

# **MIDWAY HEIGHTS COUNTY WATER DISTRICT CODE BOOK**

July 1, 2016

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## **Chapter 1. Introduction.**

### **Article 1.1. General.**

#### **Section 1.1.1. Purpose and Effect of District Code.**

This Code constitutes and may be referred to as the “Midway Heights County Water District Code,” “District Code,” or “Code.” The purpose of this District Code is to compile all District Ordinances and the Rules and Regulations into a single code. Provisions in this code are in substance the same as those of all prior ordinances and the rules and regulations. Upon adoption, the District Code shall repeal and replace all prior ordinances and rules and regulations.

#### **Section 1.1.2. Code Revision.**

This Code may be revised from time to time by ordinance or resolution as adopted by a majority vote of the Directors.

#### **Section 1.1.3. Code Administration.**

The General Manager, subject to the direction of the Board, shall be responsible for administering and implementing the rules and policies set forth in this Code. The General Manager may delegate any of his or her authority as deemed appropriate or necessary. All decisions and rulings of the General Manager shall be final, unless timely appealed to the Board as provided by section 1.1.4.

#### **Section 1.1.4. Appeals.**

Any person who is dissatisfied with any decision, ruling or other determination made under this Code may appeal to the General Manager. The appeal must be made by giving written notice to the General Manager containing the reasons for the appeal, and must be made within 20 days after the decision, ruling or determination. For any appeal taken under this section to protest or dispute any District rates, charges or fees, the appellant must pay the subject fee in full and under protest when making the appeal. The General Manager shall investigate and transmit to the Board Directors a report upon the matter appealed. The Board shall give written notice to all persons affected by such appeal stating the time and place fixed by the Board for hearing the appeal and shall provide such notice at least ten days prior to the hearing. In general, the Board will hear and decide the appeal at its first available Board meeting. The Board may affirm, reverse or modify any decision, ruling or determination, and all rulings shall be final.

#### **Section 1.1.5. Relief Due to Special Circumstances.**

- (a) When any customer or applicant, by reason of special circumstances, is of the opinion that any provision of the District Code is unjust or inequitable as applied to the customer’s or applicant’s premises, he or she may make written application to the General Manager, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to the premises. The Board by

- resolution may suspend or modify the provision complained of, to be effective as of the date of the application and continuing during the period of the special circumstances.
- (b) The Board may, on its own motion, find that by reason of special circumstances any provision of the District Code should be suspended or modified as applied to a particular premises and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances.

**Section 1.1.6. Enforcement.**

The Board of Directors of the District may make and enforce such rules and regulations as may be necessary for the efficient management, protection, and operation of the District facilities; including without limitation, the right to terminate or disconnect service to any customer for violations thereof or for delinquency in any payments.

**Section 1.1.7. Severability.**

If any section, paragraph or provision of the District Code is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such determination shall not affect the validity and enforceability of the remaining sections, paragraphs and provisions.

**Article 1.2. Definitions.**

For the purpose of this Code, the words and terms below are defined as follows:

General Manager The District General Manager as appointed by the Board.

Annual flat rate irrigation water Un-metered irrigation water service provided year-round from July 1 to June 30.

Applicant The person making application for water service and shall be the owner of premises to be served by the water facilities for which such service is requested, or the owner's authorized agent.

Assessment District No. 1 The original assessment proceedings finalized in January 1990 pursuant to which the District constructed the treated water storage and distribution system.

Auxiliary water supply Any water supply on or available to the premises other than the District's approved treated water supply, including, but not necessarily limited to, untreated water supplied by the District, water from any natural source such as a well, spring, river, stream, lake, reservoir or reclaimed water.

Board The Board of Directors of the District.

Building Any building or structure containing water facilities and used for human habitation or a place of business, recreation or other purpose.

Chief Operator The person who has overall responsibility for the day-to-day operations of the District.

Code or District Code The Midway Heights County Water District Code.

Commercial or multi-family residential premises A lot or parcel of real property that includes one or more apartment houses, motels, office buildings, commercial buildings, and structures of like nature.

Connection charge A charge levied to pay for capacity in the District's system.

Contractor An individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

Cost The cost of labor, material, supplies, transportation, supervision, engineering, and all other necessary overhead expenses.

County The County of Placer.

Cross-connection Any physical connection between the piping system from the District treated water service and that of any other water source, including the District irrigation water service, whereby water from the other source may be forced or drawn into the District treated water distribution mains.

Customer The person or entity of record making application for or receiving water from or by use of the District properties or facilities.

Customer line The customer water line from the District-owned service box to the customer's premises.

Distribution mains The District water mains in streets.

District Midway Heights County Water District.

District Inspector The inspector acting for the Board. It may be the General Manager, the District Engineer, the Field Operations Manager, or another person appointed by the Board.

Engineer The registered civil engineer serving as District engineer, appointed by the Board.

Guarantee deposit A minimum deposit to guarantee that the monthly bill will be paid.

Irrigation water service Untreated water service provided by the District for irrigation of lands within the District territory.

Irrigation water Untreated ditch water intended for agricultural or landscape irrigation.

Metered irrigation water The measured irrigation water service provided to customers through a water metering device on a year-round basis. Such service is provided to customers at their request, as an alternative to flat rate irrigation water service.

Miners inch Water delivered at the rate of 1.5 cubic feet per minute (11.2 gallons per minute).

Off-season irrigation The service period of October 1 through April 30 of the following year.

Owner means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's Office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian, or trustee of the owner.

Permit Any written authorization required pursuant to this Code or any other District rule, regulation, or ordinance for the installation of any water works or improvement.

Person Any individual person, firm, company, partnership, association, and private, public, or municipal corporation, the United States of America, the State of California, districts, and all political subdivisions, governmental agencies and territories.

Policies and Procedures Manual The set of standard operating procedures used by the Midway Heights County Water District. The Policies and Procedures Manual defines how the provisions of the District Code are implemented and it provides other supplementary material used in District operations.

Premises The lot or parcel, including improvements, that is located within the District to which water service is, or is to be, provided by the District.

Quorum A majority of Directors, i.e. three Directors for a five member board.

Seasonal flat rate irrigation water The optional additional irrigation water delivery/flow that may be provided to annual flat rate irrigation water customers during the irrigation season of May 1 to September 30.

Service or service connection The District pipeline and facilities that extend water service from a distribution main to a customer's line. When multiple customers are connected to the District facilities at a single location, each branch is a separate service connection.

Single family residential premises A lot or parcel of real property that includes one or more separate single family residential structures.

Single family unit (SFU) The water capacity normally needed to serve a single family residential unit or the equivalent water usage for buildings used for purposes other than single family residences.

Street Any public highway, road, street, avenue, alley, way, easement or right of way.



Territory All areas and lands included within the exterior boundaries of the District.

Treated water Water that is potable and intended for household use.

Water Department The Board of Directors of the District performing functions related to the District water service, together with the General Manager, the Field Operations Manager, the Office Manager, and other duly authorized representatives.

## **Chapter 2. Administration.**

### ***Article 2.1. Water Department***

#### **Section 2.1.1. Creation.**

A Water Department is hereby created, comprised of the following positions: General Manager, Field Operations Manager, District Inspector, Office Manager, and any other support staff deemed necessary by the Board of Directors. The same person may be appointed to any or all of these positions. They shall be appointed to serve at the pleasure of the Board.

#### **Section 2.1.2. District Engineer.**

The Board shall employ a District Engineer, or such other person as may be designated by the Board to perform the duties of inspecting the installation, connection, maintenance, and use of all water facilities in the District (also to be known as the District Inspector).

#### **Section 2.1.3. General Manager.**

- a) The General Manager shall have full charge and control of the maintenance, operation and construction of the District water works and system.
- b) The General Manager shall, with the consent and approval of the Board, have authority to employ and discharge all employees and assistants.
- c) He or she shall prescribe the duties of employees and assistants perform such other duties as are imposed from time to time by the Board, and report to the Board in accordance with the rules and regulations adopted by the Board.
- d) The General Manager shall ensure that all physical facilities related to the District's water system are regularly inspected to see that they are in good repair and proper working order, and to note violations of any water regulations.
- e) The General Manager shall approve payment of all invoices and be the principal signer on all districts' checks.
- f) In the General Manager's absence, the Board Treasurer and a Board Member will approve invoices and sign the checks.

**Section 2.1.4. Office Manager.**

The Office Manager shall have charge of the District office, and of the billing for, and collection of, the charges herein provided. The Office Manager shall compute, prepare, and mail bills, make and deposit collections, maintain proper books of account, collect, account for, and refund deposits, do whatever else is necessary or directed by the District Auditor to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the Board or General Manager.

**Section 2.1.5. Chief Operator.**

The Chief Operator is person who has overall responsibility for the day-to-day operations of the District.

**Section 2.1.6. Compensation.**

District officers and employees shall receive such compensation as is prescribed by the Board.

**Article 2.2. Board of Directors.**

**Section 2.2.1. Introduction.**

These rules for proceedings of meetings of the Board of Directors of the Midway Heights County Water District (Board) are adopted pursuant to California Water Code section 30530 in order to facilitate the conduct of board meetings, and public participation in board meetings, in an orderly and efficient manner. The Board governs the District and determines all questions of District policy. The provisions of the Ralph M. Brown Act (Govt. Code, §54950 et seq.) and any other applicable law shall control over any inconsistent provision contained in these rules.

**Section 2.2.2. Time and Place for Regular Meetings.**

The regular monthly meetings of the Board are held at 16717 Placer Hills Road, Meadow Vista, California, on the third Thursday of each month, commencing at 7:00 P.M.

**Section 2.2.3. Method of Transacting Business; Required Vote.**

A majority of the Board shall constitute a quorum for the transaction of business. The Board shall act only by ordinance, resolution, or motion. Board action requires the affirmative votes of at least 3 members of the 5 member Board, unless state law (Water Code, §§30523-30525), specifies a different voting requirement.

**Section 2.2.4. Minutes; Record of Vote.**

The Secretary to the Board shall prepare and maintain written minutes of each Board meeting. These minutes shall include at least the following information: names of the directors and staff present at the meeting; brief summary of the discussion of the Board on each matter considered;

names of the directors who make and second ordinances, resolutions, and motions; and the ayes and nays taken upon all action items. Any director may request that a brief abstract of his or her statement either in support or opposition of any matter be entered in the minutes; such request should be made at the meeting at which the matter is discussed.

**Section 2.2.5. Board Officers.**

The officers of the Board shall consist of a President, Vice President, Treasurer, and Secretary. At its regular meeting in December, the Board shall elect one of its members President, one of its members Vice President, and one of its members Treasurer. The term of office for President, Vice President, and Treasurer shall be for one year; provided, however, that each serve at the pleasure of the Board and may be changed at any time with or without cause. In the event of a vacancy, the office may be filled immediately by election of the Board. There shall be no limit as to the number of terms that an individual may hold an office. The Board shall appoint a staff person to serve as Secretary, who shall serve at the pleasure of the Board for an indefinite term.

**Section 2.2.5.1. Duties of the President.**

The President shall have the following duties:

- (a) To assure that a written agenda is prepared for each Board meeting.
- (b) To preside over Board meetings and preserve order and decorum.
- (c) To determine questions of order and enforce rules of the Board, subject to appeal by the entire Board of Directors.
- (d) To call special meetings.
- (e) To execute all resolutions and contracts of the District.
- (f) To recommend appointments to Board committees, subject to approval by the Board of Directors.
- (g) To perform other duties imposed from time to time by the Board of Directors.

**Section 2.2.5.2. Duties of the Vice President.**

The Vice President shall perform the duties of the President in the absence of the President or in the event of a vacancy in the office of President.

**Section 2.2.5.3. Duties of the Treasurer.**

The Treasurer shall have the following duties:

- (a) To review, verify, reconcile, and approve the District Treasurer's report and provide a brief overview for the Board's approval.
- (b) To review the invoices of the District's monthly accounts payable.
- (c) To review all credit card charges.
- (d) To review Staff time charges and petty cash fund.
- (e) To be the signer on all District checks after they are signed by the General Manager.
- (f) To reconcile the monthly bank statement.

- (g) To verify that all checks on the bank statement were signed by the Board Treasurer or an alternate Board member and from the check images that the payee on the paid check matches the payee listed on the check register.
- (h) To approve withdrawal of funds from the investment accounts.
- (i) To perform the duties of the President in the absence of the President and Vice- President.
- (j) To perform other duties imposed from time to time by the Board of Directors.

**Section 2.2.5.4. Duties of the Secretary.**

The Secretary shall have the following duties:

- (a) To prepare and maintain the Board agendas, notices, and minutes.
- (b) To attest to the signature of the President on resolutions, and contracts.
- (c) To certify District documents as true and correct copies.
- (d) To give notice of meetings and hearings as required by law.
- (e) To perform other duties imposed from time to time by the Board of Directors.

**Section 2.2.6. Agenda for Board meetings.**

- (a) The Secretary shall be responsible for preparing the regular meeting agenda and special meeting notice/agenda, and posting it at the Meadow Vista Post Office, the market at Village Center, and other locations specified by the Board that are freely accessible to the public, at least 72 hours before each regular meeting and at least 24 hours before each special meeting. The agenda must be delivered personally, by mail, or by electronic mail to each newspaper, radio or television station, entity or person that has requested notice of Board meetings in writing. The agenda must specify the time and location of the meeting, and contain a brief general description (generally no more than 20 words) of each item of business to be transacted or discussed at the meeting. Except as otherwise directed by the Board of Directors, any member of the board may request the Secretary to place an item for discussion or action on the agenda. In order to allow sufficient time to prepare the agenda and back-up materials, the deadline for adding items to the agenda for a regular meeting shall be at 10:00 a.m. on the Monday preceding the Thursday meeting.
- (b) The agenda shall include those items defined in the Order of Business, Section 2.2.7.
- (c) The Board shall not act on any item not appearing on the posted agenda, except in the following circumstances:
  - (1) when items are added to the agenda in emergencies that severely impair public health or safety, such as a work stoppage or crippling disaster (add by majority vote);
  - (2) when there is an immediate need to take action on an item which came to the attention of the District after posting the agenda (add by two-thirds vote, or unanimous vote if less than two-thirds are present);
  - (3) for items continued from a posted agenda matter for a meeting within the last five days; or
  - (4) as provided in subsections (c) and (d). (Gov. Code, § 54954.2.) Emergency items may be added to the meeting agenda by motion of a quorum of the members of the Board of Directors.

**Section 2.2.7. Order of Business.**

- (a) The President, or the Board by motion, may take any item of business out of order.

(b) The order of business at a regular Board meeting will ordinarily be as follows:

- (1) Call to order and roll call.
- (2) Approval of minutes.
- (3) Public forum, opportunity for public comment on non-agenda items.

The agenda for every regular meeting shall provide an opportunity for members of the public to directly address the Board on items of interest that are within the subject matter jurisdiction of the Board and which do not appear on the agenda. No person shall address the Board without first being recognized by the President. No action shall be taken on any item not on the agenda unless otherwise authorized by Government Code Section 54954.2 and Section 2.2.6.(c). However, the Board may briefly respond, request staff to report back on the matter, or direct staff to place the matter on subsequent agenda. As a general Board policy, complaints and concerns from members of the public should first be referred to the General Manager for investigation and resolution, if appropriate. The following procedures shall govern the public's exercise of this right:

- (i) Speakers must state their name and address for the record.
- (ii) The Board Chair may limit the public forum session in order to facilitate the meeting. The total time allotted for the public forum session is generally limited to 20 minutes. Discussion on each particular issue is limited to 10 minutes. Individuals are limited to approximately 3 minutes of public comments. The time to address the Board will be allocated on a basis of the order of requests received. Not all members of the public may be allowed to speak if the total time allocated expires.
- (iii) If action is necessary on any public comment, a member of the Board may request that the item be placed on the agenda for the next meeting.

(4) Public hearings (if any).

(5) New and unfinished business action items.

(6) Director and staff reports and Board/staff general discussion. Under these agenda items, Board members and staff may ask questions for clarification, and make brief announcements and reports, and Board members may provide information to staff, request staff to report back on a matter, or direct staff to place a matter on a subsequent agenda. Unless the Board makes one of the determinations required under section 2.1.6(b), there shall be no substantive discussion or action on matters covered in these reports.

(7) Financial reports and fiscal action items.

(8) Closed sessions (if any).

(9) Adjournment.

A meeting of the Board shall be adjourned by the following methods:

- (i) The Board loses a quorum of members.
- (ii) A motion is made to adjourn the meeting and the motion is seconded and approved.
- (iii) The President declares the meeting is adjourned when the agenda has been completed and there is no further business to come before the Board.

A regular meeting may be adjourned and re-adjourned to a time and place under the following circumstances:

- (i) A motion is made, seconded and approved by the Board.
- (ii) Adjournment is approved by a majority of members if less than a quorum of the Board is present.
- (iii) Adjournment is approved by the Secretary if all directors are absent from any regular or adjourned meeting.

If the meeting is adjourned for less than 5 calendar days, no new agenda need be posted provided no new item of business is introduced. A copy of the order of adjournment must be posted within 24 hours after the adjournment at or near the door where the meeting was held.

**Section 2.2.8. Public Requests To Be Placed On the Regular Board Meeting Agenda.**

- (a) Any person wishing to address the Board of Directors on an item requiring a decision of the Board or action by the District must submit that request to the District office no later than two weeks before a regularly scheduled board meeting.
- (b) Written requests received after the cut-off date will be postponed until the following regular meeting, unless the matter is deemed to be urgent.

**Section 2.2.9. Responsibilities of Directors for Board meetings.**

The primary responsibility of the Board of Directors is developing policies and overseeing the implementation of those policies by staff. An essential element of that responsibility is the attendance and participation of each director at the Board meetings. Each director is responsible for being adequately informed and prepared to discuss the posted meeting agenda. Preparation includes thoroughly reading the Board packet provided for each meeting. Questions or clarification of material should be obtained from staff before each meeting, when possible. Discussion of agenda items with other members of the Board before and after meetings and by telephone, e-mail or other means outside of a public meeting is limited by the constraints of the Brown Act. Directors should notify the General Manager as soon as possible if they anticipate being absent from a Board meeting. Repeated absences are to be avoided. It is the responsibility of the individual director who has missed a meeting to contact staff to find out meeting outcomes before attendance at subsequent Board meetings. Extended discussion regarding missed meetings is strongly discouraged, and may be discontinued and referred back to staff at the discretion of the President.

**Section 2.2.10. Special Meetings.**

A special meeting may be called at any time by the President or by a majority of the Board. Written notice must be given personally, by mail, or by electronic mail to each director and to each newspaper, radio or television station, entity or person requesting notice in writing. The special meeting notice must be received at least 24 hours before the time of the meeting specified in the notice. The special meeting notice must also be posted at least 24 hours before the meeting in a location(s) freely accessible to the public. No other business shall be considered at a special meeting. Special meetings may be adjourned to a specific day and time by (a) a motion made, seconded and approved by the Board, (b) approval of less than a quorum of the Board if a quorum is not present, or (c) the Secretary if all directors are absent from any regular or adjourned regular meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the facility where the meeting was held within 24 hours after the time of adjournment.

### **Section 2.2.11. Closed Sessions.**

- (a) **General.** A closed session may be held on any subject authorized under the Brown Act. Closed sessions must be properly disclosed and described in the agenda as required by the Brown Act. (Gov. Code, § 54954.5.) The Board shall not keep minutes of its closed sessions. Prior to holding a closed session on any matter, the Board President shall refer to the closed session item or items by reference to the appropriate agenda item number(s). In the closed session, the Board shall consider only those matters covered in the agenda.
- (b) **Report Back.** After any closed session, the Board shall reconvene into open session and publicly report any action taken (including the roll call vote) during the closed session to finally approve a real property acquisition; to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a District employee; or to finally approve a labor contract. For the report back obligations relating to pending litigation, the Board should consult the District's attorney. (Gov. Code, § 54957.1.)

### **Section 2.2.12. Rules of Order.**

- (a) **General.** Action items shall be brought before and considered by the Board by motion in accordance with the following rules of order. These rules of order are intended to be informal and applied flexibly.
- (b) **Points of order.** If a director believes order is not being maintained or procedures are not adequate, then he or she should raise a point of order to the President. (A point of order does not require a second.) If the ruling of the President on the point of order is not satisfactory, then it may be appealed by motion (which does require a second) to the full Board. A majority vote of the Board will govern and determine the point of order.
- (c) **Obtaining the floor.** Any director desiring to speak should address the President and upon recognition by the President may address the subject under discussion.
- (d) **Motions.** Any director, including the President, may make or second a motion. A motion shall be brought and considered as follows: (1) a director makes a motion; (2) another director seconds the motion; and (3) the President states the motion. Once the President has stated the motion, it is open to discussion and debate. In order to facilitate the meeting, the President may limit the total amount of time allocated for each individual director (five minutes shall normally be standard). Before voting on any motion, the President should also ask for any comments from the public audience, the time allocated for public comment also being limited if deemed necessary. After the matter has been fully debated (subject to a motion to close debate and vote immediately, discussed below), the President will call for the vote.
- (e) **Secondary motions.** Ordinarily, only one motion may be considered at a time, and a pending motion must be voted on before the Board considers any other motions or business. Secondary motions are exceptions to this general rule and they are considered before voting on the primary motion. A secondary motion passes when seconded by a Board member and then approved by the Board.
  - (i) **Motion to amend.** A primary motion is amended before it is voted on, either by the consent of the directors who moved and seconded the primary motion, or by a motion to amend. After approving an amendment by consent or by a motion to amend, the Board then proceeds to consider the primary motion as amended.

- (ii) **Motion to table.** A primary motion is indefinitely tabled prior to a vote by a motion to table. After approving a motion to table, the primary motion is not considered further at that meeting and it remains tabled until placed on the agenda of a subsequent meeting.
- (iii) **Motion to postpone.** A primary motion is postponed to a specified date and time by a motion to postpone. After approving a motion to postpone, the primary motion is then reconsidered at the date and time specified in the motion to postpone.
- (iv) **Motion to refer to committee.** A primary motion is referred to a Board or Staff committee for further study, recommendation, and report back to the Board.
- (v) **Motion to close debate and vote immediately.** Debate on a primary motion is closed by a motion to close debate and vote immediately.
- (vi) **Motion to adjourn.** A meeting may be adjourned before voting on a main motion by a motion to adjourn. After approving a motion to adjourn, the meeting then immediately adjourns without further consideration of the primary motion.
- (f) **Public comments.** Any person shall have the right to address the Board as provided in these rules upon attaining recognition of the President. A member of the public may address the Board on any matter within the jurisdiction of the Board. Except for public hearings, comments from the public on agenda items shall not be received until after completion of the Board discussion and deliberation, and just before final action or completion of the agenda item. If the matter relates to a non-agenda item, comments from the public shall be received during the public comment portion of the agenda. The President may limit or restrict public comment that is irrelevant to the particular agenda item, outside the jurisdiction of the District, or unduly repetitive of comments already received.
- (g) **Majority rule; motion to reconsider.** Motions to reconsider matters previously resolved by the Board should be limited to those items that will allow a reversal, and should be warranted by the presentation of new evidence or information. A motion to reconsider must be listed on a posted agenda in order for the Board to discuss it or act upon it, except as noted in section 2.2.6(c).
- (h) **Decorum.** Each director, staff person, and member of the public who addresses the Board shall do so in an orderly manner. No person shall make personal, impertinent, slanderous, or profane remarks to any member of the Board, staff, or general public. No person shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet, clapping, or other acts that unreasonably disturb, disrupt, delay or otherwise impede the orderly conduct of any Board meeting. Except as allowed by these rules of order, a director or staff person shall not by conversation or other means delay the Board proceedings or disturb any other director, staff person or member of the public who is addressing the Board.

### **Section 2.2.13. Public Hearings.**

Public hearings are required for rate increases, water conservation programs, and to file a lien against a customer's property for unpaid delinquent bills. Public notice shall be given prior to the public hearing: 45 days for a rate increase, 7 days for a water conservation program, and 14 days for delinquent bills. In the latter case, the District shall directly notify the delinquent customer.

Public hearings shall be conducted in accordance with the procedures in this section. The District will generally hold public hearings at the beginning of regular board meetings as a convenience to the public. The usual order of procedure is as follows:



- (a) No sooner than the time set for the public hearing, the President shall declare the public hearing open.
- (b) The General Manager or other appropriate staff person shall verify that notice of the public hearing has been given in the manner required by law.
- (c) The General Manager or other appropriate staff person shall present a staff report concerning the subject of the hearing.
- (d) The President shall ask whether any Directors have any questions of the staff.
- (e) The President shall ask the General Manager whether any written comments on the subject matter of the public hearing have been received.
- (f) If applicable, the President shall ask the applicant or proponent to present any comments.
- (g) The President shall then ask whether any members of the public wish to present any comments.
- (h) The President then closes the public hearing.
- (i) The Board then deliberates and acts on the item.

No person shall be permitted during the hearing to speak about matters not germane or relevant to the subject of the hearing. In its discretion, the Board either at the beginning of the hearing, or pursuant to motion during the hearing, may set limits on the amount of time an individual speaker is allowed to comment orally during the public hearing. When many individuals intend to present oral comments, a three-minute per speaker time limit may be appropriate. Any time limits so established shall be uniformly applied and strictly adhered to. A public hearing may be continued from time to time by motion of the Board.

#### **Section 2.2.14. Enforcement of Rules.**

The President shall maintain order and decorum of meetings and enforce these rules for proceedings. If a person (including a director, staff person or member of the public) breaches these rules, then the President may order that the person be orderly and silent or otherwise control his or her comments or behavior in accordance with these rules. If, after receiving such an order, a person persists in disturbing the meeting, the President may order him or her to leave the Board meeting; provided, however, that if the offender is a director, an order to leave the Board meeting must be approved by a majority vote of the Board. If the person does not leave, the President may adjourn or continue the meeting, or direct any law enforcement officer to remove the person from the boardroom. If necessary, the President may suspend a meeting until appropriate law enforcement personnel may be summoned.

#### **Section 2.2.15. Emergency Meetings.**

Emergency meetings are held when a quorum of the Directors declares an emergency situation exists. An emergency situation is an issue that severely impairs water service or threatens public health or safety. Work stoppages and crippling disasters are examples. Public notice shall be provided by telephone to all members of the Board at least one hour prior to the meeting, and to local newspapers of general circulation and all other media outlets, entities and individuals who have requested notification in writing. In the event that telephones are not working, or designated individuals cannot be reached, notice shall be given as soon as possible after the meeting. Telephone notice of the emergency meeting shall state the time, place, and purpose of

the meeting. No business other than the stated purpose of the meeting may be considered. Emergency meetings may not be held in closed session.

**Section 2.2.16. Amendment of Rules.**

By motion, the Board in its discretion may at any meeting temporarily suspend the rules in this Article 2.2 in whole or in part, or amend these rules in whole or in part; provided, however, that any such change must be consistent with the Brown Act.

**Article 2.3. Local Claims Procedure.**

**Section 2.3.1. Purpose and Authority.**

The purpose of this article is to establish local claims procedures, as authorized by Government Code Section 935, to govern money claims brought against the District that are exempt from state law claims procedures under the Tort Claims Act.

**Section 2.3.2. Local Claims Procedures Established.**

Pursuant to Government Code Section 935, the District hereby establishes the following claims procedures, to apply to those claims against the District that are exempt from the Tort Claims Act under Government Code Section 905:

- (a) All claims for money or damages against the District, that are not governed by any other statute or regulation expressly relating to such claim, shall be presented to the District within the time limitations and in the manner set forth in Government Code Sections 910-915.4.
- (b) When a claim is required by the District Code to be presented within a period of less than one year after the accrual of the cause or action, and that claim is not presented within the required time, an application for leave to file a late claim may be made and processed in accordance with Government Code Sections 911.4(b), 911.6 - 912.2, and 946.6. A late claim shall also be subject to Government Code Section 946.4. (See Government Code Section 935(e).)
- (c) Claims shall be subject to the provisions of Government Code Section 945.4, relating to the prohibition of lawsuits until the presentation of, and action on, a claim. No lawsuit for money or damages may be brought against the District on a cause of action for which a claim is required to be presented in accordance with this ordinance until a written claim has been presented to the District and has been acted upon, or has been deemed to have been rejected, by the District Board, in accordance with the procedures of Government Code Section 910-915.4. (See Government Code Section 935(b).)
- (d) Any lawsuits brought against the District on a claim subject to this ordinance shall be subject to the provisions of Government Code Sections 945.6 (lawsuit filing limitations) and 946 (lawsuit barred after claim allowed in full or part). Any lawsuit against the District on a claim subject to the District Code must be commenced within the time limitations of Government Code Section 945.6. (See Government Code Section 935(b).)

**Article 2.4. Access to Public Records.**

- (a) The Public Records Act (Government Code Sections 6250 et. seq.) requires public agencies to provide access to all public records, which are defined as any writing, tapes, films or other media containing information relating to the conduct of the people’s business prepared, owned, used or retained by any local agency (except exempt records as described in sub-article (d)).
- (b) The District does not have a public information office or full-time employees to maintain regular office hours. Therefore, an appointment to review District records must be scheduled by contacting the General Manager at (530) 878-8096. It is the desire of the Board that access to the records be provided as soon as possible, but no later than ten days.
- (c) Copies of public records can be obtained for a fee specified in Rate Table, Article 6.5.
- (d) Records defined by law as confidential or that are specifically exempted under the Public Records Act are not accessible by the public. Some examples of confidential records include Social Security or Tax Identification Numbers; records pertaining to pending litigation involving the District until the litigation is adjudicated or otherwise settled; personnel records if disclosure is deemed an unwarranted invasion of personal privacy.

**Chapter 3. Water Service.**

**Article 3.1. General Provisions.**

**Section 3.1.1. Purpose.**

This chapter is intended, among other things, to provide certain minimum standards, provisions, and requirements for the design, construction, materials and use of water facilities and water service connections installed, operated, altered or repaired in the District.

**Section 3.1.2. Effective Area.**

Except as otherwise expressly provided, this chapter shall apply to and be effective within the District’s territory. This chapter applies to both treated water service and irrigation water service.

**Section 3.1.3. Permit to Connect.**

No person shall connect or cause to be connected any pipe or other water service device to a District pipeline or facility without having first applied to the District for approval of the connection and having the application approved by the District. The District may refuse to furnish water, terminate the use of water, or discontinue service to any premises or customer, if an applicant or customer violates or fails to comply with any part of the District Code or the District Policy and Procedures Manual.

**Section 3.1.4. Tampering with District Property.**

No one, except a District employee or authorized representative, shall at any time in any manner operate the meters, curb cocks or valves, main cocks, gates or valves of the District’s water system, or interfere with meters or their connections, double check valves, street mains, or other parts of the water system.

**Section 3.1.5. Penalty of Violation.**

The District may terminate all water services to any customer who fails to comply with all or any part of the District Code or other District policies and procedures. Prior to reestablishing water service, the customer whose service is so terminated shall demonstrate full compliance with the District Code and the District policies and procedures and shall pay a reconnection fee as set forth in the Rate Table, Article 6.5.

**Section 3.1.6. Responsibility for Pipelines, Equipment or Appliances.**

Customers shall, at their own risk and expense, furnish, install, keep and maintain in good condition and state of repair all water pipes, meters, equipment and facilities that may be required for receiving, controlling, applying, or utilizing water received from the District. The District shall not be responsible for any loss or damage caused by improper installation or operation of such equipment, appliances, or fixtures, or the negligence, lack of due care, or wrongful act of the customer, its agents, servants, employees, or licensees.

**Section 3.1.7. Encroachments on District Property; Access.**

- (a) A Customer may concurrently use a District easement, right-of-way or real property if the use will not interfere with District operations and not have the potential to damage District property. By applying for and using District water service, a Customer agrees to keep District easements, rights-of-way and property clear of all encroachments and provide District staff and contractors access to District property and facilities at all times. A Customer may not permanently obstruct access to or install improvements that may damage facilities installed on, over, under, or across District easements, rights-of-way or property. Prohibited encroachments include, but are not limited to, fencing with no access gate or other ingress or egress provided, installing permanent or significant temporary structures, paving, swimming pools, decks or other hardscape improvements, or planting trees or large shrubs. Customers may maintain any real property containing a District easement or right-of-way with reasonably maintained turf, flower beds, safe native vegetation, or unpaved surface areas.
  
- (b) The District shall have the right to maintain its easements, rights-of-way and property in the manner that it deems necessary to safeguard such District property and any facilities installed on, over, under, and across such property. The District will make every effort to accept and preserve any reasonable Customer landscape improvements of the type described in subsection (a) above, but the District shall have sole and final discretion to determine what constitutes acceptable Customer maintenance of and improvements on District property.

(c) In cases where a Customer's use involves the installation of all or a portion of an encroachment on a District easement, right-of-way or other real property, the encroachment first must be approved by the Board of Directors. The Board may allow the installation and use of an encroachment in, over, or upon a District easement, right-of-way or real property upon determining that the encroachment will not interfere with operation of the District's water systems and will not interfere with the maintenance, repair, upgrading, and replacement of such systems. However, no encroachment on any District property will be allowed until the property owner requesting the encroachment executes an encroachment agreement in a form approved by the District. The agreement shall provide, among other conditions, that:

(1) The cost of maintaining, repairing and removing an encroachment shall be borne solely by the Customer;

(2) The District will not waive any rights as to its use of the easement, right-of-way or property, including but not limited to, the right to enter upon the easement at any time for the purpose of operating or making repairs, modifications, upgrades or replacements of any pipeline, appurtenance or road; and

(3) The encroachment will be removed upon thirty days written notice by the District to the Customer, unless the Board grants an extension of such period. Any extension granted by the District shall be in writing and signed by the General Manager.

(d) The General Manager is authorized to allow any encroachment that is not permanently affixed and does not exceed \$5,000.00 in value, subject to execution of an encroachment agreement by the Customer. All other encroachments must be approved by the Board of Directors.

(e) If a Customer violates this Section 3.1.7 by obstructing the District's access to its property and facilities, or by refusing to remove an encroachment or execute an encroachment agreement when requested, the District may terminate water service as provided in Section 3.1.5 above and/or the District may institute any legal action necessary to prevent or remove the encroachment in, over, or upon the District's easement, right-of-way and property.

(f) In cases where the width of the District's easement is not defined in the grant of easement or other document granting the easement, the width will be defined as that width necessary to permit the District to fully use the easement to install, construct, operate, maintain, repair, upgrade, remove, and replace the pipeline or other improvements installed in the easement. The appropriate width of a particular easement will be determined by the District with reference to water industry standards for the type of pipeline or other use made of the easement, but generally the width of an undefined easement will be no wider than 30 feet.

### **Section 3.1.8. Damage to District Property.**

Customers shall be liable for all damage occurring to the facilities, equipment or real property of the District, caused by act of the customer, its agents, servants, employees, contractors, licensees, or permittees, including the breaking or destruction of locks by the customer or others, on or near

the service connection of the District, and the District shall be reimbursed by the customer for any such damage, promptly upon presentation of a bill therefore. The District may terminate all water service if the customer fails to pay such an amount on demand by the District.

**Section 3.1.9. Access to Customer’s Premises.**

(a) As a condition of accepting District water service, each District customer grants to the District and its duly authorized employees, agents and contractors the right at all reasonable times to access the Customer’s Premises for any reasonable purpose properly connected with the service of water to the Customer. Inspection work or recommendations made by the District in connection a Customer’s plumbing or appliances shall be made for the benefit of the District, and shall not be construed as any guarantee in favor of the Customer.

(b) In cases where a District easement is located on a Customer’s Premises, the District shall have an unrestricted right to access the easement to operate, maintain, repair, upgrade, and replace District pipelines and appurtenant facilities. If the Customer wishes to fence or otherwise secure his or her Premises against unauthorized entry, the Customer shall provide the District with a gate or other access to its easement at a location that is reasonably convenient for the District and shall provide the District with any codes, combinations, or other devices or information necessary for District staff to pass through the fence or other security barrier or device for the purpose of accessing the District’s easement. Any locks requiring a key will need to have a dual locking mechanism for both a Customer lock and a District provided lock.

**Section 3.1.10. Waste of Water.**

No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer’s premises, the District may provide written notice demanding correction. The District may terminate water service if the conditions are not corrected within three days after giving the customer written notice demanding correction.

**Section 3.1.11. Resale.**

No customer shall resell or permit the resale of any water received from the District, nor shall such water be delivered to or permitted to be used upon premises other than those specified in the application for service.

**Section 3.1.12. Unsafe Apparatus.**

The District may refuse to furnish water, terminate water service to any premise or customer, where apparatuses, appliances, or equipment using such water are in a dangerous or unsafe condition. The District does not assume liability for inspecting apparatus on customer’s premises, but the District does reserve the right to inspect such apparatus, appliances and equipment.

**Section 3.1.13. Service Detrimental to Others.**

The District may refuse to furnish water, terminate water service to any premises or customer, if excessive demands by one customer or apparatus, appliance, or equipment of such customer, or otherwise, be deemed detrimental or injurious to the water service to be furnished to other customers of the District. The District may refuse to furnish or permit the supply of water, or may terminate service to any premises or customer if excessive demands by one customer may result in inadequate service to other customers.

**Section 3.1.14. Pressure Conditions.**

All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the District harmless from any damages arising out of low pressure or high pressure water service conditions or from any interruptions in service. Midway Heights advises customers that the Uniform Plumbing Code requires a pressure-regulating valve with strainer whenever the supply pressure exceeds 80 pounds per square inch (psi). The District recommends that all customers install a pressure-regulating valve with a strainer.

**Section 3.1.15. Pressure and Supply; Suspension of Service.**

The District will exercise reasonable diligence and care to preserve and maintain in operating condition the District water utility facilities and pipelines, but will not be liable for interruption, shortage, insufficiency of supply, variations in pressure, excessive or reduced pressure, or from consequential loss or damage. The District reserves the right to interrupt service while making repairs, replacements, and connections or performing other work in the operation of the water system. Repairs, improvements, or connections will be undertaken as rapidly as practicable, and so far as reasonably possible, to cause the least inconvenience to its customers. Customers that are dependent upon a continuous water supply should provide emergency storage.

**Section 3.1.16. Changes in Customer's Equipment.**

If a customer makes any material change in the size, character, or extent of the equipment or operations utilizing water service, or changes operations resulting in a large increase in the use of water, then the customer must immediately give the District written notice of the nature of the change, and, if necessary, amend their water service application.

**Section 3.1.17. Ground Wire Attachments.**

All persons are forbidden to attach any ground wire or wires to any plumbing that is or may be connected to a service connection or main belonging to the District unless such plumbing is adequately connected to an effective driven ground installation on the premises. The District will hold the customer liable for any damage to its property occasioned by such ground wire attachments.

**Article 3.2. Application for Service.**

### **Section 3.2.1. Application.**

- (a) Each customer for water service will be required to complete and sign an application form provided by the District setting forth following items: (1) date and place of application; (2) location of premises to be served, size of area to be served, and type of use to be made of water; (3) date service is to commence, and date of connection for purposes of supply to customer; (4) address to which bills are to be mailed or delivered and whether the applicant is the owner, tenant, or agent of the premises; (5) an agreement on the part of the applicant to comply with this Code and all other applicable District ordinances, rules, regulations, fees and charges, and other laws applicable to the use of the utility facilities of the District; and (6) such other information as the District may require.
- (b) An application shall merely be a request for service and use of the utility facilities of the District, and shall not bind the District to permit such use, or to provide certain service, until approved by the District.
- (c) Individual liability for joint service: Two or more parties who join in one application for service shall be deemed jointly and severally liable, and shall be billed for any charges and expenses by means of a single bill or billing.
- (d) The property owner is responsible for payment of all bills for services rendered by the District to his or her property, whether such service is requested by the property owner, the property owner's tenant or the property owner's authorized agent. The property owner's responsibility continues unless the District receives written notice from the property owner to terminate such service. (Gov't Code section 54347; Water Code section 31007.5) In the absence of such notice to terminate services, and/or when the property owner has been notified of the District's intention to discontinue services, or in the event the premises are vacant and service has been discontinued by a written notice from a tenant or authorized agent, the District will not provide, continue, restore, or re-establish water service to the property until all unpaid bills, charges, fees, and penalties have been paid by the property owner, tenant, agent, or by any subsequent property owner, tenant, or agent.
- (e) Change in size or amount of service. For existing customers, prior to making a material change in the size, character or extent of water used, the customer must first make written application for the changed water service and such change shall not become effective until first approved by the District.
- (f) An application shall not be approved unless the applicant has paid in full for water service previously rendered to the applicant by the District and, if the applicant is not the owner of the property to be served, the property owner has signed the application and acknowledged his or her financial responsibility for all water rates and charges incurred against the property.

### **Section 3.2.2. Liens for Delinquent Bills.**

In each case where any bill for water service remains delinquent for more than 180 days, the General Manger may prepare, execute and record a lien on the property upon which the delinquent water service charges were incurred. The Notice of Lien recorded by the District



shall state the amount of unpaid charges and any penalties assessed thereon. A property owner subject to such lien may discharge it by paying all amounts due, after which the District shall record a Release of Lien. Liens recorded under this Code shall have the same force, effect, priority and duration as a judgment lien, and may be enforced at any time against the property owner by the District in the same manner as a judgment lien. If a lien property is sold, the escrow holder shall pay the lien out of escrow to the District from the property owner's proceeds.

### **Section 3.2.3. Contracts.**

Water service contracts ordinarily will not be required, except as evidenced by an approved application. However, the District may require use of a main line extension contract for new service requiring a main line extension and use of contracts involving the construction of a special extension or other facilities, temporary water service, or for other uses or purposes as otherwise determined by the District.

### **Section 3.2.4. Establishment of Credit.**

Each applicant, before receiving service, may be required to establish its credit, either by a cash deposit to secure payment of charges and expenses, or prior history as a District customer for a period of at least one year, during which time the customer timely paid all bills and charges. The amount of deposit is specified in the Rate Table, Article 6.5. The District will not pay interest on a security deposit. A guarantee deposit may be refunded to the customer after one year of good payment history. For a returning customer, in order to reestablish credit, the customer may be required to pay all back bills and charges, together with any applicable reconnection charge as the District may impose, and to make a cash deposit as provided above.

### **Section 3.2.5. Connection Charges.**

Upon receipt of an application, the District will determine if any connection charges are required before water service can be initiated. Applicable connection charges are set forth in Section 6.3.1. and the Rate Table, Article 6.5.

### **Section 3.2.6. Installation of Services.**

Water services will be installed at a location as determined by the District.

### **Section 3.2.7. Customer Line.**

The design, construction, and inspection of the customer line shall be the sole responsibility of the applicant. Customer lines, facilities and fixtures must satisfy the requirements of the Uniform Plumbing Code. The District shall operate and maintain the water system up to and including the District-owned meter, double check valve, or curb stop, and the customer shall be responsible for operation, maintenance, repair and replacement of the water line and facilities from that point on.

**Section 3.2.8. New Service Requiring Main Line Extension.**

- (a) This section applies to any application for water service for a premises that does not front or is not adjacent to an existing District main adequate to serve the premises, and that therefore requires a District main extension. All costs and expenses for a main extension shall be paid by the applicant, including design, plan checking, materials, construction and inspection costs, and reimbursement of District administrative, inspection, legal and engineering services relating to the main extension.
- (b) Unless otherwise determined by the District, the main extension and related work shall be constructed and installed by a contractor acceptable to the District. The main extension must be of an adequate size and capacity as determined by the District.
- (c) The main line extension applicant must enter into a main line extension agreement with the District setting forth the obligations regarding extension of water facilities and service to serve the project, including the following agreement provisions: design, financing and construction of the necessary water system improvements; preparation of plans and specifications and District plan checking; payment or reimbursement for District services and consultants; dedication and transfer of completed work, land and rights-of-way to the District; performance and maintenance guarantees; District inspection, testing and acceptance of improvements; and other terms and conditions as the District finds necessary or appropriate in the public interest. The main line extension agreement shall be in a form acceptable to the District.
- (d) Main line extension agreement requirements are delineated in Section 4.2 of the Policies and Procedures Manual.

**Article 3.3. Termination and Reconnection of Service.**

**Section 3.3.1. Non-payment of bills or charges.**

- (a) All water service to a customer may be terminated and discontinued if any District bill or charge is not paid in full within 30 days after its date. This service termination includes multiple service connections and services at multiple properties.
- (b) If the District terminates treated service to a residential customer for non-payment of a delinquent account, the District shall comply with the notice and termination procedures and standards set forth at Government Code sections 60370-60374, as the same may be amended from time to time.

**Section 3.3.2. Involuntary Termination of Service.**

In addition to termination of service for non-payment of bills or charges, water service to a customer may be terminated and discontinued for any of the following grounds:

- (a) If the customer's premises contain apparatus or appliances that are in use and that might endanger or disturb water service to other customers.
- (b) If necessary to protect the District against fraud or its employees against abuse or threats.

- (c) If there exists on the customer's premises a cross-connection in violation of this Code, the Policies and Procedures Manual, or state law.
- (d) If the customer fails to comply with any other provision of this Code or the Policies and Procedures Manual.

The District shall provide to the customer at least seven days prior written notice of any termination pursuant to this section.

**Section 3.3.3. Voluntary Termination of Service.**

The District will terminate water service within two business days upon receipt of a written request by a customer.

**Section 3.3.4. Reconnection.**

Customers whose service has been terminated must meet the following conditions in order for the District to resume service:

- (a) Pay all past due bills and charges and applicable penalties and interest.
- (b) Pay a reconnection charge as provided by the Rate Table, Article 6.5 (unless the service is for a new applicant or customer, in which case there will be no reconnection charge but the provisions of Article 3.2 shall apply).
- (c) For a termination pursuant to section 3.3.2, demonstrate compliance with applicable District rules or regulations.

**Article 3.4. Fire Hydrants and Fire Service**

**Section 3.4.1. Hydrants.**

No person other than duly authorized officials or agents of the District or qualified public fire department or fire-fighting agencies shall open or draw water from any fire hydrant or fire facility installed by the District.

**Section 3.4.2. Charges.**

No charge will be made for water used in extinguishing accidental fires within the District.

**Section 3.4.3. Violation.**

Unauthorized persons that operate or that draw water from District fire service facilities or hydrants violate the District Code and the District policies and procedures. The District will charge those persons for the water used. The District may also terminate all service to any customers responsible for the violation.

**Section 3.4.4. Disclaimer.**

The treated water system was not designed for fire protection. The wharf hydrants located on the treated water system are for flushing and maintaining the system. They are not for fire protection.

**Section 3.4.5. Emergency Use.**

In the event of a fire, the treated water system may be used as an emergency source of water. Individuals using the system for such purposes shall be solely liable for any damage caused by such emergency use.

**Section 3.4.6. Water Pressure and Supply.**

The District shall not be responsible for maintaining a fixed pressure, volume, or supply of water for fire fighting purposes. The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

***Article 3.5. Temporary Water Service.***

**Section 3.5.1. Defined.**

Temporary or unclassified service shall include all temporary services, services for construction work, fairs, or other purposes not otherwise provided for in this Code, which due to its nature, will be intermittent or non-permanent, as the Board of Directors may determine.

**Section 3.5.2. Charges.**

Temporary or unclassified service shall be available only upon written application to the District, and the charge for such service shall be established and paid to the District in advance by the applicant or customer in an amount established by the Board of Directors.

**Article 3.6. Water Shortage.**

If a treated or irrigation water shortage should occur either due to a failure of District facilities or a reduction by the water supplier, the Board shall declare that a water shortage exists.

For the treated water, the staff shall determine what restrictions are necessary to conserve water for the greatest public benefit.

For the irrigation water, the staff shall determine what restrictions are necessary to maintain an adequate and stable reservoir level to provide water for the fire hydrants that are part of the irrigation distribution system.

If the shortage is a short-term condition, the staff shall notify the customers of the shortage and ask that they comply with these restrictions.

If the shortage is not a short-term condition, the Board shall hold a public hearing per Section 2.1.13 to review the Board's shortage declaration and to present its proposed water conservation program and to receive comments from District water customers. The Board shall then adopt a water conservation program by ordinance. The ordinance shall be published in the local newspaper within 10 days after adopting the ordinance and all customers shall be notified. Customers failing to comply with the ordinance may be penalized as provided in Section 3.1.5 of this code and Section 31029 of the California Water Code.

## **Chapter 4. Irrigation Water Service.**

### **Section 4.1. Applicability.**

The provisions in this chapter apply to the District's irrigation water system and customers receiving irrigation water.

### **Section 4.2. Types of Service.**

The customer may select either of the two types of irrigation service: metered service for which charges are based on usage, or un-metered (flat rate) service for which charges are based on the number of miners inches provided. Customers with un-metered irrigation service must purchase a minimum of one full miners inch per year for year-round irrigation, and may apply to purchase additional full miners inches for annual and/or seasonal use, subject to the availability of water. The additional seasonal irrigation water is referred to in this Code as Seasonal Flat Rate Irrigation Water. Section 4.8 describes special bulk water sales that are granted only by approval of the Board

### **Section 4.3. Service Connections.**

District will, at the customer's expense, furnish and install irrigation water service connections of suitable capacity for District water distribution line and facilities. The District will furnish and provide for the installation of, as a part of the service connection, an orifice for flat rate service or a metered service, as selected by the customer. Only duly authorized District employees, agents or contractors will be permitted to install a service connection from the District's lines to the customer's point of connection. The facilities shall remain the property of the District. All costs of installation of irrigation service shall be the responsibility of the applicant, including but not limited to the cost of the meter or flow-regulating device as applicable.

### **Section 4.4. Transfer of Service Fee.**

Concurrently with or in advance of transferring an irrigation water connection to a customer, the District shall require and the customer shall deposit with the District the transfer of service fee specified in Rate Table, Article 6.5, to cover the cost of inspection of the connection.

#### **Section 4.5. Water Quality.**

The irrigation water provided by the District is untreated, unpotable water, and it shall only be used for irrigation purposes. The District does not guarantee the availability of irrigation water, continuous or uninterrupted flow or supply, quality or potability, or the loss, lack or fluctuations of pressure.

#### **Section 4.6. Premises with Domestic Use.**

If any premises receiving District irrigation water contains or will contain any habitable building or structure, then the customer must demonstrate that the premises has potable domestic water service as approved by the Placer County Health Department or is connected to and obtaining treated water service from the District. Any use of irrigation water service by such a premises without acceptable proof of a potable water source for domestic use shall be deemed to constitute non-compliance with both the District's Code and the District's Policies and Procedures Manual, and the following enforcement measures shall be undertaken:

- (a) Immediate written notice of non-compliance shall be given to each customer and property owner of the non-complying premises and parcel.
- (b) In the event the customer and/or property owner shall fail to bring the subject premises or parcel into compliance within 14 days following the date of the notice, then the District may terminate and disconnect all irrigation water service to the subject premises or parcel.
- (c) In the event of discontinuation or termination of irrigation water service as set forth above, irrigation water service shall not be reconnected or permitted until satisfactory proof of compliance has been provided to the District and all applicable rates, fees and charges, including charges for reconnection and periodic inspection service in the interim, shall have been paid in full to the District by the customer or owner of the parcel.

#### **Section 4.7. Abandoned Service Connection.**

Irrigation water service connections are deemed abandoned if they have been terminated for two years. Any reconnection of an abandoned irrigation water service connection shall be treated in the same manner as a new irrigation water service connection, including the requirement to pay or reimburse the District's necessary and actual costs of labor and materials to reconnect the abandoned service connection pursuant to the applicable District standards and specifications. A customer who pays actual costs to reconnect an abandoned connection shall not be subject to the reconnection fee.

#### **Section 4.8. Bulk Water Sales.**

The District can sell bulk irrigation water through its fire hydrants. Persons or entities that wish to purchase bulk water must enter into a contract with the District. The District General Manager negotiates contracts for bulk sales and then presents the contracts to the Board for approval. Prior to the approval of any contract, the Board must be presented with an acceptable proof of liability insurance coverage.

Approving a bulk-water sales contract also includes authorizing specific persons or entities to operate the fire hydrant. No person or entity shall open any fire hydrant unless duly authorized by the District. Authorized users are required to use an approved spanner wrench, and to use

only the hydrant or hydrants previously agreed upon. Every person authorized to open and use fire hydrants shall be responsible for any damage to property sustained through the use of the hydrant(s). Before each authorized use, the user shall call the District Manager to inform him or her of the intended use.

## **Chapter 5. Treated Water Service.**

### ***Article 5.1. General.***

#### **Section 5.1.1. Applicability.**

The provisions in this chapter apply to the District's treated water system and customers receiving treated water service.

#### **Section 5.1.2. Use of Treated Water.**

Treated water is intended primarily for use inside buildings and structures. Use of treated water for landscape irrigation is acceptable provided such use does not exceed 100 gallons per day and the water supply is available.

#### **Section 5.1.3. Number of Services per Single Family Residential Premises.**

The applicant may apply for as many services as may reasonably be required for its premises, provided that the pipeline system for each single family residence shall be independent of the other single family residences on the premises and that they shall not be inter-connected.

#### **Section 5.1.4. Supply to Separate Single Family Residential Structures.**

Each single family residence for which the application for water service is made shall have a separate service connection, including a separate meter.

#### **Section 5.1.5. Supply to Commercial or Multi-Family Residential Premises.**

Each commercial or multi-family residential building for which application for a water service is made shall have a separate service connection, including a separate meter for each unit.

#### **Section 5.1.6. Responsibility for Equipment on Customer Premises.**

All facilities installed by the District on private property for the purpose of providing water service shall remain the property of the District and may be maintained, repaired, or replaced by the District without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining the facilities on private property. No persons shall place or permit the placement of any object in a manner that will interfere with the free access to a meter box or double check valve or will interfere with the reading of a meter.

**Section 5.1.7. Pools and Tanks.**

When a customer desires to use an abnormally large quantity of water for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other customers are not inconvenienced.

**Article 5.2. Meters and Metered Service Connections.**

**Section 5.2.1. Meter Requirement.**

- (a) All services shall be metered. The size of the meter shall be 5/8 inch with a capacity of 20 gallons per minute. The service connection, whether located on public or private property, is the property of the District, and the District reserves the right to repair, replace and maintain it as well as to remove it upon discontinuance of service. When an application for service is approved, the District will install the service that will include a meter and a double-check valve. Only duly authorized District employees, agents or contractors will be permitted to install these facilities. The District reserves the right to determine the location of the service with respect to the boundaries of the premises to be served.
- (b) The meter and double-check valve will ordinarily will be installed at the curb or within a District or public utility easement. No installation will be made until after payment of applicable service and connection charges. The District will not pay rent or other charges for service facilities, including housings and connections that are located on a customer's premises. The District will seal all meters at the time of installation. No seal shall be altered or broken, except by an authorized District employee, agent or contractor.
- (c) The customer line between the double-check valve and the building served by the installation shall be the property of the customer and shall be maintained by the customer at its expense. The customer shall, at its own risk and expense, furnish, install, and keep in good and safe condition all equipment, facilities and fixtures that may be required for receiving, controlling, applying, and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment or the negligence or wrongful act of the customer or of any of its tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, operating, or interfering with property caused by faucets, valves, and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

**Section 5.2.2. Change in Location of Meters.**

Meters may be relocated only if approved by the District. Only duly authorized District employees, agents or contractors will be permitted to change the meter location and related facilities, and all costs of the relocation shall be borne by the customer.



**Section 5.2.3. Meter Tests - Deposit.**

- (a) Any customer wishing to have the meter serving its premises tested shall first make a meter test deposit per Section 6.5.1. The deposit will be refunded if the meter registers more than two percent fast.
- (b) If a meter, tested at the request of a customer, is found to be more than two percent fast, the excess charges for the period that the water meter was in use or for a period of six months, whichever is less, shall be refunded to the customer.
- (c) If a meter, tested at the request of a customer, is found to be more than twenty-five percent slow, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.
- (d) If a meter is found to be not registering, the charges for service shall be based on the estimated consumption. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the District and its decision shall be final.

**Section 5.2.4. Damages Through Leaking Pipes and Fixtures.**

When turning on the water supply as requested and the house or property is vacant, the District will try to determine if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The Board's jurisdiction and responsibility ends at the meter and Board will, in no case, be liable for damages caused by water running from open or faulty fixtures, or from broken or damaged pipes beyond the meter.

**Section 5.2.5. Damage to Meters.**

The customer shall be held liable for any damage to the meter due to its negligence or carelessness.

***Article 5.3. Cross Connection Control.***

**Section 5.3.1. General.**

This cross-connection control program shall apply and be enforced in the District. For purposes of this article, the definitions at California Code of Regulations, title 17, section 7583 shall apply. The General Manager, or his or her designee (known as the Cross-Connection Officer), shall be responsible for protecting the District's public water supply from contamination by cross-connections and for carrying out and implementing this policy. The Cross-Connection Officer shall participate periodically in appropriate training in cross-connection control programs, practices and techniques.

**Section 5.3.2. Basic Regulations and Prohibitions.**

Each customer and water user shall comply with this article and all applicable federal and state laws and regulations concerning the separation of dual water systems and protection against cross-connections with auxiliary water supplies. There shall be no physical interconnection between an auxiliary water supply, (this includes the District’s untreated water) and the District's treated water supply within any premises or on any property served by the District. Any water user with an auxiliary water supply on the water user's premises shall demonstrate to the satisfaction of the Cross-Connection Officer that the auxiliary water supply is not connected and cannot be easily connected to the District water system.

**Section 5.3.3. District Access to Property.**

The Cross-Connection Officer, and its designated representatives, shall have reasonable access to any water user's premises for purposes of making inspections and surveys for cross-connection control to protect the public water supply against cross-connections. If any water user refuses entry by, or hinders or prevents inspection by the Cross-Connection Officer or its representative, then the District may terminate water service to the premises until entry is allowed.

**Section 5.3.4. Enforcement.**

In addition to any other remedy provided by this Code or by law, if a water user fails to comply with any provision of this section, then the District may terminate water service to water user's premises until the water user fully complies with this section to the satisfaction of the District.

**Chapter 6. Water Service Rates and Charges.**

***Article 6.1. Rates and Charges Generally.***

**Section 6.1.1. Rates and Charges Levied.**

There is levied and there shall be collected from each applicant and customer the water service rates and charges in amounts as provided by this chapter. Rates and charges shall be prescribed by the Board, which may be amended from time to time, and are specified in Article 6.5

**Section 6.1.2. Charges a Debt.**

Any rates or charges due shall be deemed a debt to the District, and any person failing, neglecting or refusing to pay the indebtedness may be sued by the District in any court of competent jurisdiction for the amount of the delinquency. Failure to receive a bill does not relieve an owner or customer of liability.

***Article 6.2. Billing and Collection.***

**Section 6.2.1. Billing Period.**

The regular billing period is bi-monthly. The District may bill water charges with other charges for services rendered by the District.

**Section 6.2.2. Meter Reading.**

For metered customers, the District will strive to read the meters on approximately the same day of each billing period. Bills for periods containing less than ninety percent of a full billing period will be prorated. In the event of adverse weather, the meter reading may be estimated and adjusted in a subsequent month.

**Section 6.2.3. Opening and Closing Bills.**

Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks. The District may estimate closing bills for the final period as an expediency to permit the customer to pay the closing bill at the time service is terminated.

**Section 6.2.4. Payment of Bills.**

Bills for water service will be rendered at the end of each billing period. All charges are due and payable at the office of the District on the date of mailing the bill to the property owner, customer or their agent as designated in the application or otherwise. All water service billings shall be issued by or at the direction of the District using the last known name and address of the customer or person responsible for payment. Unless directed otherwise by the District, all water service billings shall be payable to Midway Heights County Water District, P.O. Box 596, Meadow Vista, CA 95722.

**Section 6.2.5. Water Used Without Regular Application Being Made.**

A person taking possession of premises and using District water, without an approved application for District for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service may be terminated by the District without further notice. In accordance with Section 3.2.1., the property owner ultimately will be liable for all unauthorized water use on his or her property

**Section 6.2.6. Delinquent Bills.**

A bill is delinquent if not paid by the due date. The due date is 30 days after the mailing date. If not paid within this 30-day period, a delinquency notice may be mailed. If the bill is not paid within fifteen days after mailing the delinquent notice, the District may terminate all water service. A basic penalty of 10% of the delinquent total shall be imposed. The District also shall impose interest at the rate of one-half of one percent per month on the delinquent balance and basic penalty, which shall accrue until the outstanding balance of all charges, penalties and

interest are paid in full. (Gov't Code section 54348.) The District is required to make a reasonable, good faith effort to contact an adult person at the premises of the customer by telephone at least 48 hours prior to any discontinuance of service. If contact with the customer cannot be made, and the District posts a Door Tag at the residence. The Door Tag Charge shall be \$15, increasing by \$10 per occurrence within a twelve month period.

### **Section 6.2.7. Collection of Delinquent Bills.**

All delinquent bills may be collected by using a collection agency or by filing an appropriate lawsuit against the customer. The customer is liable for the original bills, any imposed penalties and interest, and all legally allowable costs associated with the collection of the debt.

## ***Article 6.3. Treated Water Service Rates and Charges.***

### **Section 6.3.1. Service Connection Charges.**

(a) The applicant for a new treated water service connection shall pay the District treated water service connection charge in cash prior to the installation of the facilities. The amount of the connection charge shall be as provided in this section.

(b) Parcels that were assessed the maximum amount of \$3,620.28 in Assessment District No. 1 will not be required to pay a connection charge. Parcels within Assessment District No. 1 that were assessed less than \$3,620.28 shall pay a connection charge equal to the cost of providing treated water service, but in no case less than the difference between \$3,620.28 and the Assessment District No.1 assessment actually paid by the subject parcel.

(c) Parcels Assessed \$3,420.28 shall pay \$100 to have a meter installed plus \$200 to have a double check valve assembly installed if necessary.

(d) Adjacent Parcels Assessed \$1,420.28 shall pay \$2,000.00 plus \$100.00 for a meter plus \$200.00 for a double check valve if necessary plus the actual cost of installing the service connection.

(e) Non-Adjacent Parcels. Non-adjacent parcels may request that a meter and or double check valve be installed for them at an existing distribution line or that the distribution system be extended to the non-adjacent parcels. Non-adjacent parcels shall pay \$100 for a meter plus \$200 for a double check valve if required plus the actual cost of the service connection plus the cost of extending the distribution system.

(f) If the total of all the foregoing costs plus the cost of the customer line up to the property line plus the original assessment on the non-adjacent parcel is less than \$3,620.28, the difference shall be added to the connection charge so that total charges for treated water for every parcel will be at least equal to the original maximum assessment of \$3,620.28.

(g) Where the division of parcels of land or use of land for industrial, commercial, subdivision or residential projects require more than an equivalent single family unit (SFU) water capacity demand for service, the District reserves the right to modify the standard connection charges to more accurately reflect the impact of the project on the District's system and the cost to serve the project. Any such modification of charges shall be made by the District Board of Directors based upon information provided by the District Engineer and staff relative to all applicable water costs and present and future service demands.

**Section 6.3.2. Service Rates.**

Customers shall pay both a monthly service charge and a usage charge as stated in Section 6.5.2.

**Section 6.3.3. Service Termination.**

(a) The District may terminate water service at the customer's request. The District may also terminate the water service due to noncompliance by the customer with this Code or the Policies and Procedures Manual, or the failure to pay applicable rates or charges or obligations when due.

(b) No reconnection shall be allowed until all delinquent bills, unpaid debts, charges, reconnection fees, penalties, or any other obligations have been paid in full.

***Article 6.4. Irrigation Water Service Rates and Charges.***

**Section 6.4.1. Service Connection Charge.**

A new customer connecting to the District irrigation water system must pay all applicable costs and expenses of labor and materials to construct and install the connection. In order to cover the costs of the installation, the customer must pay a deposit as specified in Section 6.5.3. If the actual costs are less than the amount of the deposit, the District will refund the difference. If the actual costs exceed the amount of the deposit, the customer must pay the difference to the District before commencement of service.

**Section 6.4.2. Irrigation Water Service.**

Non-metered service. Non-metered service customers shall pay a flat rate per miner's inch. Additional irrigation water may be available during the irrigation season (May 1 to September 30). A seasonal irrigation water service rate is charged in addition to the annual irrigation water charge and is a flat rate per miner's inch.

Non-metered irrigation water shall be billed after use, in bi-monthly installments, each such installment to be at least equal to 1/6 of the total amount billed in one year (combining annual and seasonal rates when applicable).

Metered service. Metered service customers shall pay both a monthly service charge and a usage charge.

**Section 6.4.3. Fee for Change in Irrigation Delivery.**

Customers shall be charged a change of service fee when (a) application is made by an existing irrigation water customer to change the amount of flat rate water received or delivered, (b) application is made by an existing irrigation water customer to change from flat rate water delivery to metered water delivery, or (c) application is made by an existing irrigation water customer to change from metered water delivery to flat rate water delivery.

**Section 6.4.4. Transfer of Irrigation Service.**

Where irrigation water service is transferred from one customer to another due to change in property ownership, a transfer of service fee shall be paid concurrently to cover the cost of the transfer, inspection, upgrading (if required) and any change in the service made at the time of the application.

**Section 6.4.5. Service Termination.**

(a) The District may terminate water service at the customer’s request. The District may also terminate water service due to noncompliance by the customer with District Code or the District Policies and Procedures, or the failure to pay applicable rates or charges or obligations when due. Such involuntary termination may result in the termination of all water service.

(b) No reconnection shall be allowed until all delinquent bills, unpaid debts, charges, reconnection fees, penalties, or any other obligations have been paid in full.

(c) Where water service has been paid in advance beyond the date of termination, no refunds will be made for any unused service.

(d) Once service has been terminated, reconnection shall be subject to the availability of water at that time, the District’s approval of a new application and the applicant’s payment of all applicable fees and charges.

**Article 6.5. Rate Table**

**Section 6.5.1 General Rates.**

**Security Deposit: \$75 (if credit has not been established with the water district)**  
**Meter Test Deposit: \$50**

**Unauthorized Use of District Water**

**First Violation: \$50.00**  
**Second Violation: \$100.00**  
**Third Violation: \$500.00**

**Record Duplication Charge: \$1.00 per page for standard copies plus postage.**

**Section 6.5.2. Treated Water Service Rates.**

- New Service Connection: Refer to Article 6.3.1 of the District code.
- Reconnection Fee: \$25 per reconnection.  
\$100 if disconnect is due to delinquent bills or noncompliance or violation of this code.
- Monthly Charge: \$51.96 per customer per month.
- Usage Charge: \$2.15 per 100 cubic feet for amounts up to 800 cubic feet.  
\$4.20 per 100 cubic feet for amounts over of 800 cubic feet.

**Section 6.5.3. Irrigation Water Service Rates.**

- New Service Connection: Total cost of installation.  
  
Deposit required equal to the estimated cost of the connection or \$1,500, whichever is less.
- Reconnection Fee: \$200 per reconnection if service is disconnected less than 24 months or if service was disconnected due to delinquent bills or for noncompliance or violation of this code.
- Abandoned Service Connection: Same as new service if disconnected 2 years or more.
- Change of Service: \$50 per change.
- Transfer of Service: \$50 per transfer.
- Bulk Water Sales: \$10.00 per tank truck load (maximum of 4,000 gallons of water).

**Section 6.5.3.1. Metered Service Charges.**

Monthly Service:

<b>Cubic feet per minute</b>	<b>Equivalent in gallons per minute</b>	<b>Service charge per month</b>
<b>1.50</b>	<b>11.22</b>	<b>\$21.72</b>
<b>2.25</b>	<b>16.83</b>	<b>\$29.67</b>
<b>3.00</b>	<b>22.44</b>	<b>\$37.61</b>
<b>3.75</b>	<b>28.05</b>	<b>\$45.56</b>

4.50	33.66	\$53.51
5.25	39.27	\$61.46
6.00	44.88	\$69.41
6.75	50.49	\$77.36
7.50	56.10	\$85.31
8.25	61.71	\$93.25
9.00	67.32	\$101.20
9.75	72.93	\$109.15
10.50	78.54	\$117.10

Usage: \$0.23 per 100 cubic feet.

**Section 6.5.3.2. Non-Metered (Flat Rate) Service Charges.**

Annual Service: \$59.99 per month.

Additional Seasonal Service: \$36.72 per month.

**Section 6.5.3.3. Pumped Water Surcharge.**

Pumped Water Surcharge: \$0.23 per unit.



**Appendix A**  
**MIDWAY HEIGHTS COUNTY WATER DISTRICT CODE**  
***Code Revision Summary***

ORDINANCE 14, August 12, 2004

- Adopted Code

ORDINANCE 2005-01, December 8, 2005

- Section 1.1.2, to permit revision of code by resolution
- Section 2.2.2, amending place of regular board meetings
- Section 6, amendments to adjust irrigation and treated water rates

RESOLUTION NO. 2006-02, February 9, 2006

- Section 2.2.5.3, amending the Duties of the Treasurer
- Section 6.2.6, amending the definition of Delinquent Bills

RESOLUTION NO. 2006-07, July 13, 2006

- Section 2.2.2, amending place of regular board meetings

ORDINANCE NO. 2007-01, July 12, 2007

- Section 6, amendments to adjust irrigation and treated water rates

ORDINANCE NO. 2008-02, July 10, 2008

- Section 6, amendments to adjust irrigation and treated water rates

RESOLUTION NO. 2009-01, May 14, 2009

- Section 2.2.6 (a), agenda for board meetings
- Sections 3.1. add new paragraph 3.1.7 Encroachments on District Property: Access, and renumber previous section 3.1.7 through 3.1.16 to 3.1.8 through 3.1.17 with significant changes to 3.1.9 and slight wording changes to other sections.

RESOLUTION NO. 2009-02, May 14, 2009

- Section 3.1.7. (f) Encroachments on District Property; Access added to code

RESOLUTION NO. 2009-04, August 13, 2009

- Section 6.2.6, addition of a "door tag" charge

RESOLUTION NO. 2010-02, January 26, 2010

- Section 2.2.5.3, amending the Duties of the Treasurer

ORDINANCE NO. 2011-01, January 14, 2011

- Section 6, amendments to adjust irrigation and treated water rates

ORDINANCE NO. 2012-01, September 17, 2012

- Section 6, amendments to adjust irrigation and treated water rates

RESOLUTION NO. 2012-04, December 13, 2012

- Section 2.1.3. General Manager, amending the Duties of the Treasurer
- Section 2.2.5.3, amending the Duties of the Treasurer

RESOLUTION NO. 2013-01, December 12th, 2013

- Section 2.2.2, amending date of regular board meetings

RESOLUTION NO. 2014-01, March 20, 2014

- Section 3.1.10, Waste of Water
- Section 3.1.13, Service Detrimental to Others

ORDINANCE NO. 2014-01, July 17, 2014

- Section 6, amendments to adjust irrigation and treated water rates