

# LAS VIRGENES MUNICIPAL WATER DISTRICT CODE

## DISPOSITION TABLE

This Las Virgenes Municipal Water District Code was adopted on August 11, 2015, by Resolution No. 2468. This Code replaces an earlier Administrative Code (Resolution No. 7-90-2046). This Code may be revised by resolution. When revisions occur, the version will be noted on this page and on revisions to this disposition table.

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
08/11/2015	2468	Entire Code	Adopted Code
08/11/2015	2469	3-4.202	Amended section 3-4.202 as it relates to penalties for wasteful water use. This section shall be effective starting January 1, 2016.
08/25/2015	2470	2-2.114	Added section 2-2.114 Code of Conduct.
09/29/2015	2471	None	Nominated Brent Hastey as Candidate for Position of ACWA Vice President.
09/29/15	2472	None	Joint Resolution of the Board of Supervisors of the County of Los Angeles, the Board of Directors of Las Virgenes Municipal Water District, the Board of Directors of Las Virgenes Municipal Water Improvement District No. 12, the Board of Trustees of Los Angeles County West Vector and Vector-Borne Disease Control District, and the Board of Directors of the Resource Conservation District of the Santa Monica Mountains Approving and Accepting Negotiated Exchange of Property Tax Revenues Resulting From the Annexation of Property Designated as Annexation 29-3, as Part of Local Agency Formation Commission Reorganization

09/29/15	2473	None	Joint Resolution of the Board of Supervisors of the County Of Los Angeles, the Board of Directors of Las Virgenes Municipal Water District, the Board of Directors of the Las Virgenes Municipal Water Improvement District No. 12, the Board of Trustees of the Los Angeles County West Vector and Vector-Borne Disease Control District, and the Board of Directors of the Resource Conservation District of the Santa Monica Mountains Approving and Accepting the Negotiated Exchange of Property Tax Revenues Resulting From the Annexation of Property Designated as Annexation 29-3, as Part of Local Agency Formation Commission Reorganization 2014-06, to Los Angeles County Waterworks District No. 29, Malibu.
10/13/15	2474	None	Amending Employer Paid Member Contributions (EPMC) for Employees of the Service Employees International Union (SEIU), Local 721
10/26/15	2475	3-4.102 3-4.103 3-4.104 4-4.102 4-4.103 4-4.104 5-4.102 5-4.103	Amending administrative code to revise potable water, recycled water, and sanitation rates
11/10/15	2476	None	Initiating proceedings for the Continuation of the Water Availability or Standby Charge for the Fiscal Year Commencing July 1, 2016.
11/10/15	2477	None	Authorizing the Establishment of a 401(a) Retirement Program
11/24/15	2478	None	Further Restricting Outdoor Irrigation and Repealing Resolution No. 2463
11/24/15	2479	None	Establishing Salaries for Employees
12/8/15	2480	None	Establishing Salaries for Employees
1/12/16	2481	3-4.407	Modifying Irrigation Restrictions and Repealing Resolution No. 2478
1/12/16	2482	None	Assigning Trustees to Deferred Compensation Plans

2/9/16	2483	None	Joint Resolution of the Board of Supervisors of the County Of Los Angeles, the Board of Directors of Las Virgenes Municipal Water District, the Board of Directors of the Las Virgenes Municipal Water Improvement District No. 12, Approving and Accepting the Negotiated Exchange of Property Tax Revenues Resulting from Annexation of Property Designated as Annexation 29-3, as a Part of Local Agency Formation Commission Reorganization 2014-06, to Los Angeles County Waterworks District No. 29, Malibu
2/9/16	2484	None	Joint Resolution of the Board of Supervisors of the County Of Los Angeles, the Board of Directors of Las Virgenes Municipal Water District, the Board of Directors of the Las Virgenes Municipal Water Improvement District No. 12, Approving and Accepting the Negotiated Exchange of Property Tax Revenues Resulting from Annexation of Property Designated as Annexation 29-3, as a Part of Local Agency Formation Commission Reorganization 2014-06, to Los Angeles County Waterworks District No. 29, Malibu
2/9/16	2485	None	Resolution of the Board of Directors of Las Virgenes Municipal Water District Resolution of Application to Initiate Proceedings by the Las Virgenes Municipal Water District Requesting the Local Agency Formation Commission to Initiate Proceedings for the Reorganization of Territory LAFCO Designation 2016-01 to the Las Virgenes Municipal Water District and Sphere of Influence (SOI) Amendment of the Las Virgenes Municipal Water District
4/12/16	2486	None	Authorizing Application for Funding from the Clean Water State Revolving Loan Fund
4/12/16	2487	None	Pledged Revenues and Fund(s) Resolution
4/12/16	2488	None	Pledging Match Financing
4/12/16	2489	None	Authorizing Reimbursement to the Clean Water State Revolving Loan Fund

4/12/16 (Effective July 1, 2016)	2490	Article 4 of Title 2, Chapter 6	Adopting Las Virgenes Municipal Water District Code Title 2, Chapter 6, Article 4 – Purchasing, and Repealing Conflicting Sections of Resolution 2468 (Las Virgenes Administrative Code)
4/12/16	2491	None	Regarding Long-Term Water Conservation and Management Policy in California
5/10/16	2492	None	Requesting the Board of Supervisors of the County of Los Angeles to Permit the Registrar-Recorder/County Clerk to Render Election Services for an Election of Said District to be Held on November 8, 2016
5/24/16	2493	None	Adopting the 2015 Urban Water Management Plan
6/14/16	2494	None	Approving and Adopting a Labor Compliance Program
6/14/16	2495	None	Establishing Salaries for Employees
7/26/16	2496	Articles 1 & 2 of Title 2, Chapter 6	Relating to Finance
7/26/16	2497	Article 5 of Title 2, Chapter 6	Relating to Investment Policy
7/26/16	2498	None	Adoption of Investment Policy
8/9/16	2499	None	In Opposition to Proposition 53 on the November 2016 Ballot
10/13/16	2500	None	Providing for Employee Contributions to 401(A) Plan Under Internal Revenue Code Section 414(H)(2)
11/8/16 (Effective January 1, 2017)	2501	5-4.102  5-4.103	Revising residential sanitation service charges Revising non-residential sanitation service charges
11/22/16	2502	None	Initiating proceedings for the Continuation of the Water Availability or Standby Charge for the Fiscal Year Commencing July 1, 2017

1/10/17	2503	None	Authorizing the General Manager to Enter into Agreements for Funding with the United States Department of Interior Bureau of Reclamation for Water Recycling and Reuse Research Under Title XVI Water Reclamation and Reuse Program for Fiscal Year 2017
1/10/17	2504	None	Authorizing the General Manager to Enter into Agreements for Funding With the United States Department of Interior Bureau of Reclamation for Watersmart: Development Of Feasibility Studies Under the Title XVI Water Reclamation and Reuse Program for Fiscal Year 2017
1/24/17	2505	None	Authorizing Investment of Monies in the Local Agency Investment Fund
1/24/17	2506	2-5.201 2-5.202 2-5.203	Relating to Conflicts of Interest Code Disclosure Relating to Conflicts of Interest: Disclosure Categories Conflicts of Interest: Designated Employees
1/24/17	2507	None	Concurring in Nomination to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority ("ACWA/JPIA")
2/14/17	2508	None	Recommend and Support Fran Pavley for Appointment to the State Water Resources Control Board
2/14/17	2509	None	Placing in Nomination Director Leonard E. Polan as a Member of the Association of Water Agencies Region 8 Board of Directors
4/13/17	2510	None	In Support of the Association of California Water Agencies' Policy Statement on Bay-Delta Flow Requirements
4/13/17	2511	None	Authorizing the General Manager to Sign and File a Financial Assistance Application for a Planning Grant Agreement from the State Water Resources Control Board, Water Recycling Funding Program for the Pure Water Project Las-Virgenes-Triunfo
4/25/17	2512	None	Modifying the Water Shortage Condition
4/25/17	2513	2-2.106	Relating to Directors' Compensation

5/23/17	2514	2-2-106	Relating to Directors' Compensation
5/23/17	2515	None	Joint Resolution of the Board of Supervisors of the County of Los Angeles, the Board of Directors of the LVMWD Improvement District No.12 Approving and Accepting the Negotiated Exchange of Property Tax Revenues Resulting from Annexation of Property Designated as Annexation 29-4, Local Agency Formation Commission Reorganization 2016-05 (Area 4); to LAC Waterworks District No. 29, Malibu
5/23/17	2516	None	Joint Resolution of the Board of Supervisors of the County of LA and the Board of Directors of the LVMWD Approving and Accepting Negotiated Exchange of Property Tax Revenues Resulting from Annexation of Property Tax Revenues Resulting from Annexation of Property Designated as Annexation 29-5, Local Agency Formation Commission Reorganization 2016-10 (Area 1), to LAC Waterworks District No. 29, Malibu
5/23/17	2517	None	Joint Resolution of the Board of Supervisors of the County of Los Angeles, the Board of Directors of the LVMWD Improvement District No.12 Approving and Accepting the Negotiated Exchange of Property Tax Revenues Resulting from Annexation of Property Designated as Annexation 29-6, Local Agency Formation Commission Reorganization 2016-04 (Area 3); to LAC Waterworks District No. 29, Malibu
5/23/17	2518	None	Joint Resolution of the Board of Supervisors of the County of Los Angeles, the Board of Directors of the LVMWD Improvement District No.12 Approving and Accepting the Negotiated Exchange of Property Tax Revenues Resulting from Annexation of Property Designated as Annexation 29-7, Local Agency Formation Commission Reorganization 2016-06 (Area 5); to LAC Waterworks District No. 29, Malibu
6/13/17	2519	None	Resolution of the Board of Directors of LVMWD adopting a Revised Investment Policy

6/13/17	2520	None	Resolution of the Board of Directors of LVMWD Establishing Salaries for Employees
6/27/17	2521	None	Resolution of the Board of Directors of LVMWD adopting a Debt Policy
6/27/17	2522	3-2.205; 3-2.206; 3-2.207;3-2.208; 3-2.209; 3-2.215; 5-2.207; 5-2.208; 5-2.211	Resolution of the Board of Directors of LVMWD Amending Reso No. 2468 as it Related to Potable Water and Sanitation Service Capacity Fees
7/11/17	2523	None	A Resolution of the Board of Directors of LVMWD Placing In Nomination Director Leonard E. Polan as a Member of the Association of Water Agencies Region 8 Board of Directors
7/25/17	2524	3-2.206 3-2.208	A Resolution of the Board of Directors of LVMWD Amending Resolution 2468 (Administrative Code) as it Relates to Potable Water Capacity Fees
8/8/17	2525	None	A Resolution of the Board of Directors of LVMWD Finding that an Emergency Will Not Permit A Delay Resulting From A Competitive Solicitation for Repair of a 16-Inch Water Main Break at Parkway Calabasas North of Park Entrada
9/12/17	2526	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District to Nominate and Support Brent Hastey as a Candidate for the Position of ACWA President
9/12/17	2527	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District to Nominate and Support Steven E. Lamar as a Candidate for the Position of ACWA Vice President
9/12/17	2528	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District in Support of the California Waterfix
11/14/17	2529	5-2.211	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending

			Resolution 2468 (Administrative Code) as it Relates to Potable Water Capacity Fees
11/14/17	2530	5-4.102 5-4.103	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Revising Sanitation Rates
11/14/17	2531	None	Resolution of the Board of Directors of Las Virgenes Municipal Water District Initiating Proceedings for the Continuation of the Water Availability or Standby Charge for the Fiscal Year Commencing July 1, 2018
11/14/17	2532	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Finding that an Emergency Will Not Permit a Delay Resulting from a Competitive Solicitation for Repair of a 6-Inch PVC Recycled Water Main on Canwood Street at Alfonso Drive in Agoura Hills
4/10/18	2533	None	A Resolution Of The Board Of Directors Of Las Virgenes Municipal Water District Requesting The Board Of Supervisors Of The County Of Los Angeles To Permit The Registrar-Recorder/County Clerk To Render Election Services For A General District Election To Be Held On November 6, 2018
5/22/18	2534	None	Joint Resolution Of The Board Of Supervisors As The Governing Body Of The County Of Los Angeles, The County Of Los Angeles Waterworks District No. 29, The Consolidated Fire Protection District Of Los Angeles County, The Los Angeles County Flood Control District, And The Board Of Directors Of The Las Virgenes Municipal Water District And The Los Angeles County West Vector Control District, Approving And Accepting The Negotiated Exchange Of Property Tax Revenue Resulting From Reorganization No. 2017-04 (Detachment Of Territory From County Of Los Angeles Waterworks District No. 29, Annexation Of Said Territory To The Las Virgenes Municipal Water District)
5/22/18	2535	2-6.203	A Resolution of The Board Of Directors Of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Las Virgenes Code) As It Relates To Approval Of Warrants



6/26/18	2536	None	A Resolution of The Board of Directors of Las Virgenes Municipal Water District In Support Of The Water Supply Infrastructure, Water Conveyance, Ecosystem And Watershed Protection And Restoration, And Drinking Water Protection Act Of 2018
6/26/18	2537	None	A Resolution of The Board of Directors of Las Virgenes Municipal Water District Establishing Salaries for Employees
7/24/18	2538	Title 2, Chapter 6, Article 4 – Purchasing	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Adopting Las Virgenes Municipal Water District Code Tile 2, Chapter 6, Article 4 – Purchasing – And Repealing Conflicting Sections of Resolution No. 2468
10/23/18	2539	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Finding that an Emergency Will not Permit a Delay Resulting from a Competitive Solicitation for Relocation of Water Services, Fire Hydrants and a Lateral from a Deteriorated 8-inch Water Main on Lewis and Clark Road in Hidden Hills
11/15/18	2540	None	Resolution of the Board of Directors of LVMWD Initiating Proceedings for the Continuation of the Water Availability or Standby Charge for the Fiscal Year Commencing July 1, 2019
	2541		NOT USED
11/15/18	2542	3-4.103 5-4.102 5-4.103	Resolution of the Board of Directors of LVMWD Updating Potable Water and Sanitation Rates
11/15/18	2543	2-2.104 2-2.112	Resolution of the Board of Directors of LVMWD Amending Resolution 2468 (Administrative Code) As It Relates to Board of Directors
11/12/18	2544	None	Resolution of the Board of Directors of LVMWD Declaring a State of Emergency Due to the Woolsey Fire and Authorizing Actions to Support the Response and Recovery Effort

12/4/18	2545	None	Resolution of the Board of Directors of LVMWD Authorizing the General Manager to Sign and File a Financial Assistance Application for a Pilot Project Grant from the State Water Resources Control Board, Water Recycling Funding Program for the Pure Water Project Las Virgenes-Trifunfo: Demonstration Project
12/18/18	2546	Adopting Title 2, Chapter 6, Article 4, Section 412 2-6.412	Resolution of the Board of Directors of Las LVMWD Adopting Las Virgenes Municipal Water District Code Title 2, Chapter 6, Article 4, Section 412 – Federally Declared Emergency Purchasing Procedure
1/29/19	2547	2-2.109	Resolution of the Board of Directors of LVMWD Amending Resolution 2468 (Administrative Code) as it relates to the Time of District Meetings
3/12/19	2548	3-2.205 3-2.206 3-2.208 3-2.213 3-2.214 3-4.104 3-4.121 3-4.202 3-4.406 4-4.104 5-2.207 5-2.208 5-2.209 Adopting Title 7, Sections 7-1.101 through 7-1.114	Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) As it Relates to Fees and Penalties
4/9/19	2549	2-2.106	A Resolution of the Board of Directors of LVMWD Amending Resolution No. 2468 (Administrative Code) As It Related to Qualifying Events for Directors' Per Diem Compensation
3/12/19	2550	None	A Resolution of the Board of Directors of LVMWD Authorizing Actions to Support the Response and Recovery Effort Related to the Woolsey Fire
3/26/19	2551	3-2.103	A Resolution of the Board of Directors of LVMWD Amending Resolution No. 2468 (Administrative Code) As it Relates to

Tenant and Lessee Responsibility for Service

3/12/19	2552	Title 2, Chapter 2 Sections: 2-2.101 through 2-2.122	A Resolution of the Board of Directors of LVMWD Amending Resolution No. 2468 (Administrative Code) As It Relates to Rules of Order for Board Meeting
4/23/19	2553	None	A Resolution of the Board of Directors of LVMWD Finding that an Emergency Will Not Permit Delay Resulting from a Competitive Solicitation for Installation of a Temporary Pipeline Across the Mulholland Highway Bridge Near Troutdale Drive and Waring Drive In Unincorporated LA County
6/25/19	2554 (Corrected)	2-2.110	A Resolution of the Board of Directors of LVMWD Amending Resolution 2468 (Administrative Code) as it Relates to the Date of District Meetings
5/14/2019	2555	None	Joint Resolution of the Board of Supervisors as the Governing Body of The County of LA, The County of LA Waterworks District No. 29, The Consolidated Fire Protection District of LA County, and the LA County Flood Control District, and the Board of Directors of LVMWD, The LA County West Vector District and the Resource Conservation District of the Santa Monica Mountains, Approving and Accepting the Negotiated Exchange of Property Tax Revenue Resulting from Reorganizing No. 2017-10 (Detachment of Territory from County of LA Waterworks Dist. No. 29, Annexation and Said Territory to the LVMWD)
5/28/19	2556	None	A Resolution of the Board of Directors of LVMWD Finding that an Emergency Will Not Permit a Delay Resulting from Competitive Solicitation for Pavement Restoration on Stunt Road Near the Stunt Road Pump Station in Unincorporated LA County
6/11/19	2557	None	A Resolution of the Board of Directors of LVMWD Granting Relief to Specified

			Customers to Support Rebuilding of Homes Destroyed by the Woolsey Fire
6/11/19	2558	None	A Resolution of the Board of Directors of LVMWD Placing in Nomination Director Leonard E. Polan as a Member the Association of Water Agencies Region 8 Board of Directors
7/23/19	2559	7-1.101 Adopting 7-1.115	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) as it Relates to Insufficient and Excess Deposits
8/6/19	2560	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Finding that An Emergency Will Not Permit a Delay Resulting from a Competitive Solicitation for Sidewalk and Asphalt Repair Resulting From a Fire Hydrant Break Along Liberty Canyon Road Near the Agoura Road Intersection in Agoura Hills
9/17/19	2561	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Approving the Adoption of the 2017 Updated Greater Los Angeles County Region Integrated Regional Water Management Plan
9/17/19	2562	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Finding that an Emergency Will Not Permit a Delay Resulting from a Competitive Solicitation for Installation of a Temporary Pipeline Along Jim Bridger Road in the City of Hidden Hills
9/26/19	2563	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Finding that an Emergency Will Not Permit a Delay Resulting from a Competitive Solicitation for Replacement of a Deteriorated Water Main Along Jim Bridger Road in the City of Hidden Hills
11/5/19	2564	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Initiating Proceedings for the Continuation of the Water Availability or Standby

11/5/19	2565	None	Charge for the Fiscal Year Commencing July 1, 2020 A Resolution of the Board of Directors of the Las Virgenes Municipal Water District (The "District") Authorizing the District Finance Director to Transfer District Moneys and District Debt Service Funds, if any, to the Trustee for the Calleguas-Las Virgenes Public Financing Authority 2009 Sanitation System Refunding Bonds (Las Virgenes Municipal Water District) (The "Bonds") to be Used to Pay in Full the Outstanding Bonds; and Authorizing District Representatives to Take Action to Accomplish the Redemption of the Bonds
12/17/19	2566	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Adopting the 2019 Hazard Mitigation Plan
12/17/19	2567	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Establishing Salaries for Employees
1/7/20	2568	6-1.103 6-1.104 6-1.105 6-1.106 Adopting 6-2.101 6-2.102 6-2.103 6-2.104 6-2.105 6-2.106	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) as it Relates to a Policy on the Discontinuation of Residential Water Services for Non-Payment
2/4/20	2569	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Regarding the District's Intention to Issue Tax-Exempt Obligations
3/3/20	2570	2-2.106	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) as it Relates to Directors' Compensation
3/24/20	2571	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Approving a Request for Proposals in Connection with the Financing of the Acquisition and Installation of Automatic

			Meter Reading/Advanced Metering Infrastructure and Other Water System Improvements and Certain Other Matters
3/24/20	2572	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Declaring a State of Emergency Due to the Novel Coronavirus (COVID-19) Pandemic and Authorizing Actions to Support the Response and Recovery Effort
4/21/20	2573	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Requesting the Board of Supervisors of the County of Los Angeles to Permit the Registrar-Recorder/County Clerk to Render Election Services for a General District Election to be Held on November 3, 2020
4/21/20	2574	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2572, State of Emergency Due to the Novel Coronavirus (COVID-19) Pandemic and Authorizing Actions to Support the Response and Recovery Effort
5/5/20	2575	2-5.201 2-5.202 2-5.203	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Las Virgenes Code) as it Relates to the Conflict of Interest Code
5/19/20	2576	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution Nos. 2572 and 2574, State of Emergency Due to the Novel Coronavirus (COVID-19) Pandemic and Authorizing Actions to Support the Response and Recovery Effort
6/2/20	2577	None	Resolution of the Board of Directors of Las Virgenes Municipal Water District Approving the Execution and Delivery of an Installment Purchase Agreement for the Purpose of Financing the Acquisition and Installation of Smart Meters and Other Water System Improvements and Approving the Execution and Delivery of Certain Documents in Connection Therewith and Certain Other Matters

6/16/20	2578	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution Nos. 2572, 2574, and 2576, State of Emergency Due to the Novel Coronavirus (COVID-19) Pandemic and Authorizing Actions to Support the Response and Recovery Effort
7/7/20	2579	None	Resolution of the Board of Directors of Las Virgenes Municipal Water District ("District") Authorizing the District to Join With Other Public Agencies as a Participant of the California Asset Management Trust and to Invest in Shares of the Trust and in Individual Portfolios
8/4/20	2580		Rescinded by Resolution 2591 on March 16, 2021.
10/6/20	2581	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Authorizing the General Manager, or Designee, to Apply for, Receive Funds, Enter Into a Cooperative Agreement, and Administer a Grant for the 2020 Bureau of Reclamation Water and Energy Efficiency Grant
11/3/20	2582	6-1.103 6-2.103	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) as it Relates to the Installation of Flow Restriction Devices for Nonpayment of a Delinquent Account
11/3/20	2583	4-4.203 4-4.205	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) as it Relates to Penalties and Enforcement Thereof for Wasteful Recycled Water Use
11/17/20	2584	7-1.105 7-1.114	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) as it Relates to Fees and Penalties
11/17/20	2585	None	Resolution of the Board of Directors of Las Virgenes Municipal Water District Initiating Proceedings for the Continuation of the Water Availability or Standby Charge for the Fiscal Year Commencing July 1, 2021

1/19/21	2586	7-1.105	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Authorizing Actions to Support the Response and Recovery Effort Related to the Woolsey Fire
2/2/21	2587	3-4.102 3-4.103 4-4.102 4-4.103 5-4.102 5-4.103	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Revising Potable Water, Recycled Water, and Sanitation Rates
2/16/21	2588	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Establishing Salaries for Employees
2/16/21	2589	None	A Resolution of the Board of Directors of the Las Virgenes Municipal Water District, Approving the Extension of the Emergency Paid Sick Leave Provisions of the Families First Coronavirus Response Act
3/2/21	2590	None	Resolution of the Board of Directors of the Las Virgenes Municipal Water District Concurring in Nomination to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority ("ACWA/JPIA")
3/16/21	2591	2-7.601 2-7.602 2-7.603	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Rescinding Resolution No. 2580 and Amending Las Virgenes Municipal Water District Code as it Relates to Electronic Signatures
3/16/21	2592	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Authorizing Participation in a Post Employment Health Plan (PEHP)



6/1/21	2593	None	A Resolution of the Board of Directors of the Las Virgenes Municipal Water District Adopting the 2020 Urban Water Management Plan
6/1/21	2594	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Granting an Extension of Time to Provide Relief to Specified Customers to Support Rebuilding of Homes Destroyed by the Woolsey Fire
6/15/21	2595	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Concerning Drought Conditions in the State of California and Activation of the Water Shortage Contingency Plan at Stage 1 – Water Shortage Alert
7/6/21	2596	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Placing in Nomination Director Leonard E. Polan as a Member of the Association of Water Agencies Region 8 Board of Directors
7/20/21	2597	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Concerning Drought Conditions in the State of California and Activation of the Water Shortage Contingency Plan at Stage 2 – Water Shortage Warning
10/5/21	2598	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Authorizing the Revised Use of Teleconferencing for Public Meetings

11/2/21	2599	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Declaring a State of Emergency Due to Water Shortage From Drought Conditions in the State of California and Activating the Water Shortage Contingency Plan at Stage 3 – Water Shortage Emergency
11/2/21	2600	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Authorizing the General Manager, or Designee, to Apply for, Receive Funds, Enter Into a Cooperative Agreement, and Administer a Grant for the 2022 Bureau of Reclamation Water and Energy Efficiency Grant
11/16/21	2601	3-4.202 7-1.112	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) as it Relates to the Penalties for Wasteful Water Use and Exceedances During Water Shortage Emergencies
11/16/21	2602	None	Resolution of the Board of Directors of Las Virgenes Municipal Water District Imitating Proceedings for the Continuation of the Water Availability or Standby Charge for the Fiscal Year Commencing July 1, 2022
12/7/21	2603	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Reauthorizing the Revised use of Teleconferencing for Public Meetings.
1/18/22	2604	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Establishing Salaries for Employees

3/15/22	2605	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Adjusting Boundaries for the Divisions Represented by the Members of the Board of Directors
4/5/22	2606	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Adopting a Drought Factor of 0.5 for All Outdoors Water Budgets, Except for Recycle Water Accounts, in Response to Worsening Drought and Water Supply Conditions
5/17/22	2607	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Requesting the Board of Supervisors of the County of Las Angeles to Permit the Registrar-Recorder/County Clerk to Render Election Services for a General District Election to be Held on November 8, 2022
5/17/22	2608	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Declaring a Continuing State of Emergency Due to Water Shortage from Drought Conditions in the State of California, Continuing the Water Shortage Contingency Plan at State 3 – Water Shortage Emergency and Implementing New Water Use Restrictions with Associated Enforcement Measures
5/17/22	2609	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Reauthorizing the Revised use of Teleconferencing for Public Meetings

6/7/22	2610	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Approving and Adopting the Provisions of Nationwide Financial Services, Inc. 401(a) Plan
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11/15/22	2612	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Initiating Proceedings for the Continuation of the Water Availability or Standby Charge for the Fiscal Year Commencing July 1, 2023
11/15/22	2613	7-1.105 7-1.107	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Administrative Code) as it Relates to Fees.
12/6/22	2614	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Establishing Salaries for Employees
12/20/22	2615	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Granting an Extension of Time to Provide Relief to Specified Customers to Support Rebuilding of Homes Destroyed by the Woolsey Fire
1/17/23	2616	2-2.104	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution 2468 (Administrative Code) as it Relates to Board of Directors

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2/7/23	2618	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Discontinuing a State of Emergency Due to Water Shortage From Drought Conditions in the State of California, and De-Escalating Implementation of the Water Shortage Contingency Plan From Stage 3 – Water Shortage Emergency to State 2 – Water Shortage Warning
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3/21/23	2620	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Concurring in Nomination to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority (“JPIA”)
4/18/23	2621	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Deactivating the Water Shortage Contingency Plan
4/18/23	2622	3-4.202 7-1.112	A Resolution of the Board of Directors of the Las Virgenes Municipal Water District Amending the Assessment of Penalties for Wasteful Water Use
6/20/23	2623	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Placing in Nomination Director Leonard E. Polan as a Member of the Association of California Water Agencies Region 8 Board of Directors
6/20/23	2624	None	A Resolution of the Board of Directors of Las Virgenes Municipal Water District in Support of the Nomination of Cathy Green as a Candidate for the Position of Association of California Water Agencies President

7/18/23	2625	2-5.201 2-5.202 2-5.203	A Resolution of the Board of Directors of Las Virgenes Municipal Water District Amending Resolution No. 2468 (Las Virgenes Code) as it Relates to the Conflict of Interest Code
8/15/23	2626	None	A Resolution of the Board of Directors of the Las Virgenes Municipal Water District Authorizing the Creation of the Las Virgenes-Triunfo Public Financing Authority and Approving the Joint Exercise of Powers Agreement with the Triunfo Water & Sanitation District and Approving Certain Documents and Taking Certain Other Actions in Connection Therewith
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**LAS VIRGENES MUNICIPAL WATER DISTRICT**  
**CODE**

# LAS VIRGENES MUNICIPAL WATER DISTRICT CODE

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## **TITLE 1 - GENERAL PROVISIONS**

### **CHAPTER 1 - ADOPTION OF CODE**

#### **1-1.101 TITLE**

This Code shall be known as the "Las Virgenes Municipal Water District Code." It shall be sufficient to refer to this Code as the Las Virgenes Municipal Water District Code in any prosecution for violation of any provision hereof. It shall also be sufficient to designate any ordinance adding to, amending, or repealing the provisions of this Code as an addition to, or amendment to, or a repeal of, the Las Virgenes Municipal Water District Code, or portion thereof.

Except as otherwise provided in this Code, this Code consists of all regulatory, penal and administrative laws of general application of Las Virgenes Municipal Water District, codified pursuant to the authority set forth in the Municipal Water District Law of 1911 and particularly Section 71281 thereof and pursuant to the authority set forth in Article 2 of Chapter 1, Part 1 of Division 1 of Title 5 of the Government Code of the State of California.

#### **1-1.102 CONSTRUCTION AND INTERPRETATION OF CODE**

All provisions of this Code and all District ordinances and resolutions shall be interpreted to refer to the appropriate or designated officer or office of the District, and whenever an ordinance, uniform code, statute, or other matter, which is adopted by reference refers to any department, officer, employee, inspection, or other function, unless the context requires otherwise, all such references shall be to the appropriate or designated office, officer, agency, employee, or function of the District.

**1-1.103 EFFECTIVE CODE ON PAST ACTIONS AND OBLIGATIONS**

Neither the adoption of this Code nor the repeal of any ordinance or resolution of the District by this Code shall in any manner affect the prosecution for violations of ordinances or resolutions, which violations were committed prior to the effective date of this Code nor be construed as a waiver of any fee or penalty on such effective date due and unpaid under such ordinances or resolutions, nor be construed as affecting any of the provisions of such ordinances or resolutions relating to the collection of any such fees or penalties or the penal provisions applicable to the violation of such ordinances or resolutions, nor to effect the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinance or resolution, and all vested rights and obligations pertaining to such ordinances or resolutions shall continue in full force and effect.

**1-1.104 REFERENCES TO SPECIFIC ORDINANCES**

The provisions of this Code shall not in any manner effect deposits or other matters of record which refer to, or are otherwise connected with, ordinances or resolutions which are specifically designated by number or otherwise and which are included within this Code, but such references shall apply to the corresponding provisions set forth in this Code.

**1-1.105 MAINTENANCE OF CODE**

At least three copies of this Code, duly certified by the Secretary, shall be maintained on file in the District offices as the official copies of this Code. Additional copies of this Code shall be distributed to the departments of the District as prescribed by the General Manager.

Duly certified copies of each ordinance making a change in this Code shall be filed in the office of the Secretary in books for such purpose, properly indexed for ready reference.

At least quarterly, the Secretary shall cause the loose-leaf pages of this Code in which changes have been made to be reproduced, including a notation as to the ordinance number and date on which such change is adopted, and distributed so that the loose-leaf copies of this Code, prepared for the use and convenience of the officers and employees of the District and the general public may be brought up to date.



## **CHAPTER 2 - RULES OF CONSTRUCTION**

### **1-2.101 SCOPE**

Unless the provisions of this Code otherwise specifically provide, or the context of this Code indicates to the contrary, the general provisions, rules of construction, and definitions set forth in this chapter shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to affect its object and to promote justice.

### **1-2.102 STATEMENT AND CONTINUATIONS**

The provisions of this Code insofar as they are substantially the same as existing ordinances or resolutions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

### **1-2.103 TENURE OF OFFICERS**

All persons who, at the time this Code takes effect, hold office under any of the ordinances or resolutions repealed by this Code, which offices are continued by this Code, shall continue to hold such offices in accordance with the tenure originally granted to such persons.

### **1-2.104 EFFECT OF HEADINGS**

Title, Chapter, Article, and Section headings contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any Title, Chapter, Article, or Section of this Code.

**1-2.105 REFERENCES TO ACTS OR OMISSIONS WITHIN THE DISTRICT**

The provisions of this Code shall refer only to the omission or commission of acts within the territorial limits of the District and to the territory outside the District over which the District has jurisdiction or control by virtue of the Constitution of the State or any law, or by reason of ownership or control of property.

**1-2.106 ACTS BY DEPUTIES**

Whenever a power is granted to, or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by the deputy of such officer or employee or by a person otherwise duly authorized pursuant to law, ordinance, or resolution unless this Code expressly provides otherwise.

**1-2.107 REFERENCES TO ORDINANCES OR RESOLUTIONS**

Whenever any reference in this Code is made to an ordinance or resolution, the reference shall apply to such ordinance or resolution of the District unless this Code expressly provides otherwise. Whenever any reference is made to any portion of this Code, or to any ordinance or resolution of the District, the reference shall apply to all amendments and additions made to this Code.

**1-2.108 NOTICES**

Whenever a notice is required to be given pursuant to the provisions of this Code, unless different provisions are otherwise specifically set forth in the text of this Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the public records of the District or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time the notice is deposited in the Post Office.

Proof of giving any notice is required to be given pursuant to the provisions of this Code may be made by the certificate of any officer or employee of the District or by the affidavit of any person over the age of 18 years, which affidavit shows service in conformity with the provisions of this Code or other provisions of law applicable to the subject matter concerned.

**1-2.109 SEVERABILITY**

If any section, sub-section, sentence, clause or phrase of this Code is, for any reason, held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of the Code. The Board hereby declares that it would have passed this Code by section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**1-2.110 STATUTE OF LIMITATIONS**

Whenever a limitation or a period of time prescribed in any existing ordinance, resolution, or statute for acquiring a right or buying a remedy, or for any other purpose, has begun to run before this Code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

**1-2.111 GENDER**

Use of masculine gender includes feminine gender.

## **1-2.112 DEFINITIONS**

For the purposes of this Code, unless otherwise apparent from context, certain words and phrases use in this Code are defined as follows:

- (a) "Board" refers to the Board of Directors of the District.
- (b) "Director" refers to a member of the Board.
- (c) "District" refers to Las Virgenes Municipal Water District.
- (d) "Employee" refers to a District employee.
- (e) "General Manager" refers to the General Manager of the District.
- (f) "Person" refers to any person, firm or corporation.
- (g) "President" refers to the President of the Board.
- (h) "Vice President" refers to the Vice President of the Board.
- (i) "Secretary" refers to the Secretary of the Board.
- (j) "Treasurer" refers to the Treasurer of the Board.
- (k) "State" shall mean the State of California
- (l) "Section" shall mean a section of this code unless other source is specifically mentioned.
- (m) "Quarterly" where used to designate a period of time, shall mean the first three calendar months of any given year or any succeeding period of three calendar months.
- (n) "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, such notice, report, statement or record shall be made in writing in the English language unless this Code expressly provides otherwise.

## **TITLE 2 - ADMINISTRATION**

### **CHAPTER 1 – GENERAL**

#### **2-1.101 PURPOSE**

This Title provides Directors and staff with a statement of instructions and policy to implement the Municipal Water District Law of 1911.

#### **2-1.102 SCOPE**

This Title deals with the administration of the District. Provisions for delivery of services and the enforcement of rules and regulations concerning service are contained elsewhere in this Code.

#### **2-1.103 DISTRICT SEAL: ADOPTION AND DESCRIPTION**

A seal, in the form set out in this section, is adopted as the seal of Las Virgenes Municipal Water District. The seal shall be circular and carry the following words and figures: "Las Virgenes Municipal Water District," and within the circle, the words "Incorporated 1958, California."

**CHAPTER 2 – BOARD OF DIRECTORS**

**Article 1 -Election, Powers and Duties, & Compensation of the Board**

**2-2.101 ELECTION**

- (a) Directors shall be elected to office in accordance with the Municipal Water District Law of 1911.
- (b) The District is divided into five (5) Divisions as shown on the Official Map of Division Boundaries on file in the District offices. One Director represents each division.
- (c) Directors shall be elected on the following schedule: with terms commencing at the time stated and every fourth year thereafter:

Director representing Division 1 – December 1961  
Division 2 – December 1963  
Division 3 – December 1963  
Division 4 – December 1961  
Division 5 – December 1963

- (d) The statement of qualifications of candidates appearing in the official voter materials shall be limited to 200 words and shall be paid by the candidate.
- (e) Government Code section 871013 authorizes the District to adopt campaign contribution regulations not in conflict with state law. This section is adopted pursuant to section 871013. Candidates for the office of member of the Board of Directors shall file a written report with the Registrar of Voters of the County of Los Angeles which discloses campaign contributions of \$100.00 or more. This report shall be filed on the same form and at the same time as campaign disclosure statements filed pursuant to state law. The Secretary shall notify the Registrar of Voters that the District has adopted this regulation and shall request the Registrar to provide written notice of this regulation to each

candidate.

## **2-2.102 APPOINTMENTS**

When a vacancy occurs on the Board outside the election cycle, the remaining Directors may fill such vacancy by appointment in accordance with law.

## **2-2.103 OATH OF OFFICE**

Persons elected or appointed as Directors shall take the oath of office in the manner and at the time prescribed by law prior to assuming office. The Secretary shall administer the oath.

## **2-2.104 OFFICERS OF THE BOARD<sup>1,2</sup>**

(a) The officers of the Board shall be a President, a Vice President, a Secretary, and a Treasurer.

(b) The President, Vice President, Secretary, and Treasurer shall be nominated by the Board at the second meeting in the month of December of each even-numbered year. An election of nominated officers shall take place at the first meeting in the month of January of each odd-numbered year. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as may be convenient.

## **2-2.105 POWERS AND DUTIES OF BOARD OFFICERS**

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<sup>1</sup> Section 2-2-104 Amended by Reso. No. 2543 on November 15, 2018.

<sup>2</sup> Section 2-2.104 Amended by Reso. No. 2616 on January 17, 2023.

The following duties are delegated to Officers of the Board beyond those provided for by statute:

- (a) The President serves as presiding officer at Board meetings.
- (b) The Vice-President serves as Parliamentarian and as presiding officer in the absence of the President.
- (c) The Secretary is responsible for the accuracy and availability of the minutes of Board Meetings and the Official Record of all ordinances, resolutions and orders passed or adopted by the Board. The Secretary shall certify to the passage and adoption of all ordinances, resolutions and orders of the Board, to the filing of all documents filed with, or by order of the Board to the official status, capacity and signature of all officers and employees of the District, and to all matters appearing off record in the files and records of the District and of its Board or of any office or officer of the District.
- (d) The Treasurer shall receive and deposit monies of the District, certify checks presented for payment of obligations are correct and supporting documents available, and shall invest funds.

**2-2.106 COMPENSATION<sup>3,4,5,6,7,8</sup>**

- (a) Each Director shall be paid \$245.00 for each day's attendance ("per diem compensation") at meetings of the Board, and for each day's service rendered as Director by request of the Board, not exceeding a total of ten (10) days in any calendar month. A Director shall be compensated for no more than one authorized meeting per day even if more than one meeting is attended in one day.

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<sup>3</sup> Section 2-2.106 amended by Reso. No. 2513 on April 25, 2017.

<sup>4</sup> Section 2-2.106 amended by Reso. No. 2514 on May 23, 2017.

<sup>5</sup> Section 2-2.106 amended by Reso No. 2552 on March 12, 2019.

<sup>6</sup> Section 2-2.106 amended by Reso No. 2549 on April 9, 2019.

<sup>7</sup> Section 2-2.106 amended by Reso No. 2570 on March 3, 2020.

<sup>8</sup> Section 2-2.106 amended by Ordinance No. 286 on January 16, 2024.



(b) Each representative of the District on the Board of Directors of the Metropolitan Water District of Southern California shall be paid \$245.00 for each day's attendance at meetings of the Board of Directors of the Metropolitan Water District of Southern California or committees thereof, and for each day's service rendered as Director, not exceeding a total of ten (10) additional days in any calendar month. The representative shall be compensated for no more than one meeting per day even if more than one meeting is attended in one day.

(c) Each Director, not a representative on the Board of Directors of the Metropolitan Water District of Southern California, shall be paid \$245.00 for each day's attendance at meetings of the Board of Directors of the Metropolitan Water District of Southern California or committees thereof, not exceeding a total of three (3) days in any calendar month. The Director shall be compensated for no more than one meeting per day even if more than one meeting is attended in one day.

(d) On the first Board meeting in January of each year, compensation to each Director and each representative of the District on the Metropolitan Water District of Southern California Board of Directors shall be increased prospectively by the October-to-October All Urban Consumer Price Index for LA-Long Beach-Anaheim, up to a maximum of five percent (5%), subject to annual review by the Board each calendar year following the operative date of the last adjustment.

(e) Directors, other than Directors who have not been reelected to office, and including Directors-elect, may be compensated for attending the following meetings:

(1) General meetings and educational seminars conducted by Association of California Water Agencies (ACWA), the California Association of Sanitation Agencies (CASA), California Water Policy Planning Committee, Association of Water Agencies of Ventura County (AWA), WaterReuse Association, Southern California Water Coalition, California Special Districts Association (CSDA), and Colorado River Water Users Association. At least annually the Board shall determine meetings for which the Board shall be compensated.

(2) Any meeting as appointed to serve by the Board as the Board's delegate/member.

(3) Directors may request, verbally to the General Manager or in writing that the Board authorize attendance at meetings and seminars conducted by other organizations on subjects related to District operations. Such request shall be considered by the Board at a meeting of the Board prior to the subject meeting or seminar. In those cases where it is not practical to consider attendance at a meeting of the Board prior to the subject meeting or seminar, the request may be considered at the next subsequent regular meeting of the Board.

(f) Directors shall submit claims for compensation. The Secretary of the Board shall authorize payment for meetings and service and shall report such payments at a regular meeting following the month of submittal at which time the Board may ratify or disapprove payment of the claim(s).

(g) Directors shall be entitled to per diem compensation for actual travel associated with authorized meetings or educational seminars as follows:

(1) For travel outside California, up to one day prior to the start of the event and one day following conclusion of the event;

(2) For travel in California but outside Los Angeles, Orange and Ventura Counties, up to one day prior to the start of the event or one day following conclusion of the event; or

(3) For travel in Los Angeles, Orange and Ventura Counties, per diem compensation is not normally provided for travel except under extenuating circumstances as approved by the Board.

(h) Directors shall receive a District-paid contribution to medical insurance premiums equal to the amount that is provided to current active employees.

(i) Directors shall receive District-paid dental insurance for themselves, their spouse or domestic partner and unmarried eligible dependent children.

(j) Directors shall receive District-paid vision insurance for themselves. Additional coverage for dependents may be purchased.

(k) Life insurance coverage equal to the sum of \$25,000 is provided by the District subject to the age reduction schedule included in the District provided plan. Directors not applying within 30 days of the start of their term will be required to provide medical evidence of insurability.

## **2-2.107 EXPENSES**

(a) A Director shall be reimbursed for actual, reasonable and necessary expenses for travel, meals, lodging, registration and similar expenses incurred on District business.

(b) The reimbursement rates for lodging shall not exceed the posted rates for a trade conference, but if rooms with the posted rates are not available, the reimbursement rate shall be comparable to the posted rates. The reimbursement rates for travel and meals shall not exceed reasonable and necessary amounts, and shall comply with Internal Revenue Service rules and regulations.

(c) Claims for expense reimbursement shall be submitted to the Secretary for approval. A Director must submit receipts to receive reimbursement, unless obtaining a receipt is impractical.

Alcoholic beverages and other non-essential expenses including, but not limited to, in-room movies, service bar, will not be reimbursed. Expense claims must be submitted within 60 days after the travel is complete or the expense is incurred.

(d) Expenses related to a spouse's attendance shall not be reimbursed and must be promptly reimbursed to the District if incurred on the District's account.

(e) During December, the District shall post on the District website and shall publish in a newspaper of general circulation a notice of availability of records of expense reimbursement in the amount of \$100 or more per item paid to Directors and employees. The record of such expense shall be posted on the official bulletin board during December and January.

**Article 2 – Rules of Order for Board Meetings**

**2-2.108 DEFINITIONS<sup>9</sup>**

As used in this Article:

- (a) The “Presiding Officer” of the Board shall be the President.
- (b) “Member” shall be one of the five (5) Board member representatives

**2-2.109 MEETINGS: GENERAL<sup>10</sup>**

- (a) Meetings of the Board shall be open to the public.
- (b) No action shall be taken by secret ballot.
- (c) The definitions contained in the Brown Act shall be used for this Article.

**2-2.110 REGULAR AND SPECIAL MEETINGS<sup>11,12,13</sup>**

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<sup>9</sup> Section 2-2.108 amended by Reso No. 2552 on March 12, 2019  
<sup>10</sup> Section 2-2.109 amended by Reso No. 2552 on March 12, 2019  
<sup>11</sup> Section 2-2-109 amended by Reso. No.2547 on January 29, 2019  
<sup>12</sup> Section 2-2.110 amended by Reso No. 2552 on March 12, 2019  
<sup>13</sup> Section 2-2.110 amended by Reso No. 2554 on June 25, 2019  
LVMWD Code updated 5.21.24-Final.docx

(a) The Board shall hold regular meetings on the first and third Tuesday of each month at the hour of 9 o'clock a.m. at the District's headquarters.

(b) The President, Vice President or Secretary may call a special meeting upon a twenty-four-hour actual notice to each Director.

(c) An emergency meeting may be called by a majority of the Board on less than twenty-four-hour notice and without an agenda to deal with disruption or threatened disruption of service by work stoppage, crippling disaster or other event severely impairing public health or safety.

(d) Notice of all regular, special and adjourned meetings must be provided and posted in accordance with the Brown Act. Seventy-two hours' notice is required for regular meetings; twenty-four hours' notice is required for special meetings. Notice of the meeting shall be posted on-line at LVMWD.com and physically at 4232 Las Virgenes Road, Calabasas, CA 91302.

## **2-2.111 RECORD OF PROCEEDINGS<sup>14</sup>**

(a) Public meetings shall be digitally recorded and the recordings retained for a period of 5 years, and then erased. Closed Sessions shall not be recorded. The Secretary shall prepare written minutes of meetings available for public inspection when approved by the Board.

(b) Person attending an open meeting of the Board may record the proceeding on audio or video media unless the Board finds the recording is a persistent disruption of proceedings.

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<sup>14</sup> Section 2-2.111 amended by Reso. No. 2552 on March 12, 2019.  
LVMWD Code updated 5.21.24-Final.docx

## **2-2.112 RULES OF CONDUCT<sup>15</sup>**

(a) The affirmative vote of at least three Directors is necessary for the Board to take action. The Board shall take action by motion, resolution or ordinance. The vote, including abstentions, shall be recorded in the minutes.

(b) When there is no quorum, any member of the Board may adjourn such meeting or, if no member of the Board is present, the Clerk of the Board may adjourn the meeting.

(c) If a group or groups of persons willfully interrupts the meeting so as to make orderly conduct unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the Board may order the meeting room cleared and continue in closed session. The Board may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(d) The Board shall not prohibit public criticism of the policies, procedures, programs or services of the District or of the acts or decisions of the Board. However, no privilege or protection is conferred for expression beyond that otherwise provided by law.

(e) Directors shall not use electronic devices to communicate with other Directors or the audience during Board meetings, and shall step out of the room if a personal communication requires immediate attention.

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<sup>15</sup> Section 2-2.112 amended by Reso. No. 2552 on March 12, 2019.  
LVMWD Code updated 5.21.24-Final.docx

**2-2.113 AGENDA<sup>16,17</sup>**

(a) The General Manager shall prepare the agenda. The President shall approve the agenda before distribution. Should the President modify the agenda before approving it for distribution, a description of the modification shall be provided at the meeting prior to approval of the agenda by the Board.

(b) The Secretary shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session at least seventy-two hours before a regular meeting, or at least twenty-four hours prior to a special meeting. Meetings to consider new or increased general tax or assessment shall be preceded by at least forty-five days' notice. The posting shall be freely accessible to the public.

(c) The agenda shall include the opportunity for the public to address the Board prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Board on matters within the jurisdiction of the District but not on the agenda.

(d) The agenda shall include an opportunity for a Director to request a matter be included on the agenda for a future meeting. Should a Director request that an item be added to a future agenda and another Director seconds that request, the General Manager and President shall arrange for the matter to be placed on a future agenda as promptly as feasible.

(e) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to statements made or questions posed during public comment; request for clarification; provide a reference to staff or

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<sup>16</sup> Section 2-2.112 amended by Reso. No. 2543 on November 15, 2018.

<sup>17</sup> Section 2-2.113 amended by Reso. No. 2552 on March 12, 2019.

other resources for factual information; or request staff to report back to the Board at a subsequent meeting.

(f) Prior to discussion of a matter on the agenda, the Board may add matters to the agenda upon a majority finding an emergency exists or upon at least a two-thirds vote finding there is a need to take immediate action and the need for action came to the attention of the District subsequent to the posting of the agenda. If only three Directors are present, the finding of the need for action shall be by unanimous vote.

(g) The agenda shall describe matters to be discussed in closed session in substantially the form required by the Brown Act.

## **2-2.114 ORDER OF BUSINESS<sup>18</sup>**

(a) Board Agenda Order. At every regular meeting of the Board, the order of business shall be discussed and acted upon in substantially the following manner, provided that the Presiding Officer may alter the order of business with the concurrence of a majority of the Board.

- (1) Pledge of Allegiance
- (2) Call to Order and Roll Call
- (3) Approval of Agenda
- (4) Public Comments for Non-Agenda Items
- (5) Consent Calendar
- (6) Illustrative and/or Verbal Presentation Agenda Items
- (7) Treasurer's Report
- (8) Action Items
- (9) Non-Action Items

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<sup>18</sup> Section 2-2.114 amended by Reso. No. 2552 on March 12, 2019.  
LVMWD Code updated 5.21.24-Final.docx



- (10) Future Agenda Items
- (11) Closed Session
- (12) Open Session and Adjournment

(b) Roll Call. Before proceeding with business, the Board Secretary shall enter in the minutes the names of all members of the Board present. If any member of the Board arrives after the roll call or needs to leave prior to the adjournment of a meeting, the Board Secretary shall enter in the minutes the time at which such member arrived or left.

(c) Adoption of Agenda. After Roll Call, the Board shall review and approve the agenda. At this time, the Presiding Officer shall ask if the General Manager proposes any changes to the agenda. Any member of the Board may move to approve the agenda with or without changes noted (i.e. removal or reordering of items), except that the addition of items must conform to the requirements of the Brown Act.

(d) Consent Calendar. The Consent Calendar shall consist of routine items for which staff contemplates no significant discussion by the Board. A Consent Calendar item may be removed for discussion at the request of any Board member or the public. A removed Consent Calendar item will be considered after the Board acts upon the remainder of the Consent Calendar.

(e) Special Presentation. Special presentations may be conducted at any meeting at the Board's discretion.

(f) Public Comments for Non-Agenda Items. During Public Comment for Non-Agenda Items, the public is invited to comment on items within the jurisdiction of the Board but not on the agenda. See Section 2-2.120 below.

## 2-2.115 VOTING<sup>19</sup>

- (a) Duty to Vote. When present, all members of the Board are urged to vote unless prohibited by law or conflict of interest.
- (b) Voice and Roll Call Votes. A voice vote will be taken and recorded for every action taken, and the results of such vote shall be entered in the minutes of the meeting showing those members of the Board voting aye, those voting no and those not voting or absent. A roll call vote shall be taken and recorded when required by law such as when a member of the Board participates in a meeting telephonically.
- (c) Conflicts of Interest. A conflict of interest shall be declared whenever appropriate and in compliance with State law. The affected member of the Board will step down from the dais and leave the Board room as required by State law.
- (d) Reconsideration. Reconsideration of a Board action shall be allowed when a member of the prevailing majority of the Board at the time the vote on the original action was taken makes a motion for reconsideration at a meeting following that at which the original action was taken; provided that no motion for reconsideration will be entertained after one (1) year from the time the original action was taken unless the Board determines significant new information has arisen which warrants such action.
- (e) Approval. A motion shall be approved with three affirmative votes of members of the Board, unless otherwise required by law (i.e. 4-vote items).

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<sup>19</sup> Section 2-2.115 amended by Reso No. 2552 on March 12, 2019.  
LVMWD Code updated 5.21.24-Final.docx

## **2-2.116 MINUTES**

(a) Content. The minutes will be a clear and concise statement of the actions taken at the Board meeting, including the motions made and the vote thereon. The minutes shall include the date, hour and place of the meeting; whether it is a regular, adjourned regular or special meeting; the names of the members of the Board and staff present and absent; and any action taken by the Board. If any member of the Board arrives late or departs before the adjournment, the minutes shall reflect his or her arrival or departure time. Whenever the Board acts in a quasi-judicial proceeding, the minutes shall include a complete summary of the witnesses.

(b) Preparation. Minutes shall be prepared by the Board Secretary and presented to the Board for approval. The Board may then, by motion, make such corrections as conform to fact and formally adopt the minutes. Members of the Board are not required to have attended the meeting that is the subject of the minutes as a condition to vote on approval.

## **2-2.117 ACTIONS**

(a) Process for Action Items. Consideration of Action Items shall follow the following process:

(1) Announcement by the Presiding Officer. The Presiding Officer shall announce the item under consideration by reference to its listing on the agenda.

(2) Staff Report. Responsible staff members shall present a report of staff regarding the action item.

(3) Questions of Staff. Members of the Board may ask questions of staff to clarify the report.

(4) Public Comment. If any public speaker cards have been received for the item, the public shall be invited to speak on the item using the process described in Section 2-2.120.

(5) Motions. Any member of the Board may initiate an item for formal consideration by the Board by making a motion. A member of the Board may make an independent motion, may make a motion to implement staff recommendation, or may request assistance from the General Counsel as to the form of a proposed motion. Upon making of the motion, a second member of the Board may second the motion. A duly offered and seconded motion shall be restated by the Presiding Officer or General Counsel.

(6) Debate. Before or after any initial motion on any item by any member of the Board, the members of the Board may debate the item, make comments relevant to the item, respond to any questions related to the item and ask questions of staff related to the item.

(7) Vote. Unless withdrawn, the Board shall vote upon the motion, as provided in Section 2-2.115.

(b) Resolutions and Ordinances. Resolutions and ordinances are formal documents that record an action of the Board. Resolutions and ordinances are considered by the Board upon motion and proper second. Resolutions or ordinances are sometimes required by law or may be recommended by the General Counsel to record an action of the Board which is considered of particular importance. Resolutions and ordinances shall be presented using the District's standard format. They shall be reviewed and approved by the General Counsel prior to any presentation to the Board according to rules and procedures approved by the Board.

(c) Correct Legal Document. Upon occasion, resolutions or ordinances are submitted in longhand or in draft form with on-the-spot amendments. These preliminary papers may be re-typed in final form; such re-draft, when signed and attested, becomes the original and proper document to be retained in the files.

## **2-2.118 DEBATE AND PRECEDENCE OF MOTIONS**

(a) Processing of Motions. A motion shall be considered pending before the Board following a motion and second by the members Board as described in section 2-2.117(a)(5).

(b) Division of Question. If the item contains two or more divisible propositions, the Presiding Officer may divide the question and require a vote on each portion of the question.

(c) Precedence of Motions. Once a motion is pending before the Board, no other motion on the matter shall be entertained except those listed below. These motions have precedence in the order listed:

(1) Motion to Table. A motion to table an item requires a majority vote. A motion to table, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on hold. The motion may contain a specific time in which the item can come back to the Board or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the Board will have to be taken at a future meeting. A motion to table is not debatable.

(2) Amendments. A motion to amend the motion may be entertained only with the consent of the member who originally made the motion and, if the motion has been seconded, by the member who seconded the motion. An

amendment modifying the intention of a motion may be considered, but an amendment relating to a different matter or an amendment that would alter the original motion so that it relates to a substantially different matter shall not be considered. Motions to amend a motion shall be voted upon first, then the main motion, whether or not amended, shall be voted upon. In lieu of voting upon a motion to amend, the member who made the original motion may withdraw the original motion and restate a motion on the same subject with the consent of the member who seconded the motion. Any motion that has been validly amended or validly withdrawn and restated as provided in this section shall then be voted upon.

(3) Motion to Call the Question. A Motion to call the question is to close debate on the main motion. If the motion to call the question fails, debate is reopened; if the motion to call the question passes, then a vote on the main motion is in order.

(4) Withdrawing a Motion. A motion may be withdrawn only by the member who made the motion with the consent of the member who seconded the motion. A withdrawn motion does not appear in the minutes.

## **2-2.119 PUBLIC HEARING AND APPEALS**

(a) Public Hearing. Hearings shall follow the following process:

(1) Announcement by the Presiding Officer. The Presiding Officer shall announce the item under consideration by reference to its listing on the agenda.

(2) Statement by General Counsel. The Presiding Officer shall formally open the public hearing and may request a statement by the General

Counsel regarding the nature of the hearing and the rules to be followed during the hearing.

(3) Staff Report. At the hearing, District staff shall present evidence in support of the findings or reasons upon which the order, citation, decision, or determination, was based.

(4) Questions of Staff. Members of the Board may ask questions of staff to clarify the report.

(5) Hearing. The party subject to the matter will be given the opportunity to present his or her case first. The parties and anyone who participates in a hearing may be represented by an attorney or other person of the parties' choice. The parties have a right to appear, testify, present evidence, examine and cross-examine witnesses, and present written or oral arguments. Additionally, the parties may request, and the Presiding Officer may allow the parties to submit written briefs, either before, during or after the hearing. In consultation with the General Counsel, the Presiding Officer shall specify, prior to the start of the hearing, if a time limit will be imposed and what that time limit is for the initial presentations and how much time will be allowed for rebuttal. Unless otherwise determined by the Presiding Officer in consultation with the General Counsel, the maximum allowed time for initial presentations shall be 30 minutes; the opponents (if any) will then be granted equal time to present their case; the applicant will then be allowed 10 minutes to present rebuttal (not supplemental) evidence; and the opponents (if any) will then be granted 10 minutes to present redress (if any).

(6) Public Comment. If any public speaker cards have been received, the public shall be invited to speak on the item using the process described in Section 2-2.120.

(7) Close of Hearing. After the staff report, all presentations, rebuttal and redress and public comment, the Presiding Officer will call the public hearing to be closed.

(8) Debate and Discussion. After the close of the hearing, the Board may debate the matter as described in Section 2-2.117(a)(6) and may ask questions of the public, parties, witnesses or staff.

(9) Motions. After debate and discussion, the Presiding Officer may ask for a motion disposing of the matter or any member of the Board may initiate a motion using the procedure described in Section 2-2.117(a)(5).

(10) Vote. Unless withdrawn in accordance with Section 2-2.118(c)(3), the Board shall vote upon the motion, as provided in Section 2-2.115.

(b) Evidence. The parties concerned must submit all evidence pertinent to their position during the public hearing. However, in order to save time, anyone may refer to previous testimony or to documents previously filed, as all of the records, exhibits, and minutes of other meetings are before each member of the Board, all of which is part of the record. Such hearing need not be conducted according to the technical rules of law relating to evidence and witnesses. Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to relying on in the conduct of serious affairs, regardless of the existence of any common law rule or statute which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but



shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Copies of the reports and records of any governmental agency, division, or bureau will be accepted as evidence in lieu of the original thereof. Each speaker is required to abstain from irrelevant testimony, repetition, excessive hearsay, using profanity or obscenities or making statements that are inaudible, unintelligible or otherwise not able to be recorded by the secretary.

(c) Witnesses. Each person who desires to speak must first be recognized by the Presiding Officer. Upon receiving recognition, the speaker should give his or her name and address for the record. If a person refuses to give their name and address for the record, then their statement will not be considered as evidence in the proceeding but will be lodged as a comment from an anonymous member of the public in accordance with the Brown Act.

(d) Scope. The scope of the hearing shall be limited to the order, citation, decision, or determination being appealed, the grounds for relief raised in the notice of appeal and any specific requirements of this Code.

(e) Waiver of Rights. The failure of the appellant or any interested party to raise an objection to the Presiding Officer either before or during the hearing of any defect in notice or procedure provided under the Code or at law or in equity shall be deemed a waiver of the defect.

(f) Failure of Appellant to Appear. Unless otherwise provided in the Code, if the appellant fails to appear for the hearing at the time and place noticed, the Presiding Officer in his or her discretion may conduct the hearing to a conclusion or may dismiss the appeal. If the appeal is dismissed, the appeal is deemed denied and the order, citation, decision, determination appealed from shall become final and effective on the date of the hearing. Upon a showing of good cause, the

Presiding Officer may set aside his or her decision to dismiss due to the appellant's failure to appear and may reschedule the appeal for hearing.

## **2-2.120 PUBLIC COMMENT**

(a) Public Comment. A person wishing to address the Board shall first be recognized by the Presiding Officer. Comments should focus on a specific matter within the jurisdiction of the Board. Each person shall address all remarks to The Board as a body, not to any member thereof and not to staff or the public. No person, other than a member of the Board and the person having the floor, shall be permitted to enter into any discussion without recognition by the Presiding Officer. If during public comment, a person expresses a concern regarding the District's staff or service, the Board may refer the nature of the concern to staff for investigation, resolution or a report.

(b) Speaker Cards. Speaker cards should be filled out and given to the Board Secretary prior to public comment. The Presiding Officer may request that speakers provide their name and address for the record, although persons who wish to speak are not required to provide their names or addresses. The Board Secretary shall indicate the order in which each card is received. The Presiding Officer will then call those speaker cards in the order received. The speaker card shall indicate whether the member of the public wishes to speak during public comment or during a particular business item.

(c) Timing of Public Comments. Public comments on items not on the agenda shall take place during the public comment period described in Section 2-2.114. Members of the public may only provide comment on items not on the agenda during the public comment period. Public comment on items that are on the agenda shall take place during consideration of that item as described in Section 2-2.117.

(d) Written Comments and Presentations. Videos, PowerPoint or similar presentations during public comment ordinarily are not permitted. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agendized or non-agendized items. When written materials are presented, they should be submitted to the Board Secretary for distribution and record keeping ahead of time. Written comments may be electronically submitted during the public comment period and will be noted or read into the record by the Board Secretary.

(e) Time Limits. While the Board embraces the right of public participation, it acknowledges that public comments must, at times, be limited. Unless additional time is granted by the Presiding Officer, each person shall limit public comments to five minutes. The Presiding Officer may grant a representative of a large speaker group additional time to speak for the group on any agenda item. If one or more groups or sides on an issue wish to speak, the Presiding Officer shall endeavor to grant equal time to each group or side. The Presiding Officer has discretion to reduce the time limit for each person during public comments if necessary to ensure that all the public can be heard.

## **2-2.121 CLOSED SESSIONS**

(a) The Board may conduct a closed session at a regular or special meeting to consider matters permitted by the Brown Act to be considered in closed session.

(b) When possible, the Board shall avoid taking action in closed session but action may be taken in closed session when necessary to avoid prejudice to the District. Action taken in closed session and the vote, abstention or absence of each Director shall be publicly reported as follows:

(1) Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final, as follows:

a. If the Board's approval renders the agreement final, the Board shall report approval and the substance of the agreement in open session at the public meeting when the closed session is held.

b. If final approval rests with the other party to the negotiations, the District shall disclose the approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the District of its approval.

(2) Approval given to general counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation shall be reported in open session at the public meeting when the closed session is held and disclosed to any person upon inquiry, unless to do so would jeopardize the District's ability to effectuate service of process on one or more unserved parties, or would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to counsel for a settlement of pending litigation, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

a. If the Board accepts a settlement offer signed by the opposing party, the Board shall report acceptance and identify the substance of the agreement in open session at the public meeting when the closed session is held.

b. If final approval rests with some other party to the litigation or with the court, the District shall disclose the approval, and identify the substance of the agreement upon inquiry by any person when the settlement becomes final.

(4) Disposition reached as to claims discussed in closed session shall be reported in the same manner as the settlement of pending litigation.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported at the public meeting when the closed session is held. Such report shall identify the title of the position and specify any change in compensation. However, a report of dismissal or of non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of the employee's administrative remedies.

(6) Approval of an agreement concluding labor negotiations shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(c) Reports required by this section may be made orally or in writing. The Board shall provide to a person who has submitted a written request to the Board within twenty-four hours of the posting of the agenda, or to a person who has made a standing request for documentation as part of the request for notice of meetings, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents finally approved or adopted in the closed session.

(d) After completing a closed session, counsel shall prepare a memorandum stating the purpose of the closed session and the action taken, if any. This memorandum is confidential and shall be filed in the office of the General Manager.

## **2-2.122 CODE OF CONDUCT**

(a) The Board of Directors adopted the following norms of behavior and protocol (Code of Conduct) for conducting the District's business in an ethical and professional manner. The norms are intended to serve as guidelines for Directors to maintain the credibility of the District and foster public trust.

### **(b) General**

(1) Treat other Directors, staff and the public with courtesy and respect.

(2) Avoid criticizing individuals in public by focusing on the issues or work products.

(3) Avoid misrepresenting facts or making assertions that are inaccurate or untrue.

(4) Refrain from disrupting an opponent's campaign events; moving, removing or vandalizing campaign signs; or removing campaign flyers.

(5) Avoid promulgating inaccuracies or falsehoods.

(6) Stay abreast of issues affecting the District and other local agencies.

(7) Refrain from communications that may constitute a violation of the Ralph M. Brown Act such as discussions among a quorum of Directors, at one time or serially, face-to-face or otherwise.

(8) Maintain the confidentiality of non-public information.

(9) Ensure public statements, op-eds or letters to the editor that do not reflect the policy of the majority of the Board are cited as personal opinion.

### **(c) Public Meetings**

- (1) Inform other Directors and the General Manager of unexpected issues that may arise at a public meeting.
- (2) Be prepared for Board meetings by reviewing the agenda and supporting materials in advance.
- (3) Respect the Board President's responsibility to run meetings.
- (4) Seek recognition by the Board President before speaking and avoid interrupting other Directors.
- (5) Listen carefully to public speakers, avoid interrupting and do not engage in debate; limit questions to those aimed to understand the speaker's point of view.
- (6) Make remarks succinct and to the point in an effort to avoid tiring the public or engaging in tedious or repetitious discussion.
- (7) Refrain from private communications with other Directors or the public via electronic communication devices while at the dais.

(d) Decision-Making

- (1) Make decisions based on public input.
- (2) Attempt to persuade other Directors through reasoned debate and accept the majority's decision graciously and as policy of the Board.
- (3) Articulate the reasoning for decisions for the benefit of the public, particularly when the Board is divided on an issue.

(e) Business Operations

- (1) Provide policy direction to the General Manager, and support the General Manager to implement policy through staff.
- (2) Avoid unnecessary individual requests for the General Manager's time or attention to matters that may not be of interest to the majority of the Board.
- (3) Obtain recommendations from the General Manager on District issues.

- (4) Inform the Board Secretary in advance when unavailable for District business.
- (5) Ensure direction to staff is supported by a majority of the Board and voice concerns timely with the direction provided.
- (6) Initiate action to resolve problems cooperatively with other Directors or the General Manager as soon as possible.
- (7) Demonstrate flexibility and cooperation to fill in for another Director at important meetings or functions.
- (8) Direct concerns or complaints about staff to the General Manager.
- (9) Avoid unduly influencing the content of staff reports.
- (10) Forward copies of complaints from the public to the General Manager and allow staff to seek resolution and respond accordingly.
- (11) Share copies of correspondence related to the District's business promptly with other Directors and the General Manager.
- (12) Direct inquiries, questions or requests of staff, and concerns or complaints about staff, to the General Manager, recognizing that employees report to the General Manager.



## **CHAPTER 3 – OTHER OFFICERS AND CERTAIN EMPLOYEES**

### **2-3.101 PURPOSE**

This Article deals with officers who report to the Board.

### **2-3.102 GENERAL**

(a) The General Manager, Auditor, Secretary, Treasurer, and General Counsel ultimately report to the Board. The Auditor and General Counsel shall deal with the Board through the General Manager. Directors are encouraged to deal with these officers through the General Manager but the Board may deal directly with these officers as the need arises.

(b) Directors shall not deal with other officers or employees except for brief inquiry or as authorized by the General Manager and Board.

### **2-3.103 GENERAL MANAGER**

(a) General Manager: The General Manager shall be appointed by the Board as the chief administrative officer, and shall be responsible directly to the Board. He shall have full charge and control of the planning, design, construction, operation and maintenance of the water, recycled water and sanitation facilities, and the administration of the business affairs of the District within the program and policies established by the Board.

(b) Planning and Design: The General Manager is responsible to the Board for the planning and design of all District water, recycled water and sanitation facilities and beneficial recycling to ensure that the District systems and facilities are adequate to meet the expected needs. The use of consulting engineers will be recommended by the General Manager to the Board, as required.

(c) Construction, Operation and Maintenance: The General Manager has full responsibility to the Board of Directors for the construction, operation and maintenance of water, recycled water and sanitation facilities and beneficial recycling to ensure conformance with the programs and policies approved by the Board.

(d) Administration of Business Affairs of the District: The General Manager shall have full power and authority to administer the business affairs of the District within the programs and policies established by the Board, including: purchasing; customer service (billing and collection); accounting; employing promoting, demoting, transferring and discharging employees, and fixing their compensation in accordance with the salary policies and schedules approved by the Board.

(e) Personnel Rules and Regulations: The General Manager shall submit recommended personnel rules and regulations, including salary recommendations, from time to time, to the Board for approval. Such recommendations may be in the form of amendments to Memoranda of Understanding for represented employee groups or new provisions of a Management Handbook for Executive, Managerial, Supervisorial, Professional and Confidential employees. Such recommendations, when approved, shall supersede this title. Current policies, procedures, rules and regulations are as contained in Memoranda of Understanding between the District and the office and General Units of employees and as contained in the Management Handbook which is applicable to Executive, Managerial, Supervisorial, Professional and Confidential Employees and will remain so, until said document is next modified.

(f) Emergency Powers: If an emergency arises which would ordinarily be brought to the attention of the Board but insufficient time exists within which to give notice as required by law, the General Manager is authorized, in his discretion, to take emergency action as he deems appropriate and reasonable.

(g) Agreement and Authorizations: The General Manager may bind this District by contract relating to the following subject matters:

- (1) Limited Service
- (2) Pressure Limits
- (3) Main Extension
- (4) Temporary Service
- (5) Extraterritorial Service
- (6) Interties with other water utilities or suppliers
- (7) Recycled Water Improvement (to a maximum of \$25,000 per agreement)
- (8) Deposit Agreements

(h) Title Page Acknowledgements: The General Manager may accept the conveyance of real property on behalf of the District by affixing a certificate of acceptance on the deed, map or other instrument of conveyance if the property to be conveyed is to be used in connection with the construction, operation or maintenance of facilities owned or to be acquired by the District as authorized by the Board.

(i) Collection of Delinquent Accounts: The General Manager is authorized to engage a collection agency to collect all accounts delinquent over three months where District collection efforts have proven unsuccessful.

#### **2-3.104 TREASURER**

The Treasurer shall perform the duties set forth in the Municipal Water District Law of 1911 and other similar duties assigned by law or the Board. The Treasurer shall serve as the in-office auditor of the Board, provided this auditor is not responsible for the outside, independent audit.

#### **2-3.105 SECRETARY**

The Secretary shall be elected by the Board and is responsible for the accuracy and availability of the records of the District.

**2-3.106 GENERAL COUNSEL**

General Counsel shall be appointed by the Board, and is responsible to the Board. Counsel shall provide legal advice as requested by the Board, and shall assist the General Manager and department heads on legal problems arising in the administration of their respective duties. Counsel will recommend appointment of special counsel for litigation as required. The Board will set the compensation of general and special counsel.

**2-3.107 CONSULTANTS**

- (a) The General Manager may engage consultants as from time-to-time necessary, in accordance with purchasing procedures.
- (b) An independent auditor, also known as an “outside” auditor, shall be appointed by the Board to perform an independent annual audit of the District’s financial statements.

## **CHAPTER 4 – EMPLOYEES**

### **Article 1 - Wages, Hours, Conditions of Employment & Specific Policies**

#### **2-4.101 POSITION AUTHORIZED**

The Board shall, as part of the annual budget approval/adoption process, and from time to time, approve positions necessary to provide for the performance of the District's work. Such budget document shall identify positions by job title.

#### **2-4.102 WAGES**

The Board shall, as part of the annual budgeting process, approve wages for each authorized position and as otherwise needed from time to time.

#### **2-4.103 CONDITIONS OF EMPLOYMENT**

(a) Terms of employments are set forth in Memoranda of Understanding approved by the Board.

(b) Terms of employment for positions or offices not covered by a memorandum of understand shall be set forth in contracts approved by the Board.

#### **2-4.104 HARASSMENT POLICY**

(a) Harassment of an applicant or employee by a supervisor, management employee or co-worker on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age is against the law and will not be tolerated.

(b) The General Manager shall promulgate work place regulations, consistent with State and Federal law, to insure harassment does not occur. The General

Manager shall meet and confer with recognized employee organizations concerning changes in the harassment policy and shall lodge copies of changes with the Board within 30 days of adoption.

**2-4.105 WHISTLE BLOWER POLICY**

(a) No employee will be intimidated, restricted, coerced, or discriminated against for filing a written complaint with the District alleging gross mismanagement, significant waste of funds, abuse of authority or substantial and specific danger to public health or safety. No disciplinary action shall be imposed against an employee for filing such a complaint.

(b) The General Manager shall promulgate work place regulations, consistent with State and Federal law, to protect the rights of whistleblowers. The General Manager shall meet and confer with recognized employee organizations concerning changes in the whistleblower policy and shall lodge copies of changes with the Board within 30 days of adoption.

**2-4.106 SUBSTANCE ABUSE POLICY**

(a) The District's function is to build, operate and maintain water distribution, water treatment, waste water collection, and waste water treatment systems safely, dependably and efficiently.

(b) The General Manager shall promulgate work place regulations, consistent with State and Federal law, to avoid substance abuse. The General Manager shall meet and confer with recognized employee organizations concerning changes in the substance abuse policy and shall lodge copies of changes with the Board within 30 days of adoption.

**2-4.107 NEPOTISM**

- (a) The District restricts the hiring or employment of relatives of officers or employees.
- (b) The General Manager shall promulgate work place regulations, consistent with State and Federal law, to avoid nepotism. The General Manager shall meet and confer with recognized employee organizations concerning changes in the nepotism policy and shall lodge copies of changes with the Board within 30 days of adoption.

## **Article 2 - Employer-Employee Relations**

### **2-4.201 GENERAL**

This Article establishes policies and procedures for the administration of employer-employee relations in accordance with state and federal law. The provisions of the Meyers-Milias-Brown Act are hereby incorporated by this reference.

### **2-4.202 REPRESENTATIONAL UNITS**

(a) A petition for certification as recognized employee organization of employees in a proposed unit may be filed by an employee organization with the General Manager.

(b) The General Manager shall determine whether the proposed unit is appropriate by considering the following factors, among others:

- (1) The community of interest of the employees.
- (2) The history of employment relations in the unit.
- (3) The effect of the unit on the efficient operation of the public service and sound employee relations.
- (4) The effect upon existing classification structure.

(c) In establishing units, Managerial, Supervisorial, Professional and Confidential employees shall not be included in a unit with non-professional employees unless a majority of such Managerial, Supervisorial, Professional and Confidential employees vote for inclusion.

(d) The General Manager shall conduct a hearing on each unit after giving interested employee organizations notice thereof.

(e) The General Manager shall determine any dispute concerning the relationship between existing units involving the addition or the deletion of the classification.



#### **2-4.203 RECOGNITION**

(a) Following establishment of an appropriate representational unit, the Board shall conduct a secret ballot election to determine whether the employees within the unit wish to be represented by an employee organization and if they wish to be represented what their choice of representation is.

(b) If a majority of the employees within a unit vote in favor of a particular employee organization representing them, then such organization shall be designated as the recognized employee organization.

(c) A petition alleging that a recognized employee organization is no longer the majority representatives of the employees in the unit, may be filed with the Board by any employee, group of employees or their representatives. Said petition may be filed any time after completion of the recognized employee organization's first year of recognition. If the Board determines that the allegations in the petition are true, then it may order another election.

#### **2-4.204 IMPASSE RESOLUTION**

(a) If management representatives and the representatives of a recognized employee organization reach an impasse, the matter may be submitted by either party to the Board for impasse resolution.

(b) If the Board determines that there has been insufficient effort to resolve the impasse, it may deny the request for impasse resolution and remand the matter to the parties for further consideration.

(c) If the Board determines that further consideration will not result in settlement, it may, in its discretion, refer the matter for mediation or fact-finding, or it may determine the matter itself.

#### **2-4.205 IMPLEMENTATION**

The General Manager shall promulgate regulations, consistent with State and Federal law, to implement this article. The General Manager shall meet and confer with recognized employee organizations concerning changes in this article and shall lodge copies of changes with the Board within 30 days of adoption.

## **CHAPTER 5 – GOVERNING BOARD, OFFICERS AND EMPLOYEES**

### **Article 1 - Code of Ethics**

#### **2-5.101 DECLARATION OF POLICY**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all officers and employees, whether elected or appointed, paid or unpaid.

This article establishes ethical standards of conduct for District officers and employees by setting forth those acts or actions that are incompatible with the best interests of the District and by directing the officers' disclosure of private financial or other interests in matters affecting the District.

#### **2-5.102 RESPONSIBILITIES OF PUBLIC OFFICE**

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the United States and State Constitution and to carry out impartially the laws of the nation, State, the Municipal Water District Act of 1911 and the District, thus to foster respect for all governments. They are bound to observe, in their official acts, the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations. Recognizing that the public interests must be their primary concern, their conduct in both their official and private affairs should be above reproach.

### **2-5.103 DEDICATED SERVICE**

Officers and employees owe a duty of loyalty to the political objectives expressed by the electorate and the programs developed by the Board to attain those objectives. Appointive officers and employees should adhere to the rules of work and performance established as the standards for their positions by the appropriate authority.

Officers and employees should not exceed their authority or breach the law, or ask others to do so, and owe a duty to cooperate fully with other public officers and employees unless prohibited from so doing by law or by the officially recognized confidentiality of their work.

### **2-5.104 FAIR AND EQUAL TREATMENT**

(a) The canvassing of members of the Board, directly or indirectly, to obtain preferential consideration in connection with any appointment to the municipal service, shall disqualify the candidate for appointment except with reference to positions filled by appointment by the Board.

(b) Officers and employees shall not request or permit the use of District-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such officer or employee in the conduct of official business.

(c) Officers and employees shall not grant special consideration, treatment or advantage to a customer beyond what is available to every other customer.

### **2-5.105 POLITICAL ACTIVITIES**

Officers and employees shall not solicit or participate in soliciting an assessment, subscription or contribution to a political party during working hours on property

owned by the District and shall conform to Government Code Sections 3202 and 3203.

Officers and employees shall not promise appointment to a position with the District.

#### **2-5.106      **APPLICABILITY****

An officer or employee having doubt as to the applicability of this article to a particular situation may apply to the Board for an advisory opinion by Legal Counsel. This chapter shall be operative when the application of a statutory provision is discretionary.

#### **2-5.107      **EX PARTE COMMUNICATIONS****

A written communication received by an officer or employee shall be made part of the record of decision. A communication concerning only the status of a pending matter shall not be regarded as an *ex parte* communication.

#### **2-5.108      **AVOIDANCE OF IMPRESSIONS OF CORRUPTIBILITY****

Officers and employees shall conduct their official and private affairs so as not to give a reasonable basis for the impression that they can be improperly influenced in performance of public duties. Officers and employees should maintain public confidence in their performance of the public trust in the District. They should not be a source of embarrassment to the District and should avoid even the appearance of conflict between their public duties and private interests.

#### **2-5.109      **DISCRIMINATION IN APPOINTMENTS****

No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive administrative office because of such person's race, color, age, religion, sex, national origin, political opinions, affiliations, or functional limitation as defined by applicable State or federal laws, if otherwise qualified for the position or office. This provision shall not be construed to impair administrative discretion in determining the requirements of a position or in a job assignment of a person holding such a position, subject to review by the Board.

**2-5.110 ALLEGIANCE AND PROPER CONDUCT**

(a) Officers and employees shall not engage in or accept any private employment, or render services for private interest, when such employment or service is incompatible with proper discharge of official duties or would tend to impair independence or judgment or action in the performance of those duties.

(b) Officers and employees shall not disclose confidential information concerning the property, government, or affairs of the District, and shall not use confidential information for personal financial gain.

(c) Officers and employees shall not accept a gift in excess of limits established by state law. Officers and employees shall not accept any gift contingent upon a specific action by the Board.

(d) Officers and employees shall not appear on behalf of business or private interests of another before the Board where such appearance would create a potential of having to abstain from officers participating on that matter or be incompatible with official duties. Officers and employees shall not represent a private interest of another person or entity in any action or proceeding against the interest of the District in any litigation to which the District is a party. A Director may appear before the District on behalf of constituents in the course of duties as a representative of the electorate or in the performance of public or civic obligations.

**2-5.111 FUTURE EMPLOYMENT**

For one year following termination of office holding, former Directors and the General Manager shall not attempt to influence administrators or legislative action by the District as an agent or attorney of another for compensation. This provision does not apply if the former Director or General Manager is acting as the agent or attorney of another public agency for compensation. As used herein, administrative action includes, but is not limited to, quasi-legislation, quasi-judicial decisions, and decisions to purchase or sell property, but does not include solely ministerial actions.

**2-5.112 PENALTIES**

In addition to any other penalties or remedies provided by law, any violation of the provisions of this Chapter shall constitute a cause for suspension, removal from office or employment or other disciplinary action after notice and hearing conducted by the appropriate appointed authority or, in the case of the Board, a majority of such Board.

## Article 2 - Disclosure Code

### 2-5.201 CONFLICTS OF INTEREST CODE DISCLOSURE<sup>20,21,22</sup>

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the conflict of interest code of this agency by references. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head; or his or her designee. The agency shall make and retain a copy of all statements filed by its Board of Directors and General Manager and forward the originals of such statements to the Executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

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<sup>20</sup> Section 2-5.201 amended by Reso. No. 2506 on January 24, 2017.

<sup>21</sup> Section 2-5.201 amended by Reso. No. 2575 on May 5, 2020.

<sup>22</sup> Section 2-5.201 amended by Reso. No. 2625 on July 18, 2023.





**2-5.202 CONFLICTS OF INTEREST: DISCLOSURE CATEGORIES<sup>23,24,25</sup>**

Exhibit "A"

The following categories are established for the purpose of conflicts of interest disclosure:

Category 1. Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

Category 2. Persons in this category shall disclose all investments and business positions.

Category 3. Persons in this category shall disclose all income (including gifts, loans, and travel payments) and business positions.

Category 4. Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans, and travel payments) received from business entities that manufacture, provide or sell service and/or supplies of

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<sup>23</sup> Section 2-5.202 amended by Reso. No. 2506 on January 24, 2017.

<sup>24</sup> Section 2-5.202 amended by Reso. No. 2575 on May 5, 2020.

<sup>25</sup> Section 2-5.202 amended by Reso. No. 2625 on July 18, 2023.

a type utilized by the agency and associated with the job assignment of designated positions assigned this disclosure category.

**2-5.203 CONFLICTS OF INTEREST: DESIGNATED EMPLOYEES<sup>26,27,28</sup>**

Exhibit "B"

The following employees are designated to file conflicts of interest disclosure statements for the disclosure categories specified.

<u>DESIGNATED EMPLOYEES</u>	<u>CATEGORY</u>
Board of Directors	1, 2, 3
General Manager	1, 2, 3
District Counsel	1, 2, 3
Executive Assistant/Clerk of the Board	2, 3
Treasurer	2, 3
Director of Facilities and Operations	4
Director of Finance and Administration	4
Finance Manager	4
Purchasing Supervisor	4
Director of Engineering and External Affairs	4
Administrative Services Coordinator	4
Customer Service Manager	4
Facilities Manager	4
Human Resources Manager	4
Information Systems Manager	4
Principal Engineer	4
Public Affairs & Communications Manager	4

<sup>26</sup> Section 2-5.203 amended by Reso. No. 2506 on January 24, 2017.

<sup>27</sup> Section 2-5.203 amended by Reso. No. 2575 on May 5, 2020.

<sup>28</sup> Section 2-5.203 amended by Reso. No. 2625 on July 18, 2023.

Resource Conservation Manager	4
Water Reclamation Manager	4
Water Systems Manager	4
Consultants/New Positions*	

\*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations.

The General Manager or his or her designee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager or his or her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

Individuals who perform under contract the duties of any designated position shall be required to file a Statement of Economic Interests disclosing reportable interest in the categories assigned to that designated position.

## **CHAPTER 6 - FINANCE**

### **Article 1 – Budget<sup>29</sup>**

#### **2-6.101 ESTABLISHMENT OF BUDGET**

(a) The General Manager shall present a proposed budget to the Board for consideration prior to the commencement of each fiscal year.

(b) On or by July 1 of each year, the Board shall establish a budget for capital expenditures and operation and maintenance for each department, for the District.

#### **2-6.102 FILING OF BUDGETS**

The Secretary shall file a copy of the budget with the Los Angeles County Auditor, Los Angeles County Board of Supervisors and with the State Controller's office on or by September 1 of each year.

#### **2-6.103 IMPLEMENTATION OF BUDGET**

The General Manager shall implement the approved and revised budget.

#### **2-6.104 ANNUAL AUDIT REPORTS**

Annual audit reports shall be prepared by a certified public accountant, public accountant or the Los Angeles County Auditor and filed no later than six months after the end of each fiscal year with the State Controller.

The General Manager shall maintain books of accounts in accordance with generally accepted accounting principles showing the status of all monies

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<sup>29</sup> Article 1 of Title 2, Chapter 6 amended by Reso. No. 2496 on July 26, 2016.

received and disbursed. Such accounts shall be maintained as are necessary to accomplish this purpose.

## **Article 2 – Bonds, Depositories and Checks<sup>30</sup>**

### **2-6.201 BONDS**

The District shall furnish and pay the premiums for a bond for the Treasurer in the penal sum of \$50,000.

### **2-6.202 DEPOSITORIES**

The Board shall, from time to time, designate depositories to have custody of the money of the District. The District commingles its money for depository purposes to maximize interest earnings, minimize costs and increase efficiency. Deposits are tracked based on respective participation from the District's various funds and accounts and returns are allocated proportionally based on respective participation from each fund in accordance with generally accepted accounting principles. Money required by law to be deposited in a separate account, such as for deferred compensation, California Public Employees Retirement System, other post-employment retirement benefits, shall be deposited in a separate account.

### **2-6.203 APPROVAL OF WARRANTS<sup>31</sup>**

The Board shall routinely receive and file a record all warrants and checks in payment thereof. Warrants and checks included in the report will be authorized in accordance with Article 4 or other Board action. Payments to franchised utility companies and for regulatory fees paid to governmental agencies are not subject to additional authorization.

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<sup>30</sup> Article 2 of Title 2, Chapter 6 amended by Reso. No. 2496 on July 26, 2016.

<sup>31</sup> Section 2-6.203 amended by Reso. No. 2535 on May 22, 2018.

**2-6.204 CHECK REGISTER**

A check register showing the check number, payee, amount, the fund upon which it is drawn and the purpose of each check, prepared by the Treasurer, will be sent to the Board members no later than Thursday before each Regular Board Meeting. Invoices and other supporting documents will be available for inspection by any Director, if desired.



## **Article 3 - Claims**

### **2-6.301 GENERAL**

This Article applies to claims filed against this District for money or damages not exempted by Government Code Section 905 and which are not governed by other statutes or regulations.

### **2-6.302 FILING REQUIRED**

A claim not covered by Government Claims Act as set forth in the Government Code shall be presented in accordance with this Article.

### **2-6.303 PRESENTATION**

A claim, or amendment thereto, shall be presented to the District by delivering it to the Secretary or by mailing it to the Secretary at the District's offices.

### **2-6.304 CONTENTS**

A claim presented pursuant to this Article shall be presented by the claimant or by a person acting on his behalf and shall show:

- (a) The name and post office address of the claimant;
- (b) Post office address to which the person presenting the claim desires notice to be sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- (d) The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at the time of presentation of the claim.

(e) The name or names of the public employee or employees causing the injury, damage or loss if known;

(f) The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss insofar as it may be known at the time of presentation of the claim, together with the basis of computation of the amount claimed; and

(g) The signature of the claimant or some person on his behalf.

### **2-6.305 DEADLINE**

A claim filed pursuant to this Article relating to a cause of action for death or for injury to person or to personal property or growing crop shall be presented not later than six months after accrual of cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action.

### **2-6.306 LATE CLAIM**

An application may be made to the District for leave to present a late claim when a claim required to be presented within a period of less than six months after the accrual of the cause of action, is not presented within the required time. Government Code Section 911.4(b) and Section 911.6 through 912.2 inclusive, and Sections 946.4 and 946.6 shall govern the application. The time specified in this Article shall be the time specified in Government Code Section 911.2 within the meaning of Sections 911.6 and 946.6.

### **2-6.307 TIME FOR ACTION BY BOARD**

The Board shall act on the claim or application to file late claim within 45 days after the claim or application has been presented to the District.

**2-6.308 NOTICE OF REJECTION OF CLAIM**

Written notice of action taken pursuant to this Article rejecting an application or a claim in whole or in part shall be given to the person who presented the claim.

**2-6.309 CLAIM AS PREREQUISITE TO SUIT**

(a) No suit for money or damages may be brought against the District on a cause of action for which a claim is required until the written claim therefore has been presented to the District and has been acted upon by the Board.

(b) No suit may be brought against the District on any cause of action for which a claim is required unless such suit is commenced within six months after the date the claim is acted upon by the Board, or is deemed to have been rejected by the Board.

**2-6.310 CLAIMS UNDER \$10,000**

The General Manager may allow compromise or settle a claim against the District if the amount to be paid pursuant to such allowance, compromise or settlement does not exceed \$10,000. The General Manager shall advise the Board when there has been allowance, settlement or compromise on such claim.

**2-6.311 JUDICIAL REVIEW OF CERTAIN DECISIONS**

The provisions of Code of Civil Procedure Section 1094.6 shall be applicable to the judicial review of the decisions of the Board of Directors.

**2-6.312 SMALL CLAIMS COURT ACTIONS**

- (a) The General Manager may commence actions within the jurisdiction of the small claims court to recover damages to District property.
- (b) The General Manager may defend small claims court actions on behalf of the District.

## Article 4 - Purchasing<sup>32,33,34</sup>

### 2-6.401 PURPOSE AND SCOPE

(a) This Article provides direction regarding the procurement of supplies, equipment, works of improvement, professional services, and other goods and services to ensure the District will receive high quality goods and services at a fair price. The following terms are defined for the purposes of this Article:

(1) "Formal bidding" means the solicitation of bids with written specifications and pursuant to publication of a Notice Inviting Bids at least once a week for two successive weeks in a newspaper of general circulation, the last publication to be made not less than two weeks nor more than six weeks prior to the opening of bids.

(2) "Informal bidding" means the solicitation of at least three quotations after approval of specifications by the General Manager pursuant to a notice to potential bidders as determined by the General Manager.

(3) "Request for proposals" means the solicitation of a written scope, schedule and cost of the work to be accomplished by a service provider.

(4) "Goods" means a tangible product, not including a work of improvement.

(5) "Service" means an intangible product.

(6) "Work of improvement" means the construction of works, structures, and equipment, the furnishing of labor, and the acquisition of real or personal property for works.

(7) "Designated qualified vendor" means a vendor selected for the purchase of certain items or classes of items as a result of a formal or informal bid process to fulfill an on-going need.

(8) "Emergency" means procurement of goods or services that are

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<sup>32</sup> Article 4 of Title 2, Chapter 6 amended by Reso. No. 2490 on July 1, 2016.

<sup>33</sup> Article 4 of Title 2, Chapter 6 amended by Reso. No. 2538 on July 24, 2018.

<sup>34</sup> Article 4 of Title 2, Chapter 6 amended by Reso. No. 2636 on May 21, 2024.

estimated to cost over \$50,000 necessary for the repair of public facilities caused by a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property or essential public services.

(9) "Urgent" means a procurement of works of improvement, professional services or goods and services that are estimated to cost \$50,000 or less and necessary for the repair of public facilities of the District, damaged by unanticipated calamity where expeditious action is required to prevent potential interruption of service, restore required redundancy or avoid additional damages.

## **2-6.402 EMERGENCIES**

(a) Emergency purchases of more than \$50,000 may be made without formal bids, informal bids, or requests for proposals, if this Section is followed.

(1) When a meeting of the Board can be commenced in a timely manner to authorize emergency action, by 4/5's vote, the Board shall be requested to authorize procurement of works of improvement, professional services, or goods and services without formal bids, informal bids, or requests for proposal. Such authorization shall be based on substantial evidence set forth in the minutes of the meeting that the emergency will not permit delay and action is necessary to respond to the emergency. Until the emergency subsides or the work is complete, at each subsequent regular meeting the board shall determine by 4/5's vote whether to continue to terminate the authorization for emergency.

(2) When a meeting of the Board cannot be commenced in a timely manner to authorize emergency action, the General Manager may authorize procurement of works of improvement, professional services, or goods or services without formal bids, informal bids, or requests for proposal. The General Manager shall report to the board within 7 days of the emergency or at the next regular meeting scheduled within 14 days after the procurement. The report shall describe the emergency and present evidence that the emergency did not permit delay and

action was necessary to respond to the emergency. Until the emergency subsides or the work is complete, at each subsequent regular meeting following the General Manager's action, the board shall determine by 4/5's vote whether the need for emergency action continues.

(b) Urgent purchases of \$50,000 or less may be made without informal bids or requests for proposals following procedures established by the General Manager.

## **2-6.403 WORKS OF IMPROVEMENT**

(a) The District shall procure works of improvement in accordance with Public Contract Code, Section § 20640, et seq.

(b) Works of improvement estimated to cost \$ 50,000 or less may be procured through the informal bid process. If the work is included in the current year budget, the General Manager may solicit informal bids without prior Board approval. If the work is not included in the current year budget, Board approval shall be obtained before informal bids are solicited.

(c) Works of improvement estimated to cost more than \$50,000 shall be procured through the formal bid process. The General Manager may solicit formal bids only with prior Board approval.

## **2-6.404 PREQUALIFICATION OF BIDDERS**

(a) The General Manager may designate works of improvement that require specialized skills which cost in excess of five million (\$5,000,000) to be subject to prequalification of bidders.

(b) To become a prequalified bidder, a contractor must submit to the District a prequalification application consisting of a standardized questionnaire, financial statement, and statement of experience as part of the pre-qualification bidding packet..



(c) The questionnaires and financial statements submitted by prospective contractors are not public records and are not subject to public inspection. Records of the names of contractors applying for prequalification status are public records and subject to disclosure. Documents submitted by a prospective contractor will be submitted under penalty of perjury.

(d) The District will rate prospective contractors in accordance with a rating system based on (1) Public Contract Code § 20101 and (2) the model guidelines and standardized questionnaire created by the Department of Industrial Regulations, as modified by the District to address the needs of the particular project, or projects, to which they are to be applied.

(e) The District will devise the questions, process and scoring for the rating system, to best evaluate a contractor's ability to successfully complete a particular project. This information will be provided as part of the pre-qualification bidding packet. The rating system will be applied uniformly and objectively to prospective contractors, which have submitted properly completed documents in accordance with this policy. The District may determine only a certain number of the top scoring pass-rated contractors shall be considered prequalified for a specific project. This determination shall be made prior to issuing the Notice Inviting Prequalification for the specific project.

(f) When the District uses this prequalification process, the only contractors eligible to submit a bid are prequalified contractors. Further, such contractors shall submit bids only naming a prequalified subcontractor when subcontractors are prequalified. A bid received listing an unqualified subcontractor will be disqualified as nonresponsive. No bid shall be accepted for the project from unqualified contractors.

(g) A contractor's prequalification status will immediately terminate if: (1) The contractor fails to give the District written notice of change in the information previously provided within 10 days before a bid opening; (2) the contractor's license is suspended or terminated by the California State Licensing Board; (3) the contractor is convicted of a crime of moral turpitude; (4) the contractor's

application contains materially false information; or (5) the contractor's control over a public works contract, whether within the District's jurisdiction or otherwise is terminated for cause.

(h) The District shall give written notice to each contractor of the prequalification determination for that contractor. A contractor may appeal a rating of "not qualified", including a decision to revoke a previous qualified rating. There is no appeal from a finding that a contractor is not prequalified because of a failure to submit required information or failure to submit required information in a timely manner.

(1) Contractor may appeal the decision as follows:

a. By giving written notice of appeal to the General Manager no later than ten days after receipt of the not qualified rating.

b. The notice of appeal shall contain at least the following:

(i) The name, address and telephone number of the person making the appeal.

(ii) A description of the determination which is the subject of the appeal, and the date of the Notice of Determination; or

(iii) A brief description of the grounds for the appeal.

(2) The District will provide the contractor with a written statement of the basis for the not qualified determination and supporting evidence received from others or adduced as a result of investigation.

(3) Within 14 days of sending the response to the contractor, the General Manager shall hear the appeal. The hearing shall be an informal one. The contractor may rebut evidence which is the basis for the determination and present evidence why the contractor is qualified.

(4) The General Manager or designee may affirm the earlier determination or reverse the determination and assign an alternate rating. This decision will be in writing containing a summary of the facts that led

to the decision. The decision of the General Manager is final. A contractor shall have no right to appeal the decision to the Board.

a. The General Manager may cancel the prequalification process at any time during the prequalification process, even after receiving and scoring applications. If the prequalification process is cancelled, the normal competitive bidding rules will apply. The District assumes no liability for the cost a prospective contractor may have incurred by submitting an application for prequalification, and the submittal of a prequalification application is a waiver to claim any such cost or losses due to cancellation of the process.

## **2-6.405 DEBARMENT**

(a) The District shall have the right to debar a contractor, prohibiting it from entering into any agreements with the District. Debarment of a contractor is not meant to be a punishment, but a procedure to ensure that publicly funded business is conducted legally with responsible parties, maintaining the integrity of the District's procurement process.

(b) Reasons for debarment.

(1) A finding by the District that a contractor has within the last three (3) years demonstrated a lack of integrity that could jeopardize the District's interest if the District were to contract with the contractor. Factors which may result in a finding that a contractor is not able to perform responsibly include, but are not limited to, any of the following:

(i) A conviction of a criminal offense incident to the application for or performance of a contract or subcontract with a public agency.

(ii) A conviction of a criminal offense which negatively reflects on the contractor's business integrity, including but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, negligent

misrepresentation, price-fixing, bid-rigging, or a violation of state or federal anti-trust statutes.

- (iii) A loss or suspension of a license or the right to do business or practice a profession, the loss or suspension of which indicates dishonesty, a lack of integrity, or a failure or refusal to perform in accordance with the ethical standards of the business or profession in question.
- (iv) A conviction of a criminal offense or other violation of other state or federal law, as determined by a court of competent jurisdiction or an administrative proceeding, which in the opinion of the District indicates that the contractor is unable to perform responsibly or which reflects a lack of integrity that could negatively impact or reflect upon the District.

(2) A finding by the District that the contractor is not able to perform responsibly, based upon any of the following upon the sole judgement and at the discretion of the District:

- (i) Violation by the contractor of bid solicitation procedures or violations of the terms of a solicitation after bid submission.
- (ii) Failure by the contractor to substantially perform a public contract or subcontract according to its terms, conditions, and specifications within specified time limits.
- (iii) Refusal by the contractor to provide information or documents required by a contract, including but not limited to, information or documents necessary for the District to monitor contract compliance.
- (iv) Failure by the contractor to respond to requests for information regarding its performance or accumulating repeated substantiated complaints regarding performance of a contract or purchase order.

- (v) Failure of the contractor to perform a public contract or subcontract in a manner consistent with any applicable state or federal law, rule, or regulation.
- (vi) Repeated unsafe work practices that have put workers, the District employees and/or the general public at risk.
- (vii) An inferior finished work product/poor workmanship that does not comply with the contract specifications or what is considered generally acceptable workmanship by industry standards that is not remedied at the request of the District.
- (viii) Any contract in which the contractor's Surety is requested by the District to satisfactorily perform or complete the work as specified in the contract.
- (ix) Violations of Division of Industrial Relations requirements including but not limited to non-payment of prevailing wages.

(c) Debarment Procedure

(1) The District will issue a notice of proposed debarment to a contractor subject to debarment by certified mail, return receipt requested, or by courier service. All of the following shall be included in the notice:

- (i) A statement that proposed debarment action is being considered by the District.
- (ii) A description of the reasons for the proposed debarment in sufficient detail to put the contractor on notice of the conduct and causes upon which proposed debarment is based.
- (iii) A statement indicating that within thirty (30) calendar days from the date of the notice, the contractor may submit, in writing, information in opposition to the proposed debarment, including any additional specific information that

raises a genuine dispute over the material facts and any mitigating circumstances.

(iv) Explanation that the contractor has thirty (30) calendar days to request a hearing.

(v) A statement that failure by the contractor to respond with a written request for a hearing within thirty (30) calendar days, will result in debarment by the District without a hearing.

(vi) A description of the potential implications of debarment.

(2) If debarment is imposed, the contractor shall be given prompt notice by certified mail, return receipt requested, or by courier service. The notice of debarment shall include the following information:

(i) Reference to the notice of debarment.

(ii) Specific reasons for debarment.

(iii) The period and scope of debarment including the effective dates.

(iv) An explanation that the vendor has ten (10) business days after receipt of the notice of debarment to protest the debarment in writing to the District.

(3) If debarment is not imposed, the official shall promptly notify the contractor by certified mail, return receipt requested, or by courier service.

(D) Debarment Protest:

(1) A debarred contractor may protest the debarment action by written submission to the District stating in detail the reasons that debarment is in error. The written protest shall be received within ten (10) business days after the date of the notice of debarment. The District shall review all facts on which the debarment was based and the contractor's protest, and shall make a decision within thirty (30) calendar days after receipt of the protest to either uphold or overturn the debarment. The contractor shall be notified in writing of the decision.

(2) The District may reduce the debarment period, upon the debarred contractor's request, supported by documentation for the following reasons:

- (i) Newly discovered material evidence.
- (ii) Reversal of the conviction or civil judgment upon which the debarment was based.
- (iii) A good faith change in ownership or management.
- (iv) Elimination of other causes for which the debarment was imposed.

(E) Period of Debarment:

(1) Debarment shall be for a period commensurate with the seriousness of the contractor's actions and causes for debarment. After the debarment period expires, the vendor may reapply for inclusion on bidder lists through the regular application process.

(F) Effect and Scope Debarment:

(1) Debarment affects all divisions or other organizational units of the contractor, unless the debarment decision is limited by its terms to specific divisions or organizational units. The debarment decision may extend to any affiliates of the contractor or named individuals, if the affiliate or individual is specifically named in the notice of debarment and given written notice of the proposed debarment and an opportunity to respond. Contractors debarred are excluded from receiving contracts, and the District shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors. Bids or proposals received that name or indicate an intention to use any debarred subcontractors, affiliates or individuals shall be deemed non-responsible and rejected. Awarded contracts later discovered to utilize debarred subcontractors, affiliates or individuals shall immediately cease from utilizing them and will be subject to cancellation of the contract with monetary penalties as permitted by law including but not limited to the

forfeiture of any monies due to the contractor for work in progress. Notwithstanding the debarment or proposed debarment of a contractor, contracts or subcontracts in existence at the time a contractor is debarred may continue unless cancelled pursuant to the cancellation clause of the contract. However, contracts with debarred contractors may not be renewed or otherwise extended.

## **2-6.406      PREQUALIFICATION OF VENDORS**

(a)      The GM may establish a list of qualified vendors for goods or services which the district frequently purchases. The list will be valid for 5 years and vendors who prove to be unqualified shall be removed and vendors who demonstrate their qualifications may be added.

(b)      The GM may purchase goods or services from qualified vendors on the list described above with further bidding if the amount of the purchase is \$50,000 or less. The board must approve purchases from qualified vendors if the amount of the purchase is more than \$50,000.

## **2-6.407      SERVICES**

(a)      The District shall procure professional services, such as legal, medical, engineering, architectural, financial, human resources, labor relations, and educational, in accordance with the procedures recommended by the ethics of the discipline involved and taking into consideration quality of work, performance, and price.

(b)      The District shall procure contractual services, such as those for custodial work and landscaping, in accordance with procedures that allow for consideration



of the quality of work, warranty and establishment of performance standards in addition to price.

(c) If the service is estimated to cost \$50,000 or less, the General Manager may informally solicit proposals and enter into contracts without Board approval.

(d) If the service is estimated to cost more than \$50,000 and is included in the current year budget, the General Manager may solicit formal proposals without Board approval. Formal proposals are solicited with a written request for proposals made publicly available on the District's website for at least 2 weeks. If the service is not in the current year budget, the General Manager may solicit proposals and enter into contracts only with prior Board approval.

(e) All contracts of more than \$50,000 require Board approval.

## **2-6.408 GOODS**

(a) The District shall procure goods, other than works of improvement and services, as mentioned above, pursuant to this Section.

(b) Goods included in the current year budget and estimated to cost \$50,000 or less shall be purchased without further Board action following informal bidding procedures.

(c) Goods and services included in the current year budget and estimated to cost more than \$50,000 shall be purchased by the formal bidding process.

(d) The General Manager may solicit formal bids for items estimated to cost \$50,000 or less without prior Board approval only if the amount is included in the current year budget.

(e) All contracts of \$50,000 or more require Board approval.

## **2-6.409      EXCEPTIONS**

(a)     The General Manager may approve changes to contracts (“change orders”) for the procurement of supplies, equipment, contracts for professional services, and other goods and services provided;

      (1)     The change order is within the scope of the approved contract by the board, the cost of the changed work does not exceed the adopted budget; and,

      (2)     The cumulative change orders are within 10% of the original contract amount; and

      (3)     Other parameters set by the Board are followed.

(b)     The General Manager may approve change orders for works of improvement provided the changed work is within the scope of the project approved by the board, the cost of the changed work does not exceed the budget for the work approved by the board, and:

      (1)     For contracts less than or equal to \$1,000,000:

- a.     a single change order does not exceed \$50,000;
- b.     the total of all change orders does not exceed \$100,000;

      (2)     For contracts greater than \$1,000,000:

- a.     a single change order does not exceed 5% of the original amount awarded by the board;
- b.     the total of all change orders do not exceed 10% of the original amount awarded by the board; and

      (3)     For contracts regardless of amount:

- a.     a time extension up to 25% of the time stated in the contract; and
- b.     a deduction change order within the foregoing parameters, but a deduction change order shall not offset the above amounts.

(c) The General Manager shall file a written notice with the clerk when a change order is approved by the General Manager pursuant to this sub-section. The clerk shall distribute to the board as an information item at the next board meeting.

(d) Bidding shall not be required for goods or services in the following circumstances:

(1) Goods and services included in the current year budget and that have an estimated value less than \$5,000.

(2) A vendor is the sole source for the goods or services as determined by the General Manager.

(3) If the vendor has been selected during the past twelve consecutive months as the designated qualified vendor for the items, or classes of items, to be purchased.

(4) Emergency or urgent purchases, as defined.

(e) The procurement procedures set forth in this Article do not apply if the cost of goods or services is established by federal, state or local regulation, such as is the case with utility services and the supplies and appurtenant equipment.

(f) If competitive bid procedures have already been utilized, such as in purchasing from federal, state, county, city or special district governmental agencies, or from cooperative purchasing consortiums consisting of such agencies, and these materials and services are supplied to the District at the same or better price, the informal or formal bidding procedures specified herein may be waived.

## **2-6.410 MISCELLANEOUS**

(a) Goods and services shall be procured from the responsive vendor who provides the greatest value as determined by the criteria specified in the Notice Inviting Bids, the written specifications, or the request for proposal.

(b) The procedures, personnel, and system of forms to be used by District employees in the procurement of goods and services shall be determined by the General Manager and set forth in clean and concise written form consistent with

the provisions of this Article. The directive shall be made available to employees and shall become the process for the procurement of goods and services.

**2-6.411 SURPLUS**

The General Manager may declare supplies, materials or equipment as surplus, obsolete or unused and authorize its disposal. The General Manager shall implement procedures to ensure that the District receives fair value for surplus items.

**2-6.412 FEDERALLY DECLARED EMERGENCY PURCHASING PROCEDURES**

(a) In the event of an emergency declared by the President of the United States, the District must comply with Federal procurement standards as a condition of receiving public assistance funding from the Federal Emergency Management Agency (FEMA) for contract costs for eligible work. FEMA funding is governed by Title 2 of the Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

(b) Federal Emergency Procurement Procedures.

(1) Micro-Purchases

a. Purchases within the micro-purchase threshold specified by Federal statute (e.g., currently set at purchases of \$10,000 or less) may be awarded without soliciting competitive quotations if the District considers the price to be reasonable. To the extent practicable, the District must distribute micro-purchases equitably among qualified suppliers.

(2) Small Purchases

a. Purchases within the simplified acquisition threshold, as specified by Federal statute (e.g., currently set at purchases of \$250,000 or less) shall not be required to be formally bid.

Price quotations must be received from no less than three (3) sources.

(3) Formal, Sealed Bid

- a. Formal, sealed bidding is required for purchases greater than the simplified acquisition threshold, which is currently set at \$250,000, or as may be adjusted by the Federal Acquisition Regulation, pursuant to 48 CFR § 2.101.
- b. The District must publicly advertise the Invitation for Bids and publicly open all bids at the time and place prescribed in the invitation.
- c. Any contracts awarded pursuant to this procedure shall be to the lowest responsible bidder submitting a responsive bid and shall be for a firm fixed price.

(c) Solicitation of Competitive Proposals

- (1) When the nature of a procurement does not lend itself to formal, sealed bidding (e.g., professional services), the District may solicit competitive proposals.
- (2) A request for proposals (RFP) must be publicly advertised, and the District must solicit proposals from an adequate number of sources. The RFP must identify all evaluation factors and their relative importance; however, the numerical or percentage ratings or weights need not be disclosed.
- (3) Any contract awarded based on the competitive proposal procurement process cannot be based exclusively on price or price-related factors.
- (4) If a contract is awarded, it shall be to the responsible firm whose proposal is most advantageous to the District ("best value"), with price and other factors considered.

(d) Federal Emergency Noncompetitive Procurements

- a. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply: The item is only available from a single source;
  - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - c. The District authorizes noncompetitive proposals, as otherwise permitted by the Procurement Policy; or
  - d. Competition is deemed inadequate after the solicitation of a number of sources.
- (e) Federal Emergency Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Area Surplus Firms
- (1) The District must conduct all necessary affirmative steps to ensure the use of minority businesses, women’s business enterprises, and labor surplus area firms when possible, as set forth at 2 CFR § 200.321.
- (f) Federal Emergency Cost or Price Analysis
- (1) The District shall perform a cost or price analysis in connection with every procurement action, including contract modifications, in excess of the simplified acquisition threshold. While the method and degree of analysis depend on the facts surrounding the particular procurement situation, the District must at minimum, make independent estimates before receiving bids or proposals..
  - (2) The District shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where a cost analysis is performed as required by 2 CFR § 200.323(b).
- (g) Federal Emergency Payment Procedures

- (1) Contracts entered into pursuant to this Section 2-6.412 shall utilize only fixed-price, cost-reimbursement, or, to a limited extent, time and materials payment methods.
- (h) Time and Materials (T&M) Contracts
- (1) T&M contracts should be used rarely, and the use of T&M contracts should be limited to a reasonable time period (e.g., no more than 70 hours) based on circumstances during which the District cannot define a clear scope of work.
  - (2) The District shall only enter into a time and materials contract if all of the following apply:
    - a. No other contract was suitable; and
    - b. The contract has a guaranteed maximum price that the contractor exceeds at its own risk; and
    - c. The District provides a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
  - (3) The District must define the scope of work as soon as possible to enable procurement of a more acceptable type of contract (i.e., non- T&M).
- (i) Separate Invoicing
- (1) All purchases made during a proclaimed Emergency shall require separate invoicing from routine (i.e., non- emergency related) purchases. All invoices shall state the goods, services, or equipment provided and shall specify where the goods or services were delivered. All invoices shall specify the location(s) where the goods or services were used, if possible. Any invoice which fails to properly identify the emergency nature of the purchase and provide details as to the date(s) and location(s), as appropriate, shall not be paid

until such errors are corrected by the vendor and re-submitted in correct form.

(j) Auditing of Invoices for Debris Removal

- (1) All invoices for debris clearance and removal shall be audited prior to payment to the vendor. Vendors shall be notified of this requirement prior to the award of any contract for debris clearance and/or removal. Audits shall be in accordance with procedures for debris removal monitoring specified in FEMA's Publication 325, Debris Management Guide.



## Article 5 - Investment Policy<sup>35</sup>

### 2-6.501 PURPOSE

This Article establishes the policy of the District to invest public funds in a manner that provides the maximum security of principal and best investment return, while meeting the daily cash flow demands of the District and conforming with laws governing the investment of public funds.

### 2-6.502 INVESTMENT POLICY

The Board shall adopt an Investment Policy for the District and review it annually. At a minimum, the policy shall address the following items:

- (a) Funds covered by the policy;
- (b) Investment objectives;
- (c) Delegation of authority;
- (d) Standard of care;
- (e) Ethics and conflicts of interest;
- (f) Authorized financial dealers and institutions;
- (g) Authorized and suitable investments;
- (h) Investment pools/mutual funds;
- (i) Collateralization;
- (j) Safekeeping and custody;
- (k) Diversification;
- (l) Maximum maturities;
- (m) Internal control;
- (n) Performance standards;

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<sup>35</sup> Article 5 of Title 2, Chapter 6 amended by Reso. No. 2497 on July 26, 2016.  
LVMWD Code updated 5.21.24-Final.docx

- (o) Credit downgrade; and
- (p) Reporting requirements.

**2-6.503      AVAILABILITY OF INVESTMENT POLICY**

The adopted investment policy shall be publically available upon request to the Clerk of the Board and shall be posted on the District’s website.

## **CHAPTER 7 - DISTRICT POLICIES**

### **Article 1 - Services**

#### **2-7.101 GENERAL**

The District shall, to the extent practicable, provide potable water service, sanitation service and recycled water service to District inhabitants and property owners consistent with the requirements of the Municipal Water District Law of 1911 and other State and Federal laws, rules and regulations.

#### **2-7.102 DISTRIBUTION AND SALE OF WATER<sup>36</sup>**

The Board has fixed the rates at which water shall be sold, and the regulations governing classes of service and the conditions of service. All water rates and regulations are set forth in this Code.

The District shall encourage water conservation to the maximum extent feasible including the conservation of tertiary treated recycled water for the purpose of eliminating the need to augment the recycled water system with potable water when demands exceed supplies, and for the advanced treatment of recycled water to supplement the potable water system.

#### **2-7.103 COLLECTION AND TREATMENT OF SEWAGE**

The Board has determined the necessity of constructing and operating facilities for the collection, treatment and disposal of sewage. Sewer rates and regulations covering sewage treatment are set forth in this Code.

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<sup>36</sup> Section 2-7.102 amended by Reso. No. 2617 on January 17, 2023.  
LVMWD Code updated 5.21.24-Final.docx

**2-7.104      DISTRIBUTION AND SALE OF RECYCLED WATER**

The Board has determined the necessity of constructing and operating facilities for the distribution and sale of recycled water. Recycled water service rules and regulations are set forth in this Code.

**Article 2 - Rates and Charges**

**2-7.201      GENERAL**

At least annually, the Board shall review and amend or confirm the rates, fees and charges for potable water service, sewerage service and recycled water service. Adoption of the annual budget with rate assumptions included therein may constitute such review.

**2-7.202      OPERATING COSTS**

As near as practicable, the Board shall establish service charges at a level sufficient to recover the cost of operating and maintaining the service.

**2-7.203      CAPITAL IMPROVEMENT COSTS**

As near as practicable, the Board shall establish connection and facilities charges sufficient to recover the cost of constructing capital improvements required to provide service.

## Article 3 - Environmental

### 2-7.301 GENERAL

(a) District projects shall be undertaken with due regard for the environmental consequences. This article implements the regulations adopted by the Secretary of Resources (hereinafter "State Guidelines") to be followed by local agencies to implement the California Environmental Quality Act (CEQA). The State Guidelines are incorporated by this reference.

(b) This article applies to discretionary activities directly undertaken by the District, discretionary activities financed in whole or in part by the District, and private activities, which require discretionary approval from the District.

### 2-7.302 PROCESS: GENERAL<sup>37</sup>

(a) The District shall consider environmental documents prepared for a project before taking action on the project.

(b) As a "lead agency", the District shall decide whether to prepare environmental documents and which environmental document to prepare, as follows:

(1) The General Manager will first determine whether the activity is a project. The activity is not a project if the District lacks discretion to disapprove or modify the proposed activity. Nothing further is required if the activity is not a project.

(2) If the activity is a project, the General Manager will next determine if the project is exempt. A notice of categorical exemption will be filed if the activity is exempt.

(3) If the project is not exempt, the General Manager will

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<sup>37</sup> Section 2-7.302 amended by Reso. No. 2617 on January 17, 2023.

prepare an initial study to determine whether the project may have a significant effect on the environment.

(4) If the initial study discloses the project is not expected to have a significant effect on the environment, the General Manager will prepare a negative declaration.

(5) If the initial study discloses project is expected to have a significant effect on the environment, the General Manager will prepare an environmental impact report (EIR).

(c) When another agency is the lead agency, the District may be a "responsible agency". As a responsible agency, the General Manager will comment on the environmental documents prepared by the lead agency and use the environmental documents prepared by the lead agency during the District's decision-making process.

(d) The Board shall consider approval of the negative declaration prior to approving a project, and review and consider the final environmental documents, including making findings of significant environmental impact and findings of overriding considerations, prior to approving a project.

## **2-7.303 LEAD AGENCY PROCESS**

(a) Where a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or negative declaration for the project. This agency is the lead agency. The determination of which agency will be the lead agency shall be governed by the criteria set forth in the State Guidelines.

(b) The determination of the lead agency of whether to prepare an EIR or a negative declaration shall be final and conclusive on all persons, including

responsible agencies: the decision is challenged under CEQA; circumstances or conditions change as, or a responsible agency becomes a lead agency.

(c) An agency which will carry out a project but which is not the lead agency is a responsible agency. The decision-making body of each responsible agency shall consider the lead agency's EIR or negative declaration prior to acting upon or approving the project. The responsible agency shall assume the role of the lead agency only when conditions set forth in the State Guidelines exist.

(d) If there is a dispute over which of several agencies should be the lead agency for a project, the disputing agencies shall resolve the dispute in accordance with the State Guidelines.

## **2-7.304 ACTIVITIES NOT SUBJECT TO CEQA REVIEW<sup>38</sup>**

(a) The following activities are not "projects" within the meaning of CEQA and this article:

(1) A project involving only feasibility or planning studies for possible future actions which the District has not approved, adopted, or funded does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors.

(b) The following activities are exempt from the requirements of CEQA:

(1) Approval of individual utility service connections and disconnections.

(2) Leasing of District owned, existing property where the use of the premises is not significantly changed.

(3) Construction of a pipeline of less than one mile in length within a public street or highway or any other public right-of-way or the maintenance, repairs, restoration, reconditioning, relocation, replacement, removal or demolition of an existing pipeline. For the purposes of this subsection, "pipeline" includes

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<sup>38</sup> Section 2-7.304(b)(3) amended by Reso. No. 2617 on January 17, 2023.

subsurface facilities, fire hydrants, and pressure/vacuum release valves or assemblies, but does not include any substantial surface facility (i.e. above-ground pressure regulating stations) related to the operation of the underground facility.

(Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.)

a. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the governor pursuant to the California Emergency Services Act commencing with Government Code Section 8550.

b. Emergency repairs to public service facilities necessary to maintain service.

c. Specific actions necessary to prevent or mitigate an emergency.

d. CEQA does not apply to projects which are rejected or disapproved.

e. The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges for the purpose of: Meeting operating expenses, including employee wage rates and fringe benefits;; Purchasing or leasing supplies, equipment, or material; Meeting financial reserve needs and requirements, or Obtaining funds for capital projects, necessary to maintain service within existing service areas.

(Rate increases to fund capital projects for the expansion of a system are subject to CEQA. The District shall incorporate written findings in the record of any proceeding in which an exemption under this section is claimed setting forth with specificity the basis for the claim of exemption.)



(c) The following categorical exemptions are set forth in the State Guidelines:

Class 1: Consists of operation, repair, maintenance or minor alteration of existing facilities involving negligible or no expansion of use.

Class 2: Consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Class 3: Consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Class 4: Consists of minor public or private alterations in the condition of land, water, and/or vegetation, which do not involve removal of mature, scenic trees except for forestry and agricultural purposes.

Class 5: Consists of minor alterations in lane use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

Class 6: Consists of basic data collection, research experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource.

Class 9: Consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health, or safety of a project.

Class 11: Consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities, including but not limited to: On-premise signs; Small parking lots; Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

Class 12: Consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or area wide concern. However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if: The property does not have significant values for wildlife habitat or other environmental purposes, and Any of the following conditions exists:

- a. The property is of such size or shape that it is incapable of independent development or use; or
- b. The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or
- c. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Class 13: Consists of the acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Class 15: Consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the

division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Class 19: Consists of only the following annexations:

a. Annexations to the District of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing government agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

b. Annexations of individual small parcels of the size for facilities exempted by State Guidelines Section 15103, New Construction of Small Structures.

Class 20: Consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.

Class 23: Consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

Class 25: Consists of transfers to ownership of interests in land in order to preserve open space.

Class 27: Consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:

a. Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared.

b. Shall be substantially the same as that originally proposed at the time the building permit was issued.

c. Shall not result in a traffic increase or greater than 10% front access road capacity.

d. Shall include the provision of adequate employee and visitor parking facilities.

(A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.)

## **2-7.305 INITIAL STUDY**

(a) Unless an activity is not subject to review or an exemption applies (or unless the District can determine the project will clearly have a significant effect, and an EIR is ordered) during the first step in the CEQA process, the General Manager shall prepare an initial study to determine if the project may have a significant effect on the environment.

(b) If the project is to be carried out by a private person or private organization, the person or organization carrying out the project shall submit data and information, which will enable the District to prepare the initial study.

(c) As soon as the District has determined that an initial study will be required for the project, the District shall consult informally with all responsible agencies and trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a negative declaration should be prepared.

## **2-7.306 DETERMINING SIGNIFICANT EFFECT**

(a) In evaluating the significance of the environmental effects of a project, the General Manager shall consider both primary or direct and secondary or indirect consequences. Social and economic changes resulting from a project by themselves shall not be treated as significant effects on the environment. If physical changes cause or result from adverse economic or social changes, the economic or social changes may be used as the basis for determining that the physical changes are significant.

(b) The General Manager shall find that a project may have a significant effect on the environment and require an EIR where any of the following conditions occur:

(1) The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

(2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(3) The project has possible environmental effects, which are individually limited but cumulatively considerable. As used in the subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past

projects, the effects of other current projects, and the effects of probable future projects.

(4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

## **2-7.307      NEGATIVE DECLARATION**

(a) A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the General Manager finds on the basis of an Initial Study will not have a significant effect on the environment.

(b) Before completing a Negative Declaration, General Manager shall consult with responsible agencies. This consultation may take place during the public review period provided herein.

(c) A Negative Declaration shall include:

(1) A brief description of the project; including a commonly used name for the project if any;

(2) The location of the project and the name of the project proponent;

(3) A finding that the project will not have a significant effect on the environment;

(4) An attached copy of the Initial Study documenting reasons to support the finding;

(5) Mitigation measures, if any, included in the project to avoid potentially significant effects.

(d) Notice of the preparation of a Negative Declaration shall be provided to the public twenty-one (21) days prior to consideration by the Board. Notice shall be given to all organizations and individuals who have previously requested such notice and shall be given by at least one of the following procedures as selected by the General Manager:

(1) Publication, no fewer times than required by Section 6061 of the Government Code, by the Agency in a newspaper of general circulation in the area affected by the proposed project.

(2) Posting of notice by the Agency on and off site in the area where the project is to be located.

(3) Direct mail notice shall be given to owners of property contiguous to the project as such owners are shown on the latest equalized assessment roll.

The noticed review period shall be long enough to provide members of the public with sufficient time to respond to the proposed finding before the Negative Declaration is approved.

(e) The Board may approve the Negative Declaration if it finds on the basis of the initial study and comments received there is no substantial evidence the project will have a significant effect on the environment. The Board shall then consider the Negative Declaration together with comments received during the public review process prior to approving the project,

(g) After the negative declaration is approved, the secretary shall file a Notice of Determination with the County Clerk of the County or Counties in which the project will be located. If the project requires a discretionary approval from a state agency, the Notice of Determination also shall be filed with the Secretary for Resources.

## **2-7.308 ENVIRONMENTAL IMPACT REPORT<sup>39</sup>**

(a) An Environmental Impact Report shall be prepared if the General Manager determines there is substantial evidence the project may have a significant effect on the environment.

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<sup>39</sup> Section 2-7.308(a) amended by Reso. No. 2617 on January 17, 2023.  
LVMWD Code updated 5.21.24-Final.docx

(b) The draft and final EIR shall be prepared in accordance with CEQA and the State Guidelines.

(c) The Board shall certify the final EIR has been completed in compliance with CEQA and the Board has reviewed and considered the information contained in the EIR prior to approving the project.

(d) The Board shall not approve or carry out a project for which an EIR has been completed which identifies one or more significant effects of the project unless the Board makes one or more written findings for each of those significant effects, accompanied by a statement of the facts supporting each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and now the District. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

The findings shall not be made if the District has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

(e) The District shall not approve or carry out a project as proposed unless the significant environmental effects have been reduced to an acceptable level. Mitigation measures and a program to monitor the mitigation measures shall be described in the findings. As used in this Section, the term "acceptable level" means that:



(1) All significant environmental effects that can feasibly be avoided have been eliminated or substantially lessened as determined through findings as described in subsection (a), and

(2) Any remaining, unavoidable significant effects have been found acceptable under the following section.

(f) Where the decision of the Board allows the occurrence of significant effects which are identified in the final EIR but are not mitigated, the Board must state in writing the reasons to support its action based on the final EIR or other information in the record. This statement may be necessary if the Board also makes findings. If the Board makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

(g) The District shall file a Notice of Determination following each project approval for which an EIR was considered.

(h) The District shall include the final EIR as part of the regular project report, which is used in the existing project review and budgetary process if such a report is used. The District shall retain one or more copies of the final EIR as public records for a reasonable period of time. The District shall require the applicant to file a copy of the certified, final EIR with each responsible agency. When the Board has approved a project after requiring measures to mitigate or avoid significant environmental impacts, the General Manager monitor compliance with such measures by periodic review of the final EIR.

## **2-7.309 CONSULTATION**

(a) The General Manager shall respond to consultation by lead agencies to assist lead agencies in preparing environmental documents.

(1) Where the general manger disagrees with the lead agency's proposal to prepare a negative declaration for a project, the General Manager should identify the significant environmental effects could result from the project

and recommend an EIR be prepared or the project be modified to eliminate the significant effects.

(2) As soon as possible, but not longer than 45 days after receiving a notice of preparation from the lead agency, the General Manager shall send a written reply by certified mail which specifies the environmental information germane to the District's statutory responsibilities over the proposed project.

(b) The general manger shall comment on draft EIRs and Negative Declarations for projects which the District would later be asked to approve. The comments may deal with any aspect of the project or its environmental effects.

(c) If the General Manager believes the final EIR or Negative Declaration prepared by the lead agency is not adequate for use by the District, the District must take the issue to court within 30 days after the lead agency files a Notice of Determination, or Prepare a subsequent EIR if permissible under the State Guidelines.

(d) Prior to reaching a decision on the project, the Board must consider the environmental effects of the project as shown in the EIR or Negative Declaration.

(e) When an EIR has been prepared for a project, the Board shall not approve the project as proposed if the Board finds feasible alternatives or feasible mitigation measures within its powers that would substantially lessen a significant effect the project would have on the environment. When considering alternatives and mitigation measures as a responsible agency, the Board is more limited than when acting as a lead agency. The District has responsibility for mitigating or avoiding only the environmental effects of those activities which the Board decided to carry out, finance, or approve.

(f) The Board shall make the findings required by the State Guidelines for each significant effect of the project and shall make the required findings if necessary.

(g) The secretary should file a notice of determination in the same manner as a lead agency except the notice does not need to state the EIR or Negative Declaration complies with CEQA. The notice should state the Board considered the EIR or negative declaration as prepared by the lead agency.

## **2-7.310 TIME LIMITS**

- (a) The District shall determine whether an application for a permit or other entitlement for use is complete within 30 days from the receipt of the application. If no written determination of the completeness of the application is made within that period, the application will be deemed complete on the 30th day.
- (b) When the District acts as the lead agency, the District shall determine within 45 days after accepting an application as complete, whether it intends to prepare an EIR or a negative declaration.
- (c) When the District acts as a responsible agency, the District shall provide a response to a notice of preparation to the lead agency within 45 days after receipt of the notice.
- (d) When the District acts as the lead agency, the District shall convene a meeting with agency representatives to discuss the scope and content of the environmental information a responsible agency will need in the EIR within 30 days after receiving a request for the meeting. The meeting may be requested by the lead agency, a responsible agency, a trustee agency, or by the project applicant.
- (e) The public review period for a draft EIR should not be less than 30 days nor longer than 90 days, except in unusual circumstances.
- (f) The public review period for a Negative Declaration shall be a reasonable period of time sufficient to allow members of the public to respond to the proposed finding before the Negative Declaration is approved. The General Manager shall allow other public agencies and members of the public at least 14 days within which to comment upon any Negative Declaration which the District proposes to adopt
- (g) When a draft EIR or Negative Declaration is submitted to the State Clearinghouse for review, the normal review period of 45 days for draft EIRs and 30 days for Negative Declarations. The State Clearinghouse may set shorter

review periods when requested by the lead agency due to exceptional circumstances.

(h) With a private project, the Negative Declaration must be completed and ready for approval within 105 days from the date when the lead agency accepted the application as complete.

(i) With a private project, the lead agency shall complete and certify the final EIR within one year after the date when the lead agency accepted the application as complete.

(j) An unreasonable delay by an applicant in providing information requested by the lead agency for the preparation of a Negative Declaration or an EIR shall suspend the running of the time periods described herein for the period of the unreasonable delay.

(k) At the request of an applicant, the lead agency may waive the one year time limit for completing and certifying a final EIR or the 105 day period for completing a Negative Declaration if:

(1) The project will be subject to CEQA and to the National Environmental Policy Act.

(2) Additional time will be required to prepare a combined EIR-EIS or combined Negative Declaration-finding of no significant impact as provided herein, and

(3) The time required to prepare the combined document will be shorter than the time required to prepare the documents separately.

The time limits for taking final action on a permit for a development project may also be waived where a combined EIR-EIS will be prepared.

The time limits for processing permits for development projects under Government Code Section 65950-65960 shall not apply if federal statutes or regulations require time schedules, which exceed the state time limits.

**2-7.311 PROJECTS WITH SHORT TIME PERIODS FOR APPROVAL**

(a) An application for a project is not received for filing under a permit statute or ordinance until such time as the environmental documentation required by CEQA has been completed and the following conditions are met:

(1) The enabling legislation for a program, other than Chapter 4.5 (commencing with Section 65920) or Division 1 of Title 7 of the Government Code, requires the District to take action on an application within a specified period of time that is six months or less, and

(2) The enabling legislation provides that the project will become approved by operation of law if the District fails to take any action within such specified period, and

(3) The project involves the issuance of a lease, permit, license, certificate, or other entitlement for use.

(b) In any case described in this section, the environmental document shall be completed or certified and the decision on the application shall be made within one year from the date on which an application requesting approval of such project has been received and accepted as complete for CEQA processing by such agency. This one-year time limit may be extended once for a period not to exceed 90 days upon consent of the District and the applicant.

## **Article 4 - Records Inspection**

### **2-7.401 PURPOSE AND SCOPE**

This Article provides criteria and procedures for the public inspection of District records. This article may be cited as the District's "Regulations for the Public Inspection of District Records."

### **2-7.402 DEFINITIONS**

As used in this Article:

(a) "Public Records" includes any writing containing information relating to the conduct of District's business prepared, owned, used, or retained by the District regardless of physical form or characteristics.

(b) "Writing" means any handwriting, typewriting, printing, Photostatting, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents.

### **2-7.403 GENERAL**

District records are open to inspection at all time during the office hours of the District and every citizen has a right to inspect any District records, except as hereinafter provided.

## **2-7.404      EXCEPTIONS**

Nothing in this Article shall be construed to require disclosure of records that are:

- (a) Preliminary drafts, notes, or intra or inter agency memoranda which are not retained by the District in the ordinary course of business, provided, that the public interest in withholding such records clearly outweighs the public interest in disclosure;
- (b) Records pertaining to pending litigation to which the District is a party or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
- (c) Personnel, medical or similar files, the disclosure of which would constitute and unwarranted invasion of personal privacy;
- (d) Geological and geophysical data, plant production data and similar information relating to utility systems development which are obtained in confidence from any person;
- (e) Test questions, scoring keys, and other examination data used to administer examinations for employment;
- (f) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective supply and construction contracts, until such time as all property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision;
- (g) Records the disclosure of which is exempted or prohibited pursuant to provisions of Federal or State Law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- (h) Other records the disclosure of which is not required by law.

## **2-7.405      ADDITIONAL PUBLIC RECORDS**

Notwithstanding the foregoing:

- (a) Every employment contract between the District and any public official or public employee is a public record.
- (b) An itemized statement of the total expenditures and disbursements of the District provided for in Article VI of the California Constitution shall be open for inspection.

## **2-7.406      JUSTIFICATION FOR WITHHOLDING OF RECORDS**

The District shall justify withholding any records by demonstrating that the record in question is exempt under the express provisions of this Article or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

## **2-7.407      COPIES OF RECORDS**

- (a) A person may receive a copy of any identifiable District record. Upon request, an exact copy shall be provided in a form determined by the District. Officers, agents and employees of the District are not required to comply with this section when acting within the course and scope of District employment or office holding.
- (b) A request for a copy of an identifiable public record or information produced there from shall be accompanied by payment of a fee in the amount of \$.20 per page, or in the case of blue line records, the amount of \$3.00 for the first sheet and \$1.50 for each additional sheet of the same project. A certified copy of such record shall require an additional fee of \$2.00.



(c) The General Manager may require any person who desires to obtain a copy of a District record to deposit an amount equal to the estimated fees for copying. That portion of the deposit which is not required to cover the costs of such fees and charges will be refunded to the person desiring to obtain the information if such deposit is insufficient to cover the costs of such fees and charges, an additional deposit will be required.

**2-7.408 PUBLIC COUNTER FILES**

(a) The General Manager shall maintain a duplicate copy of all approved minutes, the agenda for the next scheduled Board meeting and any written material distributed to members of the Board for discussion or consideration at the next scheduled Board meeting, at the public counter located in the District's offices, provided, any writing exempt from public exposure pursuant to the Public Record Act shall not be maintained at the public counter, provided, further, writings which are public records and which are discussed during a public meeting but which were not previously available shall be made available prior to the commencement of, and during, their discussion at such meeting and shall be made available for public inspection immediately or as soon thereafter as practicable.

(b) No charge will be imposed upon any person for the use of the records described in this section, unless a copy thereof is requested in which case the charges set forth herein shall be imposed.

(c) The General Manager shall also maintain a record of all requests for inspection from the public that are declined for reasons set forth in this Article.

**2-7.409 INSPECTION BY DIRECTORS**

Notwithstanding any other provision in this Article to the contrary, all records of the District, including records excluded from public inspection by virtue of the provisions hereof, shall be made available for inspection by any member of the

Board of Directors at all reasonable times. No fee or charge shall be imposed upon any member of the Board of Directors for obtaining a copy of such record or for any search relating to the location of such record.

**2-7.410 OTHER LAW**

This Article is adopted for the purpose of implementing the provisions contained in Chapter 3.5 (commencing with Section 62050) of Title 1 of the Government Code. Nothing herein contained shall be deemed to abridge or otherwise modify said provisions.

## **Article 5 - Retention of Records**

### **2-7.501 PURPOSE AND SCOPE**

This article provides criteria and procedures for the retention or destruction of District records. This Article may be cited as the District's "Regulations for the Retention of District Records."

### **2-7.502 RETENTION OF ORIGINAL RECORDS**

The following original records shall be maintained in perpetuity of the District's files:

- (a) The Certificate of Incorporation of the District;
- (b) Any certification of annexation proceedings;
- (c) Any certificate of the Secretary of State reciting the filing of annexation papers by the District in his office;
- (d) Any certification by the Secretary of State that detachment papers have been received and that he has excluded area from the District;
- (e) Resolutions and Ordinances;
- (f) Minutes of Meetings of the Board of Directors;
- (g) Certificate of Assessed Valuation prepared by the Auditor of each County in which property taxable by the District lies;
- (h) Documents received from Tax Assessors detailing District taxes collected;
- (i) Ballot arguments pro or contra on bond issues;
- (j) Results of bond propositions received from the canvassing bodies;
- (k) Results of elections for the office of member of Board of Directors received from the canvassing body;
- (l) Records of securities acquired with surplus District moneys;
- (m) Receipts for securities from banks;

- (n) Documents received relating to claims brought against the District;
- (o) Documents received pursuant to eminent domain proceedings brought by the District;
- (p) Records that are determined by the Board of Directors to be of significant and lasting historical, administrative, legal, fiscal or research value; and
- (q) Records required by law to be filed and preserved.

**2-7.503 RETENTION OF DUPLICATE ORIGINAL RECORDS**

The following original records, or a microfilmed copy of such original record; shall be maintained in perpetuity in the District's files:

- (a) Financial records summarizing the financial status of the District other than reports prepared pursuant to Article 9 (commencing with Section 53891) of Part 1 of Division 2 of the Government Code;
- (b) Records affecting title to land or liens thereon;
- (c) Oaths of Office and related materials depicting the authenticity of the appointment of any Director or officer of the District;
- (d) Paid vouchers with attached documents, summary of collections, registers of demands issued and journals of warrants paid, provided the original thereof has been maintained in the District's files for a period of five years;
- (e) Reports of the District in correspondence not covered in any other section of this article; and
- (f) Records received pursuant to State statute which are not expressly required by law to be filed and preserved.

**2-7.504 RETENTION OF RECORDS FOR TIME CERTAIN**

The following original records may be destroyed after the passage of time, as indicated, without the maintenance of a microfilm copy thereof;

- (a) Unaccepted bids or proposals for construction may be destroyed without microfilming after two years;
- (b) Work orders or in-house records of time spent on various District work assignments may be destroyed without microfilming after two years;
- (c) Records created for a specific event or action may be destroyed without microfilming after five years following the end of the fiscal year in which the event or action was completed, unless there is pending litigation involving the records;
- (d) Canceled checks for the payment of bond interest and redemption may be destroyed by an executive officer without microfilming after ten years;
- (e) Tapes and recordings of minutes of the Board of Directors may be erased after six months; and
- (f) Any record, paper or document which is more than two years old and which was prepared or received in any manner other than pursuant to State statute.

## **2-7.505 RETENTION OF OTHER RECORDS**

The following records may be destroyed at any time, without the maintenance of a microfilm copy thereof:

- (a) All duplicates, the original or a permanent photographic record of which is on file;
- (b) Rough drafts, notes and working papers accumulated in the preparation of a communication, study or other document, unless of a formal nature contributing significantly to the preparation of the document representing the work of any department of the District, including but not limited to meter books after the contents thereof have been transferred to other records;
- (c) Cards, listings, non-permanent indices, other papers used for controlling work and transitory files including letters of transmittal, suspense letters, and tracer letters;

- (d) Canceled coupon sheets from registered bonds; and
- (e) Shorthand note books, telephone messages and inter-departmental notes.

**2-7.506 OTHER LAWS**

Provisions of this Article are intended to implement the provisions of Chapter 7 (commencing with Section 60200) of Division 2, Title 6 of the Government Code. Nothing herein contained shall be deemed to abridge or amend said provisions.

**2-7.507 RECORD REVIEW**

(a) A records retention manual describing various District records and stating when the original or duplicate of such records may be destroyed is attached hereto and hereby incorporated by reference. The General Manager shall retain or destroy District records at the times set forth in the manual and in accordance with the procedures set forth in this section.

(b) At least annually, the General Manager shall designate records proposed to be destroyed, pursuant to this section, to the Secretary and District Counsel at least ten (10) days prior to the proposed destruction date. The Secretary and District Counsel shall examine the list to determine whether the records proposed for destruction in accordance with the records retention manual. The General Manager may destroy the records described on the list unless the Secretary or District Counsel objects.

(c) At least annually, the Secretary shall report in writing to the Board at a public meeting whether District records are being retained in accordance with the policies established by the Board. The secretary shall also recommend necessary and appropriate changes in the retention schedule for categories of records. The report and recommendations of the Secretary and the action of the Board with respect to the report and recommendations shall become part of the permanent record of the meeting at which the report and recommendations are presented to the Board.



## **Article 6 – Electronic Records and Electronic Signatures<sup>40</sup>**

### **2-7.601 DEFINITIONS**

The terms in this article have the same meaning as California Civil Code Section 1633.

### **2-7.602 USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES**

- (a) The parties to a District transaction may agree to the use of electronic documents and signatures.
- (b) If the parties agree to conduct the transaction electronically, the following shall apply.
- (c) The electronic record shall satisfy the Uniform Electronic Transactions Act (UETA) or California Government Code Section 16.5.

### **2-7.603 DESIGNATION OF GENERAL MANAGER OF SECURITY LEVEL FOR DOCUMENTS**

The General Manager or designee shall establish the level of security required for various documents, including which documents the District may accept electronic signatures that meet the requirement in this article.

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<sup>40</sup> Article 6 of Title 2, Chapter 7 added by Reso. No. 2591 on March 16, 2021.  
LVMWD Code updated 5.21.24-Final.docx



**TITLE 3 - POTABLE WATER SERVICE**

**CHAPTER 1 - GENERAL**

**Article 1 – Purpose and Scope**

**3-1.101 PURPOSE**

Regulations for potable water service are set forth in this Title.

**3-1.102 SCOPE<sup>1</sup>**

This Title applies to potable water service from the District; rates, fees and deposits to cover the cost thereof; the time and manner of payment for services rendered; regulations regarding water usage; protection of the system from mechanical and health hazards; and rules and charges for extending mains and permitting connections to existing mains. This Title does not generally apply to recycled water service; however, specific provisions may apply as noted and referenced in other sections of the Code.

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<sup>1</sup> Section 3-1.102 amended by Reso. No. 2617 on January 17, 2023.

## Article 2 - Definitions

### 3-1.201 DEFINITIONS: GENERAL

The definitions in this Article shall be used to interpret this Title, unless otherwise apparent from the context.

### 3-1.202 SERVICE OR WATER SERVICE

"Service" or "water service" means the delivery of potable water through a meter turned on by the District for which fees and charges have been paid. "Service" does not refer to the system of pipes and appurtenances to deliver water.

### 3-1.203 APPLICANT

"Applicant" means a person applying for water service from the District.

### 3-1.204 CLASS OF SERVICE

"Class of Service" refers to the type of water service provided to a customer. There are four classes of service. "Single-Family Class" refers to service to one residential unit; or an individual unit within a multi-family dwelling complex served through a dedicated water meter. "Multi-family Class" refers to service to 2 or more combined residential units served by a single water meter. "Commercial Class" refers to service to business, institution or government agency. "Irrigation Class" refers to service solely for irrigation.

### 3-1.205 DOMESTIC SERVICE

"Domestic Service" refers to the delivery of water for other than temporary service or fire protection service.

**3-1.206 CONNECTION FEES**

“Connection Fees” means fees levied by the District to recover the cost of facilities needed to provide water service, including: “Capacity Fees” to recover the cost of the potable water system delivering water (distribution pipeline) up to a lateral pipeline connecting the distribution pipeline to a customer’s meter; a “Conservation Fee” to pay for the cost of facilities to conserve potable water capacity; and “Meter Fees” to pay for the cost of the lateral pipeline from the distribution pipeline and the meter.

**3-1.207 CUSTOMER**

“Customer” means a person or persons receiving water service from the District.

**3-1.208 SERVICE FEES**

“Service Fees” means the fees levied to recover costs incurred to operate and maintain the water system

**3-1.209 TYPES OF SERVICE<sup>2</sup>**

- (a) District provides permanent, limited, temporary, private, fire, surplus, inactive or sealed water service.
- (b) “Permanent Service” means service to property meeting the frontage requirements.
- (c) “Limited Service” means service to property which does not otherwise meet the frontage requirements.
- (d) “Temporary Service” means service which does not qualify for permanent status. Temporary service connections will be discontinued and terminated 6 months after the installation unless an extension of time is granted in writing by the General Manager, or an agreement for service outside the District specifies

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<sup>2</sup> Section 3-1.209(d) amended by Reso. No. 2617 on January 17, 2023.

some other period of time. Temporary service includes service to a subdivision, through a master meter, during its construction phase.

(e) "Private Fire Service" means service for emergency fire protection only.

(f) "Surplus Water Service" means service in excess of the current requirements of the District, its inhabitants to property outside the District boundaries.

(g) "Inactive Service" refers to a meter turned-off by the District and for which all fees and deposits described herein have been paid.

(h) "Sealed Service" refers to a service connection without a meter for which the fees, charges and deposits described herein are outstanding.

### **3-1.210 UNIT**

"Unit" means one hundred cubic feet or 748 gallons.

### **3-1.211 SYMBOLS<sup>3</sup>**

Certain symbols are used throughout the Code and are defined as follows:

(a) The use of quotation marks (") after a number, means (inch) or (inches).

(b) The use of an apostrophe (') after a number, means (foot) or (feet).

(c) The use of \$ means (dollar) or (dollars).

(d) The use of % means (percent) or (percentage).

(e) The use of # means (number).

(f) The use of & means (and).

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<sup>3</sup> Section 3-1.211 added by Reso. No. 2617 on January 17, 2023.

## **CHAPTER 2 - COMMENCEMENT OF SERVICE**

### **Article 1 - Application For Service**

#### **3-2.101 COMMENCEMENT OF SERVICE: GENERAL<sup>4</sup>**

(a) An applicant for water service or for to change an existing water service shall: execute appropriate application process, pay the required service initiation fees, make the deposits, and meet the conditions set forth herein.

(b) Each single-family dwelling shall be served through at least one water meter of at least 3/4" size and such additional meters as the property owner may request. Cross-connection control shall be required if more than one meter is installed or non-potable water or unregulated water is available to the property.

(c) Each unit of multi-family dwelling shall be served through at least one water meter of at least 3/4" in size and such additional meters as the property owner may request.

#### **3-2.102 COMMENCEMENT OF SERVICE: APPLICATIONS**

(a) The application shall include an agreement to abide by regulations and such information as the General Manager may reasonably request. Such application shall be for service to a particular and identified property.

(b) If the application is for service to property not previously served by the District, the applicant shall also present evidence of compliance with local ordinances implementing the Water Conservation in Landscaping Act. If the District is administering such an ordinance on behalf of a city within the District, the application for service shall be treated as an application for concurrent review of a landscape plan.

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<sup>4</sup> Section 3-2.101 amended by Reso. No. 2617 on January 17, 2023.

(c) If the application is for an account in the name of a corporation or partnership, the applicant shall provide a personal guarantee from an owner or principal of the entity, regardless of the form of organization, as follows:

"I hereby certify I am a principal/officer of the organization listed on the attached application. I accept full responsibility for all fees and charges related to water and sewer service for the organization.

\_\_\_\_\_  
Name and Title"

**3-2.103 APPLICANT'S RESPONSIBILITY<sup>5,6</sup>**

(a) The applicant shall pay for a minimum of one month of service if the application is approved.

(b) The applicant shall pay expenses incurred by the District as a result of incorrect information on the application.

(c) Multiple applicants for a commonly owned property shall be jointly and severally liable for water service. A single bill shall be sent to their designee.

- (d) Responsibility for service may be claimed by a customer as follows:
- (1) An account can be changed from two spouses to one spouse with information on the individual assuming billing responsibility.
  - (2) An account can be changed to a family member if a new application is submitted and the \$20.00 initiation fee paid.
  - (3) A customer can direct billing information to a third party and bills will be sent "in care of" the party who will make the payment.
  - (4) A tenant or lessee of a property with evidence of a valid lease agreement may apply for service, and the bill shall be sent to the tenant or lessee. The tenant or lessee is responsible for the payment of service

<sup>5</sup> Section 3-2.103 amended by Reso. No.2551 on March 26, 2019.  
<sup>6</sup> Section 3-2.103(a) amended by Reso. No. 2617 on January 17, 2023.

fees and charges in accordance with District rules and regulations. The property owner shall be responsible for any unpaid service fees and charges of a tenant or lessee and will be notified as soon as possible if the account becomes past due. Notification will include the amounts owed and due dates. Upon request by the property owner, the District shall disclose whether or not an account held by a tenant or lessee is in good standing and, if there is an unpaid balance, the amount owed and due date.

### **3-2.104 METER REQUIRED**

All water furnished by the District, except as provided in this Code, must pass through a meter. No by-pass or connection around a meter between the customer's plumbing and the District's main shall be made or maintained.

### **3-2.105 OWNERSHIP AND ACCESSIBILITY OF SERVICE CONNECTIONS<sup>7</sup>**

Service connections and water meters installed or accepted for use by the District are the property of the District. Service connections shall be kept safely and readily accessible for District personnel. The expense of maintenance, repairs, and renewal of such service connections and meters, due to normal wear and tear, shall be borne by the District. Water pipes and appurtenances downstream of the meter, including but not limited to pressure regulating and relief valves, are the property of the customer who is responsible for operation and maintenance.

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<sup>7</sup> Section 3-2.105 amended by Reso. No. 2617 on January 17, 2023.



## **Article 2 - Fees and Deposits**

### **3-2.201 FEES AND DEPOSITS: GENERAL**

Service will be commenced after submittal of an application and payment of the applicable fees and deposits as set forth in this Article.

### **3-2.202 SERVICE FROM EXISTING SERVICE CONNECTION**

The applicant is not required to pay connection fees if the applicant's property can be served from an inactive service connection. Outstanding connection fees and service fees shall be paid if the applicant requests that a sealed service be activated.

### **3-2.203 SERVICE FROM NEW SERVICE CONNECTION<sup>8</sup>**

If the applicant's property cannot be served from an existing connection but can be served from an existing water main, the applicant shall deposit and pay connection fees and a pro rata share of the cost of the main in accordance with any existing main extension refund agreements, if any.

### **3-2.204 SERVICE FROM NEW MAIN**

(a) If the applicant's property cannot be served from an existing main, the applicant shall make deposits; pay connection fees; and the cost of improvements to serve the property provided:

(1) If the water system improvements are identified in an improvement plan for a bond issue and bond proceeds are available, bond funds shall be used to pay for the cost of design and construction under the uniform policies of the District.

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<sup>8</sup> Section 3-2.203 amended by Reso. No. 2617 on January 17, 2023.

(2) If the water system improvements are identified in the current water system capital improvement plan, the improvements shall be constructed by the District using construction fees accrued on or after July 1, 1990, to pay for the cost of design and construction of the improvements. Water system improvements are identified in the current water system capital improvement plan, if the improvements are described in the plan or if the Board approves other improvements as a substitute for the improvements described in the plan.

(b) If the applicant pays for a pipeline extension to serve the applicant's property, the applicant may enter into a main extension refund agreement.

### **3-2.205 FEES: INSTALLATION CHARGES<sup>9,10</sup>**

(a) A person may obtain a connection to an existing District main by paying installation charges based upon the size of meter which is required for the service. Such installation charges are set forth in Section 7-1.102 of this Code. If a pressure regulator or other special appurtenance is required, an additional charge will be paid for the regulator or special appurtenance.

(b) The fees set forth in Section 7-1.102 of this Code shall be deposited in a separate capital facilities account to avoid commingling of the fees with other revenues and funds of the District, except for temporary investments, and shall be expended solely for the purposes of connecting property to the District's water system and installing a water meter, as follows:

(1) For each connection, regardless of meter size, the sum of \$260.00 shall be paid to the potable water fund for the administrative cost of processing an application for service and establishing a new account.

(2) For each connection using a 3/4" or 1" meter, the sum of \$ 2,620 shall be paid to the potable water fund for the excavation of materials and installation of pipe lateral, meter box and fittings. For each larger connection, the

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<sup>9</sup> Section 3-2.205 amended by Reso. No. 2522 on June 27, 2017

<sup>10</sup> Section 3-2-205 amended by Reso. No. 2548 on March 12, 2019

amount paid to the potable water fund shall be based upon the time and materials expended to complete such work.

(3) For each 3/4" meter, the sum of \$ 92.00 shall be paid to the potable water fund. For each 1" meter, the sum of \$ 145.00 shall be paid to the potable water fund. For each larger meter, the actual cost of the meter shall be paid to the potable water fund.

(c) The above fees shall be transferred from the installation fee account to the potable water fund when the above-described work is performed, when a certificate of occupancy is issued, or on the date of final inspection, whichever occurs first.

### **3-2.206 CAPACITY FEES<sup>11,12,13</sup>**

(a) In addition to the other fees, an applicant for water service shall pay the capacity fees, based upon the size of the applicant's water meter. Such capacity fees are set forth in Section 7-1.103 of this Code.

(b) Capital facilities fees imposed on a school District shall not exceed the construction cost of the portion of District facilities serving school District facilities prior to January 1, 1987, increased by the percentage increase in the Implicit Price Deflation for state and local government purchases determined by the California Department of Finance. Capital facilities fees initially imposed after July 21, 1986 or in excess of the amount set forth above, shall be imposed only after agreement with the school District.

(c) Upon written request, the potable water capacity fees to be paid by a public agency for service to tax exempt property shall be reduced by the amount of the fee attributable to the cost of capital facilities.

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<sup>11</sup> Section 3-2.206 amended by Reso No. 2522 on June 27, 2017.

<sup>12</sup> Section 3-2.206 amended by Reso No. 2524 on July 25, 2017.

<sup>13</sup> Section 3-2-206 amended by Reso No. 2548 on March 12,2019.

**3-2.207 DEPOSITS: CAPACITY FEES<sup>14</sup>**

(a) The District shall invest, account for and expend capacity fees as follows:

(1) Capacity fees shall be deposited in a separate capital facilities account to avoid commingling with other revenue. The fees shall be expended solely for the purpose of planning, designing and constructing, including debt service, the water facilities described in the water system capital improvement plan to the applicant's property.

- The "System Buy in Component" of the fee shall be expended solely to fund the connection's fair share of existing system capacity.
- The "Construction Incremental Component" of the fee shall be expended solely to fund additional facilities needed to provide incremental capacity needed to accommodate growth.

(2) The fees shall be expended solely for the purpose for which the fee is collected. The "Construction Incremental Component" shall be transferred from the capacity fee account to the construction account and the "System Buy in Component" shall be transferred to the replacement account when the above-described work is performed, when a certificate of occupancy is issued, or on the date of final inspection, whichever occurs first. If prior to final inspection or issuance of the certificate of occupancy, the Board finds the fees are for improvements for which the District has made expenditures or has adopted a construction schedule or plan, the fees shall be paid to the potable water fund. As used herein, "appropriated" means authorization by the Board to make expenditures and incur obligations for specific purposes.

The fees deposited on a lump sum basis for each dwelling in a residential property subdivision which contains more than one dwelling shall be paid to the potable water fund when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first.

The applicant shall execute a deposit agreement before the issuance of a statement of service required for a building permit, if the fee is not fully

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<sup>14</sup> Section 3-2.207 Amended by Reso No. 2522 on June 27, 2017.

deposited when the application is made or may not be fully deposited when service commences.

(3) Interest earned by monies in this account shall also be deposited in the account and shall be expended only for the purpose for which the fee was originally collected.

(4) On or before September 1 of each year, the District shall make available to the public the beginning and ending balance for the prior fiscal year, and the fees, interest and other income, the amount of expenditures and the amount of refunds. The Board shall review this information at the next regularly scheduled public meeting, not less than 15 days after the information is made available.

(b) The Board shall make findings at least once each five years with respect to the portion of the fee remaining unexpended or uncommitted in the separate capital facilities account(s) five or more years after deposit of the fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this subsection shall only be made for monies in the possession of the District and need not be made with respect to instruments of credit taken to secure payment of the fee at a future date.

(c) The District shall refund to the then current record owner or owners of lots or units of the development project or projects on a prorated basis, the unexpended or uncommitted portion of the fee, and interest accrued thereon, for which a need cannot be demonstrated pursuant to subsection (b) of this section, provided, if the administrative costs of refunding exceed the amount to be refunded, the District may determine the revenues shall be allocated for other purpose which serves the project(s) on which the fee was originally imposed. If the fees are not refunded to the record owner, the Board shall conduct a duly noticed public hearing before expending the fees for another purpose which serves the project(s).

### **3-2.208 WATER CONSERVATION FEES<sup>15,16,17</sup>**

(a) In addition to the other charges set forth in the Code, an applicant for water service shall pay to the District water conservation fees based upon the size of the applicant's water meter. Such water conservation fees are set forth in Section 7-1.104 of this Code.

(b) Conservation fees shall be deposited in a separate capital facilities account to avoid commingling of the fees with other revenues and funds of the District, except for temporary investments and shall be expended solely for the purpose of planning, designing, constructing, including debt service, recycled water facilities and implementing water conservation programs.

The development of recycled water facilities allows the District to distribute available recycled water supplies, thereby avoiding the cost of constructing additional water system improvements to obtain a like amount of additional potable water from The Metropolitan Water District of Southern California. The water system capital improvement plan takes this into consideration by reducing the amount which would otherwise be charged to the water construction fee account.

(c) Water conservation fees shall be transferred from the deferred capacity fee account to the water conservation account when the above-described work is performed, when a certificate of occupancy is issued, or on the date of final inspection, whichever occurs first.

(d) When an applicant for water service to a subdivision installs a recycled water distribution pipeline to serve the subdivision, which is separate and apart from the potable water distribution pipeline, the applicant shall be eligible for reimbursement of a portion of the costs of the recycled water distribution pipeline in an amount to be determined by the Board, upon recommendation of the General Manager,

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<sup>15</sup> Section 3-2.208 amended by Reso No. 2522 on June 27, 2017.

<sup>16</sup> Section 3-2.208 amended by Reso No. 2524 on July 25, 2017.

<sup>17</sup> Section 3-2.208 amended by Reso No. 2548 on March 12, 2019.

provided such reimbursement shall not exceed 50% of the conservation fees paid by the applicant to the District for the subdivision.

(e) Applicants for water service are not required to pay the water conservation fees if sewer capacity fees were paid for the proposed improvement between March 27, 1978, and November 11, 1982.

(f) Upon written request, the water conservation fees to be paid by a public agency for service to tax exempt property shall be reduced by the amount of the fee attributable to the cost of capital facilities.

(g) Capital facilities fees imposed on a school District shall not exceed the construction cost of the portion of District facilities serving school District facilities prior to January 1, 1987, increased by the percentage increase in the Implicit Price Deflation for state and local government purchases determined by the California Department of Finance. Capital facilities fees initially imposed after July 21, 1986 or in excess of the amount set forth above, shall be imposed only after agreement with the school District.

### **3-2.209 FEES: CHANGES IN AMOUNT<sup>18</sup>**

Fees may be changed at any time in accordance with state law. An applicant shall pay the fees existent when service commences regardless of when the fees are deposited. As used herein, "service commences" when a request for service has been made and water can be delivered to the applicant's property through District facilities and monthly water service charges can be assessed. Service does not "commence" when construction water is provided through a temporary meter or prior to the acceptance by the District of the water system serving the applicant's property. Notwithstanding the "service commencement" provisions of this section, customers who made a pre-paid deposit for service prior to July 1, 2017 will have

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<sup>18</sup> Section 3-2.209 amended by Reso No. 2522 on June 27, 2017

until June 30, 2018 to commence service and pay the connection fee in effect as of June 30, 2017.

### **3-2.210 ASSURANCES OF SERVICE**

When an applicant desires assurances service will be provided at a future date, such assurances will be given only if the applicant agrees to be bound by District regulations, including regulations for the payment of connection fees, existent when service commences and the applicant makes financial arrangements to pay connection fees in the future by depositing cash with the District and entering into a deposit agreement.

### **3-2.211 FEES: SPECIAL SERVICES**

(a) In addition to the other fees and charges set forth herein, applicants for private fire protection service shall pay the total actual cost of installation of such service from the distribution main to the applicant's property line.

(b) With the approval of the fire department, temporary service may be provided through an existing, metered fire hydrant. When a fire hydrant is not available for temporary service, a connection may be made to an existing District main at a location acceptable to the General Manager.

### **3-2.212 FEES: WATER SYSTEM IMPROVEMENTS**

(a) An applicant for water service required to construct water system improvements shall pay costs incurred by the District for:

(1) The preliminary design of the improvements: Before work on the preliminary design commences, the applicant shall deposit an amount equal to the General Manager's estimate of the preliminary design costs, including, if necessary, the cost of a water system design report and environmental documents.



(2) Review of the plans: Before review of the plans and specifications, the applicant shall deposit an amount equal to the General Manager's estimate of the costs which will be incurred by the District for plan review.

(3) Construct Improvements: Prior to construction, the applicant shall deposit an amount equal to the General Manager's estimate of the costs to be incurred by the District for inspection.

(b) As used herein, the term "costs incurred by the District" include: the costs of consulting services, if any, necessary to perform the tasks described above; 15% of the costs of consulting services, if any, necessary to perform such tasks to reflect administrative and overhead expenses; and amounts paid by the District to its employees working on an hourly rate. The hourly rate for District employees shall be established from time-to-time by the General Manager and shall include reasonable supervision costs, transportation costs, and so forth.

### **3-2.213 MISCELLANEOUS FEES<sup>19</sup>**

(a) If the District takes steps to discontinue service for failure to comply with this Code, the customer shall pay the following additional charges before service is reinstated. Such additional charges are set forth in Section 7-1.105(a) of this code.

(b) The turning on or off of water service, other than in (a) above, for the convenience of the customer will be made during regular working hours of field personnel at no charge.

(c) Service connections are inspected prior to acceptance to assure they meet District specifications. A person connecting to the system must do so in a business-like manner so that proper alignment of the facilities will not be changed. The District will not adjust customer plumbing connected improperly. Meters will not be set by the District if, upon removal of the temporary spacer, the customer valve moves appreciably out of alignment, or if any part of the service connection,

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<sup>19</sup> Section 3-2.14 Amended by Reso. 2548 on March 12, 2019.

including the meter box, has been moved or altered. In either of these cases, the District will leave the facilities where found, and will not again return to set the meter until the applicant has made corrections and paid a fee set forth in Section 7-1.105(b) of this Code.

(d) Any person who receives water without prior authorization shall pay the fees set forth in Section 7-1.105 (c) of this Code.

(e) The District will shop-test a water meter in the presence of the customer at the request of the customer if the prescribed fee to cover the cost of testing is tendered. The General Manager adjusts bills if tested meter is found to be in error more than 2% at medium to high test flows as prescribed by American Water Works Association ("AWWA") specifications. The adjustments are limited to a period of six months, or to the time the customer can establish to the General Manager's satisfaction that the meter was inaccurate, whichever is less. If a meter is found to be registering outside prescribed AWWA specifications, the meter will be replaced. Test fees are set forth in Section 7-1.105(d) of this Code.

(f) Property receiving both domestic water service and recycled water service shall have a reduced pressure principle backflow device or other appropriate backflow protection installed at the customer's expense, but an annual inspection fee is not charged.

(g) If a backflow prevention device is required to protect against contamination by other than recycled water served by the District, the customer shall pay an annual inspection fee set forth in Section 7-1.105(e) of this Code.

(h) If the review of a landscape plan under the Water Conservation in Landscaping Act is not reimbursed by the jurisdiction which adopted the regulations, the applicant shall pay a landscape plan check fee in the amount set forth in Section 7-1.105(f) of this Code.

**3-2.214 DEPOSITS: SERVICE FROM EXISTING SERVICE CONNECTION<sup>20</sup>**

(a) If the residential applicant has not promptly paid previous water bills or has a credit history indicating the applicant is a credit risk, the applicant shall make a cash deposit of twice the amount of the normal maximum bill for such property.

(b) If the commercial or industrial applicant owns the property where service is requested and has a credit history indicating the applicant is a credit risk, the applicant shall make a cash deposit of twice the amount of the normal maximum bill for such property.

(c) If the commercial or industrial applicant is not the owner of the property where service is requested, the applicant shall make a cash deposit of twice the amount of the normal maximum bill for such property.

(d) A deposit shall be made by customers who have received a final notice five or more times within a two-year period, and from every customer whose service is disconnected for nonpayment of water charges. The deposit for the first disconnection for non-payment of water charges is set forth in Section 7-1.106 of this Code. Deposits may be refunded to a customer after one year of service without more than one final notice. Refunds shall be made by a draft upon the district unless the customer expressly request that the refund be made by crediting the amount of the deposit to the account. In the absence of a deposit refund application, the refund of deposits will be made up discontinuance of service and settlement of the closing bill.

(e) Public agencies and public utilities are not required to make the deposits required by this section.

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<sup>20</sup> Section 3-2.214 Amended by Reso. 2548 on March 12, 2019.

**3-2.215 CREDITS: NO CHANGE IN EXISTING SERVICE<sup>21</sup>**

An applicant for service to property which can be serviced by an existing ¾" or 1" connection not installed at District expense shall pay the subdivision rate for the connection installation charge.

**3-2.216 CREDITS: CHANGE OF EXISTING SERVICE**

An existing meter may be reduced in size at no charge. Connection fees shall not be refunded.

**3-2.217 CAPACITY FEES: DEPOSIT AGREEMENT**

An applicant who does not desire or is not required to make a cash deposit for capacity fees, shall enter into a deposit agreement. The General Manager shall present a form of the deposit agreement to the Board for approval. The deposit agreement shall be recorded and constitutes a lien against the property for which service is sought.

**3-2.218 DEPOSITS**

(a) Whenever a deposit is required, the General Manager shall establish the amount of deposit by estimating the District's cost of providing the materials, equipment or services for which the deposit is made. The deposit shall be tendered before work is undertaken.

The amount of deposit may be increased by the General Manager, if the original estimate is inadequate. If the applicant fails to increase the amount of deposit when requested in writing to do so, work on the project shall cease.

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<sup>21</sup> Section 3-2.215 amended by Reso No. 2522 on June 27, 2017.

At the conclusion of the project, the General Manager shall refund any amounts deposited in excess of costs incurred.

(b) If the applicant abandons the construction of the improvements, or the recording of a subdivision for which installation and connection charges were paid, the installation and connection charges shall be refunded, with interest, to the applicant upon the applicant's written request, provided if the facilities necessary to serve the applicant's property have been installed or direct expenses incurred by the District toward such service installation, the refund shall be reduced by the amount of such expenditure.

(c) Installation or connection fees paid prior to June 22, 1978, will be considered as a deposit toward the fee or charge which exists at the time service commences. Connection fees paid on or after June 22, 1979, but before March 26, 1990, shall be considered full payment of the fee existent at the time service commences.

### **3-2.219 SANITATION**

(a) The District may collect delinquent water or sanitation fees pursuant to this section if a water customer owns and occupies the property for which the water or sanitation connection fees are delinquent.

(b) A water customer shall be provided at least 15 days prior written notice of the District's intention to collect delinquent sanitation fees as a part of the customer's water bill. The notice shall invite the customer's comments, including opportunity to protest the existence or amount of the debt, the manner of payment and whether installment payments will be permitted.

(c) The General Manager shall consider the recommendations of staff, the comments of the customer, if any, and determine whether the sanitation fees should be collected as part of the customer's water bill. The decision of the General Manager shall be presented to the customer in writing at least 15 days prior to including delinquent sanitation fees as part of the water bill.

(d) Delinquent sanitation fees included on the water bill shall be treated the same as other water charges.

## **CHAPTER 3 - CONDITIONS OF SERVICE**

### **Article 1 - General**

#### **3-3.101 GENERAL<sup>22</sup>**

If an applicant's property can be served from an existing water main, the conditions of service shall be in accordance with this Article, otherwise an application for an extension of the facilities necessary to provide such service can be made as set forth in Section 3-3.201. The provisions described in this Article shall apply once an extension of facilities is made.

#### **3-3.102 AREAS SERVED**

- (a) Lands lying within the boundaries of the District are eligible to receive water service.
- (b) Lands lying outside the District may receive surplus water service if there exists an agreement with the governmental agency or franchised utility serving such area.

#### **3-3.103 MAIN FRONTAGE REQUIRED**

- (a) Except for planned commercial or mixed use developments, permanent water service shall not be provided unless a District water main of adequate size extends across the entire frontage of each lot to be served or unless a limited services agreement is approved.
- (b) A District main shall extend across the entire frontage of a planned commercial or mixed use development, but need not extend across the frontage of each lot within a planned commercial or mixed use development if the General Manager determines arrangements have been made to ensure adequate service to lots without frontage.

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<sup>22</sup> Section 3-3.101 amended by Reso. No. 2617 on January 17, 2023.

(c) Multiple commercial or residential units may be served through a single meter, but such individual buildings and units will be individually sub-metered for water conservation purposes. Accounting of water through sub-meters is the responsibility of the property owner.

### **3-3.104 CUSTOMERS WITHOUT FRONTAGE - PRESENTLY RECEIVING SERVICE**

Property presently receiving service, but not immediately adjacent to a District water main, may continue to receive service, until such time a water main is installed adjacent to such property. At that time, the General Manager will give written notice to customers and the property owners without limited service agreements that the water connection will be relocated to the new main at the expense of the District.

Installation or connection charges or water conservation fees paid in conjunction with the original service location will be credited to the new service connection. The District will pay "frontage fees" if the new main is being privately financed. The abandoned service will thereafter be treated as a "Sealed Service."

The parties will have 120 days after the notices are mailed within which to connect their plumbing to the new service connection, at their own expense. Failure to comply may result in the discontinuance of service to the property.

### **3-3.105 LOCATING AND SIZING SERVICE CONNECTIONS<sup>23</sup>**

Water service connections will be installed within the projection of the side property lines as near as possible to the location desired by the applicant, and shall meet the minimum size determined by local plumbing code requirements. Service connections will be made only adjacent to mains readily accessible by public streets, alleys, or other rights-of-way capable of accommodating District vehicles and equipment.

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<sup>23</sup> Section 3-3.105 amended by Reso. No. 2617 on January 17, 2023.



### **3-3.106 PRESSURE, SUPPLY AND EMERGENCY STORAGE**

The District will exercise reasonable diligence and care to deliver a continuous and adequate supply of water to the customer at a reasonable constant pressure and to avoid shortage or interruption in delivery. The District offers water at its system pressure, and the applicant must install adequate plumbing and protective devices in accordance with the current Uniform Plumbing Code in order to utilize the available water at whatever reasonable constant pressure is available in the system. The District is not responsible for the maintenance of pressure and reserves the right to discontinue service while making repairs required in the operation of the water system. Customers depending upon a continuous supply should provide for their own emergency storage.

### **3-3.107 SYSTEM PRESSURE<sup>24</sup>**

(a) Regulators will be required ahead of the District's meter where static pressures are in excess of 150 psi. Applicants for service will be charged for the District's costs of furnishing and installing the regulator. The District will set the regulator at 75 psi unless a signed waiver is received from the customer specifying a desired pressure, not to exceed 145 psi. The District assumes no liability for the accuracy of the regulator pressure setting, nor the reliability of the regulator. Customers will also be advised, but not required, to install their own secondary pressure regulator and pressure relief valve to provide protection of plumbing and equipment on the customer side of the meter. Customers are responsible for installing and maintaining any and all equipment that may be necessary to protect their appliances and plumbing.

(b) Applicant shall execute an elevation agreement if the minimum gradient at the average elevation of the building foundation is lower than 35 psi. The form for elevation agreements shall be as from time-to-time approved by the Board.

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<sup>24</sup> Section 3-3.107(a) amended by Reso. No. 2617 on January 17, 2023.

## **Article 2 - Extension Of Facilities**

### **3-3.201 GENERAL**

If the applicant's property cannot be served from an existing water main, then the applicant shall provide for the extension of the facilities necessary to provide such service in the manner set forth in this Article.

### **3-3.202 TYPES OF EXTENSIONS**

Depending upon the underlying facts, an applicant may provide for the extension of facilities by one or more of the following: (1) entering into a special contract; (2) construction of an individual main extension; or (3) installing and dedicating a subdivision main extension.

### **3-3.203 SPECIAL CONTRACTS**

(a) If an applicant is otherwise required to provide for a main extension because a District water main is not contiguous to the entire frontage of the applicant's property, the General Manager may in the exercise of his sole discretion enter into a "Limited Service Agreement" with the applicant in lieu of the main extension.

(b) If an applicant is otherwise required to provide for special facilities because the existing facilities do not deliver a sufficient water pressure to the applicant's property, the General Manager may, in the exercise of his sole discretion, enter into an "Elevation Agreement" with the applicant, in lieu of requiring the installation of the special facilities.

(c) If an applicant is otherwise required to provide for the extension of District facilities but may obtain service from facilities operated by another water purveyor, the General Manager may, in the exercise of his sole discretion, enter into a "Water Purveyor Agreement" with the other water purveyor to provide such service.

(d) The "Limited Service Agreement," "Elevation Agreement," and "Water Purveyor Agreement" approved by the General Manager shall be in the form approved by the Board from time-to-time.

**3-3.204 INDIVIDUAL MAIN EXTENSION: PRIVATELY FINANCED**

An applicant shall pay the cost of the main extension necessary to satisfy the appropriate frontage requirements. The necessary main extension may be accomplished in either of the following two ways:

(a) The applicant may contract for the installation of the main extension by private contractor. The design, construction, collection of fees and deposits, inspection and acceptance of the work shall be in the same amounts and in the same manner as are provided for subdivision construction herein. If refunding agreements are to be set up, the applicant must furnish satisfactory evidence on the cost of the work, including that of at least two legitimate bids were received for the work. Completion bonds will be required if the applicant requires that the District certify to the County that water service will be available to the premises.

(b) The applicant may have the District undertake the installation of the main extension. Deposits for design and inspection will be collected as provided herein. Deposit for the construction of the main extension will be provided in accordance with the schedule of costs from time-to-time promulgated by the General Manager and available at the District office in accordance with the procedure established in Chapter 2 of the Title. The deposit schedule shall reflect the District's costs for the pipeline, necessary appurtenances thereto, and administration, construction drawings and surveying fees.

**3-3.205 INDIVIDUAL MAIN EXTENSIONS: REFUNDING AGREEMENTS**

Two methods are available to partially refund the cost of an individually financed main extension:

(a) Upon acceptance of an individual main extension by the District, the District will require all applicants whose property fronts upon the main to pay to the District a pro rata share of the original cost of the main extension before rendering service to the applicant. Thereafter, the District will refund all such collections to the person who paid for the main extension, or his or her successors or assigns, provided the terms and conditions of such refund shall be set forth in a Main Extension Refund Agreement executed by the General Manager on behalf of the District. (See Appendix B.) The Agreement shall provide, among other things:

- (1) The refund shall be collected from persons who connect to the main within ten (10) years from the date of acceptance of the main by the District; and
- (2) The person entitled to receive the refund keeps the District fully informed as to his whereabouts.

The 10-year refund deadline may be extended for an additional ten (10) years upon written application to the Board for such extension, presented at least sixty (60) days prior to the expiration of the first ten-year period.

(b) If the main is shown on an improvement plan of the District, indicating its proposed installation within a reasonable period of years, an agreement to refund the cost of the presently required section of the main may be entered into by the District, to be paid to the person entitled thereto, at such time as the main is scheduled for installation but, in no event, shall any such District refund be made more than ten (10) years after the District's acceptance of the section of the main constructed in accordance with these provisions.

**3-3.206 SUBDIVISIONS: PRELIMINARY DESIGN**

An application for service to property to be subdivided shall not be acted upon until the completion of a preliminary design at the applicant's expense, as a basis for the General Manager's recommendation to the Board as to the facilities required, and the estimated amount of any District participation in the proposed water system therefor.

The General Manager shall also review the preliminary design to determine the feasibility of providing recycled water service to all or a portion of the proposed subdivision. The General Manager shall make his recommendations to the Board as to such feasibility when the preliminary design report for the subdivision is presented to the Board. The nature and extent of required recycled water system improvements based upon the criteria set forth in Title 4 of this Code.

To the extent feasible, the preliminary design shall use the criteria established for landscaping plans adopted by the city or county with jurisdiction by law under the Water Conservation in Landscaping Act. The preliminary design shall be at least as strict as the criteria established under the Water Conservation in Landscaping Act and may include additional water conservation requirements.

**3-3.207 SUBDIVISIONS: FINAL DESIGN**

The Board shall consider the report and recommendation of the General Manager and the preliminary design report. The Board shall thereupon approve the final design of the water system improvements for the subdivision.

**3-3.208 SUBDIVISIONS: INSTALLED BY SUBDIVIDER**

Subdividers shall install the complete water system shown in the final design report, including service connections to each lot. The timing of all District construction shall be at the sole discretion of the Board.

**3-3.209 SUBDIVISIONS: IMPROVEMENT SECURITY REQUIRED**

Before the District will certify that it will furnish water to the subdivided lands, the subdivider shall provide the District with security sufficient to ensure the water improvements will be constructed. Such improvement security shall be one of the following at the option of and subject to the approval of the District:

- (a) "Performance" Bond or bonds by one or more duly authorized corporate sureties.
- (b) A deposit of money or negotiable bonds of the kind approved for securing deposits of public moneys.
- (c) An instrument of credit from one or more financial institutions subject to regulations by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

Such security shall be in the amount of 100% of the total estimated cost of the improvement at the end of the period allowed for completion of the facilities plus such additional amount, if any, necessary to guarantee the work for a period of one year following its completion against any defects in workmanship, labor done, or defective materials, furnished. The amount of such service may be increased or decreased by the Board upon the recommendation of the General Manager.

**3-3.210 SUBDIVISIONS: IMPROVEMENT SECURITY: CORPORATE SURETY BONDS**

When the subdivider provides a corporate surety bond, such bond shall be substantially the form required for improvement security bonds filed in connection with the Subdivision Map Act of the State of California.

**3-3.211 SUBDIVISIONS: IMPROVEMENT SECURITY: CASH OR NEGOTIABLE BONDS**

When the subdivider deposits cash or negotiable bonds as improvement security, such cash or bonds shall be deposited with the District or a responsible escrow agent or trust company, approved by the General Manager.

**3-3.212 SUBDIVISIONS: IMPROVEMENT SECURITY: INSTRUMENTS OF CREDIT**

When the subdivider deposits an instrument of credit from one or more financial institutions pledging that funds necessary to carry out the improvement are on deposit and guaranteed for payment, such instrument of credit shall be irrevocable and unconditional until the obligation secured thereby is performed to the satisfaction of the District and shall not be subject to levy or attachment by any creditors of the depositor or subdivider.

**3-3.213 SUBDIVISIONS: IMPROVEMENT SECURITY: COORDINATION WITH OTHER AGENCIES**

In the exercise of their sole discretion, the Board may enter into the following written agreements with the local agency which administers the California Subdivision Map Act whereby the District and such other agency coordinate their respective improvement security requirements in order to eliminate duplication:

- (a) When the subdivider provides improvement security pursuant to the Subdivision Map Act, the improvement security required herein may be reduced or eliminated when the agency which administers the Subdivision Map Act agrees that the water system improvements are subject to the approval of the District; or
- (b) When the subdivider provides improvement security to the District, the Board of Directors may agree that the water system improvements are subject to the approval of the local agency which administers the Subdivision Map Act.

**3-3.214 SUBDIVISIONS: SYSTEM DEDICATED**

All subdivision distribution lines and service connections, including meters and other appurtenances, shall become and remain the property of the District and shall be dedicated to the District before the District will undertake water service to the subdivision. The total construction cost of the water system shall be certified to the District by the subdivider.

**3-3.215 SUBDIVISIONS: PAYMENTS PRIOR TO CONSTRUCTION**

Prior to approval of water system plans, the subdivider shall execute a deposit agreement for sufficient number of meters to serve each lot within the proposed subdivision.

If additional meters are required prior to completion of construction; or if any lots require an increase in meter size, then added fees and deposits shall be paid and any necessary revisions made in the deposit agreement. A credit will be allowed for any excess deposits previously made.

**3-3.216 SUBDIVISIONS: CONSTRUCTION WATER**

Construction water will be provided through a temporary service that will be connected to the District's metered facilities through a main tap which will be designed to accommodate the permanent water system required to service the subdivision for which such temporary water is requested. Fire hydrant meters may be used only at the discretion of the General Manager

The subdivider may pay the water construction and water conservation fund fees for the size of such master meter in addition to the cost of the meter and installation, and obtain water at the District's regular rates or pay only for the



setting of the master meter and obtain water at the District's temporary water rates.

Such temporary service connections shall be discontinued and terminated within six months after installation, unless, an extension of time is granted in writing by the General Manager. Upon discontinuance of such temporary service, a refund of the salvage value of the recovered meter will be made.

**3-3.217 SUBDIVISIONS: SERVICE CHARGES: DEVELOPER**

(a) Prior to the acceptance by the District of the water system for a subdivision, the subdivider shall pay the master meter charges and monthly service charges for each parcel within the subdivision which is approved for occupancy by the local agency with jurisdiction by law or which is actually occupied.

(b) Upon acceptance by the District of the water system for a subdivision and payment of the final bill, the master meter charges shall cease and the subdivider shall be no longer responsible for the payment of monthly service charges for parcels within the subdivision.

(c) Upon acceptance by the District of a portion of the water system for a subdivision, the subdivider shall no longer be responsible for the payment of monthly service charges for the parcels within the portion of the subdivision receiving service from the accepted portion of the water system. The District will set up and maintain meter reading routes for meters turned on in subdivision areas accepted by the Board. The total water passing through such turned on meters will be subtracted from the subdivider's Master Meter reading, prior to the preparation of each master meter water bill to the subdivider.

**3-3.218 SUBDIVISIONS: SERVICE CHARGES: INDIVIDUAL CUSTOMERS**

(a) A person who occupies property prior to the acceptance or partial acceptance of the water system by the District serving the property is not a customer of the District.

(b) Upon acceptance by the District of the water system serving all or a portion of a subdivision, service to individual parcels capable of receiving or receiving service from the accepted water system shall terminate unless application for water service is made and fees and deposits made in accordance with this Title.

**3-3.219 SUBDIVISIONS: REFUNDING AGREEMENTS**

Subdividers who are required to bear the cost of the design and construction of off-site and peripheral water pipelines may utilize either of the two refund methods made available to individual applicants as set forth herein in order to recoup the costs of construction of said pipeline insofar as it benefits property located outside the subdivision.

**3-3.220 DISTRICT PROJECTS: GENERAL**

Notwithstanding the foregoing, the District may undertake the expansion of all or a portion of the facilities necessary to serve the applicant's property to the extent they are of general District benefit.

**3-3.221 DISTRICT PROJECTS: SIDE FRONTAGE**

When there is an existing distribution main in the public street or right-of-way, from which corner property may receive water service from the District, and a service connection is requested (except by a subdivider, who shall be required to pay the entire expense of the necessary main extension) beyond the corner property on the other frontage of the public street which passes the corner property, and the requested service connection requires an additional main

extension fronting the subject property, under this Title, the District will install, at its expense, the necessary water main for the width of the said corner property or 150 feet, whichever is the shorter distance. Distances shall be measured from the front line of the corner property, projected if necessary to eliminate property returns, and so forth.

### **3-3.222 FINANCING OF OVERSIZED FACILITIES**

(a) Should the District desire to install facilities in excess of those needed to meet the applicant's service and fire flow demands, the cost of the excess facilities shall be borne by the District.

(b) Should an applicant desire the installation of a water main to meet specialized service or fire flow requirements, the costs of the extra work shall be borne by the applicant. In such a case, the District will not participate in the side frontage as provided in Section 3-3.221. However, the side frontage will be deducted from the total frontage prior to calculating the unit reimbursement amount for the serviceable frontage.

(c) Upon acceptance of the facility with excess capacity, the District will, for a period of ten years following such acceptance, require all subsequent applicants whose property fronts upon the facilities, to pay to the District the applicant's pro rata share of the original cost of the facilities before rendering service, and the District will refund all such collections to the person, his successors or assigns, who provided the excess capacity. If the subsequent applicant's water service and fire flow requirements could have been met without the facilities with excess capacity, the subsequent applicant shall only be required to pay the District his pro rata share of any outstanding un-reimbursed costs of the facilities without considering excess capacity.

**3-3.223 WATER CONSTRUCTION FUND PROJECTS**

A water construction fund shall be maintained to provide for the installation of water facilities from time to time necessary to increase delivery capacity of the system to accommodate new customers and changed water demand beyond that which is required for a given applicant's property.

**3-3.224 DESIGN STANDARDS**

The size, type and quality of materials and location of the lines and appurtenances thereto shall be specified by the General Manager in accordance with Standard District Specifications for water system construction and design standards, as adopted by the Board from time to time.

**3-3.225 APPLICANTS REQUIRED TO PROVIDE RIGHTS-OF-WAY**

An applicant for water service or a main extension shall dedicate or cause to be dedicated to the District an easement or easements for the installation, maintenance and replacement of water system facilities to provide service to the applicant.

**3-3.226 RELOCATIONS OF FACILITIES**

Any District facilities which are relocated for the convenience of someone other than the District shall be moved at the sole expense of the person requesting the relocation. If private construction is endangering the safety of a District facility, or is causing a facility to become a hazard, the facility will be relocated by the District, and the person causing the hazard shall pay for the full cost of the relocation.

### **3-3.227 OWNERSHIP OF MAINS**

All mains and appurtenant facilities connected to the District's distribution system shall become the property of the District, and shall be operated and maintained by the District. Dedication of such mains and appurtenances to the District shall be made, in a form acceptable for recording, prior to commencement of service through the new system.

### **3-3.228 ASSESSMENT DISTRICTS**

A group of applicants for service along a street or right-of-way in which a main could be installed which would provide for the frontage requirements of this Title, and who represent 60% or more of the owners of frontage along the proposed main, may join together to file an application with the District to form an assessment district for the purpose of financing the necessary improvement. All costs of forming the assessment district shall be advanced by the applicants, and prorated among all the beneficiaries of the improvement upon the successful completion of the proceedings. A deposit in an amount from time-to-time determined by the General Manager must be made to cover the costs of the preliminary design prior to further proceedings being instituted by the District. No refunds will be made of monies expended in the event the proceedings are terminated prior to completion.

### **3-3.229 FIRE HYDRANTS**

(a) Fire hydrants shall be installed by the District in accordance with water system design reports or when requested by a property owner.

(b) If the fire hydrant is not located where the District may readily inspect for illegal connections or not constructed to District standards for public usage, a detector check valve shall be installed to detect illegal connections and water leaks. When a fire hydrant is constructed to District standards for public hydrants on a main constructed solely for this purpose and can be inspected for misuse from

public vantage point by District personnel, the requirement for a detector check valve may be waived by the District, but in no event shall the requirement be waived for private-owned fire suppression sprinkler systems.

(c) The requirements for installation of a detector check valve may be waived by the District when it is not possible to install the valve due to a high water pressure. When the requirement for a detector check valve is waived for this reason, the applicant shall provide the District with perpetual access to the fire hydrant to make inspections to determine compliance with District rules and regulations and shall construct the hydrant in accordance with District standards for public fire hydrants. When both of these conditions cannot be met, the District may authorize the installation of a single service to provide both domestic and fire service complete with a pressure regulator and a compound meter to measure water delivered to the property. In this case, the main meter of the compound meter shall act as a detector check valve and be subject to all fees and penalties associated herein. The applicant shall pay the District the actual cost of installing the necessary facilities.

### **3-3.230 SIZE AND NUMBER OF WATER CONNECTIONS**

An applicant who desires service for commercial or industrial uses, including commercial offices, shall make application for the number, size and types of service connections which will serve the projected highest water use configuration of proposed or actual improvements to the applicant's property. Before service commences, the General Manager may require that the applicant obtain service connections which differ in number, size or type from the service connections requested by the applicant if the General Manager determines the application does not accurately portray the projected highest water use configuration of the improvements to the applicant's property. After service commences, the General Manager may also refuse to change the number, size or type of service connections if the General Manager determines the applicant negligently or intentionally failed to accurately describe the ultimate projected highest water use configuration of the improvements to the applicant's property. If the number, size or type of

service connections is changed after service commences, the property owner shall pay for the changes at the rates prevailing at the time of the change.

## **CHAPTER 4 - CONTINUATION OF SERVICE**

### **Article 1 - Rates: Time and Manner of Payment**

#### **3-4.101 GENERAL**

A customer shall be entitled to continue to receive water service from the District by compliance with the provisions of this Chapter.

#### **3-4.101A WATER SCHEDULE OF ADJUSTMENTS**

(a) During the budget development process of each fiscal year, the Board shall determine whether rates charged for water recover the reasonable cost of water service, including capital costs and operation and maintenance, to the maximum extent feasible and in accordance with the Municipal Water District Law of 1911. The Board shall revise the rates, if necessary, to satisfy the foregoing criteria.

(b) The General Manager, with approval of the Board of Directors, shall change the rates for water service to reflect changes in the cost of water delivered to the District by The Metropolitan Water District of Southern California ("Metropolitan"). Rate changes by the General Manager shall be made as follows:

(1) The fiscal impact of the Metropolitan change shall be spread among rate tiers by the same dollar amount.

(2) A written report on the change shall be presented to the Board by the General Manager before the proposed effective date of the change.

(3) The written report shall demonstrate the rate change did not exceed the amount of the rate increase or decrease adopted by Metropolitan.

(4) The rate change shall not be effective until at least thirty days after a notice of the change has been mailed to customers.



**3-4.102 READINESS TO SERVE CHARGE<sup>25,26</sup>**

A potable water customer shall pay the following monthly readiness to serve charge based upon the size of the meter serving the property and effective with the date of service. This charge is to offset the cost of providing facilities to serve the customer and shall be paid whether the customer takes delivery of water or not.

Meter Size	Commencing with Meter Reads on or after:				
	3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
3/4"	\$35.86	\$37.66	\$39.55	\$41.53	\$43.61
3/4" x 1"	\$35.86	\$37.66	\$39.55	\$41.53	\$43.61
1"	\$58.14	\$61.05	\$64.11	\$67.32	\$70.69
1 1/2"	\$113.82	\$119.52	\$125.50	\$131.78	\$138.37
2"	\$180.66	\$189.70	\$199.19	\$209.15	\$219.61
3"	\$392.27	\$411.89	\$432.49	\$454.12	\$476.83
4"	\$704.12	\$739.33	\$776.30	\$815.12	\$855.88
6"	\$1,784.47	\$1,873.70	\$1,967.39	\$2,065.76	\$2,169.05
8"	\$3,120.98	\$3,277.03	\$3,440.89	\$3,612.94	\$3,793.59
10"	\$4,680.25	\$4,914.27	\$5,159.99	\$5,417.99	\$5,688.89

**3-4.103 COMMODITY CHARGES<sup>27,28,29,30</sup>**

(a) In addition to the readiness to serve charge, each customer shall pay a commodity charge for water delivered through each meter in a monthly period based on the class of customer, tier allotments, and the elevation zone within which the customer’s property is located as follows.

(b) The District establishes individualized water budgets for each residential customer based on number of people in the household, irrigated area, evapotranspiration rate, and adjustments. Water budgets are calculated as indicated below:

$$\text{Billing Period Water budget} = X+Y+Z$$

<sup>25</sup> Section 3-4.102 amended by Reso. No. 2475 on October 26, 2015.

<sup>26</sup> Section 3-4.102 amended by Reso. 2587 on February 2, 2021.

<sup>27</sup> Section 3-4.103 amended by Reso. No. 2475 on October 26, 2015.

<sup>28</sup> Section 3-4.103 amended by Reso. No. 2542 on November 11, 2018.

<sup>29</sup> Section 3-4.103 amended by Reso. No. 2587 on February 2, 2021.

<sup>30</sup> Section 3-4.103(a)-(f) amended by Reso. No. 2617 on January 17, 2023.

X = (number of people in household) times (55 gallons per person per day) times (#days in billing period)

Y = (adjustment for livestock and/or medical needs per day) times (# days in billing period)

Z = (daily evapotranspiration rates) times (plant factor) times (square feet of irrigated area) times (drought factor) times (# days in billing period)

Tier allotments, stated in billing units, for residential class of customers are as follows:

Residential		
Tier 1	Efficient Indoor	Indoor Water Budget
Tier 2	Efficient Outdoor	Outdoor Water Budget
Tier 3	Inefficient	Over 100% to less than 150%* of Total Water Budget
Tier 4	Excessive	150%* or more of Total Water Budget
Total Budget = Efficient Indoor + Efficient Outdoor		

\*During Activation of Stage 4 of the Water Shortage Contingency Plan, Excessive Tier starts at 120%

(c) Each residential customer shall pay a charge for the units of water delivered to offset the cost of delivery, as follows:

	Commencing with meter reads on or after:				
	3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
Tier 1	\$3.14	\$3.30	\$3.47	\$3.65	\$3.84
Tier 2	\$3.91	\$4.11	\$4.32	\$4.54	\$4.77
Tier 3	\$4.58	\$4.81	\$5.06	\$5.32	\$5.59
Tier 4	\$5.74	\$6.03	\$6.34	\$6.66	\$7.00

(Rates for Years commencing January 1, 2022 through January 1, 2024, will be adjusted from the rates herein to reflect changes in the cost of wholesale water from the MWD.)

(d) Tier allotments for irrigation class of customers are determined by irrigated areas and evapotranspiration rates. Water budgets are calculated as

indicated below:

Billing Period Water budget = (evapotranspiration rates) times  
 (plant factor) times (square feet of irrigated area) times  
 (drought factor) times (#days in billing period)

Tier allotments, stated in billing units, for irrigation class of customers are as follows:

Irrigation		
Tier 1	Efficient Outdoor	Outdoor Water Budget
Tier 2	Inefficient	Over 100% to less than 150%* of Total Water Budget
Tier 3	Excessive	150%* or more of Total Water Budget
Total Budget = Efficient Outdoor		

\*During Activation of Stage 4 of the Water Shortage Contingency Plan, Excessive Tier starts at 120%

(e) Each irrigation customer shall pay a charge for the units of water delivered to offset the cost of delivery, as follows:

	Commencing with meter reads on or after:				
	3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
Tier 1	\$3.91	\$4.11	\$4.32	\$4.54	\$4.77
Tier 2	\$4.58	\$4.81	\$5.06	\$5.32	\$5.59
Tier 3	\$5.74	\$6.03	\$6.34	\$6.66	\$7.00

(Rates for Years commencing January 1, 2022 through January 1, 2025, will be adjusted from the rates herein to reflect changes in the cost of wholesale water from the MWD.)

(f) Tier allotments for commercial class of customers are determined by individualized water budgets based on each customer's historical usage. Water budgets are calculated as indicated below:

Water budget = ((previous two-year rolling average)/(number of days in billing cycle))(drought factor)

Tier allotments, stated in billing units, for irrigation class of customers are as follows:

Commercial	
Tier 1	100% of Budget
Tier 2	Over 100% to less than 150%* of Total Water Budget
Tier 3	150%* or more of Total Water Budget
Total Water Budget = 100% of two-year rolling average.	

\*During Activation of Stage 4 of the Water Shortage Contingency Plan, Excessive Tier starts at 120%

(g) Each customer shall pay a charge for the units of water delivered to offset the cost of delivery, as follows:

	Commencing with meter reads on or after:				
	3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
Tier 1	\$3.66	\$3.85	\$4.05	\$4.26	\$4.48
Tier 2	\$4.20	\$4.41	\$4.64	\$4.88	\$5.13
Tier 3	\$6.43	\$6.75	\$7.09	\$7.45	\$7.83

(Rates for Years commencing January 1, 2022 through January 1, 2025, will be adjusted from the rates herein to reflect changes in the cost of wholesale water from the MWD.)

(h) Each customer shall pay a charge for each unit of water delivered to offset the cost of pumping as follows:

Zone	Commencing with meter reads on or after:				
	3/1/2021	3/1/2022	3/1/2023	3/1/2024	3/1/2025
Zone 1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Zone 2	\$0.47	\$0.50	\$0.53	\$0.56	\$0.59
Zone 3	\$1.10	\$1.16	\$1.22	\$1.29	\$1.36
Zone 4	\$1.80	\$1.89	\$1.99	\$2.09	\$2.20

(The elevation charge is determined by the highest zone the water is pumped to prior to reaching the customer.)

As used herein, the elevation zones are:

(a) Zone 1, which includes domestic water customers receiving water that does not require pumping above a hydraulic gradient of 1235' prior to delivery to the customer. As used in this Title, Hydraulic Gradient (or H.G.) shall mean

the maximum water elevation represented by the pressure in the water system, or the maximum surface elevation of the water in the reservoir serving the system.

(b) Zone 2, which includes domestic water customers receiving water that requires pumping to elevations between 1235' and 1700' prior to delivery to the customer.

(c) Zone 3, which includes domestic water customers receiving water that requires pumping to elevations between 1700' and 2200' prior to delivery to the customer.

(d) Zone 4, which includes domestic water customers receiving water that requires pumping to elevations greater than 2200' prior to delivery to the customer.

### **3-4.104 TEMPORARY SERVICE RATES<sup>31,32</sup>**

(a) A monthly readiness to serve charge shall be paid for each temporary meter to offset the cost of providing facilities to serve the customer and shall be paid following the installation of the meter and regardless of whether the customer takes delivery of water or not. Temporary potable water meter charges are calculated by multiplying the potable rate for the same size meter in Section 3-4.102 by 1.5.

(b) The monthly volume charge per unit of potable water delivered through temporary meters shall be 150% of the Tier 4 potable water volume and elevation zone charges for the site where the temporary meter is connected.

(c) An installation fee set forth in Section 7-1.107(a) of this Code shall be paid prior to installation of the temporary meter by district staff. In addition, a meter deposit set forth in Section 7-1.107(b) of this Code shall be required prior to installation of the meter. Such meter deposit will be refunded, net any costs incurred by the district relative to the temporary meter.

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<sup>31</sup> Section 3-4.104 amended by Reso. No. 2475 on October 26, 2015.

<sup>32</sup> Section 3-4.104 amended by Reso. No. 2548 on March 12, 2019.

(d) Prior to the installation of the temporary meter, the customer shall be required to pay a deposit in an amount sufficient to guarantee the payment of twelve months of water bills as estimated by the General Manager. Such deposit will be refunded, net any costs unpaid to the district for potable water usage.

**3-4.105 PRIVATE FIRE PROTECTION SERVICE**

(a) Detector Check Valve - The monthly charge for private fire protection service shall be \$7.50.

(b) Detector Meter - The monthly charge for fire protection service shall be \$7.50.

(c) No Meter - The monthly charge for fire protection service shall be \$7.50.

### **3-4.106 SERVICE OUTSIDE OF DISTRICT**

(a) The rate for surplus water used on land or property located entirely outside of the District shall be the same rate as the rate for water sold through temporary meters unless the agreement for surplus water delivery approved by the Board establishes a rate in which case the rate set forth in the agreement shall apply.

(b) The rate for water used on land or property located both inside and outside the District shall be apportioned according to the place of use insofar as the General Manager can determine the amounts used on properties within and outside of the District.

### **3-4.107 BILLING ADJUSTMENTS<sup>33</sup>**

(a) For the purpose of computing water charges, each meter upon the customer's premises will be computed separately, and readings of two or more meters will not be combined as equivalent to measurement through one meter, except in those instances in which the District, for its operating convenience, substitutes two or more meters of a smaller size in battery for a single larger meter on the same service connection, in which event the total equivalent capacity of the smaller meters shall be substituted for the size of a single meter of a similar capacity, in the application of the rate schedule. Customers with multiple meters that feed a common or "looped" water system may request that the District establish a single virtual meter for the sole purpose of establishing a single combined water budget if it will help the customer to stay within the combined water budget between the multiple accounts. The customer will still be required to pay all fees, including the readiness-to-serve charges for each individual account.

(b) Single family residential customers which have not had a delinquency may be eligible for one leak/accidental continuous use adjustment every five years provided:

(1) The adjustment shall be requested within one year of

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<sup>33</sup> Section 3-4.107 amended by Reso. No. 2617 on January 17, 2023.

discovery of the leak;

(2) The adjustment shall apply to no more than one billing period;

(3) The credit shall be based only on any volume of water used in the excessive tier, which will be billed at the second lowest tier (outdoor efficient). Leakage or accidental continuous use amounts in the inefficient tier will not be credited. Any penalty amounts will also be removed for the same billing period;

(4) Proof of repair is provided (if a leak occurred);

(5) Customer must have been (prior to the time period in which the leak or accidental continuous use occurred) registered for the Customer Interface Platform; and

(6) Customer had not been "opted-out" of the Advanced Metering Infrastructure Program at the time of the leak or accidental continuous use.



**3-4.108      **BILLS DUE WHEN PRESENTED****

Water meters shall be read as outlined below and the District, as soon after the meter reading date as practical, shall mail or deliver to each customer a statement of his bill for the preceding period. All bills and charges shall be due and payable at the office of the District, upon presentation. Accounts will become delinquent and services may be discontinued in accordance with requirements of this Title. A late charge of 2% per billing period shall be paid on past due balances.

**3-4.109      **BILLING FREQUENCY****

(a) Normally, domestic services will be billed monthly. Temporary services will be billed monthly.

(b) A person who proposes to use at least 50 acre feet of water during a 30-day period for recreational uses, such as the filling of a lake, may request the billing for the water delivered to be spread over not more than twelve consecutive months next following the commencement of delivery of water for such purposes. Such a request shall be approved by the General Manager if the customer enters into a written agreement with the District setting forth the terms and conditions of payment.

**3-4.110      **APPLICATION OF DEPOSITS TO DELINQUENT ACCOUNTS****

If a consumer who has made a deposit fails to pay his delinquent bill or bills, together with all added penalties, his deposit shall be applied on his account and the service may be discontinued until such time as the deposit is restored to the amount provided herein after all delinquencies and charges are paid.

**3-4.111      **FAILURE TO RECEIVE A BILL****

Failure to receive a bill does not relieve a customer of liability for payment.

**3-4.112 NOTICE OF SERVICE DISCONTINUANCE REQUIRED**

Customers desiring to discontinue service should notify the District at least 24 hours prior to vacating the premises. A fee shall be added for discontinuance requested outside normal business hours. Unless discontinuance of service is ordered, the customer will be liable for the monthly service charges provided for herein, whether or not any water is used.

**3-4.113 MULTIPLE DISTRICT SERVICES**

The rates and charges for all services and facilities furnished by the District shall be collected with its water rates and charges. All such charges shall be included within the same bill and collected as one item. In the event of failure to pay the whole or any part of the bill, the District may discontinue any or all service for which the bill is rendered.

**3-4.114 MULTIPLE WATER SERVICE CONNECTIONS**

When water is furnished to one customer through more than one service connection at the same or different locations or premises, all such services may be discontinued when a bill for any one of them becomes delinquent.

**3-4.115 PRORATION OF CHARGES FOR ODD PERIODS**

Bills for water service for periods of time less than one month will be prorated.

**3-4.116 ESTIMATED BILLS**

(a) If a meter in working condition cannot be read for any reason, an estimate shall be made of the quantity of water used and a bill rendered for the estimated quantity. Should the succeeding reading indicate that the estimate is materially in error, an adjustment shall be made in the succeeding bill.

(b) If a meter becomes inoperable, billing shall be based on the quantity used in a similar period, unless circumstances indicate clearly a material change in the rate of consumption, in which case the General Manager shall estimate the quantity used, considering all pertinent factors, and render a bill accordingly.

**3-4.117 CHANGE OF CUSTOMERS WITHOUT NOTICE**

A person taking possession of premises and using water from an active connection without having made application to the District for water service, shall be held liable for the water delivered from the date of the last recorded reading, and if the meter is found inoperative, the quantity consumed will be estimated by the General Manager. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service and the fees herein provided are not paid immediately, the service may be discontinued by the District without further notice.

**3-4.118 DELINQUENT CUSTOMER AT SAME OR NEW ADDRESS**

Should any customer fail, or refuse to pay for service furnished and charged for in accordance with the rates herein specified, he shall not again be furnished service at the same or any other location until all of his delinquent bills plus the fees and charges herein provided have been paid; and he shall be required to make a deposit sufficient to cover future services as provided herein.

**3-4.119 DELINQUENT TENANTS WITH SERVICE IN OWNER'S NAME**

Should a customer who is the owner of property, whether occupied by the customer or a tenant, fail, or refuse to pay bills for service, service may be discontinued and may not again be resumed while the premises are in the same ownership until bills, plus the fees and deposit, have been paid.

### **3-4.120 FIELD COLLECTIONS - DELINQUENT ACCOUNTS**

Any District employee possessing an authorized order for the immediate disconnection of service which is delinquent under these rules, may, at the time the employee calls to make such disconnection, accept and receipt for in the field the full amount of the water service charges shown upon such disconnection order, plus all fees herein specified. The entire amount due shall be paid, even though the payment has been mailed. Upon collection of the amounts herein above specified, the service shall be left connected or reconnected, as the case may be, otherwise, it shall be disconnected as required in such order. The employee shall not make any rebate or adjust charges. Field collections and service restoration will not be made after 8:00 p.m.

### **3-4.121 CHECK NOT HONORED BY BANK<sup>34</sup>**

(a) Applicants or customers who pay bills rendered for service, fees, deposits or penalties by check or electronic funds transfer (EFT) will be held responsible for the payment being honored by the Bank upon which it is drawn. If a check or EFT transaction is refused for payment by the Bank, the writer, upon notification, will be required to redeem the payment in cash at the District's office within 24 hours and pay a redemption fee set forth in Section 7-1.108 of this Code. If a customer has three returned payments, all subsequent payments will be required to be made in cash for a period of thirteen months.

(b) Service shall not be undertaken until the customer or applicant complies with the requirements of this section. In those cases where the dishonored check relates to service already commenced, the procedure set forth herein for termination of service upon failure to pay District charges, deposits and penalties shall be invoked if the customer fails or refuses to redeem the dishonored check within the allotted time.

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<sup>34</sup> Section 3-4.121 amended by Reso. 2548 on March 12, 2019.

**3-4.122 PAYMENTS**

Bills shall be by legal tender or equivalent approved by the General Manager including electronic transfer.

## Article 2 - Usage

### 3-4.201 USE OF WATER - SUPPLYING ANOTHER PERSON<sup>35</sup>

(a) Water shall not be supplied to any property other than described in the application for service except as provided in this section.

(b) The General Manager may permit a customer to supply water to a holder of a public works contract or private contractor. Such permit shall be denied to any person who is indebted to the District for any prior water or damage charges, or who has failed to comply with the rules and regulations of the District or previously issued permit.

(c) No customer of the District shall deliver or permit to be delivered any water outside of this District's boundaries or for use outside of the boundaries, from a service connection, or other facilities connected to the District's facilities, without the consent of the Board.

(d) Service of water shall not be made through a single meter to two or more parcels of separately owned property. A temporary exception may be made to this rule if approved by the General Manager, provided that there is no main contiguous to the property from which separate service may be had, and provided further that the customer for whom the meter was installed shall give satisfactory guarantee of payment for all water delivered. Such service shall be charged as though separate meters existed for each separate use. Whenever a District main is installed from which separate service can be rendered, the General Manager will notify the parties and the common service will be discontinued after the time limit noted in the notices.

(e) If a customer or customer's agent is found to be serving water from one separate property/parcel to an adjacent property/parcel, whether or not owned by the same customer or from a different customer without prior permission by the General Manager, the separate property found to be serving water shall be subject to any restrictions that are in

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<sup>35</sup> Section 3-4.201 amended by Reso. 2617 on January 17, 2023.

place for the meter on the property that is being served including, but not limited to, termination of service for non-payment and the installation of a flow restriction device. The restriction on said meter shall be for the same purpose and duration as the property that is being served. In the event of second or subsequent occurrences, both the account with the original restriction and the property serving water without District permission, shall be subject to fines for illegal water consumption in accordance with Section 7-1.114.

**3-4.202 PENALTIES FOR WASTEFUL WATER USE AND EXCEEDANCES**<sup>36,37,38,39,40,41,42</sup>

(a) No customer shall knowingly permit waste or leaks of water. Where water is wastefully or negligently used on the customer's premises, the District may discontinue the service, if such conditions are not corrected within five days after the General Manager gives the customer written notice.

(b) A water budget shall be established for each customer of the District, and customers shall be notified of the basis for calculating their water budgets. Water use exceeding a customer's water budget by a prescribed amount is a waste of water, a violation of the District's rules and regulations, and shall be subject to escalating administrative penalties.

(c) Except during implementation of Stage 3 or Stage 4 of the Water Shortage Contingency Plan, the following penalties shall apply for water use exceeding 200% (2.0 times) a property's water budget:

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<sup>36</sup> Section 3-4.202 shall be effective starting January 1, 2016.

<sup>37</sup> Section 3-4.202 amended by Reso. 2548 on March 12, 2019.

<sup>38</sup> Section 3-4.202 amended by Reso. 2601 on November 16, 2021.

<sup>39</sup> Section 3-4.202 amended by Reso. 2610 on July 5, 2022.

<sup>40</sup> Section 3-4.202 amended by Reso. 2617 on January 17, 2023.

<sup>41</sup> Section 3-4.202 amended by Reso. 2617 on March 21, 2023.

<sup>42</sup> Section 3-4.202 amended by Reso. 2622 on April 18, 2023.

(1) For the first penalty, the customer shall receive a written warning with or on their bill and/or in a separate mailing from the District including the amount of the exceedance, notice that further exceedances will result in monetary penalties as described herein and information for resources to help the customer understand what penalties would be applied for future exceedances.

(2) For the second penalty, the amount shall be as set forth in Section 7-1.112(a)(1) of this Code. The customer shall also receive a written warning with or on their bill and/or in a separate mailing from the District showing the amount of the penalty and information for resources to help the customer understand what penalties would be applied for future exceedances AND that they may be subject to the installation of a flow restriction device on their water service in the event of a third or subsequent exceedances.

(3) For the third penalty, the amount shall be as set forth in Section 7-1.112(a)(2) of this Code AND be subject to the installation of a flow restriction device on their water service, at the discretion of the General Manager or designee. The customer shall also receive a written warning with or on their bill and/or in a separate mailing from the District showing the amount of the penalty and information on resources to help the customer understand what penalties would be applied for future exceedances, including but not limited to the possible installation of a flow restriction device.

(4) For the fourth penalty, the amount shall be as set forth in Section 7- 1.112(a)(3) of this Code AND be subject to the installation of a flow restriction device on their water service, at the discretion of the General Manager or designee. The customer shall also receive a written warning with or on their bill and/or in a separate mailing from the District along with information for resources to help the customer understand what penalties would be applied for future exceedances, including but not limited to the possible installation of a flow restriction device.

(5) For the fifth, and for each subsequent penalty that a



customer receives, the amount shall be as set forth in Section 7-1.112(a)(4) of this Code AND be subject to the installation of a flow restriction device on their water service, at the discretion of the General Manager or designee. The customer shall also receive a written warning with or on their bill and/or in a separate mailing from the District along with information for resources to help the customer understand what penalties would be applied for future exceedances, including but not limited to the possible installation of a flow restriction device.

(d) During implementation of Stage 3 or Stage 4 of the Water Shortage Contingency Plan, customers may receive reduced water budgets with the application of a drought factor in accordance with Section 4- 4.103(b) of this Code and are subject to penalties and enforcement action for exceeding their budgets by a prescribed amount. During implementation of Stage 3 of the Water Shortage Contingency Plan, an exceedance is any unit of water over 150% (1.5 times) a customer's water budget. During implementation of Stage 4 of the Water Shortage Contingency Plan, an exceedance is any unit of water more than 120% (1.2 times) a customer's water budget.

(1) For the first penalty, the customer shall receive a written warning with or on their bill and/or in a separate mailing from the District including the amount of the exceedance, information for resources to help the customer understand what penalties would be applied for future exceedances, and notice that further exceedances will result in penalties as described herein.

(2) For the second penalty, the amount shall be as set forth in Section 7- 1.112(b)(1) of this Code. The customer shall also receive a written warning with or on their bill and/or in a separate mailing from the District along with the information for resources to help the customer understand what penalties would be applied for future exceedances AND that they may be subject to the installation of a flow restriction device on their water service in the event of a third or subsequent exceedances.

(3) For the third penalty, the amount shall be as set forth in

Section 71.112(b)(2) of this Code AND be subject to the installation of a flow restriction device on their water service, at the discretion of the General Manager or designee. The customer shall also receive a written warning with or on their bill and/or in a separate mailing from the District along with information for resources to help the customer understand what penalties would be applied for future exceedances, including but not limited to the possible installation of a flow restriction device.

(4) For the fourth penalty, the amount shall be as set forth in Section 7-1.112(b)(3) of this Code AND be subject to the installation of a flow restriction device on their water service, at the discretion of the General Manager or designee. The customer shall also receive a written warning with or on their bill and/or in a separate mailing from the District along with information for resources to help the customer understand what penalties would be applied for future exceedances, including but not limited to the possible installation of a flow restriction device.

(5) For the fifth and subsequent penalties, the amount shall be as set forth in Section 7-1.112(b)(4) of this Code AND be subject to the installation of a flow restriction device on their water service, at the discretion of the General Manager or designee. The customer shall also receive a written warning with or on their bill and/or in a separate mailing from the District along with information for resources to help the customer understand what penalties would be applied for future exceedances, including but not limited to the possible installation of a flow restriction device.

(e) A flow restriction device, if installed, will remain installed for no less than 14 calendar days and up to 30 calendar days the first time it is installed, 90 calendar days the second time it is installed, and 180 calendar days the third and subsequent times that it is installed. Noticing/door tag, flow restriction device installation and removal fees shall apply. If a customer, an agent of the customer, or any other person on behalf of a customer, interferes with the installation of, removes or bypasses a flow restriction device, the customer shall be fined for illegal

water consumption in accordance with Section 7.1.114 and/or shall be subject to termination of service in accordance with Section 6-1.102 of this Code, at the discretion of the General Manager. If the service is disconnected the customer shall be provided at least 72-hour notice and the disconnection will remain in place for the same period of time that the flow restriction device would have remained in place. The General Manager may at his/her discretion and upon request by the customer, return service to the account, with conditions determined by the General Manager to ensure compliant reasonable usage, including but not limited to, a flow restriction device shall be installed for the remaining duration of time that the service was subject to the installation of a flow restriction device. All fees associated with connection, reconnection, and flow restrictor installations and removals shall be applied to the customer account.

(f) The count for exceedances shall “reset” to zero if the District activates or escalates implementation of the Water Shortage Contingency Plan from a lower stage to any higher stage, upon de-escalation of the Water Shortage Contingency Plan from any higher Stage to a lower Stage, or upon deactivation of the Water Shortage Contingency Plan. Except during activation of the Water Shortage Contingency Plan, the count for exceedances shall automatically “reset” to zero on January 1 of each year.

(g) Penalties shall be collected on the customer’s water bill. Any penalties shall be the responsibility of the customer of record for the property where the violation occurred and shall be paid in addition to the fees the District imposes for the cost of water service to the property. Non- payment of penalties imposed pursuant to this section shall be subject to the same remedies as available to the District for the non-payment of fees for water service. The receipt of a water bill with any applicable penalties shall serve as notice of violation.

(h) Penalties, including the written warning, may be appealed. A customer who wishes to appeal the imposition of a penalty shall: (1) pay

all amounts stated on the bill except for the disputed penalties; and (2) submit a completed Appeal Request Form to the District within 15 calendar days of the date of the appellant's water bill for the billing cycle in which the penalty was imposed.

(i) An appeal will be granted if the District finds that competent evidence supports a reasonable conclusion that:

(1) the excessive water use was the result of a malfunction of the District's water system or a billing error by the District;

(2) the water was needed for health or safety reasons; or

(3) a leak or accidental continuous use occurred on the property during the subject billing period, the customer had not been opted-out of the Advanced Metering Program at the time of the excessive use, and the customer was registered for the Customer Interface Portal prior to the time period in which excessive use occurred.

(j) The District will respond to appeals within 30 calendar days of receipt. The District may require additional documentation prior to making a decision on an appeal. In the event an appeal is denied, the appellant shall pay the District within 10 days of denial of e appeal.

### **3-4.203 UNAUTHORIZED USE OF FIRE HYDRANTS<sup>43</sup>**

(a) Except as provided herein, no person shall use water from a fire hydrant for any purpose other than fire suppression.

(b) Temporary service may be provided through a fire hydrant under Section 3-2.210. If a customer does not apply for and receive permission from the District to utilize a hydrant for any stated purpose prior to use of

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<sup>43</sup> Section 3-4.203 amended by Reso. 2610 on July 5, 2022.

the hydrant, the use of water from the hydrant shall be considered illegal water consumption and the customer shall be subject to the miscellaneous penalties set forth in Section 7-1.114 of this Code.

(c) Water may be used to maintain or test a fire sprinkler system. Authorization to use water through a fire service connection for the purpose of maintaining or testing a fire sprinkler system will be granted up to four times per year with advance notification to the District. Exceptions may be made upon the estimated quantity of water to be used. The General Manager may restrict or prohibit such non-emergency flows as may be detrimental to the District's system.

(d) When it is found that a fire service or a fire hydrant has been used for any purpose other than for suppression, or a single service has exceeded the allowable capacity of the by-pass meter, the District may charge the sum of \$200.00 for the first offense, \$300.00 for the second offense, and \$500.00 for the third and subsequent offenses; if warranted by the estimate of water usage for each and every incident of authorized use. (Each day of use may be construed as a separate incident.)

If the General Manager determines that leakage has occurred, totaling less than 0.03 units of water per period delivered during 3 consecutive billing periods to the customer's fire service or fire hydrants, the General Manager shall notify the customer of the usage and encourage customer to fix the leak.

If the General Manager determines that leakage has occurred, totaling less than 15 units but more than 0.03 units of water per period have been delivered to the customer's fire system or fire hydrant, the customer shall present satisfactory evidence that the leak has been repaired, or pay \$75.00 per billing period in addition to the regular charge described herein.

If the General Manager determines that leakage has occurred, totaling more than 15 units of water per period during three consecutive billing periods to the customer's fire service or fire hydrant, the customer shall be required either to present satisfactory evidence that the leakage has been fixed, or he must remove the detector check valve and purchase a

water meter of the appropriate size. If the customer chooses to purchase a water meter, the customer shall pay all fees and charges normally associated with the purchase of the meter.

(e) If repeated unauthorized use of a fire service or hydrant occurs, the General Manager shall notify the fire department and the occupant of the properties served by the fire service or fire hydrant that within 10 days the fire service or fire hydrant shall be disconnected until all charges for each violation have been paid and until assurances, satisfactory to the General Manager, have been given that no further unauthorized use will occur.

**3-4.204 OPERATION OF DISTRICT FACILITIES RESTRICTED**

No one except an employee or representative of the District shall at any time, in any manner, operate service cocks or valves, main cocks, gates or valves of the District's system, or interfere with meters or their connections, water mains or other parts of the District's water system.

**3-4.205 DAMAGE TO PROPERTY<sup>44</sup>**

(a) In no case will the District be liable for damages caused by water running from opened or faulty fixtures, from opened or damaged pipes, equipment, appliances, or for any damage to pipes, equipment, or appliances on the customer side of the meter. It is the customer's responsibility to install and maintain pressure regulating and pressure relief valves on the customer's side of the water meter.

(b) The customer shall be liable for any damage to the District's service facilities when such damage is from any act or omission of the customer or his family, tenants, agents, employees, contractors, licensees, or permittees.

**3-4.206 FRAUD**

Service may be discontinued, if necessary, to protect the District against fraud or abuse.

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<sup>44</sup> Section 3-4.205 amended by Reso. 2617 on January 17, 2023.

## **Article 3 - Protective Measures**

### **3-4.301 RELIEF VALVE REQUIRED<sup>45</sup>**

To protect the customer's plumbing system, equipment, and appliances, when pressure regulating valves or other protective devices are connected or if the District advised the installation of any protective devices at any location on the customer's side of the water meter, a suitable pressure relief valve shall also be installed and maintained by the customer, in accordance with the Uniform Plumbing Code.

### **3-4.302 ISOLATION OF CERTAIN SERVICE CONNECTIONS REQUIRED**

- (a) There shall be no connection between a private fire protection service and any other water distribution system on the premises.
- (b) There shall be no connection between an irrigation service and any other water system on the premises.

### **3-4.303 CROSS CONNECTIONS**

- (a) Cross-connection shall mean any unprotected connection between any part of the District's potable water supply system and any source or system which might potentially contain water or substance that is not, or cannot, be approved as potable for human consumption.
- (b) The requirements of this District regarding cross-connections are covered in the Uniform Plumbing Code and Section 7583 through 7622 of Title 17 of the California Administrative Code, which are incorporated in this Code by reference.
- (c) In addition to the other requirements herein, each customer must, at his own expense, comply with the requirements of this Section. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of these requirements.

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<sup>45</sup> Section 3-4.301 amended by Reso. 2617 on January 17, 2023.



(d) Whenever back flow protection has been found necessary on a water supply line entering a customer's premises, or when more than one Domestic and/or Irrigation Service Connection supplies water to a single premises, which, in the opinion of the General Manager, would not preclude the possibility of a circulating flow between the connections, then any and all water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use.

(e) Private fire protection services are excluded from the requirement of this section.

### **3-4.304 SERVICE CONNECTION SHUT-OFF VALVES**

(a) District shut-off valves are installed by and for the use of the District and will usually be located immediately adjacent to the street side of the meter.

(b) The District provides a valve on the customer's side of each meter. This valve is for the customer's use, and may be operated at the customer's convenience.

### **3-4.305 CUSTOMER PLUMBING APPLIANCES SUBJECT TO APPROVAL**

Water service may be refused or discontinued to any premises where apparatus or appliances are in use which unreasonably endanger District facilities.

## Article 4 - Water Conservation

### 3-4.401 GENERAL<sup>46</sup>

The District will offer educational materials to its customers in the efficient use of water to help customers conserve water. The District will furnish customers with water conservation information and encourage or require the utilization of water-conserving fixtures and equipment. The District will assist cities and the county in the implementation of the Water Conservation in Landscaping Act. This Article sets forth water conservation measures which shall be followed by customers.

### 3-4.402 REQUIREMENTS<sup>47</sup>

- (a) Customers shall conserve water supplied by the District by the prevention and elimination of all waste or leakage of water.
- (b) All new plumbing fixtures installed within the District service area must conform to the following requirements:
  - (1) Toilets shall use less than 1.6 gallons per flush.
  - (2) Showerheads shall flow at less than 2.5 gallons per minute.
  - (3) Non-residential lavatory faucets shall be metering or self-closing.
  - (4) Urinals shall use not more than 1.5 gallons per flush.
- (c) All fixtures must be approved by the State Department of Housing and Community Development, and toilets, urinals and showerheads must have a certification of volume by a reputable independent testing organization.
  - (1) Where requirements of this subsection would cause hardship or if suitable fixtures are not available, hot water re-circulating systems or point of use hot water heaters may be substituted as water conserving measures for up to two toilet installations per single family dwelling.

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<sup>46</sup> Section 3-4.401 amended by Reso. 2617 on January 17, 2023.

<sup>47</sup> Section 3-4.402 amended by Reso. 2617 on January 17, 2023.

(2) In commercial uses, developers/owners may install fixtures that use up to 3.5 gallons per flush when rest room facilities must meet County handicapped use requirements and/or when vandalism of tank style toilets is likely.

(d) All water conserving fixture installations shall be subject to compliance inspection, prior to issuance of final occupancy permits, by one of the following agencies: Los Angeles County, City of Agoura Hills, City of Calabasas, City of Westlake Village, City of Hidden Hills, or the District. Inspection reports shall be supplied by the inspector to the District and the appropriate city or the county.

(e) For the benefit of the public, and to further the cause of water conservation in landscaping, one home in each model home display must be landscaped with water efficient (xeriscape) plant material and irrigated with appropriate water- conserving irrigation systems.

(1) The landscaping for the Xeriscape model shall be designed to be drought tolerant. The use of irrigation intensive plantings shall be discouraged.

(2) All turf areas shall be no more than 30% of the area landscaped. The utilization of turf alternatives (e.g. Kurapia groundcover) are highly encouraged.

(3) The model home display shall draw attention to the specific landscape materials and irrigation techniques utilized.

### **3-4.403 RECYCLED WATER USE**

To conserve the District's potable water supply, recycled water shall be used as follows:

(a) Where recycled water is available and appropriate, the use of potable water for irrigation purposes shall be considered a waste of potable water. Upon written notice from the General Manager that recycled water is available and appropriate for use, the customer shall have 60 days to commence the use of recycled water.

Thereafter, all potable water which is delivered to the property for irrigation shall be charged at a rate of 150% of the then current potable water rate. As used in this section, "available" means a District recycled water main is contiguous to the site in question.

As used in this section, "appropriate" means that the proposed use is acceptable to the Department of Health Services and the Regional Water Quality Control Board.

(b) Potable water shall not be used for construction activities such as compaction and dust control when recycled water is available and appropriate. As used in this paragraph, "available" also means that the cost of required recycled water, when added to the cost of required recycled water conveyance facilities, is less than, or equal to, the cost of an equivalent amount of potable water priced at 150% of regular potable water rates, plus the cost of necessary potable water conveyance facilities.

### **3-4.404 WATER CONSERVATION MEASURES<sup>48,49</sup>**

(a) Customers shall comply with the following water conservation measures at all times and regardless of whether any stage of the Water Shortage Contingency Plan has been activated and are subject to enforcement action in accordance with Section 3-4.406 of this Code.

(1) Potable water shall not be used to clean or sweep hard surfaces such as sidewalks, walkways, driveways, or parking areas and only as necessary to protect the public health and safety.

(2) Hotels, motels and other places for commercial transient occupancy shall offer guests who stay more than one night the opportunity to retain towels and linens during their stay.

(3) Car washing is permitted only with the use of a nozzle having an automatic shut-off.

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<sup>48</sup> Section 3-4.404 amended by Reso. 2610 on July 5, 2022.

<sup>49</sup> Section 3-4.404(a) amended by Reso. 2617 on January 17, 2023.

(4) Fountains and other decorative water features shall recirculate water.

(5) Drinking water shall be served only upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

(b) Customers shall comply with the following irrigation practices at all times and regardless of whether any stage of the Water Shortage Contingency Plan has been activated and are subject to enforcement action in accordance with Section 3-4.406 of this Code:

(1) Irrigation shall occur after 5:00 p.m. and before 10:00 a.m. No irrigation is permitted during and within 48 hours after measurable rainfall.

(2) Irrigation shall not run off to streets, gutters or adjacent properties.

(3) The District shall assist in the promotion of water efficient irrigation practices by monitoring compliance with landscaping plans approved by cities and the county under the Water Conservation in Landscaping Act. The District shall notify the city or county with jurisdiction by law if it is determined that a landscaping plan has been breached.

(4) Limit the number of watering days, maximum irrigation system runtime durations, and other limitations or prohibitions with or without certain exemptions, if and as determined by a Resolution of the Board.

### **3-4.405 CONSERVATION INCENTIVES**

Customers are encouraged to make the most efficient use of the potable and recycled water supplies. The District may by resolution offer financial and other incentives to customers who replace high volume water use equipment, appliances and devices with low volume water use equipment, appliances and devices.

### **3-4.406 ENFORCEMENT OF WATER CONSERVATION MEASURES<sup>50,51</sup>**

(a) Customers shall be notified in writing when the first violation of this article is discovered by the District. The notice shall include a warning that further violations could result in stricter penalties as set forth below.

(b) Customers who violate this article for a second time within a twelve-month period have committed an infraction punishable by a fine set forth in set forth in Section 7-1.113(a) of this Code.

(c) Customers who violate this article for a third time within a twelve-month period have committed an infraction punishable by a fine set forth in set forth in Section 7-1.113(b) of this Code.

(d) Customers who violate this article for a fourth time within a twelve-month period have committed an infraction punishable by a fine set forth in set forth in Section 7-1.113(c) of this Code.

(e) The District may install flow restrictors or terminate service to customers who have violated provisions of this article five times within a twelve-month period.

(f) Customers shall be encouraged to report violations of this article through the District's water conservation "hot line."

(g) Fines collected pursuant to this section shall be deposited in a special fund to promote water conservation.

(h) Customers may appeal enforcement fines to the General Manager.

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<sup>50</sup> Section 3-4.406 amended by Reso. 2548 on March 12, 2019.

<sup>51</sup> Section 3-4.406 amended by Reso. 2617 on January 17, 2023.

### **3-4.407 WATER SHORTAGE RESPONSE – DROUGHTS AND EMERGENCIES<sup>52,53</sup>**

The Water Shortage Contingency Plan establishes four stages of escalating response to a water shortage caused by droughts and emergencies. Each stage may be triggered by a declaration from federal or state authorities, Metropolitan Water District, or the District to address events that result in a water shortage. The Water Shortage Contingency Plan is incorporated by reference.

(a) Stage 1 – Water Shortage Alert

Stage 1 is a condition resulting in a 0 to 10% water shortage necessitating a voluntary water use reduction. The District will initiate a public information campaign to increase awareness of water conservation measures specified in Section 3-4.404. Customers are expected to perform voluntary water use reductions and adhere to on-going water conservation measures.

(b) Stage 2 – Water Shortage Warning

Stage 2 is a condition resulting in a 10 to 20% water shortage necessitating a higher level of voluntary water use reduction. The District will expand the public information campaign and step up enforcement of water conservation measures. Customers are expected to re-double voluntary water use reductions and strictly adhere to water conservation measures.

(c) Stage 3 – Water Shortage Emergency

Stage 3 is a condition resulting in a 20 to 50% water shortage necessitating mandatory water use reductions. Depending on the severity of the shortage, the District will intensify the public information campaign and expand enforcement of

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<sup>52</sup> Section 3-4.407 amended by Reso. 2481 on January 12, 2016.

<sup>53</sup> Section 3-4.407(d) amended by Reso. 2617 on January 17, 2023.

water conservation measures. Additionally, the Board will determine the appropriate drought factor for water budgets if necessary.

(d) Stage 4 – Critical Water Shortage Emergency

Stage 4 is a condition resulting in a 50% or higher water shortage necessitating prohibition of outdoor water use for irrigation, pools, and fountains. The District will implement crisis communications and activate its Emergency Operations Center. Customers shall be required to terminate all outdoor use except as necessary to protect public health and safety and/or as may be allowed by a Resolution adopted by the Board. Additionally, the Board will determine reduction in indoor water budgets if necessary.



**TITLE 4 - RECYCLED WATER SERVICE**

**CHAPTER 1 - GENERAL**

**Article 1 - Purpose and Scope**

**4-1.101 PURPOSE<sup>1</sup>**

The District shall continue to provide recycled water to existing recycled water customers to conserve potable water. No new recycled water meters or extensions to recycled water pipelines for new recycled water customers shall be provided unless it is determined to be in the District's best interest and approved by the General Manager.

**4-1.102 SCOPE**

This title provides the terms for service of recycled water. This Title supplements and does not replace 17 California Code of Regulations ("CCR") and 22 CCR. If this Title is inconsistent with the CCR, then the CCR prevails. If this Title is silent, the CCR is incorporated by this reference.

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<sup>1</sup> Section 4-1.101 amended by Reso. 2617 on January 17, 2023.  
LVMWD Code updated 5.21.24-Final.docx

## Article 2 - Definitions

### 4-1.201 GENERAL

The terms set forth in this Article are defined for the purposes of this title unless otherwise apparent from context.

### 4-1.202 AIR-GAP SEPARATION

"Air-Gap Separation" is a physical break between a supply pipe and a receiving vessel.

### 4-1.203 APPLICANT

"Applicant" is any person, firm, corporation, association, or agency who requests recycled water service.

### 4-1.204 APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE

"Reduced Pressure Principle Backflow Prevention Device (RP)" is a backflow preventer incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

### 4-1.205 AUXILIARY WATER SUPPLY

"Auxiliary Water Supply" means any water supply on or available to the premises other than the District's potable water and recycled water supplies.

**4-1.206 CROSS-CONNECTION**

“Cross-connection” means any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing recycled water or any other auxiliary water supply that is not or cannot be approved as safe, wholesome, and potable for human consumption.

**4-1.207 CUSTOMER**

“Customer” means any person, firm, corporation, association, or agency receiving recycled water service from the District.

**4-1.208 DUAL PLUMBED SYSTEM**

"Dual Plumbed System" or "Dual Plumbed" means a system that utilizes separate piping systems for recycled water and potable water within a facility and where the recycled water is used for either of the following purposes:

- (a) To serve plumbing outlets (excluding fire suppression systems) within a building; or
- (b) Outdoor landscape irrigation at individual residences.

**4-1.209 OFF-SITE FACILITIES**

“Off-site Facilities” means facilities under the control of the District, upstream of and including the District’s meter and the meter box including recycled water pipelines, reservoirs, pumping stations, manholes, valve connections, treatment facilities, and other appurtenances and property.

**4-1.210 ON-SITE FACILITIES**

“On-site Facilities” means facilities under the control of the customer downstream of the District’s meter and meter box including but not limited to residential or commercial landscape irrigation systems, agricultural irrigation systems, and backflow devices on the potable water service to prevent cross-connection from auxiliary water supplies.

**4-1.211 ON-SITE RECYCLED WATER SUPERVISOR**

“On-site Recycled Water Supervisor” means a qualified person designated by a recycled water customer and approved by the District that is knowledgeable in the construction and operation of irrigation systems and in the application of the guidelines, criteria, standards, and rules and regulations governing the proper use of recycled water.

**4-1.212 POTABLE WATER**

“Potable Water” means water furnished to the customer for domestic purposes.

**4-1.213 RECYCLED WATER**

“Recycled Water” means water which, as a result of tertiary treatment of domestic and industrial wastewater, is suitable for a direct beneficial use or a controlled use that otherwise would not occur.

**4-1.214 RECYCLED WATER SERVICE**

“Recycled water service” means the delivery of recycled water.

**4-1.215 SERVICE CONNECTION**

“Service Connection” means the piping necessary to conduct water from the District’s water main to the particular property designated in the application for water service including the meter, meter box, valves and piping equipment within the meter box.

**4-1.216 UNIT**

“Unit” is 100 cubic feet of water.

## **CHAPTER 2 - COMMENCEMENT OF SERVICE**

### **Article 1 - Applications**

#### **4-2.101 GENERAL**

No person shall connect to recycled water system without a permit issued by the District.

Persons desiring or required to obtain service shall make application for a permit by providing such information as the General Manager deems appropriate to evaluate the request including but not limited to:

- (a) Applicant's and on-site recycled water Supervisor's name;
- (b) Identity of property to be served;
- (c) Owner of property to be served;
- (d) Design area;
- (e) On-site irrigation piping plan map and
- (f) Anticipated land use requiring irrigation.

#### **4-2.102 APPLICATION PROCEDURE**

(a) An application for a permit shall be made in writing, signed by the owner of the property to be served. If the application is for a commercial account in the name of a corporation or partnership, the applicant shall provide a personal guarantee from an owner or principal of the applying entity, regardless of the form of organization, as follows:

"I hereby certify I am a principal/officer of the organization listed on the attached application. I accept full responsibility for all fees and charges related to water and sewer service for the organization.

\_\_\_\_\_  
Name and Title"

(b) The applicant shall comply with laws and, regulations, concerning recycled water service, including but not limited to this Title.

(c) The General Manager shall review the application and make such investigation as necessary. The General Manager may prescribe requirements in writing to the applicant as to the facilities necessary to be constructed, the manner of connection, the financial requirements and the use of the service, including the availability of adequate on-site recycled water facilities to ensure initial and future continued compliance with the District's regulations and any other applicable requirements.

#### **4-2.103 PERMIT**

(a) The General Manager shall issue a recycled water permit upon application or state the reasons for disapproval. The permit shall entitle the applicant to receive recycled water service upon the terms and conditions of this Title.

(b) The permit shall include the following:

(1) Name and address of applicant;

(2) A drawing of the proposed on-site facilities showing the location and size of all valves, pipes, outlets, and appurtenances;

(3) A statement that no changes in the proposed on-site facilities will be undertaken without application and approval of an amended permit; and

(4) A statement recognizing potential penalties for violation of District rules and regulations.

#### **4-2.104 MANDATORY SERVICE**

When the Board determines, service can be feasibly provided to a particular parcel for particular uses, the General Manager shall require the use of recycled water in lieu of potable water for those uses. As used herein, the term "feasible" means recycled water is available for delivery to the property in compliance with federal, state and local laws, ordinances and regulations and such recycled water can be

delivered to the property at an overall cost to the user which does not exceed the overall cost of potable water service.

**Article 2 - Fees/Deposits**

**4-2.201 GENERAL**

Applicants for recycled water service shall pay for the construction of facilities necessary to deliver recycled water to the applicant’s property and to distribute recycled water upon the applicant’s property. However, the District shall reimburse the applicant for a portion of the cost of such facilities as set forth in this Article.

**4-2.202 FINANCIAL PARTICIPATION BY DISTRICT**

- (a) The District will build recycled water facilities, including everything up to and including a recycled water meter and backflow protection on the potable service if the cost of construction is less than \$5,500/AF/year of usage
- (b) The District may reimburse a developer for costs incurred to extend a recycled water system to a maximum of 50 percent of Conservation Fund Fees paid by the developer, after first deducting District costs incurred for the recycled water system
- (c) The District may reimburse an existing customer the cost of portions of an extension of the recycled water distribution system installed to receive service from a District recycled water pipeline, as follows: The District shall pay for the installation of off-site facilities to serve the customer or reimburse on half the Water Conservation Fund fees paid for potable service to the property, whichever is less. The District shall pay for the off-site facilities, without limitation based on the amount of Water Conservation Fund fees when an existing potable irrigation service is connected to the District recycled water system during the installation of the District’s system.
- (d) Recycled water customers shall pay for recycled water facilities, not paid for by the District.



## **CHAPTER 3 - CONDITIONS OF SERVICE**

### **Article 1 - General**

#### **4-3.101 GENERAL**

Service will be provided to property to existing recycled water distribution lines. Service will be provided to property not contiguous to existing distribution lines if the distribution line is extended to the applicant's property as provided below.

#### **4-3.102 PERMITTED USES**

(a) Recycled water may be used for residential and common area landscape irrigation, agricultural irrigation, industrial process water, dual-plumbed buildings and recreational impoundment. Each use must be approved by the District on a case-by-case basis in accordance with Title 22 of the California Code of Regulations. The District may impose conditions and prior approval from regulatory agencies.

(b) Recycled water may be used for residential irrigation if: The design and construction of the irrigation system is approved by the District and

(c) Recycled water may be used for common area landscape irrigation if the use is controlled by the District, or another party other than the customer, through a surveillance program of areas under irrigation, and the design and construction of the irrigation system is approved by the District.

#### **4-3.103 OTHER LIMITATIONS**

Customers shall accept such conditions of pressure and service as are provided by the distribution system at the location of the service connection and to hold the District harmless from damage arising from low pressure or high pressure conditions or from interruptions of service.

#### **4-3.104 SIZE, LOCATION, AND INSTALLATION OF SERVICE LINE**

(a) The District shall determine the size of the service lines, the service connections, and the meters and determine the kind and size of backflow protection devices. The service lines shall be installed to a curb or property line of the customer's property, abutting upon a public street, highway, alley, easement, lane or road (other than a freeway) in which is the installed recycled water mains of the District.

(b) (1) A service connection shall not be used to supply adjoining property of a different owner without the permission of the District.

(2) When property with a service connection is subdivided, such connection shall serve the lot or parcel it directly or first enters. Additional mains or recycled water service lines will be required for other parcels in the subdivided area.

(3) Recycled water must pass through a meter.

(4) Every service installed by the District shall be equipped with a curb stop or wheel valve on the inlet side of the meter; such valve or curb stop being intended exclusively for the use of the District in controlling the recycled water supply through the service line. If the curb stop or wheel valve is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.

#### **4-3.105 RELOCATION OF RECYCLED WATER SERVICE LINE**

Should a service line installed be of the wrong size or installed at a wrong location, the cost of relocation shall be paid by the customer. Services provided prior to final street improvements are temporary and the costs for repairs or changes shall be paid by the customer.

#### **4-3.106 SCHEDULING RECYCLED WATER**

The General Manager may control and schedule the use of recycled water as necessary for the maintenance of an acceptable working pressure and providing for reasonable safeguards to public health.

#### **4-3.107 EMERGENCY CONNECTIONS TO RECYCLED WATER SYSTEM**

The General Manager may approve a temporary connection to the potable water system. If an emergency exists and recycled water is not available.

#### **4-3.108 CLASSES OF SERVICE**

The classes of service for water delivered by the District are:

- (a) Las Virgenes Valley Zone, which includes all recycled water customers receiving water that does not require pumping above a hydraulic gradient of 795'. As used in this Title, Hydraulic Gradient, or H.G., shall mean the maximum water elevation represented by the pressure in a water system, or the maximum surface elevation of the water in the reservoir serving the system.
- (b) Western Zone, which includes all recycled water customers receiving water that requires pumping to elevation 1225'.
- (c) Calabasas Zone, which includes recycled water customers receiving water that requires pumping to elevation 1525'.

## **Article 2 - Extension of Facilities**

### **4-3.201 GENERAL**

Off-site and on-site recycled water facilities shall be designed and constructed according to the standards as adopted and revised by the Board from time to time. The recycled water system shall be separate and independent of any potable water system.

### **4-3.202 ON-SITE RECYCLED WATER FACILITIES**

- (a) On-site recycled water facility shall be provided by the property owner who shall retain title to such facilities.
- (c) Plans and specifications for on-site facilities shall be submitted to the District for approval prior to construction.
- (d) Prior to commencement of service record drawings shall be provided and approved and the installed system shall be tested under active conditions to ensure the operation in accordance with this Title.
- (e) If the District has determined that recycled water will be supplied in the future, on-site facilities shall nevertheless be designed to use recycled water. Provisions shall be made to allow for connection to the District's off-site recycled water facilities when available. In the interim, potable domestic water will be supplied to the on-site facilities through a temporary connection

### **4-3.203 OFF-SITE RECYCLED WATER FACILITIES**

- (a) Plans and specifications for off-site facilities shall be submitted to and approved by the District in advance of construction. Off-site recycled water distribution facilities required to serve the customer's property shall be provided by property owner unless the District determines it is a District benefit to construct these capital facilities.

(b) The District may require the construction of off-site facilities including reservoirs, pumping facilities, and treatment capacity, within the area described in the application for service or outside of such area, larger than the size determined by the District to be required for providing adequate service to the property described in the application submitted to the District. In such cases, the District will reimbursement the property owner on a pro rata basis for the difference between the cost of the required facilities and the cost of the facilities to serve the property described in the application for service. The terms, extent, and provisions of such reimbursement agreement shall be determined from time to time by the District in its discretion.

Interest shall not be paid on the reimbursement. The period of time in which reimbursement will be made will be determined by the District, based on the amount necessary to be advanced by the property owner in addition to other normal charges, the probability of receipt of payment and of the anticipated course of development of the particular portion of the District in which the facilities are proposed to be constructed. The amount advanced for facilities available to lands outside the area described in the application for service shall be taken into account when development occurs for which such facilities are constructed and the District may impose and charge additional connection charges, initial charges, and costs, if necessary, to cause equitable reimbursement in any such instances.

(c) The District shall provide recycled water to the point of connection of the off-site facilities to on-site facility when title to all facilities in the required systems and any necessary easements have been conveyed to the District.

#### **4-3.204 CONVERSIONS OF EXISTING FACILITIES FOR RECYCLED WATER**

Where an existing water system is converted to a recycled water facility, the facilities to be converted shall be investigated and measures necessary to bring the system into full compliance with this Title shall be installed before recycled water service commences. No existing potable water facilities shall be connected to or incorporated into the recycled water system without District approval.

**CHAPTER - 4 CONTINUATION OF SERVICE**

**Article 1 - Rates: Time/Manner of Payment**

**4-4.101 GENERAL**

A recycled water customer shall receive recycled water service in compliance with this chapter.

**4-4.102 MONTHLY WATER RATES INSIDE THE DISTRICT<sup>2,3</sup>**

A customer obtaining permanent recycled water service for property located within the district shall pay the monthly water rates set forth below based upon the size of the meter serving the property. This charge is to offset the cost of providing facilities to serve the customer and shall be paid whether the customer takes delivery of water or not.

<b>Meter Size</b>	<b>Commencing with meter reads on or after:</b>				
	3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
3/4"	\$28.79	\$31.10	\$33.59	\$36.28	\$39.19
3/4" x 1"	\$28.79	\$31.10	\$33.59	\$36.28	\$39.19
1"	\$46.31	\$50.02	\$54.03	\$58.36	\$63.03
1-1/2"	\$90.09	\$97.30	\$105.09	\$113.50	\$122.58
2"	\$142.64	\$154.06	\$166.39	\$179.71	\$194.09
3"	\$309.03	\$333.76	\$360.47	\$389.31	\$420.46
4"	\$554.24	\$598.58	\$646.47	\$698.19	\$754.05
6"	\$1,403.71	\$1,516.01	\$1,637.30	\$1,768.29	\$1,909.76
8"	\$2,454.60	\$2,650.97	\$2,863.05	\$3,092.10	\$3,339.47
10"	\$3,680.64	\$3,975.10	\$4,293.11	\$4,636.56	\$5,007.49

<sup>2</sup> Section 4-4.102 amended by Reso. No. 2475 on October 26, 2015.

<sup>3</sup> Section 4-4.102 amended by Reso. No. 2587 on February 2, 2021.

**4-4.103 COMMODITY CHARGES<sup>4,5,6</sup>**

(a) Each recycled water customer shall pay a commodity charge for water delivered through each meter in a monthly period based on the class of customer, tier allotments, and the elevation zone within which the customer’s property is located as follows.

(b) The District establishes individualized water budgets for each recycled water customer based on irrigated area, evapotranspiration rate, and adjustments. Water budgets are calculated as indicated below:

$$\text{Billing Period Water budget} = (\text{evapotranspiration rates}) \times (\text{plant factor}) \times (\text{square feet of irrigated area}) \times (\text{drought factor}) \times (\text{\# days in billing period})$$

Tier allotments for recycled water customers are determined by irrigated areas and evapotranspiration rates.

Recycled Water		
Tier 1	Efficient	Total Water Budget
Tier 2	Inefficient	Over 100% to less than 150%* of Total Water Budget
Tier 3	Excessive	150%* or more of Total Water Budget
Total Budget = Efficient Outdoor		

\*During Activation of Stage 4 of the Water Shortage Contingency Plan, Excessive Tier starts at 120%

(c) Each customer shall pay a charge for the units of water delivered to offset the cost of delivery, as follows:

	Commencing with meter reads on or after:				
	3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
Tier 1	\$1.24	\$1.34	\$1.45	\$1.57	\$1.70

<sup>4</sup> Section 4-4.103 amended by Reso. No. 2475 on October 26, 2015.

<sup>5</sup> Section 4-4.103 amended by Reso. No. 2587 on February 2, 2021.

<sup>6</sup> Section 4-4.101(b) amended by Reso. 2617 on January 17, 2023.

Tier 2	\$2.61	\$2.82	\$3.05	\$3.30	\$3.57
Tier 3	\$4.97	\$5.37	\$5.80	\$6.27	\$6.78

(d) Each customer shall pay a charge for each unit of water delivered to offset the cost of pumping as follows:

Zone	Commencing with meter reads on or after:				
	1/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
LV Valley	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Western System/ Calabasas	\$0.30	\$0.33	\$0.36	\$0.39	\$0.43

**4-4.104 RECYCLED WATER TEMPORARY SERVICE RATES<sup>7,8</sup>**

(a) A monthly readiness to serve charge shall be paid for each temporary meter to offset the cost of providing facilities to serve the customer and shall be paid following the installation of the meter and regardless of whether the customer takes delivery of water or not. Temporary potable water meter charges are calculated by multiplying the potable rate for the same size meter in Section 4-4.102 by 1.5.

(b) The monthly volume charge for recycled water delivered through temporary meters shall be 150% of the Tier 4 recycled water rates for the site where the temporary meter is connected.

(c) An installation fee set forth in Section 7-1.107(a) of this Code shall be paid prior to installation of the temporary meter by district staff. In addition, a meter deposit of set forth in Section 7-1.107(b) of this Code shall be required prior to installation of the meter. Such meter deposit will be refunded, net any costs incurred by the district relative to the temporary meter.

<sup>7</sup> Section 4-4.104 amended by Reso. No. 2475 on October 26, 2015.

<sup>8</sup> Section 4-4.104 amended by Reso. No. 2548 on March 12, 2019.



(d) Prior to the installation of the temporary meter, the customer shall be required to pay a deposit in an amount sufficient to guarantee the payment of twelve months of water bills as estimated by the General Manager. Such deposit will be refunded, net any costs unpaid to the district for recycled water usage.

## Article 2 - Usage

### 4-4.201 FACILITIES OPERATION: OFF-SITE RECYCLED WATER FACILITIES<sup>9</sup>

Operation and surveillance of off-site recycled water system facilities shall be under the management and control of the District. No other persons except authorized employees of the District may enter upon, inspect, operate, adjust, change, alter, move, or relocate any portion of the off-site recycled water facilities. Violations of this Article, with the exception of excessive use of recycled water, shall be enforced in accordance with Section 4-4.205 of this Code. Penalties related to excessive use of recycled water shall be enforced in accordance with Section 4-4.203 of this Code.

### 4-4.202 FACILITIES OPERATIONS: ON-SITE FACILITIES<sup>10</sup>

(a) The operation and maintenance of on-site recycled water distribution facilities are the responsibility of the property owner.

(b) The operation and maintenance of on-site recycled water system facilities, serving common area irrigation shall be under the management of an "on-site Recycled Water Supervisor" designated by the property owner and approved by the District.

(c) The General Manager shall monitor and inspect the entire recycled water system, including on-site and off-site facilities, and for these purposes shall have the right to enter upon the customer's premises during reasonable hours. Where necessary, keys and/or combinations shall be issued to the District to provide such access.

(d) The property owner shall have the following responsibilities in relation to operation of on-site facilities:

(1) Ensure operations personnel are trained and familiarized

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<sup>9</sup> Section 4-4.201 amended by Reso. 2617 on January 17, 2023.

<sup>10</sup> Section 4-4.202 amended by Reso. 2617 on January 17, 2023.

with the use of recycled water.

(2) Furnish operations personnel with maintenance instructions, irrigation schedules, and record drawings to ensure proper operation in accordance with the on-site facilities design and this Title.

(3) Prepare and submit to the District one (1) set of record drawings on Mylar or in digital format.

(4) Notify the District of proposed changes, modifications or additions to the on-site facilities, which changes shall be approved by the District and shall be designed and constructed in accordance with the requirements of this title.

(5) Ensure the recycled water facilities remain in accordance with this Title.

(6) Operate and control the system to prevent direct human consumption of recycled water and to control and limit runoff.

(7) Be responsible for subsequent uses of the recycled water.

(8) Operation and control measures to be utilized in this regard shall include, where appropriate, but not be limited to the following:

a. On-site facilities shall be operated to prevent or minimize discharge into areas not under control of the customer. Part circle sprinklers shall be used adjacent to sidewalks, roadways, and property lines to confine the discharge from sprinklers to the design area.

b. The operation of the on-site facilities shall be during the periods of minimal use of the service area. Consideration shall be given to allow a maximum dry-out time before the design area will be used by the public.

c. Recycled water shall be applied at a rate that does not exceed the infiltration rate of the soil. Where varying soil types are present, the design and operation of the on-site facilities shall be compatible with the lowest infiltration rate present.

d. To prevent runoff and ponding, automatic systems shall be utilized and programmed to prevent or minimize the ponding and

runoff of recycled water. The sprinkler system shall not be allowed to operate for a time longer than the landscape's water requirement. If runoff occurs before the landscape's water requirements are met, the automatic controls shall be reprogrammed to lessen watering cycles to meet the requirements. This method of operation is intended to control and limit runoff.

e. To report to the District any and all failures in their system that causes an unauthorized discharge of recycled water.

(9) To comply with any and all applicable Federal, State and local statutes, ordinances, regulations, contracts, these Rules and regulations, and all requirements prescribed by the General Manager and the Board. Violations of this Section will be enforced in accordance with Section 4-4.205 of this Code. In the event of violation, all charges and penalties shall be applied and collected.

#### **4-4.203 PENALTIES FOR WASTEFUL WATER USE AND EXCEEDANCES<sup>11,12,13</sup>**

(a) No customer shall knowingly permit waste or leaks of water. Where water is wastefully or negligently used on the customer's premises, the District may discontinue the service, if such conditions are not corrected within five days after the General Manager gives the customer written notice.

(b) A water budget shall be established for each customer of the District, and customers shall be notified of the basis for calculating their water budgets. Water use exceeding a customer's water budget by a prescribed amount (budget exceedance level) is a waste of water, a violation of the District's rules and regulations, and shall be subject to escalating administrative penalties. Budget exceedance levels, warnings,

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<sup>11</sup> Section 4-4.203 amended by Reso No. 2583 on November 3, 2020.

<sup>12</sup> Section 4-4.203 amended by Reso No. 2617 on January 17, 2023.

<sup>13</sup> Section 4-4.203 amended by Reso No. 2619 on March 21, 2023.

penalties, enforcement actions, and remedies shall be the same as those described in Section 3-4.202 for potable water, with the exception that subparagraph (e) shall not apply and termination/disconnection of service will be used, at the discretion of the General Manager or designee, in lieu of a flow restriction device upon three or more exceedances.

(c) If a recycled water account is terminated/disconnected due to exceedances, the termination/disconnection will remain in place for no less than 14 calendar days and up to 30 calendar days the first time, 90 calendar days the second time, and 180 calendar days the third and subsequent times that a termination/disconnection is made. Noticing/door tag, termination/disconnection and reconnection fees shall apply. If a customer, an agent of the customer, or any other person on behalf of a customer, interferes with the termination or bypasses the meter, the customer shall be fined for illegal water consumption in accordance with Section 7.1.114 and/or shall be subject to forfeiture of recycled water service, at the discretion of the General Manager and subject to appeal in accordance with Section 6-1.102 of this Code.

#### **4-4.204 METER TESTING**

(a) If the recycled water meter fails to register or registers inaccurately, the customer shall be charged with an average daily consumption at the same season shown by the reading of the meter when in use and registering accurately.

(b) A customer may demand the District test the meter and costs shall be charged to the customer in the same manner as for testing a potable water meter.

#### **4-4.205 ENFORCEMENT OF VIOLATIONS<sup>14,15</sup>**

- (a) Customers shall be notified in writing when the first violation of this article is discovered by the District. The notice shall include a warning that further violations could result in stricter penalties as set forth below.
- (b) Customers who violate this article for a second time within a twelve-month period have committed an infraction punishable by a fine set forth in Section 7-1.113(a) of this Code.
- (c) Customers who violate this article for a third time within a twelve-month period have committed an infraction punishable by a fine set forth in set forth in Section 7-1.113(b) of this Code.
- (d) Customers who violate this article for a fourth time within a twelve-month period have committed an infraction punishable by a fine set forth in set forth in Section 7-1.113(c) of this Code.
- (e) The District may terminate service to customers who have violated provisions of this article five times within a twelve-month period.
- (f) Customers shall be encouraged to report violations of this article through the District's water conservation "hot line."
- (g) Fines collected pursuant to this section shall be deposited in a special fund to promote water conservation.
- (h) Customers may appeal enforcement fines to the General Manager.

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<sup>14</sup> Section 4-4.205 added by Reso No. 2583 on November 3, 2020.

<sup>15</sup> Section 4-4.205 amended by Reso No. 2617 on January 17, 2023.

## **Article 3 - Protective Measures**

### **4-4.301 CROSS-CONNECTION PREVENTION: GENERAL**

These regulations are intended to protect the District's potable water supply and are not intended for protection of users from the hazards of cross-connections within their own premises.

The District shall provide backflow prevention devices on the potable water service to the premises. Such devices shall be owned and maintained by the District and located on the premises of the property served and shall not be on the District's portion of the system.

### **4-4.302 CROSS CONNECTION PREVENTION: WHERE PROTECTION IS REQUIRED**

(a) On-site recycled water systems are a separate and controlled non-potable system. Under normal conditions, protective devices will be required on the District's potable water service. Under no circumstances will the District tolerate an actual or potential cross-connection between the District's potable water supply and the customer's on-site non-potable water facilities.

(b) The District will require cross-connection control on the District's potable water supply in all cases and shall review each service on a case-by-case basis. The District will require a backflow prevention device on its potable water supply at its discretion, and specifically:

- (1) When recycled water is used on individually owned and controlled premises;
- (2) When the recycled water system has additional pressure and
- (3) When determined this is a risk of cross-connection.

#### **4-4.303 INSPECTION OF PROTECTIVE DEVICES**

The District shall inspect backflow prevention devices at least once a year, or more often in those instances where successive inspections indicate repeated failure. All inspections and testing shall be performed by a tester certified by the local health department. These devices shall be repaired, overhauled, or replaced at the expense of the water user whenever they are found to be defective. Records of all such tests, repairs and overhauls shall be maintained by a list and made available to the local health department. Nothing contained herein shall relieve a potable water customer from the duty to install and maintain backflow prevention devices under Title 3 of this Code.

#### **4-4.304 MARKING SAFE AND UNSAFE WATER LINES**

Where the premises contain dual or multiple water systems and piping, the exposed portions for recycled water pipelines shall be painted, banded or marked at sufficient intervals. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes.

#### **4-4.305 ON-SITE RECYCLED WATER SUPERVISOR**

The District, which in turn will notify the local and State Water Resources Control Board, shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premise where it is necessary in the opinion of the regulatory agency and/or the District, a Water Supervisor shall be designated. This Water Supervisor shall be responsible for the installation and the use of pipelines and equipment and for the prevention of cross-connections.

In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the local health officer and the District shall be



promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination or pollution.

**TITLE 5 - SANITATION**

**CHAPTER 1 - GENERAL**

**Article 1 - Purpose and Scope**

**5-1.101 PURPOSE**

This Title sets the terms for sanitation service.

**5-1.102 SCOPE**

(a) This title shall apply to the collection, treatment, and disposal of all wastes delivered directly or indirectly through collector sewers, into the trunk sewers of the District.

(b) The District operates and maintains trunk sewers and treatment and disposal works. In most cases, a sanitation customer is connected to the District's trunk sewer through a collector sewer owned, operated and maintained by the Los Angeles County Consolidated Sewer Maintenance District. Accordingly, the regulations of the Sewer Maintenance District insofar as they do not conflict with the provisions set forth herein, are hereby adopted by this reference.

## Article 2 - Definitions

### 5-1.201 GENERAL

The definitions in this Article shall govern the construction of this title, unless otherwise apparent from the context.

### 5-1.202 ADMINISTRATIVE AUTHORITY

"Administrative Authority" is the individual official, Board, department or agency, established and authorized by a state, county, city or other political subdivision to administer and enforce the provisions of a plumbing code or a Sanitary Sewer and Industrial Waste Ordinance.

### 5-1.203 APPLICANT

"Applicant" is a person requesting sanitation service from the District.

### 5-1.204 BIOCHEMICAL OXYGEN DEMAND or B.O.D.

"Biochemical Oxygen Demand" or "B.O.D." is the demand of the waste discharge as determined by standard methods.

### 5-1.205 CLASSES OF SERVICE

- (a) **Single Family Class** – A single family residential dwelling or a multi-family residential dwelling unit served by a dedicated water meter.
- (b) **Multi Family Class** – A multi-family residential dwelling complex served by a single water meter.
- (c) **Class 1** - "Class 1 Discharger" or "Class 1" refers to any nonresidential discharger who discharges sewage containing not more than 235 mg/L B.O.D. and 282 mg/L S.S. on an average daily basis. Light industrial users and

commercial users, such as schools and offices, are presumed to be Class 1 Dischargers; however, dischargers in this class must demonstrate that the discharge does not and will not exceed the stated limits. In relation to the single family class customer, a Class 1 Discharger has a strength factor of 62 percent.

(d) **Class 2** - "Class 2 Discharger" or "Class 2" refers to any nonresidential discharger who discharges sewage containing more than 235 mg/L B.O.D. and 282 mg/L S.S. but less than 635 mg/L B.O.D. and 415 mg/L S.S. on an average daily basis. Moderate industrial users and commercial users such as shopping centers and gas stations are presumed to be Class 2 Dischargers; however, dischargers in this class must demonstrate that the discharge does not and will not exceed the stated limits. In relation to the single family class customer, a Class 1 Discharger has a strength factor of 106 percent.

(e) **Class 3** - "Class 3 Discharger" or "Class 3" refers to any nonresidential discharger who discharges sewage containing more than 635 mg/L B.O.D. and 415 mg/L S.S. but less than 1000 mg/L B.O.D. and 700 mg/L S.S. on an average daily basis. Moderately heavy industrial users and commercial users such as restaurants, markets and mortuaries are presumed to be Class 3 Dischargers; however, dischargers in this class must demonstrate that the discharge does not and will not exceed the stated limits. In relation to the single family class customer, a Class 1 Discharger has a strength factor of 160 percent.

(f) **Class 4** - "Class 4 Discharger" or "Class 4" refers to any industrial waste permittee or others discharging wastes who discharge sewage containing more than 1000 mg/L B.O.D. and 700 mg/L S.S. on an average daily basis and/or sewage quality or flow or other factors of waste discharge that will adversely affect the sewage transmission lines, treatment or disposal processes. Industrial users are in this category.

## **5-1.206 COLLECTOR SEWER**

"Collector Sewer" or "branch sewer" means a public sewer or system of public sewers which receives sewage from a relatively small area and discharges into a

trunk sewer. Normally, a collector sewer is not owned and maintained by the District.

**5-1.207 CUSTOMER**

"Customer" means a person receiving sanitation service from the District.

**5-1.208 DOMESTIC SEWAGE**

"Domestic Sewage" means the liquid and waterborne wastes derived from, or equivalent to, that of a single family residential dwelling unit and which are of such a character as to permit satisfactory disposal, without special treatment, into the service lateral.

**5-1.209 EQUIVALENT RESIDENTIAL UNIT OR ERU**

"Equivalent Residential Unit" or "ERU" refers to a residential unit of any size, or 25 plumbing fixture units, as defined in the Uniform Plumbing Code, discharging into the sewer.

**5-1.210 IMPROVEMENT DISTRICT**

"Improvement District" means a sanitation improvement district of the District.

**5-1.211 INDUSTRIAL WASTE**

"Industrial Waste" means waste substances, liquid or solid, except domestic sewage and including, but not limited to, radioactive wastes and explosives, noxious, toxic, or corrosive gases or liquids when present in the sewage system. Class 2, 3, 4 and 5 dischargers are presumed to deposit industrial wastes.

**5-1.212 INDUSTRIAL WASTE CONNECTION**

"Industrial Waste Connection" is the connection between an industrial waste source and a trunk or collector sewer and includes a manhole, or other acceptable testing means, on the lateral so that the District or administrative authority can sample the discharge to the trunk sewer or collector sewer.

**5-1.213 LATERAL SEWER**

"Lateral Sewer" is a sewer which discharges into a branch or other sewer and which has no other common sewer tributary to it.

**5-1.214 MAINTENANCE DISTRICT**

"Maintenance District" means the Consolidated Sewer Maintenance District of Los Angeles County.

**5-1.215 SANITATION SERVICE**

"Sanitation Service" means the collection and treatment of sewage and the disposal of effluent and sludge by the District.

**5-1.216 SUSPENDED SOLIDS (S.S.)**

"Suspended Solids" or "S.S." refers to the results of a standard Total Nonfilterable Residue Dried at 103-105 C test as described in Standard Methods.

**5-1.217 SEWAGE UNIT**

"Sewage Unit" refers to one ERU

**5-1.218 TRUNK SEWER**

"Trunk Sewer" means a public sewer, owned and maintained by the District, to which one or more collector sewers are tributary.

**5-1.219 SEWER CONNECTION**

"Sewer Connection" means the connection between a lateral and collector or trunk.

## **CHAPTER 2 - COMMENCEMENT OF SERVICE**

### **Article 1 - Application**

#### **5-2.101 APPLICATION: GENERAL**

An applicant for sanitation service or for a change in the amount or type of such service shall make request on forms provided by the District, and pay all fees prior to obtaining a permit from the administrative authority.

#### **5-2.102 APPLICATION: CONTENTS**

Applicants for sanitation service shall provide the following information:

- (a) location of property from which sewage will flow;
- (b) owner of property;
- (c) strength of sewage to be discharged;
- (d) duration of discharge;
- (e) quantity of discharge;
- (f) type of user (residential, commercial or industrial);
- (g) nature of business if commercial or industrial; and
- (h) plumbing plans of the proposed facility, commercial or industrial.

#### **5-2.103 APPLICATION: INDUSTRIAL WASTE CONNECTIONS**

Applicants for sanitation service who propose to discharge into a collector sewer owned by the Maintenance District shall also make application to the Maintenance District and present satisfactory evidence to the District such application has been accepted or the requirements waived by the Maintenance District.

#### **5-2.104 CERTIFICATION AND RECERTIFICATION OF CLASS**



(a) The General Manager shall review applications for sanitation service and determine which class of discharge applies to the applicant.

(b) A non-residential discharger or applicant who contends the General Manager's determination of Class does not accurately reflect the quantity or quality of water reaching the sewer may request the General Manager to review the determination by presenting evidence to support such contention. The General Manager may change the classification assigned to the discharger if the discharger can show that the sewage differs significantly and substantially from the sewage for the Class.

## **Article 2 - Fees and Deposits**

### **5-2.201 FEES: GENERAL**

Applicants for sanitation service shall pay the fees set forth in this Article as a condition for obtaining sanitation service.

### **5-2.202 EXISTING LATERAL CONNECTION**

An applicant for service to property or where sewage units are added to an existing lateral sewer which is already connected to the trunk sewer directly or through a collector sewer or otherwise, shall pay: (1) a sewage connection fee, (2) the miscellaneous fees, if any, and (3) make the deposits set forth below.

### **5-2.203 EXISTING COLLECTOR OR TRUNK SEWER**

An applicant for service to property which fronts upon an existing collector or trunk sewer but which is not connected to the collector or trunk sewer shall pay: (1) annexation fees, if the property is not within an improvement district; (2) a pro rate share of the cost of the trunk sewer, if a main extension refund agreement exists with respect to such trunk sewer; (3) a sewage connection fee; (4) miscellaneous fees, if any; (5) make the deposits, all as set forth below, and (6) construct the necessary lateral sewer.

### **5-2.204 SERVICE FROM NEW SEWER**

(a) An applicant shall pay connection fees and the cost of sanitation system improvements necessary to serve the applicant's property, provided: if the sanitation system improvements are identified in the sewage system capital improvement plan, the improvements shall be constructed by the District using connection fees to pay for the cost of design and construction, including debt service. Sanitation system improvements are identified in the current sanitation

system capital improvement plan, within the meaning of this section if the improvements are described in the plan or if the improvements are approved by the Board as a substitute for the improvements described in the plan.

(b) If the applicant pays for the cost of a trunk sewer extension to serve the applicant's property, the applicant may enter into a sewer extension refund agreement.

#### **5-2.205 ANNEXATION FEES TO IMPROVEMENT DISTRICTS**

Annexation fees to improvement districts, and terms and conditions of such annexation, are set annually by the Board.

#### **5-2.206 SEWAGE CONNECTION FEES: SEWAGE UNITS**

Each property to be connected to the sewer system shall pay a sewer connection fee based upon the anticipated sewage flow to be contributed by the property as follows:

(a) Single family residential dwelling shall be deemed to contribute one sewage unit.

(b) Each dwelling unit of an apartment, condominium, town house, trailer park, mobile home park, or similar installation for permanent or semi-permanent residential service shall be deemed to contribute one sewage unit.

(c) Commercial, industrial, institutional, governmental, and other non-residential developments are deemed to have one sewage unit for each 25 plumbing fixture units, as defined in the Uniform Plumbing Code, which discharge into the sewer system. Fractional amounts will be rounded to the next whole number.

**5-2.207 SEWER CAPACITY FEE: U-1 AND D<sup>1,2</sup>**

(a) The owner of lands within Sanitation Improvement District No. U-1 and D shall pay a capacity fee per sewerage unit. Such sewer capacity fees are set forth in Section 7-1.109 of this Code.

(b) U-1 and D sewer capacity fees shall be deposited in a separate capital facilities account to avoid commingling of the fees with other revenue and funds of the District, except for temporary investments and shall be expended solely for the purpose of reimbursing the District for the owner's prorata share of existing sewer system capacity.

(c) U-1 and D sewer capacity fees shall be transferred from the U-1 and D deferred capacity fee account to the District sanitation replacement account when a certificate of occupancy is issued, or on the date of final inspection, whichever occurs first.

(d) Upon written request, the sewer capacity fee to be paid by a public agency for service to tax exempt property shall be reduced by the amount of the fee attributable to the cost of capital facilities.

**5-2.208 SEWER CAPACITY FEE: U-2<sup>3,4</sup>**

(a) The owner of lands within Sanitation Improvement District U-2 shall pay a sewer capacity fee per sewerage unit. Such sewer capacity fees are set forth in Section 7-1.110 of this Code.

(b) U-2 sewer capacity fees shall be deposited in a separate capital facilities account to avoid commingling of the fees with other revenue and funds of the

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<sup>1</sup> Section 5-2.207 amended by Reso No. 2522 on June 27, 2017

<sup>2</sup> Section 5-2.207 amended by Reso No. 2548 on March 12, 2019

<sup>3</sup> Section 5-2.208 amended by Reso No. 2522 on June 27, 2017

<sup>4</sup> Section 5-2.208 amended by Reso No. 2548 on March 12, 2019

District, except for temporary investments and shall be expended solely for the purpose of planning, designing and constructing the sanitation facilities described in the sanitation system capital improvement plan for the Las Virgenes Municipal Water District - Triunfo Sanitation District Joint Venture designated to serve Sanitation Improvement District U-2; and for the purpose of acquiring capacity in the sewage system operated by the City of Los Angeles, and conducting sewage to the point of discharge to the City.

(c) U-2 sewer capacity fee shall be transferred from the U-2 deferred capacity fees account to the District sanitation replacement account when the above-described funds are appropriated to perform the work, the work is performed, when a certificate of occupancy is issued, or on the date of final inspection, whichever occurs first.

(d) Upon written request, the sewer capacity fee to be paid by a public agency for service to tax exempt property shall be reduced by the amount of the fee attributable to the cost of capital facilities.

#### **5-2.209 SEWAGE CONNECTION FEES: U-3 AND ID-B<sup>5</sup>**

(a) The owner of lands within Sanitation Improvement District No. U-3 shall pay a connection fee set forth in Section 7-1.111(a) of this Code.

(b) The owner of lands within Sanitation Improvement District No. B shall pay a connection fee set forth in Section 7-1.111(b) of this Code.

(c) U-3 connection fees shall be deposited in a separate capital facilities account, entitled "U-3 connection fee account", to avoid commingling of the fees with other revenue and funds of the District, except for temporary investments and shall be expended solely for the purpose of planning, designing and

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<sup>5</sup> Section 5-2.209 amended by Reso No. 2548 on March 12, 2019

constructing the sanitation facilities described in the sanitation system capital improvement plan for Sanitation Improvement District No. U-3.

(d) ID-B connection fees shall be deposited in a separate capital facilities account, entitled "ID-B connection fee account", to avoid commingling of the fees with other revenue and funds of the District, except for temporary investments and shall be expended solely for the purpose of planning, designing and constructing the sanitation facilities described in the sanitation system capital improvement plan and for Sanitation Improvement District No. B.

(e) U-3 and ID-B connection fees shall be transferred from the U-3 and ID-B connection fee account to the construction fund when the above-described work funds are appropriated to perform the work, the work is performed, when a certificate of occupancy is issued or on the date of final inspection, whichever occurs first.

(f) Sewer service to owners of land within Sanitation Improvement District Nos. U-3 and B is provided through the City of Los Angeles. The applicant for such service shall obtain the consent of the City of Los Angeles for a District outlet to the City of Los Angeles sanitation system and pay a connection fee deposit as shown herein for each sewerage unit depending upon the sanitation improvement District within which the property is located.

(g) Upon written request, the sewer connection fees to be paid by a public agency for service to tax exempt property shall be reduced by the amount of the fee attributable to the cost of capital facilities.

**5-2.210 SEWAGE CONNECTION FEES: ADDED FEES**

(a) When the number of sewage units connected to a particular lateral permanently increases, the property owner shall pay an additional sewage connection fee based upon the number of ERU's added to the system.

(b) Upon discovery of an unauthorized sewer connection by the District, the property owner shall pay a sewage connection fee at the rate existing as of the date of the connection. Unless the property owner presents clear and convincing evidence as to the date of the unauthorized connection, it shall be presumed that the connection was made as of the date of discovery.

(c) From time to time, interim agreements are entered into between the City of Los Angeles and the District to provide for sewage disposal from certain areas within Sanitation Improvement Districts U-3 and B. The District cannot approve sewer plans for property within Sanitation Improvements Districts U-3 or B until an outlet is assured. The applicant shall obtain the consent of the City of Los Angeles for a District outlet and when such assurances have been obtained, the applicant shall pay the connection charge to the District for each sewerage unit sought to be connected.

#### **5-2.211 CONNECTION FEES: CHANGES IN AMOUNT<sup>6,7</sup>**

Sewer connection fees may be changed at any time in accordance with this Code and state law. An applicant shall pay the connection fees existent when service commences regardless of when the connection fees are deposited or paid, except those connection fees paid after June 22, 1978 and before March 26, 1990. As used herein, "service commences" for a new or additional ERU when the applicant's property can be connected to the trunk or collector sewer and monthly sewage service charges are paid. Notwithstanding the "service commencement" provisions of this section, customers who made a pre-paid deposit for service prior to June 30, 2017 will have until June 30, 2018 to commence service and pay the connection fee in effect as of June 30, 2017." Notwithstanding the "service commencement" provisions of this section, existing water only customers who made a pre-paid deposit for service prior to June 30, 2018 will have until June 30, 2018 to commence service and pay the connection fee in effect as of June 30, 2017.

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<sup>6</sup> Section 5-2.211 amended by Reso No. 2522 on June 27, 2017

<sup>7</sup> Section 5-2.211 amended by Reso No. 2529 on November 14, 2017

**5-2.212      ASSURANCES OF SERVICE**

When an applicant desires assurances that sanitation service will be provided by the District at a future date, such assurances will be given only if the applicant agrees to be bound by District regulations, including regulations for the payment of connection fees, existent when service commences and the applicant makes financial arrangements to pay connection fees in the future by depositing cash with the District and entering into a deposit agreement.

**5-2.213      TRANSFER OF RIGHT TO RECEIVE SERVICE**

If the number of sewage units applicable to the temporary facilities is more than the number of sewage units applicable to the permanent facilities, then no additional sewage connection fees shall be assessed and connection charges applicable to such excess sewage fees shall be refunded to the property owner at the rate existent as of the date of connection to the temporary facilities.

When the right to service is transferred from temporary to permanent facilities and the number of sewage units applicable to the temporary facilities is less than the number of sewage units to be provided to the permanent facility, then the property owner shall, in addition to the other fees and charges set forth herein, pay an additional sewage connection fee(s) based upon the number of additional sewage units, or portions thereof, at the rate existent as of the date of the transfer.

**5-2.214      TRANSFER OF RIGHT: CONDITIONS**

A property owner who has the right to receive sanitation service for temporary facilities on a particular parcel of land may transfer that right to permanent facilities located on another parcel of land, if the following are met:



- (a) The property owner has paid fees and charges for service to the temporary facilities.
- (b) The property owner has paid expenses incurred by the District in providing service to the new site including but not limited to expenses incurred in providing additional materials, inspection or coring, if required.
- (c) The property owner demonstrates service to the temporary facilities has been discontinued, sealed and capped and later service to the temporary site will not occur unless a subsequent application for service is made and applicable rates, fees and charges are paid.

**5-2.215 MISCELLANEOUS**

An applicant shall also pay the following miscellaneous fees:

- (a) If a collector sewer is constructed pursuant to a "private contract" or pursuant to the ordinances and regulations of the Maintenance District, the project proponent shall pay to the District the cost of reviewing the plans and specifications for the sewer improvements.
- (b) Sewer connection installation and inspection charges shall be paid whenever a connection to a collector or trunk sewer is required.
- (c) The District's testing costs, if any, of industrial waste which must be tested prior to discharge,
- (d) The anticipated amount of the miscellaneous fees described above shall be deposited prior to commencement of work by the District. Refund of any excess deposit shall be made upon completion of the work.

**5-2.216 CONNECTION FEES: DEPOSIT AGREEMENT**

An applicant who does not desire or is not required to make a cash deposit for capacity fees, shall enter into a deposit agreement. The General Manager shall present a form of the deposit agreement to the Board for approval. The deposit

agreement shall be recorded and constitutes a lien against the property for which service is sought unless the applicant provided an irrevocable letter of credit of bond in an amount equal to the fees paid.

**5-2.217 DEPOSITS: MISCELLANEOUS**

(a) The General Manager shall establish the amount of deposit by estimating the District's cost of providing the materials, equipment or services for which the deposit is made. The deposit shall be tendered to the District before work is undertaken by the District. The amount of deposit may be increased by the General Manger if it appears the deposit is inadequate. If the applicant fails to increase the amount of deposit when requested by the General Manager in writing to do so, work shall cease. At the conclusion of the project, the General Manager shall refund any amounts deposited in excess of costs incurred.

(b) If the applicant abandons the construction of the improvements, or the recording of a subdivision for which installation and connection charges were paid, the installation and connection charges shall be refunded, with interest, to the applicant upon the applicant's written request. if the facilities necessary to serve the applicant's property have been installed or direct expenses incurred by the District toward such service installation, the refund permitted under this Section shall be reduced by the amount of such expenditure.

## **CHAPTER 3 - CONDITIONS OF SERVICE**

### **Article 1 - General**

#### **5-3.101 LANDS ELIGIBLE: GENERAL**

The following lands are eligible for sewer service:

- (a) Lands lying within the boundaries of a sanitation improvement district.
- (b) Lands lying outside of the District, but within the boundaries of another governmental agency, may be eligible to discharge sewage into District trunk sewers, pursuant to contract with the governmental agency which provides the governmental agency contribute equitably to the improvement district costs.

#### **5-3.102 LANDS ELIGIBLE: ANNEXATION TO AN IMPROVEMENT DISTRICT**

Territory within the District may be annexed to and become a part of an improvement district, subject to the terms and conditions of such annexation as determined by the Board.

#### **5-3.103 LANDS ELIGIBLE: CONTRACT WITH ANOTHER AGENCY**

From time to time, agreements are entered into between the City of Los Angeles and the District, for sewage disposal from within U-2, U-3 or B of the District. The District shall not approve sewer plans for property within I.D. U-3 or B until an outlet is assured. The applicant for a sewage connection within U-3 or B shall obtain the consent of the City of Los Angeles for a District outlet to provide sewer service for such applicant. When such assurance has been obtained, applicant shall pay the appropriate connection fee to the District for each sewage unit sought to be connected.

## **Article 2 - Expansion of Facilities**

### **5-3.201 SYSTEM EXPANSION: GENERAL**

- (a) The applicant shall construct pipelines and appurtenances necessary to connect the applicant's sewage disposal system to the trunk sewer. If the applicant's property fronts upon a trunk sewer or a collector sewer connected to a trunk sewer, a lateral connection can be made without the extension of facilities. If the applicant's property does not front upon a trunk sewer or a collector sewer connected to a trunk sewer, the applicant shall provide for the construction of a trunk sewer extension or a collector sewer extension to connect to a trunk sewer.
- (b) Pipelines and appurtenances connected to the trunk sewer shall be constructed in accordance with District requirements.

### **5-3.202 FINANCING SYSTEM EXPANSION: TRUNK SEWERS**

- (a) If an applicant is required to construct a trunk sewer and the trunk sewer is a part of an improvement plan adopted by an improvement district, the District shall pay for the cost of design and construction if improvement district bond funds are available for such purpose and if the Board determines it is in the best interest of the improvement district to construct such facilities with bond funds.
- (b) If an applicant is required to construct a trunk sewer without the use of bond funds and if the trunk sewer will be capable of servicing more than one parcel of land, the District may enter into a main extension refund agreement with the applicant whereby the applicant shall bear the entire cost of the design and construction of the facilities and the District shall collect a pro rata share of the cost of such facilities from other applicant's for service to other property fronting the trunk sewer and remit the same to the original applicant when so collected.
- (c) If the applicant is required to provide for the construction of a trunk sewer without the use of improvement district bond funds and if the trunk sewer will be capable of serving more than one parcel of land, the District may allow the

formation of an assessment district in lieu of entering into a main extension refund agreement.

**5-3.203 FINANCING SYSTEM EXTENSIONS: COLLECTOR SEWERS**

An applicant who is required to provide for the construction of a collector sewer shall finance the cost of such facilities without District participation. Such construction will be administered by the administrative authority.

**5-3.204 DESIGN AND CONSTRUCTION STANDARDS: GENERAL**

Pipelines and appurtenances which are constructed to deposit industrial waste or domestic sewage into the District's trunk sewers shall not be connected to the District's trunk sewers unless said pipelines and appurtenances are designed and constructed in accordance with applicable District standards and administrative authority standards.

**5-3.205 DESIGN & CONSTRUCTION STANDARDS: LATERAL CONNECTIONS TO A TRUNK SEWER**

(a) Laterals shall be installed as shown on the District's standard specifications. No additional laterals shall be attached to any sewer connection, nor shall laterals be extended to collect other sewage discharges without prior approval of the District and the local sewerage authority. a person making an unauthorized lateral extension or additions shall be subject to immediate disconnection, in addition to the liability incurred for other expenses and charges.

(b) A gas trap shall be installed in each lateral connection attached to a trunk sewer, between the sewer and a vents installed on the property, and the trap shall be maintained at the expense of the owner of the lateral.

(c) Sewer connections shall be made only at points on trunk sewers approved by the General Manager. Such connections shall be installed by the District at the applicant's expense and in accordance with the standard specifications of the

District and of the agency having jurisdiction of the street containing the trunk sewers.

(d) The applicant shall excavate in accordance with the District's standard specifications, and notify the District at least forty-eight hours in advance of the commencement of the excavation. The District shall also be notified of the completion of the lateral attachment to the connection so inspection may be made prior to backfill of the trench for the lateral sewer.

**5-3.206 DESIGN AND CONSTRUCTION STANDARDS: COLLECTOR CONNECTIONS TO A TRUNK SEWER**

(a) Collector sewers shall be connected to District trunk sewers only at locations and in the manner specified by the General Manager. Collector sewer connections shall be constructed in accordance with District specifications.

(b) Plans and specifications of collector sewers and connections to trunk sewers, shall be prepared by a registered Civil Engineer, and be submitted to the District prior to construction. The connection shall remain plugged until said acceptance.

(c) The District shall inspect the actual work of making a collector sewer connection, and must be given at least forty-eight hours' notice prior to commencement of such work. The District must be notified of the completion of such work so inspection may be made prior to acceptance by the District.

(d) The collector sewer, up to the point where it joins the connection at the trunk sewer, shall be dedicated to the appropriate governmental agency. No additional collector sewers shall be connected to collector sewer connection or collector sewer system without prior approval of the District.

(e) The collector sewer connection shall be dedicated to the District.

**5-3.207      DESIGN AND CONSTRUCTION STANDARDS: ADDITIONAL  
REQUIREMENTS FOR INDUSTRIAL WASTE CONNECTIONS**

- (a) Industrial waste connections shall be made on trunk sewers or collector sewers only at locations and in the manner specified by the General Manager and Administrative Authority.
- (b) Plans and specifications shall be prepared, submitted, reviewed and certified for in the same manner as for collector connections to a trunk sewer.
- (c) Industrial waste systems and laterals must, for the purpose of control, be separated from domestic systems and laterals.

**CHAPTER 4 - CONTINUATION OF SERVICE**

**Article 1 - Rates: Time and Manner of Payment**

**5-4.101 GENERAL**

Sanitation service shall continue to be provided by the District if the customer pays the rates, fees and charges set forth herein and otherwise complies with this Chapter.

**5-4.102 RESIDENTIAL SERVICE CHARGES<sup>8,9,10,11,12</sup>**

(a) Each sanitation customer assigned to the Single and Multi-Family Class shall pay a monthly service charge to offset the cost of collection, treatment, and disposal of sewage and administrative cost.

(b) The service charge shall be based on the number of persons per household as follows:

Number of Persons	Commencing with meter reads on or after:				
	3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
1	\$23.59	\$24.48	\$25.40	\$26.36	\$27.35
2	\$39.47	\$40.96	\$42.50	\$44.10	\$45.76
3	\$55.36	\$57.44	\$59.60	\$61.84	\$64.16
4	\$71.24	\$73.92	\$76.70	\$79.58	\$82.57
5	\$87.12	\$90.39	\$93.78	\$97.30	\$100.95
6 or more	\$103.01	\$106.88	\$110.89	\$115.05	\$119.37

<sup>8</sup> Section 5-4.102 amended by Reso. No. 2475 on October 26, 2015.

<sup>9</sup> Section 5-4.102 amended by Reso. No. 2501 on November 8, 2016.

<sup>10</sup> Section 5-4.102 amended by Reso. No. 2530 on November 14, 2017

<sup>11</sup> Section 5-4.102 amended by Reso. No. 2501 on November 15, 2018

<sup>12</sup> Section 5-4.102 amended by Reso. No. 2587 on February 2, 2021.



**5-4.103 NON-RESIDENTIAL SERVICE CHARGES**<sup>13,14,15,16,17</sup>

- (a) Each non-residential sewer customer shall pay a monthly account charge to offset the cost of administering the customer’s account as follows:

<b>Commencing with meter reads on or after:</b>				
3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
\$7.70	\$7.99	\$8.29	\$8.61	\$8.94

- (b) The monthly service charge for non-residential developments shall be based upon the quality and quantity of water reaching the sewer as follows:

		<b>Commencing with meter reads on or after:</b>				
		3/1/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025
Inclusive of hcf/ERU		ERU Charges				
6.6	Class 1	\$46.19	\$47.93	\$49.73	\$51.60	\$53.54
6.6	Class 2	\$63.68	\$66.07	\$68.55	\$71.13	\$73.80
6.6	Class 3	\$84.32	\$87.49	\$90.78	\$94.19	\$97.73
6.6	Class 4	\$106.11	\$110.09	\$114.22	\$118.51	\$122.96

Excess hcf/ERU		Excess ERU (\$/hcf)				
6.6	Class 1	\$7.01	\$7.28	\$7.56	\$7.85	\$8.15
6.6	Class 2	\$9.65	\$10.02	\$10.40	\$10.79	\$11.20
6.6	Class 3	\$12.78	\$13.26	\$13.76	\$14.28	\$14.82
6.6	Class 4	\$16.08	\$16.69	\$17.32	\$17.97	\$18.65

<sup>13</sup> Section 5-4.103 amended by Reso. No. 2475 on October 26, 2015.

<sup>14</sup> Section 5-4.103 amended by Reso. No. 2501 on November 8, 2016.

<sup>15</sup> Section 5-4-103 amended by Reso. No. 2530 on November 14, 2017.

<sup>16</sup> Section 5-4.103 amended by Reso. No. 2542 on November 15, 2018.

<sup>17</sup> Section 5-4.103 amended by Reso. No. 2587 on February 2, 2021.

**5-4.104 SEWER SERVICE CHARGES: CLASS 5**

Industrial waste permittees, or others discharging wastes with a high B.O.D., suspended solids content, quality or flow or other factors of waste discharge that affect the sewage transmission, the sewers, treatment or disposal, will be charged in proportion to the relative strength of the waste, as determined by appropriate examination procedures. All costs of such tests shall be borne by the permittee.

**5-4.105 SEWER SERVICE CHARGES: BILLING**

(a) Sewer service charges shall be billed, due, payable, delinquent and/or discontinued in a manner similar to and at the time or times of regular water accounts of the District.

(b) In the case of a sewer connection where water is not being supplied directly by the District, billings of sewer service charges shall be billed, due, payable and delinquent in the same manner as water accounts, but service charges shall continue to accrue until the sewer connection is physically removed. Such sewer connections, where water is not supplied by the District, shall become subject to removal and disconnection 45 days following the date of delinquency of any unpaid sewer service charge. Sewer connections which have been removed shall not be reinstalled until all delinquent charges have been paid to the District along with costs of removal and reinstallation including District overhead, with a minimum charge of \$25.00.

**5-4.106 SEWER SERVICE CHARGES: BILLING: PRORATION**

Bills for sewer service for periods of time less than one month shall be prorated on the basis of a 30 day monthly billing period.

**5-4.107 SEWER SERVICE CHARGES: BILLING: PREVIOUSLY UNAUTHORIZED CONNECTIONS**

In addition to the other charges specified herein, upon discovery of an unauthorized sewer connection, the property owner shall pay to the District sewer service charges accruing from the date of connection to the date of discovery and thereafter. For the purposes of this section, the date of connection shall be the date determined pursuant to Chapter 2, Article 2. The amount of accrued monthly sewer service charges shall be based on the sewer service rates existing as of the date of discovery.

## Article 2 - Usage

### 5-4.201 USAGE: GENERAL

(a) No connection shall be made or permitted to the trunk sewers which will admit wastes which do not comply to the discharge and waste requirements of this title.

(b) No person shall knowingly discharge or deposit or allow discharge or deposit into trunk sewers of solids or fluids which create nuisances, such as offensive odors, are a menace to public health, or are detrimental to the functioning of said trunk sewer or to the treatment and disposal facilities and processes of the District.

(c.) The Director of Operations shall be consulted prior to the discharge or deposit of wastes other than those of a sanitary nature derived from the ordinary living processes, or of such character so as to permit satisfactory disposal without special treatment.

### 5-4.202 USAGE: PROHIBITED DISCHARGES AND WASTES

The following discharges and wastes are prohibited from introduction into the trunk sewers:

(a) Brines, including brines produced in the regeneration of water softeners shall not be discharged into the trunk sewers without a permit from the Director of Operations.

(b) Uncontaminated cooling water shall not be discharged into the trunk sewers.

(c) No persons shall discharge or cause to be discharged any rainwater, storm water, groundwater, street drainage, subsurface drainage, yard drainage, including evaporative type air cooler discharge water, and to any sewage facility which is directly or indirectly connected to the sewage facilities of the District.

**5-4.203 USAGE: DISCHARGES REQUIRING SPECIAL PERMITS: GENERAL**

(a) No person shall discharge or cause to be discharged rainwater, storm water, groundwater, street drainage, subsurface drainage, yard drainage, including evaporative type air cooler discharge water, to a sewage pipe directly or indirectly connected to the sewage pipes of the District.

(b) Swimming pool waste water discharges are limited to the hours of twelve midnight to six a.m., and are further subject to the limitations contained in the permit.

(c) Cesspool or septic tank pump trucks discharging into District facilities are subject to the limitations contained in such permit. The contents of cesspools or septic tanks located outside the boundaries of Sanitation Improvement Districts No. U-1 or U-2 shall not be accepted for discharge into District facilities. At the discretion of the Director of Operations, industrial waste permits and County Health Department Permits shall first be obtained by applicant.

(d) A person discharging, or proposing to discharge industrial wastes to the trunk sewers shall obtain a permit therefor from the County Engineer if the Director of Operations determines a permit is required under the regulations of the County of Los Angeles.

**5-4.204 INDUSTRIAL WASTES: LIMITATIONS**

Each request for a permit to discharge industrial wastes to the trunk sewer shall be reviewed and approved of the Director of Operations. In addition to limitations on industrial wastes imposed by the County Engineer, the following general limitations shall apply industrial wastes discharged to the trunk sewers:

(a) Material which will settle out in the sewers, such as sand or metal filings, shall not be discharged to the sewers. Waste waters containing such materials must be passed through sand traps or other suitable structures, properly designed and maintained by the permittee, before discharge to the sewer.

- (b) Oils and greases shall not be discharged to the sewer system in concentrations greater than 100 mg/1.
- (c) Unreasonable or unnecessarily large amounts of suspended solids shall not be discharged into the sewer.
- (d) Pollutants, including oxygen demanding pollutants (BOD etc.) shall not be discharged into the sewer at flow rates or concentrations that will cause interference with the Water Reclamation Facility or enhance the formation of excessive sulfides in the collection system.
- (e) Wastes of strong odors, such as mercaptans, shall not be discharged into the sewer.
- (f) Dissolved sulfides in wastes discharged into the sewer shall not exceed a concentration of 0.1 pH.
- (g) Acids shall not be discharged into the sewer unless neutralized to a pH value of 6 or above. Highly alkaline wastes will usually be accepted, except where they may cause incrustation of sewers. Nitric acid requires special consideration; the Director of Operations shall be consulted prior to making such discharges.
- (h) Pollutants which result in the presence of toxic gases, vapors or fumes in quantities that could endanger worker health and safety in the collection system or Water Reclamation system shall not be discharged.
- (I) Contaminated cooling water blow down, or bleed, from cooling towers or other evaporative coolers and when cooling is done by using only heat exchange, without utilizing evaporative cooling, the waste water shall not be discharged to the sewer.
- (j) Industries shall segregate sewage and industrial wastes from roof and yard run-off. Roof and yard run-off shall not be discharged to the sewer.
- (k) The temperatures of discharges shall not exceed 140 degrees Fahrenheit (60 degrees Celsius). Where the quantity of discharge represents a significant portion of the flow in a particular sewer, it may be necessary to lower the temperature further.
- (l) Chemical solutions containing nitric acid or salts thereof in concentrations above 5% by weight, and volumes in excess of 300 gallons shall not be discharged

into the sewer. Industries desiring to dispose of such wastes may consult the District as to permissible disposal methods.

(m) Wastes containing boron, fluorides, chlorides and sodium or potassium or other dissolved solids which will cause the effluent of the District's treatment facilities to exceed the requirements of the Regional Water Quality Control Board shall not be discharged into the District's sewers.

(n) Pollutants that could create a fire or explosion hazard in the sewers or treatment facility shall not be discharged. This includes, but is not limited to, discharges with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods specified in 40 CFR261.21.

**5-4.205 LOCAL LIMITS**

No person shall discharge or cause to be discharged wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

0.05 mg/L	arsenic	(As)
0.005 mg/L	beryllium	(Be)
0.02 mg/L	cadmium	(Cd)
0.07 mg/L	chromium	(Cr)
0.30 mg/L	copper	(Cu)
0.02 mg/L	cyanide	(Cn)
0.20 mg/L	lead	(Pb)
0.002 mg/L	mercury	(Hg)
0.50 mg/L	nickel	(Ni)
0.08 mg/L	silver	(Ag)
0.50 mg/L	zinc	(Zn)
0.02 mg/L	selenium	(Se)
100 mg/L	oil and grease	
140 deg. F	temperature	
1.5 mg/L	boron	(B)
1.2 mg/L	fluoride	(F)

325 mg/L	sulfate	(SO <sub>4</sub> )
175 mg/L	chloride	(Cl <sup>-</sup> )
1000 mg/L	total dissolved solids	
0.1 mg/L	sulfide	(H <sub>2</sub> S)

The discharge concentration of any pollutant not specifically listed shall not exceed the Maximum Contaminant Level (MCL) for the pollutant as established by the State Water Resources Control Board for drinking water.



## Article 3 - Protective Measures

### 5-4.301 GENERAL

Each customer shall comply with this Article to collection, treatment and disposal processes are not damaged.

### 5-4.302 DEFINITIONS

The following terms are defined for the purposes of this Article unless otherwise apparent from context:

- (a) "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 38 U.S.C. Sections 1251 et seq.
- (b) "Administrator" or "Regional Administrator" means the appropriate Environmental Protection Agency Regional Administrator.
- (c) "Interference" means inhibition or disruption of the District's sewer system, treatment process or operations which contributes to a violation of any requirement of its National Pollution Discharge Elimination System (NPDES) permit. The term includes prevention of sewage sludge use or disposal by the District's facilities in accordance with Section 405 of the Act, or any criteria guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the District's treatment facilities.
- (d) "Indirect Discharge" means the discharge or introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, into the District's treatment facilities.
- (e) "New Source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) categorical Pretreatment Standard which will be applicable to such source, if such

Standard is thereafter promulgated within one hundred twenty (120) days of the proposal in the Federal Register. Where the Standard is promulgated later than 120 days after the proposal, New Source means any source, the construction of which is commenced after the date of promulgation of the Standard.

(f) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by Section 212 of the act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any sewers that convey waste water to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in Section 502(4) of the act, which has jurisdiction over the indirect discharges to and the discharges from such treatment works.

#### **5-4.303 NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

Upon promulgation of the Categorical Pre-treatment Standards for a particular industry sub-category, the Federal Standard, if more stringent than the limitations imposed under this ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this ordinance. The Director of Operations shall notify all effected Users of the applicable requirements under the General Pretreatment Regulations, Solid Waste Disposal Act, and the Act.

#### **5-4.304 PRETREATMENT COMPLIANCE SCHEDULE**

If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment shall be utilized. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to the schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and so forth.

(b) No increment referred to in Paragraph 1 shall exceed nine (9) months.

(c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director of Operations including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director of Operations.

#### **5-4.305 REPORTING REQUIREMENTS FOR PERMITTEE**

(a) Compliance, Date of Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of waste water into POTW, any user subject to pretreatment Standards and Requirements shall submit to the Director of Operations a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and minimum daily flow for those process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or Pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall

be signed by an authorized representative of the user, and certified to by a qualified professional.

(b) Periodic Compliance Reports

(1) Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Manager of Water Reclamation Operations during the month of June and December, unless required more frequently in the Pretreatment Standard or by the Director of Operations, the report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a report of all daily flows which during the reported period exceeded the average daily flow reported in the paragraph above. At the discretion of the Director of Operations and in consideration of such factors as local high or low flow rates, holidays, budget cycles and so forth, the Director of Operations may agree to alter the monitoring which the above reports are to be submitted.

(2) The Director of Operations may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent by the users. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and, where requested by the Director of Operations, mass of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standards. All analysis shall be performed in accordance with the procedures established by the Administrator pursuant to Section 304(g) of Act and contained in 40 CFR, Part 136 amendments thereto or with any other test procedures approved by the Administrator. Samplings shall be performed in accordance with the techniques approved by the Administrator.

**5-4.306 PUBLIC NOTIFICATION OF VIOLATIONS**

The District shall annually publish, in the largest daily newspaper within the jurisdiction, a list of users which are not in compliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement action taken against the user during the same twelve (12) months.

**5-4.307 STATE REQUIREMENTS**

State requirements and limitations on discharges apply in any case where they are more stringent than Categorical Standards or this ordinance provided such requirements are adopted as set forth herein.

**5-4.308 MORE STRINGENT LIMITATIONS**

The District may establish more stringent limitations or requirements on discharges to the waste water disposal system if necessary to comply with the objectives as set forth in this ordinance.

## **TITLE 6 - IMPLEMENTATION**

### **CHAPTER 1 - GENERAL**

#### **6-1.101 SCOPE**

This Title applies to potable water service, recycled water service and sanitation service

#### **6-1.102 GENERAL**

(a) The General Manager may refuse to approve service to a person who has violated this Code. The applicant shall, upon request, be provided with a written statement setting forth the reasons for such refusal

(b) An applicant or customer, as the case may be, may appeal any decision of the General Manager to the Board by filing a written request for the Board to review the General Manager's action. The request shall set forth the reasons why the applicant contends the General Manager's action is not warranted.

(c) The Board shall consider requests for review filed pursuant to this section. The Board may act upon the request on the basis of the applicant's submittal or the Board may hold a public hearing, which will be conducted, as near as practicable, in accordance with the provisions of the California Administrative Procedures Act.

(d) Upon presentation of official identification, agents of the District shall be allowed free access at reasonable hours to inspect or perform duties relating to District facilities on premises supplied with District potable or recycled water or receiving sanitation service. The General Manager may terminate service where a customer refuses reasonable admittance to, or hinders or prevents inspection of District facilities by an authorized agent of the District.

**6-1.103      INSTALLATION OF WATER FLOW RESTRICTION DEVICE OR  
TERMINATION OF POTABLE WATER SERVICE FOR NON-RESIDENTIAL  
ACCOUNTS <sup>1,2,3</sup>**

(a)      When a non-residential customer has failed to comply with the rules and regulations governing water service, other than the payment of charges, deposits or penalties, the General Manager, or designee, shall notify the customer that a flow restriction device will be installed or the service will be terminated unless the customer forthwith complies with such rules and regulations or presents an adequate reason for failure to do so.

(1)      Such notice shall be in substantially the following form:

PLEASE TAKE NOTICE that a water flow restriction device will be installed or your water service will be shut off after two (2) business days from the date of this notice unless you (list violation to be cured). Prior to the flow restriction device installation or termination date, if you believe that such installation or termination is not justified, you may present your position, orally or in writing, to the District's General Manager, or designee, between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday, at the District's headquarters located at 4232 Las Virgenes Road, Calabasas, California. If you request the opportunity to present your position, your request will be reviewed and the District will either cancel or confirm the installation of the flow restriction device or termination of water service.

(2)      A flow restriction device shall be installed or service terminated as specified in the Notice of Installation of Flow Restriction Device or Termination of Water Service unless the information presented by the non-residential customer indicates that installation of a flow restriction device or termination of service is inappropriate. A flow restriction device shall not be installed and service shall not be terminated earlier than two (2) business days after the aforementioned Notice of Installation of Flow Restriction Device or Service Termination is left at the residence.

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<sup>1</sup> Section 6-1.103 Amended by Reso. 2568 on January 7, 2020.

<sup>2</sup> Section 6-1.103 Amended by Reso. 2580 on August 4, 2020.

<sup>3</sup> Section 6-1.103 Amended by Res. 2582 on November 3, 2020.

(b) A flow restriction device may be installed or service may be terminated for nonpayment of a delinquent account only if notice of the delinquency and the impending installation of a flow restriction device or service termination is mailed to the non-residential customer at least 20 calendar days after the bill is rendered and at least 15 business days prior to the proposed installation or termination date and a reasonable good faith effort is made to contact an adult person residing at the premises by telephone at least five (5) business days prior and by door tag at least two (2) business days prior to the flow restriction device installation or service termination.

(1) The notice of installation of flow restriction or service termination shall include the following:

- a. Name and address of delinquent customer
- b. The amount of delinquency.
- c. The date by which payment or arrangement for payment is required to avoid the installation of a water flow restriction device or service termination.
- d. The procedure for the customer to initiate a complaint or investigate service or charges.
- e. The procedure to request amortization of unpaid charges.
- f. The procedure to obtain information on the availability of financial assistance.
- g. The telephone number of a District representative who can provide added information.

(2) A non-residential customer may initiate a complaint or request an investigation within five (5) calendar days of receipt of a disputed bill or request an extension of time to pay a bill within thirteen (13) calendar days of mailing of the termination notice. The General Manager, or his designee, shall review the complaint or request and determine whether the customer shall be permitted to amortize the unpaid balance over a reasonable period of time, not to exceed 12 months.

(c) A flow restriction device shall not be installed and/or water service shall not be terminated for nonpayment:



(1) During the pendency of an investigation by the General Manager of a non-residential customer dispute or complaint.

(2) When the non-residential customer has been granted an extension;  
or

(3) When a licensed physician certifies that termination of service will be life threatening to the customers;

(4) When the non-residential customer is financially unable to pay for service within the normal payment period and the customer is willing to enter into an agreement to amortize payment of the delinquency over a period not to exceed 12 months.

(d) Delinquent charges or penalties for water service accumulated by a tenant in the tenant's name shall be collected from the tenant and not from any subsequent tenant. If a tenant fails to pay such charges or penalties the District may refuse to provide service to a subsequent tenant. The General Manager may require the property owner be the customer on subsequent accounts.

#### **6-1.104 TERMINATION OF SANITATION SERVICE**

(a) The General Manager may terminate sanitation service and/or potable water service to a sanitation customer who violates Title 5 provided the procedures set forth in this Chapter are followed with respect to such termination.

(b) The General Manager may disconnect the user or subdivision sewer system from the sewer mains within the District. Upon disconnection, the General Manager shall estimate the cost of disconnection and reconnection. Such user shall deposit delinquent charges payable to the District, and the estimated cost of reconnection, prior to reconnection to the system. The District shall refund any part of the deposit remaining after payment of the charges and costs of reconnection.

#### **6-1.105 TERMINATION OF RECYCLED WATER SERVICE**

(a) Recycled water service may be terminated for failure to follow rules and regulations set forth in this Code and by reason of circumstances beyond the

control of the District, and in order to protect facilities of the District, or for the protection of the public health, safety and welfare of the residents and property of the District.

(b) The District may suspend recycled water service if the District's reclamation plant does not produce recycled water meeting the requirements of regulatory agencies, including those prescribed by the Title 22 of the California Code of Regulation. In such case, service will be renewed when recycled water again meets the requirements of regulatory agencies.

#### **6-1.106 RESTORATION OF SERVICE**

(a) When sanitation, potable water for non-residential customers, or recycled service is terminated for failure to comply with rules and regulations of this code (other than payment fees and charges) service shall not be restored to the former customer or to the property of the former customer until the assurances satisfactory to the General Manager are provided that compliance with rules and regulations will occur and the District is reimbursed for costs incurred to terminate and restore service.

(b) When sanitation, potable water for non-residential customers, or recycled water service is terminated for failure to pay rates, fees or charges, service shall not be restored to the former customer unless arrearages which resulted in termination and costs incurred to terminate and restore service are paid to the District.

#### **6-1.107 CIVIL REMEDIES**

The District may invoke the civil remedies in addition to the administrative and penal remedies set forth in this Code.

**6-1.108 JUDICIAL REMEDIES**

(a) When authorized by the Board, District Counsel shall commence an action to collect delinquent fees and charges. When so authorized, Counsel shall record a lien against the customer's property in accordance with the Municipal Water District Act of 1911.

(b) Use of District water, recycled water or sanitation service contrary to this Code is unlawful and a public nuisance. The Board may order the District Counsel to commence actions or proceedings for the abatement of the nuisance.

(c) Violation of Title 5, Chapter 4, Articles 2 and 3 of this Code shall be punishable by a civil fine of not more than \$25,000.00 per day. Any other violations of Title 5 are found, determined and declared to be an infraction. Every person convicted of an infraction shall be punished as follows:

(1) Upon first conviction by a fine not exceeding \$100.00;

(2) Upon second conviction within a period of one year by a fine not exceeding \$200.00;

(3) Upon a third or any subsequent conviction within a period of one year by a fine not exceeding \$500.

(d) Infractions under this Code shall be enforced by District Counsel.

**CHAPTER 2 – DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NON-PAYMENT**

**6-2.101 GENERAL**

Notwithstanding any other policy or rule of the District, this Policy on the Discontinuation of Residential Water Service for Non-Payment ("Policy") shall apply to the District's discontinuation of residential water service for non-payment under the provisions set forth herein. In the event of any conflict between this Policy and any other policy or rule of the District, this Policy shall prevail.

**6-2.102 APPLICATION OF POLICY; CONTACT TELEPHONE NUMBER**

This Policy shall apply only to residential water service for non-payment and the District's existing policies and procedures shall continue to apply to commercial and industrial water service accounts. The District can be reached at (818) 251-2200 for assistance concerning the payment of water bills and the potential establishment of the alternatives set forth in this Policy to avoid discontinuation of service.

**6-2.103 INSTALLATION OF WATER FLOW RESTRICTION DEVICE OR DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NON-PAYMENT<sup>4</sup>**

(a) Rendering and Payment of Bills. Bills for water service will be rendered to each consumer on a monthly basis unless otherwise provided for in the District's rate schedules. Bills for service are due and payable upon presentation and become overdue and subject to discontinuation of service if not paid within sixty (60) calendar days after the due date of the bill. Payment may be made at the District office or to any representative of the District authorized to make collections. However, it is the consumer's responsibility to assure that payments

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<sup>4</sup> Section 6-1.103 Amended by Res. 2582 on November 3, 2020.

are received at the District office in a timely manner. Partial payments are not authorized unless prior approval has been received from the District. Bills will be computed as follows:

(1) Meters will be read at regular intervals for the preparation of periodic bills and as required for the preparation of opening bills, closing bills, and special bills.

(2) Bills for metered service will show the meter reading for the current and previous meter reading period for which the bill is rendered, the number of units, date, and days of service for the current meter reading.

(3) District billings shall be paid in legal tender of the United States of America. Notwithstanding the foregoing, the District shall have the right to refuse any payment of such billings in coin.

(b) Overdue Bills. The following rules apply to consumers whose bills remain unpaid for more than sixty (60) calendar days following the due date:

(1) If less than a minimum bill (i.e., less than the account's monthly meter charge) remains unpaid on any billing, it shall be carried over and added to the next billing period.

(2) Overdue Notice. If payment for a bill rendered is not made on or before the twentieth (20th) calendar day following the invoice date, an Overdue Notice will be issued. In addition, a phone call will be made to the water service consumer at least five (5) business days prior to the possible installation of a flow restriction device or discontinuation of service date identified in the Overdue Notice. For purposes of this Policy, the term "business days" shall refer to any days on which the District's office is open for business. The Overdue Notice must contain the following information:

- a. Consumer's name and address;
- b. Amount of delinquency;
- c. Date by which payment or arrangement for payment must be made to avoid installation of a flow restriction device or discontinuation of service;

- d. Description of the process to apply for an extension of time to pay the amount owing (see Section 6-2.104, below);
- e. Description of the procedure to petition for review and appeal of the bill giving rise to the delinquency (see Section 6-2.105, below); and,
- f. Description of the procedure by which the consumer can request a deferred, amortized, reduced or alternative payment schedule (see Section 6-2.104, below).

(3) Notice of Installation of Flow Restriction Device or Service Termination. Prior to the installation of a flow restriction device or discontinuation of water service for non-payment, the District will visit the residence at least two (2) business days before the installation or termination date and leave, or make other arrangement to place in a conspicuous location, a Notice of Installation of Flow Restriction Device or Service Termination in a form consistent with Section 6-1.103 (a)(1), and a copy of this Policy.

(4) Late Charge. A Late Charge, as specified in the District's fees and charges, shall be assessed and added to the outstanding balance on the consumer's account if the amount owing on that account is not paid before the Overdue Notice is generated.

(5) Turn-Off Deadline. Payment for water service charges must be received in the District offices no later than 5:00 p.m. on the date specified in the Overdue Notice. Postmarks are not acceptable.

(6) Notification of Returned Check. Upon receipt of a returned check rendered as remittance of water service or other charges, the District will consider the account not paid. The District will attempt to notify the consumer in person and leave a notice of installation of flow restriction device or termination of water service at the premises. A flow restriction device will be installed or water service will be disconnected if the amount of the returned check and returned check charge are not paid by the due date specified on the notice, which due date shall not be sooner than the date specified in the Overdue Notice; or, if an Overdue Notice had not been previously provided, no sooner than the sixtieth (60th) calendar day after the invoice for which payment by the returned check had been

made. To redeem a returned check and to pay a returned check charge, all amounts owing must be paid by cash or certified funds.

(7) Returned Check Tendered as Payment for Water Service Disconnected for Non-Payment.

a. If the check tendered and accepted as payment which resulted in restoring service to an account that had been disconnected for non-payment is returned as non-negotiable, the District may discontinue said water service upon at least three (3) business days' written notice. The consumer's account may only be reinstated by receipt of outstanding charges in the form of cash or certified funds. Once the consumer's account has been reinstated, the account will be flagged for a one-year period indicating that a non-negotiable check was issued by the consumer.

b. If at any time during the one-year period described above, the consumer's account is again disconnected for nonpayment, the District may require the consumer to pay cash or certified funds to have that water service restored.

(c) Conditions Prohibiting Discontinuation. The District shall not discontinue residential water service if all of the following conditions are met:

(1) Health Conditions. The consumer or tenant of the consumer submits certification of a primary care provider that discontinuation of water service would (i) be life threatening, or (ii) pose a serious threat to the health and safety of a person residing at the property;

(2) Financial Inability. The consumer demonstrates he or she is financially unable to pay for water service within the water system's normal billing cycle. The consumer is deemed "financially unable to pay" if any member of the consumer's household is: (i) a current recipient of the following benefits: CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants, and Children; or (ii) the consumer declares the household's

annual income is less than 200% of the federal poverty level (see, federal poverty levels applicable in California: <https://www.healthforcalifornia.com/covered-california/income-limits>); and,

(3) Alternative Payment Arrangements. The consumer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the provisions of Section 6-2.104, below.

(d) Process for Determination of Conditions Prohibiting Discontinuation of Service. The consumer bears the burden of proving compliance with the conditions described in Section 6-2.103 (c), above. To allow the District sufficient time to process any request for assistance by a consumer, the consumer is encouraged to provide the District with the necessary documentation demonstrating the medical issues under Section 6-2.103 (c)(1), financial inability under Section 6-2.103 (c)(2), and a willingness to enter into any alternative payment arrangement under Section 6-2.103 (c)(3), as far in advance of any proposed date for discontinuation of service as possible. Upon receipt of such documentation, the District's General Manager, or his or her designee, shall review that documentation and respond to the consumer within five (5) business days to either request additional information, including information relating to the feasibility of the available alternative arrangements, or to notify the consumer of the alternative payment arrangement, and terms thereof, under Section 6-2.104, below, in which the District will allow the consumer to participate. If the District has requested additional information, the consumer shall provide the requested information within five (5) business days of receipt of the District's request. Within five (5) business days of its receipt of the additional information, the District shall either notify the consumer in writing that the consumer does not meet the conditions of Section 6-2.103 (c) above, or notify the consumer in writing of the alternative payment arrangement, and terms thereof, under Section 6-2.104, below, in which the District will allow the consumer to participate. Consumers who fail to meet the conditions described in Section 6-2.103 (c), above, must pay the delinquent amount, including any penalties and other charges, owing to the District within the latter to occur of: (i) two (2) business days after the date of notification from the District of the District's



determination the consumer failed to meet those conditions; or (ii) the date of the impending service discontinuation, as specified in the Overdue Notice.

(e) Special Rules of Low Income Consumers. Consumers are deemed to have a household income below 200% of the federal poverty line if: (i) any member of the consumer's household is a current recipient of the following benefits: CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants, and Children; or (ii) the consumer declares the household's annual income is less than 200% of the federal poverty level. (See, federal poverty levels applicable in California: <https://www.healthforcalifornia.com/covered-california/income-limits>.) If a consumer demonstrates either of those circumstances, then the following apply:

(1) Disconnection and Flow Restriction Fees. If water service has been discontinued and is to be reconnected, then any reconnection fees during the District's normal operating hours cannot exceed \$100, and reconnection fees during non-operational hours cannot exceed \$150. Those fees cannot exceed the actual cost of reconnection if that cost is less than the statutory caps. Those caps may be adjusted annually for changes in the Consumer Price Index for the Los Angeles-Long Beach-Anaheim metropolitan area beginning on January 1, 2021.

(2) Interest Waiver. The District shall not impose any interest charges on delinquent bills.

(f) Landlord-Tenant Scenario. The below procedures apply to individually metered detached single-family dwellings, multi-unit residential structures and mobile home parks where the property owner or manager is the customer of record and is responsible for payment of the water bill.

(1) Required Notice.

a. At least ten (10) business days prior if the property is a multi-unit residential structure or mobile home park, or five (5) business days prior if the property is a detached single-family dwelling, to the possible installation of a flow restriction device or discontinuation of water service, the District must make a good faith effort to inform the

tenants/occupants at the property by written notice that a flow restriction device or that the water service will be discontinued.

b. The written notice must also inform the tenants/occupants that they have the right to become customers to whom the service will be billed (see (f)(2), below), without having to pay any of the then-delinquent amounts.

(2) Tenants/Occupants Becoming Customers.

a. The District is not required to make water service available to the tenants/occupants unless each tenant/occupant agrees to the terms and conditions for water service and meets the District's requirements and rules.

b. However, if (i) one or more of the tenants/occupants assumes responsibility for subsequent charges to the account to the District's satisfaction, or (ii) there is a physical means to selectively discontinue service to those tenants/occupants who have not met the District's requirements, then the District may make service available only to those tenants/occupants who have met the requirements.

c. If prior service for a particular length of time is a condition to establish credit with the District, then residence at the property and proof of prompt payment of rent for that length of time, to the District's satisfaction, is a satisfactory equivalent.

d. If a tenant/occupant becomes a customer of the District and the tenant's/occupant's rent payments include charges for residential water service where those charges are not separately stated, the tenant/occupant may deduct from future rent payments all reasonable charges paid to the District during the prior payment method.

**6-2.104 ALTERNATIVE PAYMENT ARRANGEMENTS**

For any consumer who meets the three conditions set forth in Section 6-2.103 (c), above, in accordance with the process set forth in Section 6-2.103 (d), above, the

District shall offer the consumer one of the following alternative payment arrangements, to be selected by the District in its discretion: (i) amortization of the unpaid balance under subdivision (a) of this section, below; (ii) alternative payment schedule under subdivision (b) of this section, below; (iii) partial or full reduction of unpaid balance under subdivision (c) of this section, below; or, (iv) temporary deferral of payment under subdivision (d) of this section, below. The General Manager, or his or her designee, shall, in the exercise of reasonable discretion, select the most appropriate alternative payment arrangement after reviewing the information and documentation provided by the consumer and taking into consideration the consumer's financial situation and District's payment needs.

(a) Amortization. Any consumer who is unable to pay for water service within the District's normal payment period and meets the three conditions set forth under Section 6-2.103 (c), above, as the District shall confirm, may, if the District has selected this alternative, enter into an amortization plan with the District on the following terms:

(1) Term. The consumer shall pay the unpaid balance, with the administrative fee and interest as specified in subdivision (a)(2), below, over a period not to exceed twelve (12) months, as determined by the District's General Manager, or his or her designee; provided, however, that the District's General Manager, or his or her designee, in his or her reasonable discretion, may apply an amortization term of longer than twelve (12) months to avoid undue hardship on the consumer. The unpaid balance, together with the applicable administrative fee and any interest to be applied, shall be divided by the number of months in the amortization period, and that amount shall be added each month to the consumer's ongoing monthly bills for water service.

(2) Administrative Fee; Interest. For any approved amortization plan, the consumer will be charged an administrative fee, in the amount established by the District from time to time, representing the cost to the District of initiating and administering the plan. At the discretion of the General Manager, or his or her

designee, interest at an annual rate not to exceed eight percent (8%) shall be applied to any amounts to be amortized under this subdivision (a).

(3) Compliance with Plan. The consumer must comply with the amortization plan and remain current as charges accrue in each subsequent billing period. The consumer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan. Where the consumer fails to comply with the terms of the amortization plan for sixty (60) calendar days or more, or fails to pay the consumer's current service charges for sixty (60) calendar days or more, the District may discontinue water service to the consumer's property at least five (5) calendar days after the District posts at the consumer's residence a final notice of its intent to discontinue service.

(b) Alternative Payment Schedule. Any consumer who is unable to pay for water service within the District's normal payment period and meets the three conditions set forth in Section 6-2.103 (c), above, as the District shall confirm, may, if the District has selected this alternative, enter into an alternative payment schedule for the unpaid balance in accordance with the following:

(1) Repayment Period. The consumer shall pay the unpaid balance, with the administrative fee and interest as specified in subdivision (b)(2) below, over a period not to exceed twelve (12) months, as determined by the District's General Manager, or his or her designee; provided, however, that the District's General Manager, or his or her designee, in his or her reasonable discretion, may extend the repayment period for longer than twelve (12) months to avoid undue hardship on the consumer.

(2) Administrative Fee; Interest. For any approved alternative payment schedule, the consumer will be charged an administrative fee, in the amount established by the District from time to time, representing the cost to the District of initiating and administering the schedule. At the discretion of the General Manager, or his or her designee, interest at an annual rate not to exceed eight percent (8%) shall be applied to any amounts to be amortized under this subdivision (b).

(3) Schedule. After consulting with the consumer and considering the consumer's financial limitations, the District's General Manager, or his or her designee, shall develop an alternative payment schedule to be agreed upon with the consumer. That alternative schedule may provide for periodic lump sum payments that do not coincide with the District's established payment date, may provide for payments to be made more frequently than monthly, or may provide that payments be made less frequently than monthly, provided that in all cases, subject to subdivision (b)(1), above, the unpaid balance and administrative fee shall be paid in full within twelve (12) months of establishment of the payment schedule. The agreed upon schedule shall be set forth in writing and be provided to the consumer.

(4) Compliance with Plan. The consumer must comply with the agreed upon payment schedule and remain current as charges accrue in each subsequent billing period. The consumer may not request a longer payment schedule for any subsequent unpaid charges while paying delinquent charges pursuant to a previously agreed upon schedule. Where the consumer fails to comply with the terms of the agreed upon schedule for sixty (60) calendar days or more, or fails to pay the consumer's current service charges for sixty (60) calendar days or more, the District may discontinue water service to the consumer's property at least five (5) calendar days after the District posts at the consumer's residence a final notice of its intent to discontinue service.

(c) Reduction of Unpaid Balance. Any consumer who is unable to pay for water service within the District's normal payment period and meets the three conditions set forth in Section 6-2.103 (c), above, as the District shall confirm, may, if the District has selected this alternative, receive a reduction of the unpaid balance owed by the consumer, not to exceed thirty percent (30%) of that balance without approval of and action by the District's Board of Directors; provided that any such reduction shall be funded from a source that does not result in additional charges being imposed on other District customers. The proportion of any reduction shall be determined by the consumer's financial need, the District's financial condition

and needs, and the availability of funds to offset the reduction of the consumer's unpaid balance.

(1) Repayment Period. The consumer shall pay the reduced balance by the due date determined by the District's General Manager, or his or her designee, which date (the "Reduced Payment Date") shall be at least fifteen (15) calendar days after the effective date of the reduction of the unpaid balance.

(2) Compliance with Reduced Payment Date. The consumer must pay the reduced balance on or before the Reduced Payment Date, and must remain current in paying in full any charges that accrue in each subsequent billing period. If the consumer fails to pay the reduced payment amount within sixty (60) calendar days after the Reduced Payment Date, or fails to pay the consumer's current service charges for sixty (60) calendar days or more, the District may discontinue water service to the consumer's property at least five (5) calendar days after the District posts at the consumer's residence a final notice of its intent to discontinue service.

(d) Temporary Deferral of Payment. Any consumer who is unable to pay for water service within the District's normal payment period and meets the three conditions set forth in Section 6-2.103 (c), above, as the District shall confirm, may, if the District has selected this alternative, have payment of the unpaid balance temporarily deferred for a period of up to six (6) months after the payment is due. The District shall determine, in its discretion, how long of a deferral shall be provided to the consumer.

(1) Repayment Period. The consumer shall pay the unpaid balance by the deferral date (the "Deferred Payment Date") determined by the District's General Manager, or his or her designee. The Deferral Payment Date shall be within twelve (12) months from the date the unpaid balance became delinquent; provided, however, that the District's General Manager, or his or her designee, in his or her reasonable discretion, may establish a Deferred Payment Date beyond that twelve (12) month period to avoid undue hardship on the consumer.

(2) Compliance with Reduced Payment Date. The consumer must pay the reduced balance on or before the Deferred Payment Date, and must remain current in paying in full any charges that accrue in each subsequent billing period. If the consumer fails to pay the unpaid payment amount within sixty (60) calendar days after the Deferred Payment Date, or fails to pay the consumer's current service charges for sixty (60) calendar days or more, the District may discontinue water service to the consumer's property at least five (5) calendar days after the District posts at the consumer's residence a final notice of its intent to discontinue services.

## **6-2.105 APPEALS**

The procedure to be used to appeal the amount set forth in any bill for residential water service is as follows:

(a) Initial Appeal. Within ten (10) days of receipt of the bill for water service, the consumer has a right to initiate an appeal or review of any bill or charge rendered by the District. Such request must be made in writing and be delivered to the District's office. For so long as the consumer's appeal and any resulting investigation is pending, the District cannot discontinue water service to the consumer.

(b) Overdue Notice Appeal. In addition to the appeal rights provided under subdivision (a), above, any consumer who receives an Overdue Notice may request an appeal or review of the bill to which the Overdue Notice relates at least five (5) business days after the date of the Overdue Notice if the consumer alleges that the bill is in error with respect to the quantity of water consumption set forth on that bill; provided, however, that no such appeal or review rights shall apply to any bill for which an appeal or request for review under subdivision (a), above, has been made. Any appeal or request for review under this subdivision must be in writing and must include documentation supporting the appeal or the reason for the review. The request for an appeal or review must be delivered to the District's office within that five (5) business day period. For so long as the

consumer's appeal and any resulting investigation is pending, the District cannot discontinue water service to the consumer.

(c) Appeal Hearing. Following receipt of a request for an appeal or review under subdivision (a) or (b), a hearing date shall be promptly set before the General Manager, or his or her designee, (the "Hearing Officer"). After evaluation of the evidence provided by the consumer and the information on file with the District concerning the water charges in question, the Hearing Officer shall render a decision as to the accuracy of the water charges set forth on the bill and shall provide the appealing consumer with a brief written summary of the decision.

(1) If water charges are determined to be incorrect, the District will provide a corrected invoice and payment of the revised charges will be due within ten (10) calendar days of the invoice date for the revised charges. If the revised charges remain unpaid for more than sixty (60) calendar days after the corrected invoice is provided, water service will be disconnected, on the next regular working day after expiration of that sixty (60) calendar day period; provided that the District shall provide the consumer with the Overdue Notice in accordance with Section 6-2.103 (b)(2), above. Water service will only be restored upon full payment of all outstanding water charges, penalties, and any and all applicable disconnection charges.

(2) a. If the water charges in question are determined to be correct, the water charges are due and payable within two (2) business days after the Hearing Officer's decision is rendered. At the time the Hearing Officer's decision is rendered, the consumer will be advised of the right to further appeal before the District's Board of Directors. Any such appeal must be filed in writing within seven (7) calendar days after the Hearing Officer's decision is rendered if the appeal or review is an initial appeal under subdivision (a) of this section, above, or within three (3) calendar days if the appeal or review is an Overdue Notice appeal under subdivision (b) of this section, above. The appeal hearing will occur at the next regular meeting of the District's Board of Directors, unless the consumer and District agree to a later date.



b. For an initial appeal under subdivision (a) of this section, above, if the consumer does not timely appeal to the District's Board of Directors, the water charges in question shall be immediately due and payable. In the event the charges are not paid in full within sixty (60) calendar days after the original billing date, then the District shall provide with the Overdue Notice in accordance with Section 6-2.103 (b)(2), above, and may proceed in potentially discontinuing service to the consumer's property.

c. For an Overdue Notice appeal under subdivision (b) of this section, above, if the consumer does not timely appeal to the District's Board of Directors, then the water service to the subject property may be discontinued on written or telephonic notice to the consumer to be given at least twenty-four (24) hours after the latter to occur of: (i) the expiration of the original sixty (60) calendar day notice period set forth in the Overdue Notice; or (ii) the expiration of the appeal period.

(3) When a hearing before the Board of Directors is requested, such request shall be made in writing and delivered to the District at its office. The consumer will be required to personally appear before the Board and present evidence and reasons as to why the water charges on the bill in question are not accurate. The Board shall evaluate the evidence presented by the consumer, as well as the information on file with the District concerning the water charges in question, and render a decision as to the accuracy of said charges.

a. If the Board finds the water charges in question are incorrect, the consumer will be invoiced for the revised charges. If the revised charges remain unpaid for more than sixty (60) calendar days after the corrected invoice is provided, water service will be disconnected, on the next regular working day after expiration of that sixty (60) calendar day period; provided that the District shall provide the consumer with the Overdue Notice in accordance with Section 6-2.103 (b)(2), above. Water service will be restored only after outstanding water charges and any and all applicable disconnection charges are paid in full.

b. If the water charges in question are determined to be correct, the water charges are due and payable within two (2) business days after the decision of the Board is rendered. In the event that charges are not paid in full within sixty (60) calendar days after the original billing date, then the District shall provide the consumer with an Overdue Notice in accordance with Section 6-2.103 (c)(2), above, and may proceed in potentially discontinuing water service to the consumer's property.

c. Any overcharges will be reflected as a credit on the next regular bill to the consumer, or refunded directly to the consumer, at the sole discretion of the Board.

d. Water service to any consumer shall not be discontinued at any time during which the consumer's appeal to the District or its Board of Directors is pending.

e. The Board's decision is final and binding.

#### **6-2.106 RESTORATION OF WATER SERVICE**

To resume or continue water service that has been discontinued by the District due to non-payment, the consumer must pay a security deposit and a Disconnection Fee established by the District, subject to the limitation set forth in in Section 6-2.103 (e)(1), above. The District will endeavor to make such reconnection as soon as practicable as a convenience to the consumer. The District shall make the reconnection no later than the end of the next regular working day following the consumer's request and payment of any applicable Disconnection Fee.

**TITLE 7 - FEES AND PENALTIES**

**CHAPTER 1 - GENERAL**

**7-1.101 SCOPE<sup>1</sup>**

This Title applies to District fees, penalties and deposits.

**7-1.102 FEES: INSTALLATION CHARGES**

A person may obtain a connection to an existing District main by paying to the District the following installation charges based upon the size of meter which is required for the service:

Size of Meter	Installation Charge July 1, 2017	Installation Charge July 1, 2018	Installation Charge July 1, 2019
3/4"	\$ 2,972	\$3,061	\$3,153
1"	\$ 3,025	\$3,116	\$3,209
1-1/2" (or larger)	Actual Cost to District	Actual Cost to District	Actual Cost to District

**7-1.103 CAPACITY FEES<sup>2,3</sup>**

An applicant for water service shall pay to the District the following capacity fee, based upon the size of the applicant's water meter:

Size of Meter	July 1, 2018 Capacity Fee	July 1, 2019 Capacity Fee	July 1, 2024 Capacity Fee
3/4"	\$11,580	\$13,733	\$13,580
1"	\$19,420	\$22,827	\$22,632
1 1/2"	\$38,390	\$45,563	\$45,266
2"	\$61,369	\$72,843	\$72,425
3"	\$131,635	\$159,124	\$158,430
4"	\$230,869	\$286,418	\$285,174
6"	\$564,776	\$727,398	\$724,250
8"	\$976,375	\$1,272,939	\$1,267,438
10"	\$1,472,543	\$1,909,403	\$1,901,159

<sup>1</sup> Section 7-1.101 amended by Reso No. 2559 on July 23, 2019.

<sup>2</sup> Section 7-1,193 amended by Reso No.2635 on February 6, 2024.

<sup>3</sup> Section 7-1.103 amended by Reso No. 2638 on May 21, 2024.

**7-1.104 WATER CONSERVATION FEES** <sup>4</sup>

An applicant for water service shall pay to the District the following water conservation fee based upon the size of the applicant's water meter:

Size of Meter	2018 Conservation Fee	2019 Conservation Fee	2024 Conservation Fee
3/4"	\$1,145	\$1,358	\$2,241
1"	\$1,903	\$2,258	\$3,736
1 1/2"	\$3,797	\$4,506	\$7,470
2"	\$6,069	\$7,204	\$11,953
3"	\$13,019	\$15,738	\$26,147
4"	\$22,833	\$28,327	\$47,064
6"	\$55,857	\$71,940	\$119,530
8"	\$96,565	\$125,895	\$209,176
10"	\$145,636	\$188,842	\$313,763

**7-1.105 MISCELLANEOUS FEES**<sup>5,6,7,8,9</sup>

(a) If the District takes steps to discontinue service for failure to comply with this Code, the customer shall pay the following additional charges before service is reinstated:

- (1) \$115 for each trip to the property to deliver notice of disconnection of service.
- (2) \$115 for each trip to the property during regular business hours at the request of the customer to reactivate water service previously disconnected for nonpayment.
- (3) \$173 for each trip made to the property after regular business hours at the request of the customer.

<sup>4</sup> Section 7-1.103 amended by Reso No. 2638 on May 21, 2024.  
<sup>5</sup> Section 7-1.105 amended by Reso No. 2584 on November 17, 2020.  
<sup>6</sup> Section 7-1.105 amended by Reso No. 2586 on January 19, 2021.  
<sup>7</sup> Section 7-1.105 amended by Reso No. 2613 on November 15, 2022.  
<sup>8</sup> Section 7-1.105(c) amended by Reso No. 2617 on January 17, 2023.  
<sup>9</sup> Section 7-1.105 amended by Reso. No. 2631 on November 21, 2023.

(b) Meters will not be set by the District if, upon removal of the temporary spacer, the customer valve moves appreciably out of alignment, or if any part of the service connection, including the meter box, has been moved or altered. In either of these cases, the District will leave the facilities where found, and will not again return to set the meter until the applicant has made corrections and paid a fee in the amount of \$115 per extra trip.

(c) Any person who receives water without prior authorization shall pay two hundred dollars (\$200.00) for the first offense within one year, three hundred (\$300.00) dollars for the second offense within one year, and five hundred dollars (\$500.00) for each subsequent offense within one year.

(d) The District will shop-test a water meter in the presence of the customer at the request of the customer if the prescribed fee of \$115 to cover the cost of testing is tendered.

(e) If a backflow prevention device is required to protect against contamination by other than recycled water served by the District, the customer shall pay an annual inspection fee of \$135.00. Any device that is found to be inoperable or defective may be repaired or replaced by the District following notification to the account owner. Actual cost to the District shall be reimbursed by the account holder plus a \$25 administrative fee.

(f) If the review of a landscape plan under the Water Conservation in Landscaping Act is not reimbursed by the jurisdiction which adopted the regulations, the applicant shall pay a landscape plan check fee in the amount of \$51.

(g) The following fees shall apply when a customer opts out of the automatic meter reading program:

Fee Description	Fees
Monthly manual meter reading	\$25
Initial set up and installation of manual read meter.	\$150
Return trip fee	\$65

(g) The following user fees shall also apply:

Fee Description	Fees
Backflow Prevention Device Installation	\$155
Backflow Testing	\$150
Board Room Rental (office hours)	\$57
Board Room Rental (after hours)	\$155 per hour
Compost Loading Fees	\$8 / cu. yd
Complex Plan Check/ Inspection Installation/New Service	Actual Cost
Fire Flow Certification	\$138
Fire Flow Testing	\$115
Service Initiation Fee	\$57
Temporary Meter Relocation Fee	\$115
Water Audits	\$0-\$208
Water Meter Testing	\$115
Water Audit Cancellation Fee	\$50

(h) The General Manager is authorized to waive the compost loading fees, as set forth in subdivision (g) of this section, when (1) the Cure Building is filled to capacity and (2) the supply of compost exceeds the demand for compost in bulk sales and in District-sponsored compost-giveaway program.

**7-1.106 DEPOSITS: SERVICE FROM EXISTING SERVICE CONNECTION**

A deposit shall be made by customers who have received a final notice five or more times within a two-year period, and from every customer whose service is disconnected for nonpayment of water charges. The deposit for the first disconnection for non-payment of water charges is \$100.00.

**7-1.107 TEMPORARY METER INSTALLATION FEE AND TEMPORARY DEPOSIT<sup>10,11</sup>**

(a) A temporary meter installation fee of \$127 for ¾" & 1" meters, \$144 for 1 ½" – 4" meters, or \$173 for 6" – 10" meters shall be paid prior to installation of a temporary meter by district staff.

(b) A meter deposit of \$290 for a meter up to 2 ½" or \$580 for a meter 2 ½" and above shall be required prior to installation of the meter. Such deposit will be refunded, net any costs incurred by the district relative to the temporary meter.

**7-1.108 REDEMPTION FEE**

If a check or electronic funds transfer transaction is refused for payment by the Bank, the writer, upon notification, will be required to redeem the payment in cash at the District's office within 24 hours and pay a redemption fee in the amount of \$20.00.

**7-1.109 SEWER CAPACITY FEE: U-1 AND D<sup>12</sup>**

The owner of lands within Sanitation Improvement District No. U-1 and D shall pay a capacity fee per sewerage unit based on the following:

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<sup>10</sup> Section 7-1.107 amended by Reso No. 2613 on November 15, 2022.

<sup>11</sup> Section 7-1.107 amended by Reso. No. 2631 on November 21, 2023.

<sup>12</sup> Section 7-1.100 amended by Reso No. 2635 on February 6, 2024

Services Commencing After July 1, 2018 and prior to July 1, 2019	Services Commencing After July 1, 2019	Services Commencing After July 1, 2024
\$11,669 / unit	\$12,645 / unit	\$15,336 / unit

**7-1.110 SEWER CAPACITY FEE: U-2<sup>13</sup>**

The owner of lands within Sanitation Improvement District U-2 shall pay a sewer capacity fee per sewerage unit based on the following:

Services Commencing After July 1, 2018 and prior to July 1, 2019	Services Commencing After July 1, 2019	Services Commencing After July 1, 2024
\$11,669 / unit	\$12,645 / unit	\$15,336 / unit

**7-1.111 SEWAGE CONNECTION FEES: U-3 AND ID-B**

(a) The owner of lands within Sanitation Improvement District No. U-3 shall pay a connection fee of \$3,900 per sewerage unit.

(b) The owner of lands within Sanitation Improvement District No. B shall pay a connection fee of \$3,900 per sewerage unit.

**7-1.112 PENALTIES FOR WASTEFUL WATER USE AND EXCEEDANCES<sup>14,15,16,17</sup>**

(a) Water use exceeding twice a customer’s water budget, for potable and recycled water accounts, shall be subject to escalating administrative penalties, except during implementation of Stage 3 or Stage 4 of the Water Shortage Contingency Plan, as follows:

(1) For the second penalty that a customer receives for a

<sup>13</sup> Section 7-1.110 amended by Reso No. 2635 on February 6, 2024.  
<sup>14</sup> Section 7-1.112 amended by Reso. 2601 on November 16, 2021.  
<sup>15</sup> Section 7-1.112 amended by Reso. 2617 on November January 17, 2023.  
<sup>16</sup> Section 7-1.112 amended by Reso. 2619 on November March 21, 2023.  
<sup>17</sup> Section 7-112 amended by Reso. 2622 on April 18, 2023.



property, the amount shall be \$2.50 for each billing unit, or portion thereof, of water use exceeding 200% (2.0 times) a customer's water budget.

(2) For the third penalty that a customer receives for a property, the amount shall be \$5.00 for each billing unit, or portion thereof, of water use exceeding 200% (2.0 times) a customer's water budget.

(3) For the fourth and for each subsequent penalty that a customer receives for a property, the amount shall be \$7.50 for each billing unit, or portion thereof, of water use exceeding 200% (2.0 times) a customer's water budget.

(4) For the fifth and for each subsequent penalty that a customer receives for a property, the amount shall be \$10 for each billing unit, or portion thereof, of water use exceeding 200% (2.0 times) a customer's water budget.

(b) Water use exceeding 150% (1.5 times) a customer's water budget during implementation of Stage 3 of the Water Shortage Contingency Plan or 120% (1.2 times) a customer's water budget during implementation of Stage 4 of the Water Shortage Contingency Plan, shall be subject to escalating administrative penalties as follows:

(1) For the second penalty that a customer receives for a property, the amount shall be \$2.50 for each billing unit, or portion thereof, of water use exceeding 150% of the customer's water budget during implementation of Stage 3 and 120% of the customer's water budget during implementation of Stage 4.

(2) For the third penalty that a customer receives for a property, the amount shall be \$5.00 for each billing unit, or portion thereof, of water use exceeding 150% of the customer's water budget during implementation of Stage 3 and 120% of the customer's water budget during implementation of Stage 4.

(3) For the fourth penalty that a customer receives for a property, the amount shall be \$7.50 for each billing unit, or portion

thereof, of water use exceeding 150% of the customer's water budget during implementation of Stage 3 and 120% of the customer's water budget during implementation of Stage 4.

(4) For the fifth penalty, and for each subsequent penalty that a customer receives for a property, the amount shall be \$10.00 for each billing unit, or portion thereof, of water use exceeding 150% of the customer's water budget during implementation of Stage 3 and 120% of the customer's water budget during implementation of Stage 4.

### **7-1.113 WATER CONSERVATION ENFORCEMENT PENALTIES<sup>18</sup>**

(a) Customers who violate Title 3, Chapter 4, Article 4 or Title 4, Chapter 4, Article 2 of this Code for a second time within a twelve-month period have committed an infraction punishable by a fine of up to \$100.

(b) Customers who violate Title 3, Chapter 4, Article 4 or Title 4, Chapter 4, Article 2 of this Code for a third time within a twelve-month period have committed an infraction punishable by a fine of up to \$200.

(c) Customers who violate Title 3, Chapter 4, Article 4 or Title 4, Chapter 4, Article 2 of this Code for a fourth and each subsequent time within a twelve-month period have committed an infraction punishable by a fine of up to \$500.

(d) The aforementioned fees shall be double (twice) the amounts stated for the duration of activation of Stage 4 of the Water Shortage Contingency Plan.

### **7-1.114 MISCELLANEOUS PENALTIES<sup>19</sup>**

The following penalties shall apply:

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<sup>18</sup> Section 7-1.113 amended by Reso. 2617 on January 17, 2023.

<sup>19</sup> Section 7-1.114 amended by Reso No. 2584 on November 17, 2020.

Fee Description	Fees
Broken Meter Seal or Lock	\$200
Credit Card Chargeback Fee	\$30-\$40
DC Unauthorized Use	\$2,500-\$10,000
Disconnect Deposit Requirement	\$100 minimum
Disconnect Notice (door tag)	\$100
Disconnect/Reconnect Water Service	\$100 / \$150
Illegal Water Consumption	\$2,500-\$10,000
Late Fees	5% of Bill Balance
Rejected ACH Transaction	\$30-\$40
Rejected CC Transaction	\$30-\$40
Returned Checks	\$25-\$35
Un-Notified Fire Service Testing	\$75
Failure to Pay Door Tag	\$100
Installation/Removal of Flow Restrictor	\$100/\$150

**7-1.115 INSUFFICIENT AND EXCESS DEPOSITS**

In the event any deposit required under this Code is insufficient to pay the actual costs incurred by the District for the applicable work, an invoice for the balance will be sent to the applicant for service and must be paid by the applicant before service will be initiated. All work will stop until such payment is received.

In the event any deposit required under this Code exceeds the actual costs incurred by the District for the applicable work, a refund of the excess deposit shall be made to the current applicant of record upon completion of work by the District.

In the event of any conflict between this Section 7-1.115, or any portion thereof, and any other section of this Code, the terms of such other Code section shall prevail.