

**SAN ANTONIO WATER SYSTEM
2024 DISPUTE RESOLUTION COMMITTEE (DRC)**

**APPROVED MINUTES
Wednesday, December 4, 2024
11:30AM Via Webex Videoconference and in Person
SAWS Tower 2-Room C145, 2800 US Hwy 281 N, San Antonio TX 78212**

Committee Members:

Jeremy Roberts (in person) - Chair
Golda Obinzu (in person)
Mitchell Sowards (in person)
Brice Moczygemba (in person)
Kelsey Delgado (in person)
DJ Seeger (in person)
Sean McConnell (in person)
Della Reyes (in person)
Ethan Gonzales*
Susan Wright* (excused)
Derrick Johnson* (excused)

* Member not in attendance

SAWS Staff Present:

Nathan Riggs, Karen Guz, Martha Wright, Brad Weir, Malachi Leo, Kevin Pride, Julia Silva, Seth Patterson, Juan Renteria, Michael Cardenas, Cleve Powell, Sasha Kodet, Chelsea Hawkins, Madelyn Perez, Keith Martin, Gavino Ramos

SAWS Interns Present:

Guests Present:

- I. DRC Liaison Nathan Riggs (Manager-SAWS Conservation) and backup liaison Sasha Kodet (Planner IV-SAWS Conservation) introduced. Committee members introduced themselves and provided information on their current association and current or prior SAWS committee participation.
- II. Meeting called to order at 11:42 am by DRC Chair Jeremy Roberts.
- III. No public comments.
- IV. Vice Chair Nomination and Election
 - Nominees: Sean McConnell, DJ Seeger
 - Each nominee spoke for 1 minute in support of their cause.
 - i. Motion to approve nominees:
 - ii. Seconded by:
 - DJ Seeger received the majority of votes and was elected Vice Chair.
- V. DRC Committee Training
 - Bylaws
 - i. DRC makes a tertiary review of disputed water violations at RES and COM locations. Violations must elevate to a Level 3 dispute.
 - ii. 4 meetings per year with panel hearings in between.
 - iii. 2 consecutive unexcused absences or three in a year could result in removal from the DRC.

- iv. SAWS will support DRC members that have civil actions brought against them as a result of a panel decision.
- v. QUESTION (Golda): a person cannot sue in individual on the DRC?
 - 1. Keith M: A DRC member or the entire committee could be sued, and SAWS will support any member, whether as a group or individually.
- Enforcement Process
 - i. Two SAWS enforcement eras: before 7/6/24 and after 7/6/24.
 - 1. Era before 7/6/24 had an enforcement process through municipal court with misdemeanor Class C citations issued and paid through court. Disputes also processed through Court. Citation revenues to city and state.
 - a. Cases take months to years to make it through the system.
 - 2. Era after 7/6/24 has an enforcement process where violations result in non-compliance charges applied to the water bill. The dispute resolution process has 3 tiers, ending in a hearing before a DRC panel in Level 3.
 - a. Residential customers on their first violation have a chance to take a water education class to waive the non-compliance charge. (Violation remains.)
 - b. Cases take approx. 30 days to resolve.
 - c. 20-25 trained staff patrol at least once per week in an assigned zone.
 - d. Most common violations: wrong day, wrong time, excessive runoff, occasional unrepaired leaks.
 - e. Internal practice for wrong time: if watering within an hour of the watering window, a warning is issued if it's the first violation).
 - f. Warnings issued for first violation on accounts in first 30-days.
 - g. Violations send to mailing address of site and emailed to address on account.
 - h. All cases get a 21-day pause to dispute or take the water class.
 - i. Charges applied to builder accounts within 3-4 days and still allow the 21 days.
 - j. 21-Day Pause
 - i. Level 1 requests for photos
 - ii. Level 2 additional information: septic, private well, wrong address, etc.
 - iii. Level 3 not satisfied with Level 2 response.
 - 1. Controller issues, etc
 - k. Not a good idea to dismiss cases because the controller failed.
 - l. QUESTION (DJ): On escalation to Level 2: if the COM letter is received late and there is an issue with late letters. Is there a mechanism for issues like this? The Non-compliance charge doesn't show as a line item on the bill.
 - i. -Yes. We will certainly consider all factors.
 - ii. Same for testing for maintenance. Need to see signs that maintenance is on site.
 - m. Non-compliance charges
 - i. Under 1Mgal per year: \$137, \$225, \$500 3rd+
 - ii. Over 1Mgal per year: \$500, \$625, \$1,250 3rd+
 - n. QUESTION (DJ): Do the violations restart each year?
 - i. The violation count resets 3 years after the first violation.
 - o. QUESTION (DJ): Are the non-compliance charges listed as tariffs in the PUC legislation?
 - i. No. These are considered rate tariffs and cover the cost of service.
 - p. QUESTION (Della): Are the violations issued per meter or per entity?
 - i. Violations are issued by the meter
 - q. Just under 59% of RES customers are taking the class for their first violation.
 - r. After 21-day pause and there is no dispute, class taken, etc, the case is moved to a status that gets the non-compliance charge uploaded into the billing system.
- Committee Boundaries and Expectations
 - i. DRC members will not speak publicly about the dispute cases they review.
 - ii. DRC isn't authorized to change policy.
 - iii. DRC isn't authorized to reduce a non-compliance charge.
 - iv. DRC is limited to existing policy only.

- v. Disputes of policy will not be elevated to the DRC.
- vi. QUESTION (Jeremy): This is a binary decision. Either a yes or no to uphold a violation.
- vii. COMMENT (Keith): There is certain information that has an expectation of privacy during the process that should remain contained within the panel discussions.
- viii. QUESTION (Brice): Those on the panel will receive the information ahead of time? If all three on the panel get on a conference call to discuss the case, is that a quorum and is it allowed? It is allowed but is not considered a quorum and not public.
- ix. COMMENT (Jeremy): If the group meets in advance, the group could screen opinions ahead of time and may impact the panel.
- x. COMMENT (Keith): SAWS has decided that all committee meetings are open to the public. The review panels are not open to the public or subject to the open meetings act.
- xi. QUESTION (Brice): If I represent a group of violators before they get to the hearing, would it be a conflict of interest?
 - 1. Most likely yes, but when in doubt, recuse yourself.
- xii. QUESTION (Golda): Does this represent a big problem outside the panel?
 - 1. We value the diversity of expertise across all panel members.
- xiii. Panelists can advise the community about what behaviors to avoid so they can avoid violations and the dispute process altogether.
- xiv. The entire process is public and transparent.
- Level 3 Dispute Process
 - i. If a customer/entity disagrees with the decision of the SAWS rep in their level 2 dispute, they may choose to complete a Level 3 request form that opens a L3 dispute record in Salesforce.
 - ii. The panel meetings will receive data at least 2 weeks ahead to review the information.
 - iii. Panel hearings will be scheduled once per month.
 - iv. Violators have the option to make a 5-minute statement to the panel prior to deliberation.
 - v. Panel is not trying to interpret what the customer said and the reason for their dispute.
 - vi. Hearings will be on WebEx unless otherwise noted.
 - vii. If a committee member knows or has a relationship with a person or entity that has a dispute before their panel, they must notify the liaison and potentially recuse themselves. The liaison may also choose to move the case to another panel.
 - viii. QUESTION (DJ): Will the evidence packets come via email?
 - 1. Yes. It is recommended that personal emails should be used.
 - ix. Decision process will be consensus-based.
 - 1. All panel members must come to a consensus to uphold or dismiss the violation. If the group cannot agree by consensus, the case is dismissed.
 - x. Consensus-based decisions were requested by a member of the SAWS Board.
 - xi. RES customers who have a first violation and have gone through the dispute process are eligible to take the class if their violation is upheld by the panel.
- Proposed Schedule of Quarterly meetings.
 - i. February 13
 - ii. May 21
 - iii. September 17
- QUESTION (Brice): Could you provide the SAWS regulations covering the drought rules?
 - i. Yes.

VI. Motion to adjourn was made by DJ Seeger and seconded by Sean McConnell. The meeting was adjourned at 1:02 pm by the DRC Chair. The next DRC meeting is scheduled for February 13, 2025.