

LOS ALAMOS COMMUNITY SERVICES DISTRICT
SECOND AMENDED AND RESTATED
WATER SERVICE CODE

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LOS ALAMOS COMMUNITY SERVICES DISTRICT
SECOND AMENDED AND RESTATED WATER SERVICE CODE

ARTICLE 1. GENERAL PROVISIONS

1.01 Rules and Regulations.

The following rates, fees and charges and rules and regulations respecting water system construction and water service and connection to the water works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required in this Ordinance.

1.02 Short Title.

This Ordinance will be called the "Los Alamos Community Services District Second Amended and Restated Water Service Code."

1.03 Purpose.

This Ordinance is intended to provide rates, fees and charges, rules and regulations for the use and construction of water facilities hereafter installed, altered or repaired within the District. This Ordinance shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

1.04 Permits and Fees.

No water main, water connection or other water facility shall be installed, altered or repaired within the District until a permit or agreement for the work has been obtained from the District and all fees paid in accordance with the requirements of this Code.

1.05 Outside Water Service.

Permission shall not be granted to connect any lot or parcel of land outside the District to any water main in or under the jurisdiction of the District unless a permit is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all codes, ordinances, rules and regulations in regard to the manner in which such water shall be used and the manner of connecting, and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the District for the privilege of water service. Permission for outside water service shall be optional with the Board in the exercise of its sole discretion.

1.06 Additional Requirements.

The Board may make requirements and conditions in addition to those contained in this Ordinance for any application, permit, connection, main extension or other work or action by the District necessary or convenient for orderly and economical operation of the District.

1.07 Words and Phrases.

For the purpose of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number and all words in the masculine gender shall include the feminine.

1.08 Pressure Conditions.

All applicants for service connections or water service accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and waive and agree to hold the District harmless from any damages arising out of low pressure or high pressure conditions or interruptions in service.

1.09 Tampering with District Property.

No one except an employee or representative of the Board or person authorized by the Board shall at any time in any manner operate the angle meter stops, main valves, gates or valves of the District's system or interfere with meters or their connections, street mains or other parts of the water system.

1.10 Ruling Final.

All rulings of the Board shall be final. All rulings of the Manager shall be final unless appealed in writing to the Board within five (5) days. When appealed the Board's ruling shall be final. An appeal must be accompanied by an appeal fee as provided in Appendix A.

1.11 Additional Requirements.

The Board may make requirements and conditions in addition to those contained in this ordinance for any application, permit, connection, main extension or other work or action by the District necessary or convenient for the orderly and economical operation of the District.

ARTICLE 2. DEFINITIONS

2.01 Apartment.

Apartment shall mean a dwelling unit within a building containing two or more dwelling units.

2.02 Board.

Board means the Board of Directors of the Los Alamos Community Services District.

2.03 Bond.

Bond shall mean and include a cash deposit or an unconditional letter of credit in a form and from a banking institution acceptable to the District.

2.04 Building.

Building shall mean any structure having a room supported by columns or walls intended or used for the shelter, housing or enclosure of any person, animal, chattel or property of any kind for which sanitary facilities are needed. It includes any structure used for human habitation or a place of business, recreation or other similar purpose.

2.05 Contractor.

Contractor shall mean 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.

2.06 Cost.

Cost means the cost of labor, material, transportation, supervision, engineering, legal, accounting, and all other necessary expenses.

2.07 County.

County means the County of Santa Barbara, California.

2.08 Cross-Connection.

Cross-Connection means any physical connection between the piping system from the District service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the District distribution mains.

2.09 Customer.

Customer means the owner of the Premises being served.

2.10 Distribution Mains.

Distribution Mains means water lines in streets, highways, alleys and easements used for public and private fire protection and for general distribution of water.

2.11 District.

District means Los Alamos Community Services District.

2.12 Equivalent Residential Unit.

Equivalent Residential Unit shall mean a factor derived from the historical average daily water usage of a detached single family residence.

2.13 Fixed Costs.

Fixed Costs shall mean those costs associated with keeping the District water system operational and which are incurred regardless of the amount of water sold, including, but not limited to, a pro rata share of personnel salaries and benefits, office and equipment depreciation, insurance, office supplies, rental costs, utilities, reserves, standby charges, and director's fees.

2.14 Hotel or Motel.

Hotel or Motel shall mean any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes only.

2.15 Living Unit.

Living Unit means a residential unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, including a mobile home, trailer, or motor home occupied three months or more in 12 calendar months. The following residential establishments shall be deemed to have the following number of living units:

(a) Single family residential house, mobile home or trailer designed for occupancy by one family only, which is not occupied by more than one family: one living unit. If occupied by more than one family the unit will be counted as the number of units equal to the number of families.

(b) Duplex, triplex, apartment house, rooming house, or other multiple dwelling unit designed for occupancy for living purposes by more than one family, which is divided into separate housekeeping units each of which is designed for occupancy by one family, and not occupied by more than one family: Each housekeeping unit shall be deemed to be a separate living unit unless occupied by more than one family, then the unit will be counted as the number of units equal to the number of families.

(c) Hotel, mobile home park, motel and similar transient living facilities, divided into separate living units, with or without housekeeping facilities: Each room or suite of rooms which is designed to be occupied for living purposes by persons living separately from others, shall be deemed to be a separate living unit.

2.16 Manager.

Manager means the District's General Manager or other person appointed by the Board to administer and enforce the rules and regulations of the District.

2.17 Monthly Minimum Charge.

Monthly Minimum Charge shall mean a fixed charge for each premises served regardless of the amount of water used.

2.18 Multiple Dwelling.

Multiple Dwelling shall mean a building used for residential purposes containing more than one person or family, including, but not limited to the following: hotels, motels, auto courts, trailer courts, apartment houses, duplexes, rooming houses, boarding houses and dormitories.

2.19 Owner.

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, the purchaser under a

contract of sale, 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, attorney-in-fact or trustee of the owner.

2.20 Person.

Person means (i) any human being, individual, firm, company, partnership, and public or private association, and (ii) municipal corporations, the United States of America, the State of California, districts, all political subdivisions and governmental agencies.

2.21 Premises.

Premises means any lot or parcel of real property, including the structures or buildings thereon, except that each separate structure or building thereon utilized for normal commercial or industrial purpose, on a permanent basis, shall be deemed a separate premise for the purpose of regular water service. Apartment houses, condominiums, mobile home parks and structures of like nature shall be classified as a single premise with multiple "dwelling units" for the purpose of regular water service. A mobile home, motor home or similar type vehicle not located within a mobile home or trailer park shall be deemed a premise for the purpose of regular water service when utilized for domestic, commercial or industrial purposes.

2.22 Private Fire Protection Service.

Private Fire Protection Service means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefor.

2.23 Public Fire Protection Service.

Public Fire Protection Service means the service and facilities of the entire water supply, storage and distribution system of the District, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

2.24 Regular Water Service.

Regular Water Service means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefor.

2.25 Service or Service Connection means the pipeline and appurtenant facilities such as the angle meter stop, meter and meter box, if any, all used to extend water service from the District's public water distribution main to premises.

2.26 Single Family Unit or Living Unit.

A unit or living unit for single family residential use consists of separate living quarters and having separate kitchen facilities and or toilet facilities for one (1) or more persons, and situated in a duplex, apartment, (including community apartments), multiple dwelling, auto court, mobile home park, trailer court, court, motel, hotel, townhouse, condominium or any other residential building.

2.27 Street.

Street shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

2.28 Subdivision.

Subdivision is defined as in Section 66424 of the Government Code.

2.29 Temporary Water Service.

Temporary Water Service means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefor.

ARTICLE 3. NOTICES

3.01 Notices to Customers.

Notices from the District to a customer will normally be given in writing, and either delivered or mailed to the customer's last known address. Notices may instead be given by telephone or messenger, in the District's discretion.

3.02 Notices from Customers.

Notice from a customer to the District must be in writing and shall be delivered or mailed to (1) the District's operating office, or (2) to an officer or agent of the District duly authorized by the Board to receive notices or complaints.

ARTICLE 4. APPLICATION FOR SERVICE - EXISTING CONNECTION

4.01 Application for Water Service.

In cases where property ownership has changed or where prior service has been disconnected, application for water service through an existing District service shall be made on a District-provided form by the owner of the premises requesting service. No application will be accepted from a tenant of any premises requesting service.

4.02 Obligation of Applicant.

Upon filing such application with the District office, the applicant signifies agreement to comply with all ordinances and regulations relating to the District's water service and make payment in a timely manner for all service received.

4.03 Payment for Previous Service.

An application will not be processed unless payment in full has been made for all service previously rendered to the applicant by the District.

4.04 Tenant Billing.

An owner of premises requesting service may request that the District bill the tenant of such premises, as set forth in Section 14.07.

**ARTICLE 5. APPLICATION FOR NEW OR ENLARGED SERVICE -
NO MAIN EXTENSION REQUIRED**

5.01 Application for Water Service.

An application for a permit for new or enlarged water service shall be required where no main line extension is required and where (i) service is being provided for the first time, or (ii) the existing water service connection is too small to serve the proposed new improvements or uses. The application shall be made on a District-provided form by the owner of the premises requesting service. The application shall include construction drawings showing the design and location of the proposed facilities, and a description of proposed uses. No application will be accepted from a tenant of any premises requesting service.

5.02 Obligations of Applicant.

The applicant will be subject to all of the requirements of Articles 4, 8 and 9, as applicable, as well as the requirements of this Article 5.

5.03 Installation of Services.

Unless otherwise determined by the District, all water service connections intended to serve the premises, and all facilities appurtenant thereto, shall be constructed by the applicant at the applicant's expense following submission and approval of an application for a permit for the service. Service connection installation will be made only to property abutting to the District's water mains constructed in public streets, alleys or easements.

5.04 Application Processing.

Upon receipt of the application, the District will determine whether the application is complete and will notify the applicant of any deficiencies. District staff will also review the construction drawings and the description of proposed uses and will notify the applicant of any necessary changes and additional requirements. If requested by the applicant, District staff will issue a service availability letter setting forth the District's conditions, additional requirements, fees and charges.

Prior to commencing construction, the applicant shall submit any required encroachment permits from the County road department.

5.05 Connection Fees.

Prior to commencing construction, the applicant shall pay the applicable Connection Fees in accordance with Appendix A. If requested by the applicant, the District will issue a can and will serve letter providing assurance that the District can serve the designated connections. The Board may postpone the date for payment of the Connection Fees until prior to issuance of

building permits if, prior to issuing the can and will serve letter, the applicant provides, in the full amount of the fees, (i) a surety bond in a form and with a corporate surety acceptable to the District; or (ii) an irrevocable, unconditional letter of credit in a form and from a banking institution acceptable to the District.

5.06 Completion of Project.

On completion of the project, the District will perform a final inspection and the applicant shall correct any deficiencies identified. The applicant shall also pay all applicable charges, including Connection Fees, Administrative and Personnel Fees, Inspection Fees and Water Meter Setting Fees, which have not been previously paid in accordance with Appendix A. The applicant shall then provide to the District two copies of as-built drawings of the completed water facilities.

5.07 Tenant Billing.

An owner of premises requesting service may request that the District bill the tenant of such premises, as set forth in Section 14.07.

ARTICLE 6. APPLICATION FOR MAIN EXTENSION

6.01 General.

Unless otherwise determined by the District, all water main extensions, including those intended to serve a new subdivision, and all facilities appurtenant thereto, shall be constructed by the applicant at the applicant's expense following submission and approval of an application for a permit for the service.

6.02 Application for Main Extension.

The rules set forth in this Article 6 are established for constructing water main extensions. All such extensions shall also be subject to the requirements of Articles 8 and 9 below relating to public water connections and construction. If the proposed project involves a new subdivision, the applicant shall also comply with the requirements of Article 7, below.

(a) Application.

Any owner of one or more lots or parcels desiring the extension of one or more water mains to serve such property shall make a written application for a main extension service permit to the District on a form supplied by the District. The application shall include (i) three (3) copies of construction drawings prepared by a registered civil engineer, as more particularly provided in Section 9.02, (ii) a detailed written description of proposed uses, (iii) an initial deposit to cover the District's estimated costs for plan checking, legal, engineering, inspection, administration and overhead to process the application, and (iv) any additional information which may be required by the District.

(b) Application Processing.

Upon receipt of the application, the District will determine whether the application is complete and will notify the applicant of any deficiencies. District staff will also issue a service availability letter, if requested by the applicant, setting forth the District's conditions, additional requirements, fees and charges.

District staff and the District Engineer will review construction drawings and the description of proposed uses and will notify the applicant of any necessary changes and additional requirements. When construction drawings are ready for signature by the District Engineer, the applicant shall submit original mylar drawings for signature, together with a duplicate set of the mylar sepias for the District's records.

The District Engineer will prepare an estimate for all work, to be used for setting the applicable bond amounts for the project. The applicant shall submit environmental documents approved by the County. Environmental review by the District requires an additional deposit.

(c) Main Line Extension Agreement.

The applicant will be required to sign a main line extension agreement prepared by District legal counsel, which shall then be submitted to the Board for approval. The main line extension agreement shall comply with all District ordinances, rules, regulations, resolutions, policies, procedures, administrative provisions, standards and specifications, and all Federal, State, County and other agency ordinances, rules and regulations affecting in any manner the construction of the water facilities. Prior to commencing construction, the applicant shall submit certificates of insurance, bonds (or letters of credit or cash deposits in lieu of such bonds) and a copy of any required encroachment permits from the County road department.

(d) Connection Fees.

Prior to commencing construction, the applicant shall pay the applicable Connection Fees in accordance with Appendix A. If requested by the applicant, the District will issue a can and will serve letter providing assurance that the District can serve the designated connections. The Board may postpone the date for payment of the Connection Fees until prior to issuance of building permits if, prior to issuing the can and will serve letter, the applicant provides, in the full amount of the fees, (i) a cash deposit, (ii) a surety bond in a form and with a corporate surety acceptable to the District; or (iii) an irrevocable, unconditional letter of credit in a form and from a banking institution acceptable to the District.

The District may require that the time for payment of fees and charges required to be paid under this section be postponed where, in the judgment of the Board, the type of development which will occur within the subdivision cannot be accurately determined for purposes of calculating appropriate charges. In the event said exception is made by the Board, the charges which have been deferred shall be paid prior to the issuance of the individual connection permit at the rate in existence at the time of issuance of said individual connection permit.

(e) Completion of Project.

On completion of project, the District will perform a final inspection and the applicant shall correct any deficiencies identified. The applicant shall also pay all applicable charges, including Connection Fees, Administrative and Personnel Fees, Inspection Fees and Water Meter Setting Fees which have not been previously paid in accordance with Appendix A. The applicant then provides two copies and an electronic version of as-built drawings to the District and records a notice of completion. 60 days after recording, the District may require evidence of clear title. The applicant shall then convey the facilities and easements to the District by a written instrument in a form approved by the District. After obtaining a conformity report from the County pursuant to Government Code §65402, the District may, in its discretion, accept the conveyance of facilities and easements and record such conveyance. Following such acceptance, the facilities shall be owned by the District and the District shall be responsible for the future maintenance, repair and replace thereof.

6.03 Reimbursement Agreement.

If, in the judgment of the District, the construction of water main facilities will benefit and be available to serve properties other than the property of the developer that constructs the extension, the District may, in its discretion, enter into a reimbursement agreement with the developer to provide reimbursement for a portion of the cost of constructing the extension. The reimbursement agreement shall be in a form prescribed by the District and shall provide that, if additional properties connect to the extension during the term of the agreement, the District will collect an additional fee from such properties at the time of connection and pay the fee to the developer.

ARTICLE 7. APPLICATION FOR SUBDIVISION WATER SYSTEM

7.01 General.

Unless otherwise determined by the District, all water main extensions intended to serve a new subdivision and all facilities appurtenant thereto shall be constructed by the applicant at the applicant's expense following submission and approval of an application for a permit for the service.

7.02 Application for Main Extension.

The rules set forth in this Article 7 are established for constructing subdivision water systems. All such systems shall also be subject to the requirements of Article 6 relating to main extensions, and the requirements of Articles 8 and 9 relating to public water connections and construction.

7.03 Application Requirements and Processing.

In addition to the application requirements set forth in Article 6, when applying for a permit to allow the construction of a subdivision water system, the applicant shall submit three

(3) copies of the tentative map for the subdivision. District staff and the District Engineer will review the map and will notify the applicant of any necessary changes and additional requirements. When such changes have been made and additional requirements have been satisfied, the District staff approves the map and will, if requested by the applicant, issue a service availability letter setting forth the District's conditions, additional requirements, fees and charges.

ARTICLE 8. CONSTRUCTION OF CONNECTIONS

8.01 Permit Required.

No person shall construct a service connection with any water main without first obtaining a written permit from the District and paying all fees and connection charges as required therein.

8.02 Design and Construction Requirements.

Design and construction of service connections shall be in accordance with the requirements of the Article 9, as applicable. All work must be done by properly licensed contractors or District personnel.

8.03 Water Service Through Easements Prohibited.

Water service facilities shall not be installed in private easements over adjacent parcels. All connections of a premises to a water main shall be made directly through the lot or parcel where the premises is located to the water main in a public street.

8.04 Separate Service Connections.

Not more than one premises shall be serviced from each service connection. No two adjacent buildings shall be permitted to join in the use of the same service connection. Every building or industrial facility must be separately connected with a water main. However, one or more buildings located on premises belonging to the same owner may be served with the same service connection during the period of said ownership. Upon the subsequent subdivision and sale of a portion of said premises the portion not directly connected with such water main shall be separately connected with a water main, at the owner's expense, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

8.05 Existing Water Service.

Existing water service facilities may be used in connection with new buildings only when they are found, upon examination and test by the District inspector, at the owner's expense, to meet all requirements of the District.

8.06 Connection to Public Water System.

The connection of the water service to the public water system shall be at the applicant's expense and shall be made in strict accordance with the requirements of Article 9, as applicable.

The connection to the public water system shall be made in the presence of the District inspector and under his supervision and direction. Any damage to the public water system shall be repaired at the cost of the applicant to the satisfaction of the District inspector.

8.07 Liability.

The District and its officers, agents and employees shall not be answerable for any liability for injury or death to any person or damage to any property arising during or growing out of the performance of any work by any applicant. The applicant shall be answerable for, and shall indemnify, defend and hold harmless the District and its officers, agents and employees from any liability imposed by law upon the District or its officers, agents or employees, including, but not limited to, all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

8.08 Testing.

All water facilities shall be tested in strict accordance with standard District specifications.

ARTICLE 9. PUBLIC WATER SYSTEM CONSTRUCTION

9.01 Permit Required.

No person shall construct, extend or connect to the District water system without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds or other financial assurances as required therein. The provision of this Article requiring permits shall not be construed to apply to contractors constructing water facilities under contracts awarded and entered into by the District.

9.02 Plans, Profiles and Specifications Required.

The application for a permit or agreement for water system construction shall be accompanied by three (3) complete sets of plans, profiles and specifications, complying with all applicable codes, ordinances, rules, and regulations of District, prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The size, type and quality of materials shown in the plans, profiles and specifications shall be in accordance with the District's standard specifications in effect at the time of the application. The application, together with the plans, profiles and specifications shall be examined by the District Engineer who shall approve them as filed or require them to be modified as he deems necessary for proper installation.

9.03 Easements.

If the work is part of a new subdivision, the final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public water lines are to

be constructed. Where water facilities are not constructed within a new subdivision, appropriate easements or rights-of-way shall be conveyed to the District by deed at no cost to the District.

9.04 All Work to be Inspected.

All water construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No water facilities shall be covered at any point until they have been inspected and passed for acceptance. No service connection shall be made to the District's water system until the work covered by the permit has been completed, inspected and approved by the District inspector. Records of such inspections will be maintained at the District's office.

9.05 Notification.

It shall be the duty of the person doing the work authorized by permit to notify the District in writing that said work is ready for inspection. Such notification shall be given not less than forty-eight (48) hours, Saturdays, Sundays and holidays excluded, before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

9.06 Unsatisfactory Work.

When any work has been inspected and the work is determined by the District inspector to be unsatisfactory, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the water or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

9.07 All Costs Paid by Owner.

All costs and expenses incident to the installation and connection of any water or other work for which a permit has been issued by the District shall be borne by the owner, including but not limited to, all costs and expenses incurred by the District, such as the cost of investigation, inspection, legal, accounting, and consulting engineer's services.

9.08 Street Excavation Permit.

A separate permit must be secured from the County or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street for the purpose of installing water facilities or making water connections.

9.09 Liability.

The District and its officers, agents and employees shall not be answerable for any liability for injury or death to any person or damage to any property arising during or growing out of the performance of any work by any applicant. To the greatest extent permitted by law, the applicant shall be answerable for, and shall indemnify, defend and hold harmless the District and its officers, agents and employees from any liability imposed by law upon the District or its officers, agents or employees, including but not limited to all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

9.10 Time Limit on Permits.

Unless otherwise provided in the permit, if work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion the work is discontinued for a period of one (1) year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new administrative and personnel fee shall be paid upon the issuance of a new permit.

9.11 Construction Requirements.

Water connections and construction activities shall comply with all District ordinances, rules, regulations, resolutions, policies, procedures, administrative provisions, standards and specifications, and all Federal, State, County and other agency ordinances, rules and regulations affecting in any manner the construction of the water facilities, including but not limited to compliance with the California Environment Quality Act. All excavations for water installations shall be adequately guarded with barricades, road plates and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District. All excavations including shoring and trench protection shall be performed in accordance with State and local regulations.

9.12 Bond for Water System Construction.

Prior to the issuance of a permit for water system construction, the applicant shall furnish to the District a faithful performance bond in the amount of the total estimated cost of the work, to be secured by a surety or sureties satisfactory to the District. This faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one (1) year after the date of acceptance of the work.

9.13 Work not Completed.

If the work of constructing water system improvements is not completed within the time limit allowed in the permit or agreement, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the developer or subdivider.

9.14 Persons Authorized to Perform Work.

Only properly licensed contractors shall be authorized to perform the work of water system construction within the District. All terms and conditions of the permit or agreement issued by the District to the applicant shall be binding on the contractor.

9.15 Compliance with Local Regulations.

Any person constructing water facilities within a street shall comply with all State, County or District laws, ordinances, rules and regulations, including but not limited to those pertaining to the cutting of pavement opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the agency having jurisdiction.

9.16 Design and Construction Standards.

Minimum standards for the design and construction of water facilities within the District shall be in accordance with the standard District specifications heretofore or hereafter adopted by District, copies of which are on file in the District office. The District Engineer, with the consent of the Board, may permit modifications or may require different standards where unusual conditions are encountered.

9.17 As-Built Drawings.

Two (2) complete sets and an electronic version (preferably AutoCAD) of "as-built" drawings showing the actual location of all mains, service connections and appurtenant facilities shall be filed with the District before final acceptance of the work.

9.18 Completion of Water Work Required.

Before any acceptance of any water line by the District and prior to delivery of any water, the water line shall be tested and shall be complete in full compliance with all requirements of the standard District specifications and to the satisfaction of the District.

9.19 Further Requirements.

In granting an application for water construction work, the Board may make whatever further requirements appear to be necessary or convenient for the operation of the District.

ARTICLE 10. METERS

10.01 Meters Required.

All water service shall be metered. A Water Meter Setting Fee as set forth in Appendix A shall be deposited with the District prior to installation of the meter facilities to pay the cost of said installation. The water meter, whether located on public or private property, is the property of the District, unless specifically otherwise provided, and the District reserves the right to access, repair, replace and maintain the meter, as well as to remove it upon discontinuance of service. All water meters which are installed to serve new connections shall be of the variety that can be read by using an electronic meter reading device, unless otherwise specified by the District.

10.02 Meter Size.

When service has been approved by the District, the size of any new meter and service or increase or reduction in meter size shall be subject to the final determination and approval of the Manager. Uniform Plumbing Code requirements will be used as a guide for determining the size where applicable. Where insufficient information is available to determine the size from the Uniform Plumbing Code, the proper size for single family residential use may be determined on an area basis as follows:

<u>Usable Land Area:</u>	<u>Meter Size:</u>
10,000 square feet or less	5/8 inch or 3/4 inch
10,001 to 20,000 square feet	1 inch
20,001 to 35,000 square feet	1 1/2 inch
35,001 square feet and over	2 inch or larger as required

10.03 Existing Services and Meters.

In cases where the consumption history of a customer's meter is greater than the average consumption of the next larger size meter, the Manager may require the customer to have installed at the customer's expense the next larger size meter and services.

10.04 Meter Installations.

Meters will be installed at the curb or within the easement to which the District has access, and shall be owned, installed and removed by the District. No rent or other charge will be paid by the District for a meter or other facilities, including housing and connections, located on a customer's premises. Meters may be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

10.05 Change in Location of Meters.

Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at its expense.

10.06 Meter Reading.

Meters will be read as nearly as possible on the same day of each month.

10.07 Meter Tests.

All meters will be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast. If a customer desires to have the meter serving his premises tested, he shall first deposit the Meter Testing Charge (see Appendix A) with the District. Should the meter register more than two percent (2%) fast, the deposit will be refunded, but should the meter register less than two percent (2%) fast, the deposit will be retained by the District.

10.08 Adjustments for Meter Errors - Fast Meters.

If a meter tested at the request of a customer is found to be more than two percent (2%) fast, the excess charges collected by the District will be refunded for the time service was rendered to the customer requesting the test or for a period of three (3) months, whichever is the lesser.

10.09 Adjustment for Meter Errors - Slow Meters.

If a meter tested at the request of a customer is found to be more than twenty five percent (25%) slow in the case of domestic service, or more than five percent (5%) slow for other than domestic services, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding three (3) months, that the meter was in use.

10.10 Non-Registering Meters.

If a meter is found to be not registering, the charges for service shall be based on the average consumption of water used during the same period twelve (12) months earlier or another comparable period. Such estimates shall be determined by the District and its decision shall be final.

ARTICLE 11. GENERAL USE REGULATIONS

11.01 Number of Services per Premises.

The applicant may apply for as many services as may be reasonably required for the premises, provided that the pipe line system from each service is independent of the others and that they not be interconnected. The cost of all services shall be borne by the applicant.

11.02 Responsibility for Equipment on Customer Premises.

All public facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be accessed, maintained, repaired or replaced by the District without consent or interference from 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 by the District for placing or maintaining said facilities on private property. No person shall place or permit the placement of any object in a manner which will interfere with the free access to a meter box or will interfere with the reading of a meter. The owner is responsible for maintenance, repair and replacement of all water facilities on the owner’s side of the water meter.

11.03 Ownership and Maintenance of Water Service.

After completion and acceptance by the District, the District shall own and shall be responsible for the operation, maintenance, repair and replacement, as necessary, of main water distribution pipelines and appurtenant facilities and for service connection facilities up to and including the water meter serving premises. The owner of premises receiving service shall own and shall be responsible for the operation, maintenance, repair and replacement, as necessary, of all water service facilities serving the property commencing at the point where such facilities connect to the District’s water meter.

11.04 Damage to Water System Facilities.

The customer shall be liable for any damage to the District-owned water service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near the meter and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

11.05 District Control Valve.

The customer shall provide a control valve (service angle meter stop) on the District's side of the service installation as close as is practicable to the meter location, street, highway, alley or easement in which the water main serving the customer's property is located, to control the flow of water to the meter serving the premises. The customer shall not use said service angle meter stop to turn water on and off.

11.06 Dead-End Lines.

No dead-end lines shall be permitted, except at the discretion of the District.

11.07 Changes in Customer's Equipment or Operations.

Customers making any material change in the size, character or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change. If required by the District, the customer shall install a larger meter, or service line at the customer's expense. Additional Connection Fees may be required by the District.

11.08 Cross-Connections.

(a) The customer must comply with the State and Federal laws governing the separation of dual water systems or installation of back flow protective devices to protect the public water supply from the danger of cross-connections. Back flow protective devices must be installed as near the service as possible and shall be open to test and inspection. Plans for installation of back flow protective devices must be approved by the District and the County prior to installation.

(b) In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection of the back flow preventative devices.

(c) As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by the customer, at the customer's expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

(d) Whenever back flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use of the additional water supply lines.

(e) The double check valve or other approved back flow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.

11.09 Interruptions in Service.

The District shall not be liable for damage which may result from an interruption in service. Temporary shutdowns may be made by the District to make improvements and repairs or in case of a fire or other emergency. Whenever possible and as time permits all customers affected will be notified prior to making such shutdowns. The District will not be liable for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control.

11.10 Ingress and Egress.

Representatives from the District shall have the right of ingress and egress to the customer premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

11.11 Wasting Water.

Each and every customer shall maintain in good order all his water pipes, faucets, valves, plumbing fixtures or any other appliances, at all times, to prevent waste of water. Where any customer willfully neglects to make repairs, the water service to him may be shut off and locked by the District and shall not be turned on again until such repairs have been made to the satisfaction of the District. Where any customer willfully or negligently wastes water through the misuse of sprinklers or any other facilities, the water may be shut off and locked by the District.

11.12 Who May Turn on Water.

No person other than an official or employee of the District shall turn on water from the District mains without authorization in writing from the Manager.

11.13 Access to Water System Outlets.

No person shall place upon or about a fire hydrant, angle meter stop, water meter or water gate connected with the water system of the District any object, material, debris or structure of any kind that prevents free access to the same at all times.

11.14 Water Main Relocation.

The District will allow relocation of its water mains, if such relocation does not adversely affect its operations and services, by those making a written application for a permit to do so. The applicant for relocation of water mains shall install and pay for such relocation and all costs

related to the application and the work under such terms and provisions as the Manager may require in the permit. An agreement shall be entered into between the District and the applicant setting forth the terms and provisions if required by the Manager.

ARTICLE 12. FEES AND CHARGES

12.01 Monthly Services Charges.

Monthly water service charges are set forth in Appendix B hereto and will be established, changed or modified from time to time by Ordinance by the Board.

12.02 Water Connection Fees.

A. Basic Connection Fee.

A person desiring connection to the water system of the District shall pay to the District, prior to issuance of a permit, or at such other time as required in this code, a Connection Fee determined in accordance with the schedule in Appendix A.

B. Additional Fees.

(1) Connection to Facilities Subject to Reimbursement.

For any parcel, unit, lot or portion thereof, which abuts on, or can be directly served by, any water facilities of the District constructed pursuant to special agreement entered into pursuant to Section 6.03 above, wherein the District has agreed to reimburse to the party making the original installation a share of the cost of original construction attributable to parcels of property later connecting to said water facilities, or the District has made an advance towards such costs on behalf of such parcels or property, an additional Connection Fee must be paid prior to the issuance of a permit for a water connection for such parcel, unit, lot, or portion thereof or at such other time as required in this Code. The fee shall be collected in a sum to be computed by the Manager as said property's share of the cost of the water facilities of the District constructed pursuant to special agreement.

(2) Special Connection Fees.

In addition to any other charges established herein, the District may establish special Connection Fees for any water connection when, in the opinion of the Board, the circumstances of such connection necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein in order to establish conditions of equality between those who have borne the cost of existing District water facilities and those parcels, units, lots, or portions thereof, benefiting from, but not participating in, the cost of said facilities.

C. Alteration of Use.

The fees and charges herein established are applicable to the use proposed to be made of the building and the anticipated demand on the District water facilities at the time the permit is issued. In the event of an alteration of the building or of a demand on the District's water facilities additional to that from which the connection charge was originally established, an additional fees shall be paid to the District for the alteration or added demand. The additional fee shall be based upon the schedule of charges in effect at the time the permit for such alteration or addition is issued, less a credit (not to exceed the amount of the additional charge) for any fees previously paid.

12.03 Administration and Personnel Fees and Inspection Fees.

In addition to any other fees and charges established herein, an Administration and Personnel fee and an Inspection Fee, when applicable, shall be charged and collected prior to the issuance of a permit or in the case of a subdivision, prior to issuing a "can and will serve" letter as follows:

A. Initial Water Installation.

For each new service connection an administrative and personnel fee will be charged to compensate the District for its expense in processing the permit in the amount shown in Appendix A. In addition, an inspection fee will be charged in the amount of the cost to the District to inspect the building water connection, with a minimum charge in the amount shown in Appendix A. Cost includes, but is not limited to, the cost of labor, material, transportation, supervision, engineering, legal service and all other necessary overhead expenses.

B. Alteration of Existing Water Installation.

For issuing a permit and inspecting any addition to, alteration or extension of an existing water connection and installation, an administrative and personnel fee and an inspection charge in the amount of the cost to the District to inspect the work, with a minimum charge in the amount shown in Appendix A will be charged. Cost means the same as in A. above.

12.04 Charges and Rates Do Not Exceed Costs.

The Board finds and determines that the charges, rates, and fees set forth in this Ordinance do not exceed the estimated reasonable cost of providing the service for which the charges, rates, and fees are charged.

ARTICLE 13. PAYMENT AND CREDIT

13.01 Establishment and Maintenance of Credit.

Except for residential applicants, each applicant for service shall establish and maintain credit to the satisfaction of the District by a cash guarantee deposit for water and sewer service in the amount set forth in Appendix A before service will be rendered. The cash guarantee deposit for water includes the deposit for sewer service except where there is no water service. No interest will be paid on cash guarantee deposits.

13.02 Residential Applicant Credit.

Residential applicants for service shall establish and maintain credit to the satisfaction of the District by one of the following methods:

- (a) timely payment for the past three years for service by the District; or
- (b) evidence from applicant's previous water supplier of timely payment for the past three years; or
- (c) a cash guarantee deposit. (See Appendix A).

If payment is late on a residential account that has no cash guarantee deposit, the District will require a cash guarantee deposit (See Appendix A) to be paid upon demand from the District. No interest will be paid on guarantee deposits.

13.03 Deposit.

A cash guarantee deposit made by applicants will be refunded after three (3) years have passed without a late payment or upon discontinuance of service. Any cash guarantee deposit which the District is unable to refund within one (1) year from the date of discontinuance of service will become the property of and be retained by the District. Deposits may be used to pay any delinquent charges owed to the District for water or sewer service.

ARTICLE 14. BILLING AND COLLECTION

14.01 Billing Period.

The regular billing period for water service will be monthly at the rates and charges set out in Appendix B.

14.02 Opening and Closing Bills.

Opening and closing bills for less than the regular billing period shall be prorated both as to monthly minimum charges and monthly quantity charges. Closing bills may be estimated by the District for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

14.03 Payment of Bills.

Bills are due on presentation and, if not paid by the last business day of the month of mailing, service may be discontinued in accordance with Article 15. A reconnection charge will be made and collected prior to renewing service following a discontinuance for non-payment. (See Appendix A.)

14.04 Insufficient Funds Checks.

If a customer's check is returned by the bank by reason of insufficient funds in the customer's account, the customer will be charged a Not-sufficient Funds Check Charge. If there is a second occurrence the customer will not be allowed to pay by check.

14.05 Billing of Separate Meters not Combined.

Separate bills will be rendered for each service connection or meter installation except where the District has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made the meter readings will be combined for billing purposes.

14.06 Delinquent Accounts.

Accounts remaining unpaid after deduction of delinquent amounts from the guarantee deposit may be collected on the tax roll and all laws applicable to the levy, collection and enforcement of ad valorem taxes shall be applicable to such charges. The District may exercise any and all other lien and collection rights provided by law to collect delinquent amounts, rates, fees, charges and costs.

14.07 Tenant Billing.

Application to have water service charges billed to the tenant of premises requesting service shall be made on a District-provided form by the owner of such premises. Such form shall set forth that billing of a tenant is for the convenience of the owner and does not limit the responsibility of the owner to pay all charges or assure that the services are used in accordance with District rules and regulations.

14.08 Collection by Suit.

As an alternative to any of the other procedures herein provided, the District may bring an action against the owner of the premises which received service for the collection of the amount of the delinquent rate and all penalties and costs of collection, including a reasonable attorney’s fee.

14.09 Use of Credit Cards, Debit Cards, and Electronic Funds Transfers.

The District will accept credit cards, debit cards, or electronic funds transfers to pay for services rendered by the District and to pay any fee or charge due to the District.

A. Fees Payable by Customers.

Customers shall pay to the District a fee for the use of a credit or debit card or electronic funds transfer in an amount equal to the costs incurred by the District in providing for payment by credit or debit card or electronic funds transfer.

B. Dishonored Payments.

If a credit or debit card draft is not paid following due presentment to the card issuer or draft purchaser or is charged back to the District for any reason, any record of payment made by the District honoring the credit or debit card shall be void. If an electronic funds transfer request is not completed with a transfer of the funds to the District or is charged back to the District for any reason, any record of payment made by the District shall be void. In such cases (i) any receipt issued in acknowledgment of payment shall be void, and (ii) the obligation of the

cardholder or accountholder shall continue as an outstanding obligation as if no payment had been attempted.

C. Returned Payment Charge.

If a credit or debit card draft, electronic funds transfer, or other payment offered in payment is charged back to the District or is returned without payment for any reason, the District shall impose a fee equal to Thirty-Five Dollars (\$35.00) for the charge back or return, to cover the District's processing and collection costs. Said charge may be added to, and become part of, any underlying obligation, other than an obligation that constitutes a lien on real property, and a different method of payment for said payment and future payments by such customer may be prescribed by the District.

ARTICLE 15. DISCONTINUANCE OF SERVICE

15.01 Upon Vacating Premises.

Customers desiring to discontinue service shall so notify the District two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customer shall continue to be liable for charges whether or not any water is used.

15.02 Late Notices and Charges.

If payment of a bill for water service is not received in the District office by the last business day of the month in which it is mailed, the bill will be delinquent. The District will mail a Notice of Intention to Disconnect Service stating the amount then due, adding a late notice charge (See Appendix A), and stating that the customer has fifteen (15) days to pay the bill, including the late notice charge, or water service will be disconnected. At least forty-eight (48) hours before the time designated for disconnection, the District will post at a conspicuous place on the premises served with water stating the amount due and the date for disconnection. The failure of any such person to receive said notice shall not affect the District's power hereunder.

15.03 Disconnection for Non-Payment.

If the amount due to the District is not paid within the fifteen (15) day period, water service will be disconnected. However service will not be disconnected:

- (a) For any charges during the pendency of an investigation by the District of a customer dispute or complaint related to those charges, but service may be disconnected for other undisputed charges;
- (b) When a customer has been granted an extension of the period for payment of a bill, unless the customer does not pay as agreed; or,
- (c) On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into a time payment agreement

with the District with respect to all charges that the customer is unable to pay prior to delinquency.

15.04 Reconnection Charge.

Before water service is reconnected, the customer must pay in full all amounts then due, including the late notice charge, plus a reconnection charge. (See Appendix A)

15.05 Hardship or Incorrect Bill.

If customer who has received a Notice of Intention to Disconnect Service believes that the billing is incorrect, or if the customer has a temporary hardship that requires an extension of time or time payment plan, the customer may apply in writing to the District for relief. An extension of time or a time payment plan may be granted in cases where a temporary circumstance, such as a substantial, sudden loss of income, has resulted in a current inability to pay the water bill, and it is likely that the customer can pay within a short period of time or when required by Section 10010(b)(3) of the Public Utilities Code (disconnection would be life threatening). Requests for relief will be heard by a committee composed of any two board members who will meet with the customer and make a decision.

15.06 Disconnection of Multiple Residences.

In the case of a multi-unit residential structure, mobile home park or labor camp, residential occupants will be notified in accordance with Sections 10009 and 10009.1 of the Public Utilities Code prior to disconnection.

15.07 Unsafe Apparatus.

Water service may be refused or disconnected to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

15.08 Cross-Connections.

Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of law.

15.09 Fraud or Abuse.

Service may be discontinued for misrepresentation or fraud in any transaction with the District, abuse of any District facilities or equipment, or non-compliance with this or any other ordinance or regulation related to water or sewer service.

ARTICLE 16. PRIVATE FIRE PROTECTION SERVICE

16.01 Application for Permit.

Prior to installing any private fire protection system or fire sprinkler, the customer must apply in writing for a private fire protection system permit to the District.

16.02 Payment of Costs.

The applicant shall pay the total actual cost of installation of the service from the distribution main to the customer's premises including but not limited to the cost of a double check valve backflow device with a meter or other suitable and equivalent device, valve and meter. The installation will be the property of the District. Prior to issuance of a building permit for the system, the applicant will pay the District's Administration and Personnel Fee, and the Inspection Fee. No additional Connection Fee is payable for the fire protection system.

16.03 No Connection to Other System.

There shall be no connections between a fire protection system and any other water distribution system on the premises.

16.04 Use.

There shall be no water used through the fire protection service except to extinguish accidental fires and for testing the fire fighting equipment.

16.05 Rates and Charges.

The fire protection system will be separately metered. There shall be no Connection Fee and no monthly fixed charge for fire protection systems. Any consumption recorded on the meter will be charged for at double the regular volume tier rates for 3/4" meters, as set forth in Appendix B, except that no charge will be made for water used to extinguish accidental fires where such fires have been reported to the duly authorized fire protection agency.

16.06 Water Pressure and Supply.

The District assumes no responsibility for loss or damage due to lack of water or pressure and shall only 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 17. TEMPORARY WATER SERVICE

17.01 Provision of Temporary Service.

Temporary water service may be provided through District fire hydrants or meters for temporary uses when it is not practical to serve water through a regular water connection such as water for construction use, construction office trailers or inhabited mobile homes permitted on construction sites by the County of Santa Barbara.

17.02 Application.

A person needing a temporary water service connection shall make an application to the District for a temporary water service permit on a form supplied by the District. It is prohibited to operate the valve of a fire hydrant except with a spanner wrench designed for this purpose.

17.03 Duration of Service.

Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing to the District for good cause shown by the applicant.

17.04 Installation and Operation.

All facilities for temporary service to the customer shall be furnished by, and the connection shall be made by the District and shall be operated in accordance with its instructions.

17.05 Responsibility for Meters and Installation.

The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours notice in writing has been given to the District to disconnect the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

17.06 Unauthorized Use of Hydrants.

Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose is a misdemeanor, punishable by law.

17.07 Rates and Charges.

The applicant shall pay the District's charges for installing and removing the meter required to furnish temporary service, as well as monthly rental charges and a security deposit, as set forth in Appendix A. Temporary water service shall be charged for at double the regular volume tier rates for 3/4" meters, as set forth in Appendix B. There is no Connection Fee, Meter Setting Fee or Inspection Fee.

ARTICLE 18. GENERAL PROVISIONS

18.01 Pools and Tanks.

When an abnormally large quantity of water is desired 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 thereby.

18.02 Responsibility for Equipment.

The customer shall, at his own risk and expense furnish, install and keep in good and safe condition all equipment 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 his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. The District shall not be responsible for damage to

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.

ARTICLE 19. APPEALS AND EXCEPTIONS

19.01 Appeals.

Any person may appeal any decision or application of the provisions of this Ordinance by District staff to the Board of Directors by filing a written appeal with District, and the Board of Directors shall consider the appeal at a regular or special meeting within thirty (30) days from the date the appeal is filed. The District shall give the appellant written notice of the meeting at which the appeal will be considered at least five (5) days prior to said meeting. The District may fix fees for filing appeals in an amount deemed from time to time sufficient to cover District costs for appeals. (See Appendix A)

19.02 Action by Board.

At said meeting the Board of Directors may, in its discretion, affirm, reverse or modify the staff decision and make any adjustments and impose any conditions it deems just and proper, if it finds and determines that (1) the staff decision was in error, or (2) the restrictions of this Ordinance would cause an undue hardship or emergency condition, or (3) that due to peculiar facts and circumstances, none of the provisions of this Ordinance are applicable to the situation under consideration, or (4) that the applicant is entitled to substantially similar treatment as set forth in some provision of this Ordinance authorizing water service facilities, and it finds that the granting of the appeal will not significantly adversely affect the water supply or service to existing water customers.

19.03 Relief Application.

When any person by reason of special circumstances is of the opinion that any provision of this Code is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension, relief from or modification of that provision as applied to his premises. If such application is approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

19.04 Relief on Own Motion.

The Board may, on its own motion, find that by reason of special circumstances and provision of this regulation and Code should be suspended or modified as applied to a particular premise and may, by Resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

ARTICLE 20. ENFORCEMENT PROVISIONS

20.01 Disconnection as a Remedy.

A. Alternate Method of Enforcement.

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the Manager shall have the power to disconnect the user or subdivision water system from the water mains of the District. Upon disconnection from the water system, the Manager shall estimate the cost of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection from and reconnection to the system and such user shall deposit the cost, as estimated, of disconnection and reconnection before such user is reconnected to the system. The Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

B. Public Nuisance, Abatement.

During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District may cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and costs of suit arising in said action.

C. Notice and Opportunity to Comply.

Except for failure to pay any rates, fees, or charges, any person found to be violating any provision of this or any other code, ordinance, rule or regulation of the District shall be served by the Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two (2) nor more than seven (7) working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. Except for failure to pay, the user will be given reasonable notice and an opportunity to be heard in opposition to the charges of such violation. However, the District, may without written notice, discontinue the service of water to any customer in any case where the continuance of service would result in waste of water or would constitute or create a nuisance or hazard to either the customer or the District or both. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other code, ordinance, rule or regulation of the District. Upon being notified by the Manager of any defect arising in any water work or of any violation of the District codes, the person or persons having charge of said work shall immediately correct the same.

20.02 Violation a Public Nuisance.

Continued habitation of any building or continued operation of an industrial facility in violation of the provisions of this or any other code, ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

20.03 Means of Enforcement Only.

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

20.04 Misdemeanor Penalty.

It shall be a misdemeanor for any person, firm, association, partnership, corporation or any water user to use or apply water received from this District contrary to or in violation of any restriction or prohibition contained in this Ordinance and upon conviction thereof such person, firm, association, partnership or corporation shall be punished by being imprisoned in the County Jail for not more than thirty (30) days or by fine of not more than three hundred dollars (\$300) or by both such fine and imprisonment, for each violation and for each day a continuing violation.

20.05 Liability for Violation.

Any person violating any of the provisions of the codes, ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

20.06 Protection From Damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any, structure, appurtenance, or equipment which is a part of the District water works or other facilities. Any person violating this provision shall be subject to the penalties provided by law and to the enforcement provisions of this Water Code.

20.07 Powers and Authorities of Inspectors.

The officers, inspectors, managers and any duly authorized employees of the District shall carry evidence establishing their position as an authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the codes, ordinances, rules and regulations of the District.

ARTICLE 21. SUSPENSION OF CONFLICTING REGULATIONS

This Ordinance prevails to the extent that the terms and provisions of this Ordinance are inconsistent, or in conflict with the terms and provisions of any prior District ordinances, resolutions, rules and regulations. Any inconsistent or conflicting provisions of prior ordinances, resolutions and rules and regulations are superseded by this Ordinance.

ARTICLE 22. EFFECTIVE DATE

The provisions, rates, and charges fixed and regulated by this Ordinance shall be in effect from and after the date of adoption except as otherwise specifically stated herein, and shall continue in force until changed by ordinance of the District, and nothing in this Ordinance shall be considered or construed as a contract on the part of said District to furnish its water or its services for any definite period. Nothing herein contained shall be deemed to prevent or bar the District from recovering from any customer the amount of indebtedness due the District from said customer prior to the effective date of this Ordinance at the rates then applicable.

ARTICLE 23. SEVERABILITY

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

ARTICLE 24. EXEMPTION FROM CEQA

The establishment of charges by this Ordinance are exempt from California Environmental Quality Guidelines (CEQA) and local guidelines. Section 21080 of the Public Resources Code (a part of CEQA) provides that CEQA shall not apply to the establishment of a charge by a public agency which the public agency finds is for the purpose of (1) meeting operating expenses, including employees wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs or requirements; or (4) obtaining funds for capital projects necessary to maintain service within existing service areas. The charges created by this Ordinance fall in these categories.

APPENDIX A

(Updated November 1, 2018)

WATER CONNECTION FEES AND OTHER FEES AND CHARGES

1.	Connection Fee, per Service Connection:	
	Meter Class	Water Connection Fee
	3/4" or less	\$8,733
	1"	\$14,556
	1-1/2"	\$29,111
	2"	\$46,578
	3"	\$101,890
	4"	\$183,402
	6"	\$378,449
	Accessory Dwelling Units with Water Meter of 3/4" or less:	Water Connection Fee
	1,000 to 1,200 square feet	\$8,733
	600 to 999 square feet	\$6,550
	Under 600 square feet	\$4,367
<p>The water connection fees set forth above shall be adjusted effective as of the first day of November of each year by an amount equal to the percentage change in the Engineering News Record Construction Cost Index 20-Cities Average published for the immediately preceding August as compared to such index for August of the previous year. The water connection fees set forth above for accessory dwelling units shall apply only to accessory dwelling units as described in Government Code Section 65852.2(f)(2)(B).</p>		
2.	Installation charge (lateral connection, meter box, piping and labor):	Cost + 10%
3.	Administrative and Personnel Fee (per connection):	\$125
4.	Inspection Fee:	Staff hourly rate x 1.5
5.	<p>Meter Setting Fee</p> <p style="padding-left: 20px;">(a) Meters up to one inch (1"):</p> <p style="padding-left: 20px;">(b) Meters larger than one inch (1"):</p> <p>The water meter setting fee only includes connecting the meter to an existing lateral from the main in an existing meter box with a lid. Meter box, piping and connections will be charged at cost as set forth in 2., above.</p>	<p>Meter cost plus \$35.00</p> <p>Meter cost plus \$60.00</p>
6.	<p>Meter Testing Charge</p> <p style="padding-left: 20px;">(a) Meters up to one inch (1"):</p> <p style="padding-left: 20px;">(b) Meters larger than one inch (1"):</p>	<p>\$50.00 plus testing cost</p> <p>\$75.00 plus testing cost</p>
7.	Estimated Cost Deposits. The District may require deposits based on its	

	estimates of actual cost or may calculate deposits according to the following schedule: (a) Main Extension Application (no subdivision): (b) Subdivision Water System Application (with main extension): (c) Subdivision Water System Application (w/out main extension):	\$2,500 \$2,500 plus \$25 per lot \$2,000 plus \$25 per lot
8.	Temporary Service Connection Charge (a) Fire hydrant construction meter (i) Installation and removal charges: (ii) Monthly rental charges: (iii) Security deposit (per meter): (b) Other temporary connection:	\$35.00 each \$75.00/month; prorated for partial month w/ \$25 minimum \$700.00 Cost + 10%
9.	Disconnection and Reconnection Charge (a) During regular hours: (b) Other than regular hours:	\$35.00 \$100.00
10.	Insufficient Funds Check Charge:	\$35.00*
11.	Late Payment Charge:	10%, with \$15.00 minimum*
12.	Appeal Fee for Review by Board of Staff Decision:	\$100
13.	Water Meter Removal Charge:	\$35.00
14.	Residential Cash Guarantee Deposit:	Twice the estimated monthly billing*
15.	Non-Residential/Other Cash Guarantee Deposit:	Twice the estimated monthly billing*
16.	Water Cross-Connection Inspection Fee:	\$3.28 per month per cross connection
17.	Additional services provided at customer request	Hourly staff labor rate x 1.5
18.	Posting Notice that Service will be Disconnected	\$35.00
19.	Posting Notice that Service has been Disconnected	\$35.00

*Charged only once for water and sewer combined.

APPENDIX B

(Effective August 1, 2016)

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Monthly Fixed Water Service Charges

Meter Size	August 1, 2016 to June 30, 2017	July 1, 2017 to June 30, 2018	July 1, 2018 to June 30, 2019	July 1, 2019 to June 30, 2020	July 1, 2020 to June 30, 2021
3/4" or less	\$26.05	\$27.88	\$29.84	\$31.93	\$34.17
1"	\$34.39	\$36.80	\$39.38	\$42.14	\$45.09
1 1/2"	\$55.23	\$59.10	\$63.24	\$67.67	\$72.41
2"	\$80.24	\$85.86	\$91.88	\$98.32	\$105.21
3"	\$159.43	\$170.60	\$182.55	\$195.33	\$209.01
4"	\$276.14	\$295.47	\$316.16	\$338.30	\$361.99
6"	\$555.40	\$594.28	\$635.88	\$680.40	\$728.03

Monthly Volume Water Service Charges

(Charges apply to each hundred cubic feet of water used)

August 1, 2016 to June 30, 2017	July 1, 2017 to June 30, 2018	July 1, 2018 to June 30, 2019	July 1, 2019 to June 30, 2020	July 1, 2020 to June 30, 2021
\$2.96	\$3.17	\$3.40	\$3.64	\$3.90

Drought Rates Applicable if Annual Water Production Decreases by 10% or More*

Monthly Fixed Water Service Charges

Meter Size	August 1, 2016 to June 30, 2017	July 1, 2017 to June 30, 2018	July 1, 2018 to June 30, 2019	July 1, 2019 to June 30, 2020	July 1, 2020 to June 30, 2021
3/4" or less	\$26.30	\$28.93	\$31.54	\$34.38	\$37.48
1"	\$34.33	\$37.76	\$41.16	\$44.87	\$48.91
1 1/2"	\$54.40	\$59.85	\$65.24	\$71.12	\$77.53
2"	\$78.49	\$86.35	\$94.13	\$102.61	\$111.85
3"	\$154.78	\$170.27	\$185.60	\$202.31	\$220.52
4"	\$267.21	\$293.94	\$320.40	\$349.24	\$380.68
6"	\$536.24	\$589.86	\$642.95	\$700.82	\$763.90

Drought Rates Applicable if Annual Water Production Decreases by 10% or More*

Monthly Volume Water Service Charges

(Charges apply to each hundred cubic feet of water used)

August 1, 2016 to June 30, 2017	July 1, 2017 to June 30, 2018	July 1, 2018 to June 30, 2019	July 1, 2019 to June 30, 2020	July 1, 2020 to June 30, 2021
\$3.08	\$3.39	\$3.70	\$4.04	\$4.41

*Annual water production for the fiscal year ending July 31, 2016 is expected to be 232 acre feet. The drought rates will apply in the event annual water production decreases to 209 acre feet or less.

APPENDIX B
(Effective August 1, 2016)

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Bulk Water Charges

The bulk sale of water through meters attached directly to fire hydrants shall be at the rate of \$3.21 per 100 cubic feet (the “Bulk Water Charge”).

Adjustments to Bulk Water Charge. Effective as of April 1, 2017 [and continuing through April 1, 2022], the Bulk Water Charge shall be adjusted [annually] by the change in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for Urban Wage Earners and Clerical Workers (not seasonally adjusted), All Items, for the West Area, Size Class B/C (population 50,000 to 1,500,000), Base Period 1996 = 100 (the “CPI”). Such adjustment shall be calculated in accordance with the following formula:

$$\text{Adjusted Charge} = \text{Current Charge} \times (\text{Current CPI} \div \text{Base CPI})$$

For purposes of the formula set forth immediately above, the following definitions shall apply:

Current Charges: Bulk Water Charge in effect immediately prior to the effective date of the adjustment.

Base CPI: 3-month average CPI for October, November and December of the year which is two years prior to the year in which the CPI will be effective.

Current CPI: 3-month average CPI for October, November and December of the year which is immediately prior to the year in which the CPI will be effective.

Replacement CPI

If the CPI is discontinued or revised in the future, such other government index with which it is replaced may be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or revised.