QUESTIONS?		
City of St. Helena: Utility Billing 1480 Main Street St. Helena, CA 95404		Email: water@cityofstheleena.org Website: www.cityofstheleena.org/water Phone: 707-968-2745
STAFF USE ONLY		
Billing month the leak occurred:	Prior Leak adjustment on file: ☐ Yes ☐ No Date:	Documentation of Repair attached? ☐ Yes ☐ No
Leak Verified by City Employee & Date of Verification: ☐ Yes ☐ No / /	Leak Letter Received? ☒ Yes ☐ No <i>Jan-21, Feb-21, Mar-21, Apr-21, May-21, Jun-21, Aug-21</i>	Average Water Usage calculated for adjustment
Total Water Usage adjusted:	Total Dollar Amount Adjusted:	Verified adjusted dollar amount with customer: ☐ Yes ☐ No
Additional Notes:		
Leak adjustment request is hereby: ☐ Approved ☐ Rejected		
Reason for rejection:		
_____ Signature	_____ Print Name (Authorized Signature)	_____ Date

Utility Billing

Del Dotto David Yolanda 005620-000 - 1291 Zinfandel Ln W



User: AprilM

Printed: 1/17/2022 1:58:27 PM

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
005620-000	12/28/2021	14749	0	12/2021	True	False	False	0	0.00000
005620-000	11/29/2021	14749	0	11/2021	True	False	False	0	0.00000
005620-000	10/27/2021	14749	80	10/2021	False	True	False	0	0.00000
005620-000	9/28/2021	14669	716	09/2021	False	True	False	0	0.00000
005620-000	8/27/2021	13953	148	08/2021	False	True	False	0	0.00000
005620-000	7/28/2021	13805	0	07/2021	False	True	False	0	0.00000
005620-000	6/28/2021	13805	53	06/2021	False	True	False	0	0.00000
005620-000	5/26/2021	13752	248	05/2021	False	True	False	0	0.00000
005620-000	4/29/2021	13504	259	04/2021	False	True	False	0	0.00000
005620-000	3/29/2021	13245	178	03/2021	False	True	False	0	0.00000
005620-000	3/9/2021	13067	297	03/2021	False	True	False	0	0.00000
005620-000	1/29/2021	12770	193	01/2021	False	True	False	0	0.00000
005620-000	12/30/2020	12577	287	12/2020	False	True	False	0	0.00000
005620-000	11/19/2020	12290	139	11/2020	False	True	False	0	0.00000
005620-000	10/30/2020	12151	351	10/2020	False	True	False	0	0.00000
005620-000	8/27/2020	11800	199	08/2020	False	True	False	0	0.00000
005620-000	7/30/2020	11601	146	07/2020	False	True	False	0	0.00000
005620-000	6/30/2020	11455	68	06/2020	False	True	False	0	0.00000
005620-000	6/1/2020	11387	75	05/2020	False	True	False	0	0.00000
005620-000	4/30/2020	11312	58	04/2020	False	True	False	0	0.00000
005620-000	4/1/2020	11254	85	04/2020	False	True	False	0	0.00000
005620-000	2/28/2020	11169	113	02/2020	False	True	False	0	0.00000
005620-000	1/31/2020	11056	109	01/2020	False	True	False	0	0.00000
005620-000	12/31/2019	10947	80	12/2019	False	True	False	0	0.00000
005620-000	12/9/2019	10867	135	12/2019	False	True	False	0	0.00000
005620-000	11/7/2019	10732	172	11/2019	False	True	False	0	0.00000
005620-000	10/8/2019	10560	192	10/2019	False	True	False	0	0.00000
005620-000	9/6/2019	10368	142	09/2019	False	True	False	0	0.00000
005620-000	8/8/2019	10226	235	08/2019	False	True	False	0	0.00000
005620-000	7/8/2019	9991	227	07/2019	False	True	False	0	0.00000
005620-000	6/7/2019	9764	140	06/2019	False	True	False	0	0.00000
005620-000	5/10/2019	9624	139	05/2019	False	True	False	0	0.00000
005620-000	4/8/2019	9485	334	04/2019	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
005620-000	3/8/2019	9151	169	03/2019	False	True	False	0	0.00000
005620-000	2/7/2019	8982	171	02/2019	False	True	False	0	0.00000
005620-000	1/8/2019	8811	174	01/2019	False	True	False	0	0.00000
005620-000	12/7/2018	8637	169	12/2018	False	True	False	0	0.00000
005620-000	11/7/2018	8468	12	11/2018	False	True	False	0	0.00000
005620-000	11/5/2018	8456	50	11/2018	False	True	False	0	0.00000
005620-000	10/29/2018	8406	159	10/2018	False	True	False	0	0.00000
005620-000	10/8/2018	8247	292	10/2018	False	True	False	0	0.00000
005620-000	9/7/2018	7955	207	09/2018	False	True	False	0	0.00000
005620-000	8/8/2018	7748	152	08/2018	False	True	False	0	0.00000
005620-000	7/9/2018	7596	116	07/2018	False	True	False	0	0.00000
005620-000	6/7/2018	7480	98	06/2018	False	True	False	0	0.00000
005620-000	5/8/2018	7382	101	05/2018	False	True	False	0	0.00000
005620-000	4/9/2018	7281	88	04/2018	False	True	False	0	0.00000
005620-000	3/8/2018	7193	76	03/2018	False	True	False	0	0.00000
005620-000	2/8/2018	7117	74	02/2018	False	True	False	0	0.00000
005620-000	1/8/2018	7043	77	01/2018	False	True	False	0	0.00000
005620-000	12/8/2017	6966	98	12/2017	False	True	False	0	0.00000
005620-000	11/8/2017	6868	296	11/2017	False	True	False	0	0.00000
005620-000	9/8/2017	6572	140	09/2017	False	True	False	0	0.00000
005620-000	8/8/2017	6432	150	08/2017	False	True	False	0	0.00000
005620-000	7/7/2017	6282	692	07/2017	False	True	False	0	0.00000
005620-000	6/8/2017	5590	676	06/2017	False	True	False	0	0.00000
005620-000	5/8/2017	4914	615	05/2017	False	True	False	0	0.00000
005620-000	4/7/2017	4299	80	04/2017	False	True	False	0	0.00000
005620-000	3/8/2017	4219	0	03/2017	False	True	False	0	0.00000
005620-000	2/8/2017	4219	0	02/2017	False	True	False	0	0.00000
005620-000	1/10/2017	4219	0	01/2017	False	True	False	0	0.00000
005620-000	12/9/2016	4219	0	12/2016	False	True	False	0	0.00000
005620-000	11/8/2016	4219	0	11/2016	False	True	False	0	0.00000
005620-000	10/7/2016	4219	0	10/2016	False	True	False	0	0.00000
005620-000	9/8/2016	4219	10	09/2016	False	True	False	0	0.00000
005620-000	8/8/2016	4209	0	08/2016	False	True	False	0	0.00000
005620-000	7/8/2016	4209	0	07/2016	False	True	False	0	0.00000
005620-000	6/8/2016	4209	0	06/2016	False	True	False	0	0.00000
005620-000	5/9/2016	4209	13	05/2016	False	True	False	0	0.00000
005620-000	4/8/2016	4196	59	04/2016	False	True	False	0	0.00000
005620-000	3/17/2016	4137	24	04/2016	False	True	False	0	0.00000
005620-000	3/8/2016	4113	56	03/2016	False	True	False	0	0.00000
005620-000	2/8/2016	4057	18	02/2016	False	True	False	0	0.00000
005620-000	1/8/2016	4039	0	01/2016	False	True	False	0	0.00000
005620-000	12/8/2015	4039	1	12/2015	False	True	False	0	0.00000
005620-000	11/9/2015	4038	0	11/2015	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
005620-000	10/8/2015	4038	24	10/2015	False	True	False	0	0.00000
005620-000	9/8/2015	4014	19	09/2015	False	True	False	0	0.00000
005620-000	8/7/2015	3995	0	08/2015	False	True	False	0	0.00000
005620-000	7/8/2015	3995	0	07/2015	False	True	False	0	0.00000
005620-000	6/8/2015	3995	0	06/2015	False	True	False	0	0.00000
005620-000	5/8/2015	3995	0	05/2015	False	True	False	0	0.00000
005620-000	4/8/2015	3995	0	04/2015	False	True	False	0	0.00000
005620-000	3/9/2015	3995	0	03/2015	False	True	False	0	0.00000
005620-000	2/9/2015	3995	0	02/2015	False	True	False	0	0.00000
005620-000	1/8/2015	3995	0	01/2015	False	True	False	0	0.00000
005620-000	12/8/2014	3995	0	12/2014	False	True	False	0	0.00000
005620-000	11/7/2014	3995	1	11/2014	False	True	False	0	0.00000
005620-000	10/8/2014	3994	0	10/2014	False	True	False	0	0.00000
005620-000	9/8/2014	3994	0	09/2014	False	True	False	0	0.00000
005620-000	8/8/2014	3994	0	08/2014	False	True	False	0	0.00000
005620-000	7/8/2014	3994	0	07/2014	False	True	False	0	0.00000
005620-000	7/2/2014	3994	0	07/2014	False	True	False	0	0.00000
005620-000	6/9/2014	3994	0	06/2014	False	True	False	0	0.00000
005620-000	5/8/2014	3994	0	05/2014	False	True	False	0	0.00000
005620-000	4/7/2014	3994	10	04/2014	False	True	False	0	0.00000
005620-000	3/7/2014	3984	19	03/2014	False	True	False	0	0.00000
005620-000	2/21/2014	3965	13	02/2014	False	True	False	0	0.00000
005620-000	2/7/2014	3952	70	02/2014	False	True	False	0	0.00000
005620-000	1/9/2014	3882	166	01/2014	False	True	False	0	0.00000
005620-000	12/9/2013	3716	76	12/2013	False	True	False	0	0.00000
005620-000	11/8/2013	3640	114	11/2013	False	True	False	0	0.00000
005620-000	10/8/2013	3526	156	10/2013	False	True	False	0	0.00000
005620-000	9/9/2013	3370	79	09/2013	False	True	False	0	0.00000
005620-000	8/8/2013	3291	83	08/2013	False	True	False	0	0.00000
005620-000	7/8/2013	3208	104	07/2013	False	True	False	0	0.00000
005620-000	6/7/2013	3104	79	06/2013	False	True	False	0	0.00000
005620-000	5/8/2013	3025	99	05/2013	False	True	False	0	0.00000
005620-000	4/8/2013	2926	46	04/2013	False	True	False	0	0.00000
005620-000	3/8/2013	2880	34	03/2013	False	True	False	0	0.00000
005620-000	2/8/2013	2846	36	02/2013	False	True	False	0	0.00000
005620-000	1/8/2013	2810	26	01/2013	False	True	False	0	0.00000
005620-000	12/7/2012	2784	31	12/2012	False	True	False	0	0.00000
005620-000	11/8/2012	2753	99	11/2012	False	True	False	0	0.00000
005620-000	10/8/2012	2654	78	10/2012	False	True	False	0	0.00000
005620-000	9/7/2012	2576	68	09/2012	False	True	False	0	0.00000
005620-000	8/8/2012	2508	95	08/2012	False	True	False	0	0.00000
005620-000	7/9/2012	2413	111	07/2012	False	True	False	0	0.00000
005620-000	6/8/2012	2302	36	06/2012	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
005620-000	5/8/2012	2266	19	05/2012	False	True	False	0	0.00000
005620-000	4/9/2012	2247	19	04/2012	False	True	False	0	0.00000
005620-000	3/8/2012	2228	18	03/2012	False	True	False	0	0.00000
005620-000	2/8/2012	2210	26	02/2012	False	True	False	0	0.00000
005620-000	1/9/2012	2184	19	01/2012	False	True	False	0	0.00000
005620-000	12/8/2011	2165	43	12/2011	False	True	False	0	0.00000
005620-000	11/8/2011	2122	82	11/2011	False	True	False	0	0.00000
005620-000	10/7/2011	2040	55	10/2011	False	True	False	0	0.00000
005620-000	9/8/2011	1985	46	09/2011	False	True	False	0	0.00000
005620-000	8/8/2011	1939	43	08/2011	False	True	False	0	0.00000
005620-000	7/7/2011	1896	23	07/2011	False	True	False	0	0.00000
005620-000	6/8/2011	1873	54	06/2011	False	True	False	0	0.00000
005620-000	5/6/2011	1819	30	05/2011	False	True	False	0	0.00000
005620-000	4/7/2011	1789	47	04/2011	False	True	False	0	0.00000
005620-000	3/8/2011	1742	1	03/2011	False	True	False	0	0.00000
005620-000	2/8/2011	1741	2	02/2011	False	True	False	0	0.00000
005620-000	1/7/2011	1739	0	01/2011	False	True	False	0	0.00000
005620-000	12/8/2010	1739	0	12/2010	False	True	False	0	0.00000
005620-000	11/8/2010	1739	0	11/2010	False	True	False	0	0.00000
005620-000	10/8/2010	1739	3	10/2010	False	True	False	0	0.00000
005620-000	9/9/2010	1736	18	09/2010	False	True	False	0	0.00000
005620-000	8/9/2010	1718	58	08/2010	False	True	False	0	0.00000
005620-000	7/8/2010	1660	15	07/2010	False	True	False	0	0.00000
005620-000	6/8/2010	1645	13	06/2010	False	True	False	0	0.00000
005620-000	5/10/2010	1632	28	05/2010	False	True	False	0	0.00000
005620-000	4/8/2010	1604	17	04/2010	False	True	False	0	0.00000
005620-000	3/8/2010	1587	19	03/2010	False	True	False	0	0.00000
005620-000	2/5/2010	1568	18	02/2010	False	True	False	0	0.00000
005620-000	1/7/2010	1550	22	01/2010	False	True	False	0	0.00000
005620-000	12/8/2009	1528	33	12/2009	False	True	False	0	0.00000
005620-000	11/9/2009	1495	3	11/2009	False	True	False	0	0.00000
005620-000	10/8/2009	1492	125	10/2009	False	True	False	0	0.00000
005620-000	9/10/2009	1367	36	09/2009	False	True	False	0	0.00000
005620-000	8/11/2009	1331	122	08/2009	False	True	False	0	0.00000
005620-000	6/8/2009	1209	25	06/2009	False	True	False	0	0.00000
005620-000	5/7/2009	1184	45	05/2009	False	True	False	0	0.00000
005620-000	4/7/2009	1139	17	04/2009	False	True	False	0	0.00000
005620-000	3/9/2009	1122	15	03/2009	False	True	False	0	0.00000
005620-000	2/9/2009	1107	50	02/2009	False	True	False	0	0.00000
005620-000	12/9/2008	1057	54	12/2008	False	True	False	0	0.00000
005620-000	10/6/2008	1003	103	10/2008	False	True	False	0	0.00000
005620-000	8/8/2008	900	97	08/2008	False	True	False	0	0.00000
005620-000	6/10/2008	803	77	06/2008	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
005620-000	4/10/2008	726	78	04/2008	False	True	False	0	0.00000
005620-000	2/10/2008	648	63	02/2008	False	True	False	0	0.00000
005620-000	12/10/2007	585	68	12/2007	False	True	False	0	0.00000
005620-000	10/10/2007	517	158	10/2007	False	True	False	0	0.00000
005620-000	8/10/2007	359	152	08/2007	False	True	False	0	0.00000
005620-000	6/10/2007	207	180	06/2007	False	True	False	0	0.00000
005620-000	4/10/2007	27	84	04/2007	False	True	False	0	0.00000



1572 Railroad Avenue
St. Helena, CA 94574
water@cityofstheleena.org

(707) 968-2745

DAVID & YOLANDA DEL DOTTO
c/o Del Dotto Vineyards
540 Technology Wy.
Napa, CA 94558

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 1/1/2021 to 2/28/2021
BILLING DATE: 3/15/2021

DUE DATE: 4/15/2021

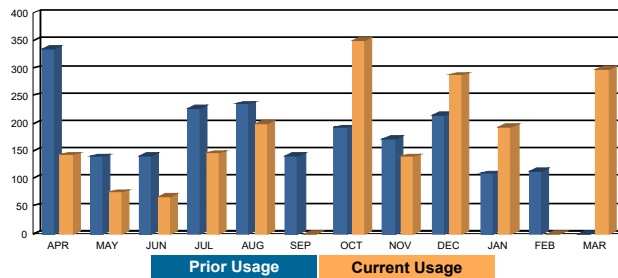
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
006565571	1/29/2021	12770	3/9/2021	13067	297
006565571	12/30/2020	12577	1/29/2021	12770	193

SPECIAL MESSAGE

To sign up for our Online Services or Autopay, please view the back of your statement for instructions. Any payments received after 3:00 pm on March 9th, 2021 may not be reflected on your statement. If you have any questions regarding your water bill please contact us at (707) 968-2745 or email water@cityofstheleena.org.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 1.5" Residential 418.50
Water Use @ \$6.69 3,278.10
TOTAL CURRENT CHARGES 3,696.60

BILL SUMMARY

Previous Balance	2,292.02
Payments Received	0.00
Adjustments	0.00
Additional Billing	0.00
Current Charges	3,696.60
TOTAL AMOUNT DUE	5,988.62

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 1/1/2021 to 2/28/2021
BILLING DATE: 3/15/2021

DUE DATE: 4/15/2021

DAVID & YOLANDA DEL DOTTO
c/o Del Dotto Vineyards
540 Technology Wy.
Napa, CA 94558

AMOUNT DUE

TOTAL AMOUNT DUE BY 4/15/2021 5,988.62

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
St. Helena, CA 94574
water@cityofsthelema.org

(707) 968-2745

DAVID & YOLANDA DEL DOTTO
c/o Del Dotto Vineyards
540 Technology Wy.
Napa, CA 94558

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 3/1/2021 to 4/30/2021
BILLING DATE: 5/15/2021

DUE DATE: 6/15/2021

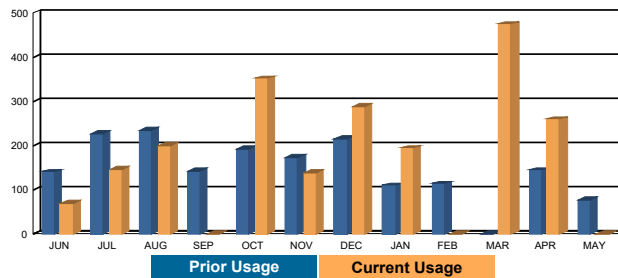
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
006565571	3/29/2021	13245	4/29/2021	13504	259
006565571	3/9/2021	13067	3/29/2021	13245	178

SPECIAL MESSAGE

BI-MONTHLY REMINDER - Your next statement will be issued July 15th, 2021. To sign up for our Online Services or Autopay, please view the back of your statement for instructions. If you have any questions regarding your water bill please contact us at (707) 968-2745 or email water@cityofsthelema.org.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 1.5" Residential 418.50
Water Use @ \$6.69 2,923.53

TOTAL CURRENT CHARGES 3,342.03

BILL SUMMARY

Previous Balance 5,988.62
Thank you for your payment. -2,292.02
Adjustments 0.00
Additional Billing 0.00
Current Charges 3,342.03
TOTAL AMOUNT DUE 7,038.63

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 3/1/2021 to 4/30/2021
BILLING DATE: 5/15/2021

DUE DATE: 6/15/2021

DAVID & YOLANDA DEL DOTTO
c/o Del Dotto Vineyards
540 Technology Wy.
Napa, CA 94558

AMOUNT DUE

TOTAL AMOUNT DUE BY 6/15/2021 7,038.63

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





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water@cityofsthelema.org

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540 Technology Wy.
Napa, CA 94558

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 5/1/2021 to 6/30/2021
BILLING DATE: 7/15/2021

DUE DATE: 8/20/2021

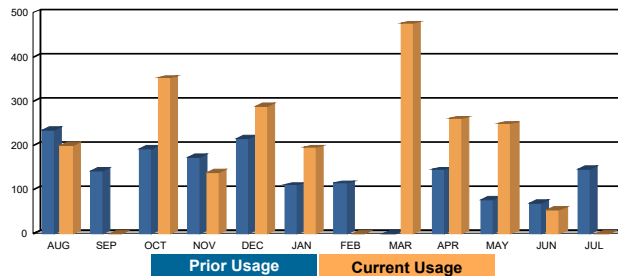
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
006565571	5/26/2021	13752	6/28/2021	13805	53
006565571	4/29/2021	13504	5/26/2021	13752	248

SPECIAL MESSAGE

If your bill includes penalties, please note that the penalty amount on your bill represents 25% of your total June Penalty. The remaining 75% of your penalty has been temporarily suspended and can be forgiven or become payable pursuant to the City Council's Penalty Forgiveness Program. For additional information please contact the St. Helena Finance Division at (707) 968-2745. Information pertaining to the Penalty Forgiveness Program is available at www.cityofsthelema.org/utility-billing.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 1.5" Residential	418.50
Water Use @ \$7.44	2,239.44
June Excess Penalty	1,639.61
TOTAL CURRENT CHARGES	4,297.55

BILL SUMMARY

Previous Balance	7,038.63
Thank you for your payment.	-7,038.63
Adjustments	0.00
Additional Billing	1,639.61
Current Charges	2,657.94
TOTAL AMOUNT DUE	4,297.55

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 5/1/2021 to 6/30/2021
BILLING DATE: 7/15/2021

DUE DATE: 8/20/2021

DAVID & YOLANDA DEL DOTTO
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540 Technology Wy.
Napa, CA 94558

AMOUNT DUE

TOTAL AMOUNT DUE BY 8/20/2021 **4,297.55**

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
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water@cityofstheleena.org

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540 Technology Wy.
Napa, CA 94558

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 7/1/2021 to 8/31/2021
BILLING DATE: 9/24/2021

DUE DATE: 10/25/2021

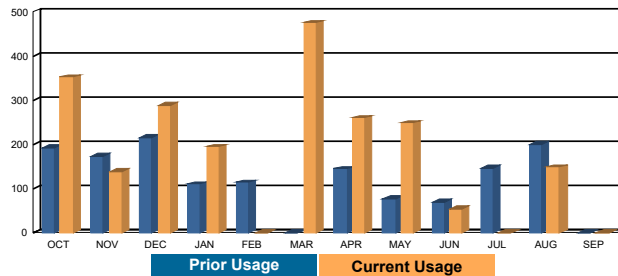
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
006565571	6/28/2021	13805	7/28/2021	13805	0
006565571	7/28/2021	13805	8/27/2021	13953	148

SPECIAL MESSAGE

If your bill includes penalties, please note that the penalty amount on your bill represents 50% of your total July Penalty and 100% of your August Penalty. The remaining 50% of your July penalty has been temporarily suspended and can be forgiven or become payable pursuant to the City Council's Penalty Forgiveness Program. For additional information please contact the St. Helena Finance Division at (707) 968-2745. Information pertaining to the Penalty Forgiveness Program is available at www.cityofstheleena.org/utility-billing.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 1.5" Residential	418.50
Water Use @ \$7.44	1,101.12
Aug Excess Penalty	30,880.05
TOTAL CURRENT CHARGES	32,399.67

BILL SUMMARY

Previous Balance	4,297.55
Thank you for your payment.	-4,297.55
Adjustments	0.00
Additional Billing	30,880.05
Current Charges	1,519.62
TOTAL AMOUNT DUE	32,399.67

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 7/1/2021 to 8/31/2021
BILLING DATE: 9/24/2021

DUE DATE: 10/25/2021

DAVID & YOLANDA DEL DOTTO
c/o Del Dotto Vineyards
540 Technology Wy.
Napa, CA 94558

AMOUNT DUE

TOTAL AMOUNT DUE BY 10/25/2021 32,399.67

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





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St. Helena, CA 94574
water@cityofstheleena.org

(707) 968-2745

DAVID & YOLANDA DEL DOTTO
c/o Del Dotto Vineyards
540 Technology Wy.
Napa, CA 94558

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 9/1/2021 to 10/31/2021
BILLING DATE: 11/19/2021

DUE DATE: 12/20/2021

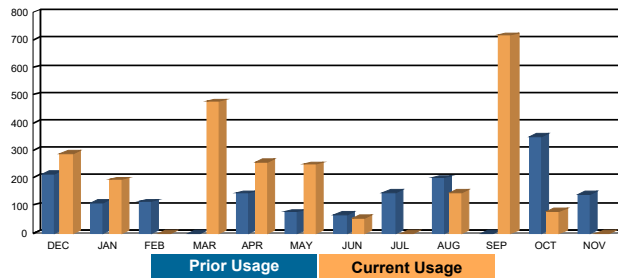
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
006565571	9/28/2021	14669	10/27/2021	14749	80
006565571	8/27/2021	13953	9/28/2021	14669	716

SPECIAL MESSAGE

If your bill includes penalties, please note that the newly assessed penalty amount on your bill represents September and October penalties related water use over allocated amounts. For additional information please contact the St. Helena Finance Division at (707) 968-2745. For information regarding the water emergency please visit: <https://www.cityofstheleena.org/wateremergency/page/water-emergency>

Water Use in HCF



CURRENT CHARGES

Water Base Fee 1.5" Residential	418.50
Water Use @ \$7.44	5,922.24
Sept Excess Penalty	172,556.60
Oct Excess Penalty	9,805.30
TOTAL CURRENT CHARGES	188,702.64

BILL SUMMARY

Previous Balance	32,399.67
Payments Received	0.00
Adjustments	-8,060.40
Additional Billing	182,361.90
Current Charges	6,340.74
TOTAL AMOUNT DUE	213,041.91

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 005620-000
SERVICE ADDRESS: 1291 Zinfandel Ln W
SERVICE PERIOD: 9/1/2021 to 10/31/2021
BILLING DATE: 11/19/2021

DUE DATE: 12/20/2021

DAVID & YOLANDA DEL DOTTO
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Napa, CA 94558

AMOUNT DUE

TOTAL AMOUNT DUE BY 12/20/2021 **213,041.91**

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290



Customer Name: 005620-000
Customer Account Number: Del Dotto, David & Yolanda

Residential:	Current Allocation - based on a 30-day month, peak period		
		Gallons	HCF
	Number in Household:	4	7,800
	Phase II Outdoor Summer Allocation:	2,500	
	Additional Exception	7,500	
		17,800	23.80

Non-Residential:	Current Allocation:	HCF	Gallons
	June		
	July		
	August		-
	September		-
	October		-
	November		-

Leak Letters Sent:	December 2020
	January 2021
	March 2021
	April 2021
	May 2021
	June 2021
	July 2021
	September 2021
	October 2021

Penalties Imposed:	Month Imposed	Amount Imposed	Total Penalty Requested for Waiver	Over Allocation (HCF)	Over Allocation (Gallons)
	June	\$ 422.76	\$ 1,691.04	26.74	20,003
	July				-
	August	\$ 28,755.55	\$ 28,755.55	129.19	96,641
	September	\$ 167,837.55	\$ 167,837.55	690.722	516,695
	October	\$ 9,805.30	\$ 9,805.30	57.05	42,676
	November				-
					-
	TOTAL	\$ 206,821.16	\$ 208,089.44	903.702	676,014

Administrative approval of penalty waivers is up to \$50,000.

		Yes	No
1	Leak Letters Sent	X	
2	Has the customer received a leak letter for 2 or more consecutive months?	X	
3	If yes to #2, has the customer demonstrated a good faith effort to actively locate and fix leaks?		
3a	Additional considerations for administrative approval if there were 2 or more consecutive months in which leak letters were received: Customer has provided information in the Residential Leak Application as well as the Water Penalty Leak Adjustment Application regarding trying to locate the leak.		
4	Was the leak beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak?	X	
5	Was the leak a result of negligent, willful, or neglectful behavior?		X
6	Is there proof the leak repairs were completed?		

Action:

Date Customer Notified:Date Adjustment Made to Acct.

Administrative Denial:
If denied, reason(s):
By:
Signature:



Report to the City Council
Water Advisory Board – January 21, 2022

Agenda Section: **NEW BUSINESS**

Subject: **Consideration of Penalty Adjustment – Gehan, Glenn**

CEQA **Not a CEQA project**
Determination:

Prepared By: April Mitts, Administrative Services Director

Reviewed By: April Mitts, Administrative Services Director

Approved By: April Mitts, Administrative Services Director

BACKGROUND

On October 27, 2020, the City Council established Phase II Water Regulations and, in accordance with the St. Helena Municipal Code (SHMC), established the Water Advisory Board consisting of one City Council member, one Planning Commissioner, one winery customer, and two public members, one of whom shall solely be a residential customer.

The Water Advisory Board shall have access to all records in the possession of the water enterprise necessary in its judgement to perform its duties, including customer records. The Board shall maintain confidentiality of individual customer records unless the Board determines by resolution that release of such information is necessary in the pursuit of its duties.

The Water Advisory Board shall meet at least monthly and may grant permits for uses of water, for exceptions to water conservation measures, or for water connections otherwise prohibited. The Water Advisory Board shall prescribe necessary procedures for application for and use of exception permits pursuant to SHMC Section 13.04.280.

The City of St. Helena is committed to preventing water waste but also understands that, infrequently, a water leak may occur. When a water leak does occur, customers can request a credit to their utility bill for a portion of the excess water in accordance with P-FI-0005 Leak Adjustment Policy. This policy provides relief to St. Helena water customers who have had a leak that is not due to negligent or willful acts. Under the current Leak

Adjustment Policy, leak adjustments are not granted if the City is in a Phase I or higher water emergency or subject to water use limitations by the State of California. However, recognizing the City's conservation efforts as well as the authority granted under P-FI-0005 for Leak Adjustment appeals, any request for a leak adjustment during a Phase II or Phase III emergency are being evaluated by the City Manager.

In addition to the ability to qualify for a leak adjustment, the City recognizes that during a Phase II or Phase III water emergency, penalties may have been incurred as a result of a leak. On July 27, 2021, the City Council adopted a resolution designating that the Water Advisory Board can hear/make a determination for reduction of penalties for those customers who receive a penalty as a result of a water leak.

On August 6, 2021, the Water Advisory Board adopted policy - P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties* and the applicable *Application Form*, to assist those customers who incurred penalties as a result of a water leak.

Per the established policy, the following criteria must be met:

1. The customer must have not received a leak letter for 2 or more consecutive months or can demonstrate there is a good faith effort to actively locate and fix leaks.
2. All leak(s) must be beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak.
3. The leak(s) cannot be the result of negligent, willful nor neglectful behavior.
4. Proof that the repairs were completed must be included with all requests for a penalty leak adjustment. Examples include a copy of the plumber's invoice or hardware store receipts showing items purchased or proof provided by the City that water use had returned to normal levels during subsequent months.

The Water Advisory Board will consider penalty leak adjustment amounts on a case-by-case basis with the following consideration:

- a. Up to 100% - First Leak
- b. Up to 50% - Subsequent Leaks

DISCUSSION

In accordance with P-FI-0022 *Leak Adjustment Policy – Phase II and Phase III Water Penalties* on October 5, 2021, the City received an application for a leak adjustment and a water penalty leak adjustment for consideration (Attachment 1 and Attachment 2).

Attachment 3 provides a summary of water use for this property.

Attachments 4-8 provides Account Statements from January 1, 2021 to present

Tables 1 through 4 provides additional information for the Water Advisory Board.

Table 1 - Current Allocation – based on a 30-day month:

Current Allocation - based on a 30-day month, peak period				
			Gallons	HCF
Number in Household:	2		3,900	
Phase II Outdoor Summer Allocation:			2,500	
Additional Exception			7,500	
			13,900	18.58

Table 2 - Penalties imposed:

Month Imposed	Amount Imposed	Total Penalty Requested for Waiver	Over Allocation (HCF)	Over Allocation (Gallons)
June	\$ 2,374.35	\$ 9,497.40	53.571	40,074
July	\$ 5,971.65	\$ 11,943.30	61.941	46,335
August	\$ 69,280.15	\$ 69,280.15	291.298	217,905
September				-
October				-
November				-
				-
TOTAL	\$ 77,626.15	\$ 90,720.85	406.81	304,314

Table 3 – Leak Letters Sent

December 2020
March 2021
April 2021
July 2021

Table 4 – Previous Water Penalty Leak Adjustment(s)

Water Advisory Board Meeting Date	Adjustment Granted
N/A	

Staff reviewed the application for approval on an administrative level and due to the amount being above \$50,000, and leak letters being sent for 2 consecutive months, an administrative determination could not be made. A summary can be found on the Leak Appeal Checklist (Attachment 9).

FISCAL IMPACT

Dependent on Water Advisory Board recommendation.

RECOMMENDED ACTION

Discuss and make a determination for Water Penalty adjustment request.



Water Penalty Leak Adjustment Application

DATE SUBMITTED	9/29/2021
RECEIVED BY:	10.05.2021

PROPERTY & BILLING INFORMATION			
Date Applying 10/5/2021		Customer or Company Name Glenn Gehan	
Account Number 016901-000		Phone Number 8178891613	Email Address jragira@gfohome.com
Mailing Address 1717 McKinney Avenue, Suite 1590		City Dallas	State TX
			Zip Code 75202
WATER LEAK INFORMATION (in addition to Water Leak Application)			
Month Penalties Occurred: \$69,280.15		Amount of Penalties Assessed: \$69,280.15	
Please list any additional information for the Water Advisory Board consideration: An unknown valve malfunction started on Friday August 20th and was not shut off until Monday the 23rd. A valve was found stuck in the open position (there was a small rock inside the valve that cause it to stick in the open position. A contractor was brought on to resolve the leak - please find the corresponding invoices attached.			
PLEASE READ AND SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT			
- I have read and will adhere to all specific requirements of <i>P-FI-0022 Leak Adjustment Policy – Phase II and Phase III Water Penalties</i> and to any other specified conditions as determined by the City of St. Helena or Water Advisory Board. - I am aware of and agree to comply with the Water and Wastewater System Rules and Regulations identified in the St. Helena Municipal Code: http://www.codepublishing.com/CA/StHelena. - I certify that the leak was not the result of neglect, willful or neglectful behavior. - By signing below, applicant acknowledges and consents to the Water Advisory Board's review and use of applicant's customer records for the purpose of making a decision related to this application, and understands that such information, including historical water use, leak information, and other water use related information may be discussed and disclosed at a public meeting. - I am requesting relief under <i>P-FI-0022 Leak Adjustment Policy – Phase II and Phase III Water Penalties</i>. - By signing this form, I certify the information provided is accurate and true, and agree to comply with all requirements set forth in the policy. Failure to comply with Water and Wastewater System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution.			
Name: Glenn Gehan		Signature 	Date 10/5/2021
PLEASE SUBMIT APPLICATIONS TO:		QUESTIONS?	
City of St. Helena: Administrative Services Department – Finance Division 1572 Railroad Avenue St. Helena, CA 94574		Email: water@cityofstheleena.org Phone: 707-968-2745	

Updated 08/07/2021

STAFF USE ONLY	
Leak Application attached	☐
Has Customer Received a Leak Notification: ☐ Yes ☐ No If yes, list all leak notifications sent and date of leak notification:	
Date item to be heard by Water Advisory Board:	
Date customer notified via email the item will be heard by the Water Advisory Board:	
Water use exception is hereby: ☐ Approved ☐ Denied	
Percentage of Penalty to be Adjusted (up to 100% for first leak and up to 50% for subsequent leaks): ____ % of Penalty to be Adjusted ____ Amount of Penalty to be Adjusted	
If denied, reason for denial:	
Date Approved by Water Advisory Board:	
Date notification of Approval/Denial emailed to customer:	
Date adjustment made to customer account:	

RE: 1476 Inglewood Avenue, St. Helena, California
Acct No. 016901-000

Dear April,

I would be grateful if you would provide the following information to the Board in preparation for my hearing. I appreciate and am sensitive to the water usage restrictions in our community. I have owned the home since 2016. The home is not my primary residence. I have a landscaper, Lou Penning Landscapes ("LPA") who performs landscape maintenance for me monthly. I was not in town when the leak occurred.

The leak was discovered by LPA on Monday August 23. The water was turned off as soon as the leak was discovered. LPA investigated the source and cause of the leak and determined it was caused by a small rock stuck in a sprinkler valve which prevented the valve from closing. As a result, the valve remained open from Friday August 20 to Monday August 23. The valve has been replaced and there have been no further issues.

A copy of the invoice from LPA is attached. The malfunctioning valve was not something I could have anticipated or prevented. And it was addressed immediately when it was discovered. I hope these facts provide the context necessary for the Board to waive the penalty.

Please let me know if there is any additional information, I can provide that would be helpful to the Board in making its decision.

Sincerely,



Glenn Gehan



LOU PENNING LANDSCAPES, INC.
INSTALLATION • MAINTENANCE • IRRIGATION & LIGHTING

Invoice

Date	Invoice #
7/31/2021	5474-4578

Lou Penning Landscapes, Inc.



Bill To
Glenn Gehan 4527 Bluffview Blvd Dallas, Texas 75209

P.O. No.	Terms	Project
	30 Days	

Quantity	Description	Rate	Amount
	Monthly Landscape Maintenance - 1476 Inglewood Ave, St. Helena, CA 94574	2,426.75	2,426.75
3	hours, 7/6 - Investigate valves A-5, A-6, A-18 not coming on by controller. Replace 10 nozzles at A-3, A-4.	96.00	288.00
	Irrigation repair parts	8.00	8.00T
6.5	hours, 7/7, 7/8 - Perform second Irrigation system check. Make minor repairs. Replace 10 mp rotators at A-4.	96.00	624.00
1	System check repair parts	77.37	77.37T
1	Irrigation repair parts	11.79	11.79T
2.5	hours, 7/12 - Replace damaged backflow preventer at front near road.	96.00	240.00
1	Back Flow Preventer	739.62	739.62T
	Irrigation repair parts	7.00	7.00T
8	hours, Extra water management/ Investigate excessive water issues.	96.00	768.00
	Sales Tax	7.75%	65.39
		Total	\$5,255.92



LOU PENNING LANDSCAPES, INC.
INSTALLATION • MAINTENANCE • IRRIGATION & LIGHTING

Invoice

Date	Invoice #
8/31/2021	5474-4688

Lou Penning Landscapes, Inc.



Bill To
Glenn Gehan 4527 Bluffview Blvd Dallas, Texas 75209

P.O. No.	Terms	Project
	30 Days	

Quantity	Description	Rate	Amount
	Monthly Landscape Maintenance - 1476 Inglewood Ave, St. Helena, CA 94574	2,426.75	2,426.75
32	hours, 8/10, 8/11 - Excavate pipes around tank/ pumphouse/ irrigation point of connection. Expose to disconnect the house from the well water.	71.00	2,272.00
16	Utility truck/ equipment	18.41	294.56
50.67	hours, Separate well and city water. Install flow meter and standard meter at tank and landscape. Install Flume at city meter and at well tank.	96.00	4,864.32
1	Flow Meter	388.53	388.53T
1	Standard Water Meter	331.09	331.09T
1	Backflow preventer, parts for flow meter installation	1,458.30	1,458.30T
1	Irrigation parts for flow meter installation	200.30	200.30T
1	Irrigation parts for flow meter installation	66.70	66.70T
1	Irrigation parts for flow meter installation	110.30	110.30T
1	Irrigation parts for flow meter installation	29.48	29.48T
1	Valve assembly, valve, adapters	443.58	443.58T
1	Irrigation Leak Detection	911.25	911.25T
	8/06/21 - Plant Health Care Fertilizer Application	882.12	882.12T
	Sales Tax	7.75%	373.68
		Total	\$15,052.96



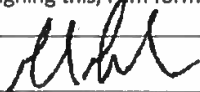
Residential Leak Appeal Application

DATE SUBMITTED: 10/5/2021
RECEIVED BY: 10-05-2021

PROPERTY & BILLING INFORMATION			
Date Applying:	10/5/2021		
Account Holders Name	Daytime Phone Number	Other Phone Number	
Glenn Gehan	8178891613		
Service Address			
1476 Inglewood Ave			
Email			
jragira@gfohome.com			
Mailing Address (if different than above)	City	State	Zip Code
1717 McKinney Avenue, Suite 1590	Dallas	TX	75202
TYPE OF SERVICE			
☒ Single Family			
☐ Multi-Family			
WATER LEAK DESCRIPTION			
Describe how and where the leak occurred; in addition to how the leak was repaired. (Include any proof of repair, such as receipts, invoices and/or photos)			
An unknown valve malfunction started on Friday August 20th and was not shut off until Monday the 23rd. A valve was found stuck in the open position (there was a small rock inside the valve that cause it to stick in the open position. A contractor was brought on to resolve the leak - please find the corresponding invoices attached.			
Billing Period in which leak occurred:	Does Property have Low Flow Fixtures?		Sign up for Developer Water Retrofit Program?
August 2021	☐ Yes ☐ No ☒ Unsure		☐ Yes ☒ No

Updated 07/26/2021

Page 1 of 2

PLEASE READ & SIGN THE FOLLOWING STATEMENTS AS ACKNOWLEDGED AND REQUIRED BY THIS AGREEMENT		
I certify that I have read, understand and agree to the terms and conditions of a water leak adjustment policy identified below. - I am aware of and agree to comply with the Water and Waste Water System Rules and Regulations identified in the St. Helena Municipal Code: http://www.codepublishing.com/CA/StHelena - The water meter is property of the City of St. Helena. Turning on or off, tampering with or adjusting the meter is prohibited. - I am aware the excess water usage must be 100% higher than normal usage based on an average of the same billing period for the previous three years or the available account history. - I certify that the leak was not the result of negligent, willful or neglectful behavior. - I am aware leak adjustments will not be granted if water use does not comply with other existing laws. - I am aware that one (1) leak adjustment may be granted no more than once every 60 months per account. - I am aware adjustments are for one month only. - I am aware if any insurance payment, reimbursement from any other entity other than the City, or equivalent is received, I must immediately notify the City and may be required to pay back the adjusted amount. If I have received reimbursement for this leak, I must provide copies of the documentation with this form. I am aware leak adjustments will not be granted if the City is in a Phase 1 or higher water emergency or subject to water use limitations by the State of California. Also, leak adjustments will not be granted if a local natural disaster has been declared. I am requesting relief under P-FI-0005 Leak Adjustment Policy set by the City of St. Helena. I certify the information provided is accurate and true, and agree to comply with all requirements as set forth in the policy. Failure to comply with Water and Waste Water System Rules and Regulations or falsifying information subjects water/waste water service to termination and possible criminal prosecution. By signing this, I am formally requesting an appeal pursuant to Municipal code 13.04.180.		
	Glenn Gehan	10/5/2021
Signature	Print Name	Date
PLEASE SUBMIT APPLICATIONS TO:		QUESTIONS?
City of St. Helena: Utility Billing 1480 Main Street St. Helena, CA 95404		Email: water@cityofsthelena.org Website: www.cityofsthelena.org/water Phone: 707-968-2745
STAFF USE ONLY		
Billing month the leak occurred:	Prior Leak adjustment on file: ☐ Yes ☐ No Date:	Documentation of Repair attached? ☐ Yes ☐ No
Leak Verified by City Employee & Date of Verification: ☐ Yes ☐ No <u>10/5/2021</u>	Leak Letter Received? ☐ Yes ☐ No	Average Water Usage calculated for adjustment
Total Water Usage adjusted:	Total Dollar Amount Adjusted:	Verified adjusted dollar amount with customer: ☐ Yes ☐ No
Additional Notes:		
Leak adjustment request is hereby: ☐ Approved ☐ Rejected Reason for rejection:		
10/5/2021		
Signature	Print Name (Authorized Signature)	Date

Utility Billing

Gehan Glenn 016901-000 - 1476 Inglewood Ave



User: AprilM

Printed: 1/17/2022 2:33:58 PM

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
016901-000	12/28/2021	6217	3	12/2021	True	False	False	0	0.00000
016901-000	11/29/2021	6214	4	11/2021	True	False	False	0	0.00000
016901-000	10/27/2021	6210	3	10/2021	False	True	False	0	0.00000
016901-000	9/28/2021	6207	18	09/2021	False	True	False	0	0.00000
016901-000	8/27/2021	6189	310	08/2021	False	True	False	0	0.00000
016901-000	7/28/2021	5879	80	07/2021	False	True	False	0	0.00000
016901-000	6/28/2021	5799	74	06/2021	False	True	False	0	0.00000
016901-000	5/26/2021	5725	128	05/2021	False	True	False	0	0.00000
016901-000	4/29/2021	5597	172	04/2021	False	True	False	0	0.00000
016901-000	3/29/2021	5425	44	03/2021	False	True	False	0	0.00000
016901-000	3/9/2021	5381	31	03/2021	False	True	False	0	0.00000
016901-000	1/29/2021	5350	373	01/2021	False	True	False	0	0.00000
016901-000	12/30/2020	4977	194	12/2020	False	True	False	0	0.00000
016901-000	11/19/2020	4783	32	11/2020	False	True	False	0	0.00000
016901-000	10/30/2020	4751	203	10/2020	False	True	False	0	0.00000
016901-000	8/27/2020	4548	165	08/2020	False	True	False	0	0.00000
016901-000	7/30/2020	4383	59	07/2020	False	True	False	0	0.00000
016901-000	7/17/2020	4324	81	08/2020	False	True	False	0	0.00000
016901-000	6/30/2020	4243	179	06/2020	False	True	False	0	0.00000
016901-000	6/1/2020	4064	95	05/2020	False	True	False	0	0.00000
016901-000	4/30/2020	3969	0	04/2020	False	True	False	0	0.00000
016901-000	4/1/2020	3969	0	04/2020	False	True	False	0	0.00000
016901-000	2/28/2020	3969	0	02/2020	False	True	False	0	0.00000
016901-000	1/31/2020	3969	0	01/2020	False	True	False	0	0.00000
016901-000	12/31/2019	3969	0	12/2019	False	True	False	0	0.00000
016901-000	12/9/2019	3969	0	12/2019	False	True	False	0	0.00000
016901-000	11/7/2019	3969	13	11/2019	False	True	False	0	0.00000
016901-000	10/8/2019	3956	0	10/2019	False	True	False	0	0.00000
016901-000	9/6/2019	3956	0	09/2019	False	True	False	0	0.00000
016901-000	8/8/2019	3956	0	08/2019	False	True	False	0	0.00000
016901-000	7/8/2019	3956	0	07/2019	False	True	False	0	0.00000
016901-000	6/7/2019	3956	0	06/2019	False	True	False	0	0.00000
016901-000	5/10/2019	3956	0	05/2019	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
016901-000	4/8/2019	3956	0	04/2019	False	True	False	0	0.00000
016901-000	3/8/2019	3956	0	03/2019	False	True	False	0	0.00000
016901-000	2/7/2019	3956	0	02/2019	False	True	False	0	0.00000
016901-000	1/8/2019	3956	0	01/2019	False	True	False	0	0.00000
016901-000	12/7/2018	3956	0	12/2018	False	True	False	0	0.00000
016901-000	11/7/2018	3956	0	11/2018	False	True	False	0	0.00000
016901-000	11/5/2018	3956	0	11/2018	False	True	False	0	0.00000
016901-000	10/29/2018	3956	5	10/2018	False	True	False	0	0.00000
016901-000	10/8/2018	3951	106	10/2018	False	True	False	0	0.00000
016901-000	9/7/2018	3845	125	09/2018	False	True	False	0	0.00000
016901-000	8/8/2018	3720	159	08/2018	False	True	False	0	0.00000
016901-000	7/9/2018	3561	188	07/2018	False	True	False	0	0.00000
016901-000	6/7/2018	3373	107	06/2018	False	True	False	0	0.00000
016901-000	5/8/2018	3266	82	05/2018	False	True	False	0	0.00000
016901-000	4/9/2018	3184	50	04/2018	False	True	False	0	0.00000
016901-000	3/8/2018	3134	49	03/2018	False	True	False	0	0.00000
016901-000	2/8/2018	3085	51	02/2018	False	True	False	0	0.00000
016901-000	1/8/2018	3034	69	01/2018	False	True	False	0	0.00000
016901-000	12/8/2017	2965	68	12/2017	False	True	False	0	0.00000
016901-000	11/8/2017	2897	283	11/2017	False	True	False	0	0.00000
016901-000	9/8/2017	2614	123	09/2017	False	True	False	0	0.00000
016901-000	8/8/2017	2491	190	08/2017	False	True	False	0	0.00000
016901-000	7/7/2017	2301	116	07/2017	False	True	False	0	0.00000
016901-000	6/8/2017	2185	0	06/2017	False	True	False	0	0.00000
016901-000	5/8/2017	2185	0	05/2017	False	True	False	0	0.00000
016901-000	4/7/2017	2185	0	04/2017	False	True	False	0	0.00000
016901-000	3/8/2017	2185	0	03/2017	False	True	False	0	0.00000
016901-000	2/8/2017	2185	0	02/2017	False	True	False	0	0.00000
016901-000	1/10/2017	2185	0	01/2017	False	True	False	0	0.00000
016901-000	12/9/2016	2185	0	12/2016	False	True	False	0	0.00000
016901-000	11/8/2016	2185	0	11/2016	False	True	False	0	0.00000
016901-000	10/7/2016	2185	0	10/2016	False	True	False	0	0.00000
016901-000	9/8/2016	2185	0	09/2016	False	True	False	0	0.00000
016901-000	8/8/2016	2185	0	08/2016	False	True	False	0	0.00000
016901-000	7/8/2016	2185	0	07/2016	False	True	False	0	0.00000
016901-000	6/28/2016	2185	0	06/2016	False	True	False	0	0.00000
014760-000	6/28/2016	2185	0	07/2016	False	True	False	0	0.00000
014760-000	6/8/2016	2185	0	06/2016	False	True	False	0	0.00000
014760-000	5/9/2016	2185	0	05/2016	False	True	False	0	0.00000
014760-000	4/8/2016	2185	0	04/2016	False	True	False	0	0.00000
014760-000	3/8/2016	2185	0	03/2016	False	True	False	0	0.00000
014760-000	2/8/2016	2185	0	02/2016	False	True	False	0	0.00000
014760-000	1/8/2016	2185	0	01/2016	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
014760-000	12/8/2015	2185	0	12/2015	False	True	False	0	0.00000
014760-000	11/9/2015	2185	0	11/2015	False	True	False	0	0.00000
014760-000	10/8/2015	2185	0	10/2015	False	True	False	0	0.00000
014760-000	9/8/2015	2185	0	09/2015	False	True	False	0	0.00000
014760-000	8/7/2015	2185	0	08/2015	False	True	False	0	0.00000
014760-000	7/8/2015	2185	0	07/2015	False	True	False	0	0.00000
014760-000	6/8/2015	2185	0	06/2015	False	True	False	0	0.00000
014760-000	5/8/2015	2185	0	05/2015	False	True	False	0	0.00000
014760-000	4/8/2015	2185	0	04/2015	False	True	False	0	0.00000
014760-000	3/9/2015	2185	0	03/2015	False	True	False	0	0.00000
014760-000	2/9/2015	2185	0	02/2015	False	True	False	0	0.00000
014760-000	1/8/2015	2185	0	01/2015	False	True	False	0	0.00000
014760-000	12/8/2014	2185	0	12/2014	False	True	False	0	0.00000
014760-000	11/7/2014	2185	0	11/2014	False	True	False	0	0.00000
014647-000	10/8/2014	2185	0	10/2014	False	True	False	0	0.00000
014647-000	9/8/2014	2185	0	09/2014	False	True	False	0	0.00000
014647-000	8/8/2014	2185	0	08/2014	False	True	False	0	0.00000
014760-000	7/8/2014	2185	0	07/2014	False	True	False	0	0.00000
014647-000	7/2/2014	2185	0	07/2014	False	True	False	0	0.00000
014760-000	7/2/2014	2185	0	07/2014	False	True	False	0	0.00000
014647-000	6/9/2014	2185	0	06/2014	False	True	False	0	0.00000
012979-000	4/11/2014	2185	0	05/2014	False	True	False	0	0.00000
012979-000	4/7/2014	2185	7	04/2014	False	True	False	0	0.00000
012979-000	3/7/2014	2178	4	03/2014	False	True	False	0	0.00000
012979-000	2/21/2014	2174	4	02/2014	False	True	False	0	0.00000
012979-000	2/7/2014	2170	13	02/2014	False	True	False	0	0.00000
012979-000	1/9/2014	2157	13	01/2014	False	True	False	0	0.00000
012979-000	12/9/2013	2144	13	12/2013	False	True	False	0	0.00000
012979-000	11/8/2013	2131	32	11/2013	False	True	False	0	0.00000
012979-000	10/8/2013	2099	29	10/2013	False	True	False	0	0.00000
012979-000	9/9/2013	2070	32	09/2013	False	True	False	0	0.00000
012979-000	8/8/2013	2038	37	08/2013	False	True	False	0	0.00000
012979-000	7/8/2013	2001	32	07/2013	False	True	False	0	0.00000
012979-000	6/7/2013	1969	29	06/2013	False	True	False	0	0.00000
012979-000	5/8/2013	1940	23	05/2013	False	True	False	0	0.00000
012979-000	4/8/2013	1917	16	04/2013	False	True	False	0	0.00000
012979-000	3/8/2013	1901	13	03/2013	False	True	False	0	0.00000
012979-000	2/8/2013	1888	12	02/2013	False	True	False	0	0.00000
012979-000	1/9/2013	1876	2	01/2013	False	True	False	0	0.00000
012979-000	1/4/2013	1874	0	01/2013	False	True	False	0	0.00000
007397-000	1/3/2013	1874	6	01/2013	False	True	False	0	0.00000
007397-000	12/7/2012	1868	0	12/2012	False	True	False	0	0.00000
007397-000	11/8/2012	1868	25	11/2012	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
007397-000	10/8/2012	1843	41	10/2012	False	True	False	0	0.00000
007397-000	9/7/2012	1802	42	09/2012	False	True	False	0	0.00000
007397-000	8/8/2012	1760	48	08/2012	False	True	False	0	0.00000
007397-000	7/9/2012	1712	54	07/2012	False	True	False	0	0.00000
007397-000	6/8/2012	1658	48	06/2012	False	True	False	0	0.00000
007397-000	5/8/2012	1610	51	05/2012	False	True	False	0	0.00000
007397-000	4/9/2012	1559	47	04/2012	False	True	False	0	0.00000
007397-000	3/8/2012	1512	18	03/2012	False	True	False	0	0.00000
007397-000	2/8/2012	1494	18	02/2012	False	True	False	0	0.00000
007397-000	1/9/2012	1476	6	01/2012	False	True	False	0	0.00000
007397-000	1/4/2012	1470	33	01/2012	False	True	False	0	0.00000
007397-000	12/8/2011	1437	40	12/2011	False	True	False	0	0.00000
007397-000	11/8/2011	1397	43	11/2011	False	True	False	0	0.00000
007397-000	10/7/2011	1354	57	10/2011	False	True	False	0	0.00000
007397-000	9/8/2011	1297	55	09/2011	False	True	False	0	0.00000
007397-000	8/8/2011	1242	54	08/2011	False	True	False	0	0.00000
007397-000	7/7/2011	1188	56	07/2011	False	True	False	0	0.00000
007397-000	6/8/2011	1132	76	06/2011	False	True	False	0	0.00000
007397-000	5/6/2011	1056	25	05/2011	False	True	False	0	0.00000
007397-000	4/7/2011	1031	14	04/2011	False	True	False	0	0.00000
007397-000	3/8/2011	1017	13	03/2011	False	True	False	0	0.00000
007397-000	2/8/2011	1004	15	02/2011	False	True	False	0	0.00000
007397-000	1/7/2011	989	12	01/2011	False	True	False	0	0.00000
007397-000	12/8/2010	977	15	12/2010	False	True	False	0	0.00000
007397-000	11/8/2010	962	25	11/2010	False	True	False	0	0.00000
007397-000	10/8/2010	937	39	10/2010	False	True	False	0	0.00000
007397-000	9/9/2010	898	46	09/2010	False	True	False	0	0.00000
007397-000	8/9/2010	852	49	08/2010	False	True	False	0	0.00000
007397-000	7/8/2010	803	35	07/2010	False	True	False	0	0.00000
007397-000	6/8/2010	768	19	06/2010	False	True	False	0	0.00000
007397-000	5/10/2010	749	23	05/2010	False	True	False	0	0.00000
007397-000	4/8/2010	726	21	04/2010	False	True	False	0	0.00000
007397-000	3/8/2010	705	15	03/2010	False	True	False	0	0.00000
007397-000	2/5/2010	690	17	02/2010	False	True	False	0	0.00000
007397-000	1/7/2010	673	11	01/2010	False	True	False	0	0.00000
007397-000	12/8/2009	662	16	12/2009	False	True	False	0	0.00000
007397-000	11/9/2009	646	20	11/2009	False	True	False	0	0.00000
007397-000	10/8/2009	626	28	10/2009	False	True	False	0	0.00000
007397-000	9/10/2009	598	32	09/2009	False	True	False	0	0.00000
007397-000	8/11/2009	566	65	08/2009	False	True	False	0	0.00000
007397-000	6/8/2009	501	32	06/2009	False	True	False	0	0.00000
007397-000	5/7/2009	469	24	05/2009	False	True	False	0	0.00000
007397-000	4/7/2009	445	19	04/2009	False	True	False	0	0.00000

Account Number	Read Date	Reading	Consumption	Reading Period/Year	New	Billed	Estimated	Order	Ratchet Consumption
007397-000	3/9/2009	426	14	03/2009	False	True	False	0	0.00000
007397-000	2/9/2009	412	59	02/2009	False	True	False	0	0.00000
007397-000	12/9/2008	353	68	12/2008	False	True	False	0	0.00000
007397-000	10/6/2008	285	85	10/2008	False	True	False	0	0.00000
007397-000	8/8/2008	200	99	08/2008	False	True	False	0	0.00000
007397-000	6/10/2008	101	57	06/2008	False	True	False	0	0.00000
007397-000	4/10/2008	44	37	04/2008	False	True	False	0	0.00000
007397-000	2/10/2008	7	18	02/2008	False	True	False	0	0.00000



1572 Railroad Avenue
St. Helena, CA 94574
water@cityofsthelema.org

(707) 968-2745

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 1/1/2021 to 2/28/2021
BILLING DATE: 3/15/2021

DUE DATE: 4/15/2021

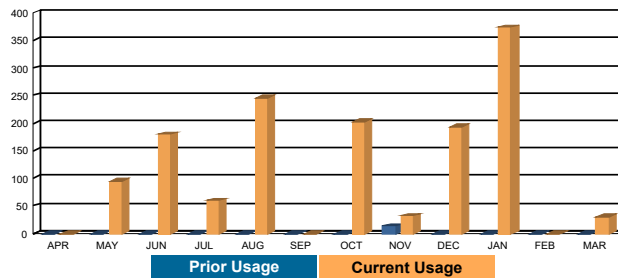
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
007060984	1/29/2021	5350	3/9/2021	5381	31
007060984	12/30/2020	4977	1/29/2021	5350	373

SPECIAL MESSAGE

To sign up for our Online Services or Autopay, please view the back of your statement for instructions. Any payments received after 3:00 pm on March 9th, 2021 may not be reflected on your statement. If you have any questions regarding your water bill please contact us at (707) 968-2745 or email water@cityofsthelema.org.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential 131.26
Water Use @ \$6.69 2,702.76

TOTAL CURRENT CHARGES 2,834.02

BILL SUMMARY

Previous Balance 5,550.23
Thank you for your payment. -3,913.20
Adjustments 0.00
Additional Billing 0.00
Current Charges 2,834.02
TOTAL AMOUNT DUE 4,471.05

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 1/1/2021 to 2/28/2021
BILLING DATE: 3/15/2021

DUE DATE: 4/15/2021

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

AMOUNT DUE

TOTAL AMOUNT DUE BY 4/15/2021 4,471.05

AMOUNT ENCLOSED

AUTO PAY

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
St. Helena, CA 94574
water@cityofstheleena.org

(707) 968-2745

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 3/1/2021 to 4/30/2021
BILLING DATE: 5/15/2021

DUE DATE: 6/15/2021

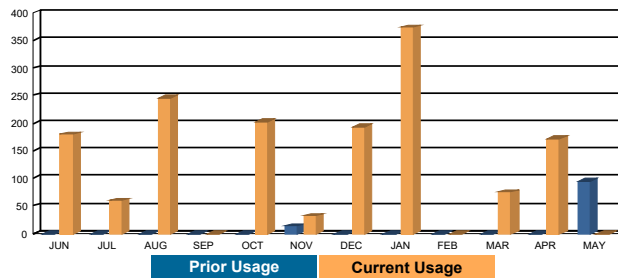
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
007060984	3/29/2021	5425	4/29/2021	5597	172
007060984	3/9/2021	5381	3/29/2021	5425	44

SPECIAL MESSAGE

BI-MONTHLY REMINDER - Your next statement will be issued July 15th, 2021. To sign up for our Online Services or Autopay, please view the back of your statement for instructions. If you have any questions regarding your water bill please contact us at (707) 968-2745 or email water@cityofstheleena.org.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential 131.26
Water Use @ \$6.69 1,445.04

TOTAL CURRENT CHARGES 1,576.30

BILL SUMMARY

Previous Balance	4,471.05
Thank you for your payment.	-4,471.05
Adjustments	0.00
Additional Billing	0.00
Current Charges	1,576.30
TOTAL AMOUNT DUE	1,576.30

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 3/1/2021 to 4/30/2021
BILLING DATE: 5/15/2021

DUE DATE: 6/15/2021

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

AMOUNT DUE

TOTAL AMOUNT DUE BY 6/15/2021 1,576.30

AMOUNT ENCLOSED

AUTO PAY

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
St. Helena, CA 94574
water@cityofstheleena.org

(707) 968-2745

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 5/1/2021 to 6/30/2021
BILLING DATE: 7/15/2021

DUE DATE: 8/20/2021

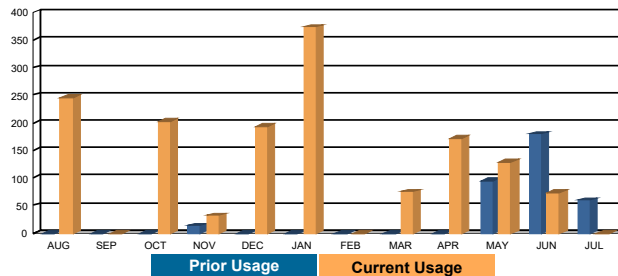
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
007060984	4/29/2021	5597	5/26/2021	5725	128
007060984	5/26/2021	5725	6/28/2021	5799	74

SPECIAL MESSAGE

If your bill includes penalties, please note that the penalty amount on your bill represents 25% of your total June Penalty. The remaining 75% of your penalty has been temporarily suspended and can be forgiven or become payable pursuant to the City Council's Penalty Forgiveness Program. For additional information please contact the St. Helena Finance Division at (707) 968-2745. Information pertaining to the Penalty Forgiveness Program is available at www.cityofstheleena.org/utility-billing.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential	131.26
Water Use @ \$7.44	1,502.88
June Excess Penalty	3,590.41
TOTAL CURRENT CHARGES	5,224.55

BILL SUMMARY

Previous Balance	1,576.30
Payments Received	0.00
Adjustments	0.00
Additional Billing	3,590.41
Current Charges	1,634.14
TOTAL AMOUNT DUE	6,800.85

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 5/1/2021 to 6/30/2021
BILLING DATE: 7/15/2021

DUE DATE: 8/20/2021

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

AMOUNT DUE

TOTAL AMOUNT DUE BY 8/20/2021 **6,800.85**

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
St. Helena, CA 94574
water@cityofstheleena.org

(707) 968-2745

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 7/1/2021 to 8/31/2021
BILLING DATE: 9/24/2021

DUE DATE: 10/25/2021

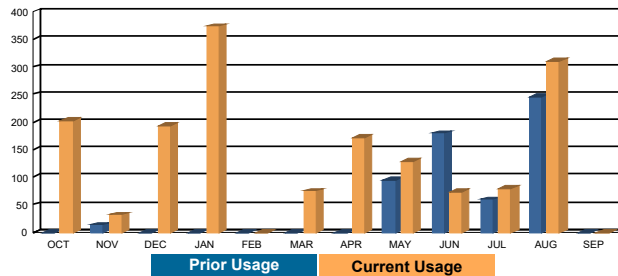
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
007060984	6/28/2021	5799	7/28/2021	5879	80
007060984	7/28/2021	5879	8/27/2021	6189	310

SPECIAL MESSAGE

If your bill includes penalties, please note that the penalty amount on your bill represents 50% of your total July Penalty and 100% of your August Penalty. The remaining 50% of your July penalty has been temporarily suspended and can be forgiven or become payable pursuant to the City Council's Penalty Forgiveness Program. For additional information please contact the St. Helena Finance Division at (707) 968-2745. Information pertaining to the Penalty Forgiveness Program is available at www.cityofstheleena.org/utility-billing.

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential 131.26
Water Use @ \$7.44 2,901.60
July 50% Excess Pen 5,971.65
Aug Excess Penalty 69,280.15
TOTAL CURRENT CHARGES 78,284.66

BILL SUMMARY

Previous Balance 6,800.85
Thank you for your payment. -4,118.80
Adjustments -1,216.06
Additional Billing 75,251.80
Current Charges 3,032.86
TOTAL AMOUNT DUE 79,750.65

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 7/1/2021 to 8/31/2021
BILLING DATE: 9/24/2021

DUE DATE: 10/25/2021

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

AMOUNT DUE

TOTAL AMOUNT DUE BY 10/25/2021 79,750.65

AMOUNT ENCLOSED

AUTO PAY

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290





1572 Railroad Avenue
St. Helena, CA 94574
water@cityofstheleena.org

(707) 968-2745

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

Account Statement

ACCOUNT INFORMATION

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 9/1/2021 to 10/31/2021
BILLING DATE: 11/19/2021

DUE DATE: 12/20/2021

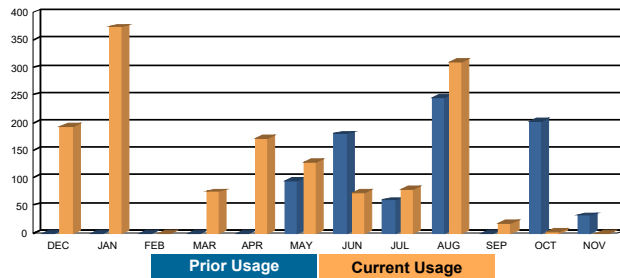
METER READING

Serial No	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
007060984	9/28/2021	6207	10/27/2021	6210	3
007060984	8/27/2021	6189	9/28/2021	6207	18

SPECIAL MESSAGE

If your bill includes penalties, please note that the newly assessed penalty amount on your bill represents September and October penalties related water use over allocated amounts. For additional information please contact the St. Helena Finance Division at (707) 968-2745. For information regarding the water emergency please visit: <https://www.cityofstheleena.org/wateremergency/page/water-emergency>

Water Use in HCF



CURRENT CHARGES

Water Base Fee 5/8" Residential 131.26
Water Use @ \$7.44 156.24

TOTAL CURRENT CHARGES 287.50

BILL SUMMARY

Previous Balance 79,750.65
Payments Received 0.00
Adjustments 0.00
Additional Billing 0.00
Current Charges 287.50
TOTAL AMOUNT DUE 80,038.15

Payment Coupon

ACCOUNT INFORMATION

PLEASE RETURN THIS PORTION ALONG WITH YOUR PAYMENT

PLEASE MAKE CHECK PAYABLE TO:

CITY OF ST. HELENA

ACCOUNT: 016901-000
SERVICE ADDRESS: 1476 Inglewood Ave
SERVICE PERIOD: 9/1/2021 to 10/31/2021
BILLING DATE: 11/19/2021

DUE DATE: 12/20/2021

GLENN GEHAN
4527 Bluffview Blvd
Dallas, TX 75209

AMOUNT DUE

TOTAL AMOUNT DUE BY 12/20/2021 80,038.15

AMOUNT ENCLOSED

REMIT PAYMENT TO:

City of St. Helena
PO BOX 1290
Suisun City, CA 94585-1290



Customer Name: Gehan, Glenn
Customer Account Number: 016901-000

Residential:	Current Allocation - based on a 30-day month, peak period		
		Gallons	HCF
	Number in Household:	2	3,900
	Phase II Outdoor Summer Allocation:	2,500	
	Additional Exception	7,500	
		13,900	18.58

Non-Residential:	Current Allocation:	HCF	Gallons
	June		
	July		
	August		-
	September		-
	October		-
	November		-

Leak Letters Sent:	December 2020 March 2021 April 2021 July 2021
--------------------	--

Penalties Imposed:	Month Imposed	Amount Imposed	Total Penalty Requested for Waiver	Over Allocation (HCF)	Over Allocation (Gallons)
	June	\$ 2,374.35	\$ 9,497.40	53.571	40,074
	July	\$ 5,971.65	\$ 11,943.30	61.941	46,335
	August	\$ 69,280.15	\$ 69,280.15	291.298	217,905
	September				-
	October				-
	November				-
	TOTAL	\$ 77,626.15	\$ 90,720.85	406.81	304,314

Administrative approval of penalty waivers is up to \$50,000.

		Yes	No
1	Leak Letters Sent	X	
2	Has the customer received a leak letter for 2 or more consecutive months?	X	
3	If yes to #2, has the customer demonstrated a good faith effort to actively locate and fix leaks?	X	
3a	Additional considerations for administrative approval if there were 2 or more consecutive months in which leak letters were received: When the customer was notified of the leak, the water was turned off immediately so the source and cause of the leak could be determined and fixed.		
4	Was the leak beyond the control of the owner, agents, tenants, contractors, or anyone occupying the property or using the property that could have reasonably foreseen such a possible leak?	X	
5	Was the leak a result of negligent, willful, or neglectful behavior?		X
6	Is there proof the leak repairs were completed?	X	

7	If yes to #6, what proof has been provided (including, but not limited to receipts, total irrigation shut off, etc...) resulting in a decrease of usage within the prescribed allocation: Customer provided copies of invoices for the repairs (totaling \$20,308.88). Additionally, use has significantly decreased since the bult of ht leak occured in August.																		
8	Has the customer previously filed a penalty leak adjustment?		X																
9	If yes to #8 , was the penalty leak adjustment approved?																		
10	If yes to #9, what was the amount of the penalty leak adjustment?																		
11	If yes to #8, months the penalties were waived/reduced:																		
12	Is there verification of dates the leak was fixed as comparied to consumption?	X																	
13	If yes to #12, what is the verification: <table border="1"> <thead> <tr> <th></th> <th>June</th> <th>July</th> <th>August</th> <th>Sept</th> <th>Oct</th> <th>Nov</th> <th>Dec</th> </tr> </thead> <tbody> <tr> <td>Consumption</td> <td>74</td> <td>80</td> <td>310</td> <td>18</td> <td>3</td> <td>4</td> <td>3</td> </tr> </tbody> </table>				June	July	August	Sept	Oct	Nov	Dec	Consumption	74	80	310	18	3	4	3
	June	July	August	Sept	Oct	Nov	Dec												
Consumption	74	80	310	18	3	4	3												
14	Is there verification that overage was as a result of a leak?	X																	
15	If yes to #14, what is the verification: Immediate decrease in use. Also a significant decrease in use from 2020. Customer has not gone over their allocation since the leak was fixed in August.																		
16	Is there demonistration the customer has made an ongoing commitment to water reduction (e.g. Flume device, more active monitoring, etc..)?	X																	
17																			
18																			
19																			
20																			

Action:

Administrative Approval:	
By: April Mitts, Administrative Services Director	
Signature:	
Months the Penalties are being reduced:	
Total Penalty reduction:	\$ 90,720.85

Date Customer Notified:

Date Adjustment Made to Acct.

Item to be heard by the WAB for determination:	
Date to Water Advisory Board:	1/21/2022

Administrative Denial:
If denied, reason(s):
By:
Signature: