



WEST VALLEY WATER DISTRICT
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**POLICY REVIEW AND OVERSIGHT COMMITTEE MEETING
AGENDA**

TUESDAY, OCTOBER 25, 2022 - 6:00 PM

NOTICE IS HEREBY GIVEN that West Valley Water District has called a meeting of the Policy Review and Oversight Committee to meet in the Administrative Conference Room, 855 W. Base Line Road, Rialto, CA 92376.

On March 4, 2020, Governor Newsom declared a State of Emergency resulting from the threat of COVID-19. On September 16, 2021, Governor Newsom signed Assembly Bill No. 361 into law. Assembly Bill No. 361 amends Government Code section 54953(e) by adding provisions for remote teleconferencing participation in meetings by members of a legislative body, without the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions. The West Valley Water District adopted a resolution determining, by majority vote, that, as a result of the declared State of Emergency, the District is adopting the State protocol which allows meetings in person and/or via teleconference. Accordingly, it has been determined that all Board and Workshop meetings of the West Valley Water District will be held pursuant to Assembly Bill No. 361, the Brown Act and will be conducted via teleconference and in person. Members of the public may listen and provide public comment via telephone by calling the following number and access code: Dial: (888) 475-4499, Access Code: 840-293-7790 or you may join the meeting using Zoom by clicking this link: <https://us02web.zoom.us/j/8402937790>. Public comment may also be submitted via email to administration@wvwd.org. If you require additional assistance, please contact administration@wvwd.org.

BOARD OF DIRECTORS

Director, Greg Young, (Chair)
Director, Kelvin Moore

I. CALL TO ORDER

II. PUBLIC PARTICIPATION

The public may address the Board on matters within its jurisdiction. Speakers are requested to keep their comments to no more than three (3) minutes. However, the Board of Directors is prohibited by State Law to take action on items not included on the printed agenda.

III. DISCUSSION ITEMS

1. General Updates
2. Proposed Water Service Rules & Regulations - Redline Versions of Articles 20 - 26 and Exhibits A, B, and D. **Pg. 3.**

IV. ADJOURN

DECLARATION OF POSTING:

I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing Policy Review & Oversight Committee Agenda at the District Offices October 20, 2022.



Nancy Albitre, Acting Board Secretary



**BOARD OF DIRECTORS
POLICY REVIEW AND OVERSIGHT COMMITTEE
STAFF REPORT**

DATE: October 25, 2022
TO: Policy Review and Oversight Committee
FROM: Van Jew, Acting General Manager
SUBJECT: PROPOSED WATER SERVICE RULES & REGULATIONS - REDLINE
 VERSIONS OF ARTICLES 20 - 26 AND EXHIBITS A, B, AND D

BACKGROUND:

West Valley Water District's, ("District"), Water Service Rules and Regulations ("Rules and Regulations") establish the requirements and procedures for provision of water service to our customers, and for changes in existing services, such as an increase in service size or a service abandonment. Additionally, the Rules and Regulations contain the General Provisions and Definitions for those items involved in provision of water service to the District's customers.

The District's current Rules and Regulations were last revised in May 2018, and are in need of various updates to reflect current District operating procedures and industry standards. To address these updates, staff from Operations, Engineering, and Finance met periodically over the past few months to revise the text of the Rules and Regulations

DISCUSSION:

The need to update the Rules and Regulations was discussed with the Policy Review and Oversight Committee at the February 22, 2022 meeting. At that meeting, staff was directed to prepare a redline copy of the proposed changes and bring them in increments to the Committee for review and comment.

Redline versions of Articles 1 – 4, 9 and 10 were reviewed at the August 23rd meeting. Redline versions of Articles 14 – 19 were reviewed at the September 27th meeting. Redline versions of Articles 20 – 26 and Exhibits A, B, and D are included as **Exhibit A**.

The following table provides an overview of the project status:

| Status | Article | Title |
|---------------------|-----------|---|
| 08/23/22 Committee | 1 | GENERAL PROVISION |
| 08/23/22 Committee | 2 | DEFINITIONS |
| 08/23/22 Committee | 3 | NOTICES |
| 08/23/22 Committee | 4 | WATER DISTRICT |
| Anticipate 11/22/22 | 5 | APPLICATION FOR DOMESTIC WATER SERVICE |
| | 6 | GENERAL CONDITIONS FOR INSTALLATION OF WATER FACILITIES |
| | 7 | SUBDIVISIONS |
| | 8 | GENERAL USE REGULATIONS |
| 08/23/22 Committee | 9 | DOMESTIC WATER SERVICE DEPOSIT |
| 08/23/22 Committee | 10 | METERS |
| Anticipate 11/22/22 | 11 | BILLING/PAYMENT OF BILLS |
| | 12 | DISCONTINUANCE OF SERVICE |
| | 13 | COLLECTION OF UNPAID BILLS |
| 09/27/22 Committee | 14 | PUBLIC FIRE PROTECTION |
| 09/27/22 Committee | 15 | PRIVATE FIRE PROTECTION SERVICE |
| 09/27/22 Committee | 15A | RESIDENTIAL FIRE SPRINKLER SYSTEM |
| 09/27/22 Committee | 16 | TEMPORARY SERVICE AND CHARGES |
| 09/27/22 Committee | 17 | AGRICULTURAL, IRRIGATION AND GOLF COURSE WATER SERVICE |
| 09/27/22 Committee | 18 | GENERAL PROVISIONS |
| 09/27/22 Committee | 19 | COMPLAINTS AND DISPUTED BILLS |
| 10/25/22 Committee | 20 | SCHEDULE OF RATES – MONTHLY CHARGES |
| 10/25/22 Committee | 21 | SCHEDULE OF RATES – RATES, FEES AND DEPOSITS |
| 10/25/22 Committee | 22 | ANNEXATION FOR AREAS OUTSIDE OF DISTRICT TERRITORY |
| 10/25/22 Committee | 23 | SEWERS |
| 10/25/22 Committee | 24 | WATER CONSERVATION |
| 10/25/22 Committee | 25 | DUE PROCESS HEARING |
| 10/25/22 Committee | 26 | INSURANCE REQUIREMENTS PROFESSIONAL SERVICES |
| 10/25/22 Committee | Exhibit A | HOURLY LABOR RATE |
| 10/25/22 Committee | Exhibit B | HOURLY VEHICLE EQUIPMENT RATE |
| Anticipate 11/22/22 | Exhibit C | DEPOSITS, FEES, AND NON-RECURRING RATES |
| 10/25/22 Committee | Exhibit D | MONTHLY SERVICE AND CONSUMPTION CHARGES |

FISCAL IMPACT:

There is no fiscal impact currently associated with the proposed changes.

STAFF RECOMMENDATION:

This agenda item is for informational purposes only, no action required.

Respectfully Submitted,

Van Jew

Van Jew, Acting General Manager

VJ:js

ATTACHMENT(S):

1. Exhibit A - Redlines Articles 20 -26 and Exhibits A, B, and D

EXHIBIT A

Redline Versions of Articles 20 -26 and Exhibits A, B, and D

ARTICLE 20. SCHEDULE OF RATES

See Exhibit C - DEPOSITS, FEES, AND NON-RECURRING RATES

ARTICLE 21. SCHEDULE OF RATES

See Exhibit D - MONTHLY SERVICE AND CONSUMPTION CHARGES

ARTICLE 22. ANNEXATION FOR AREAS OUTSIDE OF DISTRICT TERRITORY

2201. THIS ARTICLE IS NOT EXCLUSIVE. Except as provided in this Article, water service outside of District's territory shall be provided pursuant to the provisions of Resolution No. 387, as amended, constituting the District's water service regulations and schedule of rates and charges.

2202. REGULATIONS PERTAINING TO APPLICATIONS FOR WATER SERVICE FOR PROPERTIES OUTSIDE OF DISTRICT TERRITORY AND IMPROVEMENT DISTRICT # NO. 1

Applicants for water service for properties located outside District Territory shall submit to the District the following:

- a. The District's regular application for water service and evidence of compliance with any requirements thereof.
- b. A petition for annexation of the properties to be served to the District.
- c. The terms and conditions of such annexation are as follows:
 1. The payment of the cost of processing the annexation.
 2. A deposit of money in an amount determined by the **General Manager District** to be used in payment of the costs of processing the annexation, including, but not limited to, Local Agency Formation Commission costs, engineering services, and administrative costs. Any unused portion of the deposit shall be refunded to the applicant, and if the deposit is inadequate, the applicant shall pay any additional sum required.
 3. During the period of time required for the processing of the annexation, the District shall provide the water service applied for, subject to the District's regulations and rates, except that the water rates shall be one and one-half (1 ½) times the regular rate for such service.
 4. Upon annexation of the properties to be provided water service, the District's regular water rates will then apply.
 5. In the event, without fault of the applicant, the annexation proceedings fail, the District shall nevertheless continue water service to the properties of the applicant, but the applicable water rate shall be one

and one-half (1 ½) times the regular rate for such water service.

ARTICLE 23. SEWERS

2301. APPLICATION. In an effort to prevent groundwater degradation from septic-tank subsurface disposal systems, all new developments within the service area of the West Valley Water District shall connect all lots and/or parcels to a community sewer system, as a condition of water service.

2302. LARGE LOTS OR PARCELS. New developments with a density of less than one single family dwelling unit per one-half acre may be exempt from Section 2301 subject to review and determination by the Board of Directors.

2303. DRY SEWERS. In the absence of a requirement from a local sewerage agency to install a sewer system and where it is not currently feasible, as determined by the District, to connect a new development with a density of more than one single family dwelling unit per one-half acre to a community sewer system, dry sewers shall be installed, as a condition of water service.

- a. The dry sewers shall meet all District and other local sewerage agencies' requirements.
- b. The dry sewers include lateral lines to within five (5) feet of the inlet pipe to the septic tank to be installed on each lot or parcel.
- c. Plugs and seals shall be placed on the dry sewers to prevent unauthorized connection.

ARTICLE 24. WATER CONSERVATION

- a. **Purpose.** The purpose of this Article is to provide water conservation measures in order to minimize the effect(s) of a water shortage on the citizens of, visitors to, and the economic well-being of the communities we serve and, by means of this Article, to adopt provisions that will significantly reduce the wasteful and inefficient consumption of water, thereby extending the available water resources required for the domestic, sanitation, and fire protection needs of the citizens of, and visitors to, the communities we serve while reducing the hardship on the District and the general public to the greatest extent possible.

- b. **Application.** The provisions of this Article shall apply to all customers and property within the service area of the District and shall also apply to all property and facilities owned, maintained, operated, or otherwise under the jurisdiction of the District.
 1. **Exception.** The prohibited uses of water provided for by this Ordinance are not applicable to that use of water necessary for public health and safety, system maintenance or capital improvements, or for essential government services such as police, fire, and similar emergency services.

- c. **Policy.** Due to the fact that we are located in a semi-arid region and our groundwater is of limited supply and in an overdraft condition and because of these conditions prevailing in the District and areas elsewhere from which the District obtains its water supplies, the general welfare requires that the water resources available to the District be put to the maximum beneficial use to the extent to which they are capable and that the wasteful, inefficient, or unreasonable use, or method of use of our previous, limited, and finite water resources be prevented.

As such, the conservation of such waters is to be exercised with a view to the reasonable and beneficial and efficient use thereof in the interests of the people of the District and for the public welfare.

Therefore, the District establishes the following goals, objectives, policies, and four-stage water conservation plan pertaining to the conservation and use of water:

2401. GOALS

- The conservation of water.

- The efficient use and distribution of available water supplies.
- Adequate and sufficient potable water supply and availability for the greatest public benefit, with particular regard to human consumption, sanitation, and fire protection.
- Maintain high quality customer service.
- Ensure fiscal soundness.
- Protect environmental quality.
- Meet water quality regulations.
- To reduce water consumption in accordance with State law, including, but not limited to the State Water Resources Control Board Regulations.

2402. OBJECTIVES

- To conserve all available water supplies.
- To achieve an overall water use reduction.
- To reduce the volume of wastewater.
- To continuously increase consumer awareness about the need for and benefits of water conservation.
- To reduce or eliminate wasteful and inefficient uses of water.
- To assure an adequate supply of potable water sufficient to meet the essential private and public needs of the District's growing population and economy of those communities in which we serve.
- To assure that all new developments and existing dwellings which are remodeled or added to are equipped with water-conserving devices, fixtures, and appliances.
- To increase the use of native or water-conserving plant species for landscaping purposes.
- The term "base year" shall be set by the Board of Directors in compliance with State law:
 - The base year, if the customer occupied the subject real property for the

entire year. If the customer did not occupy the subject real property for the entire year of the established base year, the base year for that customer would be the first twelve (12) months the customer occupied the subject real property in or after the established base year.

- If the customer has not occupied the subject real property for a twelve (12) month period on the adoption of this Ordinance, then the District will use the consumption history for the period of time the customer has occupied the subject real property.
- If the customer has no consumption history for the subject real property then the District will determine goals for that customer based on the averaging of other real properties with similar service types and meter sizes within the same meter reading route (as determined by the District) for the months without consumption history. The customer shall have a ten (10) day period after the customer receives the goals to appeal that determination to the General Manager (as defined herein), in writing. If the customer fails to appeal the determination within the ten (10) day period the goals shall be final. Upon receipt of a timely appeal, the General Manager shall schedule a hearing at which the General Manager or his/her designated representative shall act as the hearing officer. The hearing shall be at least ten (10) days following receipt of the appeal, and the District shall mail written notice of the hearing to the customer at least ten (10) days before the date of said hearing. The determination of the hearing officer with respect to the goals shall be final.

2403. POLICIES

- As a condition of water service, all new structures shall be equipped with high efficiency toilets (1.28 gallons per flush max) as per Section 17921.3 of the California Health and Safety Code, and with low-flow showers and faucets as per Title 24, Part 6, Article 1, T20-1406F of the California Administrative Code, in addition to the insulating of all hot water lines according to California Energy Commission Rules. "New Structures" shall mean buildings obtaining occupancy permits after the effective date of this Ordinance.

As a condition of continued water service, existing structures not so equipped, which require building permits to remodel or expand, shall be retrofitted with toilet tank dams resulting in 1.28-gallon flushes unless the toilets are to be replaced, in which case the new toilets shall be low-flush (1.28gpf), as stated above, and low-flow showers and faucets. Certification of compliance with this Ordinance shall be forwarded to the District.

- The use of lawns shall be minimized in new commercial, hotel, condominium, and high- density housing and shall be subject to District review and conditioning of projects.
 - The use of native or water-conserving trees, shrubs, lawns, grass, ground cover, vines, and other plant species for landscape planting or replanting purposes is required and shall be approved by the District. (A list of such plants can be obtained at the District office.)
- Large water users, as determined by the District, shall submit a water conservation plan to the District and promote implementation of same as a condition to continued service.
- Water demand, use, and mitigation shall be addressed in every Environmental Impact Report.
- The District shall:
 - Cooperate with other local water purveyors, appropriate state and other responsible agencies in facilitating a continuous program to increase consumer awareness about the need for and benefits of water conservation.
 - Encourage large water users to implement water recycling and reuse processes.
 - Make water conservation as reliable a method of reducing water demands as water supply projects are in meeting such demands.

2404. STAGE I - NORMAL CONDITION

Normal supply and distribution capacity is available. All policies shown in Section 2403 and the following water conservation measures shall apply:

- a. Recommendations for use of water.
 1. Limit all outdoor watering to occur between the hours of 6:00 p.m. and 8:00 a.m. Drip irrigation and hand watering while gardening are exempt from this recommendation. Water being used during repair or maintenance of watering system is exempt from this section.
 2. Water conservation should be practiced within the home or business.
 3. All eating establishments, including but not limited to, restaurants,

hotels, cafes, cafeterias, bars or other public places where food and drink are served and/or purchased are requested not to serve water to their customers, unless specifically requested by the customer.

4. Operators of hotels and motels are requested to provide guests with the option of choosing to not have towels and linens laundered daily. The hotels and motels shall prominently display notice of this option in each guestroom using clear and easily understood language.
- b. The following uses of water are hereafter considered non-essential to the public health, safety and welfare and, if allowed, would constitute the wasting of water and is hereby prohibited, pursuant to Water Code Section 350 et seq., Water Code Section 71640 et. Seq. and the common law:
1. There shall be no application of water to sidewalks, walkways, driveways, parking areas, patios, porches, verandas, tennis courts, or other paved, concrete, or other hard surface areas, except that flammable or other similarly dangerous or unhealthy substances may be washed from said areas by direct hose flushing for the benefit of public health or safety.
 2. No water shall be used to clean, fill, operate, or maintain levels in decorative fountains unless such water is part of a recirculating system.
 3. No person shall permit water to leak from any facility, improvement or plumbing fixture on his/her/its premises; said leak shall be repaired in a timely manner.
 4. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment are prohibited unless done with a hand-held bucket or hand-held hose equipped with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use. This section does not apply to the washing of the above-listed vehicles or mobile equipment when conducted at a commercial car wash utilizing recirculating systems.
 - a. Such washings are exempted from these regulations when the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
 5. Use of water for outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas,

private and public walkways, roadways, parking lots, or structures is prohibited.

6. The use of sprinklers for any type of irrigation during high winds, which divert a significant amount of water from the intended landscaping, is prohibited.
7. Drought tolerant landscaping with drip irrigation systems should be utilized on public street medians. The irrigation of potable water of ornamental turf on public street medians is prohibited. The term “median” shall mean the strip of land between street lanes.
8. The irrigation with potable water of landscape outside of newly constructed homes and buildings shall be consistent with regulations or other requirements establishments by the California Buildings Standards Commission, as those regulations may be modified from time to time.
9. Irrigating landscaping, including, but not limited to, turf and ornamental landscapes during measurable precipitation in excess of one quarter inch (1/4), and within forty-eight (48) hours following such precipitation is prohibited.

2405. STAGE II - WATER ALERT

The District may not be able to meet all water demands of all customers, or the State of California has adopted regulations requiring the District to implement requirements and actions of a Stage II water alert as outlined herein this section 2405, regardless of the District’s local water supply; therefore, the following water conservation measures shall apply:

- a. All policies and prohibitions ~~as listed~~ specified in Sections 2403 and 2404.
- b. All customers are required to reduce up to twenty percent (20%) of their water consumption over the base year consumption, as adopted by the Board.
- c. District will screen all new applications for water service installations and will limit water use before occupancy to that essential use for construction and testing of landscape plumbing. Limited landscaping for new development shall be allowed as approved by the District.

- d. Limit all landscape irrigation to up to four (4) days per week for no more than ten (10) minutes per station per day. This provision does not apply to any

landscape that has water-efficient devices that are operated properly. Water-efficient devices are drip irrigation systems and operational weather-based irrigation controllers. The term “week” is defined as Sunday through Saturday.

- e. Repair all leaks within seventy-two (72) hours of notification by the District unless other arrangements are made with ~~the General Manager of the District (“General Manager”)~~.
- f. Water use for compaction, dust control, and other types of construction shall be by permit only and will be limited to conditions of the permit or may be prohibited as determined by the ~~General Manager or his/her designee~~District.

2406. STAGE III – WATER WARNING

The District may not be able to meet all water demands of all customers, or the State of California has adopted regulations requiring the District to implement requirements and actions of a Stage III water warning as outlined herein this Section 2406, regardless of the District’s local water supply; therefore, the following water conservation measures shall apply:

- a. All policies and prohibitions ~~as listed~~specified in Sections 2403, 2404 and 2405.
- b. All customers are required to reduce up to twenty-five (25%) of their water consumption over the base year consumption, as adopted by the Board.
- c. Limit all landscape irrigation one (1) to three (3) days per week, as adopted by the Board, for no more than ten (10) minutes per station per day. Drip systems that are operated efficiently are exempt from these regulations.
- d. Repair all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the ~~General Manager~~District.
- e. All agricultural water users shall irrigate only at times approved by the District.
- f. Swimming pools, ornamental pools, fountains, water displays, hot tubs, spas and artificial lakes shall not be filled or refilled after being drained. Exceptions may be granted by calling the District for reasons including, but not limited to, public health and safety or to repair leaks. If any of these water features are drained, the customer shall notify the District immediately prior to refilling.

- g. All eating establishments, including, but not limited to, restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served

and/or purchased are prohibited from serving water to their customers except when specifically requested by the customer.

2407. STAGE IV - WATER EMERGENCY

The District is experiencing a major failure of supply or distribution, or the State of California has adopted regulations requiring the District to implement requirements and actions of a Stage IV water emergency as outlined herein this section 2409, regardless of the District's local water supply; therefore, the following water conservation measures shall apply:

- a. All policies and prohibitions as shown-specified in Sections 2403, 2404, 2405 and 2406.
- b. All customers are required to reduce water consumption by thirty percent (30%) to fifty percent (50%) over the base year consumption, as adopted by the Board.
- c. No water shall be used for construction purposes. All construction meters shall be locked off or removed.
- d. Commercial nurseries shall water only between the hours of 11:00 p.m. and 6:00 a.m. and only with hand-held devices or with drip irrigation systems.
- e. There shall be no watering of any lawn or landscaped area.
- f. The use of water shall be limited to essential household, commercial, manufacturing, or processing uses only, except where other uses may be allowed by permit.
- g. All agricultural water users shall irrigate only at times approved by the District.

2408. DETERMINATION AND DECLARATION OF WATER CONDITIONS

The General Manager, or his/her designee, shall access all available water supply data and shall make a report of his/her findings to the Board at the next Regular meeting or at a Special meeting called for that purpose. The Board may at that time determine and declare which of the four (4) previously discussed conditions the District's water supply is in and the extent of water conservation required to prudently plan for and supply water to the District's customers.

Thereafter, the Board may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provision of this Ordinance.

The declaration of any stage shall be made by public announcement and notice shall be

published once in a local newspaper of general circulation. The stage designated shall become effective immediately upon announcement.

2409. DURATION OF DECLARATION

The declaration of any stage of water supply conditions shall remain in effect until such time as another stage is declared.

2410. AUTHORITY - MISDEMEANOR

This Article is adopted pursuant to Sections 375 and 376 of the California Water Code. Any second or subsequent violation of this policy after notice as specified in Section 2411 1(a) is a misdemeanor. (California Water Code Section 377).

2411. ENFORCEMENT

- a. **Violations.** In addition to the remedy of criminal prosecution available to the District as described above, violation of this Ordinance may result in the imposition of surcharges and restriction and/or termination of water service as set forth below:
1. First Violation – Notice of Non-Compliance – a written warning accompanied by a copy of this Ordinance, delivered by U.S. Mail and/or hung on customer's door.
 2. Second Violation – Warning of Penalties – a written warning notice of future imposition of penalties that could be placed on the customer's water bill.
 3. Third Violation (within one (1) year) - a surcharge of one hundred dollars (\$100.00).
 4. Fourth Violation (within one (1) year of the first violation) – a surcharge of three hundred dollars (\$300.00), and installation of flow restricting device in the meter for a minimum of ninety-six (96) hours. Said restricted flow shall meet minimum County Health Department's standards, if any have been established. If said ninety-six (96) hour period ends on a weekend or holiday, full service will be restored during the next business day.
 5. Fifth Violation (within one (1) year of the first violation) – a surcharge of five hundred dollars (\$500.00), and termination of service for such

period as the Board determines to be appropriate under the circumstances, following a hearing regarding said issue. Written notice of the hearing shall be

mailed to the customer at least ten (10) days before the hearing.

- b. **Surcharges, Additional Charges.** Any surcharge hereunder shall be in addition to the basic water rates and other charges of the District for the account and shall appear on and be payable with the billing statement for the period during which the violation occurred; non-payment shall be subject to the same remedies available to the District as for non-payment of basic water rates.

In addition to any surcharge, a customer violating this Ordinance shall be responsible for payment of the District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's Schedule of Charges then in effect. Such charges shall be paid prior to the removal of the flow restrictor or reconnection of service, whichever the case may be.

- c. **Non-liability for Damage.** The customer or resident who violates this Ordinance thereby assumes responsibility for injury to the customer and/or other residents/occupants receiving service, including emotional distress and/or damage to the customer's private water system and/or to other real or personal property owned by the customer or by a third party resulting from the installation and operation of a flow restricting device or from termination of service; said customer shall thereby be deemed to have: (a) waived any claim for injury or for damage to the customer's property which the customer may otherwise have against the District; and (b) agreed to indemnify, defend, and hold the District harmless from claims by third parties for injury or property damage arising or claimed to arise out of the District's installation and/or operation of a flow restricting device or termination of water service.
- d. **Exemptions.** No exemption shall be granted to any person for any reason in the absence of a showing by said person that he/she/it has achieved the maximum practical reduction in water consumption in his/her residential, commercial, industrial, or governmental water consumption as the case may be.

The ~~General Manager, or his/her designee~~District, may grant exemptions ("exceptions" to this Ordinance) for uses of water otherwise prohibited by the regulations. Water customers who feel that they need an adjustment in the prohibitions as they relate to him/her will fill out a simple application form for an exemption stating the justification and circumstances. If the exemption is not granted, customer may appeal in writing as stated in Section 2414.1.

1. Inconvenience or the potential for damage to landscaping shall not be considered for exemption from any section of this Ordinance.

2412. APPEALS

- a. **Procedures.** The General Manager, or his/her designated enforcement officer, shall determine when violations have occurred and shall issue to the customer a notice of violation (“Notice of Violation”) by mailing same and/or hanging same on the customer’s door at least ten (10) days before taking enforcement action. Said notice shall describe the action to be taken (notice of first violation shall simply be accompanied by a copy of this Ordinance) and shall be mailed or delivered at least ten (10) days before the proposed action is scheduled to be taken.

A customer may appeal the Notice of Violation by filing a written notice of appeal with the District no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed shall be final. Upon receipt of a timely appeal, a hearing on the appeal by the Board shall be scheduled at the Board’s next Regular meeting or at a Special meeting scheduled for that hearing; in either, the hearing shall be at least ten (10) days following receipt of the appeal, and the District shall mail written notice of the hearing to the customer at least ten (10) days before the date of said hearing.

- b. **Interim Measures.** Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the General Manager or the enforcement officer, if one has been designated, may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violation and the current declared water condition.

2413. IMPLEMENTATION BY GENERAL MANAGER

The General Manager or designated representative is hereby authorized and directed to implement the provisions of this Ordinance. Guidelines regarding implementation procedures may be approved and/or modified from time to time by resolution by the Board.

2414. CEQA EXEMPTION

The adoption of this Ordinance, and the actions taken hereunder, are exempt from the provisions of the California Environmental Quality Act of 1970 in that they constitute a project undertaken as immediate action necessary to prevent or mitigate an emergency pursuant to Section 15071 of the State EIR Guidelines.

2415. DURATION OF ORDINANCE

This Ordinance shall remain in effect until the Board finds that the threatened emergency and threatened water shortage no longer exists. The provisions of this Ordinance shall prevail and control in the event of any inconsistency with any other rules and regulations of the District.

2416. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be unconstitutional or invalid.

2417. EFFECTIVE DATE, PUBLISHING AND POSTING

This Ordinance shall be effective immediately upon adoption. Within ten (10) days of adoption, a copy of this Ordinance shall be published one time in a local newspaper and posted in the lobby of the District Office.

ARTICLE 25. DUE PROCESS HEARING

2501. REQUEST FOR HEARING. Persons or entities, who have received notice of imposition of fines or penalties, or of discontinuance of service, may request a hearing. The District must receive the request for hearing within fifteen (15) business days of service of the notice of assessment of a fine or penalty, or notice of discontinuance of service. The request for hearing shall set forth in detail all facts supporting the request. After a timely request for hearing for has been received by the District, no attempts at collection shall be undertaken, nor shall service be discontinued, until either the statement of decision becomes final, or if the statement of decision is timely appealed, the Board's order on appeal is adopted.

2502. NOTICE OF HEARING. Within ten (10) business days of the District's receipt of the request for hearing, the ~~General Manager~~District will provide written notice ~~to the person making the request~~ of the date, time and place of the hearing. The hearing date shall be within thirty (30) Business days of the mailing of the notice of hearing, unless the parties agree to a later date.

2503. HEARING. The General Manager, or a designee appointed by the General Manager, shall hear the matter, ~~or a designee appointed by the General Manager~~. At the hearing, the person or entity requesting the hearing shall have an opportunity to respond to the allegations set forth in the notice of discontinuance of service by presenting written or oral evidence.

2504. STATEMENT OF DECISION. Within ten (10) business days of the hearing, the General Manager or designee, shall prepare a written statement of decision, and the facts upon which the decision is based. The statement of decision shall be served by personal delivery or registered or certified mail ~~to the customer~~. The statement of decision shall become final on the 16th business day after service ~~on the person requesting the hearing~~, unless an appeal and request for hearing is filed with the Board of Directors on or before the 15th business day.

2505. REQUEST FOR APPEAL. Any person or entity who has had a hearing may appeal a decision to impose fines or penalties or to discontinue service, by filing a written request for hearing with the Board of Directors before the date the statement of decision becomes final. The request for hearing shall set forth in detail all the issues in dispute and all facts supporting the request.

2506. NOTICE OF APPEAL HEARING. No later than thirty (30) business days after receipt of the request for hearing, the Board of Directors shall set the matter for a hearing and shall send a written notice of said hearing to the appellant, by personal delivery or registered or certified mail. The Board of Directors shall hold the hearing within thirty (30)

business days of service of the notice of hearing, unless the parties agree to a later date. If the matter is not heard within the required time, due to acts or omissions of the appellant, the General Manager's statement of decision shall become final.

2507. ORDER ON APPEAL. After the hearing, the Board of Directors shall issue an order affirming, modifying or reversing the General Manager's decision. The Board shall set forth its determination and order in writing, and shall send the determination and order ~~to the customer,~~ by personal delivery, or registered or certified mail within thirty (30) business days of the hearing. The order of the ~~board~~ Board shall be final upon its adoption.

ARTICLE 26. INSURANCE REQUIREMENTS PROFESSIONAL SERVICES

~~**2601. MINIMUM INSURANCE REQUIREMENTS.** Contractor/Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries or death to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor/Consultant, his agents, representatives, employees or sub-contractors.~~

~~**2602. COVERAGE.** Coverage shall be at least as broad as the following:~~

- ~~a. **Commercial General Liability (CGL)** Insurance Services Office (ISO) Commercial General Liability Coverage (Occurrence Form CG 00 01) including products and completed operations, property damage, bodily injury, personal and advertising injury with limit of at least two million dollars (\$2,000,000) per occurrence or the full per occurrence limits of the policies available, whichever is greater. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (coverage as broad as the ISO CG 25 03, or ISO CG 25 04 endorsement provided to the District) or the general aggregate limit shall be twice the required occurrence limit.~~
- ~~b. **Automobile Liability** — (if necessary) Insurance Services Office (ISO) Business Auto Coverage (Form CA 00 01), covering Symbol 1 (any auto) or if Contractor/Consultant has no owned autos, Symbol 8 (hired) and 9 (non-owned) with limit of one million dollars (\$1,000,000) for bodily injury and property damage each accident.~~
- ~~c. **Workers' Compensation Insurance** — as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. **Waiver of Subrogation:** The Insurer(s) named above agree to waive all rights of subrogation against the District, its elected or appointed officers, officials, agents, authorized volunteers and employees for losses paid under the terms of this policy which arise from work performed by the Named Insured for the Agency; but this provision applies regardless of whether or not the District has received a waiver of subrogation from the insurer.~~
- ~~d. **Professional Liability** — (Also known as Errors & Omission — *Technology Exposure) Insurance appropriate to the Contractor/Consultant profession, with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.~~
- ~~e. **Cyber Liability Insurance (Technology Professional Liability — Errors**~~

~~and Omissions), with limits not less than \$2,000,000 per occurrence or claim, and \$2,000,000 aggregate or the full per occurrence limits of the policies available, whichever is greater. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Vendor in this Agreement and shall include, but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.~~

~~**2603. OTHER REQUIRED PROVISIONS.** The general liability policy must contain, or be endorsed to contain, the following provisions:~~

- ~~a. **Additional Insured Status:** The District, its directors, officers, employees, and authorized volunteers are to be given insured status (at least as broad as ISO Form CG 20 10 10 01), with respect to liability arising out of work or operations performed by or on behalf of the Contractor/Consultant including materials, parts or equipment furnished in connection with such work or operations.~~
- ~~b. **Primary Coverage:** For any claims related to this project, the Contractor/Consultant's insurance coverage shall be primary at least as broad as ISO CG 20 01 04 13 as respects to the District, its directors, officers, employees and authorized volunteers. Any insurance or self-insurance maintained by the District its directors, officers, employees and authorized volunteers shall be excess of the Contractor/Consultant's insurance and shall not contribute with it.~~

~~**2604. NOTICE OF CANCELLATION.** Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the District.~~

~~**2605. ACCEPTABILITY OF INSURERS.** Insurance is to be placed with insurers having a current A.M. Best rating of no less than A: VII or as otherwise approved by the District.~~

~~**2606. VERIFICATION OF COVERAGE.** Contractor/Consultant shall furnish the District with certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the District before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor/Consultant's obligation to provide them. The District reserves the right to require~~

~~complete, certified copies of all required insurance policies, including policy Declaration pages and Endorsement pages.~~

Water Service Regulations - Article 2023. Hourly Labor Rate.
Exhibit "A"
Fiscal Year 2022-2023

| Description | Totals | | Averages | |
|---------------------------------|----------------------------|------------------------|--------------------------|---------------------|
| | Annual | Hourly | Annual | Hourly |
| Salary & Wages | 4,525,573.57 | 2,175.76 | 92,358.64 | 44.40 |
| FICA Tax | 277,919.17 | 133.61 | 5,671.82 | 2.73 |
| Medicare Tax | 67,285.05 | 32.35 | 1,373.16 | 0.66 |
| Longevity Pay | 8,175.00 | 3.93 | 166.84 | 0.08 |
| Bilingual & Class A Stipend Pay | 11,050.00 | 5.31 | 225.51 | 0.11 |
| Deferred Comp Match | 95,550.00 | 45.94 | 1,950.00 | 0.94 |
| Health Insurance | 1,037,165.35 | 498.64 | 21,166.64 | 10.18 |
| Dental Insurance | 69,681.02 | 33.50 | 1,422.06 | 0.68 |
| Vision Insurance | 12,776.40 | 6.14 | 260.74 | 0.13 |
| Life/LTD Insurance | 39,059.37 | 18.78 | 797.13 | 0.38 |
| Employee Assistance Program | 1,469.41 | 0.71 | 29.99 | 0.01 |
| PERS EPMC | 161,203.57 | 77.50 | 3,289.87 | 1.58 |
| PERS Employer Contributions | 405,157.14 | 194.79 | 8,268.51 | 3.98 |
| PERS UAL Prepayment | 342,912.58 | 164.86 | 6,998.22 | 3.36 |
| Workers' Compensation Insurance | 157,307.93 | 75.63 | 3,210.37 | 1.54 |
| Sub-total Benefits | <u>2,686,711.99</u> | <u>1,291.69</u> | <u>54,830.86</u> | <u>26.36</u> |
| Total Salary & Benefits | <u><u>7,212,285.56</u></u> | <u><u>3,467.45</u></u> | <u><u>147,189.50</u></u> | <u><u>70.76</u></u> |

Water Service Regulations - Article 2024. Vehicle/Equipment Hourly Rate.
Exhibit "B"
Fiscal Year 2022 - 2023

(All Rates from the **State of California, Labor Surcharge & Equipment Rental Rates**, Effective April 1, 2022 through March 31, 2023)

| Cal Trans Pg # | Class | Make | Code | CalTrans Equipment Description | WVWD Equipment Description | Hourly Rate | *O.T. Factor | O.T. Rate |
|----------------|--------|------|---------|---|---------------------------------------|-------------|--------------|-----------|
| 1 | AIRCP | PORT | 004-016 | Air Compressor 40 - 160 C.F.M. | Air Compressor 150 C.F.S. | 19.16 | 0.87 | 16.67 |
| 1 | AIRTO | ATOL | 60 | Air tools 60 lbs & over | Jack Hammer (60lb. & Over) | 1.61 | 0.42 | 0.68 |
| 1 | AIRTO | ATOL | 40-60 | Air tools 40 - 60 lbs | Jack Hammer (40lb. To 60lb.) | 1.14 | 0.41 | 0.47 |
| 4 | BRMSW | SWSP | 6-9 | Sweepers - Self Propelled | Street Sweeper Ride Along | 102.80 | 0.86 | 88.41 |
| 4 | COMHG | COMP | 0-250 | Hand guided compactor 0 - 250 lbs | Gas powered Tamper | 4.07 | 0.81 | 3.30 |
| 4 | COMHG | COMP | 250 | Hand guided compactor 250 & Higher | Vibratory Plate Compactor | 9.89 | 0.81 | 8.01 |
| 5 | CONMX | SORP | 0-3.5 | Concrete Mixer 0 - 3.5 cu.ft. | Concrete Mixer | 2.20 | 0.89 | 1.96 |
| 6 | ELGEN | GEN | 003-008 | Generator 3 - 7.5 kW | Generator (4kw) | 4.17 | 0.88 | 3.67 |
| 6 | ELGEN | GEN | 200-300 | Generator 200 - 300 kW | 200 kw Generator (Port.) | 90.99 | 0.88 | 80.07 |
| 6 | ELGEN | GEN | 300-400 | Generator 300 - 400 kW | 300 kw Generator (Port.) | 124.14 | 0.88 | 109.24 |
| 6 | ELGEN | LITE | 2 Light | Two (2) Light Stands | Two (2) Light Stands | 4.27 | 0.88 | 3.76 |
| 6 | ELTOL | TOOL | 045-060 | Electric Powered Hand Tools over 450 to 600 | Electric Powered Hand Tools | 0.32 | 0.42 | 0.13 |
| 17 | LDRRT | CASE | 1677 | 480LL | 480LL Skip Loader | 40.88 | 0.89 | 36.38 |
| 17 | LDRRT | CASE | 1742 | 580 Super K w/ backhoe | 580K Case Backhoe (new) | 41.39 | 0.89 | 36.84 |
| 17 | LDRRT | CAT | 1861M4 | 420D 4WD w/ backhoe | 420 E 4WD w/Backhoe | 49.65 | 0.89 | 44.19 |
| 21 | NONOP | MISC | 0220 | Plate, 25mm thick, per 9.3 sm (Plate, 1" thick, per 100 sf) | Road Plates (1") per day | 1.45 | 1.00 | 1.45 |
| 23 | PUMWA | APMP | 030-050 | Water hose pump 30K - 50K gallons/hr | Portable Water Pump | 23.93 | 0.68 | 16.27 |
| 23 | PUMWA | OUHS | 0-2.5 | 50 lengths of hose, 0 - 2.5 inches in diameter | Fire hose 2 1/2" x 50' | 0.05 | 0.68 | 0.03 |
| 29 | SAWCO | ABOP | 10-20 | Concrete & Masonry Saw 10 - 20 hp | Concrete Saw | 7.67 | 0.84 | 6.44 |
| 32 | TRAFSA | FLAS | RM | Flashing Arrow Sign (roof mounted) | Flashing Arrow Sign (roof mounted) | 0.94 | 0.70 | 0.66 |
| 32 | TRAFSA | FLAS | TM | Flashing Arrow Sign (trailer mounted) | Flashing Arrow Sign (trailer mounted) | 3.48 | 0.70 | 2.44 |
| 32 | TRAFB | 1BAR | A1 | Barricades with flasher | Barricades with flasher | 0.52 | 1.00 | 0.52 |
| 32 | TRAFB | 3DEL | 100 | Portable Delineator | Delineator | 26.68 | 1.00 | 26.68 |
| 32 | TRAFB | 6FSS | EACH | Flag/Sign Stand | Sign Stands | 3.01 | 1.00 | 3.01 |
| 33 | TRAIL | LB-A | 100 | Trailer two (2) Axles - four (4) tires per axle. | Trailer two (2) Axles LB-A | 15.67 | 0.65 | 10.19 |
| 33 | TRAIL | TB-2 | 18-20 | Tilt Bed 2 axle trailer 18 - 20 Tons | *Tilt Bed two (2) Axle Trailers | 6.17 | 0.65 | 4.01 |
| 34 | TRUCK | T&TT | 06-12 | Cars, Trucks 7,000 - 12,000 lbs | 1 Ton Service Truck | 28.65 | 0.88 | 25.21 |
| 34 | TRUCK | T&TT | 06-12 | Cars, Trucks 7,000 - 12,000 lbs | 2000 Gallon Water Truck | 28.65 | 0.88 | 25.21 |
| 34 | TRUCK | T&TT | 00-06 | Cars, Trucks 1,500 lbs and lighter | Field Service Truck | 25.30 | 0.88 | 22.26 |
| 35 | TRUON | TRUN | 2AXL | Trucks, Dump, On-Highway 2 axles | Two (2) Axles Dump Trucks | 51.07 | 0.83 | 42.39 |
| 35 | WELD | AWM | 0-250 | Arc Welder 0-250 amps | Arc Welder 0-250 | 6.19 | 0.83 | 5.14 |
| 35 | WELD | GWO | ALL | Gas Welding Outfit (all) | Gas Welder (torches) | 0.29 | 0.83 | 0.24 |

* The Hourly Rate includes both fixed and variable costs. Variable costs change relative to the level of activity, (for example electric costs). Fixed costs do not change relative to the level of activity, (for example monthly rent). The O.T. Factor reflects only the variable cost portion of the hourly rate. In order to avoid duplication of charges for the fixed cost portion, the O.T. Factor is multiplied by the Hourly Rate to calculate the O.T. Rate.

WATER SERVICE REGULATIONS

“EXHIBIT D”

2101. RATE SCHEDULE. Rates for all users shall hereby be established as follows:

a. Monthly Service Charge

| Meter Size | 1/1/2013 | 1/1/2014 | 1/1/2015 |
|-------------------|-----------------|-----------------|-----------------|
| 5/8" & 3/4" | \$16.79 | \$19.31 | \$22.21 |
| 1" | \$25.01 | \$28.76 | \$33.07 |
| 1 1/2" | \$36.88 | \$42.41 | \$48.77 |
| 2" | \$50.80 | \$58.42 | \$67.18 |
| 3" | \$73.74 | \$84.80 | \$97.52 |
| 4" | \$97.21 | \$111.79 | \$128.56 |
| 6" | \$147.46 | \$169.58 | \$195.02 |
| 8" | \$197.71 | \$227.37 | \$261.48 |

b. Monthly Consumption Commodity Charge

| Per Unit | 1/1/2013 | 1/1/2014 | 1/1/2015 |
|-----------------|-----------------|-----------------|-----------------|
| 0-10 Units | \$1.60 | \$1.85 | \$2.13 |
| 11-50 Units | \$1.75 | \$2.00 | \$2.30 |
| 51 Units & up | \$1.90 | \$2.20 | \$2.53 |

A unit is 748 gallons.

c. Out-of-District rates and charges shall be one and one-half (1 1/2) times regular In-District rates.

~~d. Golf Course, Agricultural, and Non-Potable~~

~~Rates for monthly service charge, water use, and any other charges will be assessed as reflected in the tables above.~~

