

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhart, President
Michael McBride, Vice President
David Larson, Director
Judy Corl-Lorono, Director
Nell Casey Garcia, Director



Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

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760/364-3412 Fax

Marina D West, PG, General Manager
Lyni Tompkins, Board/Exec. Secretary

A Public Agency

www.bdvwa.org

BOARD OF DIRECTORS' SPECIAL MEETING AGENDA

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Monday, October 3, 2011 - 6:00 p.m.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**

DISCUSSION AND ACTION ITEMS - The Board of Directors and Staff will discuss the following items, and the Board will consider taking action, if so inclined.

The Public is invited to comment on any item on the agenda during discussion of that item.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, a three-minute time limit may be imposed.

5. **RESOLUTION NO. 11R-XX - APPOINTING JOSEPH S. ACKLUF AS AGENCY GENERAL COUNSEL**

Recommended Action:

Board to consider adopting Resolution No. 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Appointing Joseph S. Ackluf as Agency General Counsel.

6. PUBLIC HEARING: ORDINANCE 11O-XX - AN ORDINANCE OF THE BIGHORN-DESERT VIEW WATER AGENCY UPDATING RULES AND REGULATIONS FOR WATER SERVICE OF THE BIGHORN DESERT VIEW WATER AGENCY

Recommended Actions:

1. Review staff report, and note any letters received;
2. Receive questions from the Board of Directors;
3. Open public hearing;
4. Receive public comments;
5. Close public hearing;
6. Board discussion and Board discussion of public comments received;
7. Board to consider adopting Ordinance No. 11O-XX - Agency Rules and Regulations for Water Service; and
8. Roll call vote.

7. RESOLUTION NO. 11R-XX - DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES FOR THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CalEMA)

Recommended Action:

Board to consider adopting Resolution No. 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency's Designation of Applicant's Agent Resolution for Non-State Agencies.

8. FORM "MORONGO BASIN PIPELINE (MBP) CAPACITY ALLOCATIONS AD HOC COMMITTEE"

Recommended Action:

Board to consider forming the "Morongo Basin Pipeline (MBP) Capacity Allocations Ad Hoc Committee", an Ad Hoc Committee for the purpose of discussing Morongo Basin Pipeline ID 'M' Agreement pipeline capacity allocations following pay-off of the existing ID 'M' Bond debt in 2023.

9. SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) LIABILITY AND WORKERS' COMPENSATION TRAINING

Recommended Action:

Board to consider authorizing attendance for the SDRMA Liability and Workers' Compensation Training scheduled for December 2011 at an approximate cost of \$135.00 per Board Member.

10. DISBURSEMENTS AUGUST 2011

Recommended Action:

Ratify Check Register (payment of bills) for August 2011.

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

- a. Financial Statements August 2011
 - 1. Balance Sheet
 - 2. Statement of Revenue and Expense
 - 3. General Account (Union Bank)
 - 4. Disbursements
 - 5. Local Agency Investment Fund Balance Timeline
- b. Consumption & Billing Comparison Report, August 2011
- c. Service Order Report, August 2011
- d. Production Report, August 2011
- e. Regular Board Meeting Minutes, August 23, 2011
- f. Special Board Meeting Minutes, September 13, 2011
- g. Special Board Meeting Minutes, September 21, 2011
- h. Progress Report on the Ames/Reche Recharge Facility Project, Todd Engineers, August 2011.
- i. Dissolve the "Acquisition of Legal Counsel Ad Hoc Committee" formed to assist the Agency in the acquisition of legal counsel.

Recommended Action:

Approve as presented (Items a - i):

12. MATTERS REMOVED FROM CONSENT ITEMS

13. PUBLIC PARTICIPATION

Any person may address the Board on any matter within the Agency's jurisdiction on items not appearing on this agenda.

When giving your public comment, please have your information prepared, if you wish to be identified for the record then please state your name. Due to time constraints, a three-minute time limit may be imposed.

14. VERBAL REPORTS - Including Reports on Courses/Conferences/Meetings.

- a. GENERAL MANAGER'S REPORT
- b. DIRECTORS' REPORT
- c. PRESIDENT'S REPORT

15. ITEMS FOR NEXT AGENDA

16. 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 if prior to a Regular

meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above.

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.

Copies of these materials and other discloseable public records 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.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org.

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately.

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's Secretary at 760-364-2315 during Agency business hours.

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: October 3, 2011

To: Board of Directors

Budgeted: Yes

Budgeted Amount: \$80,000

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Adopt Resolution No. 11R-XX Appointing Mr. Joseph S. Aklufi of Aklufi and Wysocki, Attorneys at Law as the Agency Attorney

SUMMARY

At the September 21, 2011 meeting the Directors selected Aklufi and Wysocki, Attorneys at Law, to represent them as general counsel. Subsequently, the General Manager completed the negotiations and the Agency executed a contract with Aklufi and Wysocki, Attorneys at Law. Mr. Joe Aklufi will serve as the Agency's attorney.

One final administrative action is for the Board to appoint by a majority vote, an attorney, whom shall serve at the pleasure of the Board pursuant to Section 112-14 of the Bighorn-Desert View Water Agency Law.

RECOMMENDATION

Board to consider adopting Resolution No. 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Appointing Joseph S. Acklufi as Agency General Counsel.

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

4/24/2007 07R-02 – Resolution of the Board of Directors appointing Ms. Susan Trager of the Law Offices of Susan Trager, LLP as the Agency attorney.

RESOLUTION NO. 11R-XX

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
APPOINTING JOSEPH S. AKLUFİ AS AGENCY GENERAL COUNSEL**

WHEREAS, pursuant to Section 112-14 of the Bighorn-Desert View Water Agency Law, the Board of Directors shall appoint by a majority vote, an attorney whom shall serve at the pleasure of the Board; and

WHEREAS, at a public meeting held on September 21, 2011, the Bighorn-Desert View Water Agency Board of Directors directed the General Manager to negotiate a contract with Aklufi & Wysocki Attorneys at Law as the Agency's General Counsel.

NOW, THEREFORE, BE IT RESOLVED that the Bighorn-Desert View Water Agency Board of Directors:

1. Does hereby appoint Joseph S. Aklufi of the firm Aklufi & Wysocki Attorneys at Law as the Agency's General Counsel; and
2. Resolution No. 07R-02 is hereby rescinded and of no further force and effect.

PASSED, APPROVED AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 3rd day of October, 2011.

By _____
Terry Burkhart, Board President

I, the undersigned, hereby certify that I am the duly-appointed and acting Secretary of the Board of Directors of the Bighorn-Desert View Water Agency, do certify that the foregoing is a full, true, and correct copy of Resolution No. 11R-XX as adopted by said Board at a special meeting held on October 3, 2011, and has not been rescinded or amended since that date.

By _____
Judy Corl-Lorono, Board Secretary

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: October 3, 2011

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Adoption of Ordinance No. 11O-XX Agency Rules and Regulations for Water Service Rescinding Existing Ordinance No. 08O-01

SUMMARY

Chief Engineer Chuck Krieger and staff have reviewed the Rules and Regulations for Water Service approved by Ordinance in 2008 and recommend that several sections be revised for clarification and conformance with current construction standards as well as recent directives from the Finance Committee and Board. The attached draft indicates suggested changes to be considered at this time. Staff recommends the Board adopt Ordinance No. 11O-01 which completely replaces all previous versions of the Agency Rules and Regulations for Water Service.

RECOMMENDATION

1. Review staff report, and note any letters received;
2. Receive questions from the Board of Directors;
3. Open public hearing;
4. Receive public comments;
5. Close public hearing;
6. Board discussion and Board discussion of public comments received;
7. Board to consider adopting Ordinance No. 11O-XX - Agency Rules and Regulations for Water Service; and
8. Roll call vote

BACKGROUND/ANALYSIS

Chief Engineer Chuck Krieger and staff are recommending various changes to the Rules and Regulations for Water Service adopted by Ordinance in 2008.

The history of the revised Ordinance concerning the Rules and Regulations began November 10, 2010. On that date, the Finance/Public Relations/ Education/Personnel Standing Committee, discussed various Articles of the Rules and Regulations that should be addressed. Those changes were then brought before the full Board on November 15, 2010 for review and further discussion. The Board motioned their intent to have staff revise the Rules and Regulations for Water Service and to schedule the public hearing for a date to be determined.

Staff's recommended changes are intended to clarify language in several of the Articles so that staff can more clearly articulate the rules and regulations regarding water service to our customers. In addition, the Chief Engineer further recommended updating those Articles dealing with new connections, mainline extensions, reimbursement agreements, fire protection service and cross connection control. There are no changes in rates, fees or charges as a result of adopting the new Ordinance. In fact, this document avoids discussion of specific rates, fees and charges since those are brought to the Board of Directors through more deliberate and specific processes more commonly referred to as the "Prop. 218" and the "Mitigated Fee Act".

On September 14, 2011 the Finance Committee reviewed and commented on the draft Ordinance and recommended that the process for scheduling a public hearing on the new Ordinance be initiated. The draft document was made available for public review since September 15, 2011.

The Draft Document is attached which indicates exactly what changes are being proposed as well as a clean copy without the changes. Per the requirements for adoption of a new Ordinance, notification of the proposed changes to the Agency Rules and Regulations was published in the Hi Desert Star for two consecutive weeks on September 17th and September 24th. The notification was also distributed on September 15th to the email distribution list which contains contact information for those individuals and/or entities that have requested such notifications.

Staff recommends the Board adopt Ordinance 110-XX Rules and Regulations for Water Service thus rescinding Ordinance 080-01 in its entirety.

PRIOR RELEVANT BOARD ACTION(S)

9/14/2011 Finance/Public Relations & Education/Personnel Committee – Review draft Rules and Regulations for Water Service an Ordinance (Ordinance No. 110-XX) scheduled for public hearing no sooner than September 26, 2011.

8/23/2011 Resolution No. 11R-14 – Resolution changing credit card processing providers and passing any Payment Processing Fees Directly onto the customer.

11/15/2010 Motion 10-076 - Board reviewed proposed changes to Ordinance 080-01 Rules and Regulations for Water Service with the intent to revise at a date to be determined.

11/10/2010 Finance/Public Relations & Education/Personnel Committee - Proposed changes to Agency Rules and Regulations for Water Service.

11/25/08 Ordinance 080-01 - An Ordinance of the Bighorn-Desert View Water Agency Establishing Rules and Regulations for Water Service

ORDINANCE NO. 11O-XX

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"); and
2. That the Rules and Regulations shall apply equally to all Agency customers, present and future; and
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 prior Ordinance No. 08O-01 is hereby rescinded in it's entirety; and
5. That the Rules and Regulations may be amended or modified at any time, from time to time, by Ordinance, by a majority vote of the Board of Directors.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 3rd day of October, 2011, by the following roll call vote:

Ayes:
Nays:
Abstain:
Absent:

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 at a meeting of the Board of Directors of said Agency held on October 3, 2011, the foregoing Ordinance 11O-XX was duly and regularly adopted by said Board, and that said ordinance had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By _____
Judy Cori-Lorono, Board Secretary

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of San Bernardino

Proof of Publication

ORDINANCE NO. 110-XX

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the:

HI-DESERT STAR

a newspaper of general circulation, printed and published BI-WEEKLY

in the City of YUCCA VALLEY County of San Bernardino, and which news- paper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California,

under the date of 11/27 19 61

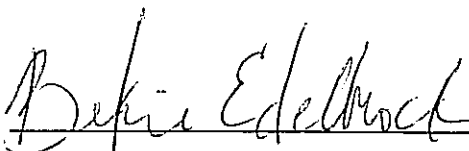
Case Number 107762: that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

9/17, 9/24

all in the years 2011

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at: YUCCA VALLEY, California,
this 24th. day September 2011



Signature
Bekie Edelbrock

This space is for the County Clerk's Filing Stamp

**** Announcement of Public Hearing ****

October 3, 2011 at 6:00 p.m.
Bighorn-Desert View Water Agency
Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285

**NOTICE OF INTENT BY THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
TO REVISE/ADOPT AN ORDINANCE
ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE**

ORDINANCE NO. 110-XX

**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"); and
2. That the Rules and Regulations shall apply equally to all Agency customers, present and future; and
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 prior Ordinance No. 080-01 is hereby rescinded in its entirety; and
5. That the Rules and Regulations may be amended or modified at any time, from time to time, by Ordinance, by a majority vote of the Board of Directors.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 3rd day of October, 2011, by the following roll call vote:

Ayes:
Nays:
Abstain:
Absent:

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 at a meeting of the Board of Directors of said Agency held on October 3, 2011, the foregoing Ordinance 110-XX was duly and regularly adopted by said Board, and that said ordinance had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By _____
Judy Cori-Lorono, Board Secretary
(PUB: S. 9/17, 9/24/2011)

**** Announcement of Public Hearing ****



**October 3, 2011 at 6:00 p.m.
Bighorn-Desert View Water Agency
Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285**

**NOTICE OF INTENT BY THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
TO REVISE/ADOPT AN ORDINANCE
ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE**

ORDINANCE NO. 11O-XX

**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.

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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 prior Ordinance No. 08O-01 is hereby rescinded in it's entirety; and
5. That the Rules and Regulations may be amended or modified at any time, from time to time, by Ordinance, by a majority vote of the Board of Directors.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 3rd day of October, 2011, by the following roll call vote:

Ayes:
Nays:
Abstain:
Absent:

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 at a meeting of the Board of Directors of said Agency held on October 3, 2011, the foregoing Ordinance 11O-XX was duly and regularly adopted by said Board, and that said ordinance had not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

By _____
Judy Corl-Lorono, Board Secretary

**DRAFT ORDINANCE 110- XX
RULES AND REGULATIONS FOR WATER
SERVICE**

W/MARK-UPS

Ordinance No. 110-XX

Agency Rules & Regulations

for Water Service

Deleted: 080-011



Ordinance adopted _____

Deleted: November 25, 2008

Formatted: Not Highlight

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

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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. Requests for water service to properties located outside the Agency's boundaries will be subject to approval by the Board of Directors. Property owners wanting water service outside the Agency boundaries may apply for service in writing and said request shall be investigated by Agency staff and submitted to the Board with recommendations. The Board shall then consider and

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Bighorn-Desert View Water Agency

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.

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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 properties connected to the water system regardless of actual water usage.
- 2.7 Combination Service Facility.** A single service line from the mainline which is separated at the curb line to provide a customer both a domestic meter service facility and a private fire protection service facility. Separate private pipelines are required from the meter service facility and private fire protection service facility to the places of use.
- 2.8 Cost.** All expenses of any kind, whether actual or estimated, in connection with any provision of these rules and regulations.
- 2.9 County.** The County of San Bernardino, California unless otherwise stated by reference in these rules and regulations.
- 2.10 Cross-Connection.** Any actual or potential connection between the Agency's potable water system and any actual or potential source of pollution or contamination.
- 2.11 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.
- 2.12 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.

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Bighorn-Desert View Water Agency

2.12.1 2-inch (Commercial) Bulk Meters Customer Service Valve. A valve installed with the service facility for the customers use to control the flow of water supplied through the service facility. A monthly maintenance fee may be applied to these accounts to cover the cost of servicing the customer valve.

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2.13 Detector Check Meter. A combination check valve and bypass meter used in private fire protection service facilities to detect the unauthorized use of water.

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2.14 Developer. A person who plans the development of any property, whether residential or commercial, within the Agency boundaries.

2.15 Fire Department. The San Bernardino County Fire Department unless otherwise stated by reference in these rules and regulations.

2.16 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.

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2.17 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.

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2.18 High Risk Account. An account which has experienced two (2) episodes of Non-sufficient Funds (NSF) payment returns is defined as a high risk account. Such accounts are subject to refusal of payment by check (e.g. cash, credit, debit, cashier's check or money order only) basis until credit worthiness can be re-established as defined in Article 3.2 Guarantee Deposit.

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

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

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2.21 Meter Installation Fee (Service Line Installation Fee). The fee levied to recover the cost of installing the meter service facility.

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2.22 Meter Service Facility. The pipeline, connecting valves, fittings, metering device and appurtenant materials required to extend domestic 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.

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

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Bighorn-Desert View Water Agency

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

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

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2.26 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.

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2.27 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.

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2.28 Private Fire Protection Service Facility. The pipeline, connecting valves, fittings, detector check meter and appurtenant materials required to extend private fire protection service from a mainline to the property line of a separate premises. The service facility through and including the detector check meter shall be owned, operated and maintained by the Agency.

2.29 State. The State of California unless otherwise stated.

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

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

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2.32 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.

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2.33 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 and Regulations

3.1 Water Service Application. Persons or entities desiring water service from the Agency 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 (See Article 10.0 – Tenants). 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 applicant's signature on this water service permit application assures the Agency that the applicant will comply with all Agency rules, regulations, and policies in effect at the time the application is accepted and in the future after an account has been established.

The Agency shall request information from applicant, which includes but may not be limited to: name on account; driver's license number; mailing address; phone number; and service address for all new accounts. This information will assist the Agency in proceedings to collect unpaid bills, or other Agency business. Reference is made to The Public Records Act, which 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 include but may not be limited to: name; telephone number; driver's license number; physical address; and other detailed and personal customer account information. 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.

3.1.1 Water Service Application Real Estate Transactions. In the specific case of "interim" water service during the period of time a property is undergoing a real estate transaction, the Agency requires additional information from the Real Estate Company (Real Estate Agent, Real Estate Agency or Real Estate Broker) to process a water service application. These items include but are not limited to:

- A) "Listing Agreement", "authorization to receive and convey information" or similar documentation, signed and dated, granting permission by the Owner of Record (or foreclosing bank) assigning responsibility for utility services to the real estate broker.
- B) Contact information for the bank representative making the assignment to the third party or real estate broker.

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Deleted: 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.

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Bighorn-Desert View Water Agency

- C) Signed "Personal Guarantee for Business Accounts" form provided by the Agency.

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3.1.2 Past Due Balances on Properties Involved in Real Estate Transactions.
Water service will not be restored to a property with a past due balance unless one of the following has occurred to the satisfaction of the Agency:

- A) Past due balance has been paid in full, or,
- B) Escrow Company has acknowledged receipt of a "demand letter" indicating the past due amount will be forwarded to the Agency upon close of escrow.

3.2 Guarantee Deposit For Non-Bulk Accounts. All applicants for water service shall deposit with the Agency the required dollar amount set forth in the Agency's current Rate Table. 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 (NSF) 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 non-sufficient funds.

Guarantee Deposit for Bulk Accounts is outlined in Article 12.0

3.3 Control of Water Delivery. Each meter service facility shall be furnished by the Agency with 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 meter 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.

Deleted: 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. ¶

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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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Bighorn-Desert View Water Agency

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. Customers or customer representative shall have the right to be present during the test, provided the customer notifies the Agency at the time the test is requested.

Should the meter test beyond the upper limit of the AWWA accuracy parameters and found 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 Adjustments – Other than Meter Error.

3.6.1 General. Should the customer have a complaint with regard to water service, or dispute the correctness of a bill for water service, he should contact the Agency office prior to the bill becoming delinquent to endeavor to arrive at an understanding.

3.6.2 Complaints. Should a customer be unable to have his complaint satisfied by the Agency's General Manager or Staff, he may submit his complaint in writing with a full and detailed explanation to the Agency's Board of Directors for settlement. In any event, action by the Board shall not be delayed more than to the time of the next regular meeting for the receipt of special reports on the complaint, unless further delay is freely and willingly agreed to by the customer. The decision of the Board shall be final.

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 service facility could result

Deleted: All meters shall be tested prior to installation and shall meet American Water Works Association (AWWA) standards for accuracy. ¶

¶
If a meter fails to register correctly or cannot be read due to a malfunction, the usage will be estimated based on the customer's historical consumption for the same period of time for the previous year, if available, or estimated by taking into consideration seasonal water demand, or any other factors that are material and significant to arriving at fair usage, or the Agency may use any other reasonable usage deemed appropriate after consultation with the customer. The Agency will endeavor to correct in a timely manner those situations that prevent a meter from being read so that the meter reading will not have to be estimated for a second consecutive billing period. ¶

¶
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 with ... [1]

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Deleted: 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 t ... [3]

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criminal charges and tampering fees. The determination of the application of tampering fees shall be based on actual time and materials as well as applicable overhead for processing. The owner of each separate premises is ultimately responsible for the payment of all tampering fees associated with their property.

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.

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 (see Article 3.17). 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.

At least 48-hours prior to scheduled "lock off" the customer will be notified via phone or written notice (hand delivered or mailed). The method of notification will be determined by Agency staff (e.g. verbal or written). A fee will be imposed for such notifications, known as the "48-hr. Notification Fee" applied during the next billing cycle.

The owner of each separate premises is ultimately responsible for the payment of all applicable water service charges.

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:

- 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 meter service facility without having made application and received authorization for water service shall be held liable for payment for the water delivered through that meter service facility from the date of the last recorded meter reading. If water use has been detected, but the meter

Deleted: 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) ¶

Deleted: 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) ¶

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Deleted: 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 ser ... [4]

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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 based on actual time and materials as well as applicable overhead for processing. The owner of each separate premises is ultimately responsible for the payment of all applicable water service charges.

3.12 Damage Caused by Leaking Pipes and Fixtures. 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 meter 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 presented by the customer in the customer service application (used by the Agency to determine the correct meter size).

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 forth 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 Article 3.36.

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 from time to time 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.

Deleted: 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. ¶

Deleted: When the Agency turns on a customer's service facility they will attempt to determine if water is flowing through it.

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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.

3.17.1 Extensions. The Agency may not provide extensions to the payment due dates.

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3.17.2 Payment Arrangements. Customers may request payment arrangements for unusually high bills only. An unusually high bill could be defined as at least two times greater than the usual bill for that billing cycle.

Payment arrangements will be made for a maximum of three (3) months at no interest. Customers requesting payment arrangements for a period greater than three (3) months will incur a ten percent (10%) interest charge for the entire duration of the payment plan.

If the customer misses a scheduled payment they will be subject to 48-hour lock-off notification process (See Article 3.9). If the customer is locked off for non-payment the payment plan will be void and all installments become due and payable prior to restoration of service. In addition, 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.

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The Agency will grant only one payment arrangement in a twelve (12) month period.

3.17.2.1 Tenant Payment Arrangement. Tenants requesting payment arrangements require the property owner to co-sign for approval.

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3.18 Separate Bills for Separate Water Meter Service Facilities. Separate bills shall be rendered for each separate water meter service facility.

3.19 Owner Responsibility Deleted. See Article 10.

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

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Bighorn-Desert View Water Agency

to forego the collection of delinquency penalties and service charge assessments if warranted.

3.21 Customer Vacating Premises. Deleted. See Article 10.

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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 Meter Service Facility. A customer who wishes to change the size, character of use, or location of their meter 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 meter 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 meter service facility shall be given.

In all cases where the Agency elects to change the customer's meter service facility, for whatever reason, it shall be accomplished by Agency staff. If the Agency determines that a larger meter service facility is required, customer shall pay any additional fees in accordance with Article 4.0.

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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 be responsible 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 eighty (80) pounds per square inch. However, 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.

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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.

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Bighorn-Desert View Water Agency

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's private water system in a manner consistent with Agency and State water conversation practices. Neglect of a customer's private water system, which results in what may be considered by the Agency to be excessive use of water, shall result in a written notification to the customer. Continued neglect, including knowingly permitting the excessive use and waste of water which may interrupt the Agency system and/or threaten the health and safety of Agency customers may result in a second notification to discontinue service. The Agency reserves the right to discontinue service without notice if the health and safety of Agency customers is threatened, and/or if the interruption of the Agency system is or may be imminent due to the neglect of the customer's private water system. The Agency shall be held harmless from any actions and / or damages to the customer's premises, including that of adjoining properties, as a result of immediate discontinuing of service due to neglect of the customer's private water system.

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

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

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 meter 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.

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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 property owner. 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

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Bighorn-Desert View Water Agency

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 7.0 entitled "Cross-Connection Control".

3.31 Customer Pressure Reducing Valves. Some customers of the Agency may have meter service facilities connected to the Agency's water system where water pressure exceeds eighty (80) pounds per square inch. When such conditions exist, the Agency will install a pressure reducing valve on the customer's side of the meter in accordance with Article 4.5.

3.32 Property Divided Subsequent to Initial Installation of a Meter Service Facility. When a property is divided after a meter service facility has been installed, the existing meter service facility shall be considered to belong to the property which it immediately enters, and a complete new meter service facility will be furnished for the other property upon successful application for same and after all other applicable fees and charges, if any, have been paid in accordance with Article 3.0.

3.33 Construction Water Service. Construction water service is, by definition, temporary water service. By application, a customer may obtain construction water 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 public 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. Deleted. See Article 12.0.

3.35 Current Agency Charges and Rates. Deleted. See Article 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) and pay the termination fees set forth in the Agency's Rate Table. 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 meter service facility and recordation of the water service termination notice in the San Bernardino County Recorder's Office, as the Agency deems appropriate.

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Bighorn-Desert View Water Agency

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

Termination of service may not relieve the property from any obligation to debt service including but not limited to property tax assessments and/or revenue bond obligations.

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3.37 Ground Wire Attachments. All customers are forbidden to attach any wires to plumbing which is or may be connected to a meter service facility or main belonging to the Agency. Customers are liable for any damage to the Agency's property caused by such wire attachments.

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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 Meter Service Facility**

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4.1 Design Standards, Standard Construction Drawings and Specifications.

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

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4.2 Customer Options. Generally, all residential units must be individually metered; however, master metering may, at the sole discretion of the Agency, be allowed with respect to residential developments, under the following circumstances:

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A) The property served is a single parcel, owned by a single person, entity, or organization and consisting of more than three residential units.

B) All master meters permitted shall be in the owner's name and all bills shall be the primary responsibility of and shall be paid by said owner. Any agent of the owner shall have their name on file with the Agency.

C) The master meter shall be located at the property line adjacent to the street or easement.

D) The Agency reserves the right to require additional meters or to impose conditions in special or unusual circumstances, such as for heavy landscaping or for widely separated buildings on large parcels.

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E) An approved backflow prevention device(s) will be required for all master meters, installed and maintained by the owner, at the owner's expense (as set forth in Article 7.0).

The meter size, as required for any particular development, shall be determined by the Agency, at the Agency's sole discretion, based upon information provided by the applicant and investigation by the Agency. In the case of more than one service to the same development, the total charge shall be the sum of the appropriate individual charges. The Agency reserves the right to require an increase in meter size at any time. The owner-applicant must, at that time, pay any additional fees due.

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Generally, all commercial, public, industrial, and agricultural units must be individually metered; however, master metering may, at the sole discretion of the Agency, be allowed with respect to commercial, public, industrial, and agricultural developments in circumstances where separate meters would be impractical, such as hotels and motels or facilities of common use such as common bathrooms or washrooms. If master metering is allowed, an approved backflow prevention device(s) must be installed and maintained by

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the owner, at the owner's expense (as set forth in Article 7.0). There shall be at least one separate meter for each separate septic system. There shall be a separate meter to each customer for which a backflow prevention device is required. There shall be a separate meter for each culinary establishment; each commercial/industrial establishment which uses water as a part of its commercial or industrial business or process; each medical and dental office; each veterinary clinic and animal grooming or boarding or sales establishment; each grocery and food handling or sales establishment; and as otherwise required by the Agency at its sole discretion: whether or not such establishments are in separate freestanding buildings and whether or not such establishments require backflow prevention devices. There shall also be a separate meter for all commercial and industrial establishments that contain fifty or more fixture units per Uniform Plumbing Code.

Applicants/customers may request a larger customer service facility than the Agency minimum size determination requires (subject to Agency approval), but the applicant/customer shall pay all charges and fees applicable to the larger service. Meter service facilities greater than 1" will generally not be allowed for residential customers.

4.3 Meter Service Facility Size Requirements. The Agency will determine the minimum required size of the meter service facility and the size and type of meter required for all types of water service. The size of the meter service facility shall be based on the Agency's evaluation of the applicant's need and use as determined from the data presented by the applicant. The meter 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 furnished by the Agency, 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 applicant's needs indicates a special requirement, the meter will be sized in accordance with the Uniform Plumbing Code.

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

4.4 Meter Service Facility Location. Where a single new meter service facility is to be installed, a specific location may be requested by the applicant to fit in with the piping plans on their premises. Such special location of the meter 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 meter service facility shall be located within the public street right-of-way, adjacent to the mainline, and shall not be placed on the applicant'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 service facilities shall be located immediately behind the curb or immediately behind the sidewalk within the public right-of-way. Large compound meter service facilities shall be located in accordance with the applicant's request unless the Agency determines that such desired location is not the most desirable with respect to

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Bighorn-Desert View Water Agency

construction, operation and maintenance, and meter reading convenience. If any portion of the Agency's meter service facilities must be located on private property, the applicant shall dedicate an easement to the Agency (which shall be recorded with the County) to allow the Agency access to same for the purpose of operating, maintaining, repairing, replacing facilities, and/or reading meters in accordance with Article 3.29 prior to installation of the meter service facilities. The Agency will always have the right to make the final determination on the location of any meter service facility.

4.5 Components of the Meter Service Facility. The meter service facility shall consist of all of the necessary and required components. The customer's service valve is the end of the components of the meter 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 set forth in Article 7.0.

In areas where the static pressure exceeds 80 psi, the Agency will install a pressure reducing valve on the customer's side of the meter on the service line to the customer's property and this device will thereafter become the responsibility of the customer.

An applicant for service from a main through which prevailing water pressure will be lower than the normal operating limit of 40 psi must apply for and (if granted by the Agency) sign a low pressure agreement with the Agency (which shall be recorded with the County prior to installation of any meter service facilities), and shall be responsible for installation and maintenance of privately owned hydropneumatic pressure pump, or other devices, as required to provide adequate pressure.

4.6 Cross-Connections. The Agency will determine in the process of reviewing the application whether the applicant's use of Agency's water service facility 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 7.0.

4.7 Maximum Length of Meter Service Facility and Prohibition of Service to Other Premises. Meter service facility installations shall not be allowed if the applicant's property boundary is more than 700 feet away from an Agency water main unless a variance is granted as per Article 1.5. Each meter 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 meter service facility shall not exceed 700 feet in length to reach the applicant's property boundary. Service from a customer's pipeline to other properties or premises, except as approved by the Agency, shall be grounds for immediate termination of water service.

If a meter service facility is requested for a property outside of the existing Agency Improvement District boundary (inside or outside the Agency's sphere of influence) and the

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Bighorn-Desert View Water Agency

Agency agrees to provide water service to said property, then applicant may be required to pay additional fees (to be determined by the Agency at the time of application) beyond the Basic Facility Charge "Capacity Fee" and installation charges indicated in the Agency's current Rate Table (e.g. Out of Area Service Agreement).

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4.8 County Permitting. Meter service facilities will not be installed until the applicant 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 applicant 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

Application, Review Procedure, and Construction of Water System Facility Extensions

5.1 Project Initialization. Potential customers may 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. The procedures for the design and construction of water systems for subdivision, multiple residential, commercial, industrial, public, agricultural, and single lot development differ only slightly. The Agency may choose to waive some requirements for single lot development.

5.2 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. Alternatively, the applicant may request that the Agency's engineer design the facility extension and prepare preliminary drawings on the applicant's behalf. If the Agency agrees to perform said services, applicant shall submit fees (to be determined by the Agency) for said services in advance. The Agency has the authority to waive this requirement for single lot developments.

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, public and/or private fire protection systems required by the Fire Department, 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.

5.3 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.

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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. ... [11]

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5.4 Agency's Preliminary Design and Feasibility Review. The Agency staff will conduct a preliminary design and feasibility review of the proposed facility extension. At this stage the preliminary 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, 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 unless the Agency agrees in advance to perform said services on the applicant's behalf, and all fees for said services (as determined by the Agency) have been paid by the applicant.

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5.5 Preliminary Design Conference. When the Agency's staff has completed the preliminary design and feasibility review, the applicant will be notified and a preliminary design conference will be arranged with the appropriate Agency staff. The applicant's engineer of works shall attend this conference because the basic design details will be discussed at that time and design principles finalized to the extent possible. Following the preliminary 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.

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5.6 Preparation of Final Construction Documents. The applicant's engineer of works shall then prepare the final construction documents 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 submit same to the Agency for detailed checking by the Agency staff. Alternatively, the applicant may request that the Agency's engineer prepare the final construction documents on the applicant's behalf. If the Agency agrees to perform said services, applicant shall deposit fees (to be determined by the Agency) for said services in advance.

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Reasonable consultation with the Agency's staff during preparation of the final construction documents 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 established during the preliminary design and feasibility review and design conference phase. The Agency will not check incomplete design packages. Three sets of check prints shall be submitted. The Agency's staff will then check the final construction documents 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 the necessary corrections and return the final construction documents for final check and signature by the Agency.

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5.7 Agency's Determination and Acceptance. After acceptance of the final construction documents package by the Agency staff, the package shall be presented to

Bighorn-Desert View Water Agency

the Board for its final review and acceptance. The Board's action may include acceptance of the final construction documents and authorization for the applicant to proceed with the construction, conditioned upon receipt of all remaining charges and fees from the applicant, if any.

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5.8 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.

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5.9 Applicable Charges, Fees, and Costs. When the water system facility extension consists of a main extension for multiple residential, commercial, industrial, public, agricultural, or single lot development the applicant will be liable for the following: Agency's preliminary design and feasibility review fee; Agency's plan check and processing fees; actual costs of having the applicant's own California licensed civil engineer (or Agency's engineer, if agreed to by Agency) 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; Agency's basic facilities charges; customer's service facilities installation charges; and all other costs and charges attributable to the extension.

A) Preliminary Design and Feasibility Review

Applicant must make an advance payment of a preliminary design and feasibility review fee to cover facility design requirements review and approval. When required, the applicant must also pay all costs for the Agency engineering staff, Agency engineering consultant and/or legal counsel related to the applicant's request plus an overhead and administrative charge as set forth in the Agency's current Rate Table. Any preliminary design approval granted is valid for a period of one year from the date of said approval. If construction plans are not submitted to the Agency during said one year period, the Agency may require applicant to resubmit preliminary drawings and pay an additional preliminary design and feasibility review fee.

A preliminary design and feasibility review fee is also required for those variance requests where a conceptual plan or drawing needs to be reviewed by Agency engineering staff.

B) Plan Check Approval

Applicant must pay plan check fees in advance to cover engineering review and approval of construction documents submitted for each proposed water system improvement project.

Applicant must also pay (if applicable) actual costs incurred by the Agency for its engineering consultant and/or legal counsel review plus an overhead and administrative charge as set forth in the Agency's current Rate Table.

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Any construction document approval is valid for a period of one year from the date of said approval. If actual construction work is not initiated during said one year period, the Agency may require applicant return to either the preliminary design and feasibility review or plan check approval stage for the proposed project. At that time, additional preliminary design and feasibility review fees and/or plan checking fees may be required.

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C) Inspection

The applicant must deposit inspection fees as set forth in the Agency's current Rate Table before construction begins to cover the cost of Agency inspection of water system improvements. Inspections or tests shall be charged on an actual time basis, with a minimum one hour charge for each official inspection. All construction work necessitating the Agency Inspector to appear at the construction site before or after normal working hours (8:00am – 5:00pm M-F excluding Agency holidays) may require the applicant to pay an after hour rate for after-hours inspection. Any after-hours inspection must be pre-paid and pre-arranged with the Agency Inspector.

Any refund of the unused portion of the inspection fee deposit will not be granted until all water system improvements have been completed and dedicated to the Agency with approval by the Board of Directors.

5.10 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 (or Agency's engineer, if agreed to by Agency); 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 Agency's 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.

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5.11 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 6.0.

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5.12 Deferred Charges for Multiple Residential, Commercial, Industrial, Public or Agricultural Zoned Portions of Subdivisions. When the above referenced

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classifications of property use are included in a subdivision, 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.

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5.13 Design, Construction and Dedication of Facilities for Subdivisions, Multiple Residential, Commercial, Industrial, Public, Agricultural, or Single Lot Main Extensions. Applicants requiring water system facility extensions, whether it be a main extension applicable herein or complete facilities for a proposed development, 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, public and/or private fire protection systems required by the fire department, 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, public and/or private fire protection systems required by the fire department, and appurtenances, however, main extension projects may, if required by the Agency, include any or all of the aforementioned water system facility components.

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5.14 Extent of Facilities. Standard main extensions shall extend across the frontage of the applicant's 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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5.15 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.

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

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5.17 Easement and Permit Responsibility. All easements, street dedications and rights-of-way involved with all facility extensions shall be the responsibility of the applicant

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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 and recorded with the County, before construction of any facility extensions. Easement documents shall include a complete easement legal description and an easement plat both of which shall be prepared by a California licensed land surveyor. The easement legal description and the easement plat shall show the surveyor'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.

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5.18 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.

5.19 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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5.20 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 lead entity. 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 undertaken 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.

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5.21 Agency Facility Extensions. The Agency may make facility extensions from the facilities constructed under this Article without obligation to any customer. No

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reimbursements shall be made as a result of customer service facility connections to said additional facility extensions.

5.22 Additional Regulatory Agency Requirements. Applicant is advised that additional facilities may be required by other regulatory agencies in order to construct a water system facility extension. Applicant shall be responsible for contacting all state and local regulatory agencies to determine if any additional requirements are applicable to the proposed water system facility extension. Applicant shall furnish any additional facilities that may be required at Applicant's expense, including any additional permits as may be required by other regulatory agencies. Agency may require applicant to submit proof in a form acceptable to the Agency to verify that all regulatory agencies that may have jurisdiction over a particular water facility extension have been contacted and that no additional facilities are required.

ARTICLE 6.0

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Reimbursement Agreements

6.1 Applicability. A reimbursement agreement may apply in cases where a water system facility extension has been made by an applicant under the terms of Article 5.0 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.

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6.2 Reimbursable/Non-Reimbursable Costs. Applicants having paid all or part of the cost of a water system facility extension may be entitled to a reimbursement agreement. The amount of said reimbursement agreement shall not exceed the applicant's actual cost. The applicant's actual cost may include an appropriate prorated share of the cost of engineering (plan checking, processing, inspection, and surveying), legal and related expenses directly attributable to the water system facility extension as determined by the Agency. The Agency's basic facility charges, water supply capacity charges, meter service facility installation charges and all other normal Agency charges or fees in connection with the water system 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 meter service facility installation charge will be deducted from the applicant's actual cost in the determination of the reimbursable amount.

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6.3 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. For water system facility extension 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 water system 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.

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6.4 Over-sizing Computation. Any water system 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 water system 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.

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6.5 Reimbursement Agreement. After the completion of any water system facility extension project which qualifies for a reimbursement agreement, the Agency staff

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shall prepare a final and complete accounting of the reimbursable costs of the project in 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 meter 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.

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When the Agency has participated in a water system 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.

6.6 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.

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

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ARTICLE 7.0

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Cross-Connection Control

7.1 Authority and Purpose. Regulations relating to cross-connection are set forth in the California Government Code, Title 17, Division 1, Chapter 5. Said regulations and this Article have as their purpose the following:

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- A) 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.
- B) 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.
- C) 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.
- D) 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.
- E) To encourage the exclusive use of the Agency's potable water system for human consumption purposes.
- F) To protect the Agency's drinking water supply from the premises where plumbing defects or cross-connections may endanger said drinking water supply.

7.2 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 Public Health (CDPH). 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 General Manager deems necessary. Appeals of implementation and control decisions shall be first submitted to the CDPH for a health ruling and then through Agency staff for an administrative decision.

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

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7.4 Cross-Connection Protection Requirements. Unprotected cross-connection with the Agency's water system is prohibited. Whenever backflow protection is determined

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by the Agency to be necessary on a water supply line entering a customer's premises, the customer shall install an approved backflow prevention assembly at his/her expense on any and all water supply lines from the Agency's mains entering such premises, buildings, or structures. The type of assembly to be installed shall be in accordance with the requirements of this Article. Compliance is an express condition of continued water service or establishment of a new water service connection.

Protection shall be required as follows:

- A) Each meter service facility from the Agency's water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the Agency, and is approved by the public health agency having jurisdiction.
- B) Each meter service facility from the Agency's water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the Agency's water system which have been subjected to deterioration in sanitary quality.
- C) Backflow prevention assemblies shall be installed on the meter service facility to any premises having (a) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the Agency, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

The type of protection that shall be provided to prevent backflow into the Agency's water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the customer's premises.

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 prevention assembly (RP), and a double check valve assembly (DC).

The customer may choose a higher level of protection than required by the Agency. The minimum backflow protection required to protect the Agency's water supply based on varying degrees of hazard are listed in Table 1 of the California Government Code, Title 17, Division 1, Chapter 5, Section 7604. Situations which are not covered in said Table shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the Agency or public health agency having jurisdiction.

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Two or more meter service facilities supplying water from different street mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least an approved double check valve assembly on each meter service facility to be located adjacent to and on the property side of the respective meters.

7.5 Backflow Prevention Assemblies. Only backflow prevention assemblies which have been approved by the Agency shall be acceptable for installation by a customer. 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 the California Government Code, Title 17, Division 1, Chapter 5, Section 7603. Location of the assemblies shall be as close as practical to the meter service facility. The Agency shall have the final authority in determining the required location of a backflow prevention assembly. Unless directed otherwise by the Agency, backflow prevention assemblies shall be located as follows:

A) Air-Gap Separation (AG)

The air-gap separation shall be located on the customer's side of and as close to the meter service facility as is practical. All piping from the meter service facility to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the meter service facility and the air-gap separation. The water inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one (1) inch above the overflow rim of the receiving tank.

B) Reduced Pressure Principle Backflow Prevention Assembly (RP)

The approved reduced pressure principle backflow prevention assembly shall be installed on the customer's side of and as close to the meter service facility as is practical. The assembly shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the meter service facility and the RP assembly shall be protected in a manner approved by the Agency.

C) Double Check Valve Assembly (DC)

The approved double check valve assembly shall be located as close as practical to the meter service facility and shall be installed above grade, in a manner where it is readily accessible for testing and maintenance.

It shall be the responsibility of the customer to install all required assemblies in accordance with the Agency's adopted construction specifications (AWWA Standard, Latest Revisions). Initial certification of all devices shall be performed only by qualified testers on behalf of the customer. Thereafter, it shall be the duty of the customer at any premises where backflow prevention assemblies requiring annual testing are installed to have certified inspections

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and operational tests made at least once per year. In those instances where the Agency deems the hazard to be great enough, it may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer, and shall be performed by an approved certified tester. It shall be the duty of the Agency to see that these timely tests are made. These devices shall be repaired, overhauled, or replaced at the expense of the customer whenever said devices are found to be defective. Records of such tests, repairs, and overhaul shall be submitted to the Agency on standard maintenance form. No assembly shall be replaced back in service unless it is functioning as required. Any approved backflow prevention assembly shall be the property of the customer and Agency shall have no responsibility or liability for the cost of operation, maintenance, testing, repair, or replacement thereof.

The Agency will supply affected customers with a list of persons acceptable to the Agency to test backflow prevention assemblies. The Agency will notify affected customers by mail when annual testing of an assembly is required and also supply customers with the necessary forms which must be completed and submitted each time an assembly is tested or repaired. The backflow prevention assembly tester shall provide both the customer and the Agency with a copy of the test results.

Approval must be obtained from the Agency before a backflow prevention assembly is removed, relocated or replaced.

- A) Removal: The use of an assembly may be discontinued and the assembly removed from service only upon determination by the Agency that a hazard no longer exists or is not likely to be created in the future.
- B) Relocation: An assembly may be relocated following confirmation by the Agency that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.
- C) Repair: An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is returned to service, or the service connection is equipped with other backflow protection approved by the Agency. A retest will be required following the repair of the assembly.
- D) Replacement: An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be in compliance with this Article.

The General Manager may require the customer to upgrade an existing backflow prevention assembly which, in the opinion of the General Manager, is a type that does not provide adequate protection for the degree of potential hazard which exists on the customer's premises. The upgrade shall be at customer's expense and may include

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complete replacement and relocation of the backflow prevention assembly, and/or the installation of additional devices.

7.6 User Supervisor. At each premises where it is necessary, in the opinion of the Agency, a User Supervisor shall be designated by and at the expense of the customer. The User Supervisor shall be responsible for the monitoring of the backflow prevention assemblies and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the Agency shall be promptly notified by the User Supervisor so that appropriate measures may be taken to overcome the contamination. The customer shall inform the Agency of the User Supervisor's identity on, as a minimum, an annual basis and whenever a change occurs.

7.7 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 customer premises to evaluate the degree of potential health hazards. The Agency shall notify affected customers when an assembly needs to be installed, and when it is time for testing.

A) Water System Survey

- 1) The Agency shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Agency upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted.
- 2) The Agency may require an on-premises inspection to evaluate cross-connection hazards. The Agency will notify the affected customer of the need for inspection. If, in the judgment of the General Manager, an approved backflow prevention device is required at any metered service facility for the safety of the Agency system, the General Manager shall give notice in writing to the affected customer to install an approved backflow prevention device at each of such customer's metered service facilities. Within the time prescribed by the General Manager, the customer shall install such approved device or devices at the customer's own expense; and failure, refusal or inability on the part of the customer to install said device or devices shall immediately constitute a ground for discontinuing water service to such meter service facility until such device or devices have been properly installed.
- 3) The Agency may, at its discretion, require a reinspection for cross-connection hazards of any premises to which it serves water. The Agency will notify the

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affected customer of the need for reinspection. Any customer who cannot or will not allow an on-premises inspection of his/her piping system shall be required to install the backflow prevention assembly the Agency considers necessary.

- 4) All customer systems shall be open for inspection at all reasonable times to authorized representatives of the Agency to enable the Agency to ascertain the existence of cross-connection or other structural or sanitary hazards, including violations of this Article. When such a condition becomes known, the General Manager may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with State laws and Agency ordinances relating to plumbing and water supplies, and with regulations adopted pursuant thereto.

B) Customer Notification - Assembly Installation

- 1) The Agency will notify the customer of the survey findings, listing the corrective actions to be taken if any are required. A period of thirty (30) days will be given to complete all corrective actions required, including installation of backflow prevention assemblies.
- 2) A second notice will be sent to each customer who does not take the required corrective actions prescribed in the first notice within the thirty-day period allowed. The second notice will give the customer fifteen (15) days to take the corrective action. The notice shall state that if no action is taken within the fifteen (15) day period, the Agency will terminate water service to the affected customer until the required corrective actions are taken.
- 3) The Agency may provide additional notification as it deems necessary.

C) Customer Notification - Testing and Maintenance

- 1) The Agency will notify each affected customer when it is time for the backflow prevention assembly installed on their service connection to be tested. The notice shall contain the following information:
 - a) The service location and account number (or other appropriate identification number).
 - b) A statement that the customer is responsible for providing for the routine maintenance, repair, and testing.

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- c) That the testing requirement is made under the authority of the California Water Code Division 13, Part 5; of the California Code of Regulations, Title 17; and of this Article.
 - d) A deadline of 30 days by which the assembly must be tested, and repaired if necessary.
 - e) That if the customer fails to test or repair an assembly within the time period required by the notice, the Agency may terminate water service to the affected customer.
 - f) The Agency contact person, including address and phone number.
 - g) A report form for the customer to use to submit the test results.
 - h) A list of certified or approved assembly testers.
- 2) A second notice shall be sent to each customer which does not have his/her backflow prevention assembly tested as prescribed in the first notice within the 30-day period allowed. The second notice will give the customer a fifteen (15) day period to have his/her backflow prevention assembly tested. This notice shall include the following information:
- a) A restatement of the cross-connection hazards found on the customer's premises, and the required corrective actions.
 - b) A second deadline of fifteen (15) days for either correcting the problem or scheduling an office hearing to explain why the requirements should be postponed or eliminated.
 - c) A statement of the Agency's intention to terminate water service to the customer's premises should he fail to comply with the new deadline. The notice shall advise the customer that a Health Agency hearing may be requested, but the request must be received prior to the date scheduled for service termination.
 - d) Information regarding the extra charges the customer will have to pay to reestablish water service after it is terminated.
3. The Agency may provide additional notification as it deems necessary.

If no action is taken within the prescribed time period, the Agency may terminate water service to the affected customer until the subject assembly is tested.

Bighorn-Desert View Water Agency

D) Maintenance of Records

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The Agency shall maintain such records so as to be able to effectively manage a cross-connection control program. The records shall include the following information for each backflow prevention assembly in the water system:

1) Identification information:

Name

Address

Account number (or other identification number)

Responsible person

Type of business

2) The date of the most recent cross-connection survey performed at this location.

3) Type of hazard(s).

4) Location of assembly.

5) Type of assembly, including make, model, size, serial number, recommended frequency of testing.

6) Record of testing and repairs.

7) Comments, notes on any problems with the assembly.

Records shall also be kept on surveys made of premises where no backflow protection was required.

7.8 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:

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- 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.

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Bighorn-Desert View Water Agency

- 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 before the deadline indicated in the Agency's notification of required testing.
- F) Removal or bypass of a required backflow prevention assembly.

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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:

- A) Make a reasonable effort to notify the customer of the Agency's intent to terminate water service.
- B) 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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If the customer files with the Agency a written protest of the degree of hazard involved and the commensurate degree of protection required to be provided, the matter shall be referred by the Agency to the appropriate health agency. If the protest involves a new meter service facility installation, the Agency shall not activate said facility until after the health agency has delivered its written decision to the Agency. The written decision of the health agency shall be final.

7.9 Charges. The Board of Directors shall establish, and may from time to time alter, a schedule of fees and charges to offset the Agency's costs incurred under this Article. It shall be the policy of the Agency that the customer whose premises cause the need to protect the Agency water supply shall be responsible to cover the cost of the protection, including the Agency's costs. Fees and charges may include, but are not limited to:

- A) The cost to initially determine the need for protection and the type of backflow assembly required.
- B) The cost to annually review compliance with this Article, including any costs of inspection, testing, and certification.
- C) The cost to disconnect and/or reconnect a service because of noncompliance with this Article.

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ARTICLE 8.0

Private Fire Protection Service

8.1 Application. Application for private fire protection service shall be made on a form provided by the Agency. Upon acceptance of the completed application, the Agency will coordinate with the applicant and fire department to perform fire flow tests as may be required by the fire department and/or licensed fire protection engineer.

8.2 Design and Construction. The design and construction of the private fire protection service facility (on the Agency's side of the applicant's valve) shall be per the Agency's applicable design standards and specifications (AWWA). Applicant is advised that private fire protection service to new construction shall be provided from a completely separate fire protection service facility. Applications for private fire service to an existing development that is already served by an existing meter service facility shall be reviewed by the Agency to determine if a combination service facility may be used to provide both domestic water and private fire protection service, or if a completely separate private fire protection service facility will be required.

The applicant shall consult the fire department to determine the fire protection requirements for the proposed development. Applicant is advised that the fire department may require applicant to provide various fire protection system components, including but not limited to: private fire hydrants; fire department connections; post indicator valves; building fire sprinklers; and/or public fire hydrants (per Article 9.0).

The applicant's minimum flow requirements shall be determined by a qualified fire protection engineer and reviewed and approved by the fire department. The applicant shall provide the Agency with a letter from both the fire protection engineer and the fire department indicating the private fire protection system's minimum flow requirements. The applicant shall be responsible for providing any additional onsite or offsite equipment including storage tanks, pumps, water system facility extensions, etc. as required by the fire department or licensed fire protection engineer in order to provide the minimum flow requirements for the private fire protection system. Any required water system facility extensions necessary to provide the required private fire protection shall be in accordance with Article 5.0.

All private fire protection services shall contain a detector check meter which will be read regularly to determine if any water usage has occurred.

Additionally, all private fire protection services shall contain a reduced pressure principle backflow prevention assembly (RP), which shall be furnished, installed, tested, certified, and maintained as set forth in Article 7.0.

Bighorn-Desert View Water Agency

Applicant shall submit to the Agency private fire protection plans prepared by a licensed fire protection engineer and approved by the fire department and local building department prior to construction or activation of private fire protection service facilities. Said plans shall show the applicant's preferred location of the private fire protection service facility to be provided by the Agency.

8.3 Limited Use of Facility. There shall be no connections between the private fire protection system and the applicant's regular domestic water service system or any auxiliary system belonging to the applicant. The use of the fire protection system is strictly for fire protection.

8.4 Service Size and Location. The Agency shall determine the size of the Agency's private fire protection service facility from the information submitted by the applicant (including the minimum flow requirements). The location of the Agency's private fire protection service facility shall be indicated on the approved private fire protection system plans. The Agency will furnish and install the private fire protection service facilities at the applicant's preferred location unless the Agency determines that requirements by other public entities must prevail. The detector check meter shall be located within the public right-of-way behind the curb or the sidewalk unless it is not physically possible. If any portion of the Agency's private fire protection service facilities must be located on private property, the applicant shall dedicate an easement to the Agency (which shall be recorded with the County) to allow the Agency access to same for the purpose of operating, maintaining, repairing, replacing facilities, and/or reading meters in accordance with Article 3.29 prior to installation of the private fire protection service facilities.

The RP shall be located on private property as close as possible downstream from the detector check meter and shall be installed, tested, and certified in accordance with Article 7.0.

8.5 Applicable Rate and Charges. There is no charge for water used to extinguish fires provided that the fire is reported to and verified by the fire department. Fraudulent use of a private fire service facility is grounds for discontinuance of all service. Applicant may be required to pay charges which include, but are not limited to, one or more of the following: fire flow test report fee; private fire protection service line installation; detector check meter installation; backflow prevention assembly installation and/or certification; and/or basic facilities charges in accordance with the Agency's current Rate Table prior to activation of private fire protection service. Applicant is advised that annual testing and certification of RP devices is required in accordance with Article 7.0.

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

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Deleted: 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 ... [12]

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ARTICLE 9.0

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Public Fire Protection

9.1 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.

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9.2 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. Any required water system facility extensions shall be in accordance with Article 5.0.

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9.3 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.

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9.4 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 Article 5.0. 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.

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9.5 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 10.0

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Tenants

10.1 Service to Tenants. The Agency will, upon written request of an owner (e.g. owner/tenant Agreement) 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.

10.1.1 Service to Tenants with Third Party Property Manager. When the property in question is managed by a third party property manager who the owner designates to sign the Owner/Tenant Agreement, the Agency will require a copy of the service Contract between property owner and management company assigning such authority as well as execution of a "Personal Guarantee for Business Accounts" form provided by the Agency.

10.2 Owner Responsibility. The owner of each separate premises is ultimately responsible for the payment of all applicable water service charges. 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.

10.3 Tenants Vacating Premises. Tenants desiring to terminate water service (i.e. close a water account) 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, any unused guarantee deposit will be refunded. If the guarantee deposit is insufficient, the Agency will submit a final bill to the tenant. If the tenant fails to pay the final closing bill, the Agency will make a further attempt to collect the funds through either a delinquent billing process or a written letter of delinquency.

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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Deleted: 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.

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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.¶
EXHIBIT "A"¶
Rates, Fees and Charges¶
¶
Exhibit "A" ... [13]

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ARTICLE 11.0

Bulk Water Service

11.1 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.

Bulk water is water obtained by the customer from one of the Agency's bulk water station facilities.

It is the responsibility of any applicant who proposes to utilize hauled water as the source of domestic supply to satisfy the requirements of the Agency. Applicants are advised that there may be County of Environmental Health Services Department or State Department of Public Health regulations that applicant may be required to comply with as well. The Agency understands (and hereby advises applicant) that current County Environmental Health Services Department regulations, at a minimum, will not allow new construction to use hauled water as the source of domestic water supply.

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11.2 Guarantee Deposit: Bulk Accounts. All applicants for bulk 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 closes the account. 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.

"High risk accounts" can re-establish credit worthiness through a history of one or less delinquents, no non-sufficient funds checks and no lock offs in the previous 12 billing cycles.

All bulk water services that are locked off for non-payment will require customer to pay the full amount of the bulk water service guarantee deposit set by Agency Resolution before water service will be restored.

11.3 Service Inactivity. The Agency has a limited number of bulk meters available for use by bulk hauling customers. Therefore the Agency reserves the right to close a bulk account due to inactivity. Inactivity shall be defined as less than an average of two (2) units of water usage per month over a twelve (12) month period.

Periodically the Agency will review the usage history of the bulk accounts and will provide a minimum of 30-day's notice of closure to the customer. Any customer whose account was

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Bighorn-Desert View Water Agency

closed due to inactivity will be allowed to restore service on a first come, first served basis through an Agency maintained waiting list.

11.4 Customer Service Valve 2-inch Bulk Meter Service Maintenance Charge. All 2-inch bulk meter service customers will be charged a monthly maintenance fee to allow for routine replacement of the customer service valve as set by Agency Resolution.

Article 12.0

Collection of Unpaid Bills

12.1 Liability of Water Used. The property owner remains responsible for all charges owed to the Agency whether or not the property owner actually lives on the premises and signs the application for water service. The property owner shall also be held responsible for discontinuance of service and/or establishing new service for tenants.

12.2 Liens for Unpaid Bills. All unpaid bills shall be made a lien against the property for which service was requested pursuant to these Regulations and Water Code App. 112-5 and Water Code App. 112-15, and other provisions.

12.3 Report of Delinquent and Unpaid Charges. A report of delinquent and unpaid charges for water and other services which remain unpaid and delinquent and totaling more than \$125 or more on July 1st shall be prepared and submitted to the Board for consideration as tax liens. The unpaid and delinquent charges listed in said report for each parcel of property shall be fixed at the amount listed in said report. The report shall be adopted and approved as amended by the Board.

12.4 Adoption and Filing of Report. The secretary shall file with the County Auditor and Board of Supervisors within the County of San Bernardino on or before August 1st of each year and in the manner specified by the County Auditor and the County of San Bernardino Board of Supervisors a copy of the report with a statement endorsed thereon over the signature of the secretary, that such a report has been adopted and approved by the Board of Directors.

12.5 Collection of Delinquent and Unpaid Charges. The County Assessor for the County of San Bernardino shall include the amount of charges on bills for taxes levied against their lots and parcels of land, and, thereafter, the amount of such unpaid and delinquent charges shall be collected at the same time and in the same manner by the County of San Bernardino and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

12.6 Refusal or Neglect to Pay Debt. Any amount due is a debt to the Agency, and any person or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action in a court of competent jurisdiction for the amount due.

12.7 Suit. All unpaid rates and charges and penalties herein provided may be collected by lawsuit.

**DRAFT ORDINANCE 110- XX
RULES AND REGULATIONS FOR WATER
SERVICE**

WITHOUT MARK-UPS

Ordinance No. 110-XX

Agency Rules & Regulations

for Water Service



Ordinance adopted _____

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

Bighorn-Desert View Water Agency

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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. Requests for water service to properties located outside the Agency's boundaries will be subject to approval by the Board of Directors. Property owners wanting water service outside the Agency boundaries may apply for service in writing and said request shall be investigated by Agency staff and submitted to the Board with recommendations. The Board shall then consider and

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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 properties connected to the water system regardless of actual water usage.

2.7 Combination Service Facility. A single service line from the mainline which is separated at the curb line to provide a customer both a domestic meter service facility and a private fire protection service facility. Separate private pipelines are required from the meter service facility and private fire protection service facility to the places of use.

2.8 Cost. All expenses of any kind, whether actual or estimated, in connection with any provision of these rules and regulations.

2.9 County. The County of San Bernardino, California unless otherwise stated by reference in these rules and regulations.

2.10 Cross-Connection. Any actual or potential connection between the Agency's potable water system and any actual or potential source of pollution or contamination.

2.11 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.

2.12 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.

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2.12.1 2-inch (Commercial) Bulk Meters Customer Service Valve. A valve installed with the service facility for the customers use to control the flow of water supplied through the service facility. A monthly maintenance fee may be applied to these accounts to cover the cost of servicing the customer valve.

2.13 Detector Check Meter. A combination check valve and bypass meter used in private fire protection service facilities to detect the unauthorized use of water.

2.14 Developer. A person who plans the development of any property, whether residential or commercial, within the Agency boundaries.

2.15 Fire Department. The San Bernardino County Fire Department unless otherwise stated by reference in these rules and regulations.

2.16 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.

2.17 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.

2.18 High Risk Account. An account which has experienced two (2) episodes of Non-sufficient Funds (NSF) payment returns is defined as a high risk account. Such accounts are subject to refusal of payment by check (e.g. cash, credit, debit, cashier's check or money order only) basis until credit worthiness can be re-established as defined in Article 3.2 Guarantee Deposit.

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

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

2.21 Meter Installation Fee (Service Line Installation Fee). The fee levied to recover the cost of installing the meter service facility.

2.22 Meter Service Facility. The pipeline, connecting valves, fittings, metering device and appurtenant materials required to extend domestic 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.

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

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

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

2.26 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.

2.27 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.

2.28 Private Fire Protection Service Facility. The pipeline, connecting valves, fittings, detector check meter and appurtenant materials required to extend private fire protection service from a mainline to the property line of a separate premises. The service facility through and including the detector check meter shall be owned, operated and maintained by the Agency.

2.29 State. The State of California unless otherwise stated.

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

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

2.32 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.

2.33 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 and Regulations

3.1 Water Service Application. Persons or entities desiring water service from the Agency 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 (See Article 10.0 – Tenants). 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 applicant's signature on this water service permit application assures the Agency that the applicant will comply with all Agency rules, regulations, and policies in effect at the time the application is accepted and in the future after an account has been established.

The Agency shall request information from applicant, which includes but may not be limited to: name on account; driver's license number; mailing address; phone number; and service address for all new accounts. This information will assist the Agency in proceedings to collect unpaid bills, or other Agency business. Reference is made to The Public Records Act, which 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 include but may not be limited to: name; telephone number; driver's license number; physical address; and other detailed and personal customer account information. 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.

3.1.1 Water Service Application Real Estate Transactions. In the specific case of "interim" water service during the period of time a property is undergoing a real estate transaction, the Agency requires additional information from the Real Estate Company (Real Estate Agent, Real Estate Agency or Real Estate Broker) to process a water service application. These items include but are not limited to:

- A) "Listing Agreement", "authorization to receive and convey information" or similar documentation, signed and dated, granting permission by the Owner of Record (or foreclosing bank) assigning responsibility for utility services to the real estate broker.
- B) Contact information for the bank representative making the assignment to the third party or real estate broker.

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- C) Signed "Personal Guarantee for Business Accounts" form provided by the Agency.

3.1.2 Past Due Balances on Properties Involved in Real Estate Transactions. Water service will not be restored to a property with a past due balance unless one of the following has occurred to the satisfaction of the Agency:

- A) Past due balance has been paid in full, or,
- B) Escrow Company has acknowledged receipt of a "demand letter" indicating the past due amount will be forwarded to the Agency upon close of escrow.

3.2 Guarantee Deposit For Non-Bulk Accounts. All applicants for water service shall deposit with the Agency the required dollar amount set forth in the Agency's current Rate Table. 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 (NSF) 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 non-sufficient funds.

Guarantee Deposit for Bulk Accounts is outlined in Article 12.0

3.3 Control of Water Delivery. Each meter service facility shall be furnished by the Agency with 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 meter 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.

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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. Customers or customer representative shall have the right to be present during the test, provided the customer notifies the Agency at the time the test is requested.

Should the meter test beyond the upper limit of the AWWA accuracy parameters and found 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 Adjustments – Other than Meter Error.

3.6.1 General. Should the customer have a complaint with regard to water service, or dispute the correctness of a bill for water service, he should contact the Agency office prior to the bill becoming delinquent to endeavor to arrive at an understanding.

3.6.2 Complaints. Should a customer be unable to have his complaint satisfied by the Agency's General Manager or Staff, he may submit his complaint in writing with a full and detailed explanation to the Agency's Board of Directors for settlement. In any event, action by the Board shall not be delayed more than to the time of the next regular meeting for the receipt of special reports on the complaint, unless further delay is freely and willingly agreed to by the customer. The decision of the Board shall be final.

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 service facility could result

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criminal charges and tampering fees. The determination of the application of tampering fees shall be based on actual time and materials as well as applicable overhead for processing. The owner of each separate premises is ultimately responsible for the payment of all tampering fees associated with their property.

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.

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 (see Article 3.17). 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.

At least 48-hours prior to scheduled "lock off" the customer will be notified via phone or written notice (hand delivered or mailed). The method of notification will be determined by Agency staff (e.g. verbal or written). A fee will be imposed for such notifications, known as the "48-hr. Notification Fee" applied during the next billing cycle.

The owner of each separate premises is ultimately responsible for the payment of all applicable water service charges.

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:

- 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 meter service facility without having made application and received authorization for water service shall be held liable for payment for the water delivered through that meter service facility from the date of the last recorded meter reading. If water use has been detected, but the meter

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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 based on actual time and materials as well as applicable overhead for processing. The owner of each separate premises is ultimately responsible for the payment of all applicable water service charges.

3.12 Damage Caused by Leaking Pipes and Fixtures. 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 meter 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 presented by the customer in the customer service application (used by the Agency to determine the correct meter size).

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 forth 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 Article 3.36.

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 from time to time 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.

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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.

3.17.1 Extensions. The Agency may not provide extensions to the payment due dates.

3.17.2 Payment Arrangements. Customers may request payment arrangements for unusually high bills only. An unusually high bill could be defined as at least two times greater than the usual bill for that billing cycle.

Payment arrangements will be made for a maximum of three (3) months at no interest. Customers requesting payment arrangements for a period greater than three (3) months will incur a ten percent (10%) interest charge for the entire duration of the payment plan.

If the customer misses a scheduled payment they will be subject to 48-hour lock-off notification process (See Article 3.9). If the customer is locked off for non-payment the payment plan will be void and all installments become due and payable prior to restoration of service. In addition, 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.

The Agency will grant only one payment arrangement in a twelve (12) month period.

3.17.2.1 Tenant Payment Arrangement. Tenants requesting payment arrangements require the property owner to co-sign for approval

3.18 Separate Bills for Separate Water Meter Service Facilities. Separate bills shall be rendered for each separate water meter service facility.

3.19 Owner Responsibility Deleted. See Article 10.

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

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to forego the collection of delinquency penalties and service charge assessments if warranted.

3.21 Customer Vacating Premises. Deleted. See Article 10.

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 Meter Service Facility. A customer who wishes to change the size, character of use, or location of their meter 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 meter 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 meter service facility shall be given.

In all cases where the Agency elects to change the customer's meter service facility, for whatever reason, it shall be accomplished by Agency staff. If the Agency determines that a larger meter service facility is required, customer shall pay any additional fees in accordance with Article 4.0.

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 be responsible 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 eighty (80) pounds per square inch. However, 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.

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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's private water system in a manner consistent with Agency and State water conservation practices. Neglect of a customer's private water system, which results in what may be considered by the Agency to be excessive use of water, shall result in a written notification to the customer. Continued neglect, including knowingly permitting the excessive use and waste of water which may interrupt the Agency system and/or threaten the health and safety of Agency customers may result in a second notification to discontinue service. The Agency reserves the right to discontinue service without notice if the health and safety of Agency customers is threatened, and/or if the interruption of the Agency system is or may be imminent due to the neglect of the customer's private water system. The Agency shall be held harmless from any actions and / or damages to the customer's premises, including that of adjoining properties, as a result of immediate discontinuing of service due to neglect of the customer's private water system.

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

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

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 conservation 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 meter 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 property owner. 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

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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 7.0 entitled "Cross-Connection Control".

3.31 Customer Pressure Reducing Valves. Some customers of the Agency may have meter service facilities connected to the Agency's water system where water pressure exceeds eighty (80) pounds per square inch. When such conditions exist, the Agency will install a pressure reducing valve on the customer's side of the meter in accordance with Article 4.5.

3.32 Property Divided Subsequent to Initial Installation of a Meter Service Facility. When a property is divided after a meter service facility has been installed, the existing meter service facility shall be considered to belong to the property which it immediately enters, and a complete new meter service facility will be furnished for the other property upon successful application for same and after all other applicable fees and charges, if any, have been paid in accordance with Article 3.0.

3.33 Construction Water Service. Construction water service is, by definition, temporary water service. By application, a customer may obtain construction water 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 public 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. Deleted. See Article 12.0.

3.35 Current Agency Charges and Rates. Deleted. See Article 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) and pay the termination fees set forth in the Agency's Rate Table. 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 meter service facility and recordation of the water service termination notice in the San Bernardino County Recorder's Office, as the Agency deems appropriate.

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

Termination of service may not relieve the property from any obligation to debt service including but not limited to property tax assessments and/or revenue bond obligations.

3.37 Ground Wire Attachments. All customers are forbidden to attach any wires to plumbing which is or may be connected to a meter service facility or main belonging to the Agency. Customers are liable for any damage to the Agency's property caused by such wire attachments.

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ARTICLE 4.0

Installation of New and Change in Existing Meter Service Facility

4.1 Design Standards, Standard Construction Drawings and Specifications.

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

4.2 Customer Options. Generally, all residential units must be individually metered; however, master metering may, at the sole discretion of the Agency, be allowed with respect to residential developments, under the following circumstances:

- A) The property served is a single parcel, owned by a single person, entity, or organization and consisting of more than three residential units.
- B) All master meters permitted shall be in the owner's name and all bills shall be the primary responsibility of and shall be paid by said owner. Any agent of the owner shall have their name on file with the Agency.
- C) The master meter shall be located at the property line adjacent to the street or easement.
- D) The Agency reserves the right to require additional meters or to impose conditions in special or unusual circumstances, such as for heavy landscaping or for widely separated buildings on large parcels.
- E) An approved backflow prevention device(s) will be required for all master meters, installed and maintained by the owner, at the owner's expense (as set forth in Article 7.0).

The meter size, as required for any particular development, shall be determined by the Agency, at the Agency's sole discretion, based upon information provided by the applicant and investigation by the Agency. In the case of more than one service to the same development, the total charge shall be the sum of the appropriate individual charges. The Agency reserves the right to require an increase in meter size at any time. The owner-applicant must, at that time, pay any additional fees due.

Generally, all commercial, public, industrial, and agricultural units must be individually metered; however, master metering may, at the sole discretion of the Agency, be allowed with respect to commercial, public, industrial, and agricultural developments in circumstances where separate meters would be impractical, such as hotels and motels or facilities of common use such as common bathrooms or washrooms. If master metering is allowed, an approved backflow prevention device(s) must be installed and maintained by

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the owner, at the owner's expense (as set forth in Article 7.0). There shall be at least one separate meter for each separate septic system. There shall be a separate meter to each customer for which a backflow prevention device is required. There shall be a separate meter for each culinary establishment; each commercial/industrial establishment which uses water as a part of its commercial or industrial business or process; each medical and dental office; each veterinary clinic and animal grooming or boarding or sales establishment; each grocery and food handling or sales establishment; and as otherwise required by the Agency at its sole discretion; whether or not such establishments are in separate freestanding buildings and whether or not such establishments require backflow prevention devices. There shall also be a separate meter for all commercial and industrial establishments that contain fifty or more fixture units per Uniform Plumbing Code.

Applicants/customers may request a larger customer service facility than the Agency minimum size determination requires (subject to Agency approval), but the applicant/customer shall pay all charges and fees applicable to the larger service. Meter service facilities greater than 1" will generally not be allowed for residential customers.

4.3 Meter Service Facility Size Requirements. The Agency will determine the minimum required size of the meter service facility and the size and type of meter required for all types of water service. The size of the meter service facility shall be based on the Agency's evaluation of the applicant's need and use as determined from the data presented by the applicant. The meter 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 furnished by the Agency, 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 applicant's needs indicates a special requirement, the meter will be sized in accordance with the Uniform Plumbing Code.

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

4.4 Meter Service Facility Location. Where a single new meter service facility is to be installed, a specific location may be requested by the applicant to fit in with the piping plans on their premises. Such special location of the meter 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 meter service facility shall be located within the public street right-of-way, adjacent to the mainline, and shall not be placed on the applicant'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 service facilities shall be located immediately behind the curb or immediately behind the sidewalk within the public right-of-way. Large compound meter service facilities shall be located in accordance with the applicant's request unless the Agency determines that such desired location is not the most desirable with respect to

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construction, operation and maintenance, and meter reading convenience. If any portion of the Agency's meter service facilities must be located on private property, the applicant shall dedicate an easement to the Agency (which shall be recorded with the County) to allow the Agency access to same for the purpose of operating, maintaining, repairing, replacing facilities, and/or reading meters in accordance with Article 3.29 prior to installation of the meter service facilities. The Agency will always have the right to make the final determination on the location of any meter service facility.

4.5 Components of the Meter Service Facility. The meter service facility shall consist of all of the necessary and required components. The customer's service valve is the end of the components of the meter 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 set forth in Article 7.0.

In areas where the static pressure exceeds 80 psi, the Agency will install a pressure reducing valve on the customer's side of the meter on the service line to the customer's property and this device will thereafter become the responsibility of the customer.

An applicant for service from a main through which prevailing water pressure will be lower than the normal operating limit of 40 psi must apply for and (if granted by the Agency) sign a low pressure agreement with the Agency (which shall be recorded with the County prior to installation of any meter service facilities), and shall be responsible for installation and maintenance of privately owned hydropneumatic pressure pump, or other devices, as required to provide adequate pressure.

4.6 Cross-Connections. The Agency will determine in the process of reviewing the application whether the applicant's use of Agency's water service facility 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 7.0.

4.7 Maximum Length of Meter Service Facility and Prohibition of Service to Other Premises. Meter service facility installations shall not be allowed if the applicant's property boundary is more than 700 feet away from an Agency water main unless a variance is granted as per Article 1.5. Each meter 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 meter service facility shall not exceed 700 feet in length to reach the applicant's property boundary. Service from a customer's pipeline to other properties or premises, except as approved by the Agency, shall be grounds for immediate termination of water service.

If a meter service facility is requested for a property outside of the existing Agency Improvement District boundary (inside or outside the Agency's sphere of influence) and the

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Agency agrees to provide water service to said property, then applicant may be required to pay additional fees (to be determined by the Agency at the time of application) beyond the Basic Facility Charge "Capacity Fee" and installation charges indicated in the Agency's current Rate Table (e.g. Out of Area Service Agreement).

4.8 County Permitting. Meter service facilities will not be installed until the applicant 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 applicant 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

Application, Review Procedure, and Construction of Water System Facility Extensions

5.1 Project Initialization. Potential customers may 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. The procedures for the design and construction of water systems for subdivision, multiple residential, commercial, industrial, public, agricultural, and single lot development differ only slightly. The Agency may choose to waive some requirements for single lot development.

5.2 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. Alternatively, the applicant may request that the Agency's engineer design the facility extension and prepare preliminary drawings on the applicant's behalf. If the Agency agrees to perform said services, applicant shall submit fees (to be determined by the Agency) for said services in advance. The Agency has the authority to waive this requirement for single lot developments.

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, public and/or private fire protection systems required by the Fire Department, 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.

5.3 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.

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5.4 Agency's Preliminary Design and Feasibility Review. The Agency staff will conduct a preliminary design and feasibility review of the proposed facility extension. At this stage the preliminary 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, 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 unless the Agency agrees in advance to perform said services on the applicant's behalf, and all fees for said services (as determined by the Agency) have been paid by the applicant.

5.5 Preliminary Design Conference. When the Agency's staff has completed the preliminary design and feasibility review, the applicant will be notified and a preliminary design conference will be arranged with the appropriate Agency staff. The applicant's engineer of works shall attend this conference because the basic design details will be discussed at that time and design principles finalized to the extent possible. Following the preliminary 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.

5.6 Preparation of Final Construction Documents. The applicant's engineer of works shall then prepare the final construction documents 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 submit same to the Agency for detailed checking by the Agency staff. Alternatively, the applicant may request that the Agency's engineer prepare the final construction documents on the applicant's behalf. If the Agency agrees to perform said services, applicant shall deposit fees (to be determined by the Agency) for said services in advance.

Reasonable consultation with the Agency's staff during preparation of the final construction documents 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 established during the preliminary design and feasibility review and design conference phase. The Agency will not check incomplete design packages. Three sets of check prints shall be submitted. The Agency's staff will then check the final construction documents 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 the necessary corrections and return the final construction documents for final check and signature by the Agency.

5.7 Agency's Determination and Acceptance. After acceptance of the final construction documents package by the Agency staff, the package shall be presented to

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the Board for its final review and acceptance. The Board's action may include acceptance of the final construction documents and authorization for the applicant to proceed with the construction, conditioned upon receipt of all remaining charges and fees from the applicant, if any.

5.8 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.

5.9 Applicable Charges, Fees, and Costs. When the water system facility extension consists of a main extension for multiple residential, commercial, industrial, public, agricultural, or single lot development the applicant will be liable for the following: Agency's preliminary design and feasibility review fee; Agency's plan check and processing fees; actual costs of having the applicant's own California licensed civil engineer (or Agency's engineer, if agreed to by Agency) 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; Agency's basic facilities charges; customer's service facilities installation charges; and all other costs and charges attributable to the extension.

A) Preliminary Design and Feasibility Review

Applicant must make an advance payment of a preliminary design and feasibility review fee to cover facility design requirements review and approval. When required, the applicant must also pay all costs for the Agency engineering staff, Agency engineering consultant and/or legal counsel related to the applicant's request plus an overhead and administrative charge as set forth in the Agency's current Rate Table. Any preliminary design approval granted is valid for a period of one year from the date of said approval. If construction plans are not submitted to the Agency during said one year period, the Agency may require applicant to resubmit preliminary drawings and pay an additional preliminary design and feasibility review fee.

A preliminary design and feasibility review fee is also required for those variance requests where a conceptual plan or drawing needs to be reviewed by Agency engineering staff.

B) Plan Check Approval

Applicant must pay plan check fees in advance to cover engineering review and approval of construction documents submitted for each proposed water system improvement project.

Applicant must also pay (if applicable) actual costs incurred by the Agency for its engineering consultant and/or legal counsel review plus an overhead and administrative charge as set forth in the Agency's current Rate Table.

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Any construction document approval is valid for a period of one year from the date of said approval. If actual construction work is not initiated during said one year period, the Agency may require applicant return to either the preliminary design and feasibility review or plan check approval stage for the proposed project. At that time, additional preliminary design and feasibility review fees and/or plan checking fees may be required.

C) Inspection

The applicant must deposit inspection fees as set forth in the Agency's current Rate Table before construction begins to cover the cost of Agency inspection of water system improvements. Inspections or tests shall be charged on an actual time basis, with a minimum one hour charge for each official inspection. All construction work necessitating the Agency Inspector to appear at the construction site before or after normal working hours (8:00am – 5:00pm M-F excluding Agency holidays) may require the applicant to pay an after hour rate for after-hours inspection. Any after-hours inspection must be pre-paid and pre-arranged with the Agency Inspector.

Any refund of the unused portion of the inspection fee deposit will not be granted until all water system improvements have been completed and dedicated to the Agency with approval by the Board of Directors.

5.10 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 (or Agency's engineer, if agreed to by Agency); 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 Agency's 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.

5.11 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 6.0.

5.12 Deferred Charges for Multiple Residential, Commercial, Industrial, Public or Agricultural Zoned Portions of Subdivisions. When the above referenced

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classifications of property use are included in a subdivision, 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.

5.13 Design, Construction and Dedication of Facilities for Subdivisions, Multiple Residential, Commercial, Industrial, Public, Agricultural, or Single Lot Main Extensions. Applicants requiring water system facility extensions, whether it be a main extension applicable herein or complete facilities for a proposed development, 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, public and/or private fire protection systems required by the fire department, 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, public and/or private fire protection systems required by the fire department, and appurtenances, however, main extension projects may, if required by the Agency, include any or all of the aforementioned water system facility components.

5.14 Extent of Facilities. Standard main extensions shall extend across the frontage of the applicant's 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.

5.15 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.

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

5.17 Easement and Permit Responsibility. All easements, street dedications and rights-of-way involved with all facility extensions shall be the responsibility of the applicant

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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 and recorded with the County, before construction of any facility extensions. Easement documents shall include a complete easement legal description and an easement plat both of which shall be prepared by a California licensed land surveyor. The easement legal description and the easement plat shall show the surveyor'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.

5.18 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.

5.19 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.

5.20 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 lead entity. 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 undertaken 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.

5.21 Agency Facility Extensions. The Agency may make facility extensions from the facilities constructed under this Article without obligation to any customer. No

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reimbursements shall be made as a result of customer service facility connections to said additional facility extensions.

5.22 Additional Regulatory Agency Requirements. Applicant is advised that additional facilities may be required by other regulatory agencies in order to construct a water system facility extension. Applicant shall be responsible for contacting all state and local regulatory agencies to determine if any additional requirements are applicable to the proposed water system facility extension. Applicant shall furnish any additional facilities that may be required at Applicant's expense, including any additional permits as may be required by other regulatory agencies. Agency may require applicant to submit proof in a form acceptable to the Agency to verify that all regulatory agencies that may have jurisdiction over a particular water facility extension have been contacted and that no additional facilities are required.

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ARTICLE 6.0

Reimbursement Agreements

6.1 Applicability. A reimbursement agreement may apply in cases where a water system facility extension has been made by an applicant under the terms of Article 5.0 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.

6.2 Reimbursable/Non-Reimbursable Costs. Applicants having paid all or part of the cost of a water system facility extension may be entitled to a reimbursement agreement. The amount of said reimbursement agreement shall not exceed the applicant's actual cost. The applicant's actual cost may include an appropriate prorated share of the cost of engineering (plan checking, processing, inspection, and surveying), legal and related expenses directly attributable to the water system facility extension as determined by the Agency. The Agency's basic facility charges, water supply capacity charges, meter service facility installation charges and all other normal Agency charges or fees in connection with the water system 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 meter service facility installation charge will be deducted from the applicant's actual cost in the determination of the reimbursable amount.

6.3 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. For water system facility extension 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 water system 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.

6.4 Over-sizing Computation. Any water system 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 water system 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.

6.5 Reimbursement Agreement. After the completion of any water system facility extension project which qualifies for a reimbursement agreement, the Agency staff

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shall prepare a final and complete accounting of the reimbursable costs of the project in 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 meter 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 water system 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.

6.6 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.

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

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ARTICLE 7.0

Cross-Connection Control

7.1 Authority and Purpose. Regulations relating to cross-connection are set forth in the California Government Code, Title 17, Division 1, Chapter 5. Said regulations and this Article have as their purpose the following:

- A) 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.
- B) 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.
- C) 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.
- D) 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.
- E) To encourage the exclusive use of the Agency's potable water system for human consumption purposes.
- F) To protect the Agency's drinking water supply from the premises where plumbing defects or cross-connections may endanger said drinking water supply.

7.2 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 Public Health (CDPH). 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 General Manager deems necessary. Appeals of implementation and control decisions shall be first submitted to the CDPH for a health ruling and then through Agency staff for an administrative decision.

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

7.4 Cross-Connection Protection Requirements. Unprotected cross-connection with the Agency's water system is prohibited. Whenever backflow protection is determined

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by the Agency to be necessary on a water supply line entering a customer's premises, the customer shall install an approved backflow prevention assembly at his/her expense on any and all water supply lines from the Agency's mains entering such premises, buildings, or structures. The type of assembly to be installed shall be in accordance with the requirements of this Article. Compliance is an express condition of continued water service or establishment of a new water service connection.

Protection shall be required as follows:

- A) Each meter service facility from the Agency's water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the Agency, and is approved by the public health agency having jurisdiction.
- B) Each meter service facility from the Agency's water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the Agency's water system which have been subjected to deterioration in sanitary quality.
- C) Backflow prevention assemblies shall be installed on the meter service facility to any premises having (a) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the Agency, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

The type of protection that shall be provided to prevent backflow into the Agency's water supply system shall be commensurate with the degree of hazard, actual or potential, that exists on the customer's premises.

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 prevention assembly (RP), and a double check valve assembly (DC).

The customer may choose a higher level of protection than required by the Agency. The minimum backflow protection required to protect the Agency's water supply based on varying degrees of hazard are listed in Table 1 of the California Government Code, Title 17, Division 1, Chapter 5, Section 7604. Situations which are not covered in said Table shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the Agency or public health agency having jurisdiction.

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Two or more meter service facilities supplying water from different street mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least an approved double check valve assembly on each meter service facility to be located adjacent to and on the property side of the respective meters.

7.5 Backflow Prevention Assemblies. Only backflow prevention assemblies which have been approved by the Agency shall be acceptable for installation by a customer. 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 the California Government Code, Title 17, Division 1, Chapter 5, Section 7603. Location of the assemblies shall be as close as practical to the meter service facility. The Agency shall have the final authority in determining the required location of a backflow prevention assembly. Unless directed otherwise by the Agency, backflow prevention assemblies shall be located as follows:

A) Air-Gap Separation (AG)

The air-gap separation shall be located on the customer's side of and as close to the meter service facility as is practical. All piping from the meter service facility to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the meter service facility and the air-gap separation. The water inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one (1) inch above the overflow rim of the receiving tank.

B) Reduced Pressure Principle Backflow Prevention Assembly (RP)

The approved reduced pressure principle backflow prevention assembly shall be installed on the customer's side of and as close to the meter service facility as is practical. The assembly shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the meter service facility and the RP assembly shall be protected in a manner approved by the Agency.

C) Double Check Valve Assembly (DC)

The approved double check valve assembly shall be located as close as practical to the meter service facility and shall be installed above grade, in a manner where it is readily accessible for testing and maintenance.

It shall be the responsibility of the customer to install all required assemblies in accordance with the Agency's adopted construction specifications (AWWA Standard, Latest Revisions). Initial certification of all devices shall be performed only by qualified testers on behalf of the customer. Thereafter, it shall be the duty of the customer at any premises where backflow prevention assemblies requiring annual testing are installed to have certified inspections

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and operational tests made at least once per year. In those instances where the Agency deems the hazard to be great enough, it may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer, and shall be performed by an approved certified tester. It shall be the duty of the Agency to see that these timely tests are made. These devices shall be repaired, overhauled, or replaced at the expense of the customer whenever said devices are found to be defective. Records of such tests, repairs, and overhaul shall be submitted to the Agency on standard maintenance form. No assembly shall be replaced back in service unless it is functioning as required. Any approved backflow prevention assembly shall be the property of the customer and Agency shall have no responsibility or liability for the cost of operation, maintenance, testing, repair, or replacement thereof.

The Agency will supply affected customers with a list of persons acceptable to the Agency to test backflow prevention assemblies. The Agency will notify affected customers by mail when annual testing of an assembly is required and also supply customers with the necessary forms which must be completed and submitted each time an assembly is tested or repaired. The backflow prevention assembly tester shall provide both the customer and the Agency with a copy of the test results.

Approval must be obtained from the Agency before a backflow prevention assembly is removed, relocated or replaced.

- A) Removal: The use of an assembly may be discontinued and the assembly removed from service only upon determination by the Agency that a hazard no longer exists or is not likely to be created in the future.
- B) Relocation: An assembly may be relocated following confirmation by the Agency that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.
- C) Repair: An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is returned to service, or the service connection is equipped with other backflow protection approved by the Agency. A retest will be required following the repair of the assembly.
- D) Replacement: An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be in compliance with this Article.

The General Manager may require the customer to upgrade an existing backflow prevention assembly which, in the opinion of the General Manager, is a type that does not provide adequate protection for the degree of potential hazard which exists on the customer's premises. The upgrade shall be at customer's expense and may include

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complete replacement and relocation of the backflow prevention assembly, and/or the installation of additional devices.

7.6 User Supervisor. At each premises where it is necessary, in the opinion of the Agency, a User Supervisor shall be designated by and at the expense of the customer. The User Supervisor shall be responsible for the monitoring of the backflow prevention assemblies and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the Agency shall be promptly notified by the User Supervisor so that appropriate measures may be taken to overcome the contamination. The customer shall inform the Agency of the User Supervisor's identity on, as a minimum, an annual basis and whenever a change occurs.

7.7 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 customer premises to evaluate the degree of potential health hazards. The Agency shall notify affected customers when an assembly needs to be installed, and when it is time for testing.

A) Water System Survey

- 1) The Agency shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Agency upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted.
- 2) The Agency may require an on-premises inspection to evaluate cross-connection hazards. The Agency will notify the affected customer of the need for inspection. If, in the judgment of the General Manager, an approved backflow prevention device is required at any metered service facility for the safety of the Agency system, the General Manager shall give notice in writing to the affected customer to install an approved backflow prevention device at each of such customer's metered service facilities. Within the time prescribed by the General Manager, the customer shall install such approved device or devices at the customer's own expense; and failure, refusal or inability on the part of the customer to install said device or devices shall immediately constitute a ground for discontinuing water service to such meter service facility until such device or devices have been properly installed.
- 3) The Agency may, at its discretion, require a reinspection for cross-connection hazards of any premises to which it serves water. The Agency will notify the

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affected customer of the need for reinspection. Any customer who cannot or will not allow an on-premises inspection of his/her piping system shall be required to install the backflow prevention assembly the Agency considers necessary.

- 4) All customer systems shall be open for inspection at all reasonable times to authorized representatives of the Agency to enable the Agency to ascertain the existence of cross-connection or other structural or sanitary hazards, including violations of this Article. When such a condition becomes known, the General Manager may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with State laws and Agency ordinances relating to plumbing and water supplies, and with regulations adopted pursuant thereto.

B) Customer Notification - Assembly Installation

- 1) The Agency will notify the customer of the survey findings, listing the corrective actions to be taken if any are required. A period of thirty (30) days will be given to complete all corrective actions required, including installation of backflow prevention assemblies.
- 2) A second notice will be sent to each customer who does not take the required corrective actions prescribed in the first notice within the thirty-day period allowed. The second notice will give the customer fifteen (15) days to take the corrective action. The notice shall state that if no action is taken within the fifteen (15) day period, the Agency will terminate water service to the affected customer until the required corrective actions are taken.
- 3) The Agency may provide additional notification as it deems necessary.

C) Customer Notification - Testing and Maintenance

- 1) The Agency will notify each affected customer when it is time for the backflow prevention assembly installed on their service connection to be tested. The notice shall contain the following information:
 - a) The service location and account number (or other appropriate identification number).
 - b) A statement that the customer is responsible for providing for the routine maintenance, repair, and testing.

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- c) That the testing requirement is made under the authority of the California Water Code Division 13, Part 5; of the California Code of Regulations, Title 17; and of this Article.
 - d) A deadline of 30 days by which the assembly must be tested, and repaired if necessary.
 - e) That if the customer fails to test or repair an assembly within the time period required by the notice, the Agency may terminate water service to the affected customer.
 - f) The Agency contact person, including address and phone number.
 - g) A report form for the customer to use to submit the test results.
 - h) A list of certified or approved assembly testers.
- 2) A second notice shall be sent to each customer which does not have his/her backflow prevention assembly tested as prescribed in the first notice within the 30-day period allowed. The second notice will give the customer a fifteen (15) day period to have his/her backflow prevention assembly tested. This notice shall include the following information:
- a) A restatement of the cross-connection hazards found on the customer's premises, and the required corrective actions.
 - b) A second deadline of fifteen (15) days for either correcting the problem or scheduling an office hearing to explain why the requirements should be postponed or eliminated.
 - c) A statement of the Agency's intention to terminate water service to the customer's premises should he fail to comply with the new deadline. The notice shall advise the customer that a Health Agency hearing may be requested, but the request must be received prior to the date scheduled for service termination.
 - d) Information regarding the extra charges the customer will have to pay to reestablish water service after it is terminated.
3. The Agency may provide additional notification as it deems necessary.

If no action is taken within the prescribed time period, the Agency may terminate water service to the affected customer until the subject assembly is tested.

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D) Maintenance of Records

The Agency shall maintain such records so as to be able to effectively manage a cross-connection control program. The records shall include the following information for each backflow prevention assembly in the water system:

- 1) Identification information:
 - Name
 - Address
 - Account number (or other identification number)
 - Responsible person
 - Type of business
- 2) The date of the most recent cross-connection survey performed at this location.
- 3) Type of hazard(s).
- 4) Location of assembly.
- 5) Type of assembly; including make, model, size, serial number, recommended frequency of testing.
- 6) Record of testing and repairs.
- 7) Comments, notes on any problems with the assembly.

Records shall also be kept on surveys made of premises where no backflow protection was required.

7.8 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.

Bighorn-Desert View Water Agency

- 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 before the deadline indicated in the Agency's notification of required testing.
- F) Removal or bypass of a required backflow prevention assembly.

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

- A) Make a reasonable effort to notify the customer of the Agency's intent to terminate water service.
- B) 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.

If the customer files with the Agency a written protest of the degree of hazard involved and the commensurate degree of protection required to be provided, the matter shall be referred by the Agency to the appropriate health agency. If the protest involves a new meter service facility installation, the Agency shall not activate said facility until after the health agency has delivered its written decision to the Agency. The written decision of the health agency shall be final.

7.9 Charges. The Board of Directors shall establish, and may from time to time alter, a schedule of fees and charges to offset the Agency's costs incurred under this Article. It shall be the policy of the Agency that the customer whose premises cause the need to protect the Agency water supply shall be responsible to cover the cost of the protection, including the Agency's costs. Fees and charges may include, but are not limited to:

- A) The cost to initially determine the need for protection and the type of backflow assembly required.
- B) The cost to annually review compliance with this Article, including any costs of inspection, testing, and certification.
- C) The cost to disconnect and/or reconnect a service because of noncompliance with this Article.

Bighorn-Desert View Water Agency

ARTICLE 8.0

Private Fire Protection Service

8.1 Application. Application for private fire protection service shall be made on a form provided by the Agency. Upon acceptance of the completed application, the Agency will coordinate with the applicant and fire department to perform fire flow tests as may be required by the fire department and/or licensed fire protection engineer.

8.2 Design and Construction. The design and construction of the private fire protection service facility (on the Agency's side of the applicant's valve) shall be per the Agency's applicable design standards and specifications (AWWA). Applicant is advised that private fire protection service to new construction shall be provided from a completely separate fire protection service facility. Applications for private fire service to an existing development that is already served by an existing meter service facility shall be reviewed by the Agency to determine if a combination service facility may be used to provide both domestic water and private fire protection service, or if a completely separate private fire protection service facility will be required.

The applicant shall consult the fire department to determine the fire protection requirements for the proposed development. Applicant is advised that the fire department may require applicant to provide various fire protection system components, including but not limited to: private fire hydrants; fire department connections; post indicator valves; building fire sprinklers; and/or public fire hydrants (per Article 9.0).

The applicant's minimum flow requirements shall be determined by a qualified fire protection engineer and reviewed and approved by the fire department. The applicant shall provide the Agency with a letter from both the fire protection engineer and the fire department indicating the private fire protection system's minimum flow requirements. The applicant shall be responsible for providing any additional onsite or offsite equipment including storage tanks, pumps, water system facility extensions, etc. as required by the fire department or licensed fire protection engineer in order to provide the minimum flow requirements for the private fire protection system. Any required water system facility extensions necessary to provide the required private fire protection shall be in accordance with Article 5.0.

All private fire protection services shall contain a detector check meter which will be read regularly to determine if any water usage has occurred.

Additionally, all private fire protection services shall contain a reduced pressure principle backflow prevention assembly (RP), which shall be furnished, installed, tested, certified, and maintained as set forth in Article 7.0.

Bighorn-Desert View Water Agency

Applicant shall submit to the Agency private fire protection plans prepared by a licensed fire protection engineer and approved by the fire department and local building department prior to construction or activation of private fire protection service facilities. Said plans shall show the applicant's preferred location of the private fire protection service facility to be provided by the Agency.

8.3 Limited Use of Facility. There shall be no connections between the private fire protection system and the applicant's regular domestic water service system or any auxiliary system belonging to the applicant. The use of the fire protection system is strictly for fire protection.

8.4 Service Size and Location. The Agency shall determine the size of the Agency's private fire protection service facility from the information submitted by the applicant (including the minimum flow requirements). The location of the Agency's private fire protection service facility shall be indicated on the approved private fire protection system plans. The Agency will furnish and install the private fire protection service facilities at the applicant's preferred location unless the Agency determines that requirements by other public entities must prevail. The detector check meter shall be located within the public right-of-way behind the curb or the sidewalk unless it is not physically possible. If any portion of the Agency's private fire protection service facilities must be located on private property, the applicant shall dedicate an easement to the Agency (which shall be recorded with the County) to allow the Agency access to same for the purpose of operating, maintaining, repairing, replacing facilities, and/or reading meters in accordance with Article 3.29 prior to installation of the private fire protection service facilities.

The RP shall be located on private property as close as possible downstream from the detector check meter and shall be installed, tested, and certified in accordance with Article 7.0.

8.5 Applicable Rate and Charges. There is no charge for water used to extinguish fires provided that the fire is reported to and verified by the fire department. Fraudulent use of a private fire service facility is grounds for discontinuance of all service. Applicant may be required to pay charges which include, but are not limited to, one or more of the following: fire flow test report fee; private fire protection service line installation; detector check meter installation; backflow prevention assembly installation and/or certification; and/or basic facilities charges in accordance with the Agency's current Rate Table prior to activation of private fire protection service. Applicant is advised that annual testing and certification of RP devices is required in accordance with Article 7.0.

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

Bighorn-Desert View Water Agency

ARTICLE 9.0

Public Fire Protection

9.1 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.

9.2 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. Any required water system facility extensions shall be in accordance with Article 5.0.

9.3 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.

9.4 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 Article 5.0. 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.

9.5 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.

Bighorn-Desert View Water Agency

ARTICLE 10.0

Tenants

10.1 Service to Tenants. The Agency will, upon written request of an owner (e.g. owner/tenant Agreement) 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.

10.1.1 Service to Tenants with Third Party Property Manager. When the property in question is managed by a third party property manager who the owner designates to sign the Owner/Tenant Agreement, the Agency will require a copy of the service Contract between property owner and management company assigning such authority as well as execution of a "Personal Guarantee for Business Accounts" form provided by the Agency.

10.2 Owner Responsibility. The owner of each separate premises is ultimately responsible for the payment of all applicable water service charges. 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.

10.3 Tenants Vacating Premises. Tenants desiring to terminate water service (i.e. close a water account) 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, any unused guarantee deposit will be refunded. If the guarantee deposit is insufficient, the Agency will submit a final bill to the tenant. If the tenant fails to pay the final closing bill, the Agency will make a further attempt to collect the funds through either a delinquent billing process or a written letter of delinquency.

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.

Bighorn-Desert View Water Agency

ARTICLE 11.0

Bulk Water Service

11.1 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.

Bulk water is water obtained by the customer from one of the Agency's bulk water station facilities.

It is the responsibility of any applicant who proposes to utilize hauled water as the source of domestic supply to satisfy the requirements of the Agency. Applicants are advised that there may be County of Environmental Health Services Department or State Department of Public Health regulations that applicant may be required to comply with as well. The Agency understands (and hereby advises applicant) that current County Environmental Health Services Department regulations, at a minimum, will not allow new construction to use hauled water as the source of domestic water supply.

11.2 Guarantee Deposit: Bulk Accounts. All applicants for bulk 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 closes the account. 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.

"High risk accounts" can re-establish credit worthiness through a history of one or less delinquents, no non-sufficient funds checks and no lock offs in the previous 12 billing cycles.

All bulk water services that are locked off for non-payment will require customer to pay the full amount of the bulk water service guarantee deposit set by Agency Resolution before water service will be restored.

11.3 Service Inactivity. The Agency has a limited number of bulk meters available for use by bulk hauling customers. Therefore the Agency reserves the right to close a bulk account due to inactivity. Inactivity shall be defined as less than an average of two (2) units of water usage per month over a twelve (12) month period.

Periodically the Agency will review the usage history of the bulk accounts and will provide a minimum of 30-day's notice of closure to the customer. Any customer whose account was

Bighorn-Desert View Water Agency

closed due to inactivity will be allowed to restore service on a first come, first served basis through an Agency maintained waiting list.

11.4 Customer Service Valve 2-inch Bulk Meter Service Maintenance Charge. All 2-inch bulk meter service customers will be charged a monthly maintenance fee to allow for routine replacement of the customer service valve as set by Agency Resolution.

Bighorn-Desert View Water Agency

Article 12.0

Collection of Unpaid Bills

12.1 Liability of Water Used. The property owner remains responsible for all charges owed to the Agency whether or not the property owner actually lives on the premises and signs the application for water service. The property owner shall also be held responsible for discontinuance of service and/or establishing new service for tenants.

12.2 Liens for Unpaid Bills. All unpaid bills shall be made a lien against the property for which service was requested pursuant to these Regulations and Water Code App. 112-5 and Water Code App. 112-15, and other provisions.

12.3 Report of Delinquent and Unpaid Charges. A report of delinquent and unpaid charges for water and other services which remain unpaid and delinquent and totaling more than \$125 or more on July 1st shall be prepared and submitted to the Board for consideration as tax liens. The unpaid and delinquent charges listed in said report for each parcel of property shall be fixed at the amount listed in said report. The report shall be adopted and approved as amended by the Board.

12.4 Adoption and Filing of Report. The secretary shall file with the County Auditor and Board of Supervisors within the County of San Bernardino on or before August 1st of each year and in the manner specified by the County Auditor and the County of San Bernardino Board of Supervisors a copy of the report with a statement endorsed thereon over the signature of the secretary, that such a report has been adopted and approved by the Board of Directors.

12.5 Collection of Delinquent and Unpaid Charges. The County Assessor for the County of San Bernardino shall include the amount of charges on bills for taxes levied against their lots and parcels of land, and, thereafter, the amount of such unpaid and delinquent charges shall be collected at the same time and in the same manner by the County of San Bernardino and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

12.6 Refusal or Neglect to Pay Debt. Any amount due is a debt to the Agency, and any person or corporation failing, neglecting, or refusing to pay this debt may be subject to a civil action in a court of competent jurisdiction for the amount due.

12.7 Suit. All unpaid rates and charges and penalties herein provided may be collected by lawsuit.

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: October 3, 2011

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

From: Marina D. West

Staff Contact: Lynda Tompkins

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Adoption of Resolution No. 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency's Designation of Applicant's Agent Resolution for Non-State Agencies

SUMMARY

In times of disaster, the California Emergency Management Agency (CalEMA) must have authorized signatories on file in order to communicate with our Agency for Federal and State disaster relief funding.

These authorized signatories coordinate with the Federal Emergency Management Agency (FEMA) and the California Emergency Management Agency (CalEMA) for the damage amount as a result of a disaster. The authorized signatories primarily deal with the money/funds applied as "disaster relief".

Staff is requesting the Board of Directors adopt Resolution No. 11R-XX updating the authorized signatories for the Agency.

RECOMMENDATION

Board to consider adopting Resolution 11R-XX, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency's Designation of Applicant's Agent Resolution for Non-State Agencies.

BACKGROUND/ANALYSIS

The Agency received notification from the California Emergency Management Agency (CalEMA) Grants Processing Section requesting that Bighorn-Desert View Water Agency submit an updated *Designation of Applicant's Agent Resolution* (OEA Form 130) listing the Agency's Authorized Agents.

Authorized Agents are those individuals that CalEMA communicates with and who are authorized to act on behalf of the Agency in case of a disaster to obtain relief funding. Authorized Agents must be approved by the Bighorn-Desert View Water Agency's Board of Directors through a Resolution in accordance with CalEMA Form 130. The attached Resolution meets the current CalEMA Form 130 requirements.

Representatives from both the Federal Emergency Management Agency (FEMA) and the California Emergency Management Agency (CalEMA) may come out and survey damage as a result of a disaster, but all Federal (FEMA) and State (CalEMA) Disaster funding is funneled through (refunded by) CalEMA.

Until CalEMA receives this updated Resolution, they may not be able to communicate with Bighorn-Desert View Water Agency for disaster relief funds if needed.

PRIOR RELEVANT BOARD ACTION(S)

2/27/2007 BOD Regular Meeting - Board adopted Resolution 07R-01, A Resolution Designating Office of Emergency Service Applicant Authority

RESOLUTION NO. 11R-XX

**RESOLUTION OF THE BOARD DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY'S
DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE, Board of Directors OF THE Bighorn-Desert View Water Agency,

THAT the General Manager, OR
the Executive Secretary/Personnel Administrator, OR
the Accounting Technician II/Customer Service Representative, OR
the Accounting Technician III/Customer Service Representative, OR
the Water Distribution Operator I, OR
the Water Distribution Operator II

is hereby authorized to execute for and on behalf of the Bighorn-Desert View Water Agency, a public entity established under the laws of the State of California, this application and to file it with the California Emergency Management Agency for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the Bighorn-Desert View Water Agency, a public entity established under the laws of the State of California, hereby authorizes its agents to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

THAT this is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

THAT Resolution No. 07R-01 is hereby rescinded and of no further force and effect.

PASSED AND APPROVED this 3rd day of October, 2011

Terry Burkhart, Board President

Michael McBride, Board Vice President

David Larson, Board Director

CERTIFICATION

I, Judy Corl-Lorono, duly appointed and Board Secretary of the Bighorn-Desert View Water Agency, do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the Board of Directors of the Bighorn-Desert View Water Agency on the 3rd day of October, 2011.

Judy Corl-Lorono

Board Secretary

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: October 3, 2011

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Formation of the "MBP Capacity Allocations Ad Hoc Committee" for the Purpose of Discussing Morongo Basin Pipeline ID 'M' Agreement Pipeline Capacity Allocations Following Pay-off of the ID 'M' Bond Debt in 2023

SUMMARY

At the September 14, 2011 Morongo Basin Pipeline Commission Meeting the subject of pipeline capacity allocations following the pay-off of the Morongo Basin Pipeline (MBP) bond debt was discussed. This prompted the MBP Commission to recommend that each MBP ID 'M' member entity appoint two directors from their respective Board's for the purpose of convening to discuss the matter in more detail.

Staff's recommendation is for the Board to form a two-member Ad Hoc Committee which would then participate in these group discussions.

RECOMMENDATION

Board to consider forming the "Morongo Basin Pipeline (MBP) Capacity Allocations Ad Hoc Committee", an Ad Hoc Committee for the purpose of discussing Morongo Basin Pipeline ID 'M' Agreement pipeline capacity allocations following pay-off of the existing ID 'M' Bond debt in 2023.

BACKGROUND/ANALYSIS

At the September 14, 2011 Morongo Basin Pipeline Commission Meeting the subject of pipeline capacity allocations following the pay-off of the Morongo Basin Pipeline (MBP) ID 'M' bond debt was agendized for discussion. At this time, there is disagreement among the member agencies as to the MBP pipeline capacity rights following the pay-off of the MBP ID 'M' debt. This prompted the MBP Commission to recommend that each MBP ID 'M' member entity appoint two directors from their respective Board's for the purpose of convening the group to discuss the matter in more detail. The ID 'M' member entities are BDVWA, Hi Desert Water District, Joshua Basin Water District, County Special Districts Zones W-1 (Landers) and Zone W-4 (Pioneertown) and Mojave Water Agency. The goal of the meetings is to develop a shared consensus on how pipeline capacity should be allocated after the ID 'M' bond is retired.

Staff's recommendation is for the Board to form a two-member Ad Hoc Committee which would then participate in these discussions.

To clarify, this is an Ad Hoc Committee of the BDVWA Board of Directors which is a member agency to the MBP ID 'M'. This is not an Ad Hoc Committee of the Morongo Basin Pipeline Commission.

PRIOR RELEVANT BOARD ACTION(S)

8/26/2008 Policy No. 08P-03 – Policy statement establishing Standing Committees and authorizing the creation of Ad Hoc Committees.

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: October 3, 2011

To: Board of Directors

Budgeted: Yes

Budgeted Amount: \$31,000 annual

From: Marina D. West

General Counsel Approval: N/A

Staff Contact: Lynda Tompkins

CEQA Compliance: N/A

Subject: Local SDRMA Liability and Workers' Compensation Training

SUMMARY

The Agency's Liability and Workers' Compensation insurance provider, Special District Risk Management Authority (SDRMA), has offered a local training event focused on Property & Liability and Workers' Compensation.

This training opportunity will be offered to neighboring public entities irrespective of their membership with SDRMA.

Board and/or staff attendance at this training will give our Agency SDRMA Credit Incentive Program (CIP) points towards both the Liability and Workers' compensation programs, which reduces the Agency's fees for these insurances.

The cost to the Agency is estimated at \$135.00 per Board member which includes per diem, mileage, and a meal.

RECOMMENDATION

Board to consider authorizing attendance for the SDRMA Liability and Workers' Compensation Training scheduled for December 2011 to take place at an approximate cost of \$135.00 per Board Member.

BACKGROUND/ANALYSIS

The Agency's Liability and Workers' Compensation insurance provider, Special District Risk Management Authority (SDRMA), has offered to travel to our area to perform training focused on Property & Liability and Workers' Compensation topics for our Agency and neighboring public Agencies/Districts which will include:

PROPERTY AND LIABILITY

1. Board Member Liability:

In this session they will discuss the legal role of the Board in the management and operations of a public agency and the role of individual Board members acting within the course and scope of their official duties.

2. Harassment AB 1825:

- * AB 1825 2 hour interactive presentation discussing the current status of Sexual Harassment / Hostile Work Environment Laws in California.
- * Required training every 2 years.
- * Newly hired / promoted Supervisors must have training within 6 months.
- * Open and frank discussion of examples of sexual harassment / hostile work environment.

3. Public Agency Immunities

WORKERS COMPENSATION

1. Workers Compensation Basics

SDRMA will perform this training at no cost to the Agency; however SDRMA would like for our Agency to encourage other public Agencies/Districts to attend this training to make it a cost effective trip for them.

The training may or may not take place at Bighorn-Desert View Water Agency depending upon the attendance level.

The training will take place sometime in December. A formal date has not been set; however, it should take place after the newly elected director(s) have been sworn in.

Board and/or staff attendance at this training will give our Agency SDRMA Credit Incentive Program (CIP) points towards both the Liability and Workers' compensation programs, which reduces the Agency's fees for these insurances.

Staff is requesting the Board of Directors approve this training for any Director that would like to attend. The newly elected director(s) will also benefit from this training.

The cost to the Agency is estimated at \$135.00 per Board member which includes per diem, mileage, and a meal.

PRIOR RELEVANT BOARD ACTION(S)

None

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
AUGUST 31, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
11384	08/09/11	ACWA-HBA SERVICES CORP.	
		ACWA/HEALTH BENEFITS SEPT 2011	629.05
11385	08/09/11	AT&T MOBILITY	
		COMMUNICATIONS EXPENSE	143.85
11386	08/09/11	BUCKNAM & ASSOCIATES, INC.	
		GRANT CONSULTING FEES	1,660.00
11387	08/09/11	TERRY BURKHART	
		SPECIAL MTG 07/22/11	
		REGULAR MTG 07/26/11	200.00
11388	08/09/11	CINTAS CORPORATION #150	
		UNIFORM SVC JULY	152.39
11389	08/09/11	CLINICAL LABORATORY OF	
		PT COUNT, BACT TEST	
		BACT TEST, PT COUNT	
		PT COUNT, BACTERIA TEST	216.00
11390	08/09/11	JUDY CORL-LORONO	
		REG MTG & AWAC 07/26/11	100.00
11391	08/09/11	FIRST BANKCARD	
		SIG FLASH DRIVE FOR PAYROLL	322.18
11392	08/09/11	HI-DESERT STAR	
		DISASTER HANDBOOK ADVERTISEMENT	95.00
11393	08/09/11	INLAND WATER WORKS	
		INVENTORY	280.16
11394	08/09/11	DAVID LARSON	
		REGULAR MTG 07/26/11	100.00
11395	08/09/11	MAYER HOFFMAN MCCANN P.C.	
		2010-2011 PYMT #1	11,467.00
11396	08/09/11	MICHAEL MCBRIDE	
		REGULAR MTG 07/26/11	100.00
11397	08/09/11	NELL GARCIA	
		REGULAR MTG 07/26/11	100.00
11398	08/09/11	PITNEY BOWES GLOBAL FINANCIAL	
		QUARTERLY LEASE 08/10-11/10	232.74
11399	08/09/11	PROTECTION ONE	
		SHOP MO SVC 08/26/11-9/25/11	41.58
11400	08/09/11	SDRMA	
		SDRMA MEDICAL BENEFITS	4,819.86
11401	08/09/11	TODD ENGINEERS	
		PROF SVC, RECHE, JULY	667.70
11402	08/09/11	UNDERGROUND SERVICE ALERT	
		DIG ALERTS, 10 DIG ALERTS	15.00
11403	08/09/11	USA BLUEBOOK	
		CHLORINATION SYSTEM MAINT	1,464.26
11414	08/18/11	BLODGETT, GESELL & ASSOCIATES	
		PARCEL 454-181-06 JV HYDRO	
		ADD'L ESCROW CLOSING COST	
		NON EPA REIM	500.00
11415	08/18/11	DISCOUNT TIRE CENTERS	
		'10' RANGER V#39127, TIRES	506.01
11416	08/18/11	GOODSPEED DISTRIBUTING INC	

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
AUGUST 31, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
		UNLEADED FUEL	1,498.85
11417	08/18/11	THE HOME DEPOT #6971	
		DV SHOP MAINT	30.88
11418	08/18/11	INLAND WATER WORKS	
		UPPER STEM FOR DAMAGED HYDRANT	
		NAPA	142.73
11419	08/18/11	JEFF DROZD	
		MAPS ATLAS UPDATE	354.38
11420	08/18/11	MAID TO ORDER	
		SVC JEMEZ 07/31/11	68.00
11421	08/18/11	McCALL'S METERS, INC	
		FLOW TEST	39.57
11422	08/18/11	OASIS OFFICE SUPPLY	
		SHIPPING CHG FOR METER TEST	
		ACCT #11-0024-2	
		AIR DUSTER	21.79
11423	08/18/11	OFFICE DEPOT	
		OFFICE SUPPLIES	152.00
11424	08/18/11	USA BLUEBOOK	
		WATER TESTING MATERIALS	260.01
11425	08/18/11	VERIZON CALIFORNIA	
		OFFICE PHONES & AUTO CONTROL	530.49
11426	08/18/11	WIENHOFF & ASSOCIATES, INC.	
		SUPERVISOR SAFETY TRAINING	50.00
11427	08/30/11	DAVID EASTEP	
		BALANCE RFND ACCT# 1103323	22.99
11428	08/30/11	DENISE FRANCIS	
		BALANCE RFND ACCT# 0308784	45.00
11429	08/30/11	IRIS ALAMILLO	
		BALANCE RFND ACCT# 0801497	124.64
11430	08/30/11	SALOMON VALDEZ	
		BALANCE RFND ACCT# 1000773	95.22
11431	08/30/11	SHELLY O'MALLEY	
		BALANCE RFND ACCT# 0108405	
		BALANCE RFND ACCT# 0801287	113.91
11432	08/30/11	STELLA DRAKE	
		BALANCE RFND ACCT# 0800231	19.04
11433	08/30/11	TERRY BURKHART	
		STANDING COMMITTEE MTG, PLEGS	
		08/18/11	100.00
11434	08/30/11	BURRTEC WASTE & RECYLING SVCS	
		TRASH FEES	78.38
11435	08/30/11	CLINICAL LABORATORY OF	
		PT COUNT, BACT TEST	
		PHYSICAL, PT COUNT, BACT TEST	459.00
11436	08/30/11	FIRST BANKCARD	
		COPIES	
		ADMIN & EMPLOYEE EDUCATION	665.06
11437	08/30/11	HI-DESERT STAR	
		12 MONTH SUBSCRIPTION	35.00
11438	08/30/11	INLAND WATER WORKS	
		INVENTORY	727.32
11439	08/30/11	DAVID LARSON	
		STANDING COMMITTEE MTG, PLEGS	

BIGHORN-DESERT VIEW WTR AGENCY
CHECK REGISTER
AUGUST 31, 2011

CHECK#	DATE	PAYEE & DESCRIPTION	AMOUNT
		08/18/11	100.00
11440	08/30/11	OFFICE DEPOT	
		OFFICE SUPPLIES	137.20
11441	08/30/11	PITNEY BOWES PURCHASE POWER	
		POSTAGE FOR METER AUG 2011	500.00
11442	08/30/11	SOUTHERN CALIFORNIA EDISON	
		POWER EXP JULY	7,167.03
11443	08/30/11	STATE WATER RES CONTROL BOARD	
		NPDES DISCHARGE PERMIT JVHI ,NON-EPA REIM	1,226.40
11444	08/30/11	USDA RURAL DEVELOPMENT	
		DV BOND PAYMENT	32,799.42
11445	08/30/11	VERIZON CALIFORNIA	
		OFFICE PHONES & AUTO CONTROLS	
		OFFICE PHONES & AUTO CONTROLS	87.08
		TOTAL	71,464.17

Prepared By SB
Date 9/15/2011
Reviewed By muwet

GENERAL FUND

ASSETS

CASH & CASH EQUIVALENTS

01 13120	CASH UNION BANK OF CA	70,746.04
01 13130	CASH CASH DRAWERS BASE FUND	750.00
01 13400	CASH PETTY CASH FUND	800.00

TOTAL CASH & CASH EQUIVALENTS		72,296.04

INVESTMENTS

01 13303	CASH LAIF-UNRESTRICTED	731,592.86

TOTAL INVESTMENTS		731,592.86

ACCOUNTS RECEIVABLE, WATER

01 13710	A/R WATER	157,508.27

TOTAL ACCTS RECEIVABLE, WATER		157,508.27

ACCOUNTS RECEIVABLE, OTHER

01 13600	A/R INTEREST EARNINGS	1,032.00

TOTAL ACCTS RECEIVABLE, OTHER		1,032.00

INVENTORIES

01 14301	INVENTORY-WATER SYSTEM PARTS	60,899.30

TOTAL INVENTORY		60,899.30

PREPAID EXPENSES

01 14401	PREPAYMENTS WORKERS COMP INSUR	535.33
01 14402	PREPAYMENTS PL & PD LIAB INS	23,567.09

TOTAL PREPAID EXPENSES		24,102.42

FIXED ASSETS

01 11130	FA ORGANIZATION	336,271.36
01 11140	FA LAND & BUILDINGS	294,654.63
01 11150	FA YARDS	52,957.71
01 11160	FA FUELS TANKS	16,604.30
01 11170	FA WATER SYSTEM	7,533,872.86
01 11180	FA SHOP EQUIPMENT	43,075.46
01 11181	FA MOBILE EQUIPMENT	444,498.62
01 11190	FA OFFICE EQUIPMENT	129,713.10
01 11400	ACCUMULATED DEPRECIATION	(5,311,793.38)

TOTAL FIXED ASSETS		3,539,854.66

WORK IN PROGRESS (FOR OTHERS)

01 12004	WIP BLUCKER ANNEXATION	111.52
01 12038	WIP HAHM INTERNATIONAL	2,339.87
01 12042	WALTERS HYDRANT REPAIR	957.67

GENERAL FUND

TOTAL WORK IN PROGRESS (OTHERS)	3,409.06
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WORK IN PROGRESS (AGENCY)

01 12005	WIP EPA GRANT	749,630.26
01 12041	WIP-JV HYDROGEOLOGIC INVSTGTN	8,714.42

TOTAL WORK IN PROGRESS (AGENCY)	758,344.68
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DEBT ISSUANCE COST

TOTAL DEBT ISSUANCE COST	0.00
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TOTAL ASSETS	5,349,039.29
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LIABILITIES

ACCOUNTS PAYABLE

01 22520	ACCRUED INTEREST PAYABLE	3,750.00
01 22700	ACCOUNTS PAYABLE	7,938.24

TOTAL ACCOUNTS PAYABLE	11,688.24
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ACCRUED PAYROLL

01 22900	ACCRUED PAYROLL LIABILITIES	15,016.03
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TOTAL ACCRUED PAYROLL	15,016.03
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CUSTOMER DEPOSITS

01 22550	CUSTOMER DEPOSITS PENDING	1,400.00
01 22600	CUSTOMER DEPOSITS	51,064.00

TOTAL CUSTOMER DEPOSITS	52,464.00
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WORK IN PROGRESS DEPOSIT

01 23004	WIP-DEP-BLOCKER ANNEXATION	7,500.00
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TOTAL WORK IN PROGRESS DEPOSIT	7,500.00
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LIAB PYBL FRM RESTRICTD ASSETS

01 22950	ACCRUED INT PAYABLE DV ID BNDS	4,487.21
01 22951	ACCRUED BONDS PAYABLE DV ID	2,000.00

TOTAL LIAB PYBL FRM REST ASSET	6,487.21
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LONG TERM DEBT

01 21101	REVENUE BONDS PAYABLE - DV	261,977.05
01 22300	REVENUE BONDS PAYABLE - BH	702,000.00

TOTAL LONG TERM DEBT	963,977.05
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BALANCE SHEET
PERIOD ENDING 08/31/11

GENERAL FUND

TOTAL LIABILITIES 1,057,132.53

EQUITY			

01 30109	CONTRIBUTED CAPITAL/HUD	291,035.88	
01 30111	FMHA GRANTS	758,297.76	
01 31000	FUND BALANCE	2,728,525.13	
01 31001	FUND BALANCE FEMA & OES	427,895.00	
01 31111	CURR YEAR NET REVENUE/EXPENSE	86,152.99	
TOTAL EQUITY		4,291,906.76	
TOTAL LIABILITIES & EQUITY		5,349,039.29	=====

Prepared By JB
Date 9/15/11
Reviewed By mubst

STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 08/31/11

GENERAL FUND

		BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
		-----	-----	-----	-----	-----
REVENUE						

OPERATING REVENUE						
01 41000	SERVICE LINE INSTALLATION FEES	1,255.00	0.00	0.00	1,255.00	0.00%
01 41001	BASIC FACILITIES CHARGE	4,098.00	0.00	0.00	4,098.00	0.00%
01 41100	INCOME METERED WATER	439,848.00	52,716.15	92,786.31	347,061.69	21.10%
01 41300	BASIC SERVICE CHARGE	594,000.00	49,547.68	99,731.51	494,268.49	16.79%
01 41400	INCOME METERED BULK WATER	0.00	5,938.21	11,469.36	0.00	0.00%
01 41600	INCOME REVENUE BONDS DV FMHA	49,662.00	8,361.11	8,396.79	41,265.21	16.91%
01 41700	INCOME OTHER (OPERATING)	34,460.00	2,931.56	7,281.50	27,198.50	21.12%
TOTAL OPERATING REVENUE		1,123,343.00	119,494.71	219,665.47	903,677.53	19.55%
NON-OPERATING REVENUE						
01 49100	INCOME GEN TAX ID A 1% BH GA02	52,100.00	1,999.09	-593.46	52,693.46	-1.14%
01 49101	INCOME BOND DEBT BH FMHA DA01	175,900.00	17,514.14	-57.45	175,957.45	-.03%
01 49102	INCOME GENERAL TAX 1% DV GA01	52,100.00	1,981.26	-561.33	52,661.33	-1.08%
01 49200	INTEREST INCOME	3,600.00	908.26	-14.66	3,614.66	-.41%
01 49600	INCOME OTHER (NON OPERATING)	0.00	681.97	681.97	0.00	0.00%
01 49999	FEDERAL/STATE GRANTS FEMA/OES	0.00	0.00	28,672.66	0.00	0.00%
TOTAL NON-OPERATING REVENUE		283,700.00	23,084.72	28,127.73	255,572.27	9.91%
TOTAL REVENUE		1,407,043.00	142,579.43	247,793.20	1,159,249.80	17.61%
EXPENSE						

OPERATIONS EXPENSE						
01 54102	OPERATIONS COMPENSATION	147,640.00	11,801.21	12,616.96	135,023.04	8.55%
01 54103	UNIFORMS	2,525.00	105.41	105.41	2,419.59	4.17%
01 54105	AUTO CONTROLS	0.00	253.40	295.63	0.00	0.00%
01 54106	VEHICLE/TRACTOR/EQUIP EXPENSE	9,000.00	506.01	733.44	8,266.56	8.15%
01 54107	VEHICLE EXPENSE - FUEL	18,000.00	1,498.85	3,244.66	14,755.34	18.03%
01 54109	FIELD MATERIALS & SUPPLIES	25,000.00	2,367.09	3,054.97	21,945.03	12.22%
01 54111	WATER TESTING	5,000.00	613.00	988.00	4,012.00	19.76%
01 54112	CONTRACTUAL SERV- ENGINEERING	52,000.00	432.76	-6,987.32	58,987.32	-13.44%
01 54114	WATER SYSTEM REPAIRS	25,000.00	260.01	260.01	24,739.99	1.04%
01 54115	BUILDING MAINTENANCE/REPAIR	11,680.00	140.46	4,659.63	7,020.37	39.89%
01 54119	COMMUNICATIONS EXPENSE	1,680.00	143.85	143.85	1,536.15	8.56%
01 54121	DISINFECTION EXPENSE	4,000.00	0.00	640.90	3,359.10	16.02%
01 54125	POWER WELLS & PUMPS	59,570.00	6,043.53	6,108.62	53,461.38	10.25%
01 54130	OTHER OPERATIONS EXPENSES	17,000.00	0.00	210.00	16,790.00	1.24%
TOTAL OPERATIONS EXPENSE		378,095.00	24,165.58	26,074.76	352,020.24	6.90%

STATEMENT OF REVENUE AND EXPENSE
PERIOD ENDING 08/31/11

GENERAL FUND

	BUDGET	REV OR EXP THIS MONTH	REV OR EXP YEAR TO DATE	AVAILABLE	YTD % OF BUDGET
BULK SYSTEM EXPENSE					
01 55001 PUMPING PLANT EXPENSE	8,935.00	570.77	533.12	8,401.88	5.97%
01 55002 BULK OPERATIONS & MAINTENANCE	5,000.00	192.76	192.76	4,807.24	3.86%
TOTAL BULK SYSTEM EXPENSE	13,935.00	763.53	725.88	13,209.12	5.21%
ADMINISTRATIVE EXPENSE					
01 56001 DIRECTOR FEES	20,000.00	800.00	1,700.00	18,300.00	8.50%
01 56002 DIRECTOR MEETING EXPENSES	11,000.00	0.00	0.00	11,000.00	0.00%
01 56003 ADMINISTRATIVE COMPENSATION	260,000.00	13,963.08	21,739.61	238,260.39	8.36%
01 56005 ADMINISTRATIVE MEETING EXPENSE	1,000.00	0.00	0.00	1,000.00	0.00%
01 56006 CONTRACTUAL SERV-AUDITOR	29,418.00	11,467.00	11,467.00	17,951.00	38.98%
01 56007 CONTRACTUAL SERV-LEGAL	80,000.00	0.00	-1,530.50	81,530.50	-1.91%
01 56008 PERS CONTRIBUTION	40,450.00	2,970.79	2,784.82	37,665.18	6.88%
01 56009 PAYROLL TAXES	9,375.00	495.59	-1,294.88	10,669.88	-13.81%
01 56011 TELEPHONE/FAX/INTERNET/WEB	7,420.00	356.33	416.32	7,003.68	5.61%
01 56012 MAILING EXPENSES	7,550.00	500.00	500.00	7,050.00	6.62%
01 56014 CONTRACTUAL SERV-OTHER	38,660.00	1,053.66	2,120.60	36,539.40	5.49%
01 56016 PROPERTY/LIABILITY EXPENSE	30,000.00	2,356.71	4,713.42	25,286.58	15.71%
01 56017 WORKERS COMP INSURANCE	14,500.00	535.33	-535.33	15,035.33	-3.69%
01 56018 DUES & SUBSCRIPTIONS	7,725.00	282.74	763.91	6,961.09	9.89%
01 56020 POWER OFFICES & YARDS	5,200.00	622.57	435.10	4,764.90	8.37%
01 56022 BAD DEBT EXPENSE	43,000.00	32,841.99	32,841.99	10,158.01	76.38%
01 56025 PROPANE	1,800.00	0.00	0.00	1,800.00	0.00%
01 56030 OFFICE SUPPLIES	5,000.00	611.38	973.87	4,026.13	19.48%
01 56100 EMPLOYEE BENEFITS INSURANCE	70,850.00	4,854.65	9,709.30	61,140.70	13.70%
01 56110 EMPLOYEE EDUCATION	3,300.00	529.00	529.00	2,771.00	16.03%
TOTAL ADMINISTRATIVE EXPENSE	686,248.00	74,240.82	87,334.23	598,913.77	12.73%
TOTAL OPERATING EXPENSE	1,078,278.00	99,169.93	114,134.87	964,143.13	10.58%
NON-OPERATING EXPENSE					
01 56200 OFFICE EQUIPMENT EXPENSE	4,950.00	0.00	0.00	4,950.00	0.00%
01 56300 CUSTOMER RELATIONS	3,000.00	95.00	126.25	2,873.75	4.21%
01 56400 OTHER ADMINISTRATIVE EXPENSES	3,000.00	237.23	237.23	2,762.77	7.91%
01 57100 DEPRECIATION EXPENSE	0.00	19,671.22	39,342.44	0.00	0.00%
01 58100 ELECTION COSTS	12,000.00	0.00	0.00	12,000.00	0.00%
01 59100 INTEREST EXPENSE - DV BONDS	0.00	7,799.42	7,799.42	0.00	0.00%
TOTAL NON-OPERATING EXPENSE	22,950.00	27,802.67	47,505.34	-24,555.34	206.99%
TOTAL EXPENSE	1,101,228.00	126,972.80	161,640.21	939,587.79	14.68%
NET REV/EXP GENERAL FUND	305,815.00	15,606.63	86,152.99	219,662.01	28.17%

Prepared By JBDate 9/15/11Reviewed By muw

SOURCES & USES OF FUNDS STATEMENT
GENERAL ACCOUNT (UNION BANK)

Aug-11

SOURCES OF FUNDS:

SERVICE LINE INSTALLATION FEES	
BAD DEBT EXPENSE	
A/R - WATER	93,822.18
MISCELLANEOUS REVENUE	1,734.93
1% GENERAL TAX	
BIGHORN AD VALOREM TAX	
WORKFORCE DEVELOPMENT GRANT	
A/P REFUND	2846.18
CUSTOMER DEPOSITS	<u>1,800.00</u>

TOTAL	<u><u>100,203.29</u></u>
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USE OF FUNDS:

A/R WATER	420.80
WIP EXPENSE	
CAPITAL PURCHASES (EPA GRANT)	2,327.70
CAPITAL PURCHASES (JV Hydro Investigation)	1,726.40
INVENTORY PURCHASES	1,007.48
PREPAYMENTS - INSURANCE	
PAYMENTS FOR SALARIES & WAGES	33,332.02
ADMINISTRATIVE EXPENSE	22,012.64
OPERATIONS EXPENSES	12,283.38
INTEREST EXPENSE - BH BONDS	7799.42
BOND PAYABLE - DV	25,000.00

TOTAL	<u><u>105,909.84</u></u>
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Prepared By JB
Date 9/15/11
Reviewed By mmw

**UNION BANK OF CALIFORNIA
DISBURSEMENTS AUG 2011**

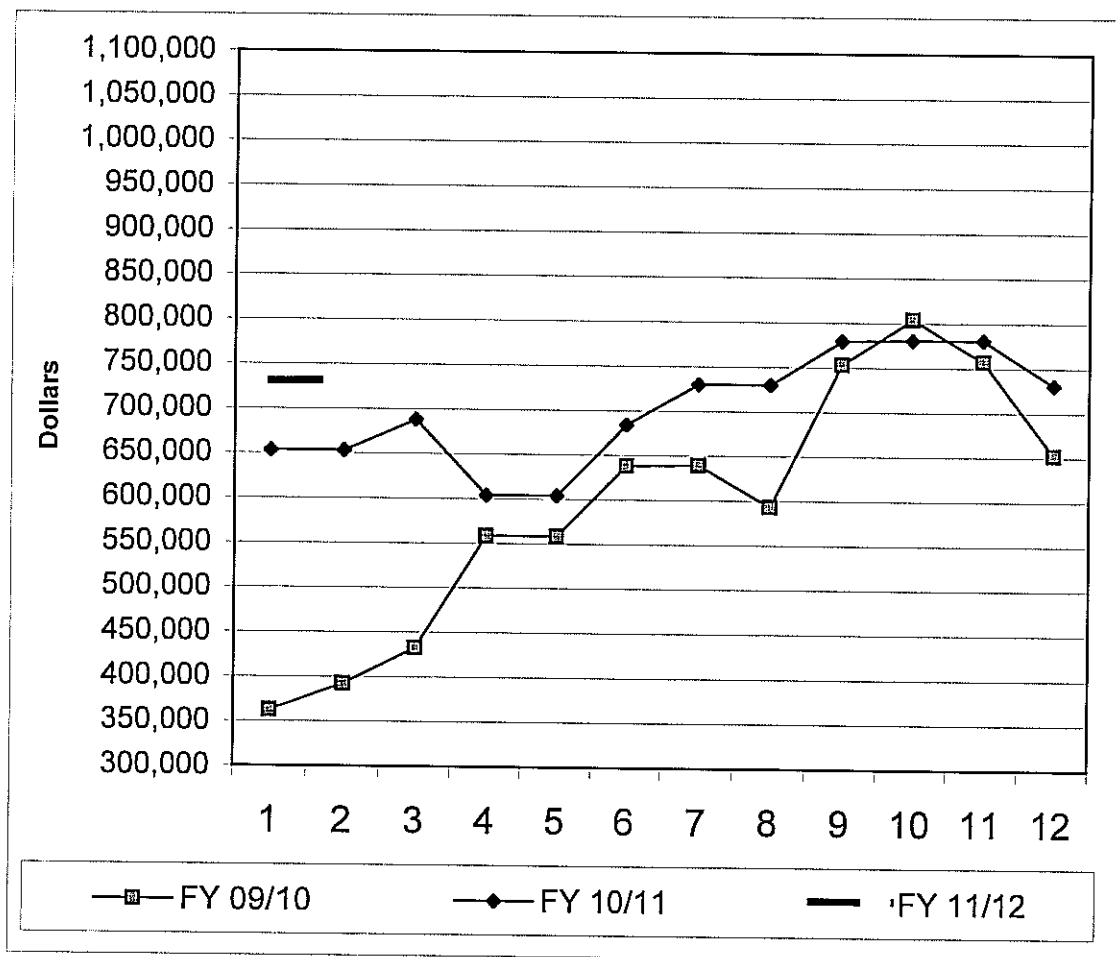
Datastream Check Register	<u>71,464.17</u>	<u>71,464.17</u>	
EFT for Vendor Services			
Bank Fees	182.39		
Credit Card Fees	871.27		
Internet Access Fee	<u>59.99</u>		
Total EFT for Vendor Services		<u>1,113.65</u>	
Wages for Paydate 08/04/11			
State and Fed Taxes Paid	2,582.69		
Wages check # 11372-11381	11,847.07		
Calpers #11382	<u>3,262.89</u>		
		<u>17,692.65</u>	
Wages for Paydate 08/19/11			
State and Fed Taxes paid	1,965.97		
Wages check # 11404-11412	10,417.02		
Calpers #11413	<u>3,256.38</u>		
		<u>15,639.37</u>	
Transfers to LAIF	<u>-</u>	<u>-</u>	
Total Disbursements			<u><u>105,909.84</u></u>

Prepared By 83
Date 9/15/11
Reviewed By Ymuna

Local Agency Investment Fund Balance Timeline

Balance as of

	FY 09/10	FY 10/11	FY 11/12
July	362,520	653,168	730,685
August	392,520	653,168	731,593
September	432,520	688,168	781,593
October	558,397	604,025	
November	558,397	604,025	
December	638,397	684,025	
January	639,258	729,762	
February	593,258	729,762	
March	753,258	779,762	
April	804,136	780,685	
May	757,136	780,685	
June	652,136	730,685	



Prepared By JB
 Date 9/15/2011
 Reviewed By mmw

DATE: SEPTEMBER 2011
 TO: LYN TOMPkins
 FROM: Michelle Corbin
 RE: Consumption & Billing Comparison August 2011

Consumption

Residential- North- Bighorn

	Meters	Usage (c.f.)
Book 1	148	0
Book 2	183	0
Book 3	162	351
Book 4	152	129
Book 5	129	216
Book 6	137	0
Total	911	696

Residential- South- Desert View

	Meters	Usage (c.f.)
Book 7	164	236,889
Book 8	177	367,455
Book 9	188	434,179
Book 10	179	368,309
Book 11	191	369,067
Total	899	1,775,899

Bulk -Kickapoo, Well 4, Cherokee

	Meters	Usage (c.f.)
Book 30	41	22,987
Book 31	6	5,689
Book 32	4	15,610
Total	51	44,286

Construction Meters

	Meters	Usage (c.f.)
Book 40	0	0
Total	0	0

Bulk - Well 10

	Meters	Usage (c.f.)
Book 33	46	26,750
Total	46	26,750

Billed Consumption	1,847,631
Non Billed Usage	4,249
Total Consumption	1,851,880

Active Residential Meters	1,810
Active Bulk Meters	97
Total Active Meters	1,907

Billing Comparison

	This Year AUG 2011	Last Year AUG 2010	Difference More (Less)
Statistics			
Total Customer Accounts	996	994	2
Usage in Cubic Feet	1,847,631	1,942,781	(95,150)
Percentage Increase/(Decrease)			-5%

Revenues

Water Revenues	59,336.06	62,633.14	(3,297.08)
Basic Service Charge	49,547.68	49,455.98	91.70
Miscellaneous	311.62	431.10	(119.48)
Delinquent Charges	1,619.95	2,248.61	(628.66)
Total Operating Revenues	110,815.31	114,768.83	(3,953.52)

Debt Service Revenues (pass through)

FMHA **	8,361.11	8,355.82	5.29
Total Debt Service Revenues	8,361.11	8,355.82	

Additional Information Regarding Pass Through Revenues

** FMHA annual debt service of \$41,150 divided over 6 months equals \$6,858

Total Charges (Proof)	119,176.42	123,124.65	(3,948.23)
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BIGHORN DESERT VIEW WTR AGENCY

DATE: 09/22/11

SERVICE ORDER SUMMARY REPORT

PAGE: 1

SELECTION: CLOSED ORDERS ONLY, ENTERED DATES FROM 08/01/11 TO 08/31/11

CODE	DESCRIPTION	COUNT
=====	=====	=====
CALL	AFTER HOURS CALL	4
CLOS	CLOSE ACCT- READ AND LOCK OFF	31
CUST	CUSTOMER REQUEST/ANCE	12
HANG	HANG TAG	33
LEAK	REPORTED LEAK	1
LKRSP	LEAK RESPONSE	8
LOCK	LOCK OFF ON AGENCY SIDE	8
MISC	MISCELLANEOUS	7
OPEN	OPEN ACCT- READ AND UNLOCK	31
REPAIR	SERVICE LINE REPAIR	14
REREAD	REREAD DUE TO HIGH CONSUMPTION	55
UNLOCK	UNLOCK ON AGENCY SIDE	7
VERIFY	VERIFY SERVICE OFF & LOCKED	2

	TOTAL SERVICE ORDERS	213



DATE: 8/8/2011
 TO: Board of Directors
 FROM: Kit Boyd
 RE: AUGUST PRODUCTION

	Cubic Feet Pumped	Total Gallons Pumped	Average GPM	Total Running Time	acre feet
Well 2	0	0	#DIV/0!	0	0.00
Well 3	305,950	2,288,506	377	101.1	7.02
Well 4	0	0	#DIV/0!	0	0.00
Well 6	1,077,898	8,062,677	439	306.2	24.75
Well 7	410	3,067	256	0.2	0.01
Well 8	411,600	3,078,768	945	54.3	9.45
Well 9	184,500	1,380,060	665	34.6	4.24
Well 10	20,710	154,911	53	48.3	0.48
Total	2,001,068	14,967,989			45.94

Wells 2, and 4 did not run this month

Well 3 back on line

A Boosters	120,150	898,722	157	95.7	
C Boosters	444,100	3,321,868	286	193.4	
Total	564,250	4,220,590			

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhardt, President
Michael McBride, Vice President
David Larson, Director
Judy Corl-Lorono, Director
Nell Casey Garcia, Director



Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

760/364-2315 Phone
760/364-3412 Fax

Marina D West, PG, General Manager
Lyni Tompkins, Board/Exec. Secretary

A Public Agency

www.bdvwa.org

**BOARD OF DIRECTORS'
REGULAR MEETING MINUTES**

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, August 23, 2011 - 6:00 p.m.

CALL TO ORDER

Meeting convened by Board President Terry Burkhardt at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Led by Dr. Bob Karman.

ROLL CALL

Directors Present: Michael McBride
Judy Corl-Lorono
Terry Burkhardt
Nell Casey Garcia
David Larson

Staff Present: Marina West
Lyni Tompkins

APPROVAL OF AGENDA

Motion to approve the agenda.

MSC! (Corl-Lorono/McBride) unanimously approved.

**RESOLUTION NO. 11R-12 - NOMINATE AND SUPPORT MICHAEL MCBRIDE AS A CANDIDATE
FOR THE POSITION OF ACWA VICE PRESIDENT**

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-044

After Board discussion, Director Larson made a motion to adopt Resolution No. 11R-12, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency to Nominate and Support Michael McBride as a Candidate for the position of ACWA Vice President. Director Corl-Lorono seconded the motion.

Roll Call Vote:

Ayes:	Burkhart, Corl-Lorono, Garcia, Larson
Nayes:	None
Abstain:	McBride
Absent:	None

MSC¹ (Larson/Corl-Lorono) motion carried. Vice President McBride abstained from voting due to a possible conflict of interest.

MOTION NO. 11-045

Director Larson made a motion to approve a portion of the travel and per diem expenses of \$250.00 for Vice President McBride to attend the interview in Sacramento for this position. Director Corl-Lorono seconded the motion.

MSC¹ (Larson/Corl-Lorono) motion carried. Vice President McBride abstained from voting due to a possible conflict of interest.

RESOLUTION NO. 11R-13 PROVIDING FOR IRS SECTION 125 CAFETERIA PLANS: FLEXIBLE SPENDING ACCOUNT, CHILD DEPENDENT CARE, AND PREMIUM PLAN FOR ANY ONE ELIGIBLE EMPLOYEE

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-046

After Board discussion, Vice President McBride made a motion to adopt Resolution No. 11R-13, A Resolution of the Board of Directors of the Bighorn Desert View Water Agency Providing for IRS Section 125 Cafeteria Plans: Flexible Spending Account, Child Dependent Care, and Premium Plan for Any One Eligible Employee. The motion was seconded by Director Larson.

MSC¹ (McBride/Larson) unanimously approved.

RESOLUTION NO. 11R-14 - CHANGING CREDIT CARD PROCESSING PROVIDERS AND PASSING ANY PAYMENT PROCESSING FEES DIRECTLY ONTO THE CUSTOMER

General Manager West gave the staff report.

Public comment:

Anonymous, commented about customers paying by debit and the Agency paying the fees for that transaction.

MOTION NO. 11-047

After Board discussion, Vice President McBride made a motion to authorize the General Manager to change credit card processing providers from Elavon to Official Payments with the acknowledgement that the vendor will charge the customer directly for any applicable transaction fee(s); and adopt Resolution No. 11R-14, A Resolution of the Board of Directors of the Bighorn-Desert View Water Agency Changing Credit Card Processing Providers and Passing any Payment Processing Fees Directly onto the Customer. Director Cori-Lorono seconded the motion.

MSC¹ (McBride/Cori-Lorono) unanimously approved.

BOARD TO DETERMINE PROCESS OF GENERAL COUNSEL INTERVIEWS

General Manager West gave the staff report.

Public comment:

Anonymous, commented about the types of questions the Board could ask the candidates being interviewed for Agency General Counsel.

MOTION NO. 11-048

After Board discussion, Director Cori-Lorono made a motion to have the General Counsel candidates, short-listed by the Ad Hoc Committee, complete a presentation before the Board and public, and then the Board will interview the candidates in closed session. Director Larson seconded the motion.

MSC¹ (Cori-Lorono/Larson) unanimously approved.

POLICY STATEMENT NO. 11P-01 - ESTABLISHING "DESERT LANDSCAPE WATER CONSERVATION GUIDELINES" IN AN EFFORT TO REDUCE THE IMPACT ON FUTURE WATER DEMAND

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-049

After Board discussion, Director Larson made a motion to adopt Policy Statement No. 11P-01, A Policy of the Board of Directors of the Bighorn-Desert View Water Agency Establishing "Desert Landscape Water Conservation Guidelines" in an Effort to Reduce the Impact on Future Water Demand. The motion was seconded by Vice President McBride.

MSC¹ (Larson/McBride) unanimously approved.

Adjourned for a Break at 6:46 p.m. - Reconvened from Break at 7:00 p.m.

ATTENDANCE AT CALIFORNIA SPECIAL DISTRICT ASSOCIATION ANNUAL MEETING TO RECEIVE THE MCMURCHIE EXCELLENCE IN SAFETY AWARD FOR 2011 FROM SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

General Manager West gave the staff report.

Public comment:

Anonymous, commented this is a great opportunity for the Agency to get good press from this achievement.

MOTION NO. 11-050

After Board discussion, Director Corl-Lorono made a motion to send Vice President McBride to receive the McMurchie Excellence in Safety Award for 2011 from Special District Risk Management Authority to be held on Wednesday October 12, 2011, and pay for qualifying expenses costing a maximum of \$300; this cost will not effect Vice President McBride's education budget. Director Garcia seconded the motion.

MSC¹ (Corl-Lorono/Garcia) motion carried. Vice President McBride abstained from voting due to a possible conflict of interest.

APPROVING THE AGENCY'S OFFICIAL SEAL DESIGN

General Manager West gave the staff report.

No public comment.

MOTION NO. 11-051

After Board discussion, Director Larson made a motion to approve the proposed design of the Agency's Official Seal, with a slight design modification, at a cost of \$170. The motion was seconded by Vice President McBride.

MSC¹ (Larson/McBride) unanimously approved.

DISBURSEMENTS JULY 2011

No public comment.

Vice President McBride made a motion to approve the Disbursements (Check Register - Payment of Bills) for July 2011. Director Corl-Lorono seconded the motion.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

CONSENT ITEMS

a. Financial Statements July 2011

1. Balance Sheet
2. Statement of Revenue and Expense
3. General Account (Union Bank)
4. Disbursements
5. Local Agency Investment Fund Balance Timeline

b. Consumption & Billing Comparison Report, July 2011

c. Service Order Report, July 2011

d. Production Report, July 2011

e. Special Board Meeting Minutes, July 22, 2011

f. Regular Board Meeting Minutes, July 26, 2011

g. Progress Report on the Ames/Reche Recharge Facility Project, Todd Engineers, July 2011

h. Resolution No. 11R-15, BOD Authorizing Investment of Monies into the Local Agency Investment Fund (LAIF)

i. Resolution No. 11R-16, BOD Establishing its Banking Policy with Union Bank

No public comment.

Vice President McBride made a motion to approve consent items a - i. The motion was seconded by Director Corl-Lorono.

MSC¹ (McBride/Corl-Lorono) unanimously approved.

PUBLIC PARTICIPATION

Dr. Bob Karman, of Yucca Mesa, commented he believes the Agency's sign located on Hwy 247 should be more visible.

VERBAL REPORTS

GENERAL MANAGER'S REPORT

General Manager West reported the Agency will be closing escrow on the Johnson Valley property this week; The JVHI RFP was sent out to 52 firms; she intends on bringing the contract to the Board next month; and regarding the EPA STAG grant she requested a no-cost time extension to November 30, 2012 from the EPA.

General Manager West also gave an update on the Ames Reche Project.

DIRECTORS' REPORT

Vice President McBride reported on attending Joshua Basin Water District's Board meeting this month.

Director Corl-Lorono reported on attending the AWAC meeting this month.

Director Larson reported on attending the Acquisition of Legal Counsel Ad Hoc Committee, and is looking forward to attending the Morongo Basin Pipeline Commission meeting next month.

PRESIDENT'S REPORT

None

ITEMS FOR NEXT AGENDA

Conduct General Counsel interviews at a Special meeting on Tuesday, September 13, 2011.

ADJOURNMENT - President Burkhardt adjourned the meeting at 7:43 p.m.

Approved by:

Judy Corl-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhart, President
Michael McBride, Vice President
David Larson, Director
Judy Corl-Lorono, Director
Nell Casey Garcia, Director



Agency Office
622 S. Jemez Trail
Yucca Valley, CA 92284-1440

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760/364-3412 Fax

Marina D West, PG, General Manager
Lyni Tompkins, Board/Exec. Secretary

A Public Agency

www.bdvwa.org

**BOARD OF DIRECTORS'
SPECIAL MEETING MINUTES**

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday, September 13, 2011 - 3:00 p.m.

CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 3:00 p.m.

PLEDGE OF ALLEGIANCE

Led by Larry Callander.

ROLL CALL

Directors Present:

Terry Burkhart
Michael McBride
David Larson
Nell Casey Garcia
Judy Corl-Lorono

Staff Present:

Marina West
Lyni Tompkins

APPROVAL OF AGENDA

Motion to approve the agenda.

MSG¹ (Corl-Lorono/Larson) unanimously approved.

LAW OFFICES OF LEMIEUX & O'NEILL PRESENTATION TO THE BOARD OF DIRECTORS

General Manager West introduced the legal firm to the Board and public.

Wayne K. Lemieux and W. Keith Lemieux from the Law Offices of Lemieux & O'Neill gave a presentation of their firm's qualifications and ability in consideration for appointment as Agency General Counsel.

No public comments.

CLOSED SESSION: PUBLIC EMPLOYMENT

Title: General Counsel

Pursuant to Government Code Section 54957(b) (1)

General Manager to be present.

The Board to interview firm in consideration for appointment as General Counsel.

No public comments.

Adjourned for closed session at 3:20 p.m. - Reconvened from closed session at 4:06 p.m.

CLOSED SESSION REPORT

No reportable action.

Adjourned for a break at 4:07 p.m. - Reconvened from break at 4:28 p.m.

LAW OFFICES MCMURTREY, HARTSOCK & WORTH PRESENTATION TO THE BOARD OF DIRECTORS

General Manager West introduced the legal firm to the Board and public.

James A. Worth and Isaac L. St. Lawrence from the Law Offices McMurtrey, Hartsock & Worth gave a presentation of their firm's qualifications and ability in consideration for appointment as Agency General Counsel.

No public comments.

CLOSED SESSION: PUBLIC EMPLOYMENT

Title: General Counsel

Pursuant to Government Code Section 54957(b)(1)

General Manager to be present.

The Board to interview firm in consideration for appointment as General Counsel.

No public comments.

Adjourned for closed session at 4:50 p.m. - Reconvened from closed session at 5:32 p.m.

CLOSED SESSION REPORT

No reportable Action.

Adjourned for a break at 5:33 p.m. - Reconvened from break at 6:15 p.m.

RICHARDS WATSON GERSHON ATTORNEYS AT LAW PRESENTATION TO THE BOARD OF DIRECTORS

General Manager West introduced the legal firm to the Board and public.

James L. Markman and Steven L. Flower from Richards Watson Gershon Attorneys at Law gave a presentation of their firm's qualifications and ability in consideration for appointment as Agency General Counsel.

No public comments.

CLOSED SESSION: PUBLIC EMPLOYMENT

Title: General Counsel

Pursuant to Government Code Section 54957(b)(1)

General Manager to be present.

The Board to interview firm in consideration for appointment as General Counsel.

No public comments.

Adjourned for closed session at 6:32 p.m. - Reconvened from closed session at 7:18 p.m.

CLOSED SESSION REPORT

No reportable Action.

Adjourned for a break at 7:19 p.m. - Reconvened from break at 7:33 p.m.

AKLUFİ & WYSOCKI ATTORNEYS AT LAW PRESENTATION TO THE BOARD OF DIRECTORS

General Manager West introduced the legal firm to the Board and public.

Joseph S. Aklufi from Aklufi & Wysocki Attorneys at Law gave a presentation of his firm's qualifications and ability in consideration for appointment as Agency General Counsel.

No public comments.

CLOSED SESSION: PUBLIC EMPLOYMENT

Title: General Counsel

Pursuant to Government Code Section 54957(b)(1)

General Manager to be present.

The Board to interview firm in consideration for appointment as General Counsel.

No public comments.

Adjourned for closed session at 7:38 p.m. - Reconvened from closed session at 8:41 p.m.

CLOSED SESSION REPORT

No reportable Action.

PUBLIC PARTICIPATION

No public comments.

ADJOURNMENT - President Burkhart adjourned the meeting at 8:41 p.m.

Approved by:

Judy Cori-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.

Bighorn-Desert View Water Agency

Board of Directors

Terry Burkhart, President
Michael McBride, Vice President
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Judy Corl-Lorono, Director
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BOARD OF DIRECTORS' SPECIAL MEETING MINUTES

BOARD MEETING OFFICE
1720 N. Cherokee Trail, Landers, CA 92285
Wednesday, September 21, 2011 - 6:30 p.m.

CALL TO ORDER

Meeting convened by Board President Terry Burkhart at 6:40 p.m.

President Burkhart read rules of order for this meeting.

PLEDGE OF ALLEGIANCE

Led by Larry Callander.

ROLL CALL

Directors Present: Terry Burkhart
Michael McBride
Judy Corl-Lorono
Nell Casey Garcia
David Larson

Staff Present: Marina West

APPROVAL OF AGENDA

Motion to approve the agenda.

MSCI (Larson/Corl-Lorono) unanimously approved.

CLOSED SESSION: PUBLIC EMPLOYMENT

Title: General Counsel

Pursuant to Government Code Section 54957(b)(1).

The Board to consider choosing firm to appoint as General Counsel.

Public comments:

Jim Hanley, of Johnson Valley, questioned and criticized the process of choosing General Counsel.

Anonymous, questioned and criticized the process of choosing General Counsel.

Adjourned for closed session at 6:44 p.m. - Reconvened from closed session at 7:05 p.m.

CLOSED SESSION REPORT

President Burkhart reported that the Board is moving to item 7 on the agenda.

APPOINTMENT OF GENERAL COUNSEL

President Burkhart reported that the Board will consider appointing General Counsel, and authorize the General Manager to execute contract.

Public comment:

Anonymous, read Government Code 54957 (b) (1), criticized the process of choosing General Counsel, and violating the Brown Act.

Anonymous, commented on violating the Brown Act and criticized the process of choosing General Counsel.

Larry Callander, commented he does not see a violation of the Brown Act, and the General Counsel selection process was agendaized in a previous public meeting.

MOTION NO. 11-052

After Board discussion, Director Cori-Lorono made a motion to direct the General Manager to negotiate a contract with the firm of Aklufi & Wysocki Attorneys at Law based on their response to the Agency's Request for Qualifications to be appointed as the Agency's General Counsel. Director Larson seconded the motion.

MSC¹ (Cori-Lorono/Larson) unanimously approved.

PUBLIC PARTICIPATION

Jim Hanley, of Johnson Valley, commented on qualifications of new General Counsel, criticized the transparency of the Board of Directors, and the process of choosing General Counsel.

Anonymous, commented on a meeting and a book by Terry Francke regarding the Brown Act.

Anonymous, commented he does not see a Brown Act violation, and does not see a problem with the process the Board used to appoint General Counsel. The process was voted on by the Board in a previous public meeting.

Bob Karman, of Yucca Mesa, commented on how other agencies are establishing codes of conduct for elected bodies, staff and the public, and suggested the Board establish a code of conduct for our public meetings.

Director Cori-Lorono commented on the process the Ad Hoc Committee and the Board of Directors conducted in choosing Agency's legal counsel.

Director Larson commented on the importance of getting sound legal counsel and the transparency of the process the Board went through in choosing legal counsel.

Vice President McBride commented on the absence of these agency critics at the meeting (of September 13, 2011) where the legal firms gave presentations to the Board and public in the open meeting.

Directed Garcia commented that the General Counsel firms gave presentations in an open public meeting and the public was given notice to attend that meeting.

President Burkhart commented about attorneys qualifications regarding knowledge of the Brown Act.

Suzanne Johnson, of Landers, commented she believes the board is not hiding anything from the public.

ADJOURNMENT - President Burkhart adjourned the meeting at 7:27 p.m.

Approved by:

Judy Corl-Lorono
Board Secretary

MSC¹ – Motion made, seconded, and carried.

TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

September 10, 2011

To: Marina West
Bighorn-Desert View Water Agency
622 S. Jemez Trail
Yucca Valley, California 92284

From: Daniel Craig, Project Manager

Subject: **Progress Report – August 2011**
Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project
Bighorn-Desert View Water Agency and Todd Engineers

Todd Engineers (Todd) is pleased to submit this Monthly Progress Report for the *Project Management, Permitting, Hydrogeologic Feasibility Study and Groundwater Management Plan Project* (Project) for the period of August 1 through 31, 2011.

The following summarizes the work completed during the period, costs for the period and to date, and anticipated activities for the upcoming September 2011 monthly period.

Work Completed During August 2011

Task 4.2 Support for MOU and Water Agreement Amendment - Todd and Aleshire & Wynder LLP (Richards/Watson/Gershon) provided support to the Agency for comments on the final draft MOU/Agreement amendment.

Work Planned for September 2011

Task 4.1 Groundwater Management Plan - Todd will incorporate BDVWA comments on the draft and prepare the final GWMP.

Task 4.2 Support for MOU and Water Agreement Amendment - Todd and Richards, Watson & Gershon will provide support as-needed for the MOU/Agreement amendment.

Charges to Date and Budget Summary

Per our telephone conversation on August 11, 2011, the task budget for Task 6 – *Stakeholder Outreach* was divided and transferred to Tasks 4.1 *Groundwater Management Plan* and 4.2 *Agreement Amendment*. Charges to date and budget remaining (through August 31, 2011) are summarized in the attached tables. Total professional charges for the Period August 1 through 31,

2011 are \$1,326.90, bringing total charges to date to \$519,592.90 out of the approved project budget of \$531,321.50. The remaining budget is \$11,728.60.

Attachments:

Table 1. Charges Details by Task

Table 2. Charges to Date and Budget Remaining



Todd Engineers and Kennedy/Jenks Consultants

Table 2 Charges to Date and Budget Remaining (through August 31, 2011)

Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan

Task Name	Task Budget	Charges to Date (August 31, 2011)	Remaining Budget
Task 1 – Project Management	\$36,831.60	\$36,932.92	-\$101.32
Task 2 – Permitting Support	\$39,356.00	\$38,255.94	\$1,100.06
Task 3 – Hydrogeology Feasibility Studies			
3.1 Vadose Zone Investigation and Monitoring Well Installation	\$158,430.55	\$163,833.44	-\$5,702.89
3.2 HDWD Well No. 24 Aquifer Test	\$18,638.40	\$18,554.97	\$83.43
3.3 Perennial Yield Assessment	\$15,381.60	\$15,396.10	-\$14.50
3.4 Groundwater Flow Evaluation	\$81,227.05	\$81,212.20	\$14.85
3.5 Water Quality Evaluation	\$18,083.10	\$18,064.88	\$28.22
3.6 Hydrogeology FS Report	\$34,399.60	\$34,384.66	\$14.94
Task 3 Total	\$325,870.30	\$331,446.24	-\$5,575.94
Task 4 – Groundwater Management Plan and Water Agreement Amendment			
4.1 GWMP	\$47,571.60	\$40,036.28	\$7,535.33
4.2 Agreement Amendment	\$81,692.00	\$72,921.52	\$8,770.48
Task 4 Total	\$129,263.60	\$112,957.80	\$16,305.80
Project Total	\$531,321.50	\$519,592.90	\$11,728.60



Todd Engineers and Kennedy/Jenks Consultants

Table 1 Charges Details by Task (through August 31, 2011)

Project Management, Permitting, Hydrogeologic Feasibility Study, and Groundwater Management Plan														Accrued Hours by Task		
Classification	Project Manager	Principal Geologist	Senior Geologist	Senior Geologist	QC	Graphics	Total Labor Hours	Total Labor	Comm Fee	Travel Admin Costs	Subcontractors Driller, Lab, Other Direct Costs	Expense Fee	Subcontractor Kennedy/Jenks	Total Costs		
Hourly Rates	Craig \$185	Stanin \$180	Lin \$160	Abbott \$170	Taylor \$160	Prisetaf \$190										
Task 1 – Project Management	160	0.25	28.5	4.5	2.5	2	12.5	\$ 34,845.00	\$ 806.90	\$ 1,327.85	\$ 54.02	\$ 0.24		\$ 36,932.92		
Task 1 – Project Management	150	0.25	28.5	4.5	2.5	2	12.5	\$ 34,845.00	\$ 806.90	\$ 1,327.88	\$ 54.02	\$ 8.24		\$ 36,932.92		
Task 2 – Permitting Support	88.75	0	21.5	0	0	0	88.25	\$ 15,768.75	\$ 315.78				\$ 22,151.41	\$ 36,255.84		
Task 3 – Hydrogeology Feasibility Studies																
3.1 Vadose Zone Investigation and Monitoring Well Installation	143.5	0	24.5	0	0	0	168	\$ 30,467.50	\$ 609.35	\$ 569.65	\$ 79,940.70	\$ 7,994.07	\$ 44,320.71	\$ 163,833.44		
3.2 HDWD Well No. 24 Aquifer Test	40.5	0	0	55	0	0	95.5	\$ 16,842.50	\$ 336.85		\$ 1,239.30	\$ 123.93	\$ 12.39	\$ 18,554.97		
3.3 Perennial Yield Assessment	26	0	57	0	0	0	83	\$ 13,950.00	\$ 278.60		\$ 1,187.50			\$ 15,396.10		
3.4 Groundwater Flow Evaluation	303	0	146.75	0	0.5	0	450.25	\$ 79,610.00	\$ 1,592.20		\$ 10.00			\$ 81,312.20		
3.5 Water Quality Evaluation	40.5	0	18	0	0	0	67.5	\$ 12,037.50	\$ 240.75		\$ 4,955.00	\$ 405.50	\$ 1,326.13	\$ 18,004.89		
3.6 Hydrogeology FS Report	102.5	0	0	0	0	0	194.5	\$ 33,587.50	\$ 673.75		\$ 21.00	\$ 2.11	\$ 0.21	\$ 34,384.00		
Task 3 Total	725	0	255.25	55	0.5	0	1058.75	\$ 166,875.00	\$ 3,731.56	\$ 569.86	\$ 86,453.59	\$ 8,535.61	\$ 45,688.44	\$ 371,448.24		
Task 4 – Groundwater Management Plan and Water Agreement Amendment																
4.1 GWMP	88.5	10.25	99.5	0	0	0	251	\$ 39,251.25	\$ 795.03					\$ 40,039.28		
4.2 Agreement Amendment	60	28	100	0	0	0	188	\$ 32,420.00	\$ 648.40	\$ 20.00	\$ 32,768.11	\$ 3,276.81	\$ 3,700.40	\$ 72,971.52		
Task 4 Total	148.5	38.25	199.5	0	0	0	439	\$ 71,671.25	\$ 1,433.43	\$ 20.00	\$ 32,768.11	\$ 3,276.81	\$ 3,700.40	\$ 112,857.80		
Total Charges to Date through August 31, 2011	1090.25	38.5	505.75	59.5	3	2	1787.25	\$ 306,880.00	\$ 6,177.80	\$ 1,917.82	\$ 118,274.02	\$ 11,810.46	\$ 71,810.25	\$ 519,592.90		

**BIGHORN DESERT VIEW WATER AGENCY
AGENDA ITEM SUBMITTAL**

Meeting Date: October 3, 2011

To: Board of Directors

Budgeted: Yes

Budgeted Amount: \$80,000

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Dissolve Ad Hoc Committee Formed to Facilitate the Process for Acquiring Agency Legal Counsel

SUMMARY

At the April 26, 2011 meeting, the Directors formed an Ad Hoc Committee to facilitate the process of acquiring Agency legal counsel. The chair of the Committee, Dir. Cori-Lorono, and member, Dir. Larson, were appointed to this Ad Hoc Committee.

At the September 21, 2011 meeting the Director's selected Aklufi and Wysocki to represent them as general counsel. Subsequently, the General Manager completed the negotiations and the Agency executed a contract with Aklufi and Wysocki, Attorneys at Law. Therefore the work of the Ad Hoc is completed and administratively should be dissolved.

RECOMMENDATION

That the Board take the following action:

1. Dissolve the "Acquisition of Legal Counsel Ad Hoc Committee" formed to assist the Agency in the acquisition of legal counsel.

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

9/21/2011 M11-05 – General Manager directed to negotiate a contract with the firm of Aklufi and Wysocki Attorneys at law based on their response to the Agency's Request for Qualifications.

9/13/2011 Board of Directors Special Meeting – Board received presentations by four legal firms and Board interviewed four legal firms in consideration of appointment of agency legal counsel.

8/23/2011 M11-048 – Establishing an interview procedure for processing short listed firms in consideration of appointment of agency general counsel.

4/26/2011 M11-017 – Create two member Ad Hoc Committee to assist the Agency in the Acquisition of Legal Counsel.