

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhardt, President
J. Larry Coulombe, Vice President
Michael McBride, Director
David Larson, Director
Judy Corl-Lorono, Director



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A Public Agency

THE BOARD OF DIRECTORS FINANCE/PUBLIC RELATIONS/EDUCATION AND PERSONNEL COMMITTEE MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Wednesday, November 10, 2010 - 4:00 PM

The BDVWA Finance/Public Relations/Education & Personnel Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act. Members of the Board not assigned to the Finance/Public Relations/Education & Personnel Committee may participate as observers at the meeting.

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL**
- **APPROVAL OF THE AGENDA**

Public Participation - Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. When giving your public comment, please first state your name and have your information prepared. Due to time constraints, a three-minute time limit may be imposed. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board Secretary at 760-364-2315 during Agency business hours.

1. **PUBLIC PARTICIPATION** - Any person may address the Board on any matter within the District's jurisdiction on items not appearing on this agenda.

- 2. DISCUSSION AND ACTION ITEMS** - The Committee and Staff will discuss the following items and consider taking action, if so inclined.

a. REQUEST FOR WATER SERVICE TO APN: 635-032-16 AT A REDUCED RATE OF \$684.99 AND NO BASIC FACILITIES CHARGE

RECOMMENDED ACTION:

- 1) Discuss issuing a variance from the current cost of a ¾-inch service line installation to the 2004 rate quoted at \$684.99; and
- 2) Direct staff to move the item to the full board for further consideration and possible approval.

b. REVIEW ORDINANCE NO. 100-01 PROVIDING FOR THE COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO

RECOMMENDED ACTION:

- 1) As directed by the full Board, Committee to review and discuss options regarding Ordinance No. 100-01 with respect to dollar amount of per diem and days of service per month; and
- 2) Committee to review Resolution 10R-02 Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses as it relates to Ordinance No. 100-01; and
- 3) Committee to provide further direction to staff on any desired policy revisions for further consideration by the Committee o full Board.

c. REVIEW ORDINANCE NO. 080-01 ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE

RECOMMENDED ACTION:

- 1) Committee to review and discuss the Rules and Regulations specifically including but not limited to the following Articles:
 - a) Article 3.0 Basic Water Service Rules & Regulations
 - I. Customer Deposits
 - II. Leak Relief
 - III. Unauthorized Water Use
 - IV. Other
- 2) Committee to review and discuss these specific areas of rising concern:
 - a) Customer payment arrangements, extensions and failure to pay on arrangements
 - b) Credit Card Fees
 - c) Other
- 3) Committee to discuss the content of a new Article to be added to the Rules and Regulations concerning:
 - a) Bulk Meter Accounts
 - I. Deposits
 - II. Cancellation of service due to inactivity

- III. General Rules and Regulations for Residential and Commercial bulk accounts
- IV. Bad Debts
- V. Other

4) Committee to consider making a recommendation to the full Board.

d. PUBLIC RELATIONS / PUBLIC OUTREACH EFFORTS

RECOMMENDED ACTION:

- 1) Committee to discuss Public Outreach with elected officials to promote our wellbeing, Agency goals and objectives as well as regional projects requiring funding assistance.

e. PERSONNEL

RECOMMENDED ACTION:

- 1) Committee to discuss modifications to the job description and duties of the Executive Secretary/Personnel Administration position as it pertains to the affairs of the Board of Directors

- 4. CONSENT ITEMS** - The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member of the Public or a Committee member requests that an item be held for discussion or further action.

a. none

RECOMMENDATION:

- 1) Approve as presented

END OF THE CONSENT CALENDAR

5. VERBAL REPORTS

- > COMMITTEE MEMBERS' COMMENTS/REPORTS
- > GENERAL MANAGER'S REPORT

6. ITEMS FOR NEXT AGENDA

7. ADJOURNMENT

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Agency Secretary. Backup material for the

Agenda is available at the Agency offices for public review and can be viewed online at the Agency's website: www.bdvwa.org.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at www.bdvwa.org. Copies of these materials and other discloseable public records distributed to all or a majority of the members of the Board of Directors in connection with an open session agenda item are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL
AGENDA ITEM SUBMITTAL**

Meeting Date: October 20, 2010

To: Financial/PR/Education/Personnel Comm.
of the Board of Directors

Budgeted: No
Budgeted Amount: N/A
Cost: N/A
Funding Source: N/A

From: Marina D. West
General Counsel Approval: N/A
CEQA Compliance: N/A

Subject: Request for Water Service to APN: 635-032-16 at a Reduced Rate of \$684.99 and No Basic Facilities Charge

SUMMARY

The owner of Parcel No. 635-032-16 has requested the Agency honor a 2004 price quote for new service installation. The property owner has stated that the Agency did not follow through on previous requests to honor the quote (attached) or his option to address the Board of Directors regarding this matter.

In 2004, installation quotes were generated based on actual field conditions such as length of service line and estimated labor. A quote for \$684.99 was prepared (attached). In 2004 there was no Basic Facilities Charge.

The agency currently charges \$1,255 for a ¾-inch meter and service line. The Basic Facilities Charge (buy-in charge) is currently \$4,098. These charges were last adjusted in 2008.

The property owner is requesting the Agency honor the 2004 \$684.99 quote with the \$0 Basic Facilities Charge and he has also requested the Agency grant payment arrangements for the fee.

RECOMMENDATION

That the Committee discuss issuing a variance from the current cost of a ¾-inch service line installation to the 2004 rate quoted at \$684.99 and move the item to the full board for further consideration and possible approval.

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

10/28/2009 Resolution No. 08R-10 Modifying Basic Facilities Charge and Service-line Installation Charge

COST ESTIMATE

BIGHORN-DESERT VIEW WATER AGENCY

Date: 2/9/2004

Location: Section 34 635-032-16

Description of Work: Location Section 34, 635-032-16, New Service Line Installation

VERY HARD SOIL FOR DIGGING!

Labor		Hours	Equipment		Hours
Supervisor	\$18.54	0	Backhoe @	\$27.74	4.5
Maint. Worker II @	\$13.53	4.5	Stake Bed/Trailer @	\$17.38	1.5
Maint. Worker I @	\$12.89	4.5	Service Truck @	\$8.69	4.5
Labor Rate		\$118.90	Pick-up Truck @	\$8.11	0
*Cost Multiplier @	100%	\$118.90			
Total Labor Cost		\$237.80	Total Equipment Cost		\$190.01

MATERIALS FROM INVENTORY

Quantity	Description	Item #	Cost	Ext. Cost
1	6"x1" Brass Saddle Double Strap	SADS-6X1	\$30.93	\$30.93
1	1" Ball Corp. Stop	BCIV-1	\$21.03	\$21.03
1	1" A.M. Stop	CRT-2	\$19.42	\$19.42
30	1" K Soft Copper Tubing	CPKS1100	\$1.99	\$59.70
1	3/4" Performance Meter	PME-03	\$39.19	\$39.19
1	1015 MCBC Flush Gasket	AEP1015-1G2W	\$14.01	\$14.01
1	1" thick rubber gasket	RGTH-1	\$0.12	\$0.12
1	1" x 2 1/2" meter coupling	AD31-4	\$0.15	\$0.15
Tax at 7.75%				\$14.30
			Total Material	\$198.85

		\$0.00
		\$0.00

Sub Total	\$626.66
Admin Overhead on Materials & Equip @ 15%	\$58.33
TOTAL JOB COST	\$684.99

ORDINANCE NO. 100-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY PROVIDING FOR COMPENSATION OF THE BOARD OF DIRECTORS AND ESTABLISHING PROCEDURES RELATED THERETO

WHEREAS, Water Code Appendix section 112-12 Water Code section 20200 et seq. and Government code section 53232.1 et seq. set forth the authority and procedure for establishing compensation for members (each, a "Director") of the Board of Directors ("Board") of the Bighorn-Desert View Water Agency ("Agency"). In particular, Water Code section 20201 provides that the Board, may by ordinance, provide compensation to Directors in an amount not to exceed \$100 per day for each day's attendance at meetings of the board, or for each day of service rendered as a member of the board by request of the board. Water Code section 20202 authorizes an increase in the compensation that may be received by the Directors up to an amount equal to five percent (5%) for each calendar year since the effective date of the last increase and limits compensation to no more than ten (10) days in any calendar month. Water Code section 20201.5 provides that reimbursement of expenses of Directors is subject to the requirements set forth in sections 53232.2 and 53232.3 of the Government Code; and

WHEREAS, the Board desires to establish the amount of compensation by way of this Ordinance in accordance with the provisions of the Water Code; and

WHEREAS, in accordance with Section 20203 of the California Water Code and section 6066 of the California Government Code, a public hearing was held on June 15, 2010, at 6 P.M., or as soon thereafter, at the meeting room of the Board at 1720 N. Cherokee Trail, Landers, CA 92285, and a notice of said hearing was duly published in the Hi-Desert Star, a newspaper of general circulation, once a week for two weeks as follows: on May 29, 2010 and June 5, 2010.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The amount of compensation to be received by Directors for each day's attendance at meeting of the Board, and for each day's service rendered by a Director by request of the Board, shall be one hundred dollars (\$100.00). The amount of compensation for each day's attendance at meetings of standing committees, Ad Hoc committees, subcommittees of the Board or a Board assignment on a Commission or Committee outside the Agency's jurisdiction shall be fifty dollars (\$50.00). The only meetings, service, and events for which said compensation shall be paid shall be those set forth by resolution and made part of the Policy for Compensation for Performance of Official Duties and Reimbursement of Actual and Necessary Expenses ("Official Duties Policy").

Section 2. No Director shall receive the compensation set forth in Section 1 of this Ordinance for more than 6 days in any calendar month.

Section 3. All ordinances, resolutions, or administrative actions by the Board, or parts thereof, that are inconsistent with any provision of this Ordinance, are hereby superseded only to the extent of such inconsistency.

Section 4. The President of the Board shall sign this Ordinance and the Secretary of the Board shall attest thereto, and pursuant to section 20204 of the California Water Code, this Ordinance shall take effect sixty (60) days from the date of adoption.

Section 5. If any section, subsection, clause, or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

Section 6. This ordinance may only be amended or modified by an Ordinance duly adopted by a majority vote of the Board of Directors.

Section 7. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

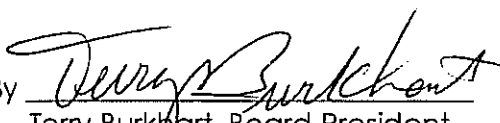
Section 8. Ordinance No. 05O-01 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 15 day of June 2010; by the following roll call vote:

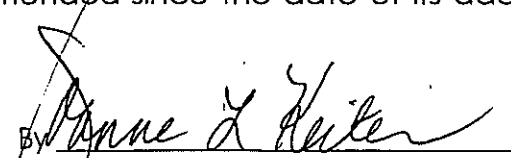
AYES: 5 (Burkhart, Coulombe, McBride, Larson, Oswalt)

NOES: 0

ABSENT: 0

By 
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a special meeting of the Board of Directors of said Agency held on June 15, 2010, the foregoing Ordinance 10O-01 was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By 
Joanne L Keiter, Board Secretary

RESOLUTION NO. 10R-02

A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY FOR COMPENSATION FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES ("OFFICIAL DUTIES POLICY")

WHEREAS, pursuant to Government Code section 53232.1, the Bighorn-Desert View Water Agency ("Agency") may pay compensation to each member ("Director") of the Board of Directors of the Agency ("Board") for attendance at certain occurrences only if the Board has adopted, in a public meeting, a written policy specifying the types of occasions that constitute the performance of official duties for which a Director may receive payment; and

WHEREAS, pursuant to Government Code section 53232, if the Agency is to reimburse Directors for actual and necessary expenses incurred in the performance of official duties, then the Board must adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a Director to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses; and

WHEREAS, the Agency adopts this Policy For Compensation For Performance of Official Duties and Reimbursement of Actual and Necessary Expenses (the "Official Duties Policy") to allow the Agency to pay Directors for attendance at those occasions that constitute the performance of official duties and for reimbursement of their actual and necessary expenses incurred in the performance of official duties; and

WHEREAS, the intent of the Policy is to provide guidance to Directors on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured, and to provide guidance to Agency employees on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable Agency employee policies;

NOW, Therefore, Be It Resolved By the Board Of Directors of the Bighorn-Desert View Water Agency as follows:

A. Findings

This Policy provides guidance to elected and appointed officials on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured. In addition, this Policy satisfies the requirements of Government Code sections 53232.1 and 53232.2 and

supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources. This Policy also provides guidance to employees of the Agency on the use and expenditure of Agency resources, as well as the standard against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable Agency employee policies.

B. Director Compensation

1. Amount of Per Diem Compensation

Directors shall receive a daily meeting stipend in the amount set by the current Ordinance in force for each day of service rendered as a Director. Such compensation is in addition to any reimbursement for meals, lodging, travel and other actual and necessary expenses consistent with this Policy.

2. "Day of Service" and "Authorized Meeting" Defined

For purposes of determining eligibility for compensation of Directors, the term "day of service" is defined as attendance by a Director, in person, at an Authorized Meeting with one or more other persons for the performance of official duties on behalf of the Agency.

All meetings, that fall under Directors' Compensation List, Categories A or B in the attached Exhibit A, are to be recognized as an "Authorized Meeting". Any other seminar, conference, meeting, or public event is to be recognized as an "Authorized Meeting" only if the Board, in open session at a meeting of the Board, approves that event as an "Authorized Meeting" before the event occurs.

3. Daily Limits

If a Director attends or participates in multiple meetings in a single day, the Director shall be eligible for compensation for only one meeting on that day.

4. Aggregate Limits

The number of days for which a Director receives a daily meeting stipend will not exceed the aggregate limits established by state law and set by the current Ordinance in force or any successor thereto, which provides that compensation shall not exceed ten (10) meetings/days per month.

5. Travel Days

Whenever practical and in keeping with established Board policy stating that whenever a particular educational opportunity exists

via Webinars or other online course formats, these be considered first as the preferred method of education for Directors.

Per diem compensation shall include travel days to and from authorized meetings as appropriate. Unless specifically approved by the Board in advance, Directors shall not count travel to meeting within 125 miles of the Agency's office as a reimbursable per diem travel day.

C. Authorized and Unauthorized Expenses

Agency funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized Agency business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this Policy are met:

1. Communicating with representatives of regional, state and national government on Agency adopted policy positions; and
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the Agency's interests;
4. Recognizing service to the Agency (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending Agency events;
6. Meetings such as those listed above for which a meeting stipend is expressly authorized under this Policy.

Examples of personal expenses that the Agency will not reimburse include, but are not limited to:

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying an official on Agency-related business. Family expenses also include expenses of children and pet-related expenses;
4. Entertainment expenses, including theater, movies, sporting events, or other cultural events;

5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
6. Personal losses incurred while on Agency business.

*Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority at the Agency **before** the expense is incurred.*

D. Payment of Expenses

To conserve Agency resources and keep expenses within community standards for public officials, expenditures incurred in the performance of official duties should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the costs that fall within the guidelines.

1. Transportation

- a) A request for reimbursement for mileage incurred by a Director is payable by the Agency only if the Director or the Director's driver of the vehicle in which the Director is transported, and for which reimbursement is sought, holds a valid California driver's license during that period in which the claim for reimbursement arises. Reimbursement will not be paid unless the Director or the Director's driver holds a valid California Driver's license. The Director or the Director's driver must satisfy the Agency's automobile liability insurance requirements by completing a California Department of Motor Vehicle form authorizing release of driver information. The form may be obtained through the Board Secretary.
- b) The Agency reimbursement rate for mileage by use of a Director's own vehicle shall be calculated on the total miles driven for Agency purposes at the rate specified by the Internal Revenue Service in Publication 463 or any successor publication in effect at the time of vehicle usage. Mileage will be calculated using a standard trip program on the Internet and shall be verified by the Agency staff.
- c) Travel to meetings, conferences or seminars outside Agency boundaries where air travel is available may be reimbursable through a mileage rate should the Director choose to drive the Director's own vehicle; however, the total reimbursable amount for mileage may not exceed the cost of round trip coach airfare.

- d) The Agency reimbursement rate for vehicle parking by a Director shall be the actual amount incurred.

2. Lodging

Directors must use government and group rates offered by a provider of lodging services when available. If the lodging is in connection with an accepted conference or organized educational activity, lodging costs must not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the Directors at the time of booking. If a government or group rate is not available, the Agency reimbursement rate for Director lodging shall be the actual amount incurred, not to exceed the rate for comparable lodging.

3. Meals

The Agency reimbursement rate for Director meals shall be the actual amount incurred, including gratuities, excluding alcoholic beverages, up to the standard meal allowance established for Southern California by the Internal Revenue Service in Publication 463 or any successor publication.

4. Other

Agency reimbursement of all other actual and necessary expenses incurred by a Director shall be computed using the applicable Internal Revenue Service rates for reimbursement as established in Publication 463, or any successor publication. All expenses that do not fall within this reimbursement Policy or the Internal Revenue Service reimbursable rates, as provided above, shall be approved by the Board in a public meeting before the expense is incurred.

E. Budget Limits

A pool of funds established through the annual budget process will be available to pay reimbursement of expenses for attendance by Directors at major conferences and seminars, to be identified in the budget as "Directors' Meeting Expense". The intent is that no individual Director receives reimbursement of expenses in excess of one-fifth of the monies established in this pool account, specific circumstances notwithstanding. Such conferences/seminars may include, but are not limited to ACWA, AWAC, CSDA and Special Districts Institute, or other major events or meetings. If insufficient monies exist in the account to pay for those expenses or if request for payment by the Board of Directors is denied, the Director would

then be required to pay for those expenses out of his or her own personal funds.

F. Expense Forms

The Agency shall provide expense report forms to be filed by the Directors for reimbursement for actual and necessary expenses incurred on behalf of the Agency in the performance of official duties. The expense reports shall document that expenses meet the Policy for expenditure of public resources. Directors shall submit to the Agency's Accounting Department on said form their expense reports for the calendar month no later than (10) days prior to the next regular Board meeting of the following month, and the reports shall be accompanied by receipts documenting each expense. If the reimbursement requests listed by the Director on said form satisfy the provisions of the Policy set forth herein as relates to Category "A" and Category "B" expenses, then the Agency's General Manager is hereby authorized to approve the reimbursement requests. The Board reserves the right to approve reimbursement of eligible expenses above the budget limit on a case-by-case basis prior to the expense being incurred.

G. Audits of Expense Reports

All expenses are subject to verification that they comply with this Policy.

H. Reports to Board of Directors

Directors shall provide brief reports on meetings attended at the expense of the Agency during the next agendaized meeting of Board. Activities shown on the Directors' Compensation List under Category "A" do not require a report. Activities shown on the Directors' Compensation List under Category "B" shall be made orally or in writing, or orally and by reference to any minutes.

I. Compliance with Other Laws

Agency directors, official and employees, as applicable, should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

J. Violation of This Policy

Use of public resources or falsifying expense reports in violation of this Policy may result in any of all of the following: 1) Loss of reimbursement privileges, 2) a demand for restitution to the

Agency, 3) the Agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

K. Ethics Training

1. Requirement

- a) Service Prior To 2007 - Each local agency official in Agency service as of January 1, 2007, except for Directors whose term of office ends before January 2, 2008, must receive training in ethics laws before January 1, 2008. Thereafter, each local agency official must receive such training at least once every two years.
- b) Service on or After 2007 - Each local agency official who commences service with the Agency on or after January 1, 2007, must receive training in ethics laws no later than one year from the first day of service with the Agency. Thereafter, each local agency official must receive such training at least one every two years.

2. Application

- a) Local Agency Official as used in Section K.1 of this Resolution, the term "local agency official" means the following:
 - (i) All Directors; and
 - (ii) All executive staff of the Agency.
- b) Ethics Laws as used in Section K.1 of this Resolution, the phrase "ethics laws" includes, but is not limited to, the following:
 - (i) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict of interest laws;
 - (ii) Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies;

- (iii) Government transparency laws, including but not limited to, financial interest disclosure requirements and open government laws; and
- (iv) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification for participating in decisions affecting family members.

3. Agency Responsibilities

- a) Records - The Agency shall maintain records indicating the dates that local agency officials satisfied the requirements of Section K of this Resolution and the entity that provided the training. The Agency shall maintain these records for at least five years after local agency officials receive the training. These records are public records subject to disclosure under the California Public Records Act.
- b) Notice - The Agency is required to provide information on training available to meet the requirements of Section K of this Resolution to its local agency officials at least once every two years.

L. Review of Resolution on Annual Basis

Each year the Board shall review this Resolution to determine its effectiveness and the necessity for its continued operation. The Agency's General Manager shall report to the Board on the operation of this Resolution, and make any recommendations deemed appropriate concerning this Resolution. Nothing herein shall preclude the Board from taking action on the Resolution at times other than upon conclusion of the annual review.

M. Severability

If any provision of this Resolution or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Resolution, which can be given effect without the invalid provision, or application, and to this end, the provisions of this Resolution are declared to be severable.

N. Effective Date

This Resolution shall become effective immediately upon adoption.

O. Rescission

Policy 05P-01 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 15 day of June 2010, by the following roll call vote:

AYES: 5 (Burkhart, Coulombe, McBride, Larson, Oswalt)

NOES: 0

ABSENT: 0

By 
Terry Burkhardt, Board President

I, the undersigned, hereby certify that I am the duly appointed and acting Secretary of the Bighorn-Desert View Water Agency, and that a regular meeting of the Board of Directors of said Agency held on June 15, 2010, the foregoing Resolution 10R-02 was duly and regularly adopted by said Board, and that said resolution had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By 
Joanne L Keiter, Board Secretary

EXHIBIT "A"

POLICY FOR COMPENSATION FOR PERFORMANCE OF OFFICIAL DUTIES AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES

DIRECTORS' COMPENSATION LIST

The Following Category "A" Meetings Require No Pre-Approval And No Report Is Required Since Minute Action For These Agency Meetings Meets The Reporting Requirement Through AB 1234.

Category "A" Activity/Description	Eligibility
BDVWA Board of Directors Meetings (Regular, Special or Workshop)	All Directors
BDVWA Standing Committee Meetings	Appointed by Board President
BDVWA AD Hoc Committee Meetings	Appointed by Board President
Morongo Basin Pipeline Commission	Appointed by Board President
MWA Technical Advisory Committee	Appointed by Board President
Other Water Districts'/Agencies' Board Meetings and Committee Meetings	Any Director

The Following Category "B" Meetings Require No Pre-Approval And A Report Is Required

Category "B" Activity/Description	Eligibility
Meetings with Legislators (State or Federal)	Any Director
Ethics Training required by law	Any Director
Integrated Regional Wastewater Management Plan Committee	Assigned by Board President
Mojave Water Agency (MWA) Tours	Any Director
Mojave Water Agency (MWA) Seminars	Any Director
Meetings, hosted by Association of California Water Agencies (ACWA), excluding conferences	Any Director
Meetings of the Alliance for Water Awareness and Conservation (AWAC)	Appointed by Board President
Meetings of the Homestead Valley Community Council (HVCC)	Appointed by Board President

ORDINANCE NO. 08O-01
AN ORDINANCE OF THE BIGHORN-DESERT VIEW
WATER AGENCY ESTABLISHING RULES AND
REGULATIONS FOR WATER SERVICE

WHEREAS, the objective of these rules and regulations is to provide the most efficient and economical water service possible to the public and support a fair and equitable manner in which to plan for the present and future customers of the Agency; and

WHEREAS, these rules and regulations set forth, in detail, those procedures which insure similar treatment to all present and future customers of the Agency, and define the obligations, rights, privileges and prohibitions for both the customer and the Agency.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Bighorn-Desert View Water Agency as follows:

1. That the attached document is hereby adopted and designated as the Bighorn-Desert View Water Agency Rules and Regulations for Water Service, ("Rules and Regulations");
2. That the Rules and Regulations shall apply equally to all Agency customers, present and future,
3. That the Rules and Regulations shall become effective and be in full force and effect from and after (30) days of its final passage and adoption and shall supersede all other prior Agency rules and regulations for water service by the Agency; and
4. That the Rules and Regulations may be amended or modified at any time, from time to time, by resolution, by a majority vote of the Board of Directors.

I, the undersigned hereby certify that I am the duly appointed Secretary to the Board of Directors of the Agency, and that at a regular meeting of the Board held on November 25, 2008 the foregoing Ordinance No. 08O-01 was adopted by said board, and that it has not been rescinded or amended since the date of its adoption. Roll call vote as follows: Director Corl-Lorono – Aye, Director Burkhart – Aye, Director Lisiewski – Aye, Director McBride – Aye (1 Vacant Board Seat)

Attest:


Kim Heller, Board Secretary


Judy Corl-Lorono, Board President

Ordinance No. 08O-01

Agency Rules & Regulations

for Water Service



Ordinance adopted November 25, 2008

Bighorn-Desert View Water Agency
622 South Jemez Trail
Yucca Valley CA 92284
(760) 364-2315

Bighorn-Desert View Water Agency

ARTICLE 1.0

General Provisions

1.1 Water System. The Agency will furnish a water system which provides potable water service to the Agency's customers.

1.2 Water Conservation. The Agency fully supports water conservation practices. It is the responsibility of all Agency customers to use water wisely for the purpose of extending the life of the Agency's water supply for the benefit of all Agency customers. The Agency, in times of emergency, shall by Ordinance have the right to limit, restrict, ration or prohibit the use of water for other than sanitary needs.

1.3 Customer Complaints. Customers are welcome to contact the Agency office at any time during normal working hours to ask any question or to file any complaint regarding the operation of the Agency, its rules and regulations, or its policies. The appropriate staff shall address said question or complaint and make every reasonable attempt to arrive at an agreeable understanding with the customer. In the event that the customer is not fully satisfied, they have the right to meet with the manager of the Agency in an effort to resolve the situation. If the manager is unable to resolve the situation, the customer shall have the right to present the issue or situation to the Board of Directors.

1.4 Notices. Unless otherwise required by law, all notices to customers of the Agency shall be mailed to the latest mailing address on file with the Agency. Notice shall be deemed to have been given when deposited in the United States mail with the proper postage affixed. If the urgency of the situation dictates, the Agency may notify customers by telephone, messenger, newspaper, radio or any other media deemed necessary. All notices from a customer to the Agency shall either be hand delivered to the office, faxed or mailed, postage prepaid, to the Agency office at the address listed below:

Bighorn-Desert View Water Agency
Attention: General Manager
622 South Jemez Trail
Yucca Valley, CA 92284

1.5 Variances. A customer shall have the right to request a variance from specific provisions of the Agency's rules and regulations. All requests for a variance shall be submitted in writing to the Agency and the appropriate fee, if any, paid before said request will be considered.

1.6 Services Outside Agency Boundaries. Water service to properties located outside the Agency's boundaries will be subject to approval by the Board of Directors. Properties wanting water service outside the Agency boundaries may apply for service on the appropriate application form and said request shall be investigated by Agency staff and

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submitted to the Board with recommendations. The Board shall then consider and determine whether or not to allow such service. In the event such service is allowed the Board shall establish conditions of approval which may include additional charges. The decision of the Board shall be final.

Bighorn-Desert View Water Agency

ARTICLE 2.0

Definitions

- 2.1 Agency.** The Bighorn-Desert View Water Agency.
- 2.2 Applicant.** Anyone applying for water service from the Agency.
- 2.3 Board.** The Board of Directors of the Bighorn-Desert View Water Agency.
- 2.4 Backflow Prevention Device.** An approved device designed to prevent a reverse flow of water from an unapproved source into the Agency's water system.
- 2.5 Basic Facilities Charge ("Buy-in").** A charge levied on each new regular water service that will contribute a rightful share of the costs of the Agency's wells, booster pumps, storage reservoirs, and other sources of supply and major transmission/distribution lines making up the basic water system.
- 2.6 Basic Service Charge.** A "monthly system access charge" designed to recover a portion of the fixed costs of the Agency's operation of the water system before any water is registered through the property meter. This charge is applied to all property's connected to the water system regardless of actual water usage.
- 2.7 Cost.** All expenses of any kind, whether actual or estimated, in connection with any provision of these rules and regulations.
- 2.8 County.** The County of San Bernardino, California unless otherwise stated by reference in these rules and regulations.
- 2.9 Cross-Connection.** Any actual or potential connection between the Agency's potable water system and any actual or potential source of pollution or contamination.
- 2.10 Customer.** Any person or entity connected to the water system and immediately able to receive water service from the Agency under the rules and regulations, or any resident within the Agency's jurisdiction.
- 2.11 Customer Service Valve.** A valve installed with a service facility for the customers use to control the flow of water supplied through the service facility. This valve is the responsibility of the customer following installation.
- 2.12 Detector Check Valve.** A combination check valve and bypass meter used in private fire protection facilities to detect the unauthorized use of water.
- 2.13 Developer.** A person who plans the development of any property, whether residential or commercial, within the Agency boundaries.

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2.14 General Manager. The person appointed by the Board to have the administrative charge and responsibility for executing all the rules, regulations, and policies that have been established by the Board of Directors.

2.15 Guarantee Deposit. A deposit assessed to new customers to guarantee payment for water service and held, interest free, by the Agency until credit worthiness is established or until the customer's account is closed.

2.16 Main Line. Pipelines located in highways, streets, alleys, easements or right-of-ways which are used for transmission and distribution of water.

2.17 Meter. A device or combination of devices which measures the flow of water through a customer service facility.

2.18 Meter Installation Fee (Service Line Installation Fee). The fee levied to recover the cost of installing the meter service facility. (Rev. 08, Res. # 10).

2.19 Meter Service Facility. The pipeline, connecting valves, fittings, metering device and appurtenant items required to extend water service from a mainline to the property line of a separate premises. The service facility through and including the meter shall be owned, operated and maintained by the Agency. (Rev. 08, Res. # 10)

2.20 Owner. The person, corporation or entity in whose name the ownership or title to a specific property is recorded.

2.21 Permit. A written authorization required by the rules and regulations of the Agency.

2.22 Person. An individual, company, association, partnership, or corporation that is legally entitled to conduct business in their recorded name.

2.23 Premises. A physically separate structure designed for habitation, the conduct of business, commercial application, school, hospital or public affairs. Each separate and identifiable water user is identified as a premises such as a duplex unit, an apartment, a mobile home unit, a condominium unit or a house.

2.24 Private Fire Protection Service. Water service provided for a private fire protection system, details and specifications of which shall be on file with the Agency.

2.25 State. The State of California unless otherwise stated.

2.26 Temporary Water Service. Water service rendered for uses of a limited duration.

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2.27 Variance. A Board authorized deviation from a specific Agency rule or regulation.

2.28 Water Hauler - Commercial. A private, for-profit, contractor providing water (potable or non-potable) for the benefit of properties not connected to the Agency's water system.

2.29 Water Hauler - Private. A non-commercial person who hauls water (potable or non-potable) water for their own benefit to a property not connected to the Agency's water system.

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ARTICLE 3.0

Basic Water Service Rules & Regulations

3.1 Water Service Application. All customers shall complete and sign a written application for water service on a form provided by the Agency which shall contain such information as required by the Agency. This water service application form may be changed by the Agency from time to time as the Agency finds it necessary to fulfill the requirements of the rules and regulations. The customer's signature on this water service permit application assures the Agency that the customer will comply with all Agency rules, regulations, and policies in effect at the time the application is accepted.

The Agency shall request information from water customer regarding name on account, social security number, drivers license number, mailing address, phone number, and service address on new accounts. This information will assist the Agency in proceedings to collect unpaid bills, or other Agency business. The Public Records Act is intended to provide access by the public to governmental records, yet protects individual's rights to privacy. The general policy states that the Public Records Act favors disclosure of information and states that support for refusal to disclose information must be found, if at all, among specified exceptions to that general policy enumerated in the Act (Government Code Section 6250). The Agency may refuse to give out individual customer account information if it is found that the information being requested is not necessary to "the conduct of the public's business". Such information would be name, telephone number, social security number, drivers license number and in some instances physical address. Information that can be given out is subject to a specific request with explanation and one that does not require the Agency to research in depth. The Agency will impose a charge for information.

3.2 Guarantee Deposit. All applicants for water service shall deposit with the Agency the required dollar amount set by Agency Resolution. This guarantee deposit shall be held by the Agency until the customer account has established credit worthiness. Credit worthiness is established by having one or less delinquents, no non sufficient funds checks and no lock offs in the previous 12 billing cycles. Once credit worthiness has been established the customer deposit shall be applied to the customer account during the next regular billing process. Should an account not achieve credit worthiness the deposit will be held as a guarantee deposit until water service is discontinued. The amount due for water service will be deducted from the deposit held, and the balance will be forwarded to the customer's last known address. If the amount due for water service is more than the guarantee deposit held, the Agency will bill the customer for the balance due after the guarantee deposit is applied.

In lieu of a guarantee deposit, the customer may submit a "letter of credit" showing good payment performance for the most recent twelve (12) billing periods from their former water utility provider. The letter of credit shall show that the customer has been delinquent in payment one time or less during that 12 billing cycle period, water service has not been turned off for non payment and the customer has not had a check returned for insufficient funds.

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3.3 Control of Water Delivery. Each service facility installed shall have an angle valve for the exclusive use of the Agency, and a customer service valve for use by the customer. The angle valve is for the exclusive use of the Agency in controlling the water supply through the service facility and it shall not be used by the customer. If the angle valve is damaged by the customer's unauthorized use, repair or replacement shall be done by the Agency at the customer's expense including all applicable costs.

The customer service valve shall be used by the customer to control the water flow to their premises. If the customer's service valve is at any time found to be inoperable, it shall be replaced or repaired by the customer at their own cost.

3.4 Meter Accuracy. All meters shall be tested prior to installation and shall meet American Water Works Association (AWWA) standards for accuracy. Agency customers have the right to have their meter tested at any time and will be billed the meter test fee. Should the meter test beyond the upper limit of the AWWA accuracy parameters and therefore to be in the Agency's favor, the customer shall not be billed the meter test fee. The Agency may from time to time, or as a matter of policy, institute a periodic meter testing program. The Agency reserves the right to test any customer meter at any time without notification and without charge to the customer.

3.5 Billing Adjustments - Meter Error. If a meter that is tested at the request of a customer is found to be outside the lower limit of the AWWA accuracy parameters and therefore to be in the customer's favor, the percentage error shall be applied to the most recent billing period of record. Any overcharge represented by the meter testing beyond the upper limit of the AWWA accuracy parameters will be credited to the customer on their next regular billing, or any undercharge represented by the meter testing below the lower limit of the AWWA accuracy parameters shall be added to the customer's next regular billing.

If the meter is found to not be operating at all and no consumption has been recorded, the Agency reserves the right to apply the minimum billing period rate, or to estimate the consumption for the most recent billing period, and apply the adjustment indicated to the customer's next billing. Such estimates shall be made based on previous consumption for the same customer for a comparable time period, or by determination of an Agency wide average for an equal size meter service, whichever yields the lesser consumption estimate.

3.6 Billing Challenges & Adjustments – Other Than Meter Error. A customer may challenge a bill or request a billing adjustment from the Agency within thirty (30) days of the billing date for the billing in which relief is requested. The challenge and/or request must be in writing and must document the basis for the challenge and/or the cause of excessive usage. For a challenge to be upheld or adjustment made, Agency staff must concur and the Agency General Manager must find that the situation was an extreme (*definition-greatly exceeding the usual or expected occurrence*) isolated circumstance.

The Agency will respond in writing within fifteen (15) days of receipt of a customer request for relief. If the customer does not agree with the finding of the Agency's written

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response he/she may request a hearing before the Board at its next scheduled meeting. All hearing requests must be received within fifteen (15) days of the Agency's rejection.

The relief, if awarded to the customer by the Board action, may only occur once during any three year period for the property and/or customer. The amount of relief shall not exceed fifty percent (50%) of the amount of the water in excess of the average amount used during a comparable time period. The Agency and the Board may require additional information regarding the request for adjustment and/or basis for challenge.

Once a written request or challenge is received, the underlying bill will not be in delinquent status until the matter is resolved. Unpaid bills shall be delinquent twenty (20) days after the date of final resolution of the billing dispute, whether by action of the General Manager or action of the Board of the Agency.

3.7 Locked Meters. All meters which are locked by the Agency shall not be tampered with, altered or unlocked by anyone except an authorized agent or employee of the Agency. Unauthorized tampering or unlocking of a meter could result in the charge of all applicable fees and charges. The determination of the application of charges shall be at the sole discretion of the General Manager. (Updated 6/22/04 per Resolution 04R-02)

3.8 Turn-On and Turn-Off Service. The Agency may turn-off or turn-on water service at the customer's request, given reasonable notice. In the case of an emergency on the customer's side of the service facility, the customer shall use the customer service valve to control the flow of water. If there is no customer service valve or it is not operable, the Agency will provide emergency turn-off service upon request at no charge. The Agency will not honor an owner's request to turn-off water service to a residence, duplex, apartment, mobile home or other such dwelling because the occupant has not paid the rent on the property to the owner. (Updated 2/24/04 per Ordinance 04O-01)

3.9 Turn-Off and Termination for Non-Payment. The Agency may turn off service on or after the 15th day after a bill becomes delinquent. Applicable charges, such as the basic service charge, will continue to accrue while service is turned off. Water service turned off for non-payment of bills shall not be turned on again until all accrued fees and charges, including turn-off and turn-on charges, have been paid in full and another guarantee deposit made.

If an owner is delinquent on six consecutive months of bills, the Agency General Manager may determine that the owner has abandoned water service. The Agency may take such action, including removal or incapacitation of the service facility and recordation of a Water Service Termination Notice in the San Bernardino County Recorder's Office, as the Agency deems appropriate. The Agency's actual cost of turning off service to the property will be included in the final water bill for that premises. If the owner wishes to resume water service from the Agency, the owner must complete a new water service application and pay all fees and charges, including connection charges and unpaid accrued charges, applicable at that time.

3.10 Agency's Right to Refuse Water Service Under Special Circumstances. The Agency may refuse to provide and/or continue water service to any customer for any of the following reasons:

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- A) Where apparatus of appliances are in use which might endanger the public health or disrupt service to other customers.
- B) Where there exists a cross-connection in violation of the Agency rules and regulations or any applicable law.
- C) As a means of obtaining compliance with the Agency's rules, regulations, or policies.

3.11 Unauthorized Water Use. Any person using water through a service facility without having made application and received authorization for water service shall be held liable for payment for the water delivered through that service facility from the date of the last recorded meter reading. If water use has been detected, but the meter is not operating, the quantity consumed shall be determined as outlined in Article 3.5, Billing Adjustments - Meter Error. In addition, any person using water in this manner may also face criminal prosecution and the assessment of all applicable fees and charges. The determination of the application of charges shall be at the sole discretion of the General Manager.

3.12 Damage Caused by Leaking Pipes and Fixtures. When the Agency turns on a customer's service facility they will attempt to determine if water is flowing through it. The Agency's responsibility ends at the outlet side of the meter and the Agency shall not be liable for damages caused by water running from open or faulty fixtures, or from broken or damaged pipes on the customer's side of the meter.

3.13 Damage to Service Facility. The customer shall be liable for the cost of all repairs or replacement for any damage caused by the customer to the service facility, regardless of whether the damage was intentional or accidental.

3.14 Meter Flow Limits. A customer shall not increase the flow through the meter beyond the flow rate limit corresponding to the meter size as set forth in Article 4.3, Service Facility Size Requirements.

3.15 Billing Period. The billing period shall be at the option of the Agency and may be changed from time to time.

3.16 Water Rates. The complete current schedule of water rates, fees and charges levied by the Agency is set out in the Rate Table, adopted by Agency resolution and kept by the Secretary of the Board of Directors of the Agency. A copy of the Rate Table is maintained in the Agency's office.

As set out in the Rate Table, the Agency levies a basic service charge and consumption charge monthly. The consumption charge covers the cost of the water consumed. The basic service charge covers the proportionate cost of operating the Agency and is unrelated to consumption. The basic service charge is levied on all premises, whether or not any water was used. In order to avoid being billed the basic service charge, an owner must terminate water service. See section 3.36.

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The structure and amount of the Agency's water rates, fees and charges remain under review by the Agency and will be revised and updated as necessary to maintain an adequate income to support the operating activities of the Agency. The Agency reserves the right to establish separate minimum charges and quantity rate schedules as may be necessary for different improvement districts and/or water use classifications, including but not limited to residential, bulk, commercial and agricultural. The Agency may establish such rates, fees and charges so as to equitably spread the cost of service to each improvement district and/or class of user based upon the cost of water service to each.

3.17 Terms of Bill Payment. Bills for water service shall be rendered at the end of each billing period. Bills are due and payable at the office of the Agency. Unpaid bills shall be delinquent twenty (20) days after the date of the billing, and shall be assessed a delinquent charge as set in the Rate Sheet.

Opening and closing bills for less than the normal billing period shall have all regular service and surcharges prorated to the actual number of days of service. All actual water use charges shall be billed per the meter readings.

3.18 Separate Bills for Separate Water Facilities. Separate bills shall be rendered for each separate water facility.

3.19 Owner Responsibility. Deleted. See Section 11.

3.20 Failure to Receive Billing. Failure to receive a bill does not relieve the customer of liability for payment of the charges or for delinquent charges assessed because of failure to pay within the specified payment period from invoice date. It is the responsibility of the customer to notify the Agency that they have not received a bill for water service or other applicable charges which they know to be due. Once notified, the Agency will reissue the billing, investigate any extenuating circumstances, and the General Manager has the option to forego the collection of delinquency penalties and service charge assessments if warranted.

3.21 Customer Vacating Premises. Deleted. See Section 11.

3.22 Collection of Delinquent Accounts. The Agency will attempt to collect all unpaid charges through mail contact. If this fails, the Agency may choose to pursue the matter in court, employ a collection agency, file a lien against the property, or use any other method allowed by law, currently or in the future, to collect the unpaid charges.

3.23 Change in Service Facility. A customer who wishes to change the size, character of use, or location of their service facility, or any part thereof, must complete the applicable portions of a new water service application. Agency staff will review the customer's request and determine, based on criteria set forth in the rules, regulations, and policies of the Agency, whether or not said request should be granted. In all cases where the customer requests a change in their service facility it shall be accomplished by Agency staff and all costs paid for by the customer or owner. No credit for any part of the existing service facility shall be given.

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In all cases where the Agency elects to change the customer's service facility, for whatever reason, it shall be accomplished by Agency staff, and the Agency shall pay the full cost.

3.24 Agency's Right of Ingress and Egress. The Agency shall have the right of ingress and egress upon the customer's premises for any purpose in connection with the furnishing of water service.

3.25 Maintenance of Water Pressure, Unplanned Interruption in Service, and Shutting Down for Emergency Repairs. The Agency has the right to shut down the water supply in an emergency situation for repair or to perform normal water system maintenance. The Agency will attempt to notify customers in advance of shutdowns when such notification is practicable, but the Agency will not accept any responsibility for failure to notify or for failure to maintain pressure. The Agency will attempt to maintain service facility pressure under normal conditions within a range of forty (40) to one hundred twenty (120) pounds per square inch. There will be conditions that will develop where the pressure will fall below or exceed that pressure range. All customers agree, when accepting water service from the Agency to their premises, that they will hold the Agency harmless for any damage or loss that may occur as a result of these low or high pressure conditions.

3.26 Tampering with the Agency Water System. Only Agency staff is authorized to operate or otherwise interfere with the operation of the Agency's water system. Anyone tampering with the Agency's water system will be subject to criminal charges.

3.27 Water Conservation. All customers of the Agency should not knowingly permit leaks to exist beyond their side of the Agency service facility. It is the responsibility of the owner, operating landlord, customer or agent of the property to maintain the customer water system in a manner consistent with Agency and State water conservation practices. Neglect of a customer water system, which results in what may be considered by the Agency excessive use of water, shall result in a written notification to the service customer. Continued neglect, including knowingly permitting the excessive use and waste of water which may interrupt the Agency system and / or the health and safety of Agency customers may result in a second notification to discontinue service. The Agency does reserve the right without notice to discontinue service if the health and safety of Agency customers including the interruption of the Agency system is or may be immanent due to the neglect of the customer's water system. As a result of immediate discontinuing of service, the Agency shall be held harmless from any actions and / or damages to the customer's premises, including that of adjoining properties due to neglect of the property water system.

The Agency may adopt, establish and modify by separate ordinance, water conservation plans and measures, which may effect the Agency customers.

The Agency shall make every effort possible to assist the customer in home water conservation practices.

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The Agency upon customer request shall complete a home water conservation survey and make if necessary conservation recommendations to the customer.

The Agency shall make available to customers water conversation booklets, pamphlets, and other water conservation printed materials to assist the customer in water conservation efforts.

3.28 Agency Ownership of Water System Facilities. All water system facilities including the water service facility through and including the meter is the property of the Agency and shall be operated by Agency staff. The customer service valve and all other pipelines on the customer's premises are the customer's responsibility to operate and maintain at their own expense. All water system facility extensions, regardless of the method of extension or payment thereof, are the property of the Agency, and as such shall be operated and maintained by Agency staff.

3.29 Agency's Right of Access Within Easements. All Agency water facilities located within easements on private property remain the property of the Agency and shall be operated, maintained, repaired, or replaced by Agency staff without the necessity of consent by the owner of the property. The property owner shall use reasonable care in the protection of the Agency's facilities, and at no time interfere with the Agency in maintaining said facilities. Easements shall be kept clear of fences, structures, concrete or asphalt, or obstructions of any kind which will impair the Agency's ability to enter personnel and equipment for the purpose of operating, maintaining, repairing, replacing facilities, or reading meters located within said easements. The Agency shall have the right to remove or clear such obstructions from easements, without notice and without incurring financial liability.

3.30 Cross-Connection. All customers shall be governed by and subject to the cross-connection requirements of the rules and regulations as set forth in Article 8.0 entitled "Cross-Connection Control".

3.31 Customer Pressure Reducing and Relief Valves. Some customers of the Agency may have service facilities connected to the Agency's water system where water pressure exceed eighty (80) pounds per square inch. The Agency, without obligation to do so, will attempt to notify all customers of the possibility of such a condition and advise them to consider installing a pressure reducing or pressure relief valve at their own expense on their side of the water service facility.

3.32 Property Divided Subsequent to Initial Installation of a Water Service Facility. When a property is divided after a water service facility has been installed, the existing water service facility shall be considered to belong to the property which it immediately enters, and the other property will require a complete new water service facility to be installed after all other applicable fees and charges, if any, have been paid.

3.33 Construction Water Service. Construction water service is, by definition, temporary water service. By application, a customer may obtain construction water

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service from the Agency for a term not to exceed ninety (90) days. If necessary, the customer may request a time extension which may be granted by the General Manager. Only authorized Agency personnel will be allowed to install or move the construction water service facility. The Agency reserves the right to make the final determination on the location of the construction water service facility, but, service will normally be allowed from a fire hydrant as close to the customer's project site as possible. All applicable fees and deposits, if any, must be paid by the customer prior to service initiation.

3.34 Water Hauler Requirements. Water haulers shall be subject to the same rules and regulations for water service as any Agency customer. Account billing shall be on a monthly basis and shall include all current applicable regular service charges and surcharges, in addition to charges for water used.

3.35 Current Agency Charges and Rates. Deleted. See Section 3.16.

3.36 Service Termination. Owners who no longer wish to receive water service from the Agency must complete and sign a water service termination notice on a form provided by the Agency which shall contain such information as required by the Agency. Upon receipt of the notice the Agency will turn off service to the Property and may take further action, including removal or incapacitation of the service facility and recordation of the water service termination notice in the San Bernardino County Recorder's Office, as the Agency deems appropriate. The Agency's actual cost of turning off service to the property will be included in the final water bill for that premises.

Completion of a water service termination notice is the sole means by which an owner may terminate his obligation to pay water service charges levied by the Agency. If an owner wishes to resume water service from the Agency, the owner must complete a new water service application and pay all fees and charges, including connection charges, applicable at that time.

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ARTICLE 4.0

Installation of New, and Change in Existing Customer Service Facility

4.1 Design Standards, Standard Construction Drawings and Specifications.

Customer service facility installation shall meet all requirements of the Agency water system design standards and standard construction drawings and specifications.

4.2 Customer Options. Customers may choose to have several separate customer services, even though they qualify for a single service. All applicable charges will apply to each of such separate services as if they were on separate premises. Customers may choose a larger customer service facility than the Agency minimum size determination requires, but the customer will pay all applicable charges and fees applicable to the larger service. Oversized meters will generally not be allowed for residential customers unless justification for such meter size is adequately documented.

4.3 Service Facility Size Requirements. The Agency will determine the minimum required size of the customer service facility and the size and type of meter required for all types of water service. The size of such customer facility shall be based on the Agency's evaluation of the customer's need and use as determined from the data presented by the customer in their customer service application. The customer service pipeline must be equal to or greater than the size of the meter in all cases.

The meter size shall be based on the range of maximum, minimum, and continuous duty water flow. The customer's flow requirements must be within the range of minimum and maximum flow for the meter size chosen, and the average flow rate during the 16 hours of highest daily use shall not exceed the continuous duty flow rate of the meter. Unless the Agency's evaluation of the customer's needs indicates a special need, the meter will be sized in accordance with the Uniform Plumbing Code. Flow rates by meter sizes are set forth below:

Meter Size	Minimum Service	Minimum Flow	Continuous Duty Flow	Maximum Flow
0.75"	1"	0.25 GPM	15.0 GPM	30.0 GPM
1"	1"	0.30 GPM	25.0 GPM	50.0 GPM
1.5"	1.5"	1.10 GPM	45.0 GPM	100.0 GPM
2"	2"	1.00 GPM	80.0 GPM	160.0 GPM
3"	3"	2.00 GPM	160.0 GPM	320.0 GPM

All customer service facilities 2" and larger require a compound type meter.

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4.4 Customer Service Facility Location. Where a single new customer service facility is to be installed, a specific location may be requested by the customer to fit in with the piping plans on their premises. Such special location of the customer service facility will be honored by the Agency unless it presents a problem in the installation and/or the reading of the meter. The Agency reserves the right to determine the ultimate location of the facility. Unless unavoidable, the customer meter facility shall not be placed on the customer's private property or behind a wall or fence or other structures or obstructions which limit the Agency's access to said meter. Large compound meter facilities shall be located immediately behind the curb or immediately behind the sidewalk within the public street right-of-way. The location of large compound meter facilities shall be at the customer's choice unless the Agency determines that such desired location is not the most desirable with respect to construction, operation and maintenance, and meter reading convenience. The Agency will always have the right to make the final determination on the location of any customer service facility.

4.5 Components of the Customer Service Facility. The customer service facility shall consist of all of the necessary and required components. The customer's service valve marks the end of the components of the customer service facility provided by the Agency upon installation. The design, construction, operation and maintenance of the customer's on-site water system shall be the customer's total responsibility and shall include the customer's service valve. All said facilities must meet the requirements of the Agency's cross-connection control regulations.

In those areas where high water pressure (greater than 80 psi) may be expected to occur the Agency will recommend that the customer install a pressure reducing device on their on-site water system for the purpose of protecting the customer's plumbing and appliances. In areas where the static pressure exceeds 80 psi the Agency will install a pressure reducing valve and this device will then become the responsibility of the customer thereafter. The pressure reducing valve will be installed downstream of the customer service valve.

4.6 Cross-Connections. The Agency will determine in the process of studying the customer's application whether the customer's use of their water service exposes the Agency's water system to a cross connection. If the Agency finds that protection against cross connection is required, it shall be provided in accordance with the requirements of Article 8.0.

4.7 Maximum Length of Customer Service Line and Prohibition of Service to Other Premises. Customer service facility installations shall not be allowed if the customer's property boundary is more than 700 feet away from an Agency water main unless a variance is granted as per Section 1.5. Each customer service facility is intended for the sole use of the specific property for which it was installed and shall not provide opportunity of service to neighboring property or premises. In any event, the customer's pipeline shall not exceed 700 feet in length to reach their property boundary. Service from a customer's

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pipeline to other properties or premises, except as approved by the Agency, shall be grounds for immediate termination of water service.

4.8 County Permitting. Customer service facilities will not be installed until the customer demonstrates to the Agency's satisfaction that the County of San Bernardino has issued all necessary permits for use of the specific property for which the facility is to be installed. At a minimum the customer must provide a service address assignment and a building permit for the property issued by the County of San Bernardino.

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ARTICLE 5.0

Customer Initiated Water System Facility Extensions

5.1 Main Line Extension Policy (MEP). Through various funding methods over time there has been provided the basic water system including production, storage, and the transmission system. The costs of these basic facilities have been shared by all of the customers and property owners of the Agency in some form or another from the combination of water service revenues, water availability charges, ad valorem taxation, and the total mixture of revenues available and collectible by the Agency.

The appropriately sized distribution lines with valves, fire hydrants, and other necessary appurtenances living adjacent to a customer's property are for the specific, limited benefit of that property, and therefore, are not considered basic facilities for the purpose of MEP projects. The Agency, in the interest of providing maximum equity to all of the individual residential property owners, has established the MEP to assist in distribution system extensions.

5.2 Organization of Participants. The initiation, organization, and coordination for a MEP project is totally the customer's responsibility. It shall be the responsibility of interested applicants to organize the MEP effort and obtain commitments from potential participants. A customer acting for the group may make application for a project at such time as the potential beneficiaries have signed a petition requesting a project on a form provided by the Agency. This form shall also be evidence of intent to participate.

5.3 Agency's Determination of Feasibility. Projects are not automatic, their feasibility is determined by the Agency. A MEP project is not an unconditional right of the Agency's eligible customers. Such projects shall be subject to funding availability and physical feasibility determination at the sole discretion of the Agency. Each case will be determined on its own merit after the application is received.

5.4 Agency Participation Subject to Availability of Funds. The Agency's financial assistance, if any, will be limited and, in any event, subject to the availability of sufficient facility extension funds.

5.5 Agency Limit of Financial Assistance. Applicants for main extensions under MEP may request Agency financial assistance equaling 20% of the cost (or at the Board's discretion, 20% of the eligible properties) from the facility extension fund where it is not possible to secure the participation of all of the properties which would be benefited by a particular pipeline extension. The program is intended to eventually break even financially. As the original non-participating parcels connect in the future, the distribution system connection charges paid by them will then be available for allocation to the facility extension fund.

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5.6 Requirements for Start of Design and Construction. The design and construction of MEP projects shall be done by the Agency, or contractors of its choosing. Design, bids for construction, or actual construction shall not be started until the Agency has found the project to be feasible and all project costs are paid in full to the Agency in advance.

5.7 Limits of Applicability. MEP is for the purpose of providing distribution facilities for individual residential property uses only on existing parcels of land, and making the cost thereof uniform throughout the Agency. MEP shall not apply to the following types of developments/properties:

- 1) Tract subdivisions past, present or future where the developer has installed the water facilities.
- 2) Main extensions for a new multiple residential or commercial/industrial/public/agricultural water service.
- 3) Formal improvement or assessment districts formed under the applicable laws of the State of California.

5.8 Applicant's Right to Make Independent Main Extension. Any applicant property owner may pay the entire cost of a pipeline extension even if adjacent landowners elect not to participate in such cost. Under such circumstances, the Agency may enter into a reimbursement agreement with the applicant in accordance with the terms of Article 7.0.

5.9 Future Divisions of Participating Properties. New parcels resulting from a division of parcels participating in an earlier MEP extension shall pay basic facility and meter installation charges, unless the land division requires a further main extension, in which case the full main extension connection charges will be applicable.

5.10 Main Line Extensions. MEP main line extensions shall extend to within 660 feet of the property line of the most distant applicant in all cases.

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ARTICLE 6.0

Application, Review Procedure, and Construction of Subdivision, Multiple Residential, Commercial, Industrial, Public, and Agricultural Facility Extensions

6.1 Project Initialization. Call, visit, or write the Agency office and request a water system facility extension application and information package. Such package will contain a copy of the appropriate portions of the rules and regulations required, application forms, progress record forms, and the like, which are required to initiate and continue the proceedings. For a large project it may be desirable to set up a pre-application conference with the Agency Manager and staff.

6.2 Provide Data and Preliminary Drawings. The applicant shall retain the services of a California licensed civil engineer (engineer of works) to design the facility extension and to assist with the preparation of the preliminary drawings. The preliminary drawings required involve sufficient information supplemental to the data submitted with the application, for the Agency to actually determine the location of the proposed development, the number, size and zoning of lots proposed, and a generalized layout of streets, easements, and applicant's preferred or needed water line locations. The preliminary drawings should also include any sketches necessary to illustrate any unique or unusual features of the development which would have a bearing on the location and size of the pipelines. Such preliminary maps and drawings need not be prepared to any particular scale so long as the necessary information is present. Tentative parcel maps and tentative tract maps will normally provide an excellent basis for the necessary preliminary drawings. It is at this stage in the evaluation procedure that the type of development and necessary water demands are determined by the Agency staff using the information submitted by the applicant. It is the responsibility of the applicant to contact the fire department, provide them with the information they require to make their evaluation, and obtain a letter or other written document setting forth the fire department's determination of required fire flow.

6.3 Initial Deposit of Plan Check and Processing Fees. After preparation of the application data and preliminary drawings, submit same to the Agency's office and deposit the current plan check and processing fees, if any.

6.4 Agency's Investigation of Feasibility. The Agency staff will conduct a preliminary design and feasibility investigation of the proposed facility extension. At this stage the primary design shall be done) i.e., the general location of the tie-ins to the Agency's existing system, general location and size of all pipelines, fire hydrants, valves and size of services required, and the like, shall be determined. Any preliminary cost estimates that the applicant needs for the purpose of determining the project's financial feasibility shall be the applicant's responsibility.

6.5 Design Conference. When the Agency's staff has completed the investigation and primary design phase of its work, the applicant will be notified and a design conference will be arranged with the appropriate Agency staff. The applicant's engineer of works shall

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attend this conference because the basic design details will be discussed at that time and primary design principles finalized to the extent possible. As a result of the design conference the applicant shall make their final determination of cost feasibility and sign a statement indicating their intent to continue with the project. At a subsequent Board meeting when the information is ready, preliminary drawings and data will be submitted to the Board for approval of the development concept and the preliminary design.

6.6 Preparation of Design Plans and Drawings. The applicant's engineer of works shall then prepare the final design drawings in accordance with the Agency's adopted construction specifications (AWWA Standards, latest revisions) and proceed to obtain all certifications, permits, encroachment permits, easements, clearance from other agencies and public utilities, etc. and complete all of same for presentation to the Agency for detailed checking by the Agency staff. Reasonable consultation with the Agency's staff during preparation of the final design drawings is encouraged. When the applicant's engineer of works submits the design package to the Agency for checking it should be complete. The details of pipeline locations and sizes, valves and appurtenances required, and other necessary information shall have been previously worked out during the preliminary design investigation and design conference phase. The Agency intends to avoid checking incomplete design packages. Three sets of check prints shall be submitted. The Agency's staff will then check the final design drawings and return one set of the check prints to the applicant's engineer of works with any necessary corrections noted. The applicant's engineer of works shall make such necessary corrections and return the final drawings for final check and signature by the Agency.

6.7 Agency's Determination and Acceptance. After acceptance of the final design plans and drawings package by the Agency staff, the package shall be presented to the Board for its final review and acceptance. The Board's action may include acceptance of the final design plans and drawings and authorization for the applicant to proceed with the construction, conditioned upon receipt of all remaining charges and fees from the applicant, if any.

6.8 Final Charges and Fees. Upon notification of the Board's acceptance and authorization to proceed, the applicant shall pay any remaining Agency charges and fees. Such charges and fees must be paid in full before construction can begin.

6.9 Applicable Charges, Fees, and Costs. Main Extension - When the water system facility extension consists of a main extension for multiple residential, commercial, industrial, public, or agricultural development the applicant will be liable for the Agency's plan check and processing fees, actual costs of having their own California licensed civil engineer prepare the drawings to Agency specifications, the Agency's inspection fees, the actual costs of construction and obtaining of all necessary permits, inspection fees of other agencies in connection with the facility extension, basic facilities charges, customer's service facilities installation charges, and all other costs and charges attributable to the extension.

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6.10 Subdivisions. Water system facility extensions made by a subdivider for a subdivision, as herein defined, shall be subject to Agency plan check and processing fees, actual cost of engineering by the subdivider's California licensed civil engineer, Agency inspection fees, a charge for cost of meters and installation by the Agency, actual cost of construction for the complete water system facility extension including the customer service facilities (excluding the meter itself), all the costs of permits, fees, and charges of other agencies and jurisdictions in connection with such facility extensions, and basic facilities charges for each separate single family residential premises created by the subdivision. Water distribution system connection charges are not applicable in the case of subdivisions because the applicant subdivider pays the actual cost of all facilities except where the subdivision contains lands zoned and intended for multiple residential or commercial, industrial, public, or agricultural purposes. For multiple residential, commercial, industrial, public, or agricultural zoned parcels, all applicable charges shall be deferred until the ultimate user of such property applies for water service.

6.11 Reimbursement Agreements. When an applicant completes a water system facility extension, they may be eligible for a partial reimbursement of the costs of said extension, in accordance with Article 7.0.

6.12 Deferred Charges for Multiple Residential, Commercial, Industrial, Public or Agricultural Zoned Portions of Subdivisions. When the above referenced classifications of property use are included in a subdivision, the any charges and customer service facility installation charges shall be deferred until a water service is applied for by the ultimate owner and user of the property. The water use characteristics and demand requirements, hence the customer service facility and meter size, are indeterminable until the ultimate use of the property is known and a water service permit is applied for.

6.13 Design, Construction and Dedication of Facilities for Subdivisions, Multiple Residential, Commercial, Industrial, Public or Agricultural Main Extensions. Applicants requiring water system facility extensions, whether it be a main extension applicable herein or complete facilities for a subdivision, shall provide all facilities necessary to produce the water supply, reservoirs for storage, pumps for pumping of wells and/or booster stations, water transmission and distribution mains, valves, fire hydrants, air valves, blow-offs, pressure control stations, residential customer service installations, as any of the above may be required to provide the proper level of water service, in accordance with the rules and regulations, and all policies, general plans, and the like which are in effect at the time, for the type of facility extension contemplated. Main extensions, as defined herein, will not always include wells and sources of supply, reservoirs, booster stations, and anything other than a direct main extension with valves, fire hydrants, and appurtenances, however, main extension projects may, if required by the Agency, include any or all of the aforementioned water system facility components.

6.14 Extent of Facilities. Standard main extensions shall extend to within 660 feet of the applicant's closest property line. For subdivisions, the main shall be adjacent to and extend to the furthestmost property line of all premises created by the subdivision and a customer's service facility shall be installed for all single family residential premises.

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6.15 Contract Documents and Construction Standards. Agency has adopted the American Water Works Association (AWWA) standards and specifications as the criteria that will be used by all applicants/contractors for all water system construction and/or improvements. The Agency will provide standard forms of notice inviting bids, bidding documents, bid bond, notice of award, contract signature form, performance and labor and material bond forms, certificate of insurance form, and general contract provisions, all of which the Agency will normally use for all major contracts. These forms may be modified by the Agency from time to time as required.

6.16 Inspection During Construction. All water system facility construction and/or improvements shall be constructed under the direct supervision and inspection of the Agency, at the applicant's expense. The Agency may require, under special circumstances, that the Agency's engineering firm provide inspection services, that cost shall be paid for by the applicant at the engineering firm's current schedule of rates and fees.

6.17 Easement and Permit Responsibility. All easements, street dedications and rights-of-way involved with all facility extensions, whether of the main extension or subdivision type, shall be the responsibility of the applicant to obtain at their own cost. Any additional easements required by the Agency to operate and maintain its newly extended water system facilities shall be delivered to the Agency, in an approved form, before water service will be granted. Easement documents shall include a complete legal description and an easement both of which shall be prepared by a California licensed land surveyor or a California licensed civil engineer. The easement description and the easement plat shall show the surveyor's or engineer's seal or stamp with their signature. Any and all permits required by any other agencies or public utilities shall be the responsibility of the applicant at their sole expense.

6.18 Contractor Requirements. All construction shall be by an appropriately California licensed contractor that is qualified by experience to install all the facilities required and one that is acceptable to the Agency. At all times during the performance of work under these rule and regulations, the contractor shall have the minimum insurance coverage set forth in the certificate of insurance coverage form and said certificate shall be filed with the Agency before construction is authorized to begin. The endorsement set forth on said certificate in favor of the Agency is mandatory.

6.19 Completion and Acceptance of Facilities. After completion and final inspection by the Agency, the applicant shall execute a grant deed on a form provided by the Agency, and shall submit same for final approval by the Board. Upon final approval, the grant deed which will include a description of all facilities constructed, will be accepted by the Agency, and said water system facilities shall become the sole property of the Agency. After the final accounting and settling of costs and charges, if any, and the execution of the grant deed, water service shall be available to the applicant, or their successors in interest in accordance with the Agency's rules and regulations.

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6.20 Special Facility Extensions. When water system facility extensions of any kind are undertaken by formal assessment and/or improvement district proceedings, under the applicable laws of the State of California, the requirements prescribed by law of such proceedings shall be in addition to all of the requirements of the rules and regulations of the Agency. The design and construction of such water system facility extensions shall meet all the requirements of the rules and regulations except that any conflicting provisions of the special assessment and/or improvement district proceedings as prescribed by law, shall supersede the provisions thereof. The Agency costs and charges which are applicable in the case of a special assessment and/or improvement district will depend upon the nature and extent of such district and whether or not the Agency is the entity carrying it out. Assessment and/or improvement districts under the authority of other public agencies shall meet all of the requirements of this Article as to application for permit, plan checking and processing, and inspection. Each such assessment and/or improvement district carried out by another public entity will be specially reviewed by the Agency and the procedures and charges and fees which do and do not apply will be determined by the Agency and given to such public entity at the time of completion of the preliminary application review.

6.21 Agency Facility Extensions. The Agency may make facility extensions from the facilities constructed under this Article without obligation to any customer. No reimbursements shall be made as a result of customer service facility connections to said additional facility extensions.

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ARTICLE 7.0

Reimbursement Agreements

7.1 Applicability. A reimbursement agreement may apply in cases where a water system facility extension has been made by an applicant customer under the terms of Article 6.0 and said facility extension abuts a property other than the applicant's. Subdividers may be eligible for reimbursement agreements, in certain limited circumstances, under the terms of this Article.

7.2 Reimbursable/Non-Reimbursable Costs. Applicants having paid all or part of the cost of a facility extension may be entitled to a reimbursement agreement. Said reimbursement agreement shall not exceed the amount theoretically collectible by the Agency under the MEP, and in no event shall the reimbursement exceed the applicant's actual cost. The applicant's actual cost may include an appropriate prorated share of the cost of engineering, legal and related expenses directly attributable to the facility extension as determined by the Agency. The Agency's plan check and processing fees, inspection fees, basic facility charges, water supply capacity charges, customer service facility installation charges and all other normal Agency charges or fees in connection with the facility extension shall not be included in the determination of the reimbursable amount. Where construction is done by the applicant, the equivalent amount of the Agency's normal customer service facility installation charge will be deducted from the applicant's actual cost in the determination of the reimbursable amount.

7.3 Over-sizing. When indicated by the Agency's general plan, design standards, staff's recommendation, or any appropriate policy adopted by the Board, over-sizing of facility extensions shall be required. The cost of said over-sizing for MEP projects shall be borne by the Agency. For non-MEP projects where over-sizing is required, the total cost shall be borne by the applicant and the reimbursable portion, per this Article, plus the incremental cost of the oversized facility may be eligible for a reimbursement agreement. The applicant paying for the over-sizing of a non-MEP facility extension may be given credit for 50% of any applicable charges (deducted from the reimbursable amount), except that the amount of charges credited shall not exceed the incremental cost of the over-sizing.

7.4 Over-sizing Computation. Any facility extension shall be considered oversized when said facility extension exceeds the "base size" required to service the applicant's development as determined by the Agency. The incremental cost of over-sizing shall be determined by the Agency and is defined as that specific cost due entirely to the actual over-sizing of a facility extension beyond the "base size" required to service the applicant's development. The Agency staff shall use the most accurate methods at their disposal to determine the reimbursable incremental cost of over-sizing.

7.5 Reimbursement Agreement. After the completion of any facility extension project which qualifies for a reimbursement agreement, the Agency staff shall prepare a final and complete accounting of the reimbursable costs of the project in

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accordance with the terms of this Article and the approval of the Board. A reimbursement agreement on a standard form provided by the Agency will then be given to the applicant setting forth the complete and total terms of the agreement and the reimbursable costs applicable to each abutting benefited property.

As each abutting benefited property has customer service facilities installed, the Agency shall reimburse any applicable amount collected, as shown by the reimbursement agreement, to the applicant holding the agreement within 90 days of the installation of said facilities. When the Agency has participated in a facility extension project, the Agency shall be reimbursed after the applicant is fully reimbursed or the term of the reimbursement agreement has expired, which ever occurs first. Reimbursements shall continue until the applicant is fully reimbursed, less any current reimbursement agreement processing fee, or until the term of the agreement has expired.

7.6 Term of Agreement. Each reimbursement agreement shall expire ten years from the anniversary date of said agreement (plus a thirty day grace period), or when the applicant is fully reimbursed the applicable amount due them, which ever occurs first. All un-reimbursed charges collected by the Agency thereafter become the property of the Agency.

7.7 Agreements Transferable. Reimbursement agreements may not be sold, conveyed, or assigned by the original signatory applicant.

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ARTICLE 8.0

Cross-Connection Control

8.1 Authority and Purpose. Regulations relating to cross-connection are set forth in the California Government Code, Title 17, Chapter 5, Sections 7583-7622 inclusive. Said regulations and this Article have as their purpose the following:

- (1) To protect the public water supply against actual or potential cross-connections by isolating within the premises any contamination or pollution that may occur because of some undiscovered or unauthorized cross-connection on the premises;
- (2) To eliminate existing connections between the Agency's potable water system and other sources of water that are not, or may potentially not be potable;
- (3) To eliminate cross-connections between the Agency's potable water system and other sources of water or process water used for any purpose whatsoever which may jeopardize the safety of the Agency's potable water system;
- (4) To search out and eliminate, in accordance with the terms of the rules and regulations, existing cross-connections and to prevent the making of cross-connections in the future;
- (5) To encourage the exclusive use of the Agency's potable water system for human consumption purposes;
- (6) To protect the Agency's drinking water supply from the premises where plumbing defects or cross-connections may endanger said drinking water supply.

8.2 Implementation and Control. The Agency shall be responsible for the implementation of the provisions of these regulations and the State regulations in cooperation with, and under the guidance of, the California Department of Health. The Agency will designate a properly trained and certified member of its staff as the cross-connection control officer. Said officer shall be supported by other Agency staff as the Manager deems necessary. Appeals of implementation and control decisions shall be first submitted to the California Department of Health for a health ruling and then through staff for an administrative decision.

8.3 Reference Manual. The "Manual of Cross-Connection Control Recommended Practice" published by the Foundation for Cross-Connection Control Research, University of Southern California, latest edition, shall be used as a technical supplement to these regulations.

8.4 Cross-Connection Protection Requirements. The type of protection that shall be provided to prevent backflow into the public water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the water user's premises. Unprotected cross-connection with the public water system are prohibited. The type of Backflow Prevention Assembly that may be required (listed in decreasing level of protection) includes: Air-gap separation (AG), Reduced Pressure Principle Backflow

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Prevention Assembly (RP), and a Double Check Valve Assembly (DC). The water user may choose a higher level of protection than required by the water supplier. the minimum types of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degrees of hazard are listed in Table 1 of Section 7604, Title 17. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the water supplier or health agency.

8.5 Backflow Prevention Assemblies. Only Backflow Prevention Assemblies which have been approved by the Agency shall be acceptable for installation by a water user. A list of approved Backflow Prevention Assemblies will be provided upon request to any affected customer. Backflow Prevention Assemblies shall be installed in a manner prescribed in Section 7603, Title 17. Location of the assemblies shall be as close as practical to the user's connection. The Agency shall have the final authority in determining the required location of a Backflow Prevention Assembly.

Testing of Backflow Assemblies shall be conducted only by qualified testers, and testing will be the responsibility of the water user. Backflow Prevention Assemblies must be tested at least annually and immediately after installation, relocation or repair. More frequent testing may be required if deemed necessary by the Agency. No assembly shall be placed back in service unless it is functioning as required. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user. Approval must be obtained from the Agency prior to removing, relocating or replacing a Backflow Prevention Assembly.

8.6 Administration. The cross-connection control program shall be administered by the General Manager. The Agency will establish and maintain a list of approved Backflow Prevention Assemblies as well as a list of approved Backflow Prevention Assembly testers. The Agency shall conduct necessary surveys of water user premises to evaluate the degree of potential health hazards. The Agency shall notify users when an assembly needs to be tested. The notice shall contain the date when the test must be completed.

8.7 Water Service Termination. When the Agency encounters water uses that represent a clear or perceived cross-connection violation, water service may be terminated. Conditions which constitute the basis for possible water service termination shall include, but are not limited to, the following:

- a) Refusal to install and/or to test a Backflow Prevention Assembly, or to repair or replace a faulty Backflow Prevention Assembly.
- b) Direct or indirect connection between the public water system and a sewer line.
- c) Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
- d) Unprotected direct or indirect connection between the public water system and an auxiliary water system.
- e) Refusal to supply the Agency with copies of all required test results within five (5) days of the test.

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The Agency may take one or both of the following steps if water service termination is required because of cross-connection violations:

1. Make a reasonable effort to notify the water user of the Agency's intent to terminate water service.
2. Terminate water service immediately and lock the service valve. The water service shall remain inactive until the violations are corrected and approved by the Agency.

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ARTICLE 9.0

Private Fire Protection Service

9.1 Application. Application for private fire protection service shall be made on a form provided by the Agency. The application shall include the necessary information for the agency to evaluate the maximum potential flow volume required so that the Agency staff may determine the size of the fire protection service required.

9.2 Design and Construction. The design and construction of the customer's fire protection service facility (on the Agency's side of the customer's valve) shall be per the Agency's applicable design standards and specifications (AWWA). The customer's minimum flow requirements shall be determined by a qualified fire sprinkler engineer and concurred with by the fire department. The customer shall provide the Agency with a letter from both the engineer and the fire department indicating compliance with the above requirement. All private fire protection services shall contain a detector check meter which will be read regularly to determine if any water usage has occurred.

9.3 Limited Use of Facility. The fire protection system shall be completely separate from the customer's regular water service facility. There shall be no connections between the fire protection system and the customer's regular water service system or any auxiliary system belonging to the customer. The use of the fire protection system is strictly for fire protection unless a written application for a variance is made by the customer and approved by the Agency.

9.4 Service Size and Location. The size of the customer's private fire protection service line and detector check meter shall be based on the following table of fire flow capacity ranges. The Agency shall determine from the information submitted by the customer the size of the required facilities in accordance with the capacity ranges shown. The location of the customer's private fire protection service line and the position of the meter/control facility shall be as requested by the customer unless the Agency determines that requirements by other public entities must prevail. The location of the facility with respect to the street right-of-way shall be immediately behind the curb or the sidewalk and within the public right-of-way unless it is not physically possible. If the meter/control facility must be located on private property, the Agency's access requirements shall apply.

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DETECTOR CHECK CAPACITY TABLE

Meter Size			Line Size	Flow (GPM) From	To
2"	X	0.75"	3"	-0-	170
3"	X	0.75"	4"	171	400
4"	X	0.75"	6"	401	700
6"	X	0.75"	8"	701	1600
8"	X	1"	8"	1601	2800
10"	X	1.5"	10"	2801	4400
10"	X	12 X 1.5"	12"	4401	5400

9.5 Applicable Rate and Charges. There is no charge for water used to extinguish fires at this time provided that the fire is reported to the fire department and is verified by them. Fraudulent use of a private fire service facility is grounds for discontinuance of service.

9.6 Agency Responsibility. The Agency does not operate or maintain private fire protection service facilities. The Agency provides potable domestic water service only, and any use of the Agency's facilities in connection with private fire protection service is done so at the customer's own risk.

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ARTICLE 10.0

Public Fire Protection

10.1 Use and Control of Fire Hydrants. Public fire hydrants shall be controlled by the Agency and may be used only by Agency personnel or the fire department. Public fire hydrants may be used for temporary water service under limited and controlled conditions when approved by the Agency. Under no circumstances shall said temporary water service take precedence over the vital function of fire protection and the Agency or the fire department shall have the right to move any such temporary services wherever and whenever necessary without prior notice.

10.2 Location and Size of Fire Hydrants. The Agency, in cooperation with the fire department, shall determine the location and size of all fire hydrants connected to the Agency's water system.

10.3 Obstructions Prohibited. All public fire hydrants shall be located within the public right-of-way and property owners shall not obstruct the access to said public fire hydrants in any way.

10.4 Fire Hydrant Installation Costs. The cost of public fire hydrant installation will normally be a part of any water system facility extension carried out in accordance with the Agency's rules and regulations. Public fire hydrants installed on an existing main at the request of a customer shall be installed by the Agency at the customer's expense.

10.5 Agency Responsibility. The Agency provides potable domestic water service only and does not operate public fire protection service facilities. Relying on the use of public fire hydrants for fire protection services shall be done so at the fire department's own risk.

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ARTICLE 11.0 Tenants

- 11.1 Service to Tenants.** The Agency will, upon written request of an owner and receipt of a complete water service application and guarantee deposit from the owner's tenant, open an account in the name of a tenant.
- 11.2 Owner Responsibility.** The owner of each separate premises is ultimately responsible for the payment of all applicable water service charges. Before terminating water service to a premises in accordance with section 3.9, the Agency will use reasonable efforts to provide notice to the owner. It is the responsibility of each owner, however, to provide an accurate mailing address to the Agency.
- 11.3 Tenants Vacating Premises.** Tenants desiring to terminate water service shall request turn-off of service from the Agency office at least two (2) working days prior to vacating the premises. Until turn-off service is ordered and completed, the tenant shall be liable for all applicable charges at the premises.
Upon completion of turn-off service, the Agency will submit a final bill to the tenant, and upon payment of the final bill, the tenant shall be reimbursed the unused portion of his guarantee deposit.
Charges that accrue following completion of turn-off service, like basic service charges, will be billed to the address of the owner on file at the Agency.

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EXHIBIT "A" Rates, Fees and Charges

Exhibit "A" Bighorn Desert View Water Agency Rates, Fees and Charges	
Definition	Current Charge/Fee
<i>Water Service Related Charges and Fees</i>	
New Account or Transfer Fee	\$35
Account Deposit	\$100
Credit Report in lieu of deposit	N/A
Pull Meter	not applicable
Meter Reinstall	\$0
Clean and Show	\$30
After Hours reconnection charge (unlock)	\$50
Credit Card or Check Card transaction fee	no charge
<i>Negative Impact Activity Charges</i>	
48-hr. delinquent notice	\$10
Delinquent charges	5% of past due w/\$5 minimum
Other deposits defined for delinquent accounts	\$100
Unlock fee (locked off for non-payment)	\$40
Return Check Charge (NSF)	\$25
Return Check Charge subsequent occurrence	\$35
Tampering Fee	actual cost of damage
Unauthorized Use of Water Charge	\$250
Property Liens	
<i>Development Impact Fees</i>	
Basic Facility Charge "Capacity Fee"	\$4,098
* Water main Connection fee: \$2,186	
* Water Storage Fee: \$504	
* Water Supply Fee: \$ 588	
* Development Fee (existing pipe): \$820	
Installation charge for 3/4-in meter	\$1,255
Installation charge for 1-in meter	\$1,320
Fire Flow Test Report	\$100
Will Serve Letter (1 to 5 dwelling units)	\$80
Construction Meter Deposit	\$350
Construction Meter Water Charge	50% Surcharge on Basic Monthly Service Fee and 50%

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		Surcharge On Water Consumption Rate
<i>Public Information Request Fees</i>		
Research per Hour		
Documents per page		0.10
Computer Printout per page		0.10
Recording copy		
Other Services		

Updated 12/2008