

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



Agency Office

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Marina D West, PG, General Manager

A Public Agency

www.bdvwa.org

Board of Directors Regular Meeting Agenda

Tuesday, January 24, 2017 - 6:00 p.m.

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

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

Discussion and Action Items - The Board of Directors and Staff will discuss the following items, and the Board will consider taking action, if so inclined.

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

When giving your public comment, please have your information prepared. If you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

5. **Public Hearing: Ordinance 17O-XX- An Ordinance of the Bighorn-Desert View Water Agency Updating Rules and Regulations for Water Service of the Bighorn-Desert View Water Agency**

Board considers taking the following action(s):

1. Staff report;
2. Receive questions from the Board of Directors;
3. Open public hearing;
4. Receive public comments;
5. Close public hearing;
6. Board discussion; and

7. Board to consider adopting Ordinance No. 17O-XX – Agency Rules and Regulations for Water Service; and
 8. Roll call vote.
- 6. Resolutions Modifying Fees and Charges for Miscellaneous Services**
Board considers taking the following action(s):
1. Board to consider adopting Resolution No. 17R-XX , Modifying Basic Facilities Charge and Restating the Service-Line Installation Charge.
 2. Board to consider adopting Resolution No. 17R-XX Establishing Certain Fees and Charges (Variance Processing Fee, Backflow Test Reminder Letter Fee, Unsecured Liens, Non-Sufficient Funds and Unlock Fee).
- 7. Resolution No. 17R-XX Authorizing a Cost-of-Living (COLA) Percentage Adjustment to the Range and Step Scale**
Board considers taking the following action(s):
1. Board to consider adopting Resolution No. 17R-XX Authorizing a Cost-of-Living Percentage Adjustment to the Range and Step Scale (incorporated by reference as Appendix B of the Employee Handbook) and setting the effective date of any such adjustment.
- 8. Standing Committees, Ad Hoc Committees and other Meeting Assignments 2017**
Board considers taking the following action(s):
1. President with Board consensus, to consider approving the Standing Committees, Ad Hoc Committee and Other Meeting Assignments for 2017.
- 9. Consent Items –** The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that the item be held for discussion or further action.
- a. Financial Statements September 2016.
 1. Balance Sheet.
 2. Budget Status.
 - b. Receive and File Bank Reconciliation (Check Disbursements) September 2016.
 - c. Financial Statements October 2016.
 1. Balance Sheet.
 2. Budget Status.
 - d. Receive and File Bank Reconciliation (Check Disbursements) October 2016.
 - e. Financial Statements November 2016.
 1. Balance Sheet.
 2. Budget Status.
 - f. Receive and File Bank Reconciliation (Check Disbursements) November 2016.
 - g. Financial Statements December 2016.
 1. Balance Sheet
 2. Budget Status
 - h. Receive and File Bank Reconciliation (Check Disbursements) December 2016.
 - i. Unrestricted and Restricted Goat Mtn. Cash Account Summary
 - j. Service Order Reports, September, October, November and December 2016
 - k. Production Reports, September, October, November and December 2016
 - l. Goat Mtn. Production Reports, September, October, November and December 2016
 - m. Regular Board Meeting Minutes, October 25, 2016
 - n. Special Board Meeting Minutes, October 25, 2016
 - o. Receive and File Regular FPREP Committee Meeting Reports, September 21, 2016
 - p. Receive and File Special PLEGS Committee Meeting Reports, September 20, 2016

Recommended Action:
Approve as presented (Items a -p):

10. Matters Removed From Consent Items

11. Public Comment Period

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

When giving your public comment, please have your information prepared. If you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment. State Law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.

12. Verbal Reports - Including Reports on Courses/Conferences/Meetings.

- a. General Manager Report
- b. Director Reports
- c. President Report

13. 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

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

Meeting Date: January 24, 2017

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Adoption of Ordinance 17O-XX Agency Rules and Regulations for Water Service
Rescinding Existing Ordinance No. 11O-01

SUMMARY

The Agency last updated the Rules and Regulations for Water Service in 2011. Since that time, staff has found deficiencies that require revision and re-adoption of the entire document.

During the Board of Directors meetings held September 27, 2016 and October 25, 2016, staff reviewed the proposed changes with the Board of Directors in two phases. Phase 1 agendized on September 27, 2016 reviewed Article Nos. 1.0 thru 4.0 and Articles 10.0 and 11.0. Phase 2 agendized on October 25, 2016 reviewed Article Nos. 5.0 to 9.0 and Article 12.0.

RECOMMENDATION

1. Review staff report, and note any letters received;
2. Receive questions for the Board of Directors;
3. Open public hearing;
4. Receive public comments;
5. Close public hearing;
6. Board discussion and Board discussion of public comments received;
7. Board to consider adopting Ordinance No. 17O-XX – Agency Rules and Regulations for Water Service; and
8. Roll call vote.

BACKGROUND/ANALYSIS

Staff conducted two workshops (BOD Meetings September 27, 2016 and October 25, 2016) with the Board and public to review and discuss proposed changes to the Rules and Regulations for Water Service. The document has been reviewed previously by legal counsel and the engineering firm, NV5 Inc., as well as staff over the past year. The Planning/Legislative/Grant/Security Standing Committee reviewed the entire document in April 2016.

Staff recommends the Board adopt Ordinance 17O-XX Rules and Regulations for Water Service thus rescinding Ordinance 11O-01 in its entirety.

PRIOR RELEVANT BOARD ACTION(S)

10/25/2016 Regular BOD Meeting – Workshop to Review Agency Rules and Regulations for Water Service Articles 5.0 to 9.0 and Article 12.0.

9/27/2016 Regular BOD Meeting – Workshop to Review Agency Rules and Regulations for Water Service Articles 1.0 to 4.0, Article 10.0 and 11.0.

4/19/2016 Planning/Legislative/Grant/Security Standing Committee review of proposed changed to Rules and Regulations for Water Services

10/3/2011 Motion 11-054 Ordinance No. 11**O**-01, An Ordinance of the Bighorn-Desert View Water Agency Establishing Rules and Regulations for Water Service

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

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA
County of San Bernardino

Proof of Publication
**ANNOUNCEMENT OF PUBLIC HEARING
ORDINANCE NO. 170-XX**

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

HI-DESERT STAR

a newspaper of general circulation, printed and published **ONCE** in the City of **YUCCA VALLEY** County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California,

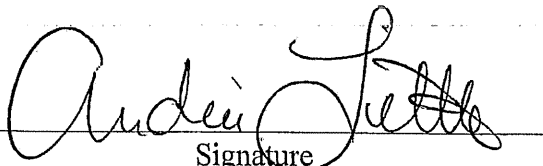
under the date of **November 27, 1961.**

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

01/12
in the year **2017**

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

Dated at: **YUCCA VALLEY**, California,
this **12TH** day of **JANUARY, 2017.**



Signature

AUDRI LITTLE

****ANNOUNCEMENT OF PUBLIC HEARING****

JANUARY 24, 2017 AT 6 PM

BIGHORN DESERT VIEW WATER AGENCY

BOARD MEETING OFFICE

1720 N. CHEROKEE TRAIL, LANDERS, CA 92285

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

**ORDINANCE NO. 170-XX
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE**

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

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

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

1. That the attached document is hereby adopted and designated as the Bighorn-Desert View Water Agency Rules and Regulations for Water Service, ("Rules and Regulations"); and
2. That the Rules and Regulations shall apply equally to all Agency customers, present and future; and
3. That the Rules and Regulations shall become effective and be in full force and effect from and after (30) days of its final passage and adoption and shall supersede all other prior Agency rules and regulations for water service by the Agency; and
4. That the prior Ordinance No. 110-01 is hereby rescinded in its entirety; and
5. That the Rules and Regulations may be amended or modified at any time, from time to time, by Ordinance, by a majority vote of the Board of Directors.

Adopted this 24th day of January, 2017

Bighorn-Desert View Water Agency,
By
J. Larry Coulombe, Board President

CERTIFICATION

I hereby certify that this Ordinance was duly adopted by the Board of Directors at its regularly-scheduled meeting on January 24, 2017, by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

Bighorn-Desert View Water Agency,
By
Judy Cori-Lorono, Board Secretary

(PUB: T. 1/12/2017)

ORDINANCE NO. 170-XX
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING RULES AND REGULATIONS FOR WATER SERVICE

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

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

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5. That the Rules and Regulations may be amended or modified at any time, from time to time, by Ordinance, by a majority vote of the Board of Directors.

Adopted this 24th day of January, 2017

Bighorn-Desert View Water Agency,
By _____
J. Larry Coulombe, Board President

CERTIFICATION

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AYES:

NOES:

ABSTENTION:

Bighorn-Desert View Water Agency,
By _____
Judy Cori-Lorono, Secretary

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

The customer may apply to the Agency utilizing the Application for Petition for Variance from Agency Established Rules and Regulations. The application must be completed in full and signed by the property owners of record or by the authorized agent of the

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property owner(s) and the appropriate fee, if any, paid before said request will be considered. If using an authorized agent, an executed Agent Designation Form shall be submitted with the application. 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 (8:00 am to 4:30 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 "Application for Petition for Variance from Agency Established Rules and Regulations" and the appropriate fees, Agency staff shall conduct an initial review of the application. Within ten working days, the Agency shall respond to the applying customer informing them that 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 petition.

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.

1.6.1 Exception: This section does not apply to contracts for the transfer of nonpotable or nontreated water.

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 prorated 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,

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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 or money order only) basis until credit worthiness can be re-established.

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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).

2.32 Secretary. See reference in Article 12.4

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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.

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ARTICLE 3.0

Basic Water Service Rules and Regulations

3.1 Water Service Application. Persons or entities desiring water service from the Agency shall complete and sign a written application for water service on a form provided by the Agency which shall contain such information as required by the Agency (See Article 10.0 – Tenants). This water service application form may be changed by the Agency from time to time as the Agency finds it necessary to fulfill the requirements of the rules and regulations. The applicant's signature on this water service permit application assures the Agency that the applicant will comply with all Agency rules, regulations, and policies in effect at the time the application is accepted and in the future after an account has been established.

The Agency shall request information from 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.

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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 no 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 had no delinquent payments during the 12 billing cycle period, water service had not been turned off for non-payment, and the customer had 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 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 the rate table.

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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 premise 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 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.

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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 Lock-Off Notice 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.

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.

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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.

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

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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.

3.23 Change in Meter Service Facility. A customer, who wishes to change the size, character of use, 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.

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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.

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.

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.

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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 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.

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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 wish 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.

Termination of Service will invoke water availability and/or stand-by charges where applicable.

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.

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ARTICLE 4.0

Installation of New and Change in Existing Meter Service Facility

4.1 Design Standards, Standard Construction Drawings and Specifications.

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

4.2 Customer Options. All residential units, including each multi-tenant unit, must be individually metered.

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.

In accordance with Article 7.0, an approved backflow prevention device(s) may be required. Backflow prevention devices where required shall be 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, including each multi-tenant unit, must be individually metered. 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

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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 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

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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, ID GM) 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 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" for the property which is obtained through the County of San Bernardino. See Article 3.16.

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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 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's staff and/or Agency's engineer using the information submitted by the Applicant. It is the responsibility of the Applicant to contact the fire department, provide them with the information they require to make their evaluation, and obtain a letter or other written document setting forth the fire department's determination of required fire flow.

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

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5.4 Agency's Review of the Preliminary Design and Project Feasibility. The Agency staff will conduct a review of the preliminary design and project feasibility 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 the number of days specified in the availability letter, the letter shall be invalid, and the applicant will be required to repeat the application process.

5.4.2 Commitment Letter. 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 mailed to the applicant upon completion. Completion time varies depending on the size of project, complexity of the Will Serve, and the number of Will Serve requests in process.

5.5 Preliminary Design Conference. When the Agency's staff has completed a review of the preliminary design and product feasibility, 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

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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 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.

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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 (365 days) 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 the 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 – 4:30pm M-F excluding Agency holidays) may require the Applicant to pay an after hour rate for after-hours inspection. Any after-hours inspection must be pre-paid and pre-arranged with the Agency Inspector.

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

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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 Agency's 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 may 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.

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

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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 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

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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 assessment and/or improvement district will depend upon the nature and extent of such district and whether or not the Agency is the lead entity. Assessment and/or improvement districts under the authority of other public agencies shall meet all of the requirements of this Article as to application for permit, plan checking and processing, and inspection. Each such assessment and/or improvement district undertaken by another public entity will be specially reviewed by the Agency and the procedures and charges and fees which do and do not apply will be determined by the Agency and given to such public entity at the time of completion of the preliminary application review.

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

(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 Agency 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;

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(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 Board of Directors 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.

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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 capacity fees and customer service facility installation fees 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 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.

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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.

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ARTICLE 7.0

Cross-Connection Control

7.1 Authority and Purpose. Regulations relating to cross-connection are set forth in the California 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).

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.

7.2 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.

7.2.1 Definition of Commercial Construction for Backflow Prevention.

Whenever more than two residential units are served by one service line connection to the public main, such units shall be considered commercial construction and a backflow device will be required. If this condition is discovered following installation of the water service line a backflow device will be required immediately.

Any non-residential building is also considered commercial construction for these purposes and a backflow prevention device will be required as a condition of new service or continued service, if applicable.

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

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7.4 Cross-Connection Protection Requirements. 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.

Backflow prevention devices shall be required as follows:

- A) Each meter service facility from the Agency's water system for supplying water to any commercial building, or commercial construction as defined in 7.2.1, shall be protected against backflow of water from the premises into the public water system.
- B) 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.
- C) 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.
- D) 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.
- E) Backflow prevention assemblies shall be installed on the meter service facility to all premises zoned as "Commercial" or "Industrial" use by the County planning authority.

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).

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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.

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.

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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 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 in an industry standard format. 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 maintain a list of persons and firms acceptable to the Agency to test backflow prevention assemblies. The Agency will make this list available upon request.

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. The fee, if imposed, for such notifications, will be known as the "Backflow Test Reminder Letter Fee" applied during the next billing cycle.

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

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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 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 any backflow device or install piping or other arrangements for the purpose of by-passing backflow devices.

A) **New Water Service System Inspection**

- 1) Whenever more than two residential units are served by one service line connection to the public main, such units shall be considered commercial construction and a backflow device will be required immediately upon

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discovery of the condition (See Article 7.2.1) or purposes of determining whether a backflow device will be required. Any non-residential building is also considered commercial construction for these purposes and a backflow prevention device will be required as a condition of new service or continued service, if applicable.

For all single residential units, 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 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 discontinuing 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

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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.

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. Record of testing and repairs will be maintained for a minimum of one year.
- 7) Comments, notes on any problems with the assembly.

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

7.8 Water Service Disconnection. When the Agency encounters water uses that represent a perceived cross-connection violation, water service may be immediately disconnected (i.e. "locked off"). Conditions which constitute the basis for immediate water service disconnection 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.
- 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.
- F) Removal or bypass of a required backflow prevention assembly.

The Agency will discontinue water service immediately and "lock-off" the service valve or, if necessary, the mainline corporation-stop. 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.

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- B) The cost to annually review compliance with this Article, including any costs of inspection, testing, and certification conducted by the Agency on behalf of the customer due to non-compliance.
- C) The cost to disconnect and/or reconnect water service because of noncompliance with this Article.

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ARTICLE 8.0

Private Fire Protection Service

8.1 Application. Application for private fire protection service shall be made 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 Standard Drawings and adopted construction specifications (AWWA Standards, latest revisions). Applicant is advised that private fire protection service to new construction with a service size greater than 1-inch 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.

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8.3 Limited Use of Facility. If other than a combination service facility (allowed as defined in Article 8.2), 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

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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.

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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-fighting personnel.

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-fighting personnel 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-fighting personnel, 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. Individual 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.

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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.

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ARTICLE 11.0

Bulk Water Service

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

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

It is the responsibility of any applicant who proposes to utilize hauled water as the source of domestic supply to satisfy the requirements of the Agency. Applicants are advised that there may be County 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. Preference is given to full time residence; therefore the Agency reserves the right to close a bulk account due to inactivity or low activity. Inactivity shall be defined as no water usage in three (3) billing cycles. Low Activity shall be determined by staff through an evaluation of billing history.

Periodically the Agency will review the usage history of the bulk accounts and will provide a minimum of 5 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.

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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.

12.2.1 From time to time the Agency will deem it necessary to file an "Unsecured Lien" against the property owner. This lien is recorded with the County of San Bernardino.

12.2.2 Upon notification the Agency will prepare the release of "Unsecured Lien" documents. The documents are prepared following receipt of all applicable fees and charges.

12.3 Collection on Property Tax Bill. Delinquent and unpaid charges for water and other services shall be reported to the Tax Collector 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.