

Bighorn-Desert View Water Agency

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A Public Agency

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Planning/Legislative/Engineering Grant & Security Standing Committee Regular Meeting Agenda

Tuesday, April 19, 2016 – 9:15 a.m.

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285

Committee Members: Director Corl-Lorono & Director Burkhart

The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting will be conducted in strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend may do so only as observers and may not participate in the meeting.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda**

Discussion and Action Items - The Committee and Staff will discuss the following items and provide direction to staff, 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, each member of the public will be allotted three-minutes to provide their public comment.

5. Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee

Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

6. Review Draft Rules and Regulations for Water Service – Ordinance No. 16O-XX

7. Overview of Short-Term Proposed Capital Projects and Status of Various Grant Funding Opportunities

8. Improvement District Goat Mountain Well No. 3: Pump and Motor Replacement

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

- a. Regular PLEGS Committee Meeting Report, February 16, 2016

10. Public Comment Period

Any person may address the Committee 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, each member of the public will be allotted three-minutes to provide their public comment. State Law prohibits the Committee from discussing or taking action on items not included on the agenda.

11. Verbal Reports

- a. COMMITTEE MEMBERS' COMMENTS/REPORT
- b. GENERAL MANAGER'S REPORT

12. 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 disclosable 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.

AGENDA ITEM # 5



Legal, Legislative and Public Information Committee

AGENDA

**Mojave Water Agency
Board Room
13846 Conference Center
Drive
Apple Valley, CA 92307**

April 19, 2016

09:30 a.m.

-
- 1. Approve Agenda**
 - 2. Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of March 15, 2016**
 -  Meeting Summary
 - 3. Update by State Advocate of Issues at the State Level (teleconference)**
 - 4. Update by Federal Advocate of Issues at the Federal Level (teleconference)**
 -  Federal Report
 -  Federal Matrix
 - 5. Public Information Update**
 - 6. General Manager's Report**

7. Public Participation

8. Comments/Discussion Items for Next or Future Agendas

9. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting, should be directed to the Agency's General Manager's office at (760) 946-7008 at least 24 hours prior to said meeting.

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LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

MEETING SUMMARY March 15, 2016

CALL TO ORDER:

Chairperson Doug Shumway called the meeting to order at 9:30 a.m.

ATTENDANCE:

- ✚ Committee – Chairperson Doug Shumway, Director Kimberly Cox, and Director Richard Hall
- ✚ Absent – None
- ✚ Staff – General Manager Kirby Brill, Community Liaison Officer Yvonne Hester, and Public Information Specialist Gloria Golike
- ✚ Consultants – State Advocates Ed Manning and Carolyn Jensen, KP Public Affairs and Federal Advocates Letitia White and Drew Tatum, Innovative Federal Strategies LLC joined by teleconference
- ✚ Others – Four guests were in the audience and four were online

1. **Approve Agenda**

The agenda was agreed upon as presented.

2. **Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of February 16, 2016**

The meeting summary was agreed upon as presented.

3. **Update by State Advocate of Issues at the State Level**

Ms. Jensen spoke briefly about the legislative calendar. She gave a brief legislative update commenting on a few proposed Senate bills. She also spoke on a few committee hearings.

4. **Update by Federal Advocate of Issues at the Federal Level**

Ms. White and Mr. Tatum reported briefly on the annual budget resolution. Ms. White spoke briefly on Feinstein's drought bill. Mr. Tatum mentioned the status of the Energy Policy Modernization Bill and stated that they are watching for potential funding opportunities that relate to water quality, water contamination, or infrastructure spending that could result from this crisis. There was also discussion regarding a visit to the Agency from the federal advocates, and staff from Senator Feinstein's office.

5. **Public Information Update**

Ms. Hester gave a PowerPoint presentation providing an update on recent activities and also upcoming events; such as, the March ABC's of Water and the High Desert Water Summit.

6. **General Manager's Report**

No report noted.

7. **Public Participation**

None.

8. **Comments/Discussion Items for Next or Future Agendas**

None mentioned.

9. **Adjournment**

Chairperson Shumway adjourned the meeting at 10:23 a.m.

Submitted by: _____
Gloria Golike
Public Information Specialist

Attachments on-file:

Item No. 5 - Public Information Report - PowerPoint
Sign-in sheet

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Comprehensive Government Relations

MEMORANDUM

To: Mojave Water Agency Legal, Legislative and Public Information Committee

From: Letitia White

Date: March 31, 2016

Re: March Monthly Legislative Update

Without Budget Framework, Appropriators Begin Year in Earnest Before Recess

House Republican leaders hoped to have a budget framework in place before the Easter recess, but scrapped plans for floor consideration during the final week of the month. While the House Budget Committee approved the fiscal year 2017 budget resolution on March 16 on a vote of 20-16, members of the conservative House Freedom Caucus have come out in opposition to the plan, making its success in a floor vote uncertain. Two Republicans, Dave Brat (R-VA) and Marlin Stutzman (R-IN), and all 14 Democrats voted no. The conservative defections caused House Majority Leader Kevin McCarthy (R-CA) to postpone consideration of the budget resolution until after the Easter recess to give Republican leaders an opportunity to chart a path forward.

During the recess, 15 organizations headlined by the Competitive Enterprise Institute praised a policy statement in the budget that, among other things, urges Congress to create a regulatory budget that would set annual costs of regulations and allocate those costs among federal regulatory agencies. "Congress should act now to require better reporting, more accountability and cost reductions," says the letter, which also was signed by Americans for Tax Reform, FreedomWorks and the National Taxpayers Union. The letter calls on Congress to adopt a budget resolution "that includes the regulatory budget put forward by House Budget Committee Chairman Tom Price," the Georgia Republican who wrote the tax and spending framework. The letter calls Price's budget resolution "remarkable" for including the statement on regulations. The endorsement could be a shot in the arm for the budget resolution.

Despite the setback on consideration of the budget resolution, the House Appropriations Subcommittee on Military Construction and Veterans Affairs moved forward with the markup of its FY17 spending bill, advancing it for consideration by the full committee. Additional FY17 spending bills are expected to be considered during the months of April and May at the subcommittee level.

At least one subcommittee chairman is expressing concern that despite movement of the appropriations bills at the subcommittee level, a continuing resolution may be necessary in the fall to avoid a government shutdown. "I think that's more likely than not," Representative Tom

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Cole (R-OK) chairman of the House Appropriations Labor-HHS-Education Subcommittee, said in an interview before the recess. That stark admission marks a major turnaround in thinking since January, when House Speaker Paul Ryan (R-WI) and Senate Majority Leader Mitch McConnell (R-KY) vowed to rescue Congress from its state of dysfunction and pass regular spending bills on time for the first time since 1994.

House and Senate Agree to a Short Term FAA Extension

The Federal Aviation Administration short-term extension is off to the White House after the Senate-amended version of the bill was approved on the House floor by voice vote Monday, March 21. The House originally passed a short term reauthorization that provided the necessary authority for the administration through mid-July, but extended the authority to collect certain revenue until early next year. In an effort to keep pressure on lawmakers to advance a long-term authorization, the Senate stripped the provisions allowing the FAA to continue collecting revenue beyond the expiration of its regulatory authority, meaning both provisions now expire on July 15, 2016.

"I would hope that this is the last extension," ranking Transportation and Infrastructure Committee Democrat Peter DeFazio (D-OR) declared on the House floor, adding that July 15 is now the "drop-dead date." After that point, he said, "Congress will be out for the longest summer break since probably the '50s" and it would be impossible to take meaningful action for another year. Representative Bill Shuster (R-PA), Chairman of the Transportation and Infrastructure Committee did not see quite the same urgency. He insisted nailing down a long-term bill would be high on the agenda after the House returns from its two-week break. "We'll be working very hard" through the summer, Shuster said, but once they reach July, "we'll see what happens after that." Shuster would not rule out the possibility that the debate would continue past July.

Before the Easter recess, the Senate Commerce Committee advanced a reauthorization that would expire on September 30, 2017. The plan received overwhelming bipartisan support, and there is optimism that the legislation will be brought to the floor in early April to avoid the need for another temporary extension this summer. The House has not indicated how quickly it might take up the Senate legislation, if it considers it at all. Representative Shuster still hopes his air traffic control overhaul language will be considered.

Republicans Promise to Block Merrick Garland's Appointment to the Supreme Court

President Obama fulfilled his promise to nominate someone to fill the vacancy created by the death of Justice Antonin Scalia on the United States Supreme Court. On March 16, the president announced that he had chosen the chief judge of the United States Court of Appeals for the District of Columbia Circuit, Merrick Garland. The president opted to pick a more centrist jurist in an effort to place additional public pressure on the Republican-controlled Senate to hold confirmation hearings and a vote on the nominee.

The nomination sets in motion what will likely be a standoff between the White House and the Senate that is likely to remain unresolved through the election. President Obama said, "Presidents do not stop working in their final year or their term; neither should a senator." Republicans quickly rejected the president's nominee, with Senator McConnell going to the floor announcing that Republicans would continue to employ the same strategy, regardless of who the

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nominee was. He said that Senate Republicans maintain the position that the American people should have a voice in selecting a new nominee through the election of a president.

For his part, Senator McConnell has opted to utilize pro-forma sessions in the Senate during periods where the Senate had scheduled to be out of session. Pro-forma sessions will keep the president from nominating Garland to sit on the bench through a recess appointment. President Obama has said he has no intention to make a recess appointment, as the appointment would still require confirmation of the Senate, otherwise his term would only last through the end of the next session of Congress.

The confirmation of a new justice could have an impact on several of the administration's regulations. A challenge to the regulatory definition of the "waters of the United States" is expected to be heard by a Federal Circuit Court this summer in Ohio. Any appeals could end up being heard by the Supreme Court. Additional challenges to carbon emission regulations could also end up at the Supreme Court.

House Forms Municipal Bonds Caucus

In response to tax plans introduced during the last few years that have targeted the tax exempt status of municipal bonds, Members of Congress, led by Representatives Randy Hultgren (R-IL) and Dutch Ruppersberger (D-MD), are forming a Municipal Finance Caucus. Citing that municipal bonds have been tax-exempt since the federal income tax was first introduced, the members of the caucus will seek to protect them if tax reform legislation is introduced. Municipal bonds have built four million miles of roads, 500,000 bridges, 16,000 airports, 900,000 miles of pipe in water systems and thousands of libraries, health clinics and public transportation systems. A coalition of local governments, airport authorities, utility companies, and development associations have formed a coalition that will work closely with the caucus to educate other Members of Congress on the importance of municipal finance issues.

Outlook for April

The House is in the middle of a two-and-a-half-week recess for Easter. House lawmakers will return the week of April 11. Senators will return from their own two-week recess on April 4. The Senate may return to consideration of a longer-term FAA reauthorization.

The House Appropriations Subcommittees are expected to continue markup of the 12 annual appropriations bills during the month of April. Republican leaders have continued to insist that they hope to move all appropriations bills this summer in advance of the beginning of the new fiscal year that begins October 1, 2017.

Federal Legislation of Significance

Bill Number	Sponsor	Title and/or Summary	Summary/Status
H.R. ____ / S. ____	Rep. Mike Simpson / Sen. Lamar Alexander	FY 17 Energy and Water Development and Related Agencies	<p>The President's budget request to Congress was released on February 9, 2016.</p> <p>The president requested the following funding levels for water recycling and conservation programs:</p> <p>Title XVI: \$21.5 million, \$1.5 million above the FY16 request, but \$1.8 million below the FY16 enacted level</p> <p>WaterSMART: \$23.4 million, \$35,000 above the FY16 request, and \$3.4 million above the FY16 enacted level</p> <p>The House Appropriations Committee officially began working on fiscal year 2017 legislation in March, marking up the Military Construction and Veterans Affairs bill before the April Recess.</p> <p>At this time, the Energy and Water Appropriations Subcommittee has not official noticed a hearing, but we anticipate a markup in April. At that time, we will know how Congress will respond to the budget request for Title XVI and WaterSMART grants. IFS has undertaken two efforts on your behalf and submitted appropriations requests for both Title XVI and WaterSMART that together equal an additional \$22.6 million in requested additional funds for FY17. Additionally, we anticipate that Senator Feinstein will attempt to include additional funding for western drought relief in the Senate's FY17 legislation. That funding typically has not been included in the House's</p> <p>With her original legislation not gaining traction at the committee level, Senator Feinstein reintroduced drought legislation in February after receiving additional feedback from stakeholders in California. The bill also comes after House Republicans attempted to insert their own drought provisions into the Consolidated Appropriations Act, 2016.</p> <p>Feinstein said that she has continued to work with local, state, and federal partners to create her new legislation, though California Republicans in the House have said they were not involved in the latest discussions. California House Republicans have reiterated that they have already passed a drought bill this year, and they believe it is the only legislation that can be passed until the Senate moves legislation that can be conferenced between the two chambers.</p> <p>The Senator has been placing additional pressure on federal agencies to allow</p>
S.2533	Sen. Dianne Feinstein	California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act	

			for more pumping during periods where additional water is available due to rain events. It is unclear if this pressure would turn into language to be included in her drought bill later in the year either by an amendment or compromise with the California Republican delegation.
H.R.2898	Rep. David Valadao	Western Water and American Food Security Act of 2015	Passed the House. First Legislative Committee Hearing was held in early October 2015 in the Senate. As mentioned above, Senator Feinstein has reintroduced drought legislation in the Senate in an effort to conference a bill with the House before the end of the 114 th Congress.
S.2012	Sen. Lisa Murkowski	Energy Policy Modernization Act of 2015	The Senate is considering its first broad energy reform policy bill in eight years. The bill includes a number of policy priorities from both Republicans and Democrats and came as a result of months of negotiations, meetings outreach and other activities aimed at a truly bipartisan bill. The bill instead on fossil fuels and infrastructure: natural gas pipeline permitting, authorizing the main federal conservation fund, job training, updating the grid, as well as a push on energy efficiency. The legislation was pulled from the floor in February after amendments related to the water crisis in Flint, Michigan caused procedural delays. While they were initially hopeful to bring the legislation back to the floor in March, no agreement has been reached on the water crisis in Flint, Michigan. The bill is a major priority for Chairwoman Murkowski, and it is unlikely other legislation from her committee (including the drought bill) will receive floor time before this legislation passes the Senate.
H.R.4470	Rep. Dan Kildee (D-MI) / Rep. Fred Upton (R-MI)	Safe Drinking Water Act Improved Compliance Awareness Act	The House has approved legislation to clarify the Environmental Protection Agency's authority to notify the public about danger from lead in their drinking water. The bill is the first approved by Congress to respond to the water crisis in Flint, Michigan. The legislation requires the Environmental Protection Agency to notify the public when concentrations of lead in drinking water rise above mandated levels and to create a plan to improve communication between the agency, utilities, states, and consumers. While the bill's authors admit that the new legislation will not prevent future water contamination, they contend that it will prevent the situation from dragging out as has happened in Flint. The legislation has not been taken up in the Senate, but it is expected to

H.R.3143 / S.886	Rep. Jerry McNerney (D-CA) / Sen. Tom Udall (D-MN)	Smart Energy and Water Efficiency Act of 2015	<p>receive bipartisan support when Senators vote.</p> <p>Directs the Department of Energy (DOE) to establish and carry out a smart energy and water efficiency management pilot program to award grants to three to five eligible entities (authorities that provide water, wastewater, or water reuse services) to demonstrate advanced and innovative technology-based solutions that will: (1) increase and improve the energy efficiency of water, wastewater, and water reuse systems to help communities make significant progress in conserving water, saving energy, and reducing costs; (2) support the implementation of innovative processes and the installation of advanced automated systems that provide real-time data on energy and water; and (3) improve energy and water conservation, water quality, and predictive maintenance of energy and water systems, through the use of Internet-connected technologies, including sensors, intelligent gateways, and security embedded in hardware.</p> <p>The legislation has not advanced in the House, but a hearing has been held at the committee level in the Senate.</p>
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AGENDA ITEM # 6

**BIGHORN-DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/LEGISLATIVE/ENGINEERING/GRANTS/SECURITY
AGENDA ITEM SUBMITTAL**

Meeting Date: May 26, 2015

To: PLEGS Committee Members

Budgeted: N/A

Budgeted Amount: N/A

From: Marina D. West

General Counsel Approval: Review
completed by Joe Aklufi

CEQA Compliance: N/A

Subject: Review Ordinance No. 16O-XX *Agency Rules and Regulations for Water Service*
Rescinding Existing Ordinance No. 11O-01

SUMMARY

Staff with the assistance of the engineering firm NV5 has completed a review and update of the *Agency Rules and Regulations for Water Service* last approved in 2011. NV5 focused more specifically on sections dealing with new development (Article 4, 5 and 6). The edits are designed to better communicate requirements of new development and to eliminate conflicting language and recommend latest practices concerning mainline extensions, reimbursements, backflow and service meters.

RECOMMENDATION

That the Committee considers taking the following action(s):

1. Review the draft Ordinance No. 16O-XX *Agency Rules and Regulations for Water Service*; and
2. Recommend Ordinance No. 16O-XX move to the full Board of Directors for Public Hearing and Adoption.

BACKGROUND/ANALYSIS

Staff with the assistance of the engineering firm NV5 has completed a review and update of the *Agency Rules and Regulations for Water Service* last approved in 2011 (attached). NV5 focused more specifically on sections dealing with new development (Article 4, 5 and 6) while staff reviewed the remaining sections for clarity and consistency with applied procedures.

The edits are designed to better communicate requirements of new development and to eliminate conflicting language and recommend latest practices concerning mainline extensions, reimbursements, backflow and service meters.

Per the requirements for adoption of a new Ordinance, notification of the proposed changes to the *Agency Rules and Regulations* will be published in the Hi Desert Star for two consecutive weeks prior to the Public Hearing.

Staff recommends the Committee review the proposed changes and direct staff to begin the notification and public hearing processes required to approve the proposed changes.

PRIOR RELEVANT BOARD ACTION(S)

10/03/2011 Motion No. 11M-054 Adoption of Ordinance 11O-01 An Ordinance of the Bighorn-Desert View Water Agency Establishing Rules and Regulations for Water Service

Bighorn-Desert View Water Agency

TABLE OF CONTENTS

	<u>Page</u>
Article 1.0 General Provisions.....	6
1.1 Water System.....	6
1.2 Water Conservation.....	6
1.3 Customer Complaints.....	6
1.4 Notices	6
1.5 Variances	6
1.6 Services Outside Agency Boundaries	7
Article 2.0 Definitions.....	8
2.1 Agency	8
2.2 Applicant.....	8
2.3 AWWA Standards	8
2.4 Auxiliary Water Supply	8
2.5 Board	8
2.6 Backflow Prevention Device	8
2.7 Basic Facilities Capacity Fee ("Buy-in").....	8
2.8 Basic Service Charge.....	8
2.9 Combination Service Facility	8
2.10 County.....	8
2.11 Cross-Connection.....	8
2.12 Customer.....	9
2.13 Customer Service Valve.....	9
2.14 Double Check Meter.....	9
2.15 Double Check Valve Assembly (DC).....	9
2.16 Developer	9
2.17 Fire Department	9
2.18 General Manager	9
2.19 Guarantee Deposit	9
2.20 High Risk Account.....	9
2.21 Main Line.....	10
2.22 Meter	10
2.23 Meter Installation Fee (Service Line Installation Fee).....	10
2.24 Meter Service Facility	10
2.25 Owner.....	10
2.26 Permit.....	10
2.27 Person.....	10
2.28 Premises	10
2.29 Private Fire Protection Service	10
2.30 Reduced Pressure Detector	10
2.31 Reduced Pressure Principle Backflow Prevention Device (RP)	10
2.32 Secretary.....	11

Bighorn-Desert View Water Agency

2.33	State	11
2.34	Temporary Water Service.....	11
2.35	Variance	11
2.36	Water Hauler - Commercial	11
2.37	Water Hauler - Private	11
Article 3.0	Basic Water Service Rules and Regulations.....	12
3.1	Water Service Application	12
3.2	Guarantee Deposit Non-Bulk Accounts	13
3.3	Control of Water Delivery	13
3.4	Meter Accuracy	13
3.5	Billing Adjustments - Meter Error	14
3.6	Billing Adjustments - Other than Meter Error	14
3.7	Locked Meters.....	14
3.8	Turn-On and Turn-Off Service.....	14
3.9	Turn-Off and Termination for Non-Payment	15
3.10	Agency's Right to Refuse Water Service Under Special Circumstances	15
3.11	Unauthorized Water Use	15
3.12	Damage Caused by Leaking Pipes and Fixtures.....	15
3.13	Damage to Service Facility	16
3.14	Meter Flow Limits	16
3.15	Billing Period	16
3.16	Water Rates	16
3.17	Terms of Bill Payment	16
3.18	Separate Bills for Separate Water Meter Service Facilities	17
3.19	Owner Responsibility	17
3.20	Failure to Receive Billing	17
3.21	Customer Vacating Premises	17
3.22	Collection of Delinquent Accounts	17
3.23	Change in Meter Service Facility	18
3.24	Change in Customer Service Facility Location	
3.25	Agency's Right of Ingress and Egress.....	18
3.26	Maintenance of Water Pressure, Unplanned Interruption in Service, and Shutting Down for Emergency Repairs.....	18
3.27	Tampering with the Agency Water System.....	19
3.28	Water Conservation.....	19
3.29	Agency Ownership of Water System Facilities	19
3.30	Agency's Right of Access Within Easements	19
3.31	Cross-Connection.....	19
3.32	Property Divided After Initial Installation of a Meter Serv. Facility	
3.33	Construction Water Service.....	19
3.34	Water Hauler Requirements	20
3.35	Current Agency Charges and Rates.....	20
3.36	Service Termination	20
3.37	Ground Wire Attachments	20

Bighorn-Desert View Water Agency

Article 4.0	Installation of New and Change in Existing Customer Service Facility	21
4.1	Design Standards, Standard Construction Drawings and Specifications	21
4.2	Customer Options	21
4.3	Meter Service Facility Size Requirements	22
4.4	Meter Service Facility Location.....	22
4.5	Components of the Meter Service Facility	23
4.6	Cross-Connections.....	23
4.7	Maximum Length of Meter Service Facility and Prohibition of Service to Other Premises.....	23
4.8	Prohibition of Service to Other Premises.....	24
4.9	County Permitting	24
Article 5.0	Application, Review Procedure, and Construction of Water System Facility Extensions	25
5.1	Project Initiation.....	25
5.2	Provide Data and Preliminary Drawings	25
5.3	Initial Deposit of Plan Check and Processing Fees	25
5.4	Agency's Preliminary Design and Feasibility Review	26
5.5	Preliminary Design Conference.....	27
5.6	Preparation of Final Construction Documents	27
5.7	Agency's Determination and Acceptance	27
5.8	Final Charges and Fees	27
5.9	Mainline Extension Charges, Fees and Costs.....	27
5.10	Subdivisions	29
5.11	Reimbursement Agreements.....	30
5.12	Deferred Charges for Multiple Residential, Commercial, Industrial, Public or Agricultural Zoned Portions of Subdivisions.....	30
5.13	Design, Construction and Dedication of Facilities for Subdivisions, Multiple Residential, Commercial, Industrial, Public, Agricultural, or Single Lot Main Extensions	30
5.14	Extent of Facilities	30
5.15	Contract Documents and Construction Standards	30
5.16	Inspection During Construction	30
5.17	Easement and Permit Responsibility	31
5.18	Contractor Requirements	31
5.19	Completion and Acceptance of Facilities.....	31
5.20	Assessment/Improvement District Facility Extensions	31
5.21	Agency Facility Extensions.....	32
5.22	Additional Regulatory Agency Requirements	32
5.23	Release of Bonds and Security	32

Bighorn-Desert View Water Agency

Article 6.0	Reimbursement Agreements.....	34
6.1	Applicability	34
6.2	Reimbursable/Non-Reimbursable Costs	34
6.3	Over-sizing	34
6.4	Reimbursement Agreement.....	34
6.5	Term of Agreement	35
6.6	Agreements Transferable	35
Article 7.0	Cross-Connection Control.....	36
7.1	Authority and Purpose	36
7.2	Definition	36
7.3	Reference Manual	36
7.4	Cross-Connection Protection Requirements	36
7.5	Backflow Prevention Assemblies.....	38
7.6	Backflow Supervisor.....	39
7.7	Administration.....	40
7.8	Water Service Termination.....	42
7.9	Charges.....	43
Article 8.0	Private Fire Protection Service	44
8.1	Application.....	44
8.2	Design and Construction	44
8.3	Limited Use of Facility	45
8.4	Service Size and Location.....	45
8.5	Applicable Rate and Charges.....	45
8.6	Agency Responsibility	45
Article 9.0	Public Fire Protection	46
9.1	Use and Control of Fire Hydrants	46
9.2	Location and Size of Fire Hydrants	46
9.3	Obstructions Prohibited	46
9.4	Fire Hydrant Installation Costs	46
9.5	Agency Responsibility	46
Article 10.0	Tenants.....	47
10.1	Service to Tenants	47
10.2	Owner Responsibility.....	47
10.3	Tenants Vacating Premises.....	47

Bighorn-Desert View Water Agency

Article 11.0 Bulk Water Service	48
11.1 Water Hauler Requirements	48
11.2 Guarantee Deposit: Bulk Accounts.....	48
11.3 Service Inactivity	48
11.4 2-inch Bulk Customer Monthly Basic Service Charge	48
Article 12.0 Collection of Unpaid Bills	49
12.1 Liability of Water Used.....	49
12.2 Liens for Unpaid Bills.....	49
12.3 Collection on Property Tax Bill	49
12.4 Civil Lawsuit	49

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

Telephone: (760) 364-2315
Fax: (760) 364-3412

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. It is the sole responsibility of the customer to contact the Agency to request variances or adjustments.

Bighorn-Desert View Water Agency

The customer shall apply to the Agency utilizing the Agency's Variance Application. The application must be completed in full and signed by the property owners of record or by the authorized agent of the property owner(s). If using an authorized agent, an executed Agent Designation Form shall be submitted with the application. A deposit of \$100 is due at the time of application submittal. Additional deposits may be required by the Agency to review the requested variance and its application materials.

Submittal of a completed application represents express permission to Agency staff and to Agency's contractors to enter onto the property to conduct a site visit. When only a piece of a larger parcel is subject to the variance, such a site visit necessarily includes the entire parcel and not just the portion that is the subject of the variance. Such site visits will be conducted during regular business hours (8:30 am to 5:00 pm Monday through Friday, excluding Agency holidays) between the date of submittal of a completed application and the date of the hearing. Denial or refusal to grant such access shall be grounds rejecting the application.

Following a receipt of a complete and executed Variance Application and the deposit, Agency staff shall conduct an initial review of the application. Within ten working days, the Agency shall respond to the applying customer informing the additional information, maps, studies, reviews, and deposits are required to process the application. The Agency may review the additional materials for a period of up to fifteen working days. A hearing will be scheduled no sooner than fifteen calendar days and no later than 60 calendar days of Agency's completion of the review of the additional documentation required by the Agency to properly consider the Variance Application.

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 Local Agency Formation Commission (LAFCO). . Property owners wanting water service outside the Agency boundaries must apply for service in writing and said request shall be investigated by Agency staff for feasibility for annexation into the Agency boundaries. Applicant must pay all fees associated with the annexation process.

Bighorn-Desert View Water Agency

ARTICLE 2.0

Definitions

2.1 Agency. The Bighorn-Desert View Water Agency.

2.2 Applicant. Property owner applying for water service from the Agency (see Article 10.0 for tenants).

2.3 AWWA Standards. Latest Edition of American Water Works Association (AWWA) Standards.

2.4 Auxiliary Water Supply. Any water supply other than that received from a public water system, as further defined by CA Title 17 - Code of Regulations related to drinking water (Title 17).

2.5 Board. The Board of Directors of the Bighorn-Desert View Water Agency.

2.6 Backflow Prevention Device. An approved device designed to prevent a reverse flow of water from an unapproved source into the Agency's water system.

2.7 Basic Facilities Capacity Fee ("Buy-in"). A one-time fee levied on each new regular water service that will contribute a prorata share of the costs of the Agency's wells, booster pump stations, storage reservoirs, other sources of supply, major transmission/distribution pipelines and appurtenances, and other facilities making up the basic water system.

2.8 Basic Service Charge. A "monthly system access charge" designed to recover a portion of the fixed costs of the Agency's operation, maintenance, repair and administration 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.

2.9 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.

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

2.11 Cross-Connection. Any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections,

Bighorn-Desert View Water Agency

removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections (From Title 17).

2.12 Customer. Any person or entity connected to the water system and immediately able to receive water service from the Agency under these rules and regulations.

2.13 Customer Service Valve. A valve installed with a service facility for the customers use to control the flow of water supplied through the service facility. This valve is the responsibility of the customer following installation.

2.13.1 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.

2.14 Double Check Detector. . An assembly consisting of a double check valve assembly (DC) and an auxiliary bypass line with a meter to detect unauthorized use of water.

2.15 Double Check Valve Assembly (DC). An assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve (from Title 17).

2.16 Developer. A person who plans the development of any property, and builds, finances, and dedicates to the Agency all of the infrastructure needed by the Agency to provide adequate service to that developer, whether residential or commercial, within the Agency boundaries.

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

2.18 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.

2.19 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.

2.20 High Risk Account. An account which has experienced two (2) episodes of Non-sufficient Funds (NSF) payment returns, of any kind ((e.g. check, credit card or Automated Clearing House (ACH)) is defined as a high risk account. Such accounts are subject to refusal of payment by check or ACH (e.g. cash, credit, debit, cashier's check

Bighorn-Desert View Water Agency

or money order only) basis until credit worthiness can be re-established as defined in Article 3.2 Guarantee Deposit for Non-Bulk Accounts.

2.21 Main Line. Pipelines located in highways, streets, alleys, easements or rights-of-way which are used for transmission and distribution of water.

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

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

2.24 Meter Service Facility. The pipeline, connecting valves, fittings, metering device and appurtenant materials required to extend domestic water service from a main to a property line for the use of a separate premise. The meter service facility up to the customer's service valve shall be owned, operated and maintained by the Agency.

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

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

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

2.28 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 premise such as a duplex unit, an apartment, a mobile home unit, a condominium unit or a house and each such unit is required to have a separate customer service facility installed.

2.29 Private Fire Protection Service. Water service provided for a private fire protection system. Such private fire systems must be specifically authorized by the Agency and the details of the fire protection system must be on file with the Agency

2.30 Reduced Pressure Detector. An assembly consisting of a reduced pressure principle backflow prevention device (RP) and an auxiliary bypass line with a meter to detect unauthorized use of water.

2.31 Reduced Pressure Principle Backflow Prevention Device (RP). A backflow preventer incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing (from Title 17).

Bighorn-Desert View Water Agency

2.32 Secretary. See reference in Article 12.4

2.33 State. The State of California unless otherwise stated.

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

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

2.36 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.

2.37 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.

Bighorn-Desert View Water Agency

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 the applicant, which includes but may not be limited to: property owners name or tenant name on account, identification (e.g. driver's license or military identification), mailing address for billing and correspondence, phone number, and service address for all new accounts.

3.1.1 Temporary Water Service Application for 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.
 - i) For banked owned (e.g. foreclosed properties) contact information for the bank representative making the assignment to the third party or real estate broker.
- B) Signed “Personal Guarantee for Business Accounts” form provided by the Agency.

3.1.2 Past Due Balances Water service will not be “turned on” at a property 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.

Bighorn-Desert View Water Agency

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 fewer 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 less than once 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 11.0

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. Agency is authorized to use the customer service valve. 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. Customer shall request the Agency to close/open the angle valve to facilitate the replacement of the customer's service valve. 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. Also see Article 3.8.

3.4 Meter Accuracy. All meters are property of the Agency and shall be tested and certified prior to installation by the manufacturer or certified testing facility and shall meet American Water Works Association (AWWA) standards for accuracy. The same standards shall be acceptable for existing meters. Any customer has the right to have

Bighorn-Desert View Water Agency

their meter examined and tested by the Agency upon completion of a meter test application form and payment of the meter test fee as stated in Exhibit A.

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 incorrectly recording by greater than 2%, the percentage error shall be applied to the most recent period of record. Any overcharge represented by this meter test will be credited to the customer on his/her next regular billing, or any undercharge shall be added to the customer's next regular billing. Adjustment shall be based on the most recent billing cycle.

If the meter has stopped recording usage or the meter has been removed by other than an Agency employee, the Agency reserves the right to apply the charge equal to a twelve month average 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 will be made from previous consumption for the same customer for a comparable time period, or by determination of an Agency-wide average for the 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 dispute the accuracy 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 as to the agreed-upon correct billing amount.

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. 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 in criminal charges and tampering fees. The determination of the amount of tampering fees shall be based on actual time and materials expenses for repair, as well as overhead for processing. The owner of each separate premises is ultimately responsible for the payment of all tampering fees associated with his 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

Bighorn-Desert View Water Agency

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 Meter 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 "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-Hour Notification Fee" applied during the next billing cycle.

See Article 12.0 Collection of Unpaid Bills

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) When the water is used, or proposed to be used, in a manner that endangers the public health or disrupt service to other customers.
- B) When there exists a cross-connection in violation of the Agency rules and regulations or any applicable law.
- C) When the customer is in violation of the Agency's rules and regulations.

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 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. The determination of the application of charges shall be based on actual time and materials as well as applicable overhead for processing.

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.

Bighorn-Desert View Water Agency

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 corresponding to the meter size as set forth in Article 4.3.

3.15 Billing Period. The billing period shall be solely determined by 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. A copy of the Rate Table is maintained in the Agency's office.

As set forth in the Rate Table, the Agency levies a monthly basic service charge and consumption charge. The consumption charge covers the cost of the water delivered to the customer. The basic service charge covers the proportionate cost of operation, maintenance, repair and administration of the Agency's water system and is unrelated to consumption. The basic service charge is levied on all parcels, 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 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.

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 forth 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 does not provide extensions to the payment due dates.

Bighorn-Desert View Water Agency

3.17.2 Payment Arrangements. Customers may request payment arrangements for unusually high bills only. An unusually high bill shall 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 he will be subject to a 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 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 he has not received a bill for water service or other applicable charges which he knows or should know to be due. Once notified, the Agency will reissue the billing, investigate the circumstances, and the General Manager has the option to forego the collection of delinquency penalties .

3.21 Customer Vacating Premises. 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.

Bighorn-Desert View Water Agency

3.23 Change in Meter Service Facility. A customer who wishes to change the size, character of use, or , or any part thereof, shall complete the applicable portions of Application for New Customer's Service Facility and pay all applicable fees. The Agency will examine the customer's service facility size criteria as set forth in Article 4.3

The Agency also reserves the right to examine, in detail, the water use activities of any customer at any time.

If the Agency determines that a customer's water use exceeds the flow limits of the meter for an average over three billing cycles, the Agency may upon notification to the customer remove the existing meter and replace it with one of the proper size. Whereupon, the customer shall pay the incremental difference in cost associated with the new meter size.

In no case will a meter of greater size than the size of the customer's service facility be installed. If the customer requests a meter larger than his service facility, and the customer is willing to pay the cost to replace his service facility to support the larger meter size, the Agency will honor the customer's request. No credit will be allowed against the replacement cost for the existing facility.

3.24 Change in Customer Service Facility Location. If a customer requests that his service facility be moved, the move will be done by the Agency and the customer will pay all costs of the relocation and the customer will be responsible to relocate his own water line to the new service facility. The Agency will not be responsible for reconnecting the customer service line.

3.25 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. Customer services located within fenced areas may be relocated by the Agency and all expenses will be paid for by the customer or the customer may be required to relocate such fence at the Agency's discretion.

3.26 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 may be conditions that will develop where the pressure will fall below or exceed that pressure range. All customers who accept water service to their premises agree as a condition of the acceptance of water service 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.

Bighorn-Desert View Water Agency

3.27 Tampering with the Agency Water System. Only Agency staff is authorized to operate the Agency's water system. Anyone tampering with the Agency's water system will be subject to criminal charges.

3.28 Water Conservation. All customers of the Agency accept the responsibility to achieve water conservation practices. The Agency shall, when necessary, use the right of emergency restriction as authorized by Water Code Section 373 and 375. The Agency reserves the right to close curb valves to prevent water loss where leaks are evident, and shall be held harmless for damage to customer's premises and appliances due to such action.

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

3.29 Agency Ownership of Water System Facilities. All water system facilities including the main line and 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 his own expense.

3.30 Agency's Right of Access. 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. Agency access to Agency water facilities shall be kept clear of fences, structures, concrete or asphalt, or obstructions of any kind which will impair the Agency's access by personnel and equipment for the purpose of operating, maintaining, repairing, replacing facilities, or reading meters. The Agency shall have the right to remove or clear such obstructions without notice and without incurring financial liability.

3.31 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".

3.32 Property Divided After 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 approval of an application for the same and applicable fees and charges, if any, have been paid in accordance with Article 3.0.

3.33 Construction Water Service. Water needed for construction (e.g. road/lot grading, compaction, or other activities related to building, construction or

Bighorn-Desert View Water Agency

roadway/egress/ingress maintenance) will require a construction meter and construction water source. By application and payment of all applicable fees and deposits, 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.

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

3.34 Water Hauler Requirements. Deleted. See Article 11.0.

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 including incapacitation of the meter service facility as the Agency deems appropriate.

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

3.37 Ground Wire Attachments. Customers shall not attach, or permit the attachment of, any electrical ground 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.

Bighorn-Desert View Water Agency

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 in conformance with Agency standard construction drawings and specifications.

4.2 Customer Options. 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.

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

Bighorn-Desert View Water Agency

maintained by 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. When 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 final 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

Bighorn-Desert View Water Agency

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 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 meter is the end of the components of the meter service facility maintained by the Agency upon installation. The design, construction, operation and maintenance of the customer's on-site water system shall be solely the customer's responsibility and shall begin with the customer's service valve.

In areas where the static pressure exceeds 80 psi, the meter service facility installation will include a pressure reducing valve downstream of the customer's service valve and this device will thereafter become the responsibility of the customer.

An applicant for service from a main through which prevailing water pressure is lower than the normal operating limit of 40 psi must, if service is granted by the Agency sign a low pressure agreement which shall be recorded with the County. The customer shall be responsible for installation and maintenance of a privately owned hydro pneumatic pressure pump, backflow device and/or other devices, as required to provide adequate pressure to the premises.

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 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.

If a meter service facility is requested for a property outside of the existing Agency Improvement District (e.g. ID 1) boundary (inside or outside the Agency's sphere of influence) and the Agency agrees to provide water service to said property, then applicant shall be required to seek annexation through the San Bernardino Local Agency Formation Commission (LAFCO) and pay all applicable fees and charges for

Bighorn-Desert View Water Agency

annexation proceedings. These fees would be in addition to the Basic Facility Capacity Fee and installation charges indicated in the Agency's current Rate Table.

4.8 Prohibition of Service to Other Premises. 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. Service from a customer's pipeline to other properties or premises, except as approved by the Agency, shall be grounds for immediate termination of all water service.

4.9 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 both of which are obtained through the County of San Bernardino.

Bighorn-Desert View Water Agency

ARTICLE 5.0

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

5.1 Project Initiation. 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 rules and regulations required, application forms, progress record forms, and other appropriate data, 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 (e.g. engineer of public 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 residential lots.

The preliminary drawings require sufficient information (supplemental to the data submitted with the application) to enable the Agency to accurately 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.

Bighorn-Desert View Water Agency

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, etc., 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.

5.4.1 Service Availability Letter. Availability letters are required for rezoning(s), conditional use/exception, variance, and modifications to zoning conditions of properties within the Agency's service area. The Agency will verify that water service is, or will be, available to serve a particular development. Availability letters are issued following the submittal of application package and associated fees to the Agency. An additional deposit may be required for large developments or applications requiring special studies. The information contained in the application package is used for determining the existing water system capacity and its availability to serve the properties.

The Agency may require additional information beyond that contained in the application depending on the type of development and/or system requirements. The terms and conditions of an availability letter are subject to all rules and regulations of the Agency. This application is valid only for the real property referenced on this application. This application is not transferable or assignable to any party. The Agency reserves the right to discontinue processing applications at any time without prior notice for any reason, including limited, diminished, or lack of supply and/or demand considerations. If no development activity commences within 365 days from issuance of a letter, the letter shall be invalid, and the applicant will be required to repeat the application process. If the applicant is unable to commence development within 365 days, a written request for a six-month extension will be considered.

5.4.2 Commitment Letter. The Will Serve letter is the Agency's formal quote of water connection fees. A Will Serve letter is issued by the Agency outlining the conditions of water service to a particular parcel. It is also the Agency's conditional commitment to serve new customers. A will serve letter is required by the county to ensure that sufficient capacity is available to serve new construction.

A completed will serve application form must be submitted to the Agency counter along with the appropriate fee outlined at the bottom of the application. Applications will not be accepted without this fee. The Will Serve letter will be emailed to the applicant upon completion. Completion time varies depending on the size of project, complexity of Will Serve, and number of Will Serve requests in process, approximate processing time is at least 20 working days.

Bighorn-Desert View Water Agency

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 public 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. When the information, preliminary drawings and data is complete, the package will be submitted to the Board for approval of the development concept and the preliminary design.

5.5.1 Tentative Map Conditional Approvals. For tentative map applications to the County within the service area of the Agency, the Agency shall submit to the County the conditions of approval to be included in the applicant's Tentative Map.

5.6 Preparation of Final Construction Documents. Engineer of public works shall then prepare the final construction documents in accordance with the Agency's Standard Drawings and 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.

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 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 Mainline Extension 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 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

Bighorn-Desert View Water Agency

with the facility extension; Agency's basic facilities charges; customer's service facilities installation charges; security and bonding; and all other costs and charges attributable to the extension.

5.9.1 Preliminary Design and Feasibility Review

Applicant must make an advance payment of a preliminary design and feasibility review fee to cover facility extension design requirements review and approval. Any preliminary design approval 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 variance requests where a conceptual plan or drawing needs to be reviewed by Agency engineering staff.

5.9.2 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.

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.

5.9.3 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.

Bighorn-Desert View Water Agency

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.

5.9.4 Bonding and Security

Post security in the form of either a cash deposit or a combination of cash deposit and performance bond to the satisfaction of the Bighorn-Desert View Water Agency in amounts as determined by the District Engineer following of receipt of approved construction plans.

All agreements and bonds required by this Section shall be in a form approved by the Agency, and shall remain in effect until the completion of the work to the satisfaction of the Agency, and shall include and be made on condition that the permittee shall:

- Comply with all the provision of this Section and all other applicable laws and ordinances;
- Complete all of the work contemplated under the permit;
- The permit may provide for partial release of security and partial re-conveyance of bonding upon the partial acceptance of the work contemplated.
- In the event of failure to complete the work, failure to comply with any of the conditions or terms of the permit or this Section or other ordinances or when deemed necessary to eliminate any hazardous or dangerous condition, the Agency official may cause to be performed such work as in the his opinion is necessary to correct such deficiencies. The Agency my use any or any part of the security for such work. Any unused portion of the cash deposit shall be refunded to the permittee, and any unused portion of the bond shall be released, after the completion of all work and fulfillment of all requirements.

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. 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.

Bighorn-Desert View Water Agency

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 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 lots built 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. The American Water Works Association (AWWA) standards and the Agency's Standard Drawings shall be the criteria used by all Applicants/contractors for all water system construction and/or improvements.

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

Bighorn-Desert View Water Agency

paid for by the Applicant at the engineering firm's current schedule of rates and fees. The Agency's inspector shall have the right to reject any and all materials or construction methodologies which do not meet the requirements of AWWA standards or the Agency's Standard Drawings.

5.17 Easement and Permit Responsibility. All permits, easements, street dedications and rights-of-way involved with all facility extensions shall be the responsibility of the Applicant to obtain at their own cost. Any 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 seal or stamp and signature of the licensed surveyor or registered civil engineer authorized to perform land surveying. Applicant shall provide the Agency with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation of the Final Map or easement document.

5.18 Contractor Requirements. All construction shall be performed 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 performed pursuant to these rules and regulations, the contractor shall have the minimum insurance coverage set forth in the Agency's certificate of insurance coverage form and said certificate shall be filed with the Agency before construction is authorized to begin. The "additional insureds" 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 Bill of Sale on a form provided by the Agency, and shall submit same for final approval by the Board. Upon final approval, the Bill of Sale, which will include a description of all facilities constructed, will be accepted by the Agency, dedicating all facilities to the Agency as owner, 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 Assessment/Improvement District 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

Bighorn-Desert View Water Agency

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 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.

5.23 Release of Bonds and Security. The improvement security shall be released in the following manner:

(1) Security for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work subject to the provisions of subsection (2) of this section;

(2) The Agency's Board of Directors may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses upon application therefor by the subdivider; provided, however, that no such release shall be for an amount less than thirty percent of the total improvement security given for faithful performance of the act or work and that the security shall not be reduced to an amount less than thirty percent of the total improvement security given for faithful performance until final completion and acceptance of the act or work. In no event shall the Board of Directors authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work or any other obligation imposed by this title, the Subdivision Map Act or the improvement agreement;

Bighorn-Desert View Water Agency

(3) Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment shall, six months after completion and acceptance of the act or work, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the city's finance department plus an amount reasonably determined by the Agency's Board of Directors to be required to insure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given;

(4) No security given for the guarantee or warranty of work shall be released until the expiration of the guarantee or warranty period. Upon the failure of the subdivider to complete the improvement acts or obligations within the time specified, the city council may, upon notice in writing of not less than ten days, served upon the person responsible for the performance thereof, or upon notice in writing of not less than twenty days served by registered mail, addressed to the last known address of such person, determine that the subdivider is in default and may cause the improvement security or such portion thereof as is necessary to complete the work or act, and any other obligation of the subdivider secured thereby, to be forwarded to the Agency.

Bighorn-Desert View Water Agency

ARTICLE 6.0

Reimbursement Agreements

6.1 Applicability. A reimbursement agreement is a written contract between the Agency and a property owner where the property owner has installed water system facilities to serve their parcel at their sole expense which provides an adjacent mainline and opportunity for future service to other parcels where none existed previously.

A reimbursement agreement may apply in cases where water system facilities have been installed by the Applicant under the terms of the Article 5.

6.2 Reimbursable/Non-Reimbursable Costs. An Applicant having paid all or part of the cost of a water system facility may be entitled to a reimbursement agreement. Such reimbursement agreement shall not exceed the amount actually collected by the Agency and in no event will the reimbursement exceed the Applicant's actual cost. The Applicant's actual cost may include an appropriate pro rata portion of the substantiated cost of engineering easements, rights-of-way and construction expenses (i.e. plan checking, processing, inspection, surveying, design, construction, fees, labor and materials, permitting holding and storage costs, security legal and related expenses) directly attributable to the water system facility. The Agency's plan check processing fees, inspection fees, capacity fees, customer service facility installation and all other normal Agency charges and fees in connection with the facility shall not be included in the determination of the refundable amount. Where construction was done by the Applicant, the equivalent amount of the Agency's normal customer service facility installation charge will be deducted from the Applicant's actual cost in the determination of the reimbursement 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. The incremental cost of the oversized facility may be eligible for reimbursement under a reimbursement agreement between the Agency and the applicant.

6.4 Reimbursement Agreement. After the completion of any water system facility which qualifies for a reimbursement agreement, the Agency shall prepare a final and complete accounting of the reimbursable costs. A reimbursement agreement prepared on a standard form provided by the Agency will be presented to the Applicant which shows the complete and total terms of the reimbursement and the reimbursement cost attributable to each adjacent benefited parcel. Benefited parcels in this case are defined as those that are situated alongside the water mainline and did not

Bighorn-Desert View Water Agency

previously have an adjacent mainline and do not extend beyond the end of the mainline.

Subject to receipt of such amount and upon request of the reimbursement agreement holder, the Agency will reimburse any reimbursable portion provided for in the reimbursement agreement for each adjacent parcel that has water service installed. Such reimbursement will be paid within ninety (90) days of the receipt of payment from the adjacent parcel property owner for the new customer service facilities.

The reimbursement agreement will have attached as Exhibit A the list of the benefited parcel and a benefited parcel plat showing the relationship of the benefited parcels to the facility extension provided by the Applicant. Refunds shall continue until the term of the reimbursement agreement shall end or until the total reimbursable cost has been refunded to the Applicant, whichever is earlier.

6.5 Term of Agreement. Each reimbursement agreement will expire at the end of fifteen (15) years from the date of execution or when the Applicant has been fully repaid for the cost that is reimbursable to him, whichever first occurs. All non-reimbursed charges collected thereafter shall belong to the Agency.

6.6 Agreements Transferable. With Agency approval, reimbursement agreements may be sold, conveyed or assigned by the original signatory Applicant. The Agency will honor the agreement which has been transferred provided that such transfer is evidenced by a document recorded with the County Recorder.

Bighorn-Desert View Water Agency

ARTICLE 7.0

Cross-Connection Control

7.1 Authority and Purpose. Regulations relating to cross-connection are set forth in the California Department of Public Health, Title 17 Code of Regulations, Division 1, Chapter 5 and California Health and Safety Code, Section 116800 et. seq.. Said regulations and this Article have as their purpose to protect the public water supply against any contamination or pollution that may occur because of some undiscovered or unauthorized cross-connection on the premises.

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 State Water Resources Control Board Division of Drinking Water (DDW). Appeals of implementation and control decisions shall be first submitted to the DDW for a health ruling and then through Agency staff for an administrative decision.

7.2 Definition. Cross-connection is a connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that would allow such substances to enter the potable water system.

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 State Water Resources Control Board Division of Drinking Water (DDW). The Agency will designate a properly trained and certified 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 DDW 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. The Agency proposes to protect the public water system by requiring the installation of a reduced pressure backflow assembly at the point of service to all existing and proposed facilities that represent a health or non-health hazard. The type of assembly to be installed and maintained shall be in accordance with the requirements of this Article at the customers' sole expense. Compliance is an express condition of continued water service or establishment of a new water service connection.

Bighorn-Desert View Water Agency

Backflow prevention devices 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 DDW, 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 Department of Public Health, Code of Regulations, 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.

Two or more meter service facilities supplying water from different street mains to the same building, structure, or premises through which an inter-street 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.

Bighorn-Desert View Water Agency

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 Department of Public Health, Code of Regulations, Title 17, Division 1, Chapter 5, Sections 7601 through 7605, inclusive. 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 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) and the Agency's Standard Drawings. 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 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

Bighorn-Desert View Water Agency

customer 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 a standard maintenance form. No assembly shall be placed 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 a list of persons and firms 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 a copy of the test results.

Approval must be obtained from the Agency before a backflow prevention assembly is removed, relocated repaired 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 complete replacement and relocation of the backflow prevention assembly, and/or the installation of additional devices.

7.6 Backflow Supervisor. At each facility where it is necessary, in the opinion of the Agency, a Backflow Supervisor shall be designated by and at the expense of the customer. The Backflow Supervisor shall be responsible for the monitoring of the

Bighorn-Desert View Water Agency

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 at the facility, the Agency shall be promptly notified by the Backflow Supervisor so that appropriate measures may be taken to overcome the contamination. The customer shall inform the Agency of the Backflow 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 Agency. 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.

The customer shall have devices tested and, if necessary, repaired annually by a certified tester/installer to assure that they are maintained in satisfactory operating condition and such annual test shall be reported to the Agency as a condition of continued water service. In those installations where successive inspections indicate defective operation of the device(s) the Agency may require inspections and testing more often and/or may require replacement of the device(s). Records of such tests, repairs and overhauling shall be continuously kept by the customer for a period of three years.

The customer shall not remove an backflow device or install piping or other arrangements for the purpose of by-passing backflow devices.

The Agency will notify affected customers if they are out of compliance with annual testing requirements and may charge a fee associated with such efforts to gain compliance.

A) New Water Service System Inspection

- 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 and tested before water service will be provided.
- 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 following on-site inspection, 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

Bighorn-Desert View Water Agency

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 re-inspection for cross-connection hazards of any premises to which it serves water. The Agency will notify the affected customer of the need for re-inspection. Any customer who cannot or will not allow an on-premises inspection of his piping system shall be required to install the backflow prevention assembly the Agency considers necessary at their expense; and failure, refusal or inability on the part of the customer to install said device or devices shall immediately constitute a ground for "locking off" water service to such meter service facility until such device or devices have been properly installed..
- 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 "lock off" 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 - Cross Connection Corrective Actions

- 1) The Agency will notify the customer of the inspection 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 and shall state the Agency will "lock off" water service to the affected customer until the required corrective actions are taken.

Bighorn-Desert View Water Agency

C) Maintenance of Records

The Agency shall maintain records to effectively manage the 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)
 - Property Owner
 - Type of business
- 2) The date of the most recent cross-connection premises inspection 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 perceived cross-connection violation, water service may be terminated. Conditions which constitute the basis for 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 or any other non-potable utility <<e.g. agriculture line, MWA 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) Discontinue water service immediately and "lock-off" the service valve. The water service shall remain inactive until the violations are corrected and the corrections are 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 DDW. If the protest involves a new meter service facility installation, the Agency shall not activate said facility until after the DDW has delivered its written decision to the Agency. The written decision of the DDW 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 is the policy of the Agency that the customer whose premises cause the need to protect the Agency water supply shall be responsible for paying the cost of the protection, including the Agency's costs, including, but 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 water 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 in writing to the Agency. The Applicant shall submit a copy of the regulating agencies approved requirements. All costs associated with the design, construction, inspection, testing, certification and maintenance shall be the responsibility of the Applicant.

8.2 Design and Construction. The design and construction of the private fire protection service facility shall be per the Agency's applicable design standards and specifications (AWWA) and the Agency's Standard Drawings. Applicant is advised that private fire protection service to new construction shall be provided through a completely separate fire protection service facility. Applications for private fire service to an existing development that is 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 licensed fire protection engineer and reviewed and approved by the fire department and if applicable, local building 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 minimum flow requirements by stating minimum gallons per minute, pressure, and duration of flow. 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 and/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 provided in accordance with Article 5.0.

All private fire protection services shall contain a reduced pressure principle device (RP) and detector-check meter which shall be furnished, installed, tested, certified, and maintained as set forth in Article 7.0 and which will be read regularly by the Agency to determine if any water usage has occurred.

Bighorn-Desert View Water 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 Applicant shall determine the size of the private fire protection service based on information from a qualified authority (e.g. fire architect, fire protection engineer or Fire Marshall). Applicant shall provide calculations and supporting information from qualifying authority. Agency shall verify the size of the private fire protection service facility from the information submitted by the Applicant (including the minimum flow requirements). The location of the private fire protection service facility shall be located on private property and indicated on the approved private fire protection system plans.

The location of the Applicant's fire protection service facilities can be at the Applicant's preferred location unless the Agency determines that requirements by other entities must prevail. The detector-check meter shall be located within the public right-of-way behind the curb or sidewalk (or equivalent location) unless it is not physically possible. If any portion of the private fire protection service facilities upstream of the RP/detector-check meter must be located on private property, the Applicant shall be required to 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 Applicant retains ownership of the fire protection service and is responsible for proper operation and maintenance.

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, fire flow test fees, design review and construction inspection fees, water use charges and monthly basic facilities charges for each fire service connection 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 backflow prevention 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. The Agency will attempt to provide adequate fire flow and conform to the applicable design standards; however it is the Applicant's/Owner's responsibility to provide fire flow.

Bighorn-Desert View Water Agency

ARTICLE 9.0

Public Fire Protection

9.1 Use and Control of Fire Hydrants. Public fire hydrants shall be owned and 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 (See Article 3.33). 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 or within an easement dedicated via record document to the Agency, and property owners shall not obstruct the access to said public fire hydrants in any way. A minimum unobstructed clearance meeting the requirements of Section 507.5.5 of the California Fire Code shall be maintained around all fire hydrants.

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 (i.e. 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 from the third party property manager a copy of the service Contract between property owner and management company delegating such authority. The Applicant will also be required to execute a "Personal Guarantee for Business Accounts" form provided by the Agency.

10.2 Owner Responsibility. The owner/landlord of each separate property is ultimately responsible for the payment of all applicable water service charges provided to each separate property. 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 responsible for all applicable charges on the account.

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 one additional attempt to collect the funds through either a delinquent billing process or a written letter of delinquency. Should the tenant fail to pay the final bill the amount owed will be transferred to the owner/landlord for payment.

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 Division of Environmental Health Services or State Water Resources Control Board's Division of Drinking Water (DDW) Regulations that applicant may be required to comply with as well.

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 closing 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 closing amount due for water service is more than the guarantee deposit held, the Agency will bill the customer for the balance due.

All bulk water services that are locked off for non-payment will require customer to replenish 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 low activity. Low activity shall be defined as less than an average of two (2) units (200 cubic feet or 1,500 gallons) 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 days' notice of closure to the customer. Any customer whose account was 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 2-inch Bulk Monthly Basic Service Charge. All 2-inch bulk meter service customers will be charged a monthly Basic Service Charge to allow for routine maintenance of service such as the customer service valve which cannot be maintained by the customer. The 2-inch Bulk Monthly Basic Service Charge is as set by Agency Resolution.

Bighorn-Desert View Water Agency

Article 12.0

Collection of Unpaid Bills

12.1 Liability for 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 or 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. Provision of water supply is an agreement between the Agency and the user, not the property owner.

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 Collection on Property Tax Bill. Delinquent and unpaid charges for water and other services shall be reported to the Tax Collection and shall be collected on the property tax bill.

12.4 Civil Lawsuit. Any amount due is a debt to the Agency, and customer failing or refusing to pay this debt may be subject to a civil action in a court of competent jurisdiction for the amount due.

AGENDA ITEM # 7

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/LEGISLATIVE/ENGINEERING/GRANT/SECURITY
AGENDA ITEM SUBMITTAL**

Meeting Date: April 19, 2016

To: PLEGS Standing Committee of the
Board of Directors

Budgeted: N/A
Budgeted Amount: N/A
Cost: N/A

From: Marina West

General Counsel Approval: N/A
CEQA Compliance: N/A

**Subject: Overview of Short-Term Proposed Capital Projects and Status of Various
Grant Funding Opportunities**

SUMMARY

Staff has developed the attached summary of capital, replacement and refurbishment projects identified for near term completion (e.g. next 1-3 fiscal years). The table identifies which projects the Agency seeks grant funding to complete and those that would probably be funded directly by the Agency.

Staff will provide an overview of the projects and status of grant applications to the Committee.

The Committee will be asked to confirm Agency interest in a CA Office of Emergency Services grant to enclose our production facilities in block buildings. The grant application requires the Agency to attach design drawings to 50% completion. NV5 has prepared the attached proposal in the amount of \$74,364 to complete this effort. With Committee concurrence, staff would request the full Board of Directors consider awarding the Task Order on April 26th to meet the grant application deadline of mid-June.

RECOMMENDATION

Staff is seeking input from the Committee on the project list, priority ranking and request to proceed to 50% design with the "Well Enclosures" Project in order to complete an application with CA Office of Emergency Services for a 75% construction grant.

BACKGROUND/ANALYSIS

Staff has developed the attached

On March 22, 2016, the Board authorized staff to proceed with developing grant applications with CA Office of Emergency Services (CA OES) for two projects identified in the Hazard Mitigation Plan (HMP) for which CA OES expressed interest in funding.

Since the March 22nd meeting staff has discovered that the construction grant application for the block wall enclosures requires plan designs be developed to the 50% level and that the

Feasibility Study grant offer for the Hondo Wash flood retention and recharge project had been altered to a construction grant.

Staff held a field meeting with representatives of the Mojave Water Agency and the County of San Bernardino Flood Control/Public Works Department to assess the possibility of a joint regional project. At the meeting staff learned that the Flood Control Department has not completed any flood studies in the BDVWA service area and they currently have no “right-of-way” or planned projects. In any event, since the grant offer changed from a Feasibility Study to a construction grant it does benefit any party to proceed. Staff was encouraged to begin dialogue with County Flood Control to bring awareness to the damage caused to Agency pipelines during flooding events. To that end, staff will be declining to submit an application for this project.

Regarding the block wall enclosures for our production wells, the grant application requires 50% design drawings be developed. Staff has received a proposal from NV5 in the amount of \$74,364 to prepare the design drawings. Should the Agency proceed with the grant application there is a chance that the grant could be denied. Staff considered this possibility but believes that this infrastructure project is still a necessary endeavor to protect our facilities from environmental extremes (i.e. temperature, blowing dust/sand) and for increased security. Staff would recommend that the project remain on the plan and at some point continue to 100% design. With 100% design plans the Agency could re-evaluate construction grant opportunities or proceed to budget for project construction.

Total costs estimates are being refined by NV5 but as of this writing the complete effort is anticipated to be no greater than:

• 50% design drawings by NV5	\$74,364
• Completion of application (Sierra West)	\$0 (but would be awarded grant administration to be funded by grant)
• Design to 100% (estimate)	\$75,000
• Construction inc. contract mgmt/const. mgmt.	<u>\$750,000</u>
TOTAL	\$900,000

Staff anticipates having updated estimates for the Committee meeting.

Should the grant be awarded for the block wall enclosures then all costs associated with completion of the design, construction and the \$74,364 invested prior to award can be reimbursed. Staff believes that the Agency should proceed with the grant application.

PRIOR RELEVANT BOARD ACTION(S)

3/22/2016 Motion 15-014 Authorize General Manager to prepare and submit full applications to CA Office of Emergency Services under the Hazard Mitigation Grant Program for the “Pump and Well Block Buildings” and the “Hondo/Ruby Wash Storm Water Capture” projects.

Well 4 Upgrade-BDV	Considering the long term CIP program of routine maintenance staff chooses to work on Well 4. Well 4, DV water system-Flamingo Heights, has been "down" since motor failed in 2008. Work Tasks: 1) Reset working motor to sample well for Gross Alpha/Uranium to document current WQ; 2) Pull pump and motor, rehabilitate well, re-set new pump and motor; 3) Design and construct on-site improvements including well enclosure, pump to waste valve and seepage pit, SCADA controls; 4) Reactivate well with the Division of Drinking Water	High	High	Engineering study completed in 2013 indicated that the Agency should plan to retain Well 4 in lieu of Well 2 (inactive) and Well 3 (older well) as a long term approach to well field management. Staff anticipates that Well 3 pump and motor is nearing end of useful life. Well 8 is the only other active well in this zone. As a proactive approach staff has ranked the priority and necessity as high.	Project is defined in the IRWMP. Planning Grant Applications were made to Prop. 1 and OES under the HMP. No invitations to apply for planning grants have been received.	\$21,800 for Well Evaluation in 2013	No Estimate compiled to date.	Following completion of design drawings, application could be made for construction funding through Prop. 1 or other.
ID GMW3 Pump/Motor Replacement	As of April 15, 2016 staff assessment is that submersible motor is failing.	High	Med	ID GMW3 is one of three wells in the GM system so it was ranked slightly lower than Well 4 (only two operating wells in DV area). This affords staff time to conduct a more thoughtful approach to refurbishing this site but refurbishment should not be delayed to a future period.	No, work needs to be conducted now.	Electrical subcontractor assessments of above ground control systems	approximately \$35,000 pump/motor plus other identified and necessary improvements.	Staff will provide update to PLEGS on April 19 and full board on April 26. Make requests as needed.
Well Enclosures	Enclose Wells in block buildings for security and environment/hazard protection as outlined in Hazard Mitigation Plan (HMP)	Med/High	High	This item was identified in the Hazard Mitigation Plan with respect to operational disruptions from freezing and potential flooding. Further enhances security of locations. Buildings would also be climate controlled in the summer. Controlling temperatures in summer and winter prolongs life of electrical and pumping equipment as well as strength of chlorine which degrades rapidly in hot temperatures.	Project is defined in the Hazard Mitigation Plan (HMP). CA OES has invited Agency to submit grant application to construct buildings around Wells 6, 7, 8, 9 and Goat Mtn. Well 3. Grant pays 75%, Agency match is 25%. Grant application requires project to be at 50% design.	NV5 has submitted proposal for developing Plans/Specifications to 50% (\$75,000).	Awaiting Engineers Estimate for completing design, contract documents, bidding/contact award management, construction management services. Cost per building is currently estimated at \$150,000 but costs would be re-evaluated at 50% design.	Additional design (100% design) and project management costs estimated at \$75,000. Total construction cost estimated \$750,000. Should Agency obtain construction grant then the grant could cover as much as \$675,000 with the Agency share at \$225,000. If the Grant doesn't cover the planning, design and project management costs then the Agency would be responsible for an additional \$150,000. Should the grant be denied, the total cost to the Agency to complete the project is estimated at \$900,000.
Pipeline Protection from Flash Flooding	Pipeline Protection (Flood Protection) AND Storm Water Capture and Recharge	L	L	This item was identified in the Hazard Mitigation Plan with respect to operational disruptions from flash flooding which has caused pipeline washouts and other damage. The project is considered "I," priority and "L," necessity due to perceived difficulty in mitigating this hazard and actual experience. The Storm Water Capture and Recharge project was defined in the Mojave Water Agency Integrated Regional Water Management Plan (IRWMP). It was ranked "low" in the IRWMP.	Project is defined in IRWMP and HMP. CA OES had invited the Agency to submit a "Planning Grant", then changed it to "Construction" grant.			With a planning grant (Feasibility Study), staff felt there was opportunity to develop a conceptual project in cooperation with MWA and County of SB Flood Control & Road Departments. A Feasibility Study would have vetted all the issues (from water rights to re-routing of flood waters) and defined Agency Roles/responsibilities. At this time, it is not feasible to move this project directly to a construction project in the allotted 3-yr. time frame. Staff intends to continue to pursue dialogue with County Flood and the IRWMP in an effort to further this objective.
Transfer Switches (Alternate Power Project)	Project would construct power transfer switches at Wells 4, 8, and 9, "A" and "C" Boosters and the Administration Building. It would include the purchase of two generators.	High	High	This project is a high priority and necessity as the Agency is unable to produce water or boost water in the Big Horn Mountains Zone, water cannot be pumped up to Zone A, and the Admin Building cannot operate during power outages because there are no transfer switches or appropriately sized generator.	Project is defined in the IRWMP. Prop. 1 Grant Application was submitted in June 2015. SWRCB asking for more justification for the project.	\$22,103 for 100% design and draft Plans/Specs (1/2014), CEQA.	\$400,000	Should Prop. 1 grant not be awarded, the Agency could look at SRF loans (possible interest and/or principle forgiveness?). Or, Agency may want to proceed with project alone.
Lookup Pipeline Replacement	Project would replace undersized, substandard mainline in the Big Horn Mtns Area. Length is approximately 4,500 feet.	Med	Med	Staff believes this project is lower priority than the Well 4 project and has ranked it with this goal in mind.	Project is defined in the IRWMP. A Prop. 1 planning grant application was submitted. Application was cancelled by staff due to funding limitations. Planning funding limit is \$500,000 total for the Agency	staff time.	In house estimates to replace with 4-in C-900 mainline: \$60,000.	Staff believes this project should be budgetted and completed with in-house resources no sooner than FY 2017-2018.
Sanitary Upgrades	Install waste discharge (septic/other) systems at Wells 6, 7, 8, 9 and GMW1, 2, 3	Med	Med	The identified wells either have no discharge to waste plumbing (sanitary deficiency) or the waste discharges directly onto the ground or into a small pit. These facilities should be upgraded so the water is directed into a septic or other to improve sanitary conditions at the sites. (Note: Well 4 covered in Well 4 project above).	TBD	None	In house estimate: \$60,000	
Meter & Service Line Replacements - Goat Mountain	Estimate that 450 meters and service lines need to be replaced in GM. Water loss for 2015 is 33% presumed to be attributed to old meters.	High	High	Staff suggests that the remaining GM meters and service lines be replaced over a 3-year period (approx. 150/yr). Some meters will be Badger/Metrom Radio read for consistency on some meter reading routes. Staff is also considering the Badger meter for the hauling stations for increased accuracy at high flows.	TBD	None	In house estimates: replace service line w/zimmer meter (150): \$85,000 parts. Replace w/metrom (50): \$56,000 parts. Replace bulk w/badger (100): \$25,000. Staff will further develop estimate and quantities for FY2016/17 budget.	Water loss in GM is relatively high and the remaining meters are old. Service lines should be replaced as well due to age. Staff would complete project using in-house resources. Project would be capitalized.

SCADA Upgrades	FY2016/17 SCADA upgrades would include more instrumentation to support basic SCADA operating now. Instrumentation to include flow meter readings, electrical power phase monitoring, waste discharge valve monitoring, additional alarms and controls.	High	High	This project is year 3 of an upgrade of communications between wells and reservoirs in the distribution system. This phase adds additional instrumentation to enhance controls and monitoring. Includes water levels, power monitoring, control valve strategies, intrusion, etc.	Project is defined in IRWMP. Since Verizon phone lines failed project necessity became urgent.	\$31,825 (two FY expenditures to replace Verizon obsolete controls w/radio SCADA system.	TBD	Staff will include costs in FY2016/17 operating budget.
Engineering Studies								
	Energy Efficiency Project	High	High	Staff recognizes the high cost of power and demand charges. Project reviews efficiency and operation of facilities. Project completion report will recommend future capital improvements aimed at improving operations and lowering energy costs.	Can be evaluated once "needs" are determined.	NV5 awarded Task Order \$39,156 to complete study.	TBD	Staff will make recommendations after report is completed.
	Integration of CSA 70MW-1 with BDVVA AND installation of interties with HDWD	High/Med	Med	Project would evaluate how to physically integrate the Goat Mtn water system with the BDVVA system. Currently G/M is operated as as stand alone water system. Tie- ins with HDWD are necessary to share water during emergencies, to assist with water transfers (exchange/safe) to HDWD. There would be two intertie points with HDWD (Landers and Flamingo Heights).	Project priority is mainly driven by Prop. 1 Planning Grant Application thru IRWMP. However, desire to exchange/sell water to HDWD increases priority for interties to assist in the transmission of water.	MWA has borne costs associated with Grant Application. BDVVA has invested staff time.	Planning grant application: <\$500,000. Construction estimate will be product of planning phase. Prop. 1 construction funds would be sought for construction phase.	Staff awaiting response from SWRCB on grant application submitted June 2015.
Equipment Needs								
	Dump Truck	High	High	Agency has a 1980 Ford Dump Truck that has reached the end of its useful life. Equipment is used infrequently but necessary for efficient operations.		None. Truck has been evaluated by mechanic and would require major work.	TBD	Staff intends to budget this item for replacement in FY 2016/17

EXHIBIT A

Bighorn Desert View Water Agency San Bernardino County, CA HMGP – Well Enclosure Application Assistance Scope of Services - DRAFT

Assumptions

The Bighorn Desert View Water Agency (BDVWA) has requested NV5, Inc. (NV5) assist the BDVWA's preparation of a funding application to the California Office of Emergency Services (CalOES) to mitigate flash flooding risk by enclosing several wells that are not protected within enclosed housings. The project application to CalOES's DR-4240 program seeks to secure financial assistance to enclose Well Nos. 6, 7, 8, 9, and Well No. 3 of the Goat Mountain system.

NV5 will provide technical/engineering assistance to the BDVWA in support of preparation and submission of the HGMP application to CalOES. Significant components of the application are to be prepared by others, including the BDVWA and a consultant to the BDVWA (G. Sturdivan).

Scope of Services

Task 01 – HMGP Application Assistance

NV5 will prepare the following items for the HGMP application:

- Part I – Activity Information
 - Section III (Items 12, 13, 14, and 16) – Project Information (Scope of Work)
 - Section IV – Work Schedule
 - Section V – Cost Estimate
- Part II – Environmental Questionnaire
 - Section III – Alternatives

NV5 will prepare a proposed work schedule which will detail anticipated durations for project activities as detailed in the HMGP Scope of Work (Section III). A cost estimate will be prepared based on the prepared design drawings and work schedule. As part of the environmental questionnaire, NV5 will prepare up to three alternatives to the project proposed in the HMGP application.

BDVWA will provide the deed and/or title report for the properties on which improvements are proposed. The purposes of this are to identify encumbrances on the properties (e.g. easements) and deed restrictions that limit federal funding (see Item 14 of Section II of Part I). These items will be included in the mapping survey discussed in Task 02. NV5 will assist in making this report.

NV5 will attend CalOES' HMGP application and benefit cost analysis training at the Riverside County Administration Center located in the city of Riverside. This training took place on 15 March 2016.

Task 01 Deliverables

- Project attachment documents in PDF and editable formats (MS Word, MS Excel). The documents will be submitted via email to BDVWA (M. West) and its consultant (G. Sturdivan).

Task 02 – Topographic and Mapping Survey

NV5 will prepare property and right of way background mapping survey for the project areas identified in Task 01. The property mapping information will be obtained from record map (parcel maps, tract maps, records of survey) information and located monuments. The property mapping will compute existing lot line, street centerlines, and street rights-of-way.

NV5 will conduct a field topographic survey of the well sites to obtain topographic and planimetric information to be utilized in the preparation of the design documents.

Task 03 – Geotechnical Investigation

NV5 will conduct a geotechnical investigation, including subsurface soils investigations, at the well locations. NV5 will submit a utility markout request in advance of the investigation activity.

BDVWA shall provide an operator with equipment capable of collecting samples to depths of no greater than 8 feet below ground surface and per the direction of NV5's geologist.

NV5 will take field measurements and laboratory investigations of excavated soils for in-situ moisture and dry density, consolidation and hydrocollapse, shear strength, grain size distribution, and corrosivity potential. Engineering analysis will include soil profile and classification, seismic hazard evaluation, suitability of foundation material, settlement potential, liquefaction and seismic settlement potential, and suitability of backfill material.

NV5 will prepare a stand-alone report for the well sites that contains the results of this investigation. The report will be provided to BDVWA in PDF format.

NV5 does not anticipate permitting efforts or fees are required for this investigation. Should permitting efforts or traffic control be required, these can be provided under a separate or amended contract. BDVWA will be responsible for the direct pay of all permit and agency fees and deposits.

Task 03 Deliverables

- Report of Geotechnical Investigation for well enclosure sites in PDF format. The Report will be submitted via email to BDVWA (M. West).

Task 04 – 50% Design Drawings

NV5 will prepare approximately 50% design drawings for the design of up to two concrete masonry unit buildings to enclose and house BDVWA Well Nos. 6, 7, 8, 9, and Well No. 3 of the Goat Mountain

System. These drawings will be utilized to supplement the project description detailed in the Scope of Work and will be included in the HMGP application.

The following drawings are anticipated to be a part of the 50% design:

- Title Sheet
- Survey Control and Project Site Plan
- Well Enclosures Structural Plan and Sections (2 sheets)
- Structural Notes and Details (3 sheets)
- Mechanical Plan (plan view only)

The 50% drawings will not be signed by a licensed engineer or be suitable for contractor bidding or construction.

Task 04 Deliverables

- 50% Design Drawings in PDF format. The Drawings will be submitted via email to BDVWA (M. West) and its consultant (G. Sturdivan) for inclusion in the HMGP application.

Considerations

NV5 does not guarantee project funding, funding amount, or funding type by CalOES or other entity.

Labor Wage Rates Assumption

NV5 has prepared its fee based on the assumption that prevailing wage rates are applicable for field personnel.

Services That Can Be Performed Under a Separate or Amended Agreement

- Easement preparation
- Potholing
- Drainage study or drainage report preparation
- Stormwater documentation, including a SWPPP or WPCP, or stormwater inspection
- Preparation of technical or contract specifications
- Materials or compaction testing during construction
- Construction staking
- Legal counsel, legal opinion, or signature on legal documents

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EXHIBIT B

**Bighorn Desert View Water Agency
San Bernardino County, CA
HMGP – Well Enclosure Application Assistance
Fee - DRAFT**

NV5 proposes to perform the efforts described in Exhibit A for the project level time and materials fee not to exceed \$74,362 as outlined below.

Activity	Total Cost
Task 01 – HGMP Application Assistance	\$12,067
Task 02 – Topographic Mapping and Survey	\$24,500
Task 03 – Geotechnical Investigation	\$12,000
Task 04 – 50% Design Drawings	\$25,795
Total	\$74,362

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AGENDA ITEM # 8

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/LEGISLATIVE/ENGINEERING/GRANT/SECURITY
AGENDA ITEM SUBMITTAL**

Meeting Date: April 19, 2016

To: PLEGS Standing Committee of the
Board of Directors

Budgeted: No
Budgeted Amount:
Cost: TBD

From: Michelle Corbin

General Counsel Approval: N/A
CEQA Compliance: N/A

Subject: Improvement District Goat Mountain Well No. 3: Pump & Motor
Replacement

SUMMARY

Staff has been experiencing electrical overload at Improvement District Goat Mountain Well No. GMW3 following the extensive power outages of April 2, 2016.

As of the publication of this report (April 14, 2016) the problem has been isolated to the submersible well pump, motor or cable and further assessments being conducted beginning Monday April 18, 2016.

Staff will provide an update at the Committee meeting and possible cost estimates for consideration prior to the April 26th Board of Directors Meeting.

If the pump must be replaced then staff may consider some additional upgrades to the system to provide protection from power surges and low voltage. Staff anticipates replacement to cost approximately \$35,000 based on recent pump replacement at Johnson Valley.

RECOMMENDATION

Information only.

BACKGROUND/ANALYSIS

No further analysis provided.

PRIOR RELEVANT BOARD ACTION(S)

None.

AGENDA ITEM # 9

Bighorn-Desert View Water Agency

Board of Directors

J. Larry Coulombe, President
Michael McBride, Vice President
Judy Corl-Lorono, Secretary
J. Dennis Staley, Director
Terry Burkhart, Director

Marina D West, P.G., General Manager



Agency Office

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A Public Agency

www.bdvwa.org

Planning/Legislative/Engineering Grant & Security Committee Regular Meeting Report

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285
Tuesday February 16, 2016 - 9:15 a.m.

Committee Members: Director Corl-Lorono & Director Burkhart

Call to Order

Director Corl-Lorono called the meeting to order at 9:16 a.m.

Pledge of Allegiance

Led by John Burkhart

Roll Call

Directors: Judy Corl-Lorono
Terry Burkhart

Staff: Marina West
Michelle Corbin

Approval of the Agenda

Director Corl-Lorono and Director Burkhart approved the agenda as presented with reorganization of the agenda items.

Review Draft Board Handbook

General Manager West gave a brief staff report. West stated the Agency staff looked to the Board of Directors Handbooks from Special District Risk Management Authority and Mojave Water Agency for guidance. The handbook is intended to be tool for items such as Roles and Responsibilities, Conduct and Ethics and Meeting Procedures. Once adopted, the handbook will be reviewed each year.

No public comment.

The Committee directed staff to bring the handbook to the full Board for possible adoption by resolution.

Consent Items

- a. Regular PLEGS Meeting Report, October 20, 2015

No public comment.

Director Corl-Lorono and Director Burkhardt approved the report.

Adjourned to break at 9:26 a.m. - Reconvened from break at 9:30 a.m.

Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee

Carolyn Jenson of KP Public Affairs gave an update on various legislative bills. She also gave an update on the State Water Resources Control Board and the California Water Action Plan.

Mr. Tantom of Innovative Federal Strategies reported on Title XVI and WaterSmart programs. He also reported that Senator Feinstein has re-issued a bill for drought legislation.

No public comment.

Public Participation

No public comment.

Verbal Reports

Committee Members Comments/Reports

No reports.

General Manager Report

General Manager West reminded the Committee about the upcoming Hi-Desert Water Summit.

Adjournment - Director Corl-Lorono adjourned the meeting at 10:10 a.m.