

**EASTERN MUNICIPAL WATER DISTRICT  
ADMINISTRATIVE CODE**

Resolution 5111 Adopted May 15, 2013

## **EASTERN MUNICIPAL WATER DISTRICT**

### **Disposition Table**

This Eastern Municipal Water District Administrative Code was adopted on May 15, 2013, by Resolution No. 5111. This Code replaces an earlier Administrative Code. This Code may be revised by Resolution. When revisions occur, the version will be noted on this page and on revisions to this Disposition Table.

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
May 15, 2013	5111	Entire Code	Adopt New Admin Code
Jun 5, 2013	5111.1	Article 8, Title 5	Add Article 8 to Title 5 – Water Wheeling
Jun 19, 2013	5111.2	2.401	Amend section 2-401(b) re Employees’ MOU
Jun 19, 2013	5166	3.304 / Exhibit A	Add section 3-304 re Consolidated Schedule of Rates, Fees and Charges
Jul 17, 2013	5170	5.302 5.504(c)(19) 5.504(c)(24) 5.504(f)(4) 5.504(g)(4) 5.504(g)(5) 5.504(l)(2) 5.504(n)(2)(b)(iii) 5.504(p)(4) 6.210(a)(1) 6.210(a)(3) 6.210(a)(4) 6.210(a)(6) 6.501(a) 6.503(g) 6.606 7.302(h) 7.407(a) 7.407(e)	Incorporating references to the Consolidated Schedule of Rates, Fees and Charges
Sep 4, 2013	5178	2.208	Amended section 2.208 Expenses
Sep 4, 2013	5179	Article 6, Title 2	Added Article 6 to Title 2 relating to Travel, Expenses and Reimbursement for District Employees
Oct 2, 2013	5182	2.406 2.408 2.410 2.411(a)  2.521(b) 2.521(e)(6)	Amended section 2.406 Discipline Amended section 2.408 Employment Policies Amended section 2.410 Grievance Amended section 2.411(a) relating to Equal Employment Opportunity and Nondiscrimination Amended section 2.521(b) Harassment Amended section 2.521(e)(6) relating to Nepotism

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
Nov 6, 2013	5197	Article 9, Title 5	Added Article 9 to Title 5 – Land Development Water Supply and Service
Dec 18, 2013	5189	3.304 / Exhibit A	Amended Exhibit A - Consolidated Schedule of Rates, Fees and Charges relating to Water Financial Participation Charge, Sewer Financial Participation Charge and Sewer Treatment Plant Capacity Charge
Mar 12, 2014	2014-031	3.701	Amended section 3.701 Purpose and Contracting Principles
Mar 26, 2014	2014-033	5.601 Article 10, Title 5	Amended section 5.601 relating to water conservation policies, practices and procedures Added Article 10 to Title 5 – Water Shortage Contingency Plan
May 21, 2014	2014-054	2.207 2.520 2.603 2.605 2.606 2.608 3.101 3.102 3.103 3.408 3.507(e)	Amended section 2.207 relating to Compensation Amended section 2.520 relating to Filing Disclosure Statements Amended section 2.603 relating to Travel Authorization Amended section 2.605 relating to Reimbursement of Expenses Amended section 2.606 relating to Cash Advances and Credit Card Usage Amended section 2.608 relating to Procedures to Implement the Travel and Expense Policy Amended section 3.101 General Amended section 3.102 relating to Budget Amended section 3.103 relating to Financial Reports Amended section 3.408 relating to Administration Amended section 3.507(e) relating to signatures
May 21, 2014	2014-066	Article 8 of Title 3	Added Article 8 to Title 3 – Interest Rate Swaps
Jun 18, 2014	2014-084	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges Incorporating Certain Rates, Fees, and Charges for 2014, 2015, and 2016 (Turner)
Jul 2, 2014	2014-098	5.1007	Amended section 5.1007 relating to Process Initiation/Termination of Water Shortage Contingency Stages and Modification of Actions Taken in Each Stage
Sep 17, 2014	2014-120	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges Incorporating Ministerial Amendments
Oct 1, 2014	2014-133	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges for Recycled Water Rates Effective October 1, 2014 and October 1, 2015

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
Nov 5, 2014	2014-141	2.207 2.208 2.601 2.604 2.605 2.606 4.201	Amended Administrative Code relating to board compensation and expense reimbursement, employee expense reimbursement, and public records.
Jan 7, 2015	2014-150	2.207	Amended Administrative Code relating to board compensation
Mar 18, 2015	2015-011	1.105 1.211(j) 2.207(b) 2.211 2.213(a) 2.302 2.303(b) 2.403 2.504(d)(1) 2.504(d)(2)  2.504(d)(3)(a) 2.504(d)(3)(b)  2.504(d)(3)(c)  2.516(e) 2.520 2.608  3.102(b) 3.408 3.501 3.507(e) 3.607 3.609(a)  3.703(a)  3.705  3.712 3.713 3.901 5.302 5.601(b)(5)  5.601(c)(4)  5.601(d)  5.601(e)	Amended section 1.105 re Maintenance of Code Amended section 1.211(J) re Board Secretary Definition Amended section 2.207(b) re Compensation Amended section 2.211 re Record of Proceedings Amended section 2.213(a) re Agenda Amended section 2.302 re General Amended section 2.303(b) re General Manager Amended section 2.403 re Wages Amended sections 2.504(d)(1) and 2.504(d)(2) re Communication; Public Awareness Guidelines  Sections 2.504(d)(3)(a) and 2.504(d)(3)(b) struck in their entirety  Section 2.504(d)(3)(c) renumbered as section 2.504(d)(3)(a)  Amended section 2.516(e) re Disqualification Amended section 2.520 re Filing Disclosure Statements Amended section 2.608 re Procedures to Implement The Travel and Expense Policy Amended section 3.102(b) re Budget Amended section 3.408 re Administration Amended section 3.501 re Deposits Amended section 3.507(e) re Accounts Amended section 3.607 re Time for Action Amended section 3.609(a) re Claim as Prerequisite to Suit Amended section 3.703(a) re General Manager's Authority Amended section 3.705 re Procurement of Supplies, Equipment and Services Amended section 3.712 re Other Procedures Amended section 3.713 re Disposal Added Article 9, Section 3.901 re Use of District Facilities Amended section 5.302 re Fees and Deposits: General Amended section 5.601(b)(5) re Water Conservation (General); rates Amended section 5.601(c)(4) re Water Conservation (General); rates Amended section 5.601(d) re Water Conservation (General); Requirements for New Landscape Meters Amended section 5.601(e) re Water Conservation (General); Special Conditions

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
Continued: Mar 18, 2015	2015-011	5.1009	Amended section 5.1009 re Water Shortage Contingency Plan Stages and Enforcement
		7.416	Added section 7.416 Recycled Water System Demand Management Plan
		3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges
May 8, 2015	2015-034	5.601 5.602	Amended Administrative Code relating to water conservation/recycled water use.
Jun 17, 2015	2015-074	2.303(d)	Added section 2.303(d) regarding general manager authority to enter into contracts
		4.401	Amended section 4.401 regarding personal property
		5.110	Amended section 5.110 regarding Individual Main Extension: Privately Financed
		5.111	Amended section 5.111 regarding Individual Main Extensions: Refunding Agreements
		5.116	Amended section 5.116 regarding Multiple Service to One Property
		5.122	Added section 5.122 regarding Remote Meters
		5.204	Amended section 5.204 regarding Construction Water and Residential Temporary Water Service
		5.205	Amended section 5.205 regarding Fire Hydrants
		5.307	Section 5.307 amended regarding Financial Participation Charge Policies: Domestic Water Systems Facilities Financial Participation Charges
		5.308	Deleted section 5.308
		5.314	Amended section 5.314 regarding Bills Due When Presented
		5.316	Amended section 5.316 regarding Application of Deposits
		5.322	Amended section 5.322 regarding Delinquent Customer at Same or New Address
		5.324(a)	Amended section 5.324(a) regarding Payments (Returned Items) Not Honored at Bank
		5.403(a)	Amended Section 5.403(a) regarding Unauthorized Use Of Fire Hydrants or Water Appurtenances
		5.504(c)(12)	Amended section 5.504(c)(12) regarding Cross Connections / California Department of Public Health
		5.504(c)(15)	Amended section 5.504(c)(15) regarding Cross Connections / Cross-Connection
		5.504(c)(19)	Amended section 5.504(c)(19) regarding Cross Connections / Detector Check Assemblies
		5.504(c)(28)	Amended section 5.504(c)(28) regarding Cross Connections / Remote Service
		5.504(c)(46)	Amended section 5.504(c)(46) regarding Cross Connections / Remote Service
		5.504(c)(54)	Amended section 5.504(c)(54) regarding Cross Connections / State Water Resources Control Board, Division of Drinking Water
		5.504(j)(6)	Amended section 5.504(j)(6) regarding Cross Connections / Residential Fire Service Protection
		5.504(n)(2)(b)(ii)	Amended section 5.504(n)(2)(b)(ii) regarding Cross Connections / Qualifying service

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
Continued: Jun 17, 2015	2015-074	5.702(b) 5.705 5.707(a) 6.207  6.210(a)(3) 6.401(a) 6.603(d) 7.106(c) 7.301 7.305(a) 7.306(c) 7.405(b) 7.405(k) 7.406(b) 7.409 7.412 7.501(f) 7.601 3.304 / Exhibit A	Amended section 5.702(b) regarding Termination Of Service Amended section 5.705 regarding Water Theft Amended section 5.707(a) regarding Inspection Amended section 6.207 regarding Application for Sewer Laterals Amended section 6.210(a)(3) regarding Prerequisite Financial Arrangements Amended section 6.401(a) regarding Sewer System Facilities Extensions Amended section 6.603(d) regarding Basic Concepts and Criteria Amended section 7.106(c) regarding Authority Amended section 7.301 regarding Public Recycled Water Facilities and Service Connections Amended section 7.305(a) regarding Marking Water Facilities Amended section 7.306(c) regarding Cross-Connection Prevention Amended section 7.405(b) regarding Conditions of Service / Studies and Reports Amended section 7.405(k) regarding Conditions of Service / Recycled Water for Construction Use Amended section 7.406(b) regarding Request for Service Amended section 7.409 regarding Non-Registering Water Meter Amended section 7.412 regarding Cross-Connection Testing Amended section 7.501(f) regarding Private On-Site Recycled Water Systems Amended section 7.601 regarding Introduction Updated Consolidated Schedule of Rates, Fees, and Charges
Jul 15, 2015	2015-082	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges
Aug 19, 2015	2015-103	5.1009	Amended section 5.1009 regarding updates to Water Shortage Contingency Plan Stages and Enforcement
Sep 16, 2015	2015-107	5.601(d) 5.601(e)	Amended section 5.601(d) regarding Requirements for New Landscape Meters and 5.601(e) regarding Special Conditions
Oct 21, 2015	2015-108	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees, and Charges to Update Financial Participation Charges and Miscellaneous Volumetric Rates
Dec 16, 2015	2015-141	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees, and Charges to Update Financial Participation Charges and Miscellaneous Volumetric Rates

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
Jan 20, 2016	2016-016	5.1009	Amended section 5.1009 regarding updates to the Water shortage Contingency Plan
Jan 20, 2016	2016-017	6.104 6.204	Added paragraph (x) "Graywater" to section 6.104 Definitions: General Amended section 6.204 regarding Regulations for Waste Discharge, Graywater, and Sewer use
Feb 3, 2016	2016-019	2.207	Amending section 2.207 Compensation as it relates to indexed changes to board compensation
Jun 15, 2016	2016-073	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees, and Charges
Jun 15, 2016	2016-075	5.104 5.105(a) 5.106(b) 5.108(a) 5.110 5.110(a) 5.111 5.117(a) 5.314 5.601 5.702 7.301(a) 7.301(h) 7.407	Added paragraph (c) to section 5.104 General to clarify ownership and property maintenance responsibilities between District and property owners Amended section 5.105(a) to clarify that it includes "design" as well as construction and dedication. Amended section 5.106(b) to clarify District and applicants' responsibilities for water pressure design requirements. Amended section 5.108(a) to clarify applicants' responsibilities to obtain water service Removed "Individual" from title of section 5.110 Amended section 5.110(a) to clarify language Removed "Individual" from title of section 5.111 Amended section 5.117(a) to incorporate provisions for reimbursement refunding agreements and prevailing wage requirements. Amended section 5.314 Bills Due When Presented to revise due dates for bills from 15 days to 21 Amended section 5.601(c) to cross-reference water efficiency requirements in place under section 5.601(a) Amended section 5.702 Termination of Service to revise date for notification of termination for non-payment from 19 days to at least 26 days Added paragraph (2) regarding recycled facilities Amended section 7.301(h) to provide a reference to the District's Standard Facilities Agreement Amended section 7.407 Charges for Service to revise due dates for bills from 15 days to 21
Sep 7, 2016	2016-111	2.212 2.411 2.505 2.520 2.607 7.101 7.102 7.103 7.104 7.105 7.106	Amended regarding Rules of Conduct Amended regarding Equal Employment Opportunity and Non-Discrimination Amended regarding Conflicts of Interest Amended regarding Filing Disclosure Statements Amended regarding Travel Time Compensation Amended regarding Introduction Amended regarding Purpose Amended regarding Policy Amended regarding Intent Amended regarding Scope Amended regarding authority

<u>Adopted</u>	<u>Res. No.</u>	<u>Section</u>	<u>Description</u>
		7.201	Amended regarding Terms
		7.301	Amended regarding Public Recycled Water Facilities and Service Connections
		7.302	Amended regarding On-Site Recycled Water Facilities
		7.304	Amended regarding Conversion of Public Water Facilities
		7.306	Amended regarding Cross-Connection Prevention
		7.401	Amended regarding General Statement
		7.402	New section added regarding Availability of Recycled Water and Recycled Water Demand Management Plan
		7.403	<u>Formerly</u> 7.402 Size, Location and Installation of Service Line. <u>Deleted former 7.403</u> Relocation of Recycled Water Service Line.
		7.405	Amended regarding Conditions of Service
		7.406	Amended regarding Request for Service
		7.407	Amended regarding Charges for Service
		7.410	Deleted (Meter Testing). ( <u>Please note, former 7.411 Annual Site Inspections is renumbered as 7.410, even though not indicated in resolution.</u> )
		7.411	Amended regarding Cross-Connection Testing. <u>Formerly</u> 7.412. ( <u>Please note, typo in resolution shows this section still numbered as 7.412.</u> )
		7.412	Amended regarding Wholesale Recycled Water Service <u>Formerly</u> 7.413
		7.413	Amended regarding Discontinuance of Service <u>Formerly</u> 7.414
		7.414	Amended regarding Re-Establishment of Service <u>Formerly</u> 7.415
		7.416	Deleted. (Recycled Water System Demand Management Plan)
		7.501	Amended regarding Private On-Site Recycled Water Systems
		7.601	Amended regarding Introduction
		7.602	Amended regarding Informal and Formal Enforcement Procedures
Oct 19, 2016	2016-128	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees, and Charges
Dec 21, 2016	2016-142	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees, and Charges
Jan 4, 2017	2017-002	2.207	Amended Indexed Adjustments to Board of Directors Compensation
Jan 18, 2017	2017-006	3.801	Amended Comprehensive Debt Policy
July 19, 2017	2017-072	3.304/ Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges
Nov. 15, 2017	2017-120	3.304/ Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges
Dec. 6, 2017	2017-129	3.304/ Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges



<u>Adopted</u>	<u>Res. No.</u>	<u>Section</u>	<u>Description</u>
Dec. 20, 2017	2017-152	5.601	Amended General as it relates to Water Use Efficiency, Water Budgets Water Shortage Contingency Plan
Dec. 20, 2017	2017-152	5.1009	Amended Water Shortage Contingency Plan Stages and Enforcement
Dec. 20, 2017	2017-154	2.207	Amended Compensation as it Relates to Indexed Changes to the Board Compensation
Feb. 21, 2018	2018-009	3.304 / Exhibit A	Amended Consolidated Schedule of Rates, Fees and Charges
Feb. 21, 2018	2018-014	2.208(f)	Amended subsection (f)
		2.520	Amended Designated Position
		2.603	Amended subsections (b), (c)(1), (2) and add (3)
		2.604	Amended subsections (b) and (c); (d)(2);
		3.901	Amended language
		5.206	Added Submeters section
		5.306	Added subsection (d)
		5.502	Amended subsections (a), (b) and (c)
		5.504	Amended subsections (c)(5), (11), (47) and (48); (g)(4); (h)(2)(c) and (e); (j)(1); (j)(2)(a); (j)(2)(e)(iii)-(x); (n)(2)(b)(iii); (p)(1),
		5.601	Amended subsections (d)(1); (e) §5.602
		5.902	Amended subsections (a) and(b)
		6.102	Amended Heading
		6.104	Amended Heading; Amended subsections (l)-(w); Added subsections (q) (1) and (2)
		Article 2 of Section 6	Amended Heading
		6.201	Amended Heading and language
		6.202	Amended Heading; Amended subsections (a);(b); and (b)(1)-(3)
		6.203	Amended language: "Sewer Service Lateral"
		6.205	Amended language: "Sewer Service Lateral"
		6.207	Amended Heading; amended language: "Sewer Service Lateral"
		6.209	Amended language: "Sewer Service Lateral"
		6.210	Amended subsections (a); amended language: "Sewer Service Lateral" in (a)(1); (2)(c) and (d)
		6.212	Amended language: "Sewer Service Lateral"
		6.213	Amended language: "Sewer Service Lateral" and "Private Sewer System"
		Article 4 of Section 6	Amended Heading
		6.401	Corrected typos
		6.402	Amended language: "Sewer Service Lateral"
		6.701	Amended subsection (d)(1)(c)
		7.201	Amended subsection (p)
		7.306	Amended subsections (a) through (c)
		7.401	Amended Heading; Amended subsections (a) and (b)
		7.404	Amended language
		7.405	Amended subsection (e)
		7.406	Amended subsections (b) and (c)
Oct. 17, 2018	2018-145	3.305	Add Section: Consideration of Special Benefits Areas
Dec. 19, 2018	2018-169	2.407	Amended Employee – Relations
		2.520	Amended Filing Disclosure Statements
		2.521	Amended Policies for Officers and Employees (a)
		5.313	Amended Billing Adjustments

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
		5.601 3.304 / Exhibit A	Amended General (e) Special Conditions Amended Consolidated Schedule of Rates, Fees and Charges
Feb. 20, 2019	2019-012	Article 9 3.902	Amended as it Relates to the District Facilities Added Naming of District Facilities section
May 1, 2019	2019-053	2.205	Amended as it Related to Officers of the Board
June 19, 2019	2019-057	3.304	Amended Consolidated Schedule of Rates, Feed and Charges
Sept. 18, 2019	2019-097	2.205 2.215 2.520 3.404 3.408 3.703 3.706 5.702 5.703	Amended Officers of the Board Add section Appointment to External Committees Amended Filing Disclosure Statement Amended Portfolio Amended Administration Amended General Manager's Authority Amended Professional Services Amended Termination of Service Amended Delinquent Tenants
Nov. 20, 2019	2019-116	3.304	Amended Consolidated Schedule of Rates, Fees and Charges
Dec. 11, 2019	2019-123	3.304	Amended Consolidated Schedule of Rates, Fees and Charges
Jan. 22, 2020	2020-009	2.604	Amended subsection(e) (3)
Apr. 15, 2020	2020-062	5.602	Amended subsection (b) (3) Amended subsection (d) (1)
April 15, 2020	2020-069	7.104 7.401 7.405	Amended Intent Amended General Statement (Recycled Water Service) Amended subsection (a)
July 15, 2020	2020-111	2.409	Amended Injury and Illness Prevention
Aug. 19, 2020	2020-125	2.520	Amended Filing Disclosure Statements
Nov. 18, 2020	2020-150	5.206	Amended Submeters
April 7, 2021	2020-053	3.801	Amended Comprehensive Debt Policy
June 16, 2021	2021-080	3.304	Amended Consolidated Schedule of Rates, Fees and Charges
June 16, 2021	2021-081	3.304	Amended Consolidated Schedule of Rates, Fees and Charges
Sept. 15, 2021	2021-125	Article 4, Title 3 3.401	Amended Heading Comprehensive Investment Policy Amended Introduction
Dec. 15, 2021	2021-199	3.304	Amended Consolidated Schedule of Rates, Fees and Charges
Feb. 16, 2022	2022-018	2.207	Amended Compensation
June 15, 2022	2022-067	3.304	Amended Consolidated Schedule of Rates, Fees and Charges

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
June 15, 2022	2022-083	2.207 2.212 2.215 5.1009	A Resolution of the Board of Directors of Eastern Municipal Water District Amending Resolution No. 5111 (Administrative Code) as it Relates Compensation, Rules of Conduct, Appointment to Committees and Water Shortage Contingency Plan Stages and Enforcement
June 15, 2022	2022-084	5.601	A Resolution of the Board of Directors of Eastern Municipal Water District Amending Resolution No. 5111 (Administrative Code) as it Relates to Water Conservation
Aug. 17, 2022	2022-106	2.520	Amended Section 2.520 Filing Disclosure Statements
Nov. 16, 2022	2022-274	3.304	Amended Consolidated Schedule of Rates, Fees and Charges
Feb. 1, 2023	2023-011	2.207	A Resolution of the Board of Directors of Eastern Municipal Water District Amending the Eastern Municipal Water District Resolution No. 5111 (Administrative Code) as it Relates to Indexed Changes to Board Compensation
Apr. 19, 2023	2023-078	3.304	Amended Consolidated Schedule of Rates, Fees and Charges
Jun 7, 2023	2023-083	5.601	A Resolution of the Board of Directors of Eastern Municipal Water District Amending Resolution No. 5111 (Administrative Code) as it Relates to Water Conservation
Jun. 21, 2023	2023-004 Ordinance	3.304	Amended Consolidated Schedule of Rates; Fees and Charges
July 19, 2023	2023-011	5.103 5.106 5.107 5.109 5.110 5.111 5.112 5.117 5.307 6.104 6.210 6.401 6.402 7.101 7.104 7.106 7.201 7.301 7.302 7.303 7.306 7.406	A Resolution of the Board of Directors of Eastern Municipal Water District Amending Resolution No. 511 (Administrative Code) as it Relates to Updates to the Water Shortage Contingency Plan

<b><u>Adopted</u></b>	<b><u>Res. No.</u></b>	<b><u>Section</u></b>	<b><u>Description</u></b>
Nov. 1, 2023	2023-006 Ordinance	3.304	Amended Consolidated Schedule of Rates; Fees and Charges
Nov. 15, 2023	2023-007 Ordinance	3.304	Amended Consolidated Schedule of Rates; Fees and Charges
Feb. 21, 2024	2024-018	2.207	A Resolution of the Board of Directors of Eastern Municipal Water District Amending the Eastern Municipal Water District Resolution No. 5111 (Administrative Code) as it Relates to Indexed Changes to Board Compensation

**EASTERN MUNICIPAL WATER DISTRICT  
ADMINISTRATIVE CODE  
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**TITLE 1 - GENERAL PROVISIONS**

**ARTICLE 1 - ADOPTION OF CODE**

**1.101 TITLE**

This Code is the "Eastern Municipal Water District Code." It shall be sufficient to refer to this Code as the Eastern Municipal Water District Code in any prosecution for violation of any provision hereof. It shall also be sufficient to designate any ordinance adding to, amending, or repealing the provisions of this Code as an addition to, or amendment to, or a repeal of, the Eastern Municipal Water District Code, or portion thereof.

Except as otherwise provided, this Code consists of regulatory, penal, and administrative laws of general application of Eastern Municipal Water District, codified pursuant to the authority of the Municipal Water District Law of 1911 and particularly Section 71281 thereof, and to Article 2 of Chapter 1, Part 1 of Division 1 of Title 5 of the Government Code of the State of California.

**1.102 CONSTRUCTION AND INTERPRETATION OF CODE**

This Code, ordinances, and resolutions shall be interpreted to refer to the appropriate or designated officer or office of the District. When an ordinance, uniform code, statute, or other matter, which is adopted by reference refers to any department, officer, employee, inspection, or other function, unless the context requires otherwise, such references shall be to the appropriate or designated office, officer, agency, employee, or function of the District.

**1.103 EFFECTIVE CODE ON PAST ACTIONS AND OBLIGATIONS**

Neither the adoption of this Code nor the repeal of an ordinance or resolution of the District by this Code shall affect the prosecution for violations of ordinances or resolutions committed prior to the effective date of this Code nor be construed

as a waiver of a fee or penalty on such effective date due and unpaid under such ordinances or resolutions, nor be construed as affecting provisions of such ordinances or resolutions relating to the collection of fees or penalties or the penal provisions applicable to the violation of such ordinances or resolutions, nor to affect the validity of bonds or cash deposits required to be posted, filed, or deposited pursuant to an ordinance or resolution, and vested rights and obligations pertaining to such ordinances or resolutions shall continue in full force and effect.

**1.104            REFERENCES TO SPECIFIC ORDINANCES**

This Code shall not affect deposits or other matters of record which refer to, or are otherwise connected with, ordinances or resolutions which are specifically designated by number or otherwise, and which are included within this Code, but such references shall apply to the corresponding provisions set forth in this Code.

**1.105            MAINTENANCE OF CODE<sup>1</sup>**

Whenever updated, the Secretary will post Code revisions to the District's webpage at [www.emwd.org](http://www.emwd.org).

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<sup>1</sup> Section 1.105 amended by Resolution No. 2015-011 on March 18, 2015.



## **ARTICLE 2 - RULES OF CONSTRUCTION**

### **1.201 SCOPE**

Unless otherwise specifically provided by context to the contrary, the general provisions, rules of construction, and definitions set forth in this chapter govern the construction of this Code. This Code and proceedings under it are to be construed with a view to affect its object and to promote justice.

### **1.202 STATEMENT AND CONTINUATIONS**

This Code, insofar as substantially the same as existing ordinances or resolutions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

### **1.203 TENURE OF OFFICERS**

Persons who, at the time this Code takes effect, hold office under any of the ordinances or resolutions repealed by this Code, which offices are continued by this Code, shall continue to hold such offices in accordance with the tenure originally granted.

### **1.204 EFFECT OF HEADINGS**

Headings in this Code shall not govern, limit, modify, or affect the scope, meaning, or intent of this Code.

### **1.205 REFERENCES TO ACTS OR OMISSIONS WITHIN THE DISTRICT**

This Code refers only to the omission or commission of acts within the territorial limits of the District and to the territory outside the District over which the District has jurisdiction or control by virtue of the Constitution of the State or any law, or by reason of ownership or control of property.

**1.206 ACTS BY DEPUTIES**

Deputies may be appointed by officers to fulfill some or all duties of the office. The appointment shall be written and a copy filed with the secretary. The appointment shall state the powers which may be exercised and the appointment shall be for a stated term not longer than the term of the office.

**1.207 REFERENCES TO ORDINANCES OR RESOLUTIONS**

Reference in this Code to an ordinance or resolution shall apply to such ordinance or resolution of the District unless this Code expressly provides otherwise. Reference to any portion of this Code, ordinance, or resolution of the District shall apply to amendments and additions to this Code.

**1.208 NOTICES**

When a notice is required to be given pursuant to this Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the public records of the District or other records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed at the time the notice is deposited in the Post Office.

Proof of giving notice may be made by the certificate of an officer or employee of the District or by the affidavit of a person over the age of 18 years showing service in conformity with this Code or other provisions of law applicable to the subject matter.

**1.209 SEVERABILITY**

If a section, sub-section, sentence, clause, or phrase of this Code is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Code. The Board declares it would have passed this Code by section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that one or more other sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**1.210 STATUTE OF LIMITATIONS**

Whenever a limitation or a period of time prescribed in any existing ordinance, resolution, or statute for acquiring a right or buying a remedy, or for any other purpose, has begun to run before this Code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

**1.211 DEFINITIONS<sup>2</sup>**

Unless otherwise apparent from context, certain words and phrases used in this Code are defined as follows:

- (a) "Board" refers to the Board of Directors of the District.
  
- (b) "Deputy" means a person appointed by an official to exercise all or some of the officer's powers indefinitely or for a stated duration but no longer than the period of office holding.
  
- (c) "Director" refers to a member of the Board.
  
- (d) "District" refers to Eastern Municipal Water District.

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<sup>2</sup> Section 1.211(j) amended by Resolution No. 2015-011 on March 18, 2015.

- (e) "Employee" refers to a District employee.
- (f) "General Manager" refers to the General Manager of the District.
- (g) "Person" refers to any person, firm or corporation.
- (h) "President" refers to the President of the Board.
- (i) "Vice President" refers to the Vice President of the Board.
- (j) "Secretary" refers to the Board Secretary.
- (k) "Treasurer" refers to the Treasurer of the Board.
- (l) "State" shall mean the State of California.
- (m) "Section" shall mean a section of this Code unless another source is specifically mentioned.
- (n) "Quarterly" where used to designate a period of time, shall mean the first three calendar months of any given year or any succeeding period of three calendar months.
- (o) "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, such notice, report, statement, or record shall be made in writing in the English language unless this Code expressly provides otherwise.

PAGES 7 THROUGH 57 ARE BLANK INTENTIONALLY. **TITLE 2** FOLLOWS.

## **TITLE 2 – ADMINISTRATION**

### **ARTICLE 1 – GENERAL**

#### **2.101 PURPOSE**

This Title provides the members of the Board and the District's staff with a statement of instructions and policy to implement the Municipal Water District Law of 1911.

#### **2.102 SCOPE**

This Title includes provisions dealing with the administration of the District. Provisions dealing with delivery of services and the enforcement of rules and regulations concerning service are contained elsewhere in this Code.

#### **2.103 DISTRICT SEAL: ADOPTION AND DESCRIPTION**

A seal, in the form set out in this section, is adopted as the seal of the Eastern Municipal Water District. The seal shall be circular in form and carry the following words and figures: Eastern Municipal Water District, Riverside County, California, Incorporated October 16, 1950.

**ARTICLE 2 – BOARD OF DIRECTORS**

**2.201 ELECTION**

(a) Members of the Board shall be elected to office in accordance with the Municipal Water District Law of 1911.

(b) Directors shall be elected on the following schedule: with terms commencing at the time stated and every fourth year thereafter:

Director Representing Division 1 – January 2011

Division 2 – January 2011

Division 3 – January 2013

Division 4 – January 2013

Division 5 – January 2011

(c) The statement of qualifications for candidates appearing in the official voter materials shall be limited to 250 words and shall be paid for by the candidate.

**2.202 APPOINTMENTS**

When a vacancy occurs on the Board, the remaining members of the Board may fill such vacancy by appointment in accordance with law.

**2.203 OATH OF OFFICE**

Persons elected to the Board shall take the oath of office in the manner and at the time prescribed for county officers. Persons appointed to the Board shall take the oath of office prior to assuming office. The Secretary shall administer the oath.

## **2.204 DIVISIONS**

The District is divided into five (5) Divisions as shown on the Official Map of Division Boundaries on file in the District offices. Each division is represented by one Director.

## **2.205 OFFICERS OF THE BOARD<sup>1,2</sup>**

The Offices of President, Vice President, and Secretary shall be appointed by the Board from its members at the first meeting in the month of January of each odd-numbered year. The Board also may elect one of its members to the position of Treasurer or may appoint an employee or qualified member of the public to perform this function.

## **2.206 POWERS AND DUTIES OF BOARD OFFICERS**

Certain duties are delegated to Officers of the Board beyond those provided for by statute:

- (a) The President serves as presiding officer.
- (b) The Vice-President serves as Parliamentarian and as presiding officer in the absence of the President.
- (c) The Secretary is responsible for the accuracy and availability of the minutes of Board Meetings and the Official Record of all ordinances, resolutions and orders passed or adopted by the Board. The Secretary shall certify to the passage and adoption of all ordinances, resolutions and orders of the Board, to the filing of all documents filed with, or by order of the Board to the official

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<sup>1</sup> Section 2.205 amended by Resolution No. 2019-053 on May 1, 2019.

<sup>2</sup> Section 2.205 amended by Resolution No. 2019-097 on September 18, 2019.



status, capacity and signature of all officers and employees of the District, and to all matters appearing off record in the files and records of the District and of its Board or of any office or officer of the District.

(d) The Treasurer is responsible for receiving and depositing all monies of the District, the certification that checks presented for Board approval in payment of obligations of the District are correct and supporting documents available, and the investment of District funds.

**2.207 COMPENSATION<sup>3</sup>**

(a) Each director shall be paid up to \$258 for each day's attendance at meetings of the Board, and for each day's service rendered as a director by request of the Board, not exceeding a total of ten (10) days in any calendar month. A director shall be compensated for no more than one authorized meeting per day even if more than one meeting is attended in one day. This compensation shall be in effect for meetings attended commencing in February 2024.

(b) Each representative of the District on the Board of Directors of the Metropolitan Water District of Southern California shall be paid up to \$258 for each day's attendance at meetings of the Board of Directors of the Metropolitan Water District of Southern California or committees thereof, and for each day's service rendered as director, not exceeding a total of ten (10) days in any calendar month. The representative shall be compensated for no more than one meeting per day per agency even if more than one meeting is attended in one

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<sup>3</sup> Section 2.207 amended by Resolution No. 2014-054 on May 21, 2014; Section 2.207 amended by Resolution No. 2014-141 on November 5, 2014; Section 2.207 amended by Resolution No. 2014-150 on January 7, 2015; Section 2.207(b) amended by Resolution No. 2015-011 on March 18, 2015; Section 2.207 amended by Resolution No. 2016-019 on February 3, 2016; Section 2.207 amended by Resolution No. 2017-002 on January 4, 2017; Section 2.207 amended by Resolution No. 2017-154 on December 20, 2017, Section 2.207 amended by Resolution No. 2022-018 on February 16, 2022; Section 2.207 amended by Resolution No. 2022-083 on June 15, 2022; Section 2.207 amended by Resolution No. 2023-011 on February 1, 2023; Section 2.207 amended by Resolution No. 2024.018 on February 21, 2024.

day per agency. This compensation shall be in effect for meetings attended commencing in February 2024.

(c) On the first Board meeting in January of each year, compensation to each director and each representative of the District's Metropolitan Water District of Southern California Board of Directors may be increased up to a maximum of five percent (5%), upon approval by the Board for each calendar year following the operative date of the last adjustment. The Board shall adjust its compensation by the percentage change in the Consumer Price Index (CPI-U for Riverside-San Bernardino-Ontario). This CPI-U provides data on a bimonthly basis in the months of January, March, May, July, September, or November. The calculation will utilize the average of the six data points from November to September and applied to the pay period which includes the first pay date in January of the following year, up to five percent (5%), and rounded to the nearest whole dollar unless a majority of the Board declines to accept the indexed change.

(d) The following meetings are designated by this policy as "requested by the Board" and do not require any further authorization or ratification to receive compensation pursuant to sections 2.207 (a) and (b) above and to receive reimbursement of expenses pursuant to section 2.208:

- (1) Board meetings;
- (2) Committee meetings;
- (3) Designated Ad Hoc Committee meetings;
- (4) Designated representatives to outside agencies, such as Metropolitan Water District of Southern California, Santa Ana River Watershed Project Authority or the Western Riverside Council of Governments; and
- (5) Designated representatives to non-profit professional organizations or working coalitions in which the District is an active participant such as ACWA, CASA, CalDesal or CSDA.

(e) Other meetings which may be compensable under sections 2.207 (a) and

{b) and eligible for reimbursement of expenses pursuant to section 2.208 include the following meetings and other activities related to the District's business, subject to ratification of the Board's Executive Committee at a regularly scheduled meeting:

- (1) Non-profit organization meetings, if the nonprofit organization is one created by or supported with funds or other contributions from the District;
- (2) Service club meetings where a Director is making a presentation on behalf of the District;
- (3) Meetings with District executive staff;
- (4) Meetings a Director has with other elected officials or their employees, which do not include District staff;
- (5) Meetings of the governing body of another agency, where a matter directly affecting the interests of the District is on the agenda and the Director is not a board member, employee or official compensated by the other agency;
- (6) Educational seminars conducted by various organizations on topics related to water and wastewater issues;
- (7) Meetings with vendors and/or contractors of the District; and
- (8) Meetings with property owners on matters in which the property owner is seeking District approval or other consideration or on matters otherwise affecting the interests of the District.

(f) If advance approval of the Board is obtained, other meetings related to the District's business which may be compensable under sections 2.207 (a) and (b) and eligible for reimbursement of expenses pursuant to section 2.208 include:

- (1) Social or ceremonial events;
- (2) Service club meetings; and
- (3) Nonprofit organization events, other than for non-profit professional organizations or working coalitions noted in 2.207 (d).

(g) Directors will not receive compensation or expense reimbursement for any of the following:

- (1) Social or ceremonial events not pre-approved by the Board;
- (2) Service club meetings not pre-approved by the Board;
- (3) Nonprofit organization events {other than those noted in 2.207
- (d)) not pre-approved by the Board;
- (4) District-sponsored employee events including but not limited to luncheons or retirement events;
- (5) Parades, festivals, funerals, weddings or holiday events; and
- (6) Meetings of partisan political organizations.

(h) At least annually, the Board shall determine its designated representatives to committees, outside agencies and other organizations.

(i) Directors shall submit claims for compensation. The Secretary of the Board shall authorize payment for meetings and service and shall report such payments at the next regular meeting of the Executive Committee following the month of submittal at which time the Board may ratify or disapprove payment of the claim(s). Any recommendations of the Executive Committee to disapprove payment of a claim will be forwarded to the full Board for action.

## **2.208 EXPENSES<sup>4,5,6</sup>**

(a) A Director shall receive reimbursement for travel, meals, lodging, registration and other actual, reasonable and necessary expenses incurred on District business. Reimbursements for meals, lodging and other actual and necessary expenses allowed under this Policy, excluding conference registration fees and airfare(s), shall not exceed \$500 per day. However, in the event the Director provides a reasonable written explanation adequately justifying why his/her daily expenses exceeded the allowable amount, it is within District's discretion to authorize reimbursement in excess of the daily maximum.

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<sup>4</sup> Section 2.208 amended by Resolution No. 5178 on September 4, 2013

<sup>5</sup> Section 2.208 amended by Resolution No. 2014-141 on November 5, 2014

<sup>6</sup> Section 2.208 amended by Resolution No. 2018-014 on February 21, 2018

(b) Reimbursement for lodging in connection with a conference or organized educational activity shall not exceed the maximum group rate. If the group rate is not available, reimbursement shall be comparable to the group rate.

Reimbursement for travel and meals shall not exceed reasonable and necessary amounts.

(c) Transportation - Use of a District vehicle, air, train, rental car, or private transportation shall be selected on the basis of the most reasonable and appropriate method, taking into consideration distance, time and total costs to the District. Should a Director elect to travel by private transportation rather than commercial airfare, the Director will be entitled to reimbursement based upon the mileage rates established each year by the U.S. General Services Administration for "Privately Owned Vehicle Mileage Reimbursement Rates", unless the combined costs of commercial airfare (using a 14-day advance purchase, coach class), mileage to/from the airport, parking, and transportation at the destination (shuttle, taxi or car rental), is less than the total calculated mileage reimbursement. In that case, the reimbursement would be the lesser of the alternatives.

(d) Claims for expense reimbursement shall be submitted to the General Manager or his designee for approval on a monthly basis and will be reviewed at each meeting of the Executive Committee. A Director must submit receipts to receive reimbursement, unless obtaining a receipt is impractical. Expenditures which are improper or otherwise not adequately documented will not be reimbursed. If a receipt is lost, the General Manager or his designee may allow reimbursement if an explanation is provided. Alcoholic beverages and other non-essential expenses including, but not limited to, in-room movies and service bar, will not be reimbursed. Expense reports must include detailed receipts and must state the date, type of expense, District business purpose, those in attendance and their affiliations, and amounts expended. Expense claims must be submitted within 60 days after the travel is complete or the expense is incurred, or the

expense reimbursement shall be treated as taxable.

(e) To the extent that spouses or other travel companions accompany a Director on District-related travel or to a District-related event, the portion related to that person's attendance shall not be compensable by the District and must be paid for by the Director or promptly reimbursed to the District.

(f) Each Director may (1) select coverage under the District's Kaiser 'A' health plan, in which case the District will pay the premium directly to Kaiser Permanente up to an amount equivalent to the District's contribution for employee and dependent coverage. Any amount in excess of the District's contribution, equal to that of active employees, will be due payment to the District; (2) obtain health insurance independently, pay the premium and seek reimbursement up to the District's contribution for employee and dependent coverage; or (3) if the Director has health insurance coverage through a spouse's employer or from other employment, the Director may submit monthly proof of any premium not paid by the Spouse's or his/her employer for reimbursement up to the District's contribution for employee and dependent coverage. The District's contributions to health care coverage for each Director shall not exceed the contributions made on behalf of a District employee, and each Director shall pay the same portion of health care premium as each employee.

## **2.209 MEETINGS: GENERAL**

(a) Meetings of the Board and any advisory body shall be open to the public and all persons shall be permitted to attend. No action shall be taken by secret ballot at such meetings.

(b) The definitions contained in the Brown Act shall be used for the purpose of this Article.

## **2.210 REGULAR AND SPECIAL MEETINGS**

(a) The Board shall hold regular meetings on the first and third Wednesday of each and every month at the hour of 9 o'clock a.m. at the District's headquarters located at 2270 Trumble Road, Perris, California, 92570. A regular meeting may be adjourned by the Board or by less than a quorum to another time. An adjourned regular meeting is a regular meeting for all purposes if held within five days of the regular meeting. If the adjourned meeting is held more than five days after the regular meeting, a new agenda shall be posted.

(b) Special Meetings may be called by the President, Vice President or Secretary upon a twenty-four hour notice to each member.

(c) An emergency meeting may be called without a twenty-four hour notice or agenda if necessary due to disruption or threatened disruption of District facilities by work stoppage or crippling disaster or other activity severely impairing public health or safety as determined by a majority of the members.

(d) Each advisory body may establish a time and place for regular meetings and may call special meetings in the same manner as the Board.

## **2.211 RECORD OF PROCEEDINGS<sup>7</sup>**

(a) The Secretary shall prepare written minutes of meetings, which shall be available for public inspection when approved by the Board.

(b) Persons attending an open meeting of the Board may record the proceeding on audio or video media unless the Board finds the recording cannot continue without noise, illumination or obstruction of view constituting a persistent disruption of proceedings.

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<sup>7</sup> Section 2.211 amended by Resolution No. 2015-011 on March 18, 2015.

## 2.212 RULES OF CONDUCT<sup>8 9</sup>

(a) The affirmative vote of at least three directors is necessary for the Board to take action. The Board shall take action by motion, resolution or ordinance. Motions and resolutions may be adopted on voice and/or mechanical vote; roll call shall be taken if requested by any director. Ordinances shall be adopted on roll call vote.

(b) Rules of Order for Board and Committee Meetings

(1) General

a. Action items shall be brought before and considered by the Board by motion in accordance with this Policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules such as Robert's Rules of Order.

b. If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a "Point of Order" – not requiring a second – to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the "Point of Order."

(2) Obtaining the Floor

a. Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

(3) Motions

a. Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

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<sup>8</sup> Section 2.212 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>9</sup> Section 2.212 amended by Resolution No. 2022-083 on June 15, 2022.



i. A Director makes a motion; another Director seconds the motion; and the President states the motion.

ii. Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

b. If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

(4) Secondary Motions Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motion or business is considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

a. Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

b. Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

c. Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

d. Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

e. Motion to Close Debate and Vote Immediately. As provided above, any Director may move to close debate and immediately vote on a main motion.

f. Motion to Adjourn. A meeting may be adjourned by motion made, seconded and approved by a majority vote of the Board before voting on a main motion.

(5) Decorum

a. All persons in attendance will exercise professionalism, respect, courtesy, patience and civility toward each other and as between members of the Board, staff and the public.

b. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise persistently disrupting the meeting or hearing. Persons being ejected from the meeting will be escorted from the building.

c. The President may also declare a short recess during any time at any meeting.

(6) Amendment of Rules of Order

a. By Motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:

i. Temporarily suspend these rules in whole or in part;

ii. Amend these rules in whole or part;

iii. Or both.

(c) During the time designated on the printed Board agenda for oral communications from the audience, members of the public may address the Board on items of interest to the public that are within the jurisdiction of the Board.

(d) Any member of the public desiring to speak to the Board on an Agenda Item prior to a vote of the Board on such item shall file with the Secretary of the Board, on a form provided by the District, and request to speak on the item.

(e) Individual speakers desiring to address the Board under subsections (c) or (d) above shall limit their comments to a maximum of three (3) minutes. At the sole discretion of the Board, this time limit may be varied.

(f) No persons shall address the Board until they have first been recognized by the presiding officer. All persons addressing the Board shall complete a speaker's request card, and shall give their name for the purpose of the record. Each person who addresses the Board shall not make personal, impertinent, threatening, slanderous or profane remarks to any member of the Board, staff or general public.

(g) All demonstrations, including cheering, yelling, whistling, hand clapping and foot stamping are prohibited.

(h) The presiding officer shall order removed from the Board Room any person who commits the following acts in respect to a regular or special meeting of the Board:

(1) Disorderly, contemptuous or insolent behavior toward the Board or any member thereof, staff or general public, which disrupts the orderly course of said meeting;

(2) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

(3) Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the Board; or

(4) Any other unlawful interference with the due and orderly course of said meeting.

Any person so removed shall be excluded from further attendance at the meeting from which he or she has been removed unless permission to attend is subsequently granted upon motion adopted by a majority vote of the Board.

(i) If any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue in closed session. The Board may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(j) If a person or persons, by threat, intimidation or unlawful violence, willfully hinders or prevents the Board or the public from assembling in public meeting for the consideration of public questions is guilty of a misdemeanor under California Elections Code §18340.

(k) The Board shall not prohibit public criticism of the policies, procedures, programs or services of the District or of the acts or decisions of the Board. However, no privilege or protection is hereby conferred for expression beyond that otherwise provided by law.

## **2.213 AGENDA<sup>10</sup>**

(a) The General Manager shall prepare the agenda. At least seventy-two hours before a regular meeting, or at least twenty-four hours prior to a special meeting, the Secretary shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session. The posting shall be freely accessible to the public.

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<sup>10</sup> Section 2.213(a) amended by Resolution No. 2015-011 on March 18, 2015.

(b) The agenda for all meetings shall include the opportunity for the public to address the Board prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Board on matters within the jurisdiction of the District but not on the agenda. During public comments, a director may request a matter be included on the agenda for a future meeting. With the concurrence of a second director, the General Manager shall arrange for the matter to be placed on a future agenda as promptly as feasible.

(c) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to statements made or questions posed during public comment; request for clarification; provide a reference to staff or other resources for factual information; request staff to report back to the Board at a subsequent meeting or direct staff to place a matter of business on a future agenda.

(d) Prior to discussion of any matter on the agenda, the Board may add matters to the agenda upon a majority finding an emergency exists or upon at least a two-thirds vote finding there is a need to take immediate action and the need for action came to the attention of the District subsequent to the posting of the agenda. If only three directors are present, the finding of the need for action shall be by unanimous vote.

(e) The agenda shall describe matters to be discussed in closed session in substantially the following form:

(1) For closed session under Government Code Section 54956.7: 'License/Permit Determination';

(2) For closed session under Government Code Section 54956.8 "Conference with Real Property Negotiator [property identity, negotiating partners, subject of negotiations]";

(3) For closed session under Government Code Section 54956.9: "Conference with Legal Counsel - Existing Litigation [name of case unless

disclosure would jeopardize service or settlement]”; or “Conference with Legal Counsel - Anticipated Litigation [potential case name] `Liability Claims [name of claimant]”;

(4) For closed session under Government Code Section 54956.94: “Liability Claims [name of claimant]”;

(5) For closed session under Government Code Section 54957: “Threat to Public Services or Facilities [name of law enforcement agency and title of officer]”; or “Public Employee [specify position]”; or “Public Employee Performance Evaluation [specify position]”; or “Public Employee Discipline/Dismissal/Release”;

(6) For closed session under Government Code Section 54957.6 “Conference with Labor Negotiator [name of agency representative and employee organization or un-represented employee]”.

(f) Meetings to consider new or increased general tax or assessment shall be preceded by at least forty-five days’ notice as specified by law.

## **2.214 CLOSED SESSIONS**

(a) The Board may conduct a closed session at a regular or special meeting to:

- (1) Consider a license or permit application;
- (2) Consider property acquisition or disposition by eminent domain or otherwise;
- (3) Consider pending or potential claims or litigation;
- (4) Consider threats to public services or facilities;
- (5) Consider the appointment, promotion or job performance of employees;
- (6) Consider charges levied against an employee;
- (7) Establish the District’s position concerning employee negotiations;

or

- (8) Conduct any District business when public session is not possible

due to riot or other interruption.

(b) Whenever possible, the Board shall avoid taking action in closed session. Action may be taken in closed session when necessary to avoid prejudice to the District. Action taken in closed session and the vote, abstention or absence of each member shall be publicly reported as follows:

(1) Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final, as follows:

a. If the Board's approval renders the agreement final, the Board shall report approval and the substance of the agreement in open session at the public meeting when the closed session is held.

b. If final approval rests with the other party to the negotiations, the District shall disclose the approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the District of its approval.

(2) Approval given to counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation shall be reported in open session at the public meeting when the closed session is disclosed to any person upon inquiry, unless to do so would jeopardize the District's ability to effectuate service of process on one or more unserved parties, or would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to counsel for a settlement of pending litigation, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

a. If the Board accepts a settlement offer signed by the opposing party, the Board shall report acceptance and identify the substance of the agreement in open session at the public meeting when the closed session is held.

b. If final approval rests with some other party to the litigation or with the court, the District shall disclose the approval, and identify

the substance of the agreement upon inquiry by any person when the settlement becomes final.

(4) Disposition reached as to claims discussed in closed session shall be reported in the same manner as the settlement of pending litigation.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported at the public meeting when the closed session is held. Such report shall identify the title of the position and specify any change in compensation. However, a report of dismissal or of non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of the employee's administrative remedies.

(6) Approval of an agreement concluding labor negotiations shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(c) Reports required by this section may be made orally or in writing. The Board shall provide to any person who has submitted a written request to the Board within twenty-four hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of the request for notice of meetings, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, if the president, or designee, orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information. The documentation shall be available to any person on the next business day following the meeting in which the action referred to is taken, or, in the case of substantial amendments, when any necessary retyping is complete.



(d) After completing a closed session, counsel shall prepare a confidential memorandum stating the purpose of the closed session and the action taken, if any. This memorandum is confidential and shall be filed in the office of the General Manager.

## **2.215 APPOINTMENT TO COMMITTEES<sup>11</sup>**

(a) Internal and External Committees

(1) The Board will develop committees to carry out the work of the district. These committees will be scheduled at regular times as necessary for the board's work. All committee meetings will be conducted in compliance with Brown Act requirements.

(2) In addition, the Board will evaluate solicitations that occur for membership to outside industry organizations whereby the District is a member (WRCOG, ACWA, etc) and determine if participation is deemed beneficial to the District.

(3) In December of each year, staff will provide an outline of the current committee assignments to all board members to solicit any requested changes in in committee assignments.

(4) The information will be compiled by staff and presented to the Executive Committee for discussion and provide staff with recommended assignments.

(5) In January of each year, a resolution with the recommended assignments will be brought forward to the Board for consideration.

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<sup>11</sup> Section 2.215 amended by Resolution No. 2.215 on June 15, 2022.

## **ARTICLE 3 – OTHER OFFICERS**

### **2.301 PURPOSE**

This Article describes officers who report to the Board and officers who report to the General Manager.

### **2.302 GENERAL<sup>12</sup>**

The General Manager and General Counsel ultimately report to the Board of Directors; Counsel shall deal with the Board through the General Manager. Directors are encouraged to deal with General Counsel through the General Manager, but the Board may deal directly with them as the need arises. All other staff of the District reports up to the General Manager.

### **2.303 GENERAL MANAGER<sup>13,14</sup>**

(a) The General Manager shall be appointed by and serve at the pleasure of the Board.

(d) The compensation of the General Manager shall be set forth in a publicly-available contract, which may be amended from time to time.

(c) The General Manager shall have the general authority, duties and responsibilities as conferred upon the office of General Manager by the Municipal Water District Law of 1911 as the same may be amended from time-to-time, together with such additional general authority, duties and responsibilities common to such office, as may be prescribed by the Board.

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<sup>12</sup> Section 2.302 amended by Resolution No. 2015-011 on March 18, 2015.

<sup>13</sup> Section 2.303(b) amended by Resolution No. 2015-011 on March 18, 2015.

<sup>14</sup> Section 2.303(d) added by Resolution No. 2015-074 on June 17, 2015.

(d) Except as otherwise provided within the EMWD Administrative Code, the General Manager or designee shall have the authority to enter into operational contracts or agreements, such as, but not limited to, interagency agreements, recycled water agreements, utility contracts or other similar arrangements, provided that such contracts or agreements with expenditures of \$100,000 or more shall be approved by the Board. The General Manager or designee is further authorized to approve the payment of expenses such as utilities and other similar operational costs to any amount without further approval by the Board.

**2.304           TREASURER**

The Treasurer shall perform the duties set forth in the Municipal Water District Law of 1911 and other similar duties assigned by law or the Board.

**2.305           SECRETARY**

The Secretary is responsible for the accuracy and availability of the minutes of Board Meetings and the Official Record of ordinances, resolutions and orders passed or adopted by the Board. The Secretary shall certify to the passage and adoption of all ordinances, resolutions and orders of the Board, to the filing of all documents filed with, or by order of the Board to the official status, capacity and signature of all officers and employees of the District, and to all matters appearing off record in the files and records of the District and of its Board or of any office or officer of the District.

**2.306           GENERAL COUNSEL**

General Counsel shall be appointed by the Board, and shall be directly responsible to the Board. He shall provide legal advice and services as requested by the board or any officer of the Board, and shall assist the General Manager and the District's department heads on legal problems which may arise in the

administration of their respective duties. District Counsel will recommend appointment of Special Counsel for litigation as required. The compensation of District Counsel and any Special Counsel will be set by the Board.

**2.307           CONSULTANTS**

(a)     The General Manager may engage consultants as from time-to-time necessary, in accordance with purchasing procedures.

(b)     An independent auditor, also known as an “outside” auditor, shall be appointed by the Board to perform an annual audit of the District’s financial statements with compensation set by the Board.

## **ARTICLE 4 – EMPLOYEES**

### **2.401 PURPOSE AND SCOPE**

(a) This Article pertaining to employees as to the terms and conditions of employment are covered by a Memorandum of Understanding approved by the Board following meeting and conferring in good faith with recognized employee organizations.

(b) The General Manager shall adopt personnel rules as necessary to implement this Article and approved Memoranda of Understanding.<sup>15</sup>

### **2.402 POSITIONS AUTHORIZED**

The Board shall authorize employee positions as necessary to perform the work of the District.

### **2.403 WAGES<sup>16</sup>**

As part of the annual budgeting process, the Board shall approve wages, including schedules of wages, for each authorized position. Salary schedules may be updated from time to time, subject to approval by the Board.

### **2.404 WORKING HOURS AND OVERTIME**

The Board shall designate positions not covered by State or Federal overtime laws or regulations.

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<sup>15</sup> Per Resolution No. 5111.2, the following language was deleted: In the event of conflict with personnel rules or a memoranda, this Article controls.

<sup>16</sup> Section 2.403 amended per Resolution No. 2015-011 on March 18, 2015.

**2.405 BENEFITS**

Employee benefits shall be set forth in approved Memoranda of Understanding or, in the case of employees not within a representational unit, in accordance with resolutions adopted from time-to-time.

**2.406 DISCIPLINE<sup>17</sup>**

Employees shall be provided a written statement of proposed discipline before discipline is imposed. The employee may appeal the proposed discipline in writing as set forth in the approved Memorandum of Understanding, or in case of employees not within a representational unit, in accordance with ordinances or resolutions adopted from time-to-time. The decision of the Committee may be appealed to the General Manager whose decision is final.

**2.407 EMPLOYEE – RELATIONS<sup>18</sup>**

The policies, practices and procedures governing employee relations are set forth in the approved Memorandum of Understanding, as amended.

**2.408 EMPLOYMENT POLICIES<sup>19</sup>**

Employment policies, practices and procedures are set forth in the approved Memorandum of Understanding, or in the case of employees not within a represented unit, in accordance with ordinances or resolutions adopted from time-to-time.

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<sup>17</sup> Section 2.406 amended by Resolution No. 5182 on October 2, 2013.

<sup>18</sup> Section 2.407 amended by Resolution No. 2018-169 on December 19, 2018.

<sup>19</sup> Section 2.408 amended by Resolution No. 5182 on October 2, 2013.

## **2.409 INJURY AND ILLNESS PREVENTION<sup>20</sup>**

Policies, practices and procedures for injury, illness and prevention are set forth in the Eastern Municipal Water District Injury and Illness Prevention Program and Code of Safe Work Practices, as amended. The District's Injury and Illness Prevention Program is attached hereto as Exhibit "B", the District's Code of Safe Work Practices is attached hereto as Exhibit "C" and both are incorporated herein by reference.

## **2.410 GRIEVANCE<sup>21</sup>**

The District's grievance procedure is set forth in the approved Memorandum of Understanding, or in the case of employees not within a represented unit, in accordance with ordinances or resolutions adopted from time-to-time.

## **2.411 EQUAL EMPLOYMENT OPPORTUNITY AND NONDISCRIMINATION<sup>22</sup>**

(a) Harassment or discrimination of an applicant, client, contractor, business invitee, customer, supervisor, manager, or employee by a supervisor, management employee or non-supervisory/non-management employee on the basis of race, religious creed, (including religious dress and grooming practices), denial of family and care leave, color, national origin (including language use restrictions), ancestry, disability (mental and physical, including HIV and AIDS), medical condition (including cancer and genetic characteristics), marital status, military and veteran status, political affiliation, genetic information, worker's compensation record, pregnancy (includes childbirth, breastfeeding, and medical conditions related to pregnancy), sexual orientation, gender, gender identify, and gender expression, or age (40 and over), as well as any other protected class adopted by the State and/or Federal government, is explicitly in violation of State

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<sup>20</sup> Section 2.409 amended by Resolution No. 2020-111 on July 15, 2020.

<sup>21</sup> Section 2.410 amended by Resolution No. 5182 on October 2, 2013.

<sup>22</sup> Section 2.411 amended by Resolution No. 2016-111 on September 7, 2016.

and/or Federal law and will not be tolerated by the District. To that end, the District has adopted a Human Resources Policy and Procedure which may be revised/amended from time to time.

(b) Discrimination and/or harassment, based on the above enumerated "protected classes," of an applicant, client, contractor, business invitee, customer, or District employee by any District employee or District representative is explicitly in violation of State and/or Federal law and will not be tolerated or condoned by the District. The above "protected classes" may be supplemented in the future by changes in State and/or Federal law.



## **ARTICLE 5 – DIRECTORS, OFFICERS, AND EMPLOYEES**

### **2.501 PURPOSE**

This Article contains provisions common to directors, officers, and employees.

### **2.502 ETHICS**

(a) The District is committed to upholding the highest ethical standards in all our business and professional operations and relationships. District will carry out its mission with unquestionable ethics and integrity, the cornerstone of achieving and maintaining credibility and ensuring public trust. The District owes this, and no less, to the public we serve. The ability of the District to achieve its mission is directly dependent on the day-to-day choices by officers' and employees' actions while representing the District. The District is accountable for creating and maintaining credibility and trust with customers, dealing fairly and honestly with our suppliers, contractors and consultants, and avoiding actual or perceived conflicts of interest that may arise due to outside activities, employment, and gifts.

(b) Directors, officers, and employees shall receive training in general ethics principles and ethics laws relevant to public service every two (2) years. Directors will receive at least two (2) hours. The District shall inform the Directors, officers, and employees annually of ethics training opportunities. Ethics training shall provide Directors, officers, and employees with proof of participation forms, indicating the date of the training and the entity that provided the training. The District shall maintain these records for five (5) years.

### **2.503 BOARD RELATIONS**

(a) The Board sets policy for the District and provides direction to the General Manager. The General Manager implements the Board's policies and

priorities and makes recommendations for new policies.

(b) A Director, officer, or employee can be assigned District equipment for use on District business. No Director, officer, or employee shall use or permit the use of District equipment, telephones, materials or property for personal gain or profit. No Director shall request an employee to perform services for the Director's personal gain or profit. Each Director must protect and properly use District assets, including information recorded on paper or in electronic form. Directors shall not use the District logo, stationery, or other facsimile for any solicitation or other political activity including, but not limited to, political contributions.

(c) Employment decisions such as hiring, promoting, evaluating, compensation and terminating employees are based on qualifications for the position, ability and performance. The District attempts to avoid favoritism, the appearance of favoritism and conflicts of interest in employment decisions and reserves the right to take action in such situations. Hiring of new employees is the responsibility of the General Manager. All contacts or communications with individuals interested in employment with the District should be referred to the Human Resources Department.

## **2.504 COMMUNICATION<sup>23</sup>**

(a) From time-to-time, Directors, officers, and employees have access to confidential information. Medical information, hiring information, and information discussed in Closed Session meetings of the Board are examples of this type of information. With regard to this information:

(1) A Director, officer, or employee shall not use the office to obtain official information about any person or entity for any purpose other than the performance of official duties.

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<sup>23</sup> Section 2.504(d) amended by Resolution No. 2015-011 on March 18, 2015.

(2) A Director, officer, or employee shall not intentionally, knowingly or recklessly disclose confidential information concerning the property, operations, policies or affairs of the District. This rule does not prohibit any disclosure that is no longer confidential by law, or the confidential reporting of illegal or unethical conduct to authorities designated by law.

(b) Directors, officers, or employees shall not participate on a tribunal of the District convened to make a quasi-judicial decision if a party to the hearing is a source of income, gift or campaign contribution.

(c) Ex Parte Communications. The District strives to ensure the protection of due process and fairness in its decision-making process. The District promotes transparency in its decision-making process and strives to ensure District decisions are made on the basis of information available to the decision makers and to the public. When making contact with parties, the decision makers must exercise sound judgment and caution to prevent an actual or implied impression such contacts result in preferential treatment. Communications received by the decision makers regarding pending matters shall be reported to the General Manager. Directors who are contacted shall make no representations regarding the pending matter other than the communication will be forwarded to the General Manager. Communications requesting clarification of further information concerning the pending matter shall be responded to by an employee in a manner that ensures all parties, bidders, proposers, vendors, or contractors receive identical responses. Communications not handled as described above, are ex-parte communications which are prohibited. Board action which is the subject of the ex-parte communication may be revoked.

(d) Public Awareness Guidelines.

(1) The District recognizes the promotion of water conservation, water education, and District awareness as an important goal of its outreach strategy. The District organizes and produces various events ("District Sponsored

Events”) designed to achieve this goal. The District also recognizes there are many organizations that also produce events that offer the opportunity for the District to promote water conservation, water education, and District programs. These public events are considered “Non-District Sponsored Events.” District involvement in such events is subject to the following guidelines.

(2) Guidelines for Non-District Sponsored Events. The District authorizes each Director to participate in non-political public awareness activities. Any proposed expenditures or other use of District resources (such as District staff or other resources) for Non-District Sponsored Events must be submitted to the General Manager for review. Any expenditure made for Non-District Events must be related to promoting water conservation, water education, or result in increased recognition for District programs. Participation must include at least one of the following:

- a. A speaking opportunity for a District representative;
- b. A District booth or table at event to distribute District information; or
- c. Advertisement to promote District awareness.

(3) a. The District may directly sponsor and produce events that promote water conservation, water education, and District awareness. District Sponsored Events may not be political or partisan. No District Sponsored Event conducted within six months of any election of the District’s Board may specially feature or call attention to any individual director. In the event that any Board member is featured in any promotional material involving a District Sponsored Event, all Board members must be featured equally. All Directors may attend any District Sponsored Event.

(e) A Director, officer, or employee shall not, directly or indirectly, induce or attempt to induce any District employee:

(1) To participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate or issues; or

(2) To refrain from engaging in any lawful political activity.

## **2.505 CONFLICTS OF INTEREST<sup>24</sup>**

Officers and employees shall disclose potential conflicts of interest, and shall not participate in decisions that could have a reasonably foreseeable material financial effect on one or more of their economic interests.

## **2.506 DEFINITIONS**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulation 18100, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

## **2.507 DISCLOSURE CODE**

The Political Reform Act (Government Code section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation – 2 California Code of Regulations 18730 – that contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the conflict of interest code of the District by reference. This section, and those designating officials and employees, and establishing economic disclosure categories, shall constitute the conflict of interest code of the District.

## **2.508 DESIGNATED POSITIONS**

(a) Designated employees. The persons holding positions listed in this Article are designated employees. It has been determined these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

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<sup>24</sup> Section 2.505 amended by Resolution No. 2016-111 on September 7, 2016

(b) Consultants. Consultants, within the meaning of the Political Reform Act, who participate in decisions or provide information, advice, recommendation, or counsel that could affect financial interests shall file Statements of Economic Interests for all categories. If the General Manager determines a consultant performs a range of services limited in scope and not requiring full disclosure, the General Manager shall prepare a written description of the consultant's duties and a statement of the extent of the disclosure requirements. The General Manager's determination shall be a public record.

## **2.509 DISCLOSURE CATEGORIES**

(a) The following categories are established for the purpose of conflict of interest disclosure:

**Category 1.** Persons in this category shall disclose all interests in real property within the District's jurisdiction. The definition for "interests in real property," as used herein, is found in the Political Reform Act.

**Category 2.** Persons in this category shall disclose all income from (including gifts and loans) and investments in businesses that are doing business with the District, or have done business with the District within the preceding two years, that manufacture, provide or sell services and/or supplies of a type used by the District and associated with the job assignment of designated positions assigned this disclosure category. The definitions for "income" and "gift," as used herein, are found in the Political Reform Act.

**Category 3.** Persons in this category shall disclose all businesses in which the designated employee as an owner, director, trustee or designated employee holds a position of management.

(b) The disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic

interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

## **2.510 PLACE OF FILING**

(a) Board; General Manager. The Board of Directors and General Manager shall submit a statement of economic interest with the General Manager, or his/her designee. The District shall make and retain a copy of all statements filed by its Board Members and General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of Riverside County.

(b) Others. Designated employees shall submit a statement of economic interest with the General Manager, or his/her designee. The District shall retain the originals of statements for all other designated positions, including consultants, named in the conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction pursuant to Government Code section 81008.

## **2.511 TIME OF FILING**

(a) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated, and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(b) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions.

(c) Annual Statements. All designated employees shall file statements no

later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(d) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

## **2.512 PERIODS COVERED BY STATEMENTS OF ECONOMIC INTERESTS**

(a) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(b) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property, and business positions held on the date of assuming office, and income received during the 12 months prior to the date of assuming office.

(c) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income, and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office, whichever is later.

(d) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last



statement filed and the date of leaving office.

### **2.513 MANNER OF REPORTING**

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission (Form 700) and supplied by the District, and shall contain the information required therein.

### **2.514 HONORARIA; GIFTS**

(a) No designated employee of the District shall accept any honorarium from any source if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(b) No designated employee of the District shall accept gifts with a total value of more than the limit set by the FPPC in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

### **2.515 LOANS**

(a) No elected officer shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the District.

(b) No elected officer shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the District or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made

by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(c) This section shall not apply to the following:

(1) Loans made to the campaign committee of an elected officer or candidate for elective office;

(2) Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section;

(3) Loans from a person which, in the aggregate, do not exceed Five Hundred Dollars (\$500) at any given time; and

(4) Loans made, or offered in writing, before January 1, 1998.

(d) (1) Except as set forth in subdivision (b), no elected officer of the District shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan, the amount of the payments, and the rate of interest paid on the loan.

(2) This section shall not apply to the following types of loans:

a. Loans made to the campaign committee of the elected officer;

b. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an

agent or intermediary for any person not otherwise exempted under this section;  
and

c. Loans made, or offered in writing, before January 1, 1998.

(3) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(e) Personal Loans.

(1) Except as set forth in subdivision b., a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

a. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired;

b. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

(i) The date the loan was made;

(ii) The date the last payment of \$100 or more was made on the loan; and

(iii) The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(2) This section shall not apply to the following types of loans:

a. A loan made to the campaign committee of an elected officer or a candidate for elective office;

b. A loan that would otherwise not be a gift as defined in this title;

c. A loan that would otherwise be a gift as set forth under subdivision 1., but on which the creditor has taken reasonable action to collect the balance due;

d. A loan that would otherwise be a gift as set forth under subdivision 1., but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has

the burden of proving that the decision for not taking collection action was based on reasonable business considerations; and

e. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(3) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

## **2.516 DISQUALIFICATION<sup>25</sup>**

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable, materially financial effect, distinguishable from its effect on the public generally, on the official, or a member of his or her immediate family or on:

(a) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(b) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made;

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

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<sup>25</sup> Section 2.516(e) amended by Resolution No. 2015-011 on March 18, 2015.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

## **2.517 DISCLOSURE OF DISQUALIFYING INTEREST**

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

## **2.518 ASSISTANCE OF THE COMMISSION AND COUNSEL**

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

## **2.519 VIOLATIONS**

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code sections 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003 of the Government Code.

**2.520 FILING DISCLOSURE STATEMENTS**<sup>26,27,28,29,30,31,32,33</sup>

The following employees are designated to file conflicts of interest disclosure statements for the disclosure categories specified, the definitions of which are contained in §2.509 of the Administrative Code.

<u>DESIGNATED POSITION</u>	<u>DISCLOSURE CATEGORY</u>
Assistant Chief Financial Officer	1,2,3
Assistant General Manager/Operations & Maintenance	1,2,3
Assistant General Manager/Planning, Engineering and Construction	1,2,3
Attorneys	2,3
Buyer	2,3
Chief Financial Officer	1,2,3
Consultants	1,2,3
Controller	1,2,3
Deputy General Manager	1,2,3
Director of Customer Service	1,2,3
Director of Development Services	1,2,3
Director of Engineering Services	1,2,3
Director of Environmental & Regulatory Compliance	1,2,3
Director of Field Engineering	1,2,3
Director of Human Resources	1,2,3
Director of Maintenance	1,2,3
Director of Policy and Governmental Affairs	1,2,3
Director of Safety, Risk and Emergency Management	1,2,3
Director of Strategic Communications and Public Affairs	1,2,3
Director of Water Operations	1,2,3
Director of Water Reclamation	1,2,3
Director of Water Resources & Facilities Planning	1,2,3
Director of Water Use Efficiency	1,2,3
Engineering Manager	2,3
General Manager	1,2,3

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<sup>26</sup> Section 2.520 amended by Resolution No. 2014-054 on May 21, 2014.

<sup>27</sup> Section 2.520 amended by Resolution No. 2015-011 on March 18, 2015.

<sup>28</sup> Section 2.520 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>29</sup> Section 2.520 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>30</sup> Section 2.520 amended by Resolution No. 2018-169 on December 19, 2018.

<sup>31</sup> Section 2.520 amended by Resolution No. 2019-097 on September 18, 2019.

<sup>32</sup> Section 2.520 amended by Resolution No. 2020-125 on August 19, 2020.

<sup>33</sup> Section 2.520 amended by Resolution No. 2020-125 on August 17, 2022.

Governmental Affairs Analyst	1,2,3
Manager of Laboratory & Water Quality Services	2,3
Public Affairs Manager	2,3
Purchasing and Contracts Manager	1,2,3
Safety & Emergency Management Officer	2,3
Senior Director of Administrative Services	1,2,3
Senior Director of Engineering	1,2,3
Senior Director of Information Systems	1,2,3
Senior Director of Water Resources Planning	1,2,3
Senior Policy and Governmental Affairs Manager	1,2,3
Warehouse Manager	2,3

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS:

Board of Directors	1,2,3
Treasurer	1,2,3
Deputy General Manager	1,2,3
Chief Financial Officer	1,2,3
Assistant Chief Financial Officer	1,2,3
Controller	1,2,3
Financial Manager	2,3

Individuals who perform the duties of any designated position under contract shall file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position. The level of disclosure shall be determined by the General Manager.

Individuals who participate in decisions which affect financial interests by providing information, advice or recommendation on counsel to the agency under contract which could affect financial interests shall be required to file Statements of Economic Interests.

**2.521 POLICIES FOR OFFICERS AND EMPLOYEES**

(a) Discrimination:<sup>34</sup>

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<sup>34</sup> Section 2.521(a) amended by Resolution No. 2018-169 adopted December 19, 2018.

Officers and employees shall not harass any person nor discriminate against any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition, or disability, as well as any other protected class adopted by the State and/or Federal government. Officers and employees shall not grant any unfair or inappropriate consideration, treatment, or advantage to any person or group beyond that which is available to every other person or group in the same circumstances.

(b) Harassment:<sup>35</sup>

The policies and procedures relating to harassment issues are set forth in the policy generated by The Human Resources Management Office on August 16, 2006 and as subsequently amended from time to time.

(c) Substance Abuse:

The District's function is to build, operate and maintain water distribution, water treatment, waste water collection, and waste water treatment systems safely, dependably and efficiently. In fulfillment of that function, and in full compliance with the law, it is the District's policy to:

- (1) assure employees are fit for duty, and conduct business in a safe, productive and healthy manner;
- (2) create an environment free from effects of employees impaired by the use of prohibited material;
- (3) forbid the unauthorized, job-related, possession, use or distribution of prohibited material;
- (4) address extended physical impairment of employees who might use substances of abuse during off-duty periods where the time of behavioral influence would carry over into duty time;

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<sup>35</sup> Section 2.521(b) amended by Resolution No. 5182 on October 2, 2013.



(5) address the impact of substance abuse by employees during off-duty hours on the image of the District's Board of Directors, Management, co-workers and staff, as perceived by the public; and

(6) make an assistance program available to employees whose personal problems affect their ability to perform their duties.

(7) The purpose of this policy is to protect the public, District property and employees from risks which result from employee drug or alcohol-induced behavior.

(8) A District employee who thinks he/she may have an alcohol or drug usage problem is urged to voluntarily seek confidential assistance through the District's Employee Assistance Program. The District will be supportive of those who seek help voluntarily.

(9) This policy applies to all District employees conducting District business on or off-site. Employees performing safety-sensitive assignments are also subject to Department of Transportation (DOT) regulations.

(10) Definitions:

a. Alcohol – Any beverage that has alcoholic content of more than 0.5 percent by volume.

b. Controlled Substance – A drug substance or immediate precursor which is listed in any schedule in the California Health and Safety Code.

c. Employee – Any person employed by the District.

d. Legal Drugs – Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured which do not interfere with the employee's job performance or duties.

e. Drug/Substance – Any drug or substance which can negatively affect work performance.

f. Intoxicated/Under the Influence – Intoxicated means a person is affected by a prohibited material so as to impair physical coordination, balance and control and/or to impair mental functions of judgment, decision making, memory, concentration and cognitive problem solving.

- g. Chain of Custody – The protocol to be followed when submitting specimens for chemical testing.
- h. Chemical Testing – The examination of blood, breath, urine or any other generally accepted method used to determine if a person has used prohibited materials.
- i. For-Cause of Reasonable Cause – Facts, circumstances, physical evidence, physical signs and symptoms or a pattern of performance and/or behavior that would cause a prudent person to reasonably conclude that an employee may be under the influence or intoxicated by a prohibited material.
- j. Fitness for Duty – As regards this policy, an individual's ability to perform his/her assigned job free from impairments due to use of prohibited material.
- k. Proof of Wellness – Statement by a District approved treatment specialist that the employee/applicant is free from conditions that would adversely affect work performance.
- l. Prohibited Material – Any alcohol, drug, or substance included in definitions 1, 2, 4 or 5 above.
- m. Positive Results – The laboratory identification of a prohibited material in any test conducted during voluntary rehabilitation.
- n. Evaluation – May include a range of any or all of the following:
  - (i) An investigation of the circumstances concerning a possible violation of this policy;
  - (ii) Discussion/counseling with the employee's supervisor or other management staff;
  - (iii) Opportunity to participate in an Employee Assistance Program;
  - (iv) Proof of Wellness program planning; or
  - (v) Disciplinary actions up to and including termination.
- o. Uniforms – For the purposes of this policy, a District uniform is defined as clothing or other apparel which is supplied to an employee by the District at no charge and might normally be worn during work periods.

p. Vehicles – For purposes of this policy, vehicles are defined as vehicles owned by the District, rental vehicles charged to the District or for which the employee has received approval for reimbursement, or any other vehicle while operated during a period for which the employee has received approval for mileage reimbursement.

(11) General Requirements:

a. All employees shall be notified of this policy and shall receive information on prohibited material abuse and its impact on the work place. Supervisors shall receive training so as to fairly and effectively administer this policy.

b. If an employee believes he/she has been unjustly accused or implicated in prohibited material abuse, the employee may request an appropriate test at District expense.

c. Chemical testing shall be conducted in such a manner to assure a high degree of accuracy and reliability. The District also affirms the necessity to uphold dignity in the sampling process. The procedure used shall include an unbroken chain of custody with a right to parallel controlled testing by the employee at the employee's expense.

d. Off duty arrests where prohibited material is implicated may trigger an evaluation by the District.

e. Simple possession of prohibited material without authorization on property, equipment or vehicle owned or leased by the District, or while on duty for the District, shall result in an evaluation, which includes the possibility of disciplinary action up to and including termination.

f. Sale of, negotiation for sale of, delivery of, and/or possession with the intent to deliver prohibited material on property, equipment or vehicle, owned or leased by the District, or while on duty for the District, shall result in an evaluation, which includes the possibility of disciplinary action up to and including termination.

g. The District shall report evidence of suspected criminal activity, including manufacture, delivery, distribution and possession of

prohibited material on District property or while on duty for the District, to appropriate law enforcement authorities.

h. Employees administering this policy who knowingly disregard the requirements of this policy shall be subject to disciplinary action up to and including termination.

i. Drug/alcohol use during lunch hours. The period of time scheduled for lunch for District employees is generally less than the time required for the body to significantly remove drugs and alcohol once consumed. Such drug or alcohol use is prohibited.

j. Drug/alcohol use while using, occupying or operating a District vehicle.

(i) District vehicles are normally provided to employees for completion of District business and also for their use during voluntary efforts which support the general aims and goals of the District.

(ii) Whether District vehicles are used for completion of District business during normal hours or outside of those hours, employees using vehicles are considered to be working and are, therefore, subject to provisions of the Substance Abuse Policy.

(iii) Use of drugs or alcohol at any time while using, occupying, or operating a District vehicle is prohibited.

(iv) Where District vehicles are provided for employee use during voluntary activity, compliance with the Substance Abuse Policy is a condition of vehicle use.

(v) Observing an employee using drugs or alcohol at any time while using, occupying, or operating a District vehicle shall result in an evaluation which includes the possibility of discipline up to and including termination.

k. Drug/alcohol use prior to overtime (call back of non-stand-by employees).

Employees contacted for possible call back to work after normal hours but not specifically assigned to standby, are required to inform their supervisor or the supervisor authorizing the call back of their current status

regarding recent use of drugs or alcohol which could, if the employee were directed to report back to work, provide reasonable cause for testing and/or may result in impairment while on the job.

I. Drug/alcohol use while wearing a District uniform.

(i) Use of drugs or alcohol is prohibited while wearing a District uniform.

(ii) Where employees are supplied other items bearing the name or logo of the District to allow them to make themselves known to the public as being associated with the District, employees are to display these items in a way consistent with the aims of the District.

m. Drug/alcohol use at functions away from District.

(i) District-supported functions - Unless covered by one of the above listed conditions, employees at District-supported functions are considered to be on their own time, and are not subject to provisions of the Substance Abuse Policy.

(ii) Conference/Meetings - Employees representing the District at conferences and meetings are required to conform with all rules and regulations of the District. The prohibition of use of alcohol shall not apply to employees after scheduled meeting hours if the employee will not be driving a vehicle.

n. Employees should consider their representation of the District, and the appropriateness of their conduct in any situation before using drugs or alcohol.

(12) Pre-Employment Evaluation:

a. Applicants for employment shall be scheduled for chemical testing as part of the pre-employment medical evaluation.

b. All applicants for employment with the District will be given prior notification regarding chemical testing requirements.

c. Prior to the medical evaluation, applicants shall complete the current District Prohibited Material Use and Consent Form.

d. All applicants with positive results shall be notified of those results.

e. Positive results without sufficient explanation on the current Prohibited Material Use and Consent Form shall be considered grounds for disqualification from employment of a minimum of 90-days. Proof of wellness shall be required before reconsideration for employment.

f. Sample tampering during the pre-employment medical evaluation, falsification of the Prohibited Material Use Form or refusal to submit a sample shall be grounds for disqualification from employment with the District.

g. The District has the right to unilaterally modify this provision.

(13) Reasonable Cause Determination:

a. An employee may be subject to an investigation and reasonable cause determination, which may result in chemical testing as appropriate, if there is reason to believe that use of prohibited material is adversely affecting job performance. Examples of reasonable cause may include but are not limited to:

(i) Acceptable documentation of unsatisfactory performance related to use of prohibited material.

(ii) Physical symptoms consistent with use of prohibited material.

(iii) Evidence of illegal prohibited material use or possession.

b. Employees believed to be under the influence or intoxicated while performing or conducting District business will be immediately removed from their work assignment.

c. Employees, confirmed through chemical testing, to be under the influence or intoxicated while performing District business, shall be subject to evaluation.

d. Employees believed to be intoxicated/under the influence will be provided transportation. If an employee insists on driving, law enforcement agencies will be notified.

e. Employees who refuse to submit a sample for cause or who sample tamper during chemical testing shall be subject to immediate termination.

f. Employees re-entering the workforce as a result of having been removed from the workforce based on an evaluation in accordance with this Policy, will agree to a re-entry contract. The contract may include:

(i) A Release to Work Statement from an approved, certified, treatment specialist.

(ii) An evaluation and release for duty by management.

(iii) A negative test for prohibited material.

(iv) An agreement to periodic testing.

(v) A statement of expected work-related behaviors.

g. Failure to successfully complete a treatment program, or to comply with a re-entry contract or a second violation of this policy shall be grounds for termination.

h. The authority to order a chemical test shall be at the Supervisor level or above.

i. The employee shall be notified of any disciplinary actions taken as a result of this policy and the basis for such actions. An opportunity for the employee to appeal any such action shall be as provided by bargaining unit Agreement or other such appeal procedure.

(14) Employee Assistance Program:

a. A District employee who voluntarily seeks assistance in dealing with substance abuse problems shall be referred immediately to the District's Employee Assistance Program ("EAP"). All such interactions shall be confidential, except that participation in such program shall require a written waiver from the employee to cause the EAP to provide written proof of attendance.

b. In no case will participation in the Employee Assistance Program shield an employee from disciplinary action.

(d) Whistleblower:

No employee will be intimidated, restricted, coerced, or discriminated against for filing a written complaint with the District alleging gross mismanagement, significant waste of funds, abuse of authority or substantial and specific danger to public health or safety. No disciplinary action shall be imposed against an employee for filing such a complaint. Notwithstanding the foregoing, disciplinary action may be taken against an employee if the General Manager determines that the action is justified on the basis of separate evidence which shows any of the following:

(1) The complainant disclosed information that he or she knew to be false or has disclosed information without regard for the truth or falsity thereof.

(2) The complainant disclosed information from records which are closed to public inspection pursuant to law.

(3) The complainant disclosed information which is confidential under any other provision of law.

(4) The complainant was the subject of an ongoing or existing disciplinary action prior to the disclosure of the information.

(5) The complainant has violated any other provision of the District's rules and regulations, has failed to perform assigned duties or has committed any other act unrelated to the disclosure that would otherwise be subject to disciplinary action.

(6) This section is not violated if the officer, manager or supervisor had no prior notice that a complaint had been filed by the employee.

(7) An employee who wishes to file a complaint, shall file the complaint with his/her immediate supervisor, and the human resources department, and thereafter process the complaint in accordance with the applicable grievance procedure.

(8) The General Manager shall respond in writing to all written complaints alleging gross mismanagement or significant waste of funds, abuse of authority or substantial and specific danger to public health or safety. A copy of the General Manager's reply(ies) shall be mailed to the complainant.



(e) Nepotism:

The District restricts the hiring and/or employment of relatives of employees based upon the following criteria. For the purpose of this policy, the following definitions shall apply:

(1) A "relative" is defined as a spouse, domestic partner, child, grandchild, mother, father, grandparents, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, nephew, niece, foster child, ward of the court, or any other step relations, regardless of their place of residence, "significant other," or any other individual related by blood or marriage living within the same household of the District employee.

(2) An "employee" is defined as any person who receives a District payroll check for services, full or part-time, rendered from the District.

(3) "Employment" in the context of this policy includes, but is not limited to, appointment, promotion, reassignment and transfer.

(4) The employment of relatives of District employees within the District is limited in the following situations:

a. Any relative of a Department Head may not be considered for employment with the department or area of responsibility of such Department Head.

b. The employment of relatives of all other District employees is prohibited within the department of the existing employee when such related employee may: perform joint duties; share responsibility or authority; work together on District projects or tasks; report to same immediate supervisor; or, be supervised by or would supervise a relative.

c. The employment of relatives of all other District employees is prohibited anywhere within the District when such related employees may: perform joint duties; share responsibility or authority; work together on District projects or tasks; report to the same immediate supervisor; or, be supervised by or would supervise a relative.

(5) District employees as of the effective date of this policy shall not be affected in their current job status except when the Department Head and General Manager determines that circumstances of such employment raises an undue hardship upon other employees within the particular work unit and that such employment is detrimental to the supervision, safety, security or morale of the particular work unit.

(6) If two current employees become related and create a situation in which they perform joint duties, share responsibility or authority, report to the same immediate supervisor, or supervise each other, then every attempt will be made to offer a transfer to another department or job assignment at the District's discretion.<sup>36</sup>

(7) In no case may an employee participate directly or indirectly or influence the recruitment or selection process for a position for which an employee's relative may have filed an official employment application nor shall they do so for any other employment related decision involving an employee's relative.

(8) The General Manager is authorized to issue written guidelines to implement and enforce this policy.

(f) Incompatibility:

Officers shall not hold incompatible offices. Employees shall not hold incompatible employment.

(g) Revolving Door:

(1) Former directors, officers, and employees shall not represent for compensation non-governmental entities before the District for a period of 24 months after leaving office with or separating from the District.

(2) For purposes of this Section, "represent" shall mean to actively

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<sup>36</sup> Section 2.521(e)(6) amended by Resolution No. 5182 on October 2, 2013.

support or oppose a particular decision in a proceeding by lobbying in person the officers or employees of the District, testifying in person before the Board of Directors, or otherwise acting to influence the officers of the District for compensation.

(3) These restrictions shall not apply to representation of not-for-profit charitable entities or government entities before the District.

(h) Limitation on Associations:

The District shall not participate in any association structure or identification that is likely to mislead the public as to the association's true identity, its source of funding, or its purpose.

**ARTICLE 6 – TRAVEL, EXPENSES AND REIMBURSEMENT FOR DISTRICT  
EMPLOYEES<sup>37</sup>**

**2.600 PURPOSE**

This Article contains provisions common to officers and employees of the District, but not including Directors which are covered under Section 2.208 of the Administrative Code.

**2.601 GENERAL<sup>38</sup>**

Payment for travel and other expenses shall be allowed when reasonably necessary to represent the interests of the District. Business expenses shall normally be paid per the schedule described in this section. Employees traveling on District business are representing the District and are expected to conduct themselves in the same manner as they would while at work. Violation of any District policy will be investigated and addressed as provided for in the District's Administrative Code, or under the Memorandum of Understanding with IBEW Local 1436.

**2.602 EXPENSE LIMITS**

Expenditures for lodging, meals, transportation and other activities should provide for a reasonable level of comfort and convenience, but sound judgment shall be exercised to ensure the lowest overall reasonable cost to the District after all costs are considered. All travel arrangements, including airfare, lodging, and car rental, shall be made through a designated District Travel Liaison or District-approved online booking systems with pre-payment directly to services provider where possible, especially for conference fees. Alternative arrangements must receive the prior approval of the General Manager or his designee.

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<sup>37</sup> Article 6 added to Title 2 pursuant to Resolution 5179 on September 4, 2013.

<sup>38</sup> Section 2.601 Amended by Resolution No. 2014-141 on November 5, 2014.

## 2.603

### TRAVEL AUTHORIZATION<sup>39,40</sup>

(a) The General Manager may travel within the United States at District expense without prior approval by the Board. The General Manager may travel outside the United States only with the Board's advance approval. The President may authorize such travel when unusual circumstances make it impractical to obtain the Board's approval in advance. The General Manager shall notify the members of the Board of such authorization at the next regular Board meeting.

(b) With the exception of the Deputy General Managers and the Assistant General Managers, attendance at seminars, conferences and meetings must be approved by Department Directors, Assistant General Managers or Deputy General Managers in advance using systems provided by the District. Employees may travel within the United States; preference will be given to travel within California. Travel outside of the United States must be pre-approved by the General manager or his designee. Attendance at seminars, conferences or meetings in "destination resort" areas outside California or areas outside the continental United States is discouraged. Requests for travel must be approved in writing or electronically by the requesting employee's Department Director and /or Assistant General Manager or Deputy General Manager, as appropriate.

(c) Approval Levels- Approvals must be done using the District's automated systems. Approvals shall not require manual signatures.

(1) Travel under \$500, excluding employee time away from work, must be authorized in advance by the Department Director, or Senior Director in the event that the department does not have a Department Director.

(2) Travel over \$500, excluding employee time away from work, must be authorized in advance by the Department Director and the Branch Assistant General Manager. If a department does not have an Assistant General Manager, travel over \$500 must be approved in advance by a Deputy General Manager.

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<sup>39</sup> Section 2.603 amended by Resolution No. 2014-054 on May 21, 2014.

<sup>40</sup> Section 2.603 amended by Resolution No. 2018-014 on February 21, 2018.

(3) Except as noted above in subsection (b), Senior Directors may travel to seminars, conferences and meetings up to \$750 without obtaining prior approval from the General Manager, Deputy General Manager, or Assistant General Manager.

(d) Payment for unauthorized travel reimbursement claims shall not normally be made.

## **2.604 AUTHORIZED EXPENSES<sup>41,42,43</sup>**

(a) Expenses in General - Authorized expenses normally include lodging, meals, limited incidentals, gratuities, common carrier fares, rental of automobiles, parking fees, and use of personal automobiles on District business at the mileage rate provided at the time by the Internal Revenue Service for business mileage. Gratuities, such as for housekeeping or baggage service, may be reimbursed, not to exceed \$5.00 per day. This does not require a receipt as it would be impractical to obtain. Incidentals, such as a snack or off-meal beverage, may be reimbursed, not to exceed \$5.00 per day. A receipt is required to be reimbursed for incidentals. No reimbursement will be paid for a non-District employee. An employee may not submit a claim to the District for reimbursement of an expense reimbursed by another party.

(b) Lodging/Overnight Travel - Lodging shall be obtained at the most economical rate reasonably available in a safe location, and government rates should be utilized, if available. Use of conference headquarters hotels is encouraged. Other lodging accommodations may be arranged if the cost is less than the conference-sponsored lodging.

If any employee uses his or her personal credit card, the charges will be

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<sup>41</sup> Section 2.604 amended by Resolution No. 2014-141 on November 5, 2014.

<sup>42</sup> Section 2.604 amended by Resolution 2018-014 on February 21, 2018.

<sup>43</sup> Section 2.604 amended by Resolution No. 2020-009 on January 22, 2020.

reimbursed subject to the provisions and limits set forth in this chapter. It is the responsibility of the individual traveling to pay for personal incidentals (movies, snack bar fees, in-room honor bars, health club, and personal purchases, etc.) prior to check out of the hotel. Business center charges such as faxes, email, Wi-Fi or other connectivity charges, etc. are reimbursable if District related. Business calls to District facilities will be paid in full.

(c) Attendance at Conferences – Employees shall be entitled to reasonable expenses incurred (as set forth elsewhere in this Chapter) for traveling to approved conferences, beginning one day prior to the start of the conference and no later than one day following the conclusion of the conference depending upon the location and travel time needed. Travel prior to and after conferences in Southern California is not normally allowed unless there are extenuating circumstances. Employees should consult with their designated travel approver to obtain guidance if needed.

(d) Business Meal - Meal expenses include the cost of meals and non-alcoholic beverages. A meal receipt must be accompanied by an itemized account of charges, and include a description of the business purpose of the meal and the names of the guests when claiming reimbursement for meals that include guests.

(1) A meal furnished by a District employee to a person who is not a District representative will be reimbursed if the meal is necessary to promote District business or policies. Conflict of interest policies and applicable statutes must be considered when providing or receiving meals from to or from non-District employees.

(2) Employees required to purchase business meals in the course of authorized travel will be provided reimbursement on a per diem basis.

Per Diem Meal Reimbursement Breakdown

Breakfast	\$15
Lunch	\$18

Dinner	\$32
Daily Total	\$65

Only business meals not provided at the conference, training, or hotel will be considered for per diem reimbursement. Meals provided at the conference or training will not receive per diem reimbursement. For example, if breakfast and lunch are provided as part of the conference or training on one day the per diem reimbursement for that day will be \$32 for dinner only. Travel requiring the employee to purchase all three meals in a day will be reimbursed the daily per diem reimbursement of \$65. Receipts are not required for per diem reimbursement, but in the event receipts are turned in, the employee will be reimbursed only for the actual expense incurred and not the per diem meal rate.

Meals charged to the hotel where the employee is staying must include a receipt accompanied by an itemized account of the charges, a description of the business purpose of the meal and the names of the people present.

(e) Transportation - Use of District vehicle, air, train, rental car, or private car shall be selected on the basis of the most reasonable and appropriate method, taking into consideration distance, time and total cost to the District.

The following types of transportation expenditures while on District business are allowable:

(1) Travel by District Vehicle – Any travel in a District vehicle must be done in compliance with the District’s "Vehicle Use Policies and Procedures." Fas Track transponders may be obtained from the Auto Shop, when available, so toll roads may be used during travel.

(2) Travel by Private Automobile – The driver must possess a valid California driver's license and carry automobile insurance. Any damage to the vehicle or service repairs are of a personal nature, and will not be reimbursed by the District.

Mileage reimbursement will be based on the vehicle (i.e., the owner of



the vehicle will be paid). Mileage reimbursement shall be at the prevailing Internal Revenue Service (IRS) established rate. Mileage will not be reimbursed to employees who receive auto allowances, unless total business mileage exceeds 1,000 miles in any one calendar month. Any excess over 1,000 miles shall be at the prevailing IRS established rate. Parking will be reimbursed upon presentation of the original receipt.

If a traveler wishes to drive rather than fly to a destination, he/she may do so. In that case, travel by private automobile will be reimbursed at the mileage rate established by the IRS each year, unless the combined costs of commercial airfare (using a 14-day advance purchase, coach class), mileage to/from the airport, parking, and transportation at the destination (shuttle, taxi or car rental), is less than the total mileage. In that case, the reimbursement would be the lesser of the alternatives.

(3) Automobile Allowance – Senior Executive staff, consisting of Deputy General Managers and Assistant General Managers, may be provided a vehicle allowance as determined by the General Manager and established within their respective employment agreements.

Those provided with an automobile allowance shall be required to maintain automobile insurance at the minimum levels required by state law. These employees shall use their personal vehicles to conduct District business.

(4) Rental Vehicles – An evaluation of ground transportation alternatives should be made before requesting a rental car. Options such as taxis or airport shuttle/limousines may serve the traveler's needs more efficiently and cost effectively than the use of a rental car when considering distance from airport to meeting destination, lack of parking availability, unfamiliarity with area, etc. Rental cars reserved by the District may not be used for pleasure or personal travel. Car rental should be booked using the District's designated internet booking services.

When rental vehicles are used, cost of car rental shall not exceed the cost of a mid-sized vehicle, unless specifically documented as why a larger vehicle is required.

Should a rental car be retained after completion of EMWD business for personal travel and it is inconvenient to change the original rental agreement, prior approval must be obtained as part of the advance authorization process, and all rental and gasoline costs incurred after personal travel begins shall be deducted from the business travel reimbursement and the District's insurance coverage will no longer apply to the vehicle use.

(f) Unauthorized Expenses – Items of a personal nature are not reimbursable including: movies, entertainment, premium television services, alcoholic beverages, spas, gyms, barber, magazines, shoeshine, travel insurance, purchase of clothing or toiletries, loss of tickets, fines or traffic violations, excess baggage, spouse and/or guest accommodations, office equipment or other items of a personal nature.

If unauthorized expenses have been paid by the District (i.e., via credit card), the traveler will be responsible for immediate reimbursement to the District either by cash, check or payroll deduction.

## **2.605 REIMBURSEMENT OF EXPENSES<sup>44,45</sup>**

All claims should be submitted within ten working (10) days after the expense is incurred using the District systems and Travel Authorization approval guidelines of this Article. Claims submitted after sixty (60) days must be approved by the General Manager or his designee, and may be reimbursed as taxable income.

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<sup>44</sup> Section 2.605 amended by Resolution No. 2014-054 on May 21, 2014.

<sup>45</sup> Section 2.605 amended by Resolution No. 2014-141 on November 5, 2014.

(a) Claims shall be submitted using approved District systems or forms with assistance from the Employee Travel Liaison. Such forms must include a description of the expense, names (if appropriate), date incurred, and a description of the business purpose of the expense. If an employee's total request for reimbursement exceeds the obtained travel authorization by more than ten percent (10%), such variation must also be approved by the Department Director and the Assistant General Manager or Deputy General Manager. If a receipt is lost, an explanation about the nature of the expense must be provided, but the expense may be disallowed in the sole discretion of the relevant expense approver.

(b) Expenses incurred by a District employee but prepaid by the District or charged on a District issued credit card must be listed on the expense claim form and noted as paid by the District.

## **2.606 CASH ADVANCES AND CREDIT CARD USAGE<sup>46,47</sup>**

Requests for an emergency travel advance check requires completion of a "Request for Payment" which requires approval as noted under Travel Authorization of this Article. Advances will be given to the traveler no later than three (3) working days in advance of travel, and may be provided by check, cash or prepaid debit card. The amount of \$50.00 will be the standard emergency travel allowance advance. Any request for an advance in excess of \$50.00 will require the approval of the Department Director, Assistant General Manager or Deputy General Manager. All unspent travel advance money must be returned, with accompanying receipts, and submitted with the "Travel Reimbursement Form" or District systems to the Travel Liaison within ten (10) scheduled working days of conclusion of the travel. All reimbursements due to the traveler will be made on the next accounts payable cycle. Any un-reconciled cash advances may result in future travel requests being denied.

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<sup>46</sup> Section 2.606 amended by Resolution No. 2014-054 on May 21, 2014.

<sup>47</sup> Section 2.606 amended by Resolution No. 2014-141 on November 5, 2014.

## **2.607 TRAVEL TIME COMPENSATION<sup>48</sup>**

Travel time is defined as the time required for traveling to, and returning from, approved training or District business outside of regular work hours. Travel time is calculated from the employee's home to the destination and return only, less a standard thirty-minute period each way to account for a typical one-way commute to work. Personal travel and time free from formal training sessions or District business is not considered travel time under this policy (e.g., meal periods, time spent studying and other personal pursuits are not compensable hours of work, even though the employee may be confined to a training site or other location twenty-four hours a day).

All non-executive employees granted approval to travel under the Travel and Expense Policy, are eligible for travel time compensation. Non-executive employees are those below the Department Director level.

Travel time will be compensated at the employee's regular hourly rate for exempt employees and at time and one half for non-exempt employees for hours traveled in excess of the employee's regular work schedule.

At the discretion of the employee's Department Director, travel time may be compensated as Accrued Overtime (Compensatory Time Off) provided such approval does not impact customer service and/or department workload. Accrued hours are not to exceed 40 hours.

## **2.608 PROCEDURES TO IMPLEMENT THE TRAVEL AND EXPENSE POLICY<sup>49,50</sup>**

The Deputy General Manager with oversight over Administrative Services shall be responsible for creating and maintaining a set of procedures to implement the

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<sup>48</sup> Section 2.607 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>49</sup> Section 2.608 amended by Resolution No. 2014-054 on May 21, 2014.

<sup>50</sup> Section 2.608 amended by Resolution No. 2015-011 on March 18, 2015.

efficient administration of this policy and the use of District purchasing cards for payment of travel-related expenses or other expenses.

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## **TITLE 3 – FINANCE**

### **ARTICLE 1 – BUDGET AND REPORTS**

#### **3.101 GENERAL<sup>1</sup>**

(a) The Deputy General Manager with oversight over Administrative Services shall head the Administrative Services Branch.

(b) The Deputy General Manager with oversight over Administrative Services shall establish and maintain books of account consistent with generally accepted accounting practices, including the Uniform System of Accounts prescribed by the State Controller and the Government Accounting Standards Board

(c) Projects authorized by the Board shall be monitored and managed through an accounting system which accurately compares budget to actual. Financial results shall be reported monthly to the General Manager.

#### **3.102 BUDGET<sup>2,3</sup>**

(a) The General Manager shall present a proposed budget to the Board prior to June 30 of each year. The Board shall approve a budget by June 30 of each year, or in the case of the adoption of a biennial budget, the Board shall approve a biennial budget by June 30 every two years. The Secretary shall cause the budget to be made available to the general public via the District's website, as soon as practicable after the Board's adoption.

(b) The General Manager is permitted to approve changes, including the transfer of funds between specifically identified items within the approved

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<sup>1</sup> Section 3.101 amended by Resolution No. 2014-054 on May 21, 2014.

<sup>2</sup> Section 3.102 amended by Resolution No. 2014-054 on May 21, 2014.

<sup>3</sup> Section 3.102(b) amended by Resolution No. 2015-011 on March 18, 2015.

Operating Fixed Assets and Special Projects and Studies categories of the annual or biennial budget, provided that expenditures within such categories do not exceed the total amount approved by the Board. The General Manager shall recommend modifications of the budget as the need arises due to events occurring subsequent to the approval of the budget. The Board shall act on the recommendations.

(c) The General Manager shall implement the approved or revised budget by making expenditures in accordance with approved purchasing procedures.

### **3.103 FINANCIAL REPORTS<sup>4</sup>**

(a) The District shall calculate and adopt an appropriations limit by July 1 of each year.

(b) The District shall request the county auditor to levy and collect ad valorem taxes, other taxes and assessments by the third Monday of August of each year.

(c) The Secretary shall annually file a copy of the budget with the Riverside County Auditor by September 1.

(d) An annual financial audit report, shall be filed with the State Controller, county auditor, and in accordance with debt covenants no later than December 30 of the next following fiscal year. The Deputy General Manager with oversight over Administrative Services shall present a post audit review and report to the appropriate committee of the Board.

(e) When required, a single audit report shall be filed with the State Controller within nine months after each June 30 fiscal year.

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<sup>4</sup> Section 3.103 amended by Resolution No. 2014-054 on May 21, 2014.



(f) Annual financial transactions and compensation reports shall be filed each year with the State Controller by September 1 (paper format) or by September 21 (electronic format) in the manner and format prescribed by that office.

(g) Voter approved indebtedness shall be reported to the State Controller by October 1 of each year.

## **ARTICLE 2 – TAXES AND ASSESSMENTS**

### **3.201 GENERAL**

Taxes and assessments shall be levied, collected and spent as provided in this Article.

### **3.202 AD VALOREM TAXES**

(a) The District shall spend *ad valorem* taxes levied to pay for indebtedness only to repay that indebtedness.

(b) The District shall spend *ad valorem* taxes not levied to pay for indebtedness for any lawful purpose.

### **3.203 SPECIAL TAXES**

The District may levy special tax after conducting a duly-noticed public hearing and securing voter-approval as required by law. Special taxes shall be spent for the purposes stated in the ballot measure approving the tax.

### **3.204 GENERAL TAXES**

The District shall not levy general taxes.

### **3.205 GENERAL ASSESSMENTS**

District may levy assessments, including standby charges, for operation and maintenance or to pay for capital improvements in accordance with the law.

## **ARTICLE 3 – FEES AND CHARGES**

### **3.301 GENERAL**

(a) The Board shall establish fees and charges sufficient to recover the cost of operating and maintaining service, including reasonable reserve for repair and replacement. The fees shall not exceed the reasonable cost of the service.

(b) The Board shall establish fees and charges sufficient to recover the cost of constructing capital improvements.

### **3.302 PROCEDURE**

The Board shall adopt or increase a fee or charge, other than a fee for service. Notice of the meeting and hearing shall be provided as required by law.

### **3.303 ANNUAL REVIEW**

At least annually, the Board shall review the rates, fees and charges for service. Adoption of the annual budget, with rate assumptions included therein, may constitute such review.

### **3.304 CONSOLIDATED SCHEDULE OF RATES, FEES, AND CHARGES<sup>5</sup>**

The rates, fees, and charges for water service, sewer service, and related fees are set forth in the [Consolidated Schedule of Rates, Fees, and Charges](#),<sup>6</sup> which is

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<sup>5</sup> Section 3.304 added by Resolution No. 5166 on June 19, 2013.

<sup>6</sup> Amended by Reso. No. 2014-084 on 6/18/14; Amended by Reso. No. 2014-120 on 9/17/14; Amended by Reso. No. 2014-133 on 10/1/14; Amended by Reso. No. 2015-011 on 3/18/15; Amended by Reso. No. 2015-074 on 6/17/15; Amended by Reso. No. 2015-082 on 7/15/15; Amended by Reso. No. 2015-108 on 10/21/15; Amended by Reso. No. 2015-141 on 12/16/15; Amended by Reso. No. 2016-073 on 6/15/16; Amended by Reso. No. 2016-128 on 10/19/16; Amended by Reso. No. 2016-142 on 12/21/16; Amended by Reso. No. 2017-072 on 7/19/17; Amended by Reso. No. 2017-120 on 11/15/17; Amended by Reso. No. 2017-129 on 12/6/17; Amended by Reso. No. 2018-009; Amended by Reso. No. 2018-169; Amended by Reso. No. 2019-057 on 6/19/19; Amended by Reso. No. 2019-116 on 11/20/19; Amended by Reso. No. 2019-123 on 12/11/19; Amended by Reso. No. 2020-162 on 12/16/20; Amended by Reso. No. 2021-080 on June 16, 2021; Amended by Reso. No. 2021-081 on June 16, 2021; Amended by Reso. No. 2021-199 on December 15, 2021; Amended by Reso. No. 2022-067 on June 15, 2022; Amended by Reso. No. 2022-274 on

attached to the District's Administrative Code and incorporated herein by reference as Exhibit "A."

**3.305 CONSIDERATION OF SPECIAL BENEFIT AREAS<sup>7</sup>**

(a) EMWD and its Board of Directors support administrative actions that allow for the formation of a Special Benefit Area (SBA) upon consideration of the following:

(1) Support project sponsors in identifying available infrastructure financing alternatives, prior to considering SBA formation.

(2) SBA funding mechanism may be considered for projects that meet two or more of the following conditions:

- a. Projects that are prompted by other agencies regional land use or regulatory needs;
- b. Projects that allow for partnering with developer(s) to advance programmed CIP projects; and
- c. Projects funded solely by one developer which benefit other developer(s) or properties.

(3) If an SBA formation is recommended by staff, prior to final consideration by EMWD's Board of Directors, the following Policy Principles shall be observed:

- a. Property owners and developers shall make a deposit to fund the administrative cost to evaluate and form an SBA.

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November 16, 2022 Amended by Reso No. 2023-078; Amended by Ord. No. 2023-004 on June 21, 2023 Amended by Ord. No. 2023-006 on November 1, 2023, Amended by Ord. No. 2023-007 on November 15, 2023.

<sup>7</sup> Section 3.305 added by Resolution No. 2018-145 on October 17, 2018.

- b. EMWD's costs for future reconciliation and administration shall be built into the SBA surcharge.
- c. A significant portion of the infrastructure costs funded by the SBA are shared by other entities, with a minimum target of 50 percent.
- d. All active development projects benefiting from the proposed improvements under a special benefit area, shall contribute SBA surcharge funding (\$/EDU) in proportion with the benefit received, in advance of the implementation of the proposed improvements.
- e. The SBA surcharge amount shall not exceed 25 percent of the applicable unit value of Facility Participation Charge.
- f. The District shall provide notification to all property owners within a proposed SBA boundary:
  - i. Project proponent identifies all properties within the defined benefit area;
  - ii. At sponsor's expense, staff mails notice to all property owners;
  - iii. EMWD conducts public meeting(s); and
  - iv. The District develops and maintains information available on EMWD's website, accessible by developers/interested parties by APN that identifies SBAs and associated surcharge fees.
- g. Agencies partnering with EMWD to form an SBA for purposes of addressing a regional regulatory or special land use need shall adopt a resolution of support, financial commitment, and acknowledgment of the SBA project.

(4) EMWD's Board of Directors may consider exceptions to these principles for specific project(s) as applicable.

## **ARTICLE 4 – COMPREHENSIVE INVESTMENT POLICY**<sup>8</sup>

### **3.401 INTRODUCTION**

Eastern Municipal Water District’s investment policy is intended to provide guidelines for the prudent investment of the District’s funds while achieving the objects of safety, liquidity, and yield in a diversified investment portfolio. In accordance with Government Code 53600.3, the Treasurer and District staff responsible for managing the investment portfolio are fiduciaries subject to the Prudent Investor Standard which states while investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, District staff shall act with care, skill, prudence, and diligence to meet the object set forth in the Policy to safeguard investment principal, maintain the liquidity needs of the District, and earn a reasonable return. The investment policy outlines authorized investments meeting minimum credit and maturity requirements while staying in compliance with California Government Code. Investment staff shall provide regular investment reporting to the Board of Directors and conduct an annual review of the Investment Policy. Changes or amendments to the policy shall be approved and adopted by the Board. The Investment Policy may be viewed in its entirety at:

[Investor Relations - Eastern Municipal Water District \(emwd.org\)](http://emwd.org)

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<sup>8</sup> Article 4 amended by Resolution No. 2021-125 on September 15, 2021.

## **ARTICLE 5 – SAVINGS DEPOSIT AND CHECKING ACCOUNTS**

### **3.501 DEPOSITS<sup>9</sup>**

(a) The District shall establish one or more deposit accounts with State or national banks or savings associations upon such terms and conditions as may be agreed upon. The President and Treasurer shall establish such accounts in the name of the District for general fund and bond interest and redemption fund expenditures.

(b) Upon maturity, investments shall be deposited into the District's checking or savings accounts on the approval of one of the following officers: President, Treasurer or Assistant Treasurer.

### **3.502 SAFE DEPOSIT BOXES**

The General Manager may obtain safety deposit boxes at State or national banks or savings associations for use of the District. Two of the following must agree for access: General Manager and a Director.

### **3.503 PETTY CASH ACCOUNT**

The President and Treasurer shall create and the District shall maintain an imprest fund, known as the petty cash account, in the amount of \$1,200.00. Disbursements shall be accompanied by paid receipts.

### **3.504 ACCOUNTING PRACTICES**

(a) The District shall maintain books of account in accordance with generally

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<sup>9</sup> Section 3.501 amended by Resolution No. 2015-011 on March 18, 2015.



accepted accounting practices as promulgated by the Governmental Accounting Standards Board showing the status of monies received and disbursed.

(b) Funds and accounts shall be maintained as necessary to accomplish this purpose, as follows:

(1) General (may be used for any lawful purpose):

- a. Petty cash; and
- b. Other.

(2) Special (may be used only for specified purposes):

- a. Bond proceeds (construction);
- b. Tax proceeds (bond interest and redemption);
- c. Tax proceeds (State project debt).

### **3.505 CHECK REGISTER**

(a) A monthly post-listing of payments including wires, ACH transfers and checks, showing the payee, purpose, payment date, amount, and if applicable, the check number and invoice number, shall be reviewed by the Treasurer, and presented to Board of Directors at regular Board meetings.

### **3.506 OTHER**

(a) Transactions described herein, including opening or closing checking accounts, shall be accomplished by the designated officer in the name of the District. Action by the Board is required for each transaction unless otherwise indicated above. Withdrawals shall be supported by receipts indicating the purpose of the withdrawal, the amount and the employee responsible for the withdrawal.

(b) An officer may receive non-negotiable instruments on behalf of the District but such instruments shall be forthwith remitted to the Treasurer for handling.

**3.507**

**ACCOUNTS<sup>10</sup>**

(a) The District will deposit money in checking and savings accounts:

Account Title

Custody Account

C.O.P. and Revenue Bonds

G.O. Bonds & A.D. Bonds

Accounts Payable

General Account

American Payment System

Assessment District's Trust Fund

(b) The persons authorized to execute for and on behalf of the account are:

(1) For checks in amounts of \$5,000 or less: Facsimile Signature of the General Manager or President of the Board of Directors.

(2) For checks in amounts over \$5,000: Facsimile Signature of the General Manager or President of the Board of Directors and any one authorized original secondary signature.

(3) Checks may be signed by any one authorized primary and secondary signature.

(4) District will provide the bank with a list of the authorized signatures. Any changes to the list will be witnessed by one primary and one secondary signature.

(c) The persons authorized to execute checks for and on behalf of the account designated "Payroll Account," are:

Facsimile or original signature of the General Manager,

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<sup>10</sup> Section 3.507(e) amended by Resolution No. 2015-011 on March 18, 2015.

OR

Facsimile or original signature of the President of the Board of Directors,

OR

Facsimile signature AND one original primary signature,

OR

Any one authorized primary and secondary signature.

(d) District's Claim Administrator for the Self-Insurance Workers' Compensation Program is authorized to sign checks on behalf of District as follows:

(1) For checks in the amount of \$2,500 or less, facsimile signature or one original signature; and

(2) For checks in amounts of more than \$2,500, facsimile signature AND one original signature or two original signatures.

(e) All signatures, including facsimile, must be authorized by the District's Deputy General Manager with oversight over Administrative Services.<sup>11</sup>

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<sup>11</sup> Section 3.507(e) amended by Resolution No. 2014-054 on May 21, 2014.

## **ARTICLE 6 – CLAIMS**

### **3.601 CLAIMS: GENERAL**

Claims against the District for money or damages covered by Article 1 (commencing with 900) and Article 2 (commencing with Section 910) of Part 3 of Division 3.6 of the Government Code or other statute shall be presented and processed in accordance with the statute. Claims not covered by state law shall be presented and processed in accordance with this Article.

### **3.602 PRESENTATION OF CLAIM**

Claims, and amendments to claims, shall be presented personally or mailed first class delivery to the Secretary at the District's offices.

### **3.603 CONTENTS OF CLAIM**

A claim shall be presented by the claimant or by a person acting on the claimant's behalf and shall show:

- (a) The name and post office address of the claimant;
- (b) Post office address to which the person presenting the claim desires notice to be sent;
- (c) The date, place and other circumstances of the occurrence or transaction giving rise to the claim asserted;
- (d) The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at the time of presentation of the claim.
- (e) The name or names of the public employee or employees causing the

injury, damage, or loss if knows;

(f) The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss insofar as it may be known at the time of presentation of the claim, together with the basis of computation of the amount claimed; and

(g) The signature of the claimant or some person on the claimant's behalf.

### **3.604 INSUFFICIENT CLAIMS**

(a) The General Manager or designee shall notify the claimant if the claim fails to include the information required by statute or this Article. Such notice shall be given within twenty days after the claim is presented. The claimant shall file an amended claim within ten days of the notice.

(b) The amended claim shall be considered in lieu of the original claim. If an amended claim is not filed, the original claim shall be presented to the Board for action.

### **3.605 TIME FOR PRESENTATION OF CLAIMS**

A claim relating to a cause of action for death or for injury to person or to personal property or growing crop shall be presented not later than six months after accrual of cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action.

**3.606 LEAVE TO PRESENT LATE CLAIM**

When a claim is not filed on time, an application shall be made to the District for leave to present a late claim. Government Code Sections 911.4 (b), Section 911.6 through 912.2 inclusive, and 946.4 and 946.6 are applicable to such requests. The deadline for filing an application under this section shall be as specified in Government Code Sections 911.2, 911.6 and 946.6.

**3.607 TIME FOR ACTION<sup>12</sup>**

The Board, General Manager or designee as provided for in §3.610 herein, shall act on the claims, amended claims, and applications to file late claims within 45 days after the application, the claim or amended claim has been presented.

**3.608 NOTICE OF INSUFFICIENCY OR REJECTION OF CLAIM**

Written notice of any action taken by the Board acting on a claim or application to file a late claim shall be given to the person who presented the claim by the General Manager or designee within ten days of the Board's action.

**3.609 CLAIM AS PREREQUISITE TO SUIT<sup>13</sup>**

(a) No action for money or damages may be brought against the District, an officer or employee on a cause of action for which a claim is required by this Article until the claim has been acted on by the Board, General Manager or designee as provided for in §3.610 herein.

(b) No action may be brought against the District officer or employee on a cause of action for which a claim is required by this Article unless such action is commenced within six months after the claim is acted on or deemed to have

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<sup>12</sup> Section 3.607 amended by Resolution No. 2015-011 on March 18, 2015.

<sup>13</sup> Section 3.609(a) amended by Resolution No. 2015-011 on March 18, 2015.

been rejected by the Board.

### **3.610 CLAIMS UNDER \$50,000**

The General Manager or designee may: reject, allow, compromise, or settle claims if the amount does not exceed \$50,000. The General Manager may also reject claims for lateness or insufficiency. The General Manager shall advise the Board when action has been taken under this Section.

### **3.611 REVIEW OF CLAIMS**

General Counsel shall examine claims and lawsuits and provide the Board with a report describing and evaluating the claim or lawsuit. Counsel shall recommend goals, attorney assignment and a target budget for each lawsuit.

### **3.612 DEFENSE OF CLAIMS AND LAWSUITS**

(a) The District shall defend officers or employees named as defendants or respondents in a civil lawsuit arising within the course and scope of employment if the officer or employee did not act with fraud or malice.

(b) An officer or employee named in a civil lawsuit who wishes to obtain defense by the District shall file a written request with the Secretary within three days of service of the complaint or petition. General Counsel shall provide the Board with a written report and recommendation with respect to the request. The Board may approve the request, deny the request, or may provide defense and reserve the decision on the indemnity pending the outcome of the case.

(c) If the District agrees to defend, the employee or officer shall fully cooperate with the attorney assigned to the case by the Board. The failure to fully cooperate can result in the revocation of the agreement to defend.

(d) The officer or employee may obtain reimbursement in accordance with law if the Board refuses to indemnify and defend.

**3.613 JUDICIAL REVIEW OF CERTAIN DECISIONS**

The provisions of Code of Civil Procedure Section 1094.6 shall be applicable to the judicial review of the decisions of the Board by administrative mandamus.



**ARTICLE 7 – PROCUREMENT OF SUPPLIES, EQUIPMENT, SERVICES, AND WORKS**  
**OF IMPROVEMENT**

**3.701 PURPOSE AND CONTRACTING PRINCIPLES<sup>14</sup>**

(a) This Article provides procedures for the purchase of supplies, equipment, services, including professional services, and public works.

(b) The purchase of supplies, equipment, services, including professional services, and public works shall be made by the General Manager in accordance with this Article and Board authorized administrative procedures for implementing this Article.

(c) Nothing herein shall abrogate State or Federal law establishing a more stringent purchasing procedure.

(d) Purchases shall be made in accordance with the following principles:

(1) The District will maintain fair, open, and competitive contracting practices and procedures in full compliance with all State and Federal statutes.

(2) The District will seek the greatest value for its rate payers in contracting for the goods, materials, services and equipment supporting its mission and operations.

(3) The District prohibits discrimination of any kind; including but not limited to:

- Race
- Sex
- Color
- Ethnicity; or
- National Origin

(4) The District will administer outreach efforts for purposes of

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<sup>14</sup>Section 3.701 amended by Resolution No. 2014-031 on March 12, 2014.

communicating and educating representative members and groups within the community including small, local, minority, veteran and disadvantaged business owners on doing business with, and competing for, District contract opportunities.

(5) The District will encourage local area contracting for professional services through measures such as outreach, preference-based scoring or other means.

### **3.702 DEFINITIONS**

The following terms are defined for the purpose of this Article:

(a) "Work" or "construction work" means the construction of improvements other than maintenance or repair. As used in this Section, "improvement" shall be interpreted to mean work or construction work that is performed for purposes of, and with the intent of, adding capacity or an extension of service.

(b) "Maintenance" means routine, recurring, and usual work to prevent breakdown or failure and to keep existing system operating.

(c) "Repair" means mending or fixing that which is broken and is no longer functional or operating and to keep existing systems operating.

(d) "Professional services" means services offered by a specially trained and experienced person, firm, or corporation in areas such as, but not limited to, financial, economic, accounting, engineering, technical, legal, architectural, technology, or other similar disciplines.

(e) "Professional engineering services" means professional services provided by architects, environmental, engineers, land surveyor, and construction project managers.

(f) "Emergency" means a sudden, unexpected, natural or manmade occurrence that poses a clear and imminent danger, requiring action to prevent or mitigate the loss or impairment of life, health, property or essential public services.

**3.703 GENERAL MANAGER'S AUTHORITY<sup>15,16</sup>**

(a) Purchases (including Purchase Orders, Contracts, or Agreements) with annual costs less than \$100,000 may be approved by the General Manager for the acquisition of supplies, equipment, and services, including professional services, and construction work (as defined) less than \$35,000. Purchases made pursuant to Board authorized projects may be approved by the General Manager to any amount within such authorized project total. Purchases for the renewal of existing computer software and hardware licenses, maintenance agreements, or cloud based subscriptions, and purchases made pursuant to projects not of construction work, that are specifically identified and approved by the Board in the Operating Fixed Assets and Special Projects and Studies categories of the Budget may also be approved by the General Manager to any amount, provided however that any individual purchase of services \$250,000 or greater shall be approved by the Board. Other purchases or agreements shall be approved by the Board. Notwithstanding the above, supplies, equipment, or services specifically identified and approved by the Board in the Budget may be procured as needed by the General Manager without further action by the Board, regardless of amount. Items not specifically identified in the budget will be initiated and approved in accordance with this Article and with the administrative procedures created for implementing this Article.

(b) The General Manager can make emergency expenditures, not otherwise subject to this Article in an emergency. The General Manager shall report to the

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<sup>15</sup> Section 3.703(a) amended by Resolution No. 2015-011 on March 18, 2015.

<sup>16</sup> Section 3.703 amended by Resolution No. 2019-0971 on September 18, 2019.

Board, at their next regular meeting, the actions taken and the reasons justifying the emergency determination.

(c) The General Manager may approve change orders which do not exceed the original authorization by more than \$25,000 or 10% of the original contract amount, whichever is greater. Change orders in excess of these amounts and change orders reflecting a change in the scope or the nature of the project shall be submitted to the Board for approval.

### **3.704 PROCUREMENT OF WORKS**

(a) Proposals for construction work or professional services for a specific construction works shall be solicited by the Assistant General Manager for Planning, Engineering, and Construction who shall select the successful bidder and administer the contract.

(b) If construction work is estimated to cost less than \$35,000 the contract will be awarded in accordance with this Article.

(c) If construction work is estimated to cost \$35,000 or more, a notice inviting bids shall be published to the District's website, or other manner approved by the Board. Subsequent contract(s) shall be let to the lowest responsible bidder.

(d) If, due to the complexity or requirements of a maintenance or repair, the Assistant General Manager for Planning, Engineering, and Construction is assigned and solicits bids or proposals to complete the maintenance or repair, the contract will be awarded in accordance with this Article.

### **3.705           PROCUREMENT OF SUPPLIES, EQUIPMENT, AND SERVICES<sup>17</sup>**

Proposals for supplies, equipment, and services, including those necessary for maintenance and repair shall be solicited by the Senior Director of Administrative Services who shall also select the successful proposer, and issue and administer the contract. Such purchases may be obtained from the open market without publication or solicitation of bids, provided that the purchase has been approved by the General Manager or designee and the required number of price quotes/proposals have been obtained in accordance with this Article and with the administrative procedures developed to assist in implementing this Article. Such price quotes/proposals shall be based on fair and competitive criteria and may include factors other than price.

### **3.706           PROFESSIONAL SERVICES<sup>18</sup>**

A Request for Proposal or Qualifications shall be prepared and solicited where practical from more than one service provider for professional services exceeding \$35,000 unless a provider has been prequalified by the District and the contract amount is less than \$250,000. The Senior Director of Administrative Services shall solicit a Request for Proposals or Qualifications for purposes of establishing and maintaining the prequalified list of providers which shall also be utilized for common and routinely used professional services with individual tasks or assignments less than \$100,000. The General Manager shall report to the Board monthly as to any professional services contracts, any change orders to such contracts, and any other issues which arise regarding professional services contracts. Professional, including professional engineering services, shall be selected on a fair and competitive basis. The award of non-competitive professional services shall be approved

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<sup>17</sup> Section 3.705 amended by Resolution No. 2015-011 on March 18, 2015.

<sup>18</sup> Section 3.706 amended by Resolution No. 2019-097 on September 18, 2019.

and authorized in accordance with the administrative procedures developed for implementing this Article.

**3.707 GENERAL STANDARDS**

(a) Purchases shall be awarded following open, competitive processes unless:

(1) the procurement is necessary to address an emergency condition threatening the public health and safety;

(2) the product or service is only available from one source;

(3) the product or service is procured from or with another public agency;

(4) the product or service cannot be described with enough detail to enable competitive practices;

(5) time constraints, special reasons, circumstances, or conditions make a competitive purchase unfeasible; or

(6) the value of the product or service is less than the competitive limits authorized by this Article.

(b) The purchase or expenditure is approved by the Board as an exception to centralized procurement through the administrative procedures developed for implementing this Article.

**3.708 PURCHASES OF \$5,000 OR UNDER**

Supplies, services, and equipment, and construction works estimated to cost \$5,000 or less may be purchased without solicitation of bids or quotations.

**3.709 PURCHASES COSTING MORE THAN \$5,000 BUT LESS THAN \$10,000**

Supplies, services, and equipment, and construction works estimated to cost more than \$5,000, but not more than \$10,000, may be purchased after receiving at least two quotes or proposals.

**3.710 PURCHASES AMOUNTING TO MORE THAN \$10,000 AND LESS THAN \$35,000**

Supplies, services, equipment, and construction works estimated to cost \$10,000 or more but less than \$35,000, may be purchased upon receipt of at least three written quotes or proposals.

**3.711 PURCHASES COSTING MORE THAN \$35,000**

Supplies, services, and equipment, estimated to cost \$35,000 or more, shall be purchased upon receipt of Bids, Proposals, or Qualifications as may be possible and practicable.

**3.712 OTHER PROCEDURES<sup>19</sup>**

The procedure, personnel, and forms used in the purchasing of supplies or equipment shall be approved by the Senior Director of Administrative Services and for purchasing works of improvement by the Assistant General Manager consistent with this Article.

**3.713 DISPOSAL<sup>20</sup>**

The Senior Director of Administrative Services shall present recommendations to the Board for the disposal of surplus personal property having an individual item, fair market value of \$15,000, or greater. Surplus personal property having a value of less than \$15,000 may be disposed of at the direction of the Senior Director of Administrative Services or designee in such a manner as to maximize the value for the District of such surplus disposal.

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<sup>19</sup> Section 3.712 amended by Resolution No. 2015-011 on March 18, 2015.

<sup>20</sup> Section 3.713 amended by Resolution No. 2015-011 on March 18, 2015.

## **ARTICLE 8 – COMPREHENSIVE DEBT POLICY**<sup>21,22,23</sup>

### **3.801 INTRODUCTION**

The Board adopted a Comprehensive Debt Policy to document and memorialize District standards in connection with all Eastern Municipal Water District obligations, including notes, bonds, loans, lease securities, and certificates of participation issued or delivered by the District, including Assessment District bonds and bonds issued by other entities controlled by the District, such as the Eastern Municipal Water District Financing Authority, Community Facilities Districts formed pursuant to the Mello-Roos Act (CFDs) and Assessment Districts formed pursuant to the Improvement Acts of 1911 and 1913 (ADs), along with the Western Riverside Water and Wastewater Financing Authority for which the District has overseen and utilized to issue securities. The Debt Policy incorporates Swap policy guidelines and replaces the EMWD Swap policy. The Comprehensive Debt Policy may be accessed in its entirety at:

<http://www.emwd.org/about-emwd/financial-information/investor-relations/policies-and-rating-reports>

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<sup>21</sup> Article 8 of Title 3 added by Resolution No. 2014-066 on May 21, 2014.

<sup>22</sup> Article 8 of Title 3 amended by Resolution No. 2017-006 on January 18, 2017.

<sup>23</sup> Article 8 of Title 3 amended by Resolution No. 2021-053 on April 7, 2021.



## **ARTICLE 9 – DISTRICT FACILITIES**<sup>24,25</sup>

### **3.901 USE OF DISTRICT FACILITIES**<sup>26</sup>

From time to time, the District may allow its facilities to be used for outside entities or for events which may be co-sponsored by the District in conjunction with an outside entity. The District's Safety, Risk and Emergency Management team will set forth insurance and security requirements, if any, which may be required to protect facilities and insulate the District from liability exposure. Under no circumstances will the District purchase alcoholic beverages. Under limited circumstances, the District may allow an outside entity to serve and/or sponsor alcoholic beverages. Such beverages may not be offered for sale on District property.

### **3.902 NAMING OF DISTRICT FACILITIES**<sup>27</sup>

Periodically the Board of Directors may wish to consider naming District buildings, facilities and other property in honor of exemplary public service rendered by an individual, group of individuals or organization. To insure the judicious consideration of such facility naming proposals, the Board of Directors have established the following policy:

- (a) District property encompassed by this policy includes:
  - (1) Buildings, facilities, or segments thereof where the naming or dedication is identified on the outside or the interior of the structure.
  - (2) Outdoor areas, which may be gardens, courtyards, or walkways.
  - (3) Other District property as appropriate.
  
- (b) The criteria for naming a facility after an individual, group of individuals or organization shall include one or more of the following:

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<sup>24</sup> Article 9 of Title 3 and Section 3.901 added by Resolution No. 2015-011 on March 18, 2015.

<sup>25</sup> Article 9 amended by Resolution No. 2019-012 on February 20, 2019.

<sup>26</sup> Section 3.901 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>27</sup> Section 3.902 added by Resolution No. 2019-012 on February 20, 2019.

(1) Substantial, important and positive impact upon the District as a member of its Board, staff, member(s) of the community or organization.

(2) Personal achievements of highest distinction in a public service role, while maintaining close ties with and providing significant support of the District and its mission.

(3) Names that have historical or regional significance to the facility or location.

(c) Facilities named after individuals shall only be done so as a posthumous honor.

(d) The Board of Directors has sole discretion in whether to name or rename a facility and the name chosen.

#### 4. Guidelines for Recognition

(a) Requests to name or rename District property under this policy may be made by a member of the Board of Directors, District employees, District customers, or any member of the public.

(b) All requests for recognition under this policy must be submitted to the Board of Directors in writing. Such letter shall include the name and background of the individual or entity proposed for the recognition and supporting rationale for the requested naming relative to the criteria included in Section 3.902(b).

(c) Any requests to name District facilities will be presented to the Executive Committee for review and recommendation prior to scheduling for Board of Directors action.

(d) Any and all recommendations for naming a District facility must be decided by the full Board of Directors. Final action on any recommendation requires a majority vote of the Board.

(e) The Board's decision on a permanent name for a facility shall be final and

implemented by the General Manager. The assigned name of the facility will appear on the facility face and external sign as dictated by District signage standards.

(f) If the Board decides not to name or not to accept a recommendation to name a facility, the requestor shall be informed.

PAGES 192 THROUGH 233 ARE LEFT BLANK INTENTIONALLY. **TITLE 4** FOLLOWS.

## **TITLE 4 – PROPERTY**

### **ARTICLE 1 – ENVIRONMENTAL REVIEW**

#### **4.101 PURPOSE**

The California Environmental Quality Act (“CEQA”) requires the District to consider the environmental impact of projects before they are approved by the District. CEQA directs the Secretary of Resources to prepare regulations (“State Guidelines”) describing how impacts are to be determined and considered by the local agencies. CEQA and the State Guidelines require the District to adopt the State Guidelines or District Guidelines (“local guidelines”). This Article contains, in general, the local guidelines of the District.

#### **4.102 SCOPE**

These local guidelines apply when District has discretion over an activity and the activity is undertaken by the District, by third parties requiring District approval, or by other public agencies when the activity involves District review.

#### **4.103 PROCESS: GENERAL**

(a) The Director of Environmental and Regulatory Compliance is responsible for CEQA compliance for District projects. The Director of Environmental and Regulatory Compliance shall consult with the Environmental Review Committee as necessary.

(b) (1) Environmental review starts with the determination of whether a proposal is a discretionary project. Only discretionary projects are subject to CEQA.

(2) Review continues with determination of whether the project addresses an emergency. Emergency projects are not subject to further CEQA

review.

(3) Review then turns to whether the project is exempt from CEQA review under statutory exemptions.

(4) Discretionary projects which are not exempt must be considered in more detail using a negative declaration or environmental impact report ("EIR").

(c) The Director of Environmental and Regulatory Compliance shall determine whether the District is the lead agency or responsible agency on a project. The lead agency prepares and uses the environmental document. The responsible agencies use the environmental documents of the lead agency.

(d) Decisions on projects requiring CEQA review shall be made by the District only after the adoption of the negative declaration, mitigated negative declaration, or environmental impact report prepared by the lead agency.

#### **4.104**

#### **STATUTORY EXEMPTION: MINISTERIAL ACTIVITIES**

(a) Ministerial projects are exempt from the requirements of CEQA. Department heads may make ministerial decisions without further environmental review.

(b) The following actions are presumed ministerial activities:

(1) Approval of individual utility service connections and disconnections, and

(2) Leasing of property where the use of premises is not significantly changed.

(c) The Director of Environmental and Regulatory Compliance shall develop and update a list of common ministerial activities.

#### **4.105 STATUTORY EXEMPTION: EMERGENCY PROJECTS**

(a) The District may undertake the following emergency projects without further environmental review:

(1) Projects to maintain, repair, restore, demolish or replace property of facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act.

(2) Emergency repairs to publicly owned service facilities necessary to maintain service essential to the public health, safety or welfare.

(3) Specific actions necessary to prevent or mitigate an emergency.

#### **4.106 STATUTORY EXEMPTION: RATES, TOLLS, FARES, AND CHARGES**

(a) Rate changes to pay for the expansion of a system are subject to CEQA. Comprehensive CEQA review is not required for the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the District for the purpose of:

(1) Meeting operating expenses, including employee wage rates and fringe benefits,

(2) Purchasing or leasing supplies, equipment, or materials,

(3) Meeting financial reserve needs and requirements, or

(4) Obtaining funds for capital projects, necessary to maintain service within existing service areas.

(b) The District shall make finding in the record of proceedings when this section is invoked.

#### **4.107 STATUTORY EXEMPTION: OTHER PROJECTS**

(a) Statutory exemptions take several forms: complete exemptions from CEQA; exemptions to part of CEQA, and timing of CEQA compliance.

(b) A project involving only feasibility or planning studies for possible future actions with no binding effect which the District has not approved, adopted, or funded; does not require the preparation of an EIR or Negative Declaration, but does require consideration of environmental factors.

(c) A project of less than one mile in length within a public street, highway or other public right-of-way; for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline; or appurtenance does not require the preparation of an EIR or negative declaration.

#### **4.108 CATEGORICAL EXEMPTIONS**

(a) The classes of projects listed in this section usually do not have a significant effect on the environment. These projects are categorically exempt from the preparation of environmental documents.

(b) Class 1: Operation, repair, maintenance, or minor alteration of existing facilities involving negligible or no expansion of use.

Class 2: Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Class 3: Construction and location of limited numbers of new, small facilities or structures; installation of new equipment or facilities in small structures; and conversion of existing small structures from one use to another where only minor modification are made in the exterior of the structure.

Class 4: Minor alteration in the condition of land, water, or vegetation not involving the removal of healthy, mature, scenic trees



Class 5: Minor alterations in land use limitations in areas with an average slope of less than 20 percent, not resulting in any changes in land use or density.

Class 6: Basic data collection, research, experimental management, and resources evaluation activities, not resulting in a serious or major disturbance to an environmental resource.

Class 9: Activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project.

Class 11: Construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.

Class 12: Sales of surplus government property except for parcels of land located in an area of statewide, regional, or area wide concern.

Class 13: Acquisition of lands for fish and wildlife conservation purposes and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Class 15: Division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when: the division is in conformance with the General Plan and Zoning; no variances or exceptions are required; all services and access to the proposed parcels to local standards are available; the parcel was not involved in a division of a larger parcel within the previous 2 years; and the parcel does not have an average slope greater than 20 percent.

Class 16: Acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

- (1) The management plan for the park has not been prepared, or

(2) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.

Class 19: Annexations to the District of areas containing existing or private structures developed to the density allowed by the current zoning or pre-zoning of either the annexing or detaching governmental agency whichever is more restrictive. However, the extension of utility services to the existing facilities must have a capacity to serve only the existing facilities; or annexations of individual small parcels of the size for facilities exempted by State Guidelines.

Class 20: Changes in the organization or reorganization of local agencies where the changes do not change the geographical area in which previously existing powers are exercised.

Class 23: Normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose.

Class 25: Transfers of ownership of interest in land in order to preserve open space. Examples include but are not limited to:

- (1) Acquisition, sale or other transfer to prevent encroachment of development into flood plains.
- (2) Acquisition, sale or other transfer to preserve open space.

Class 27: Leasing of newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be under this section, the proposed use of the facility:

- (1) Shall be in conformance with existing state plans and policies and

with general community, and specific plans for which an EIR or Negative Declaration has been prepared;

(2) Shall be substantially the same as that originally proposed at the time the building permit was issued;

(3) Shall not result in traffic increase of greater than 10% of front access road capacity; and

(4) Shall include the provision of adequate employee and visitor parking facilities.

Class 30: Minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous waste or substance which are small or medium removal actions costing \$1 million or less. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.

(c) Classes 3,4,5,6, and 11 are qualified by consideration of where the project is to be located. A project ordinarily insignificant in its impact on the environment may be significant in a sensitive environment. These classes apply except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(d) Categorical exemptions are inapplicable when:

(1) cumulative impact of successive projects of the same type in the same place, over time is significant;

(2) there is a reasonable possibility the activity will have a significant effect of the environment due to unusual circumstances;

(3) the project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;

(4) when the project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and

(5) when the project may cause a substantial adverse change in the significance of a historical resource.

#### **4.109 INITIAL STUDY**

(a) When a project does not qualify for an exemption, an initial study is prepared to determine if the project may have a significant effect on the environment. If an EIR will clearly be required for the project, an initial study is not required but may still be desirable.

(b) To aid in the preparation of an initial study, the project manager shall complete an environmental information form that contains the following information:

(1) General Information: Brief description of nature, purpose and beneficiaries of project; address and location of the project; assessor's parcel number(s); proposed land use of site; existing zoning district; known permits or other approvals required.

(2) Project Description: Size of project site; size of facility (square feet and number of floors); traffic plan; proposed schedule and phases; whether maintenance project; pipeline projects include length, size, type and purpose of pipeline; tank projects include capacity, size, and type of tank, and whether neighborhood is city or regionally oriented.

(3) Potentially Significant Effects: The following series of questions are answered to determine applicability and potential effects.

- Change in existing features of any bays, tidelands, or hills, or substantial alteration of ground contours.
- Change in scenic views or vistas from existing residential areas or public lands or roads.
- Change in pattern, scale, or character of general area of project.
- Significant amounts of solid waste or litter.

- Change in dust, ash, smoke, fumes, or odors in the vicinity.
- Change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns.
- Substantial change in existing noise or vibration levels in the vicinity.
- Site on filled land or on slope of 10 percent or more.
- Use or disposal of potentially hazardous material, such as toxic substances, flammables or explosives.
- Substantial change in demand for municipal services (police, fire, water, sewage, etc.).
- Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).
- Relationship to a larger project or series of projects.

(4) Project Site Description: The following information is used to assess the project site and/or identify the need for more focused studies to be conducted. Photographs of the project site should accompany the form.

- Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals (if known); any cultural, historical or scenic aspects (if known).
- Describe any existing structures on the site and use of the structures.
- Describe surrounding properties, including information on plants and animals; and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single-family or multi-family residential, small or large commercial buildings, etc.), and scale of development (height, frontage, set-back, rear yard, etc.).

(c) The Initial Study shall include consideration of all phases of project planning, implementation, and operation of the project. An environmental assessment or similar analysis prepared pursuant to the National Environmental Policy Act (NEPA) may be used to meet the requirements of an initial study.

(d) The Initial Study shall contain the following in brief form:

(1) Project description including the location of the project.

(2) Identification of the environmental setting.

(3) Identification of environmental effects by use of a checklist, matrix or other method; providing brief explanations indicating there is some evidence to support the entries. Brief explanation may be either through a narrative or a reference to another information source.

(4) Discussion of the ways to mitigate the significant effects identified, if any.

(5) An examination of whether the project would be consistent with existing zoning plans, and other applicable land use controls.

(6) The name of the person or persons who prepared or participated in the initial study.

(e) The purposes of an Initial Study are to:

(1) Provide information to use as the basis for deciding whether to prepare an EIR or Negative Declaration.

(2) Enable the District to modify the project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.

(3) Assist in the preparation of an EIR if one is required by; identifying the effects determined to be significant and focusing the EIR on these effects; explaining the reasons for determining that potentially significant effects would not be significant; and identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

(4) Facilitate environmental assessments early in the design of the project.

(5) Provide documentation of the factual basis for the finding in a

Negative Declaration that a project would not have a significant effect on the environment.

(6) Eliminate unnecessary EIRs.

(7) Determine whether a previously prepared EIR could be used with the project.

(f) If the initial study discloses substantial evidence the project will individually or cumulatively cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the District shall do one of the following:

(1) Prepare an EIR, or

(2) Use a previously prepared EIR that would adequately analyze the project, or

(3) Determine, pursuant to a program EIR, tiering, or another appropriate process, in which the project's effects were adequately examined by an earlier EIR or negative declaration.

(g) If the initial study discloses substantial evidence the project will have a significant effect on the environment, the District shall prepare a Negative Declaration.

#### **4.110 NEGATIVE DECLARATION**

(a) A Negative Declaration (ND) shall be prepared when the initial study shows there is no substantial evidence that the project may have a significant effect on the environment.

(b) A Mitigated Negative Declaration (MND) shall be prepared when the initial study identifies potentially significant effects on the environment that are reduced to less than significant with mitigation. An enforceable Mitigation Monitoring and Reporting Program (MMRP) shall be adopted as part of the MND.

- (c) The Draft ND or MND circulated for public review shall include:
- (1) A brief description of the project, including a commonly used name for the project, if any;
  - (2) The location of the project and the name of the project proponent;
  - (3) A proposed finding that the project will not have a significant effect on the environment;
  - (4) An attached copy of the Initial Study documenting reasons to support the finding; and
  - (5) Mitigation measures, if any, included in the project to avoid potentially significant effects.

(d) The District shall provide a Notice of Intent (NOI) to adopt a ND or MND to the public, responsible agencies, trustee agencies and the county clerk, prior to adoption of the Negative Declaration of Mitigated Negative Declaration so that comments can be made and considered by the Board. The District shall mail a NOI to adopt the ND or MND to the last known name and address of all organizations and individuals who have previously requested such notice in writing; and shall also give notice of NOI to adopt a ND or MND by at least one of the following procedures to allow the public a 30-day review period:

- (1) Publication at least one time in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
- (2) Post the notice on and off site of the area where the project is to be located.
- (3) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.



#### **4.111**

#### **ENVIRONMENTAL IMPACT REPORT**

(a) If the District determines there is substantial evidence the project may have a significant effect on the environment, the project manager shall prepare or cause an environmental impact report (EIR) to be prepared.

(b) Upon determining an EIR is required, the District shall prepare a "notice of preparation" for distribution to the Riverside County Clerk, any individuals and organizations who have requested such notice, responsible agencies, trustee agencies, and other applicable state and federal agencies. When a state agency is a responsible agency or a trustee agency, the District shall send a notice of preparation to each state responsible agency and each trustee agency with a copy to the State Clearinghouse in the Office of Planning and Research. When the notice of preparation is submitted to the State Clearinghouse, the state identification number issued by the Clearinghouse shall be the identification number for subsequent environmental documents on the project. The notice of preparation must include the project description and location, and the probably environmental effects of the project.

(c) Prior to completing the draft EIR, the District may consult with persons or organizations concerned with the environmental effects of the project. This early consultation is called "scoping." Scoping is mandatory when preparing an EIR/EIS jointly with a federal agency. Any person, including an applicant, may submit information or comments to the District to assist in the preparation of the draft EIR. The submittal may be presented in any format, including the form of a draft EIR. The District must consider information and comments received. The information or comments may be included in the draft EIR.

(d) The individual responsible for writing the EIR will probably be an outside consultant, but it could be prepared by District staff. An important component of the EIR process, particularly if the document is prepared by a consultant, is independent review by the District. To provide for this independent review, the

consultant shall present a preliminary draft EIR to the District for review and comment before the draft EIR is completed. The consultant shall incorporate these comments into the draft EIR.

(e) A draft EIR sent out for public review must reflect the independent judgment of the District. The District is responsible for the adequacy and objectivity of the draft EIR. The draft EIR shall address the subjects required by law.

(f) When the draft EIR is completed, a notice of completion must be filed with the Office of Planning and Research or the State Clearinghouse.

(g) The District shall provide notice of the availability of a draft EIR at the same time as it sends a notice of completion to the State Clearinghouse. A notice indicating the availability of a draft EIR for review and comment is to be provided in the following manner:

(1) Send notice of completion to all organizations and individuals who have previously requested such notices;

(2) Publish at least once in a newspaper of general circulation in the area affected by the proposed project;

(3) Post on and off site in the area where the project is to be located, and on the District website; and

(4) Notify property owners and tenants within 300 feet, if needed.

(h) The District shall evaluate and prepare responses to all of the comments received on the draft EIR. Written proposed responses shall be provided at least 10 days prior to certifying the EIR. Response to comments shall be mailed a minimum of 10 days prior to Board Meeting to certify the document. The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR.

(i) If the Final EIR contains one or more significant environmental effects,

the District must make written findings that indicate how their effects have been dealt with and, if necessary, adopt a statement of overriding considerations in the form of a resolution. A mitigation monitoring program shall be completed that incorporates the mitigation measures included in the EIR. The purpose of the mitigation monitoring program is to ensure the actions identified in the EIR are carried out by assigning specific responsibility for their completion to various individuals and organizations.

(j) Upon the presentation to the Board of the Final EIR and the resolution containing the appropriate findings, the Board may approve or certify the Final EIR.

(k) The District shall file a notice of determination following each project approval for which an EIR was considered.

(l) Prior to reaching a decision on a project, the Board must consider the environmental effects of the project as shown in the lead agency's EIR or negative declaration.

(m) When an EIR has been prepared for a project, the Board shall not approve the project as proposed if the Board finds any feasible alternative or feasible mitigation measures within its powers would substantially lessen any significant environmental impact. When considering alternatives and mitigation measures, the District is more limited than a lead agency. The District has responsibility for mitigating or avoiding only the environmental effects of those activities which it decides to carry out, finance, or approve. The District shall make the findings required for each significant effect of the project.

(n) The District shall file a notice of determination in the same manner whether the District is a responsible agency or lead agency except the District does not need to state the EIR or negative declaration complies with CEQA when acting as a responsible agency. The District shall state when it is considering an

EIR or negative declaration as prepared by another agency acting as a lead agency.

**4.112 SUBSEQUENT EIRS, NDS AND NMDS**

Where an EIR, ND or NMD has been previously certified, a subsequent EIR, ND, or NMD that has substantial changes or new information of substantial importance must be prepared. The subsequent environmental document shall have the same notice and public review as the prior environmental document.

## **ARTICLE 2 – RECORDS**

### **4.201 PUBLIC RECORDS<sup>1</sup>**

All public records of the District are available for review by the public in accordance with the California Public Records Act, as set forth in Section 6250, et seq., of the Government Code.

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<sup>1</sup> Section 4.201 amended by Resolution No. 2014-141 on November 5, 2014.

## **ARTICLE 3 – REAL PROPERTY**

### **4.301 ACQUISITION OF REAL PROPERTY**

(a) The Board shall approve the acquisition of real property and authorize acceptances of conveyances for recordation. The General Manager shall execute certificates of acceptance of conveyances and cause conveyances to be recorded.

(b) Notwithstanding the foregoing, the General Manager may approve the acquisition of real property and authorize acceptances of conveyances for record and record conveys if the acquisition is at no cost and necessary for construction or operation of District facilities. Acquisitions approved by the General Manager shall be reported to the Board.

(c) Property may also be acquired by the District pursuant to the Eminent Domain Law.

### **4.302 DISPOSITION OF REAL PROPERTY**

(a) The Board shall approve to conveyance of surplus real property to third parties after offering the property to other public agencies as required by law. The General Manager shall execute deeds of conveyance and leases in the approved form on behalf of the District.

(b) From time-to-time as necessary, the General Manager shall recommend the Board to declare real property as surplus.

### **4.303 REAL PROPERTY RECORDS**

Real Property shall be as reflected in the District's Asset Table and reported to the Board upon request.

## **ARTICLE 4 – PERSONAL PROPERTY**

### **4.401 PERSONAL PROPERTY<sup>2</sup>**

(a) The Board may declare materials, supplies, or equipment surplus if the items have a fair market value of more than \$15,000. The Board may authorize sale, exchange or other disposition of such surplus personal property with or without advertising for bids.

(b) The General Manager, or designee, may declare materials, supplies, or equipment surplus if the items have a fair market value of \$15,000 or less. The General Manager, or designee, may authorize sale, exchange or other disposition of such surplus personal property with or without advertising for bids.

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<sup>2</sup> Section 4.401 amended by Resolution No. 2015-074 on June 17, 2015.

PAGES 253 THROUGH 307 ARE LEFT BLANK INTENTIONALLY. **TITLE 5** FOLLOWS.



## **TITLE 5 – POTABLE WATER SERVICE**

### **ARTICLE 1 – PRELIMINARY**

#### **5.101 SCOPE**

This Title applies to potable water service from the District. These regulations do not apply to recycled water service. This Article sets forth preliminary matters common to water service.

#### **5.102 PURPOSE**

This Title sets forth the terms for potable water service.

#### **5.103 DEFINITIONS: GENERAL<sup>1</sup>**

The following definitions shall be used to interpret this Title, unless otherwise apparent from the context:

- (a) “Applicant” means a party applying for water service.
- (b) “Customer” means a person receiving water service.
- (c) “Commercial Service” refers to the delivery of water for a commercial enterprise, including industrial uses but not agricultural uses.
- (d) “Domestic Service” refers to the delivery of water primarily for human habitation.
- (e) “Service Connection” means the piping and appurtenances necessary to

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<sup>1</sup> Section 5.103 amended by Resolution No. 2023-111 on July 19, 2023.

deliver water from the District's water main to a Customer's property, including the meter, meter box, valves, and appurtenant equipment within the meter box.

(f) "Irrigation Service" refers to the delivery of water primarily for agricultural activities.

(g) "Frontage Fee" refers to an Applicant/Customer's payment of a unit-rate fee (per linear foot) representing their pro-rata share of another Applicant's privately financed facility construction; whereby, the District has a Potentially Reimbursable Frontage Agreement obligation.

(h) "Accessory dwelling unit" (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence, as evidenced by the issuance of a building permit and an occupancy permit for the involved ADU from the respective jurisdictional land use agency.

(i) "Junior accessory dwelling unit" (JADU) means a unit that is contained entirely within a single-family residence, as evidenced by the issuance of a building permit and an occupancy permit for the involved JADU from the respective jurisdiction land use agency.

#### **5.104 GENERAL<sup>2</sup>**

(a) The District will provide water service throughout its territorial limits in compliance with this Title. Applicants shall satisfy conditions before service will commence; Customers shall comply with the regulations for service to continue; and the District will terminate service as set forth herein.

(b) The District may extend regular service to property outside the District's service area of the boundaries of an existing District Improvement district if the territory to be served annexes to the District Improvement district on terms established by the Board in its sole discretion.

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<sup>2</sup> Section 5.104 amended by Resolution No. 2016-075 on June 15, 2016.

(c) Service connections and water meters installed or accepted for use by the District are the property of the District. Service connections shall be kept safely and readily accessible for District personnel. The expense of maintenance, repairs, and renewal of such service connections and meters, due to normal wear and tear, shall be borne by the District. Water pipes and appurtenances downstream of the meter are the property of the customer who is responsible for water use, operation and maintenance.

### **5.105 FACILITIES<sup>3</sup>**

(a) Water will be delivered by the District to the property of a Customer only through pipelines and appurtenances owned by the District. The General Manager shall determine if the District's water system is capable of serving the applicant's property. Applicants, or their designees, shall design, construct and dedicate the water system to the District if a pipeline capable of serving the applicant's property does not exist at the time of application.

(b) Applicant is responsible for the repair and maintenance of the facility until the District accepts dedication of the facility. District is responsible for repair and maintenance after acceptance of dedication.

### **5.106 WATER PRESSURE<sup>4,5</sup>**

(a) Applicants and Customers shall accept such conditions of pressure and service as are provided by the distribution system of the District at the location of the proposed service connection, and hold the District harmless for damage arising out of low or high pressure conditions or interruptions in service.

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<sup>3</sup> Section 5.105 amended by Resolution No. 2016-075 on June 15, 2016.

<sup>4</sup> Section 5.106 amended by Resolution No. 2016-075 on June 15, 2016.

<sup>5</sup> Section 5.106 amended by Resolution No. 2023-111 on July 19, 2023.

(b) The District will attempt to deliver water system pressures at the main nearest to the Applicant's property at between 50 psi and 80 psi. Applicants, or their designees, shall design service laterals, commencing from the point of connection(s) to District's water system pipeline(s), including pipeline extension(s), service lateral(s), meter(s), and all post-meter piping and appurtenances, taking into consideration resulting head losses, pad elevations, and building height, such that water service pressure/flow at each floor level is adequate to meet jurisdictional requirements. If District's water system pressure is below 50 psi and/or above 80 psi, Applicants must execute a Notice of Water Pressure Condition that will be recorded on Applicant's property title. In addition, Applicant is responsible for installing devices, inclusive of pressure regulation devices and/or pressure boosting devices, and any other applicable devices, at their cost, and as required by on-site jurisdictional agency and/or regulations, to provide adequate on-site water service pressures, and/or safeguard Applicant's property. Applicant shall own, operate, maintain, repair, and/or replace such on-site water system(s) and devices downstream of the District's meter, and shall prevent contamination or pollution of the public water system. The District may further require Applicant to install cross-connection or backflow prevention assemblies.

(c) The District will exercise reasonable diligence and care to deliver a continuous and adequate supply of water to the Customer at a reasonable constant pressure and to avoid shortage or interruption in delivery. The District offers water at its system pressure, and the applicant must install adequate plumbing and protective devices in accordance with the current Uniform Plumbing Code to use the available water at whatever reasonable constant pressure is available in the system. The District is not responsible for the maintenance of pressure and reserves the right to discontinue service while making repairs required in the operation of the water system. Customers depending upon a continuous supply should provide their own emergency storage.

## **5.107 MAIN FRONTAGE REQUIRED<sup>6</sup>**

Permanent water service shall not be provided unless a District water main of adequate size extends across the entire frontage of the property to be served. For new subdivision developments, main extensions shall be required, as determined by the District, to include perimeter and interior street frontages as established by project-related service need, street improvements and future constructability impacts, local area service conditions, and extension of service to adjacent lands.

## **5.108 SERVICE CONNECTION, MODIFICATION, AND RELOCATION<sup>7</sup>**

(a) If the Applicant's property cannot be served from an existing water main, the Applicant shall pay connection fees, make security deposits, and shall be responsible for the main extension and associated costs necessary to service the applicant's property.

(b) Where a water pipeline extension is not feasible, the District shall have the option of providing water service from the closest available District water pipeline. The District may allow a remote water service connection if the pressure at the proposed meter location is reasonably expected to exceed minimum service requirements. In such case, Applicant shall be required to:

- (1) complete arrangements for the water service installation;
- (2) execute a Remote Water Service Agreement to be recorded with the County, accepting and consenting to the remote water service condition and holding the District harmless from, or on account of, any damages arising from Applicant's private water system facilities;
- (3) extend and maintain private water system facilities to be designed and installed in accordance with the Uniform Plumbing Code, from the water service installation to the property;

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<sup>6</sup> Section 5.107 amended by Resolution No. 2023-111 on July 19, 2023.

<sup>7</sup> Section 5.108 amended by Resolution No. 2016-075 on June 15, 2016.

- (4) obtain all necessary encroachment permits and easements from adjacent property owners;
  - (5) install and maintain an approved backflow prevention assembly;
- and
- (6) at the time a pipeline extension fronts Applicant's property, Applicant may relocate water service to front property and at that time make payment of relocation costs and their pro rata share of frontage fees to be based on District's reimbursement obligation of the new pipeline.

**5.109            CONTRACTS<sup>8</sup>**

- (a) If District's water system pressures are below 50 psi and/or above 80 psi, Applicants must execute a Notice of Water Pressure Condition to be recorded against Applicant's property title in a form approved by the Board.
  
- (b) If an applicant is otherwise required to provide for the extension of District facilities but may obtain service from facilities operated by another water purveyor, the General Manager may enter into a "Inter-Agency Agreement" with the other water purveyor to provide such service.
  
- (c) The "Remote Service Agreement", and "Inter-Agency Agreement" shall be in the form approved by the Board.

**5.110            FACILITIES EXTENSION: PRIVATELY FINANCED<sup>9,10,11</sup>**

- (a) The Applicant shall arrange for the design and construction of the facility extension by private contractor. Facility construction shall be subject to the terms and conditions defined in the District's Standard Service and Facilities

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<sup>8</sup> Section 5.109 amended by Resolution No. 2023-111 on July 19, 2023.

<sup>9</sup> Section 5.110 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>10</sup> Section 5.110 amended by Resolution No. 2016-075 on June 15, 2016.

<sup>11</sup> Section 5.110 amended by Resolution No. 2023-111 on July 19, 2023.

Agreement.

(b) The water system installation and right of way for the water system installation shall be dedicated to the District. The District shall accept the dedication before service commences.

**5.111 FACILITIES EXTENSIONS: POTENTIALLY REIMBURSABLE FRONTAGE AGREEMENTS<sup>12,13,14</sup>**

In conjunction with an Applicant’s privately financed facilities extension, the District may issue a Potentially Reimbursable Frontage Agreement to Applicant; whereby, the District will require other benefitting Applicants/Customers whose property fronts upon the Applicant’s facilities extension to pay to the District their pro-rata front-footage fees. The District will pass-through any pro-rata collection of front-footage fee payments to the Applicant, or its successors or assigns, only during the time period the Agreement is in force. The terms and conditions of such potential pass-through front-footage fee payment(s) to Applicant shall be set forth in a standard Agreement executed by the General Manager, or his designee, on behalf of the District. Frontage fee amount to be stipulated in the Agreement shall be the then in-effect standard unit-rate as published in the Consolidated Schedule of Rates, Fees and Charges, as amended from time-to-time by the Board, or a special unit-rate, if deemed applicable by the General Manager, or his designee.

**5.112 PAYMENT OF DISTRICT-INCURRED COST<sup>15</sup>**

(a) An Applicant for water service required to construct water system improvements, including a facilities extension, shall pay all District-incurred costs for:

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<sup>12</sup> Section 5.111 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>13</sup> Section 5.111 amended by Resolution No. 2016-075 on June 15, 2016.

<sup>14</sup> Section 5.111 amended by Resolution No. 2023-111 on July 19, 2023.

<sup>15</sup> Section 5.112 amended by Resolution No. 2023-111 on July 19, 2023.

- (1) The facilities planning of such improvements;
- (2) Reviewing the plans and specifications prepared by the applicant for such improvements; and
- (3) Inspection and testing of such improvements.

(b) Before work commences, the Applicant shall deposit an amount equal to the District's estimate of the District-incurred costs at each of the work phases identified in subsection (a) or other applicable work phase. Applicant's deposit will be reconciled against actual District-incurred costs, which is subject to additional billing of shortfall or refund of overpayment.

(c) District-incurred costs shall include, but not be limited to: the costs of consulting services, if any; administrative and overhead expenses; District staff labor and supervision expenses; and transportation costs.

#### **5.113 SYSTEM DEDICATED**

Subdivision distribution lines and service connections, including meters and other appurtenances, shall become and remain the property of the District and shall be dedicated to the District before the District will undertake water service to the subdivision. The total construction cost of the water system shall be certified to the District by the subdivider.

#### **5.114 CUSTOMERS WITHOUT FRONTAGE—PRESENTLY RECEIVING SERVICE**

Property presently receiving service, but not immediately adjacent to a District water main, may continue to receive service until such time a District water main is installed immediately adjacent to such property. At that time, the Customer may elect to relocate to the new main, provided the Customer pays a pro rata share of the District's reimbursement obligation for the new main.



### **5.115 LOCATING AND SIZING SERVICE CONNECTIONS**

Service connections will be installed as near as possible to the location desired by the applicant, within the projection of side property lines, and shall meet the minimum size determined by local plumbing code requirements or the General Manager. Service connections will be made only adjacent to the District's distribution mains, at locations readily accessible by public streets, alleys, or other rights-of-way capable of accommodating District vehicles and equipment.

### **5.116 MULTIPLE SERVICE TO ONE PROPERTY<sup>16</sup>**

(a) An applicant may apply for as many service connections as reasonably required, provided the applicant meets the requirements concerning potential cross-connections.

(b) Water service installation:

(1) All single family services shall serve one parcel.

(2) All commercial, industrial, and/or institutional services may serve multiple buildings/parcels within the same recorded map off of one or multiple water services. In such case, applicant shall be required to:

a. Complete arrangements for the water service installation;

b. Execute a "Hold Harmless Agreement" to be recorded with the County of Riverside, accepting and consenting to hold the District harmless from, or any account of, any damages arising from applicant's private water service facilities;

c. Extend and maintain private water system facilities to be designed and installed in accordance with the Uniform Plumbing Code, and any other jurisdictional agency requirements, from the water service installation to the property; and

d. Install and maintain an approved backflow prevention

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<sup>16</sup> Section 5.116 amended by Resolution No. 2015-074 on June 17, 2015.

assembly.

(c) Two or more single family dwelling units which occupy the same parcel may be served by the same water service installation, provided the applicant meets the requirements concerning potential cross-connections.

(d) Service to a lot served by a single metered service connection which is divided shall continue to serve the lot closest to the meter and other lots shall require a new water service installation.

### **5.117 FINANCING OF OVERSIZED FACILITIES<sup>17,18</sup>**

(a) Should the District determine the need and requirement for Applicant to design and construct facilities of a size in excess of the size needed to meet the Applicant's service and/or fire flow demands, the incremental oversizing costs shall be borne by the District. To obtain District-funded oversizing reimbursement, the Applicant must furnish satisfactory evidence on the incremental oversizing costs. In addition, District's oversizing reimbursement shall be subject to the terms and conditions defined in the District's Standard Service and Facilities Agreement, including but not limited to competitive/sealed prevailing wage bids received on District-approved bid sheets, payment of prevailing wages, and Applicant's completion and District's acceptance of oversized facilities.

(b) Should an applicant desire the installation of a water main to meet specialized service or fire flow requirements, the costs of the extra work shall be borne by the applicant.

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<sup>17</sup> Section 5.117 amended by Resolution No. 2016-075 on June 15, 2016.

<sup>18</sup> Section 5.117 amended by Resolution No. 2023-111 on July 19, 2023.

**5.118 DESIGN AND CONSTRUCTION STANDARDS**

The size, type and quality of materials and location of the lines and appurtenances thereto shall be specified by the General Manager in accordance with Standard District Specifications for water system construction and design standards.

**5.119 APPLICANTS REQUIRED TO PROVIDE RIGHTS-OF-WAY**

An applicant for water service or a main extension shall dedicate or cause to be dedicated to the District an easement or easements for the installation, maintenance and replacement of water system facilities to serve applicant.

**5.120 RELOCATIONS OF FACILITIES**

District facilities relocated for the convenience of someone other than the District shall be moved at the sole expense of the person requesting the relocation. If construction is endangering the safety of a District facility, or is causing a facility to become a hazard, the facility will be relocated by the District, and the person causing the hazard shall pay for the full cost of the relocation.

**5.121 SERVICE ASSURANCES**

At the request of an applicant, the General Manager may give current assurances of water service to be provided in the future. Such assurances shall be conditioned on compliance with rules regarding commencement of service, including payment of fees and charges and Water Supply Assessment, if necessary. The assurances shall be valid for six months and may be renewed at the discretion of the General Manager.

## **5.122 REMOTE METERS<sup>19</sup>**

- (a) The District has the authority to and shall implement a remote or “smart” water metering system.
- (b) Existing water metering systems shall be upgraded or replaced with new remote or “smart” water metering systems. The size, type, and quality of the remote or “smart” water meters and appurtenances thereto shall be specified by the General Manager or his designees in accordance with Standard District Specifications for water system construction and design standards.
- (c) Data collected by the District from the remote or “smart” water metering system shall be used to determine water usage data for billing purposes, to identify and detect water leaks, to communicate with customers, and for other lawful purposes. The District shall not share any data that is identifiable for an individual customer, including water use data, with a third party without customer notification and/or consent, unless otherwise required by law.
- (d) Customers shall not be permitted to “opt-out” of the remote or “smart” water metering system.

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<sup>19</sup> Section 5.122 added by Resolution No. 2015-074 on June 17, 2015.

## **ARTICLE 2 – COMMENCEMENT OF SERVICE**

### **5.201 COMMENCEMENT OF SERVICE: GENERAL**

(a) Each person desiring to initiate water service or change an existing water service shall execute an application, pay required fees and deposits, and meet the conditions set forth herein at least two days before start of service.

(b) Each single-family dwelling and each unit of a multi-family dwelling, shall be served through at least one water meter of a size determined by the General Manager.

### **5.202 COMMENCEMENT OF SERVICE: APPLICATIONS**

(a) The application for water service shall be made by the property owner or by a person authorized in writing by the property owner and shall include an agreement to abide by rules and regulations of the District and such information the General Manager may reasonably request. The application for water service shall be for service to a particular and identified property. Service is not assignable to other property.

(b) If the application for water service is in the name of a corporation or partnership, the applicant shall provide a personal guarantee from an owner or principal of the applying entity, regardless of the form of organization, as follows:

“I hereby certify I am a principal/officer of the organization listed on the attached application. I accept full responsibility for all fees and charges related to water and sewer service for the organization.”

(c) Notwithstanding the foregoing, the applicant for rental property shall be the property owner if tenants at the property have accrued at least two unpaid

accounts.

### **5.203 APPLICANT'S RESPONSIBILITY**

(a) The rendering of service obligates the applicant to pay for service for a minimum of one month.

(b) The applicant shall repay expenditures made by the District as a result of the submission of the application, even if the applicant withdraws the application prior to completion of the installation of the service connection.

(c) If an applicant incorrectly describes the property or location where the service connection is desired, and as a result the service connection is installed at an incorrect location, the applicant shall pay expenses incurred for corrections necessitated by such error.

(d) Two or more parties who join to make application for service to a commonly owned property shall be jointly and severally liable for water service, and single periodic bills shall be sent to their designee.

### **5.204 CONSTRUCTION WATER AND RESIDENTIAL TEMPORARY WATER SERVICE<sup>20</sup>**

(a) Construction water will be provided through a temporary service connected to the District's metered facilities through a public fire hydrant meter at the discretion of the General Manager.

(b) Temporary service connections shall be discontinued and terminated within twelve months after installation, unless an extension of time is approved by the General Manager. Upon discontinuance of such temporary service, a

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<sup>20</sup> Section 5.204 amended by Resolution No. 2015-074 on June 17, 2015.

refund of the salvage value of the recovered meter will be made.

(c) Residential Temporary Meters (T-Meters or Temporary Meters) shall utilize the appropriate Schedule A rate under its Improvement District where usage only is calculated. This type of service is approved when a permanent residential metered connection was deemed not feasible by EMWD and is generally temporary for use of supplemental water and cannot be used for dust control, construction, grading, compaction, or related uses which are supplied through a construction meter service.

(d) All Temporary service connections must be protected by an approved backflow prevention assembly supplied by the customer, either in the form of a reduced pressure principal assembly or under limited conditions, an approved air gap.

(e) Overhead Fill Stations (Temporary service for authorized customers who are not within a reasonable distance to connect the District's water mainline or whose water supply is temporarily disrupted): When water service or water supply is available, access to the Overhead Fill Station will be declined. Customers are required to show proof of the need for this temporary water supply on at least an annual basis.

## **5.205 FIRE HYDRANTS<sup>21</sup>**

Public fire hydrants shall be installed by the District or Applicant in accordance with water system design reports as required by Fire Marshal at Applicant's cost.

## **5.206 SUBMETERS<sup>22,23</sup>**

(a) Any applicant that submits an application for one or more water connection(s) to a newly constructed multi-unit residential structure or newly

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<sup>21</sup> Section 5.205 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>22</sup> Section 5.206 added by Resolution No. 2018-014 on February 21, 2018.

<sup>23</sup> Section 5.206 amended by Resolution No. 2020-150 on November 18, 2020.

constructed mixed-use residential and commercial structure must utilize devices to measure the quantity of water supplied to each individual residential dwelling unit as a condition of new water service, unless an exception applies pursuant to Water Code §537(a). The measurement shall be by private submeters.

(b) As used in subsection (a), “multi-unit residential structure” and “mixed-use residential and commercial structure” shall mean real property containing two or more dwelling units.

(c) As used in subsection (a), “submeter” means a device that measures water consumption of an individual residential unit within a multi-unit residential structure or mixed-use residential and commercial structure, and that is owned and operated by the owner of the structure or the owner’s agent

### **ARTICLE 3 – CONTINUATION OF SERVICE**

#### **5.301 GENERAL: RATES: TIME AND MANNER OF PAYMENT**

A Customer shall continue to receive water service from the District by compliance with the provisions of this Article.

#### **5.302 FEES AND DEPOSITS: GENERAL<sup>24,25</sup>**

Service will be commenced after submittal of an application and on payment to the District of the applicable fees, charges and deposits set forth in the Consolidated Schedule of Rates, Fees and Charges as amended from time-to-time by the Board. The District may require a cash deposit as a condition of service. In lieu of a cash deposit, arrangements may be made to provide the District with adequate assurance of timely payment through the use of a surety bond or letter of credit. Such arrangements are subject to approval by the

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<sup>24</sup> Pursuant to Resolution No. 5170, changes made to Sections 5.302, 5.504(c)(19), 5.504(c)(24), 5.504(f)(4), 5.504(g)(4), 5.504(g)(5), 5.504(l)(2), 5.504(n)(2)(b)(iii), 5.504(p)(4), 6.210(a)(1), 6.210(a)(3), 6.210(a)(4), 6.210(a)(6), 6.501(a), 6.503(g), 6.606, 7.302(h), 7.407(a), 7.407(e).

<sup>25</sup> Section 5.302 amended by Resolution No. 2015-011 on March 18, 2015.



General Manager or designee.

**5.303            EXISTING SERVICE CONNECTION**

If the applicant's property can be served from an inactive service, the applicant shall not be required to pay connection fees. If the applicant requests a change in meter size, additional charges shall be assessed or credits allowed. If the applicant requests a sealed service be activated, the applicant shall pay outstanding connection fees and service fees for the service.

**5.304            NEW SERVICE CONNECTION ON EXISTING MAIN**

If the applicant's property cannot be served from an existing service connection but can be served from an existing water main, the applicant shall pay connection fees, make deposits, and, if applicable, pay the pro rata share of the cost of the main in accordance with existing main extension refund agreements.

**5.305            SERVICE FROM NEW MAIN**

If the applicant's property cannot be served from an existing main, the applicant shall pay connection fees, make security deposits, and pay the cost of the main extension necessary to service the applicant's property.

**5.306            INSTALLATION CHARGES<sup>26</sup>**

(a)     A person desiring to connect a new meter to an existing District main shall pay installation charges based on the size of meter required for the service in an amount from time-to-time established by the Board by resolution. If a pressure regulator or other special appurtenance is required, an additional charge will be paid for the regulator or special appurtenance.

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<sup>26</sup> Section 5.306 amended by Resolution No. 2018-014 on February 21, 2018.

(b) The fees shall be used to pay for installation of a lateral from the District's water system, meter, and valve. The fees shall be deposited in a separate capital facilities account to avoid commingling of the fees with other revenues and funds of the District, except for temporary investments, and shall be expended solely for the above purposes.

(c) The fees shall be transferred from the installation account to the general fund when the work is performed, a certificate of occupancy is issued, or on the date of final inspection, whichever occurs first.

(d) No connection fee or charge shall be imposed for a submeter installed by the owner, at their expense, of a newly constructed multi-unit residential structure or newly constructed mixed-use residential and commercial structure. The owner shall be required to validate that the project conforms to all requirements of Senate Bill 7 (2017). The District shall not be required to install submeters in any newly constructed multi-unit residential structure or newly constructed mixed-use residential and commercial structure.

**5.307 FINANCIAL PARTICIPATION CHARGE POLICIES: DOMESTIC WATER SYSTEMS FACILITIES FINANCIAL PARTICIPATION CHARGES<sup>27,28</sup>**

(a) Domestic Water System Facilities Financial Participation Charge ("Capacity Charges"/"Connecting Fees") is to provide a source of funds to finance: (1) water main facilities larger than 12-inches in diameter; (2) booster pumping plants; (3) storage tanks; and (4) Improvement District and General District system facilities, as necessary to meet the additional service requirements necessitated by community growth and to distribute the costs fairly among those who create the need for additional facilities.

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<sup>27</sup> Section 5.307 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>28</sup> Section 5.307 amended by Resolution No. 2023-111 on July 19, 2023.

(b) Payment of Capacity Charges as a Prerequisite to Receiving Service

(1) Through Application for Service:

a. New developments and non-exempt existing developments requesting retail domestic water service will be required to pay nonreimbursable Capacity Charges (also known as Financial Participation Charges) shown on the Application for Service. In cases where District's Financial Participation Charges had increased subsequent to the issuance of the Application for Service, the District will honor charges quoted on the Application for Service, provided Applicant/Sponsor has executed and fulfilled the Financial Arrangements on or before the date set forth on such Application for Service.

In cases where EMWD's Financial Participation Charges had increased subsequent to the issuance of the Application for Service, and Financial Arrangements were not received by the District on or before the date set forth on the corresponding Application for Service, such Application for Service will be nullified and voided, and a new Application for Service will be generated. Financial Arrangements to be executed and fulfilled in the new Application for Service will be based on the then-in-effect Financial Participation Charges and Fees for Service.

Paid Capacity Charges shall remain appurtenant to the real property parcel of land to which it is assigned, regardless of changes in ownership, and will not be transferable to any other parcel of land nor refunded to any party other than the current owner of the land except as otherwise provided under Title relative to commercial and industrial developments.

b. Through Addendum to Standard Water and/or Sewer Facilities Agreement for Residential Subdivision Tract Development:

The applicable Financial Participation Charges and other District Charges paid by Sponsor shall be subject to adjustment to reflect the then per unit amount applicable at the time the involved portion(s)/unit(s) have been completed and service is requested, all as determined by District. The Sponsor agrees to pay the full adjusted amount of such District Charges prior to District's acceptance of the facilities and provision of service to the involved unit(s).

For further clarification, the word completed shall be determined by

District and mean:

- a. Those water and/or sewer facilities which have been accepted and placed into service by District; and
- b. Those units which have been certified for occupancy by the County of Riverside or the involved city (as appropriate).

Public agencies requiring additional wholesale domestic water service in excess of their exempted flow entitlement will be required to pay non-reimbursable Capacity Charges, the amount of which will be determined in accord with Board Resolution, as amended. Water companies requiring additional wholesale domestic water service and/or fire flow in excess of their exempted flow entitlement will be required to pay non-reimbursable Capacity Charges, the amount of which will be determined in accord with Board Resolution.

(c) Basis for Computing the Amount of Capacity Charges

Capacity Charges shall be based upon the Consolidated Schedule of Rates, Fees and Charges as established and adjusted by Board Resolution. The fee shall be based on the current in effect capacity charge multiplied by the associated Equivalent Meter Size (EMS) Factor of the water meter required for the service. An EMS Factor of 1 is based on a meter providing a hydraulic capacity of 15 gallons/minute maximum continuous flow.

The connection fee or capacity charge for new ADU that is constructed in conjunction with a new single-family dwelling unit, or a newly constructed ADU that is not a conversion of existing space, shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. ADUs converted from existing space and JADUs shall be exempt from connection fees or capacity charges.

(d) Special Capacity Charges

The District's Board of Directors may, from time to time, find it appropriate to establish special water service areas, assessment districts, or improvement districts within the District which require special financing

programs. In such special programs, special Capacity Charges schedules may be established which include the applicable Capacity Charges plus additional charges as are deemed appropriate and necessary.

Applicants connecting to facilities financed by an assessment district, community facilities district, or other special financing program utilizing excess capacity in which District has not financially participated, may be required to pay, in addition to the applicable Capacity Charges, a special fee-in-lieu charge. The use of such facilities to serve outside properties will be limited to only those special circumstances where no other facilities are available to serve the property; the financial burden to construct the required facilities is prohibitive; there are no restrictions prohibiting use by others; and excess capacity is available in the system, all as determined by District. The fee-in-lieu charges collected by District will be deposited into the construction or maintenance fund of the local improvement district or service area, to be utilized, either directly or indirectly, to benefit the involved assessment district, community facilities district, or other special financing program.

Applicants connecting to facilities financed by an assessment district, community facilities district, or other special financing program in which District has financially participated in providing additional capacity, will not be required to pay the special fee-in-lieu charge.

(e) Special Benefit Area Surcharge

The Board may authorize the formation of a Special Benefit Area to which the District contributes financially for extraordinary costs associated with systems improvements related to a particular project or development that will have a regional benefit. The Special Benefit Area Surcharge shall be utilized to reimburse the District for extraordinary costs. The District will determine final project costs and reconcile the supplemental fee per EDU/EMS for these Special Benefit Areas. The supplemental connection fees will be subject to future administrative annual adjustments by utilizing the ENR/LA Construction Index, and by reconciling actual vs. projected EMSs/EDUs.

(f) An applicant requesting a larger service for property already served shall

be credited by the prior paid Capacity based on the Equivalent Meter Size Factor and shall pay for the additional Capacity of the larger meter based on the additional Equivalent Meter Size Factor and calculated at the then current connection fee.

(g) Development to be exempted from Payment of Connection fees:

(1) Existing Development Within Improvement Districts: All properties, improved with an existing structure, located within an operating District improvement district providing retail domestic water service prior to the effective date of Resolution 1639 (March 14, 1979), shall be exempt from paying Capacity Charges. Such an exemption shall be applicable whether or not they were receiving domestic water service prior to March 14, 1979.

(2) Existing Development Outside of Improvement Districts Receiving Domestic Water Service: All properties upon which a completed structure existed prior to the effective date of Resolution No. 1639 (March 14, 1979), which were located outside an operating District improvement district but being provided with retail domestic water service by the District prior to March 14, 1979, shall be exempt from paying Capacity Charges. Notwithstanding the foregoing, in the event any modification, addition, or replacement of any structure results in an increase of the domestic water and/or fire flow requirement, capacity charges shall be applicable for such increased requirements as determined by District.

(3) Agricultural Use, as defined by the Metropolitan Water District of Southern California Administrative Code, including site specific agricultural operational use and/or functions relative to the product or byproduct of the site use, shall be exempt from paying Capacity Charges.

(4) New Recycled water meters, including those that are supplied with potable water sources on an interim basis, shall be exempt from paying capacity charges.

(5) ADUs converted from existing space and JADU's shall not be considered to be a new residential use and shall be exempt from connection fees or capacity charges.

**5.308 SECTION NOT USED<sup>29</sup>**

**5.309 FEES: SPECIAL SERVICES: FIRE PROTECTION**

Applicants for private fire protection service shall also pay the actual cost of installation of such service including the costs of a suitable meter device from the distribution main of the District to the Applicant's property line.

**5.310 MISCELLANEOUS FEES**

The Customer shall pay fees and charges for District services determined from time-to-time by the Board by resolution.

**5.311 POTABLE WATER MONTHLY METER SERVICE CHARGE**

A Customer with permanent water service shall pay the monthly meter service charge based upon the size of the meter serving the property in an amount from time-to-time established by the Board by resolution.

**5.312 POTABLE WATER COMMODITY CHARGES**

(a) In addition to the monthly meter service charge as set forth above, a Customer with permanent water shall pay a commodity charge based on the amount of water delivered and the zone within which the Customer's property is located. Such commodity charge shall be at the rate established by the Board from time-to-time by resolution.

(b) A meter serving one unit within a multiple family residential dwelling

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<sup>29</sup> Section 5.308 amended by Resolution No. 2015-074 on June 17, 2015.

complex shall be treated as a meter serving a single family dwelling unit for the purposes of calculating potable water commodity charges.

**5.313 BILLING ADJUSTMENTS<sup>30</sup>**

(a) For the purpose of computing water charges, each meter on the property will be computed separately. Readings of two or more meters will not be combined as equivalent to measurement through one meter.

(b) Water Billing – Errors

(1) Should a billing mistake be in the customer’s favor, the District will refund the excess amount to the customer or credit the customer’s account. If the time frame of the mistake can be determined, the District should credit the account for that entire interval, as long as it is not more than three years. If the time frame of the mistake cannot be determined, the District should refund the excess amount during the previous 12 months where applicable. If the exact amount of the excess charge cannot be determined, the District should estimate the amount due. If the overcharged customer owes a past due balance to the District, that amount will be deducted prior to being provided a refund or credit.

(2) If the customer was under billed by the District, the District may collect the amount due in equal monthly installments over the same number of months the error occurred. Circumstances may dictate waiving these charges, subject to the approval of the Director of Customer Service.

(3) If the under charging of the customer was a direct result of meter tampering, the full amount under billed and any associated penalties shall be included on the next billing statement and become due with the billing statement due date.

(c) Water Billing – Account Adjustments

(1) Leak Adjustments:

a. If the cause of the leak was of such a nature to not be discoverable by the customer with reasonable diligence (concealed or

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<sup>30</sup> Section 5.313 amended by Resolution No. 2018-169 on December 19, 2018.



underground leak), the District will calculate and provide a credit of 50% of the amount that exceeded historical usage, and the remaining overage will be recharged back to the budgeted tier.

i. This adjustment requires documentation submitted that the leak has been repaired, and also that no similar adjustment has been made in the preceding 12 months by EMWD.

(2) Courtesy Adjustments:

a. If the cause of the usage over budget is promptly repaired or rectified, a customer can request that usage over budget be rebilled to the budgeted tier, for the billing period the issue was discovered in, not to exceed a total of two months if the issue affected multiple billing periods.

i. This adjustment requires that no similar adjustment has been made in the preceding 12 months by EMWD

ii. During stage 3 or higher of the Water Shortage Contingency Plan (WSCP), courtesy recharges will not be provided.

#### **5.314 BILLS DUE WHEN PRESENTED<sup>31,32</sup>**

Meters shall be read monthly or as soon after the meeting reading date as practical. The District shall mail or deliver a statement for the preceding period. Bills and charges shall be due and payable at the office of the District or other approved payment site, including the District's electronic billing portal within 21 days of presentation. After a brief grace period to be defined from time to time by the Board of Directors, accounts with payments not timely received will be subject to a late fee as established in the Consolidated Schedule of Rates, Fees and Charges. Accounts with overdue outstanding balances will be subject to shut-off, require a fee to reconnect, and may require additional deposits.

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<sup>31</sup> Section 5.314 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>32</sup> Section 5.314 amended by Resolution No. 2016-075 on June 15, 2016.

**5.315 BILLING FREQUENCY**

Domestic services will normally be billed monthly.

**5.316 APPLICATION OF DEPOSITS<sup>33</sup>**

(a) A Customer's deposit shall be applied to delinquent bills and penalties at the time service is terminated.

(b) A Customer's deposit shall be applied to new accounts.

(c) A Customer's deposit may be increased based on their past account history credit worthiness. For accounts with prior collection balance history, a deposit will be assessed or may be increased to provide adequate assurance of payment.

**5.317 FAILURE TO RECEIVE A BILL**

Failure to receive a bill does not relieve a Customer of liability for payment.

**5.318 NOTICE OF SERVICE DISCONTINUANCE REQUIRED**

Customers desiring to discontinue service should notify the District at least two business days prior to vacating the premises. Unless discontinuance is so ordered, the Customer may be liable for the monthly service charges, whether or not any water is used.

**5.319 MULTIPLE DISTRICT SERVICES**

The rates and charges for sewer service furnished by the District shall be

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<sup>33</sup> Section 5.316 amended by Resolution No. 2015-074 on June 17, 2015.

collected with the water charges within the same bill and collected as one item. The District may discontinue all service for which the bill is rendered upon failure to pay the whole or any part of the bill.

### **5.320 ESTIMATED BILLS**

(a) If an operable meter cannot be read, an estimate shall be made of the quantity of water used and a bill rendered for the estimated quantity. Should the succeeding reading indicate the estimate is materially in error, an adjustment shall be made in the succeeding bill.

(b) If a meter becomes inoperable, billing shall be based on the quantity used in a similar period, unless circumstances indicate clearly a material change in the rate of consumption, in which case the General Manager shall estimate the quantity used, considering pertinent factors, and render a bill accordingly.

### **5.321 CHANGE OF CUSTOMERS WITHOUT NOTICE**

A person taking possession of premises and using water from an active connection without having made application to the District for water service, shall be liable for the water delivered from the date of the last recorded reading. If application for water service is not made upon notification by the District, and if accumulated bills for service and the fees are not paid immediately, the service may be discontinued without further notice.

### **5.322 DELINQUENT CUSTOMER AT SAME OR NEW ADDRESS<sup>34</sup>**

Should an existing Customer with a delinquent balance wish to re-establish service at the same address or establish service at a new address, the District shall require payment of delinquent bills plus fees and services charges prior to

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<sup>34</sup> Section 5.322 amended by Resolution No. 2015-074 on June 17, 2015.

the service establishment date.

**5.323 DELINQUENT TENANTS WITH SERVICE IN OWNER'S NAME**

(a) Service may be discontinued and not resumed while the premises are in the same ownership until bills, plus the fees and deposit, or deposit arrangements, have been paid.

(b) If a rental property has two or more prior unpaid accounts, the District may require service to subsequent tenants be established by the property owner.

**5.324 PAYMENTS (RETURNED ITEMS) NOT HONORED BY BANK<sup>35</sup>**

(a) A service charge, as set forth by the Board will be assessed on all non-payable items returned by the bank. For non-payable items involving less than \$500.00, Customer will receive a 10-day notice for payment of the returned item plus service charges, to be paid by cash, cashier's check, or money order only. If payment is not made within the 10-day period, service will be disconnected. For non-payable items involving \$500.00 or more, District will inform Customer that payment of the returned item plus a service charge shall be made cash, cashier's check, or money order within 5- days. If payment is not made within the 5-day period, service will be discontinued. Electronic bank payments (on-line bill payments) will follow the same criteria.

(b) A cash only restriction will be applied when two returned items have been presented to the same account within six months.

(c) Electronic payments which the bank is unable to fund due to incorrect banking information or a closed checking account will be removed as a credit

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<sup>35</sup> Section 5.324 amended by Resolution No. 2015-074 on June 17, 2015.

from the account and Customer notified. Reoccurrences of invalid payments information may result in restricting the account to cash or credit card payments only for one full year.

#### **ARTICLE 4 - USAGE**

##### **5.401 USE OF WATER – SUPPLYING ANOTHER PERSON**

(a) Except as provided in this section, water shall not be supplied to property other than described in the application for service and no Customer shall deliver water outside of the District without the consent of the Board.

(b) A Customer may be issued a permit to supply water to a holder of a public works contract or private contractor.

(c) Service of water shall not be made through a single meter to two or more parcels of property separately owned. A temporary exception may be made to this rule by the General Manager if there is no main contiguous to the property from which separate service may be had, and if the Customer for whom the meter was installed guarantees payment for all water delivered. Such service shall be charged as though separate meters existed for each separate use. Whenever a District main is installed from which separate service can be rendered, the General Manager will notify parties concerned, and the common service will be subject to being discontinued after the time limit in the notices.

##### **5.402 USE OF WATER DURING FIRE OR SHORTAGE**

(a) During the times of threatened or actual water shortage, the Board shall apportion the available water supply among Customers in the most equitable manner possible, with due regard to public health and safety.

(b) When requested by the District during a fire emergency, Customers shall shut off lawn sprinklers or any steady flow of water.

**5.403 UNAUTHORIZED USE OF FIRE HYDRANTS OR WATER APPURTENANCES<sup>36</sup>**

(a) No person shall use water from water facilities or appurtenances unless authorized by the District, and no person shall use water from a fire hydrant for any purpose other than fire suppression or the uses permitted in this section.

(b) Temporary service may be provided through a public fire hydrant.

(c) Water may be used to maintain or test a fire sprinkler system. Authorization to use water through a fire service connection for the purpose of maintaining or testing a fire sprinkler system will be granted when the request contains: maximum flow; and the estimated quantity of water to be used. The General Manager may restrict or prohibit non-emergency flows detrimental to the District's system.

(d) When a fire service or a fire hydrant has been used for other than for suppression, or a single service has exceeded the allowable capacity of the bypass meter (as determined by registration on the full flow main meter), the District may charge amounts for each offense as determined by the Board from time-to-time by resolution.

(e) If repeated unauthorized use of a fire service or hydrant occurs, the General Manager shall notify the fire department and the occupant of the properties served by the fire service or fire hydrant that within 10 days the fire service or fire hydrant shall be disconnected until charges for each violation have been paid and assurances, have been given that no further unauthorized use will

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<sup>36</sup> Section 5.403 amended by Resolution No. 2015-074 on June 17, 2015.

occur.

**5.404 OPERATION OF DISTRICT FACILITIES RESTRICTED**

No one except an employee or representative of the District shall operate service cocks or valves, main cocks, gates or valves of the District's system, or interfere with meters or their connections, water mains or other parts of the District's water system.

**5.405 DAMAGE TO PROPERTY**

(a) The District is not liable for damage by water running from opened or faulty fixtures, including pressure regulators, or from opened or damaged pipes on the Customer side of the meter.

(b) The Customer shall be liable for damage to the District facilities from any act or omission of the Customer or the Customer's family, tenants, agents, employees, contractors, licensees, or permittees.

**5.406 FRAUD**

Service may be discontinued to protect the District from fraud.

## **ARTICLE 5 – PROTECTIVE MEASURES**

### **5.501 RELIEF VALVE REQUIRED**

When pressure regulators or other protective devices are connected to a water heater, a suitable pressure relief valve shall be installed and maintained by the Customer in accordance with the Uniform Plumbing Code to protect the Customer's plumbing system.

### **5.502 ISOLATION OF CERTAIN SERVICE CONNECTIONS REQUIRED<sup>37</sup>**

(a) There shall be no interconnection between a private fire protection service and any other type of water service on the premises (i.e., domestic, landscape or industrial).

(b) There shall be no interconnection between an irrigation system and another water system on the premises.

(c) Except for single family residential accounts, there shall be a separate, dedicated meter for all landscape areas greater than or equal to 2,500 square feet, independent of meter(s) for domestic uses. Specifically, landscape meters shall be separated from meters for domestic uses such as drinking fountains, restrooms, pools, or park splash pads.

### **5.503 METER REQUIRED**

Water furnished by the District must pass through a meter. No by-pass or connection around a meter between the Customer's plumbing and the District's main shall be made or maintained.

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<sup>37</sup> Section 5.502 amended by Resolution No. 2018-014 on February 21, 2018.



## 5.504 CROSS CONNECTIONS<sup>38,39</sup>

(a) Policy:

The District shall protect the potable water distribution system by the implementation of a cross-connection control program (“cross-connection control program”) through the elimination of cross-connections between potable and non-potable sources. Cross-connections may be physically eliminated or protected through the installation of approved backflow prevention assemblies.

(b) Scope:

The potable water distribution system, from the point of entry to the last Customer tap consists of two elements: (1) those facilities owned and operated by the District and (2) those facilities owned and operated by the Customer. The District is responsible for the elimination of cross-connections at the facilities and distribution systems owned and operated by the District. The Customer is responsible for protection from cross-connections at facilities owned and operated by the Customer.

(c) Definitions:

(1) Accessible: When referring to a backflow prevention assembly capable of being reached for testing and maintenance. However, it first may require the removal of an access panel, door, or similar obstruction.

(2) Air gap separation (“AG”): A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An “approved air gap” shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel; but in no case less than one (1) inch (2.54 cm). (See also, ASME A112.12-2004 air gaps in plumbing systems, California Code of Regulations, Title 17).

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<sup>38</sup> Section 5.504(c)(12), 5.504(c)(15), 5.504(c)(19), 5.504(c)(28), 5.504(c)(45), 5.504(c)(54), 5.504(j)(6), and 5.504(n)(2)(b)(ii) amended by Resolution No. 2015-074 on June 17, 2015.

<sup>39</sup> Section 5.504 amended by Resolution No. 2018-014 on February 21, 2018.

(3) Authorized backflow prevention assembly tester ("tester"): Any person who has a current backflow assembly tester certification from the Riverside County Health Department, and has met the District requirements and orientation program for backflow prevention assembly testers, as outlined in this Article.

(4) Approved water supply: Any potable water supply which has been investigated and approved by the health agency having jurisdiction. The system must be operating under a valid health permit, and approved by the District.

(5) Auxiliary water supply: Any water supply on or available to the premises other than the water purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply, private tank, or any natural source including, but not limited to, a well, spring, stream, harbor, etc. These sources may contain pollutants or contaminants or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(6) AWWA standard: An official standard developed and approved by the American Water Works Association.

(7) Backflow: The undesirable reversal of flow of water, or mixtures of water, and other liquids, gases, or other substances into the distribution pipes of the potable supply of water from any source or sources.

(8) Backflow prevention assembly(ies) ("BPA"): A general term referring to all types of backflow prevention assemblies, including, but not limited to, DC, DCDA, RP, and RPDA. An approved BPA is any backflow prevention assembly that is found on the current list of approved backflow prevention assemblies maintained by the University of Southern California Foundation for cross-connection control and hydraulic research ("USC FCCC"), for an application that is approved by the California Department of Public Health in accordance with the California Code of Regulations, Title 17.

(9) Backpressure: Any elevation of pressure in the downstream piping system (by pump, elevation of piping, steam pressure, etc.) above the supply pressure at the point of consideration which would cause, or tend to

cause, a reversal of the normal direction of flow.

(10) Backsiphonage: A form of backflow due to a reduction in system pressure which causes a sub-atmospheric pressure to exist at a site in the water system. An indirect cross-connection is a cross-connection which is subject to backsiphonage only.

(11) Best management practices for backflow prevention assembly tester ("BMPs"): A document produced by the District providing a guideline for the practice of District accepted BPA testers.

(12) California Department of Public Health: The state department responsible for public health in California.

(13) Contaminant: Any substance that shall impair the quality of water in such a way as to create an actual hazard to the public health through poisoning, the spread of disease, etc. A contaminant is also referred to as a "health hazard."

(14) Contamination: An impairment of the potable water supply which creates an actual hazard to the public health. Contamination is also referred to as a "health hazard."

(15) Cross-Connection: An actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied into any part of the potable water system. Bypass arrangements, jumper connections, removable sections, swivel, or change-over devices and other temporary or permanent devices through which or because of which backflow can occur are considered to be a cross-connection.

(17) Cross-Connection control specialist: An individual who is authorized to perform site surveys on behalf of the District for the purpose of identifying cross-connections and determining degree of hazard. The individual shall be certified by the California-Nevada section of the American Water Works Association or an organization with equivalent certification requirements.

(18) Degree of hazard: The evaluated level of risk that a premise poses to the public potable water system as either a pollutant (non-health hazard) or contaminant (health hazard) derived from the assessment of the

materials, which may come in contact with the distribution system through a cross-connection.

(19) Detector Check Assemblies: Shall only supply water to on-site (private) building fire sprinkling systems and/or fire hydrants and shall not be used for any other purpose than extinguishing fires. If used for any other purpose, District shall have the right to either (1) install a meter, at customer's expense, and charge for all water used; or (2) shut off the water supply. Installation of approved backflow prevention is required in the form of a Reduced Pressure Principle Detector Assembly (RPDA) for high hazard, or a Double Check Detector Assembly (DCDA) for low hazard, is required and must include a tattle tale meter to detect water usage, including but not limited to illegal connections and water leaks.

(20) Consolidated Schedule of Rates, Fees and Charges: A schedule adopted by the Board of Directors as needed, establishing or revising rates, fees, or charges.

(21) District list: A list maintained by the District of BPA testers who are certified by the Riverside County Department of Environmental Health and have complied with the requirements set forth by the District herein.

(22) Double check valve backflow prevention assembly ("DC"): An assembly composed of at least two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against pollutants.

(23) Double check detector backflow prevention assembly (DCDA): A specifically designed assembly composed of a line-size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only up to 2 gallons per minute ("GPM") and shall show a registration for all rates of flow. This assembly shall only be used to protect against pollutants. The DCDA is primarily used on fire sprinkler systems.

(24) Double check detector backflow prevention assembly – type II ("DCDA-II"): A specifically designed assembly composed of a line-sized

approved double check valve assembly with a bypass around the second check containing a specific water meter and a check valve. The meter shall register accurately for rates of flow up to 2 GPM and shall show a registration for all rates of flow. This assembly shall be used to protect against pollutants. The DCDA-II is primarily used on fire sprinkler systems.

(25) Fee-for-service: Table of District fees found within District's Consolidated Schedule of Rates, Fees and Charges, as amended.

(26) Flow-through fire system: A fire system that does not have a fire department pumper connection. They are constructed of approved potable water piping and materials to which sprinkler heads are attached. The system terminates at a connection to a toilet or other plumbing fixture to prevent the water from becoming stagnant.

(27) Graywater: Untreated wastewater which has not been contaminated by any toilet discharge, affected by infectious, contaminated, or unhealthy bodily wastes, and which does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Graywater includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

(28) Health Agency: Any health authority having jurisdiction: State Water Resources Control Board, Division of Drinking Water and the Riverside County Department of Environmental Health.

(29) Industrial fluids: Any chemical, biological or other fluid or solution which would constitute a contaminant if introduced into an approved water supply.

(30) Industrial piping system: Any system used to transmit, confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacle, fixtures, equipment and appurtenances used to produce, convey or store substances which are, or may be, polluted or contaminated.

(31) Isolation assembly: Any backflow assembly that is located downstream of the service protection assembly on the Customer's premises. It

is the responsibility of the Customer to test and maintain these backflow prevention assemblies as required by section 603.3.3 of the California plumbing code (current edition) and the health agency having jurisdiction.

(32) Lead free law: California Health and Safety Code, section 116875, which in part prevents any person from introducing into commerce, or using, any pipe, plumbing fitting fixture, solder or flux intended to convey or dispense water for human consumption through drinking water or cooking that is not lead free. It is the responsibility of the backflow tester and/or backflow installer to ensure that backflow assemblies installed or replaced after January 1, 2010, on water systems intended for human consumption and culinary purposes meet the requirements of the lead free law.

(33) Lead free: California Health and Safety Code, section 116875, defines "lead free" as "not more than 0.2 percent lead when used with respect to solder and flux and not more than a weighted average of 0.25 percent when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures."

(34) Non-potable water: Water that is not acceptable for human consumption as determined by federal, state and local drinking water standards.

(35) Parallel installation: Two or more backflow prevention assemblies of the same type having common inlet, outlet and direction of flow.

(36) Person: An individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

(37) Pollutant: Any substance which may cause or contribute to aesthetically objectionable conditions, such as those which alter the color or odor of water. A pollutant is considered a non-health hazard.

(38) Pollution: An impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use. Pollution is considered a non-health hazard.

(39) Potable Water: Water from a source which has been investigated and approved for human consumption by the health agency having jurisdiction.

(40) Premises: Any area within a Customer's property which is served

or has the potential to be served potable water by the District.

(41) Pressure: A uniform force applied over a surface, measured as a force per unit area. Typically water pressure is measured in pounds per square inch ("PSI") or pounds per square inch differential ("PSID").

(42) Public potable water system: Any publicly or privately owned water system operated as a public utility under a valid health permit to supply water for domestic purposes. This system includes all sources, facilities and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, treat or store potable water for public consumption or use.

(43) Raw water: Non-potable water from a supply source prior to potable treatment.

(44) Recycled water: Non-potable water available from the District's recycled water facilities, which may include a combination of treated wastewater, intercepted surface and subsurface stream flows, groundwater and other waters including potable water.

(45) Reduced pressure principle backflow prevention assembly ("RP"): An assembly containing at least two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a pollutant or contaminant. This assembly shall not be used for backflow protection of sewage.

(46) Reduced pressure principle detector assembly ("RPDA"): A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass around the second check valve containing a specific water meter, and an approved check valve. The meter shall register accurately for rates of flow up to 2 GPM and shall show a registration for all rates of flow. This assembly shall be used to protect against a pollutant or contaminant. The RPDA-II is primarily used on fire sprinkler

systems.

(47) Remote Service: Where the water meter is not located in close proximity to the property that it serves, as a condition of service a site survey must be performed to determine if there are any onsite hazards to the District's potable water supply. For the purpose of remote service, a hazard exists when a customer's service line crosses properties not under the control of that customer.

(48) Riverside County Department of Environmental Health: The agency which certifies backflow prevention assembly testers, also having jurisdiction to regulate onsite cross-connection control in Riverside County (except where recycled water is onsite).

(49) Service connection: The terminal end of a connection from the public potable water system, where it connects to the Customer's water system and the water purveyor loses jurisdiction and sanitary control of the water, at the point of delivery to the consumer's water system. If a water meter is installed at the end of the service connection, then the service connection shall be the downstream end of the water meter.

(50) Service protection: The appropriate type or method of backflow protection located at the Customer's water service connection, which shall be commensurate with the degree of hazard posed to the public potable water system.

(51) Sewage: Sewage is domestic, municipal, or industrial waste products or recycled water.

(52) Sewer: The pipes that carry sewage.

(53) Site surveys ("evaluations"): The conducting of surveys to identify locations on consumer's property, including private wells where cross-connections are likely to occur.

(54) California Code of Regulations, Title 17: Sections 7583 through 7605 contain the regulations of the state of California that govern backflow prevention and cross-connection control programs.

(55) State Water Resources Control Board, Division of Drinking Water ("DDW"): The State of California agency that regulates drinking water.

(56) Used water: Any water supplied by a water purveyor from a



public potable water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

(57) Water Purveyor: The public or private owner or operator of the potable water system supplying an approved water supply to the public. In this case, the District.

(58) Water Supervisor: The person designated by the water user to be responsible for installation, operation and maintenance of the water pipelines, systems on the water user's premises.

(59) Water user: Any person obtaining water from the District. Also referred to as "Customer" or "responsible owner."

(d) Requirements:

(1) General Requirements: California Code of Regulations, Title 17, section 7604, states, "the type of protection that shall be provided to prevent backflow into the public water supply shall be commensurate with the degree of hazard that exists on the consumer's premises." The type of backflow protection will be determined by the District cross-connection control division. BPAs installed on water systems used for human consumption or culinary purposes must meet the requirements of the California lead-free law.

(2) The following are some examples of potentially hazardous conditions which require a BPA:

- a. Premises where substances harmful to health are handled in a manner which could permit their entry into the public potable water system.
- b. Premises having an auxiliary water supply.
- c. Premises that have internal cross-connections.
- d. Premises where cross-connections are likely to occur and entry is restricted.
- e. Premises having a repeated history of cross-connections being established or re-established.
- f. Premises with complex piping systems (complexity is determined by an inspection of the premises by a cross-connection control

specialist).

- g. Premises with potable water in addition to non-potable water systems.
- h. Premises where a Customer has more than one service connection.
- i. Premises where there is a condition that creates a potential hazard to the public potable water system.

(e) Responsibility:

(1) Program Responsibility: The District's cross-connection control program is responsible for the elimination and/or protection of cross-connections at District-owned facilities and the District-owned potable water distribution system from contaminant or pollutant sources. In addition, the protection of the potable water distribution system is accomplished through the installation of approved BPAs at the Customer's service connection, in accordance with California Code of Regulations Title 17, sections 7583-7605. Approved BPAs must be installed in accordance with District specifications and this Article. If the District determines that there are potential or actual cross-connections on the Customer's property, the Customer must install and maintain the BPAs at no cost to the District as a condition to obtaining water service from the District.

- (2) The District's cross-connection control program is responsible for:
- a. The adoption of operating rules or ordinances to implement the cross-connection program.
  - b. The conducting of surveys to identify Customer premises where cross-connections are likely to occur.
  - c. The provisions of backflow protection by the water user at the water user's connection or within the water user's premises or both.
  - d. The provisions of at least one person trained in cross-connection control to carry out the cross-connection program.
  - e. The establishment of a procedure or system for testing BPAs.
  - f. The maintenance of records of locations, tests, and repairs

of BPAs, for a minimum of three years.

(f) District Responsibilities:

(1) The District will supply the Customer with the District's list. Only testers who appear on the District's list are accepted by the District to test, maintain and repair BPAs within the District's service area.

(2) The cross-connection control division will provide an orientation session to backflow assembly testers who wish to be placed on the District's list.

(3) When a meter protection BPA is not tested by the due date, the District will consider this a potential contamination hazard to the District's potable water distribution system. Consequently, the Customer is notified as specified in this section of this Article, and if backflow assembly testing is not performed, the District will have the BPA tested by District personnel or an approved contract backflow assembly tester and the District will assess a non-compliance fee and all other applicable fees which will be added to the Customer's water bill.

(4) All applicable fees for non-compliance with the District's cross connection control program are found in the current District's Consolidated Schedule of Rates, Fees and Charges.

(5) Per the requirements in the recycled water master discharge permit issued by the Regional Water Quality Control Board, the District is responsible for the safe use of recycled water on the recycled water use sites and for the prevention of any cross-connections between the potable and recycled water. As an added insurance for the safe use of recycled water, all on-site testable BPAs that are exterior to any on-site buildings will be added to the District's list of testable BPAs testing and maintenance requirements for these on-site BPAs exterior to any on-site buildings will be the same as the requirements for the service protection BPAs.

(6) The District reserves the right for qualified District personnel to test meter protection BPAs after the BPA has been tested by a tester on the District's list. This testing provides an element of quality assurance for the

District's cross-connection control program. Quality assurance testing performed will be at District cost.

(g) Customer Responsibility:

(1) The Customer has the responsibility to prevent contaminants or pollutants from entering the public potable water system, and the prevention of cross connections on their premises.

(2) The Customer's water system shall be made accessible for a site evaluation at a designated time agreed to by the Customer and a District representative.

(3) If a cross-connection or potential cross-connection has been found on the premises, the Customer shall remedy the cross connection or potential cross connection with the guidance and inspection of the District cross-connection specialist or install a BPA on Customer's potable service(s) per the applicable District standard drawing.

(4) If a Customer's service connection BPA is stolen or removed, the theft or removal of the BPA must be reported to the District immediately. If the site has been documented as having potential contaminants, the water service shall remain off until the BPA is replaced. The installation of any piping configuration other than an approved BPA shall be considered a violation and will result in a fee as specified in the District's Consolidated Schedule of Rates, Fees and Charges. See, also fee-for-service section of this Article. If the site has been documented as having potential pollutants, the Customer shall have ten (10) working days to replace and test the BPA. After ten (10) working days, the Customer shall be subject to a fee as provided in the District's Consolidated Schedule of Rates, Fees and Charges and water service will be discontinued.

(5) Any unauthorized removal or relocation of a service protection BPA will be considered a violation and will result in a fee (see also, fee for service in this Article) and/or water service disconnection as provided in the District's Consolidated Schedule of Rates, Fees and Charges.

(6) A change of ownership or name change or type of use or potable system piping may require an on-site survey by District personnel.

(7) The Customer must use a tester which is on the current District's list.

(8) The Customer must ensure that the BPA test report is received by the District cross-connection control division by the due date listed on the BPA test form.

(h) Backflow Assembly Tester Responsibility:

(1) It is the tester's responsibility to abide by this Article and to follow all of the District's best management practices for backflow assembly testers.

(2) To be considered for placement on the District's list the following must be submitted to the District's cross-connection control division:

a. A copy of the current Riverside County Health Department's backflow prevention assembly tester certification.

b. Attendance at a cross-connection control division orientation for backflow prevention assembly testers (scheduled quarterly).

c. A signed orientation check list acknowledging adherence to this Article and District's BMP.

d. To remain on the District's list, the following must be submitted to the cross-connection control division:

(i) A copy of the current riverside county department of environmental health tester certification and is required every three (3) years upon renewal.

(ii) The tester is required to calibrate field test gauge(s) at least annually and to re-calibrate whenever a gauge is inaccurate by more than +/- 0.2 PSID. Test gauge calibration must be verified against a reference source that is traceable to the national institute of standards and technology.

(iii) The tester must retain proof of test gauge calibration and make it available to the District's backflow coordinator upon request.

(iv) The District reserves the right to require a copy of a test gauge calibration certificate during quality check proceedings and at any

time deemed reasonable to the District.

(v) The District will send an annual reminder to the testers to submit documentation of tester certification in order to remain on the District's list. If a copy of the current BPA tester's certification is not received within one calendar month of the expiration date, the tester will be removed from the District's list. Any BPA test reports received from a tester who has been removed from the District's list will be considered invalid and returned to the Customer.

e. Removal from the District's list:

(i) Failure to comply with this Article or District's BMP will result in disciplinary action by District, in accordance with the procedures outlined in the BMP.

(ii) If the Riverside County Department of Environmental Health removes a tester from the county tester list, that tester will be immediately removed from the District's list and will not be permitted to test, repair or maintain BPAs within District's service area, until the tester is recertified by the Riverside County Department of Environmental Health and approved by the District.

(i) Water System Surveys:

Hazard evaluation – The District may require and conduct inspections(s) of premises to evaluate on-site cross-connection hazards. This site survey will determine the degree of hazard(s) on the Customer's site that may have a negative impact to the District's potable distribution system. The site survey will also determine the type of BPA required by applicable state and local regulations and this Article. The District may require that the BPA(s) be tested more than once a year based on the degree of hazard presented by the Customer's water system. If access to the Customer's water system is denied, the highest level of backflow prevention shall be required, and service will be suspended until meter protection has been installed and approved by the District.

(j) Service Protection:

(1) New service review process: An assessment of all new water service applications will be made to determine the type of backflow prevention required, if any. If a BPA is necessary, the Customer is required to install the BPA at Customer's own expense in accordance with the District's standards, BMP, and this Article. The first backflow assembly test upon initial installation will be performed by "District personnel or District approved contracted tester." Subsequent tests may be performed by persons on the "District backflow prevention testers list."

(2) Requirements for water service protection:

Reduced pressure principle backflow prevention assembly ("RP")

a. No water service connection to any premises shall be installed by the District unless the water service is protected as required by applicable statute and/or associated regulations including this Article. Water service to any premises shall be discontinued by the District if the BPA required by applicable state and local regulations and this Article is not installed, tested and maintained, or if the BPA has been removed, bypassed, or altered. Water service will not be restored until such conditions or defects are corrected to the satisfaction of the District.

b. An RP is required for all instances of service protection per District standard drawings B-597A, B-597B, or B-597C; however, at the Customer's request the District may perform a cross-connection control survey to determine if a lower level of protection may be acceptable.

c. Water service protection is required in, but not limited to conditions where:

(i) Premises having an auxiliary water supply. (All wells that have not been properly abandoned or destroyed are considered an auxiliary water supply);

(ii) Premises having a booster pump that is located on a Customer's potable water system;

(iii) Premises having chemicals or fertilizers that are applied by injection in the Customer's domestic water system;

(iv) Premises that have a fire suppression system that

uses: chemical additives or storage tanks;

(v) Premises that have dual-plumbed or dual-sourced recycled water, non-potable water or graywater systems;

(vi) Premises where a commercial or residential business is being operated that may pose a contamination risk to the public potable water system;

(vii) Premises that have a remote service;

(viii) Premises that have looped potable service piping with more than one point of connection to the District's main distribution system. In this situation, backflow protection is required on both services.

(ix) Premises where cross-connections are likely to occur;

(x) Premises where an owner denies access to the property for inspection by authorized District personnel;

Note: when a site is dual-plumbed or dual-sourced with recycled water, cross-connection testing will also be required, at the Customer's expense.

(3) Commercial and industrial water service protection:

Reduced pressure principal backflow prevention assembly ("RP")

All new commercial and industrial sites are required to install RPs. All sites determined by the District to present an actual or potential hazard to the District's potable water distribution system are required to install RPs at the potable water service meter(s). Commercial, industrial, and government sites are examples of facilities that require backflow protection at the potable water service meter. In certain circumstances where there is low water pressure to the site, the site will be evaluated by a District cross-connection control specialist to determine if a double check assembly in lieu of an RP would be acceptable to the District.

(4) Agricultural and landscape water service protection:

Reduced pressure principal backflow prevention assembly ("RP")

All new and existing agricultural and landscape sites are required to install RPs at the potable service meter(s). Agricultural and landscape irrigation systems are subject to exposure to fertilizers, pesticides, fecal material,



and various other chemical and biological contaminants. Agricultural and landscape sites may contain auxiliary or non-potable water sources, booster pumps, wells, chemical aspirators and other conditions that represent a hazard to the public potable water system.

(5) Residential water service protection:

Reduced pressure principal backflow prevention assembly ("RP")

Water service protection requirements also apply to private residential water services when any of the above listed hazards are on the premises. Any questions about the following requirements should be directed to the District's cross-connection control division.

(6) Residential fire service protection:

Double Check valve backflow prevention assembly ("DC")

a. Residential water service to a fire sprinkler system shall be installed per District standard drawing B965 and requires the signing of an "Agreement for Permanent Residential Water Service with Single Feed to Domestic Water and Fire Sprinklers" through the new business department. Service protection shall be required in the form on an approved DC on the fire branch if the fire system includes booster pumps or elevated tanks.

b. Fire systems are recommended to be a flow-through design to prevent stagnation of water in the system.

Reduced pressure principal backflow prevention assembly ("RP")

c. Residential fire sprinkler systems that contain chemical additives will require an RP as service protection per District standard drawings B-597A, B-597B, or B-597C.

d. Residential remote water services will be installed per District specs to serve separate domestic and fire sprinkler systems and shall be installed per District standard drawings B-591 and B-591A. Service protection shall be required in the form of an RP per District drawings B-597A, B-597B, or B-597C.

Note: on premises that require service protection for on-site hazards, both domestic and fire branches of the service will require an RP be installed.

(7) Fire suppression system service protection:

Reduced pressure principle-detector backflow prevention assembly

("RPDA")

Double check detector backflow prevention assembly ("DCDA")

- a. All new fire suppression systems shall have a hazard evaluation prior to BPA installation conducted by an authorized District representative from the District cross-connection control division.
- b. All new wet pipe non-flow through fire sprinkler systems that pose a high health risk, containing antifreeze, chemicals used for corrosion control, wetting agents or other chemicals that cannot be considered as potable shall have a backflow protection approved RPDA or an AG.
- c. All new wet pipe non-flow through fire sprinkler systems that pose a low health risk, such as with a pollutant, shall have DCDA per District drawing B-657.
- d. When an existing wet pipe non-flow through fire sprinkler system with a single detector check valve is significantly expanded or modified, requiring a comprehensive hydraulic analysis, a retrofit to an approved DCDA shall be required. If additional hazards exist on the premises an RPDA may be required.

(8) Construction service protection:

Reduced pressure principal backflow prevention assembly ("RP")

- a. All construction meters must be protected by an RP assembly that is provided by the contractor. The first backflow assembly test upon initial installation and/or relocation will be performed by "District personnel or District approved contracted tester." Subsequent tests may be performed by persons on the "District backflow prevention testers list."
- b. Any flushing of new water mains from a potable water source prior to District's acceptance must be through a BPA. Any exceptions must be approved by the cross-connection control division, prior to flushing.

(9) Potable water hauler license inspection:

Backflow prevention requirement: none with valid license

- a. Bulk haulers of potable water are required to obtain a water hauler license through the local office of the Department of Public Health's

Food and Drug Branch.

b. Bulk haulers must apply through the District for a construction meter.

c. The hauler's vehicles will be inspected by District operations personnel for compliance on an annual basis, and must show at the time of inspection a current Department of Public Health Food and Drug Branch license.

(10) Air gap inspection:

Air gap ("AG")

An AG inspection in-lieu of an RP shall be considered on a case-by-case basis and approved by the cross-connection division of District.

(k) Supervisors:

Water supervisor: The District and/or health agency may, at either's sole discretion, require a non-potable water/recycled water or other water user to designate a water supervisor, when the water user's premises has a multi-piping system that conveys various types of fluids, some of which may be hazardous, where changes in the piping system are frequently made, or where other circumstances make designation of a supervisor appropriate. The water supervisor shall be responsible for the prevention of cross-connections during the installation, operation, and maintenance of the water user's on-site water system. The water user's non-potable water or recycled water system shall have a site survey conducted by the District on an annual basis and whenever a change occurs.

(l) Retrofits:

(1) Retrofit requirements: Following a site survey, the District will notify the responsible owner/water user of the results of the survey and the required corrective action. If meter protection is required, a period of sixty (60) days will be given to complete all required corrective action(s). In the interim Customer's service may stay active unless a high hazard condition exist onsite.

(2) A second notice will be sent to each responsible owner/water user who does not take the required corrective action prescribed in the first notice,

and such corrective action is not taken within the time period specified. Such responsible owner/water user may be subject to service discontinuance. All costs incurred by the District, including administrative costs, associated with correcting the non-compliance will be charged to the responsible owner/water user in accordance with fees established in the District's Consolidated Schedule of Rates, Fees and Charges, as amended.

(3) At the request of the Customer, installation of the service protection BPA may be provided by the District at the Customer's expense with an optional deferred payment plan.

(m) Installations:

Installation requirements for backflow prevention assemblies: BPAs shall be installed according to current District specifications and standard drawings:

(1) RPs shall be installed per District standard drawing b-597.

(2) DCDAs and RPRDAs shall be installed per District standard drawing b-657.

(3) Residential fire sprinkler system double check assemblies (DC) shall be installed per District standard drawing B-965.

(4) These District specifications are available from the District cross-connection control division and at [www.emwd.org](http://www.emwd.org).

(n) Water Service Discontinuance:

(1) Conditions of service discontinuance:

a. Shut-off procedures in this section shall be initiated when:

(i) Conditions posing a clear and immediate hazard to the potable water supply are determined to exist and those conditions cannot be immediately abated; or

(ii) Failure to comply with federal, state or local laws, including this Article, regarding testing and/or repair of a device.

b. Specific conditions requiring water shut-off shall include, but not be limited to, the following:

(i) Any refusal to test BPA(s).

(ii) Any refusal to install, repair or replace faulty BPAs.  
(iii) Any direct or indirect connection between a potable water system and a non-potable water system.

(iv) Any unprotected direct or indirect connection between a potable water system and a system or equipment containing a contaminant.

(v) Any unprotected direct or indirect connection between a potable water system and an auxiliary water system.

(vi) Any refusal to grant access for water system survey or non-compliance testing.

(2) Water Shut-Off Procedure:

a. Customer must meet requirements of California Code of Regulations, Title 17 at the Customer's service connection. BPAs must be installed in accordance with District specifications and this Article. If the District determines that there are potential or actual cross-connections on the Customer's property, it is the responsibility of the Customer to install and maintain the BPA(s) at no cost to the District as a condition to obtaining water service from the District.

b. When it becomes necessary to shut-off a water user's potable water connection, the following steps shall be followed:

(i) District personnel shall determine the degree of hazard to the District's potable water distribution system.

(ii) Determine whether the service is a qualifying service where water service cannot be immediately terminated for health reasons such as a kidney dialysis center or medical facility. In such cases, DDW will be notified and a non-compliance fee will be assessed.

(iii) Water service to a fire sprinkler system normally will not be shut-off. However, refusal to test and maintain the BPAs of a fire system will result in fees for testing by a District representative as specified in the District's Consolidated Schedule of Rates, Fees and Charges.

c. If it is determined that there is an immediate hazard to the District potable water distribution system, the following steps shall be taken:

- (i) Immediately discontinue the water user's potable water service, except in cases of critical service; i.e.: hospital, convalescent facility, and home dialysis care;
- (ii) Verbally notify the water user of the discontinuance and the reason for the action;
- (iii) Notify the integrated operations center at the District and create a work order and document in Customer online information network system ("coins");
- (iv) Follow up with a certified letter to the water user listing the corrections required prior to restoring potable water service.

d. If District personnel suspect that a backflow incident is likely to create or has created a contamination risk, the District will notify the state and local health departments.

Note: See District backflow sop for termination of water service.

(o) Testing and Maintenance:

(1) Backflow prevention assembly testing maintenance and repair: BPAs shall be installed and tested in accordance with District specifications and California Code of Regulations, Title 17. The testing, maintenance and repair of water meter protection BPAs must be performed by personnel who are on the District certified backflow prevention assembly testers list. The District tester list can be found at [www.emwd.org](http://www.emwd.org). The BPA providing meter service protection must be approved by the District and must be installed and tested according to District standards. BPA testing must follow the methodology as specified in the current edition of the USC FCCC research manual of cross-connection control.

(2) The cost of any testing, maintenance, repair or replacement of the BPA is the Customer's responsibility. The District is not responsible for work performed by a tester or any associated costs incurred.

(3) BPA installation and testing is typically performed during regular business hours. Testing and installation outside of normal business hours can be arranged by contacting the District's cross-connection control division, during normal business hours. Priority or off hour testing may be accommodated for an

additional fee, and twenty-four (24) hour notice (one business day).

(p) Customer Notification of Testing and Maintenance:

(1) Annual Notice: The District will notify each responsible owner or water user of the date by which the required annual testing of the involved BPAs must be completed and when the backflow test report must be furnished to the District. Written notice will be given by District representatives not less than thirty (30) calendar days before the completion date set forth therein. The District will supply to the Customer a list of accepted testers located in the District's service area who are certified to test, maintain and repair BPAs.

(2) Final Notice: Final notice shall be sent, after the first notice, to each responsible owner or water user who does not comply with the requirements of said first notice. The final notice will advise the responsible owner or water user that corrective actions will be made by the District, and associated fees will be included on the Customer's water bill in accordance with those specified in the first notice.

(3) Repair Notice: Upon receipt of a failed BPA test report the District will send the Customer a BPA repair notice, allowing fifteen (15) days for repairs, retest and submission of BPA test report. (BPA test report must show passing values).

(4) Non-compliance: If a Customer does not comply with the annual BPA testing requirement, or any other requirement made a part of the annual test, within the specified time frame, the District will conduct a non-compliance test. The Customer will be charged a non-compliance test fee on Customer's water bill. The non-compliance test fee will be assessed whether or not the BPAs pass or fail the test. All fees, including administrative fees, associated with correcting the non-compliance will be charged to the responsible owner or water user in accordance with fees established in the Consolidated Schedule of Rates, Fees and Charges, as amended from time to time by the District's Board of Directors.

(q) Wells:

(1) Well Abandonment: To negate the requirement for an RP at the

water service connection of a property where there is a well on the premises, the well must be properly abandoned/destroyed in accordance with Riverside County Department of Environmental Health Regulations and the Department of Water Resources bulletins 74-81 and 74-90. Proof of proper and approved abandonment or destruction from riverside county department of environmental health must be provided to the District.

(2) Well Backflow Protection:

a. Wells equipped with chemical injection devices and/or non-potable water treatment devices, including connections to recycled or raw water shall have a BPA or AG per Riverside County Ordinance 682.3, section 17.

b. Non-potable water wells may be interconnected with recycled water providing a BPA or AG is installed as well head protection. This well head protection can be a testable double check BPA that is listed on the USC FCCC list of approved BPAs. Interconnections shall only be allowed through cooperation with and approved by the District cross-connection control personnel after an inspection and BPA test has been completed.

c. If the wells are on a site that uses the aquifer for a small water system, the determination for well head protection should be made by the appropriate regulatory agency, usually the local health agency for small water systems.

d. Dormant or inactive wells shall not be interconnected in any way with recycled water.

(3) Agricultural Wells and Recycled Water: If use of a well is discontinued, all piping and electrical equipment must be removed from the well, and all well head outlets must be flanged or capped. Otherwise recycled water buffer restrictions will apply in accordance with the District's best management practices for recycled water. Active and inactive wells must be inspected annually on recycled water use sites.

(r) Fee for Service: The District provides a wide variety of services in response to requests from the public. The District may assess a service charge as a direct result of an action generated by a Customer. The charges assessed



are identified as "fee-for-service" charges.

**5.505 SERVICE CONNECTION SHUT-OFF VALVES**

(a) District shut-off valves are installed for the use of the District and will usually be found immediately adjacent to the street side of the meter.

(b) The District usually provides a valve on the Customer's side of each meter. This valve is for the Customer's use, and may be operated at the Customer's convenience.

**5.506 OWNERSHIP OF SERVICE CONNECTIONS**

Service connections and water meters installed or accepted for use by the District are the property of the District. The expense of maintenance, repairs, and replacement of such devices due to normal wear and tear shall be borne by the District.

**5.507 CUSTOMER PLUMBING APPLIANCES SUBJECT TO APPROVAL**

Water service may be refused or discontinued to premises where apparatus or appliances unreasonably endanger District facilities.

## ARTICLE 6 – WATER CONSERVATION

### **5.601 GENERAL** <sup>40,41,42,43,44,45,46,47,48,49</sup>

The District’s water conservation policies, practices, and procedures are as set forth below:

(a) General Provisions

The following water efficiency requirements shall apply to all existing and future Customers:

(1) Hosing down driveways and other hard surfaces, is prohibited except for health or sanitary reasons and then only by use of a hand-held bucket or similar container, a handheld hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

(2) Repair faucets, toilets, pipes and other potential sources of water leaks within forty-eight hours of occurrence.

(3) Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- a. manually watering;
- b. during the establishment period of a new landscape;
- c. temperatures are predicted to fall below freezing; and
- d. for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

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<sup>40</sup> Section 5.601 amended by Resolution No. 2014-033 on March 26, 2014.

<sup>41</sup> Section 5.601(b)(5), 5.601(c)(4), 5.601(d), and 5.601(e) amended by Resolution No. 2015-011 on March 18, 2015.

<sup>42</sup> Section 5.601 amended by Resolution No. 2015-034 on May 8, 2015.

<sup>43</sup> Section 5.601(d) and 5.601(e) amended by Resolution No. 2015-107 on September 16, 2015.

<sup>44</sup> Section 5.601(c) amended by Resolution No. 2016-075 on June 15, 2016.

<sup>45</sup> Section 5.601 (a)(12), 5.601 (b) (1-6), 5.601 (d)(1)(c) amended by Resolution No. 2017-152 on December 20, 2017.

<sup>46</sup> Section 5.601(d)(1), 5.601(e) amended by Resolution No. 2018-014 on February 21, 2018.

<sup>47</sup> Section 5.601(e) amended by Resolution No. 2018-169 on December 19, 2018.

<sup>48</sup> Section 5.601 amended by Resolution No. 2022-084 on June 15, 2022.

<sup>49</sup> Section 5.601 amended by Resolution No. 2023-083 on June 7, 2023.

(4) Watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended is prohibited unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

a. Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour;

b. Weather based controllers or stream rotor sprinklers that meet a 70 percent efficiency; and

c. Run-off or over watering is not permitted in any case.

(5) Adjust and operate all landscape irrigation systems in a manner, which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting runoff.

(6) Watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

(7) Do not use decorative fountains unless they are equipped with a recycling system.

(8) Allowing water to run while washing vehicles is prohibited. Use a bucket or similar container and/or a handheld hose equipped with a positive self-closing water shut-off device to avoid run off into gutters, streets or alleys.

(9) When installing new landscaping, plant low-water demand trees and plants. New turf shall only be installed for functional purposes.

(10) Watering during rain is prohibited.

(11) Use of potable water for the irrigation of non- functional turf at commercial, industrial, and institutional sites, except to the extent necessary to ensure the health of trees and other perennial non-turf plantings, is prohibited.

(12) The requirements listed above should be followed at all times.

(b) Enforcement

The District has a tiered rate structure based on water budgets that applies to single-family, multi-family and landscape accounts utilizing the domestic water system. Tiers are used to encourage efficient water use by customer groups and discourage wasteful behaviors prohibited in this Section. The tiers are applied to a water budget, calculated to encourage efficient indoor and outdoor use:

- (1) The indoor water budget is based on the gallons of water needed per person per day.
- (2) The outdoor budget is based on square footage of landscape, actual daily Evapotranspiration and a conservation factor.
  - a. The default conservation factor will be as follows:

Accounts installed:	Residential Conservation Factor:	Non-residential Conservation Factor
Prior to December 31, 2010	0.8	0.7
January 1, 2011 to May 31, 2015	0.7	0.7
Starting June 1, 2015	0.5	0.5
*Commercial, Industrial, and Institutional sites not in compliance with section 5.601(a)(11) have a Conservation Factor of 0.5 irrespective of installation date.		

- b. The conservation factor can be adjusted up to 1.25 for functional areas at the discretion of the District;
  - c. The conservation factor for non-residential can be adjusted up to 0.7 properties that qualify under 5.601(a)(11); and
  - d. The conservation factor can also be adjusted temporarily by the District to establish or maintain water efficient landscaping during a drought.
- (3) Residential customers have Tier 1 and Tier 2 rate applied to in-budget water use. Non-residential customers have only a Tier 1 rate applied to in-budget water use.
- (4) An Excessive rate (Tier 3 rate for residential, Tier 2 rate for non-residential) is applied to a percentage of water use beyond the indoor and outdoor budgets. The Tier 3 Rate is significantly higher than the rated applied to in-budget use.
- (5) A Wasteful Rate (Tier 4 rate for residential, Tier 3 rate for non-

residential) is applied to wasteful water use that exceeds the Tier 3 limit. This rate is much higher than the other tiers to discourage wasteful water use.

(6) These rates are established in the Consolidated Schedule of Rates, Fees and Charges appended hereto, and subject to amendment from time to time by the Board of Directors.

(c) Penalties for Water Efficiency Requirements

All existing and future customers that violate the water efficiency requirements in Section 5.601(a) are subject to the following penalties:

(1) For multi-family, commercial, institutional, industrial, agricultural and landscape accounts:

- a. For the first violation, the District shall issue a written notice of fact of such violation to the customer;
- b. For a second violation within twelve months from the first notice of violation, the District shall issue a final written notice of the fact of such violation to the customer;
- c. For a third violation within twelve months from the first notice of violation, a surcharge in the amount of \$100 shall be added to the customer's water bill;
- d. For a fourth violation within twelve months from the first notice of violation, a surcharge in the amount of \$200 shall be added to the customer's water bill; and
- e. For a fifth and any subsequent violation within twelve months from the first notice of violation, a surcharge of \$300 shall be added to the customer's water bill.

(2) For single-family residential accounts:

- a. For the first violation, the District shall issue a written notice of fact of such violation to the customer;
- b. For a second violation within twelve months from the first notice of violation, the District shall issue a final written notice of the fact of such

violation to the customer;

c. For a third violation within twelve months from the first notice of violation, a surcharge in the amount of \$25 shall be added to the customer's water bill;

d. For a fourth violation within twelve months from the first notice of violation, a surcharge in the amount of \$50 shall be added to the customer's water bill; and

e. For a fifth and any subsequent violation within twelve months from the first notice of violation, a surcharge of \$100 shall be added to the customer's water bill.

(3) Customers are to pay water bill, and penalties in accordance with due dates on their bills. An Appeals Process is offered to customers that disagree with penalties outlined in this section of the Ordinance. If the appeal is upheld in favor of the customer, appropriate charges will be credited to the account and appropriate monies will be refunded. Details of the appeals process are included in this section 6.

(4) These rates are established in the Consolidated Schedule of Rates, Fees and Charges appended hereto, and subject to amendment from time to time by the Board of Directors.

(5) The District shall use the revenues derived from the implementation of this section for water use efficiency programs and rebates.

(d) Requirements for New Landscape Meters

(1) District requires a separate dedicated meter for all landscape areas greater than or equal to 2,500 square-feet, independent of meter(s) for domestic uses, except for single family residential accounts. Specifically, landscape meters shall be separated from meters for domestic uses such as drinking fountains, restrooms, pools, and park splash pads.

(2) The efficient use of water is mandated in the design of any new landscape area. The District will calculate an Annual Maximum Allowable Water Budget (AMAWB) for customers that request a new account using the following

limitations:

- a. AMAWB will be calculated using the area's Reference Evapotranspiration (ET<sub>o</sub>), the size of the landscape area and a conservation factor;
- b. For non-functional areas (landscape areas primarily used for aesthetic purposes including, but not limited to front yards, median strips, and parkways) a conservation factor of 0.5 will be used unless a lower factor for adjusting ET<sub>o</sub> is specified in the current State of California Model Water Efficiency Landscape Ordinance or the County of Riverside Water Efficient Landscape Requirements Ordinance. Turf is not permitted in non-functional areas;
- c. For functional areas (landscape areas that serve as a surface for high traffic activities, such as playing a sport or group gatherings) a conservation factor of 1.0 may be used at the discretion of the District. Functional turf must be justified and will only receive a higher conservation factor with preapproval from the District. The default CF for all new landscape meters is 0.5 starting June 1, 2015;
- d. The Reference ET<sub>o</sub> is a standard measurement of environmental parameters, which affect the water use of plants. Reference Evapotranspiration is given in inches per year and may vary by area across the District. The ET<sub>o</sub> for the project area will be provided by the District; and
- e. The AMAWB will be used to estimate outdoor water use. The actual outdoor water budget applied to the account will be based on actual daily ET<sub>o</sub>. Watering schedules should be set accordingly.

(3) Prior to the issuance of a meter, the new customer shall calculate a water budget for each landscape area; then the water budget and the factors used to calculate the budget will be submitted to District for review. For the new meter to be issued, the calculated water budget for the landscape area cannot exceed the AMAWB limits allowed by the District.

(4) New accounts that have to comply with similar or more stringent water use efficiency measures imposed by County and/or City Ordinances, do not need to comply with the requirements of this section of the Ordinance, but do

need to provide information about the landscape areas to the District.

(5) Requirements for landscape accounts apply to both potable and recycled water connections.

(6) Each landscape area requires its own dedicated meter. Multiple meters serving a single landscape irrigation system are not allowed.

(e) Special Conditions

(1) All Commercial, Industrial and Institutional ("CII") customers and dedicated landscape metered accounts – including those with golf courses, decorative lakes, ponds, and water features – shall abide by the Administrative Code.

(2) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.

a. Notwithstanding 5.601(e)(2), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need;

b. Notwithstanding 5.601(e)(2), a CII customer may request a waiver for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration; and

c. The taking of any action prohibited in subdivision (e)(2) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

§5.602 - Recycled Water Use. All projects submitted to the District requesting water supply shall be evaluated for potential recycled water use. Projects



located over groundwater basins suited for recycled water use shall be considered "eligible" for recycled water use. Requirements include, but are not limited to: approved use of recycled water (or other non-potable supplies) to the maximum extent possible; and use of recycled water whenever it is available. Customers must follow District standards and procedures; and are subject to penalties for non-compliance.

(f) Appeals and Variance Process

(1) Any customer that disagrees with the penalties, outlined in this Section or who requests a special variance may file a written request with the General Manager for an appeal hearing. A request for a hearing shall set forth, in detail, all facts supporting the request.

(2) The General Manager shall, within 15 days of receiving a request for an appeal hearing, designate a Hearing Officer who will hear the appeal and provide written notice to the customer of the hearing date, time, and place. The hearing date shall not be more than 30 days from the mailing of such notice by certified mail, unless a later date is agreed to by the customer. If the hearing is not held at the agreed upon time due to the actions or inaction of the customer, then the decision shall be deemed final.

(3) At the hearing, the customer will have the opportunity to present information supporting his or her position concerning the penalties. After the hearing, the Hearing Officer shall deliver a written report to the General Manager setting forth findings of fact, conclusions, and a recommendation on whether to uphold, modify, or reverse the original penalties. Upon receipt of the written report, the General Manager shall issue his decision within 30 calendar days of the hearing. The written decision of the General Manager shall be sent to the customer by certified mail. The General Manager's decision shall be final on the 16th day after it is mailed, unless a request for a hearing is filed with the Board of Directors no later than 5:00 p.m. on the 15th day following such mailing.

(4) Any customer may appeal a decision made by the General Manager, prior to the date that the General Manager's order becomes final, by

filing a written request for a hearing with the Board of Directors. The request for the Board of Directors' hearing shall set forth in detail all the issues in dispute and all facts supporting the request. No later than 60 days after receipt of the request for a hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for the hearing. Whether to grant or deny a request for a hearing on an appeal to the General Manager's decision shall be within the sole discretion of the Board of Directors.

(5) If required, a hearing shall be held by the Board of Directors within 65 days of the date the request for a hearing was granted, unless a later date is agreed to by the customer and the Board of Directors. The Board of Directors shall make a determination whether to uphold, modify, or reverse the General Manager's decision. The order of the Board of Directors shall be final upon its adoption. The written decision and order of the Board of Directors shall be sent to the customer by certified mail within 30 days after the close of the hearing.

## **5.602 RECYCLED WATER USE<sup>50,51</sup>**

To conserve the District's potable water supply, recycled water shall be used as follows:

(a) Mandatory Use Requirements Policy.

(1) "Recycled water (or other non-potable) supplies shall be used to the maximum extent possible for any approved use." Approved recycled water uses listed below include, but are not restricted to:

- Agricultural irrigation
- Construction grading
- Greenbelt irrigation
- Industrial processes and commercial uses
- Landscape or recreational impoundments

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<sup>50</sup> Section 5.602 amended by Resolution No. 2015-034 on May 8, 2015.

<sup>51</sup> Section 5.602 amended by Resolution No. 2020-062 on April 15, 2020.

- Wildlife habitat
- Groundwater recharge

The District reserves the right to require Customers to use recycled water in-lieu of potable water for all approved uses. This provision is understood to apply to existing Customers as well as new Customers applying to the District for water service.

(b) Statutory Authority.

(1) California Water Code Section 461 requires the maximum reuse of reclaimed water in the satisfaction of requirements for beneficial uses of water.

(2) California Water Code Section 13550 states that it is a waste or unreasonable use of water if recycled water is available, is of adequate quality, of a reasonable cost to the user, will not be detrimental to public health, and will not adversely affect downstream water rights, or water quality, or be injurious to plant life, fish, or wildlife.

(3) California Water Code Section 13551 provides that no one shall use water suitable for potable domestic use for non-potable uses, if suitable recycled water use is available.

(c) Purpose.

The purpose of this policy is to:

(1) Establish procedures to provide timely notification and information to identify existing or new Customers of the District's intent to require the use of recycled water;

(2) Establish a procedure to request a waiver of mandatory use requirements; and

(3) Establish sanctions for non-compliance with the District's mandatory recycled water use requirements.

(d) Procedure for identifying Water Uses Subject to Mandatory Use Requirements.

(1) New Customers:

The Required Reuse Area (RRA) is defined as the area in which new projects will be subject to the Mandatory Use Requirements Policy. District staff shall provide new projects the RRA boundary during the planning and review process. All new projects submitted to the District the request water supply within the RRA and require dedicated landscape meters shall be required to use recycled water for landscape irrigation. The proponents of all projects which are required to use recycled water will develop on-site facility plans and construct needed infrastructure along the project frontage and necessary street improvements to deliver recycled water for identified uses in accordance with the District and California State Division of Drinking Water design standards for recycled water systems. In situations where recycled water is not immediately available due to supply limitations, the District may provide interim service with potable water. However, the infrastructure and irrigation system shall be designed to be easily isolated from the potable water supply to ensure ease of conversion once recycled water is available.

(2) Existing Customers:

In planning expansions of the recycled water system, District staff shall review all potable water Customer accounts located on or within one half mile of any proposed recycled water pipeline alignment. All accounts using landscaping meters, agricultural meters or other documented non-potable water uses shall be considered "eligible" and subject to mandatory recycled water use requirements. All "eligible" users will be evaluated in detail to determine their suitability for recycled water use. The District will make decisions regarding mandatory use for eligible accounts based upon proximity to existing facilities, the number and water demand of the eligible users, surface drainage and water quality issues, and operational impacts.

(e) Notification Procedures to Inform Eligible Water Customers of the District's Intent to Require Recycled Water Use.

(1) Water Supply Assessments:

The District prepares water supply assessments for large (greater than 500 residential dwellings) development projects submitted for evaluation by local land use authorities in accordance with State law. All projects meeting the District's mandatory recycled water use eligibility standards shall have language added to their water supply assessments explicitly stating the District's intent to require the project to use recycled water for approved uses.

(2) Plans of Service:

Early in the process of developing formal plans of service for eligible proposed projects, the District will provide the project proponent with formal notification of the District's intent to require the mandatory use of recycled water for approved water uses. This letter will be accompanied by copies of the District's recycled water system design standards and procedures. The letter will condition final approval of project engineering plans with the requirement to submit a completed recycled water system design for District review and approval. For larger projects, at the discretion of District staff, a separate recycled water system plan of service may be required prior to submittal of final engineering design documents.

(3) Recycled Water Retrofit:

a. Existing potable water landscape Customers identified as being eligible for recycled water use as a result of District plans to expand the recycled water system and are adjacent to recycled water distribution facilities will receive formal notification of the District's intent to require recycled water use. The Customer will receive a letter containing the following information:

- (i) Current landscape service proposed for retrofit (Customer account information);
- (ii) Information about the District's Mandatory Use Policy including hearing and appeal procedures and penalties for noncompliance;
- (iii) Information about the District's recycled water system and the new facilities construction and retrofit schedule;
- (iv) Information about recycled water quality and pricing; and
- (v) Contact information for appropriate District staff.

b. The District will guide the Customer through EMWD retrofit requirements. Within three (3) months of receipt of notification from EMWD, Customer shall begin the retrofit process by contacting recycled water program coordinator. Customer shall switch to recycled water for approved uses within twelve (12) months of due diligence meeting when the District deemed it is feasible to switch to recycled water.

(4) Procedure for Appealing Mandatory Recycled Water Use Requirements:

District staff will use due diligence in identifying "eligible" water uses subject to mandatory recycled water use requirements. The District intends that the mandatory use requirements be applied only in situations where recycled water use is consistent with state law and all other applicable regulations, in the best public interest, and provides a beneficial use to the Customer. However, the District recognized there may be situations where proposed Customers have concerns over the District's recycled water use requirements. If these concerns are not resolved during the collaborative development of the plan of service, project proponents shall maintain the right to apply for a waiver of mandatory service, project proponents shall maintain the right to apply for a waiver of mandatory use requirements. Appeals should be submitted in writing to the District's Board of Directors, containing information on the proposed project and the specific reason for applying for a waiver of District requirements.

(5) Penalties for Failure to Comply with Mandatory Recycled Water Use Requirements:

Proponents of eligible projects and existing Customers identified for recycled water conversion shall be subject to penalties for refusing recycled water service following reasonable notification and failure to obtain a waiver of District requirements. At the discretion of the District Board of Directors, penalties could include:

a. A punitive surcharge of up to 100% of the potable water rate;

- b. Reduction in the level of landscape water service; and
- c. Discontinuance of landscape water service.

## **ARTICLE 7 – ENFORCEMENT**

### **5.701 GENERAL**

- (a) The General Manager may refuse to approve the application of a person who has violated this Code. Applicant shall be provided with a written statement setting forth the reasons to provide service.
  
- (b) The General Manager may terminate service provided to a Customer who has violated this Code, including but not limited to the refusal to promptly pay any portion of a bill.
  
- (c) The District may invoke the administrative remedies set forth in this Article in addition to other civil and penal remedies set forth in this Code.
  
- (d) The General Manager may adjust complaints and grant relief from the fees and charges specified herein, if in his judgment the intent of the rules would not be accomplished and an injustice would result by their strict application.

### **5.702 TERMINATION OF SERVICE<sup>52,53,54</sup>**

- (a) When a Customer fails to comply with regulations governing water service, other than the payment of charges, deposits or penalties, the General Manager shall notify the Customer service will be terminated unless the Customer forthwith complies with rules and regulations or presents an adequate reason for failure to do so. The Customer may appeal the proposed termination between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday, at the District's headquarters located at 2270 Trumble Road, Perris, California. The appeal will be reviewed and the District will either cancel or confirm the

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<sup>52</sup> Section 5.702 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>53</sup> Section 5.702 amended by Resolution No. 2016-075 on June 15, 2016.

<sup>54</sup> Section 5.702 amended by Resolution No. 2019-097 on September 18, 2019.



termination. Service shall be terminated as specified in the Notice of Termination unless the information presented by the Customer indicates that termination is inappropriate. Service shall not be terminated earlier than five days after Notice of Termination is mailed.

(b) Residential service may be terminated for nonpayment of a delinquent account only if notice of the delinquency and the impending termination is mailed to the Customer at least 26 days after the initial bill is rendered. Customers who fail to pay their bill on time will be assessed a late fee, which shall be set by the Board of Directors and incorporated in the Consolidated Schedule of Rates, Fees and Charges, as updated from time to time. If the customer fails to pay that bill, a Notice of Intent to Disconnect Service shall be mailed and the Customer shall be notified to pay their bill within ten days to avoid shutoff of their service. The termination notice shall also be sent at least 10 days prior to the termination date to the actual users when service is to a multi-unit residential structure or mobile home park and the owner or manager is the Customer of record.

(c) Residential service shall not be terminated for nonpayment:

- (1) Until a payment by a Customer has been delinquent for at least 60 days.
- (2) During the pendency of an investigation by the General Manager of a customer dispute or complaint.
- (3) When the Customer has been granted an extension.
- (4) If all the following conditions are met:
  1. The Customer or tenant of the Customer submits the certification of a primary care provider that discontinuation of residential service will be life threatening or pose a serious threat to the health and safety of a resident of the premises where residential service is provided; and
  2. The Customer demonstrates that they are financially unable to pay for residential service, demonstrated by:

- a) Any member of the household being a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, or Children; or
  - b) The Customer declares that the household's annual income is less than 200 percent of the federal poverty level; and
3. The Customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, with respect to all delinquent charges over a period not to exceed 12 months.

**5.703 DELINQUENT TENANTS<sup>55</sup>**

(a) Delinquent charges or penalties for water service accumulated by a tenant in the tenant's name shall be collected from the tenant and not from any subsequent tenant, provided if a tenant fails to pay such charges or penalties, the District may refuse to provide service except to the account of the property owner. Notwithstanding the forgoing, in the event a tenant balance remains unpaid, the property owner shall become responsible for the unpaid balance.

(b) Should a Customer who is the owner of property, whether occupied by the owner or a tenant, fail, or refuse to pay bills for service furnished in owner's name, service may be discontinued and thereafter may not again be resumed while the premises are in the same ownership until all such bills, plus the fees and deposit or deposit arrangements herein specified have been paid.

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<sup>55</sup> Section 5.702 amended by Resolution No. 2019-097 on September 18, 2019.

**5.704 RESTORATION OF SERVICE: FORMER CUSTOMER**

(a) When water service is terminated for failure to comply with rules and regulations of this Code (other than payment fees and charges) service shall not be restored to the former Customer or to the property of the former Customer until the assurances satisfactory to the General Manager are provided that compliance with rules and regulations will occur and the former reimburses the District for all costs incurred to terminate and restore service.

(b) When water service is terminated for failure to pay rates, fees or charges, service shall not be restored to the former Customer officer, agent or employee of the former Customers unless arrearages, amounts accrued subsequent to the billing which resulted in termination, and costs incurred to terminate and restore service are paid to the District.

**5.705 WATER THEFT<sup>56</sup>**

Unless a permit is issued by the General Manager or designee, for temporary use for construction or temporary residential service, the use of a fire hydrant for a purpose other than fire suppression is a crime, i.e. theft of water, and may violate cross-connection regulations of the District. Such use will be prosecuted to the maximum extent possible. This includes any unauthorized use from any water appurtenance.

**5.706 FRAUD**

Water service may be discontinued, if necessary, to protect the District against fraud or abuse.

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<sup>56</sup> Section 5.705 amended by Resolution No. 2015-074 on June 17, 2015.

**5.707****INSPECTION<sup>57</sup>**

(a) Upon presentation of official identification, any officer, inspector, foreman, or authorized employee of the District, on official business, shall be allowed free access at reasonable hours to inspect water facilities on any premises supplied with District water. To ensure unobstructed access to District-owned facilities, it is the Customer's responsibility to maintain a minimum of two feet (2') around District facilities clear of obstruction such as bushes, trees, or concrete. Grass or low ground cover is acceptable. If concrete or other special materials are going to be placed by Customer in the area of the meter box, Customer must request from the District an enlarged meter box which shall be installed by Customer at Customer's expense. If District is required to remove any special materials (such as brick or concrete) to make repairs to District facilities, materials will be replaced with standard grey concrete. Any decorative colors or materials will be furnished and installed by Customer at Customer's expense. Walls or fences that must be removed by District to repair District facilities will be repaired by Customer at Customer's expense.

(b) Any duly authorized employee of the District shall upon the exhibition of proper credentials and identification, be permitted to enter into facilities for the purpose of inspection, observation, measurement, sampling, testing or otherwise performing the necessary duties pursuant to the enforcement of the provisions of this or any other Code, resolution, rule or regulation of the District relating to sanitation service.

(c) The General Manager may terminate all services to any premises where any person refuses reasonable admittance to, or hinders or prevents inspection of water or sewage facilities by an authorized employee of the District.

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<sup>57</sup> Section 5.707 amended by Resolution No. 2015-074 on June 17, 2015.

## **ARTICLE 8 – WATER WHEELING**<sup>58</sup>

### **5.801 GENERAL**

California Water Code §1810 provides that neither the state, nor any regional or local public agency may deny a bona fide transferor of water the use of a water conveyance facility (water wheeling) which has unused capacity, for the period of time for which that capacity is available, if fair compensation is paid for that use.

Fair compensation is defined as reasonable charges incurred by the owner of the conveyance system, including capital, operation, maintenance and replacement costs, and increased costs from any necessitated purchase of supplemental power.

### **5.802 PURPOSE**

The purpose of this Article is to set forth policy guidelines by which the District will address the financial and operational components of water system access, as well as impacts on water quality and current customers.

### **5.803 POLICY PRINCIPLES**

Requests for access to District owned and operated water conveyance facilities (water wheeling) shall be considered using the following policy guidelines:

- (a) Evaluation and the granting of access shall be made in a manner consistent with California water law; and
- (b) The review and approval of access shall ensure no harm to existing District customers; and

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<sup>58</sup> Added Article 8 to Title 5 by Res. No. 5111.1 on June 5, 2013.

(c) Criteria for consideration shall serve to protect the District's financial position, operational performance, and quality of service delivered; and

(d) The District will facilitate acceptable and appropriate water system access.

#### **5.804 COST RECOVERY**

Costs for access to water conveyance systems shall be recovered on a uniform rate basis and include the proportionate cost of such access, encompassing all aspects of the District's integrated water distribution network.

Such costs for access shall be proportionately recovered on a per-acre-foot charge that, at a minimum, includes:

(a) Water distribution system capital (including the cost of debt service), operational and maintenance costs;

(b) Water distribution system indirect support costs including, but not limited to, billing, meter reading, and similar services;

(c) Water system depreciation, replacement and refurbishment costs attributable to the proposed use;

(d) Water treatment costs (for water introduced into the raw water system and treated by EMWD); and

(e) General and administrative costs.

The District shall not be responsible for other potential costs such as, but not limited to, those associated with pre-treatment, environmental, or regulatory concerns, which shall be the responsibility of those wheeling water through the

District's system.

The wheeling rate shall be established by the District's Board of Directors and published in the Consolidated Rates, Fees, and Charges.

**5.805 WATER QUALITY AND CUSTOMER IMPACTS**

Approved access to conveyance systems shall in no way harm, or adversely impact the customers of the District, or the quality of water delivered by the District.

(a) The District shall not accept water for conveyance that, at District's sole discretion, is determined to unsuitably degrade existing ambient water quality at the point of connection. Such determinations may include, but are in no way limited to, impacts caused by regulated contaminants, and impacts to salinity levels with secondary impact to the District's recycled water program.

(b) Those wheeling water through the District's system shall provide on-going treatment and water quality monitoring as prescribed by District; and

Those wheeling water shall obtain and maintain, at their sole cost and expense, all necessary environmental, regulatory, and governmental permits and approvals.

## **ARTICLE 9 – LAND DEVELOPMENT WATER SUPPLY AND SERVICE**<sup>59</sup>

### **5.901 PURPOSE**

This Article sets forth terms for water and sewer service to new development projects, and to private water purveyors, including annexation of areas to the District.

### **5.902 WATER SERVICE TO LAND NOT PREVIOUSLY SERVED BY THE DISTRICT**<sup>60</sup>

(a) To receive water service for property not previously served by the District, existing groundwater wells, well sites, and well service line easements serving the property(s) shall be irrevocably offered for dedication to the District or permanently destroyed, removed or quitclaimed at the discretion of the District.

(b) To receive water service for property within an adjudicated groundwater basin where water rights accrue to the property, the property owner shall dedicate the water rights to the District in accordance with the applicable judgment, and the District shall grant the property owner service and a water supply credit in the form of a reduction in applicable Financial Participation Charges, as calculated by the District in its sole discretion.

(c) The owner of property seeking water service from the District after November 6, 2013, shall agree to record deed restrictions prohibiting drilling of wells unless expressly authorized by the District.

### **5.903 WATER AND SEWER SERVICE FOR TERRITORY SERVED BY A PRIVATE WATER PURVEYOR**

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<sup>59</sup> Article 9 added to Title 5 pursuant to Resolution No. 5197 on November 6, 2013.

<sup>60</sup> Section 5.902(a) and (b) amended by Resolution No. 2018-014 on February 21, 2018.



Property served by a private water purveyor formed after November 6, 2013:

(a) Shall not be eligible to receive water, sewer services or recycled water service from the District;

(b) Shall not be provided a water supply assessment or verification of water supply by the District; and

(c) The District may seek to recover the cost of stranded assets and infrastructure constructed by the District to provide water, recycled water, or sewer service to the property served by the private water purveyor.

#### **5.904 ANNEXATION OF DEVELOPING AREAS**

Development projects seeking annexation to the District shall:

(a) Receive water, sewer and recycled water service from the District;

(b) Pay all applicable annexation and development related fees and charges;  
and

(c) Be subject to the provisions of this code relating to water supply.

## **ARTICLE 10 – WATER SHORTAGE CONTINGENCY PLAN**<sup>61</sup>

### **5.1001 DECLARATION OF PURPOSE AND PRINCIPLES**

In accordance with Water Code 10632 requirements, Eastern Municipal Water District (EMWD) is responsible for conserving the available water supply, protecting the integrity of water supply facilities (infrastructure), and implementing a contingency plan in times of drought, supply reductions, failure of water distribution systems or emergencies. Particular emphasis is placed on use of domestic (potable) water, sanitation, fire protection, and preserving public health, welfare, and safety, in addition to minimizing the adverse impacts of water supply shortage or other water supply emergency conditions that do not include recycled water. Therefore, EMWD hereby adopts regulations and restrictions on the delivery and consumption of water use during water shortages.

#### Financial Impacts

In the event that EMWD was to implement the Water Shortage Contingency Plan (the Plan), it is recognized that the reductions in sales would impact the revenues that would normally be generated. To the extent that this reduction negatively impacts the coverage of its fixed related costs (those that are not tied to volume), EMWD will utilize its Rate Stabilization Reserve to mitigate any shortfall.

#### Priorities

The Plan is based on the following priorities:

- Public safety, healthy, and welfare
- Sustaining economic vitality
- Quality of life

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<sup>61</sup> Article 10 added to Title 5 by Resolution No. 2014-033 on March 26, 2014.

## **5.1002 PUBLIC EDUCATION**

EMWD will periodically provide the public with information about the Plan, including conditions under which each stage of the Plan is to be initiated or terminated and the conservation response measures to be implemented in each stage. This information will be provided by means of public events, website, press releases, bill inserts, etc.

## **5.1003 COORDINATION WITH REGIONAL WATER PLANNING GROUPS**

Coordination and implementation of this Plan are in concert with regional water planning groups including MWD and EMWD sub-agencies – Lake Hemet Municipal Water District, Nuevo Water Company, Rancho California Water District, and the cities of Perris, Hemet, and San Jacinto.

## **5.1004 SHORTAGE DECLARATION PROCESS**

### **(a) Long and Short Term Water Deficiencies**

Driven by the requirements outlined in Water Code 10632, and the demand for potable water expected to be in excess of the water supply, EMWD's General Manager shall request the Board of Directors to authorize and implement the provisions of the Plan. The request shall be made at a regular or special meeting of the Board of Directors, to implement provisions of the Plan. The Board of Directors has the authority to initiate or terminate the water shortage contingency measures described in this Plan.

### **(b) Emergency Water Shortage Response**

By adopting this Plan, the Board of Directors authorizes the General Manager to declare the extent of a potable water shortage emergency and to implement the appropriate water shortage contingency measures. The General

Manager shall report such water shortage conditions and the level of response to the Board of Directors in a timely manner.

The declaration of the Board of Directors shall be made by public announcement and shall be published in a newspaper of general circulation. The declaration shall become effective immediately upon such publication.

#### **5.1005 APPLICATION**

The water shortage contingency measures of the Plan shall apply to all persons, customers, and properties utilizing potable water provided by EMWD. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, agencies, associations, and all other legal entities.

#### **5.1006 DEFINITIONS**

For the purposes of this Plan, the following definitions shall apply:

Commercial, Industrial, and Institutional (CII): Includes, but is not limited to, any type of non-profit establishments, governmental entities, schools, retail establishments, hotels, motels, restaurants, car washes, and office buildings.

Conservation: Those practices, techniques, and technologies that reduce the consumptions of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that supply is conserved and made available for future or alternative uses.

Customer: Any person, company, agency, or organization using water supplied by EMWD.

EMWD: Eastern Municipal Water District.

Domestic water: Used for personal needs or for household or sanitary purposes such as drinking, bathing, cooking, sanitation, or for cleaning a residence, business, industry, or institution. Also used for landscape irrigation.

Household: Residential premises served by the customer's meter.

Landscape irrigation use: The irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way and medians.

Long Term Shortage: A prolonged shortage of water supplies expected to last at least a year.

Potable water: Filtered/treated water suitable for drinking; also used for household needs and landscape irrigation.

Short Term Shortage: A shortage of water supplies expected to last less than a year.

Water Shortage Contingency Plan: The Plan as defined by this document.

Water shortage: A condition in which the existing or projected potable water supply available to EMWD is not adequate to meet the water requirements of its customers. This condition may be the result of factors including, but not limited to, voluntary or mandatory curtailment of EMWD's allocation from the MWD, drought, emergency conditions or failures of water distribution systems.

Water shortage period: The period beginning on the effective date of the Board of Director's approval of implementing EMWD's Water Shortage Contingency Plan, and ending on the date of the Board of Director's finding that a potable water shortage no longer exists.

**5.1007      PROCESS FOR INITIATION/TERMINATION OF WATER SHORTAGE  
CONTINGENCY STAGES AND MODIFICATION OF ACTIONS TAKEN IN  
EACH STAGE<sup>62</sup>**

The General Manager will recommend the appropriate stage of response to a water shortage based on the best information available at the time. Conditions that will be considered include:

- EMWD water supply conditions and storage levels
- Statewide water supply conditions
- Local water supply and demand conditions
- MWD Water Supply Allocation Plan implementation or other actions requiring a reduction in water demand
- Actions by surrounding agencies

As water supply conditions either deteriorate or improve, the General Manager will return to the Board to revise the appropriate stage of response. It shall not be necessary to implement any stage prior to another; the stages may be implemented in any reasonable order.

In the event the State or local agencies, through executive action, emergency legislation or other actions, impose conditions, requirements, or procedures that are not included in the District water shortage Contingency Plan, the General Manager is authorized to implement such measures as are reasonably required to bring the District's actions in each stage into functional conformity with such conditions, requirements, or procedures.

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<sup>62</sup> Section 5.1007 amended by Resolution No. 2014-098 on July 2, 2014.

## **5.1008 PUBLIC NOTIFICATION PROCEDURES**

When EMWD determines that a potable water shortage condition exists, any or all of the following notification procedures may be implemented:

- (a) Notify the general public stakeholders, elected officials and other key decision-makers regarding the situation, actions to be taken, goals customers are intended to achieve, and how these actions will be implemented.
  
- (b) The public at large will be informed of the situation and actions EMWD will be taking. Communications will occur through any of the following: billing inserts, special mailings, telephone contact, e-mail, social media, roadway signage, water conservation booths, and other booths in the community, speaker's bureau, community association meetings, newsletters, and education programs, etc. Literature appropriate to the drought circumstance will be provided regarding the potable water shortage condition, conservation methods, and water-savings devices.
  
- (c) Use of all forms of media will be employed. This would include public service announcements on radio and cable television, social media as well as earned media and advertisements in local newspapers.
  
- (d) EMWD's web site, [www.emwd.org](http://www.emwd.org), will be the central location for messaging and customer communications.

## **5.1009 WATER SHORTAGE CONTINGENCY PLAN STAGES AND ENFORCEMENT<sup>63</sup>**

EMWD will implement an appropriate stage based on current water conditions. Higher stages will be implemented as shortages continue and/or if customer

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<sup>63</sup> Section 5.1009 amended by Resolution No. 2015-011 on March 18, 2015; amended by Resolution No. 2015-103 on August 19, 2015; amended by Resolution No. 2016-016 on January 20, 2016; amended by Resolution No 2017-152 on December 20, 2017; amended by Resolution No. 2022-083 on June 15, 2022.

response does not bring about desired water savings. Restrictions, penalties, and enforcement will build on each other as higher stages are implemented.

#### Stage 1: Supply Watch

At this stage, efforts will be focused on encouraging voluntary reduction of up to 10 percent. Customers can reduce demand by following the water use efficiency requirements of Section 5, Article 6 - Water Conservation of the Administrative Code. Other actions may be encouraged as appropriate.

Demand reduction will be encouraged through the on-going enforcement listed in Section 5, Article 6 - Water Conservation of the Administrative Code including EMWD's water budget based tiered rate and penalties for run off.

#### Stage 2: Supply Alert

At this stage efforts will be focused on a voluntary reduction of up to 25 percent. Customers can reduce demand by following the water use efficiency requirements of Section 5, Article 6 - Water Conservation of the Administrative Code. Voluntary customer actions could include the following:

- (a) Reduce watering or irrigating of lawn, landscape or other vegetated areas with sprinklers by one day a week;
- (b) All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system repaired within 48 hours;
- (c) Refrain from filling or re-filling of ornamental lakes or ponds; and
- (d) Refrain from using potable water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not.



Demand reduction will be encouraged through the ongoing enforcement listed in Section 5, Article 6 - Water Conservation of the Administrative Code including EMWD's water budget based tiered rate and penalties for run off.

### Stage 3: Mandatory Waste Reduction

At this stage, efforts will be focused on a mandatory reduction of excessive water use. Customers can reduce demand by following the conserving actions detailed in Stages 1 and 2.

Demand reduction will be enforced through changes to EMWD's water budget-based tiered rate structure and observation-based penalties:

For tiered customers:

- (a) Stage 3a: No variances or adjustments will be allowed for filling swimming pools, establishing landscape or leaks that are not repaired within 48 hours;
- (b) Stage 3b: Excessive tier budgets (Tier 3 Budgets for residential customers, Tier 2 Budgets for non-residential) will be decreased by up to 50 percent; and
- (c) Stage 3c: Excessive tier budgets (Tier 3 Budgets for residential customers, Tier 2 Budgets for non-residential) will be decreased by up to 100 percent.

Observation of any water waste in opposition to restrictions listed in Section 5, Article 6 - Water Conservation of the Administrative Code or under this or any previous stage of the Plan are subject to the following penalties:

- (a) For multi-family, commercial, institutional, industrial, agricultural, and landscape accounts:
  - (1) For the first violation, the District shall issue a written notice of fact

of such violation to the Customer;

(2) For a second violation a surcharge in the amount of \$100.00 shall be added to the Customer's water bill;

(3) For a third violation a surcharge in the amount of \$200.00 shall be added to the Customer's water bill; and

(4) For a fourth and any subsequent violation a surcharge of \$300.00 shall be added to the Customer's water bill.

(b) For single-family residential accounts:

(1) For the first violation, the District shall issue a written notice of fact of such violation to the Customer;

(2) For a second violation a surcharge in the amount of \$25.00 shall be added to the Customer's water bill;

(3) For a third violation a surcharge in the amount of \$50.00 shall be added to the Customer's water bill; and

(4) For a fourth and any subsequent violation a surcharge of \$100.00 shall be added to the Customer's water bill.

#### Stage 4: Mandatory Outdoor Reduction

At this stage efforts will be focused on a mandatory reduction of outdoor water use for customers assigned 0.8 and 0.7 evapotranspiration factors. Customers can reduce demand by following the conserving actions required in Stages 1 through 3 and limiting watering or irrigating of lawn, landscape or other vegetated areas with sprinklers to the following schedule:

(a) June through August – A maximum of two days a week; and

(b) September through May – A maximum of one day a week.

Demand reduction will be enforced through changes to EMWD's water budget based tiered rate structure and observation based penalties:

For tiered customers:

- (a) Stage 4a: Outdoor water budgets will be decreased by 10 percent;
- (b) Stage 4b: Outdoor water budgets will be decreased by up to 50 percent;  
and
- (c) Stage 4c: Outdoor water budgets will be decreased by up to 100 percent and the irrigation of non-functional turf by multi-family residential, commercial, industrial, and institutional customers is prohibited.

Customers assigned a 0.5 evapotranspiration factor will not have their outdoor water budgets decreased unless all outdoor watering is prohibited.

Observation of any water waste in opposition to restrictions listed in Section 5, Article 6 - Water Conservation of the Administrative Code or under this or any previous stage of the Plan, or the irrigation of non-functional turf by multi-family residential, commercial, industrial, and institutional customers when the District is in Stage 4c or higher are subject to the following penalties:

(a) For multi-family, commercial, institutional, industrial, agricultural, and landscape accounts:

(1) For the first violation, the District shall issue a written notice of fact of such violation to the Customer;

(2) For a second violation a surcharge in the amount of \$200.00 shall be added to the Customer's water bill;

(3) For a third violation a surcharge in the amount of \$400.00 shall be added to the Customer's water bill; and

(4) For a fourth and any subsequent violation a surcharge of \$600.00 shall be added to the Customer's water bill.

(b) For single-family residential accounts:

(1) For the first violation, the District shall issue a written notice of fact of such violation to the Customer;

(2) For a second violation a surcharge in the amount of \$50.00 shall be added to the Customer's water bill;

(3) For a third violation a surcharge in the amount of \$100.00 shall be added to the Customer's water bill; and

(4) For a fourth and any subsequent violation a surcharge of \$200.00 shall be added to the Customer's water bill.

#### Stage 5: Mandatory Indoor Reduction

At this stage efforts will be focused on a mandatory reduction of indoor water use. This stage would only be implemented in response to a catastrophic loss of supplies requiring a 50 percent or more reduction in demand.

Demand reduction will be enforced through changes to EMWD's water budget based tiered rate structure and penalties for run off as detailed in Section 5, Article 6 - Water Conservation of the Administrative Code:

For tiered customers:

(a) Stage 5a: Indoor water budgets will be decreased by 10 percent;

(b) Stage 5b: Indoor water budgets will be decreased by up to 30 percent; and

(c) Stage 5c: Indoor water budgets will be decreased by up to 50 percent.

Commercial, Industrial, Institutional, Agricultural customers and any other customer without a water budget will be given a water budget based on historical water use. Allocations will be decreased in stages and the current Tier 4 rate will be applied to any use above the decreased allocation.

(a) Stage 5a: Budgets will be decreased by 10 percent;

(b) Stage 5b: Budgets will be decreased by up to 30 percent; and

(c) Stage 5c: Budgets will be decreased by up to 50 percent.

Restrictions and penalties implemented in earlier stages shall also remain in effect.

#### **5.1010 APPEALS PROCESS**

All variance requests and appeals will be processed according to Section 5, Article 6 – Water Conservation of the Administrative Code.

#### **5.1011 WHOLESALE SUPPLY ALLOCATION AND PENALTIES**

During mandatory water shortage stages, wholesale customers will be required to reduce their retail water demand equivalent to EMWD's retail water demand reduction. If MWD has limited supply allocations to EMWD and other member agencies; supply to wholesale customers may be allocated using a formula and methodology based on the MWD Water Supply Allocation Plan.

Potential penalties for not reducing demand could be up to 4 times the MWD Tier 2 rate.

PAGES 397 THROUGH 442 ARE LEFT BLANK INTENTIONALLY. **TITLE 6** FOLLOWS.

**TITLE 6 – SEWER**

**ARTICLE 1 – SEWER SERVICE**

**6.101        PURPOSE**

These regulations establish the terms and conditions of sewer service and pretreatment regulations to prevent the introduction of pollutants into the treatment facilities that interfere with the operation of the facilities or contaminate the sewage sludge; pass through the treatment works into receiving waters and the atmosphere; and improve the feasibility of recycling and reclaiming waste waters and sludge resulting from waste water treatment.

**6.102        SCOPE (SEWER SERVICE)<sup>1</sup>**

(a)        These regulations shall apply to the collection, treatment and disposal of wastes delivered through collector sewers and into the trunk sewers of the District; to the tapping of the connection to the trunk sewers; to the issuance of permits and the collection of fees; to the imposition and collection of fees to pay the cost of checking plans, inspecting construction and providing as-built plans of the facilities; and to penalties for violation of these provisions.

(b)        The District operates and maintains trunk sewers and treatment and disposal works. In most cases, a sewer Customer is connected to the District's trunk sewer through a collector sewer owned, operated and maintained by the District.

**6.103        GENERAL**

Sewer service will be provided upon the application of the Customer and

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<sup>1</sup> Section 6.102 heading and section (a) amended by Resolution No. 2018-014 on February 21, 2018.

payment of appropriate fees and charges. Service shall continue as long as the property owner complies with this Title.

**6.104 DEFINITIONS: GENERAL (SEWER SERVICE)<sup>2,3,4</sup>**

The following terms are defined for the purposes of this Title unless otherwise apparent from the context.

(a) "Administrative Authority" is the individual or agency authorized by law to administer and enforce the plumbing code or a sanitary sewer and industrial waste ordinance.

(b) "Applicant" is a party requesting sewer service from the District.

(c) "Customer's Required Capacity" means the facility capacity required to meet the needs of Customer's development.

(d) "Additional Capacity (Oversizing)" means the facility capacity in excess of that necessary to meet the needs of Applicants/Customer's development, as determined by District.

(e) "Collector sewer" or "branch sewer" means a public sewer in the right-of-way or system of public sewers which receives sewage from a relatively small area and discharges into a trunk sewer. Normally, a collector sewer is not owned and maintained by the District on private property, unless, at District's discretion, unimpeded maintenance access is provided within an accepted easement meeting District's design standard.

(f) "Customer" means a person receiving sewer service from the District.

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<sup>2</sup> Section 6.104 amended by Resolution No. 2016-017 on January 20, 2016.

<sup>3</sup> Section 6.104 heading and sections (l), (m)-(q)(1)-(2) and (s) amended by Resolution No. 2018-014 on February 21, 2018.

<sup>4</sup> Section 6.104 amended by Resolution No. 2023-111 on July 19, 2023.



- (g) "Discharger" is a party that discharges into a District sewer facility.
- (h) "Domestic Wastewater" means sewage wastewater resulting from, or equivalent to, a domestic residence.
- (i) "Frontage Fee" refers to an Applicant/Customer's payment of a unit-rate fee (per linear foot) representing their pro-rata share of another Applicant's privately financed facility construction; whereby, the District has a Potentially Reimbursable Frontage Agreement obligation.
- (j) "Improvement District" means a sewer improvement district of the District.
- (k) "Industrial Waste" means waste substances, liquid or solid, except domestic sewage but including radioactive wastes and explosives, noxious, toxic, or corrosive gases or liquids when present in the sewage system. Class 2, 3, 4 and 5 dischargers are presumed to deposit industrial waste.
- (l) "Industrial Waste Connection" is the connection between an industrial waste source and a trunk or collector sewer and includes a manhole, or other acceptable testing means, on the Sewer Service Lateral so the District or administrative authority can sample the discharge to the trunk sewer or collector sewer.
- (m) "Pollutant-free Wastewater" means wastewater free of sewage, such as rainfall, roof runoff, groundwater, subsurface drains, etc.
- (n) "Private Sewer System" means a privately owned sewer system on private property.
- (o) "Sewer Service" means the collection and treatment of sewage and the disposal of effluent and sludge by the District.

(p) "Sewer Connection" means the connection between a Sewer Service Lateral and Sewer Pipeline, Collector sewer or Trunk Sewer.

(q) "Sewer Service Lateral" means a privately-owned pipe and appurtenances extending from the sewer pipeline to a private sewer system at the boundary line of Customer's property or District's easement.

(1) "Lower Sewer Lateral" means that portion of the Sewer Service Lateral extending from the property line to the Sewer Pipeline that lies within the public right-of-way. The Lower Sewer Lateral includes the connection to the Sewer Pipeline. A Lower Sewer Lateral is associated with a parcel if it, or any portion of it, is located upon the parcel or conveys sewage and liquid waste from any structure located on that parcel. More than one Lower Sewer Lateral may be associated with an individual parcel.

(2) "Upper Sewer Lateral" means the portion of the Sewer Service Lateral extending from the property line to the Structure(s) served by that Sewer Service Lateral. The Upper Sewer Lateral includes all portions of the Sewer Service Lateral upon the parcel containing the structures served. If the parcel contains a sewer pipe system or multiple Sewer Service Laterals, the entire sewer pipe system, including manholes and other appurtenances, and all Sewer Service Laterals are part of the Upper Sewer Lateral to the extent they are located on that parcel. If a Sewer Service Lateral connects to a rear or side yard Sewer Pipeline that is located in a District easement, or to a District manhole, the entire Sewer Service Lateral, including the connection to the Sewer Pipeline, is an Upper Sewer Lateral. An Upper Sewer Lateral is associated with a parcel if it, or any portion of it, is located upon the parcel or conveys sewage and liquid waste from any structure located on that parcel. More than one Upper Sewer Lateral may be associated with an individual parcel.

(r) "Sewer Pipeline" means any closed conduit owned by the District or another collection agency for the purpose of transporting sewage from Sewer Service Laterals.

(s) "Sewer System Facilities" means District-owned and/or operated sewer system facilities that includes, but is not limited to, pipelines, manholes, clean-outs, and appurtenant related facilities.

(t) "Sewer System Capacity Charges" or "Capacity Charges" mean sewer system and recycled water facilities participation charges and sewer treatment plant capacity financial participation charges that are non-reimbursable capacity charges to be paid by Applicant or Customer as a prerequisite to receiving sewer service.

(u) "Trunk Sewer" means a public sewer, owned and maintained by the District, to which one or more collector sewers are tributary.

(v) "Trap" means a device used to catch grease, oil, sand, and other harmful ingredients.

(w) "Graywater" means untreated wastewater which has not been contaminated by toilets, dishwashers, or kitchen sinks. Sources may also include, but are not limited to, wastewater from bathtubs, showers, bathroom sinks, and laundry machines.

(x) "Accessory dwelling unit" (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence., as evidenced by the issuance of a building permit and an occupancy permit for the involved ADU from the respective jurisdictional land use agency.

(y) "Junior accessory dwelling unit" (JADU) means a unit that is contained entirely within a single-family residence, as evidenced by the issuance of a building permit and an occupancy permit for the involved JADU from the respective jurisdiction land use agency.

**ARTICLE 2 – INSTALLATION OF SEWER SERVICE LATERALS<sup>5</sup>**

**6.201 SEWER SERVICE LATERAL INSTALLATIONS, MODIFICATIONS, AND RELOCATIONS**

Sewer Service Laterals shall be furnished and installed by the Customer in accordance with District’s standard design criteria and specifications, unless District, at Customer’s expense, opts to construct the Sewer Service Lateral on behalf of Customer. Requests for modification or relocation of an existing Sewer Service Lateral shall be made to District in writing and paid for in advance before the District will begin the involved work.

**6.202 OWNERSHIP, MAINTENANCE, AND REPAIR OF SEWER SERVICE LATERALS<sup>6</sup>**

(a) Ownership: All completed Sewer Service Laterals shall remain the property of the Customer.

(b) Maintenance and/or Repair of Sewer Service Laterals:

(1) Maintenance of Lower Sewer Laterals shall be the responsibility of the Customer. The performance of all private maintenance activity shall be performed outside of the roadbed, within the parkway unless performed under the direction of the District.

(2) Repair of Lower Sewer Laterals shall be performed by the District at the District’s expense, except when, as determined by District, the repairs of Lower Sewer Laterals were required as a result of root intrusion and/or debris from Customer’s property, or other repairs needed that were contributed to by the Customer.

(3) Maintenance and/or repair of Upper Sewer Laterals and Private

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<sup>5</sup> Article 2, Section 6.201 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>6</sup> Section 6.202 amended by Resolution No. 2018-014 on February 21, 2018.

Sewer Systems shall be the responsibility of Customer. The Customer shall make every effort to keep foreign matter from obstructing sewage flow from the Private Sewer System to the Sewer Pipeline. The removal of tree roots, grease, and/or any other foreign matter is the responsibility of the Customer.

**6.203 PRIVATELY OWNED SEWAGE PUMP STATIONS AND APPURTENANCES<sup>7</sup>**

Buildings which are too low in elevation to permit direct gravity sewage flow to the Sewer Service Lateral shall be lifted by means of a sewage pump station and appurtenances, to be financed, constructed, owned, and maintained by Customer.

**6.204 REGULATIONS FOR WASTE DISCHARGE, GRAYWATER, AND SEWER USE<sup>8</sup>**

Customer shall not connect roof downspouts, foundation drains, areaway drains, or other sources of pollutant-free wastewater to a private sewer system which is connected directly or indirectly to a District sewer facility. The provisions of Ordinance No. 59, as amended, shall be applicable on a District-wide basis as if embodied herein.

Graywater systems installed by residential or commercial customers connecting directly or indirectly to a District sewer system shall not be allowed. Graywater system installation by such customers not directly or indirectly connecting to a District sewer system may be authorized providing that such systems comply with all applicable federal, state, and local codes, ordinances, and permitting requirements, and conform to all District requirements for the prevention of a cross-connection between potable and non-potable water systems.

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<sup>7</sup> Section 6.203 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>8</sup> Section 6.204 amended by Resolution No. 2016-017 on January 20, 2016.

**6.205 CONFORMANCE TO CODES AND SPECIFICATIONS<sup>9</sup>**

Sewer Service Laterals and/or Private Sewer Systems must conform to applicable building and plumbing code requirements and District specifications.

**6.206 TAMPERING WITH DISTRICT PROPERTY**

No person shall at any time tamper with District property. Such tampering constitutes a misdemeanor or felony criminal violation punishable by law. Only authorized District personnel may operate District facilities.

**6.207 APPLICATION FOR SEWER SERVICE LATERALS<sup>10,11</sup>**

Arrangements for the installation of a Sewer Service Lateral shall be made by the Applicant completing and signing the appropriate District application form. Applicant is responsible for any errors, omissions, or misrepresentations provided by Applicant on the application form. If Applicant's errors, omissions or misrepresentations result in additional installation costs to the District, Applicant shall be responsible to pay such additional costs to the District prior to receiving sewer service through the Sewer Service Lateral.

(a) Sewer Service Lateral Installation:

- (1) All single family services shall serve one parcel.
- (2) All commercial, industrial and/or institutional services may serve multiple buildings/parcels with the same Sewer Service Lateral provided the parcels are a part of the same recorded map. In such case, Applicant will be required to:

- a. Complete arrangements for the Sewer Service Lateral installation.
- b. Execute a "Hold Harmless Agreement" to be recorded with

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<sup>9</sup> Section 6.205 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>10</sup> Section 6.207 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>11</sup> Section 6.207 amended by Resolution No. 2018-014 on February 21, 2018.

the County, accepting and consenting to hold the District harmless from, or on account of, any damages arising from Applicant's private sewer system facilities.

c. Extend and maintain private sewer system facilities to be designed and installed in accordance with the Uniform Plumbing Code, from the sewer service installation to the property.

(b) Two or more single family dwelling units which occupy the same parcel may be served by the same sewer service installation.

(c) Service to a lot served by a single sewer service connection which is divided shall continue to serve the lot closest to the sewer service and other lots shall require a new sewer service installation.

## **6.208 PERMITS**

Completion and execution of the applicable District application form shall constitute the Sewer Connection Permit.

## **6.209 REQUIREMENTS AND LIMITATIONS<sup>12</sup>**

The following specific requirements and limitations apply to all Sewer Service Laterals:

(a) Each Sewer Service Lateral shall serve only one parcel, as determined by District.

(b) Two or more buildings occupying the same lot may be served through a single Sewer Service Lateral or through individual Sewer Service Laterals.

(c) If a lot being served by a Sewer Service Lateral is subdivided into

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<sup>12</sup> Section 6.209 amended by Resolution No. 2018-014 on February 21, 2018.



separate ownerships, the existing Sewer Service Lateral shall serve the lot that it most directly fronts. Additional Sewer Service Laterals must be provided for all other lots created by such subdivision, as determined by District.

(d) District has the right to determine the location and limit the size and capacity of the Sewer Service Lateral.

(e) Construction of additional sewer system facilities necessary to provide for a Sewer Service Lateral installation will be determined at the sole discretion of the District.

## **6.210 PREREQUISITE FINANCIAL ARRANGEMENTS<sup>13,14,15</sup>**

(a) Applicant shall make payment to District of the following applicable charges as a prerequisite to receiving authorization to install a Sewer Service Lateral:

(1) Sewer Service Lateral Inspection Charges: Inspection charges shall be paid in accordance with District's Consolidated Schedule of Rates, Fees and Charges.

(2) Frontage Fees: The District will require Applicants whose property is benefitting from another applicant's facilities extension to pay to the District their pro-rata front-footage fees, as stipulated by in-effect Potentially Reimbursable Frontage Agreement obligations.

(3) Sewer system and recycled water facilities financial participation charges: Applicable sewer system and recycled water facilities financial participation charges shall be paid in accordance with District's Consolidated Schedule of Rates, Fees, and Charges, as amended from time to time.

a. Development exempt from payment of Capacity Charges:

(i) Sewer system and recycled water facilities

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<sup>13</sup> Section 6.210 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>14</sup> Section 6.210 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>15</sup> Section 6.210 amended by Resolution No. 2023-111 on July 19, 2023.

participation charges: Existing Development within the boundaries of the following listed Improvement Districts, as they existed on November 5, 1982, on which a completed structure existed as of the effective dates as follows:

- Resolution No. 1641, effective March 14, 1979, for Improvement District Nos. 17, 19, 20, 22 (and C), U-1, U-2, U-6, U-7, U-9, U-12, U-13, U-14, U-15, U-16, U-19 and U-21; and
- Resolution No. 1641.1, effective November 5, 1980, for Improvement District No. E.

Such an exemption shall be applicable whether or not unit(s) were connected directly or indirectly to and receiving service from District facilities. Notwithstanding the foregoing, in the event any modification, addition or replacement of the structure results in an increased sewer capacity requirement, capacity charges shall be applicable for such increased requirements, as determined by District. This exemption has been determined to apply in cases where residential units utilized private on-site septic systems and existed at the time the improvement district was created, as the project was funded by Federal grant monies and the facilities were sized to include capacity for all units in existence within the boundaries regardless of method of effluent waste disposal.

(ii) Special Exemption: Lands within Improvement District No. U-10, which are also located within Elsinore Valley Municipal Water District's Assessment District No. 79-1, are exempt from paying capacity charges.

(iii) Existing Development Outside of Improvement Districts Receiving Sewer Service: All properties upon which a completed structure existed prior the effective date of March 14, 1979 (or November 5, 1980, as applicable), which were located outside any of the above listed operating District improvement districts but being provided with sewer service by the District, shall be exempt from paying Capacity Charges. Notwithstanding the foregoing, in the event any modification, addition, or replacement of any structure results in an increased sewer capacity requirement, capacity charges shall be applicable for such increase requirements as determined by District.

(iv) ADUs

The connection fee or capacity charge for new ADU constructed in conjunction

with a new single-family dwelling unit or a newly constructed ADU, that is not a conversion of existing space, shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. ADUs converted from existing space and JADUs shall not be considered to be a new residential use and shall be exempt from connection fees or capacity charges.

(4) Sewer treatment capacity financial participation charges: Applicable sewer treatment plant capacity financial participation charges shall be paid in accordance with the District's Consolidated Schedule of Rates, Fees and Charges, as amended from time to time. Exemption from payment of Sewer treatment plan capacity financial participation charges is defined in Section 6.603(d) of the Administrative Code.

(5) Annexation Charges: Applicable annexation charges, applied when the property is located outside the District's service area or the boundaries of an existing District Improvement District, shall be determined by District and paid by applicant.

(6) Sewer Rate Charges: Sewer service charges shall be paid by applicant as set forth in District's Consolidated Schedule of Rates, Fees, and Charges, as amended.

(b) Any of the above-listed charges may be affected if the property is located within an area where special programs have been established and unique financial arrangements apply.

## **6.211 TRAPS**

When required by District, traps shall be installed by the Applicant for the proper handling of wastewater containing floatable or flammable wastes, sand, or other ingredients deemed harmful by District. Traps shall not be required for private residential dwelling units. All traps shall be of the type and capacity approved by the District and installed in a location that is easily accessible for cleaning and inspection purposes. Applicant shall be responsible for the lawful disposal of trapped material and shall maintain proper records that shall be available for

review by the District. Any removal or hauling of trapped materials must be performed by a currently licensed waste disposal firm. All expenses associated with such traps shall be borne solely by the Applicant.

**6.212 INSPECTION STRUCTURES<sup>16</sup>**

When required by the District, Applicant shall, as applicant's sole expense, install a suitable structure to facilitate the observation, sampling, measurement, and testing of the wastewater being discharged, either directly or indirectly into a Sewer Service Lateral or District sewer pipeline. Such structures shall be constructed in accordance with District-approved plans and specifications and shall be accessible to District personnel at all times.

**6.213 ANTI-FLOODING DEVICES<sup>17</sup>**

Whenever there exists the possibility of wastewater from a District sewer pipeline flooding private property, as determined by District, an anti-flooding device shall be included in the Applicant's Private Sewer System as a prerequisite for District approval for the involved Sewer Service Lateral.

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<sup>16</sup> Section 6.212 amended by Resolution 2018-014 on February 21, 2018.

<sup>17</sup> Section 6.213 amended by Resolution 2018-014 on February 21, 2018.

**ARTICLE 3 – SEWER SYSTEM FACILITIES; RULES AND REGULATIONS APPLICABLE  
FOR ALL TYPES OF DISTRICT SYSTEM FACILITIES**

**6.301 SEWER SYSTEM FACILITIES INSTALLATION, MODIFICATION, AND RELOCATION**

Sewer system facilities arranged pursuant to an agreement shall be planned, furnished, and installed by the Customer in accordance with the District's standard plans and specifications, unless District, at Customer's expense, opts to construct the sewer system facilities on behalf of Customer. Requests for modification or relocation of an existing District sewer system facility shall be made to District in writing and paid for in advance before the District will commence the involved work.

**6.302 OWNERSHIP, MAINTENANCE, AND OPERATION OF DISTRICT SEWER SYSTEM FACILITIES**

All sewer system facilities shall, upon their completion and acceptance by the District, become and thereafter remain District's property. Except for Private Sewer Systems, as provided herein, District shall be responsible for maintaining and repairing all District-owned sewer system facilities, at its expense, unless such maintenance or repair is a result of the acts or omissions of third parties.

**6.303 TAMPERING WITH DISTRICT PROPERTY**

Only authorized District personnel may operate District facilities. No other person shall at any time tamper with District property.

**ARTICLE 4 – ARRANGEMENTS REQUIRED FOR DISTRICT SEWER SYSTEM  
FACILITIES (OTHER THAN SEWER SERVICE LATERALS)**<sup>18</sup>

**6.401 SEWER SYSTEM FACILITIES EXTENSIONS**<sup>19,20,21</sup>

(a) Permanent sewer service shall not be provided unless a District sewer main of adequate size extends across the entire frontage of the property to be served. For new subdivision developments, main extensions shall be required, as determined by the District, to include perimeter and interior street frontages as established by project-related service need, street improvements and future constructability impacts, local area service conditions, and extension of service to adjacent lands.

(b) An Applicant for sewer service required to construct sewer system Facility improvements, including main extensions, shall pay all District-incurred costs for:

(1) The facilities planning of such improvements;

(2) Reviewing the plans and specifications prepared by the applicant for such facility improvements; and

(3) Inspection and testing of such facility improvements.

(c) Before work commences, the Applicant shall deposit an amount equal to the General Manager's estimate of the District-incurred costs at each of the work phases identified in subsection (a) or other applicable

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<sup>18</sup> Article 4 of Section 6 heading amended by Resolution No. 2018-014 on February 21, 2018.

<sup>19</sup> Section 6.401 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>20</sup> Section 6.401 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>21</sup> Section 6.401 amended by Resolution No. 2023-111 on July 19, 2023.

work phase. Applicant's deposit will be reconciled against actual District-incurred costs, which is subject to additional billing of shortfall or refund of overpayment.

(d) District-incurred costs shall include, but not be limited to the costs of consulting services, if any; administrative and overhead expenses; District staff labor and supervision expenses; and transportation costs.

(e) Construction by Applicant:

(1) Applicant shall construct the sewer system facilities extension in accordance with the terms and conditions set forth in a standard form written agreement between District and Applicant.

(2) In conjunction with an Applicant's privately financed facility extension, the District may issue a Potentially Reimbursable Frontage Agreement to Applicant; whereby, the District will require other benefitting Applicants/Customers whose property fronts upon the Applicant's facilities extension to pay to the District their pro-rata front-footage fees. The District will pass through any pro-rata collection of front-footage fee payments to the Applicant or its successors or assigns only during the time period the Agreement is in force. The terms and conditions of such potential pass-through front-footage fee payment(s) to Applicant shall be set forth in a standard Agreement executed by the General Manager, or his designee, on behalf of the District. Frontage fee amount to be stipulated in the Agreement shall be the then in-effect standard unit-rate as published in the Consolidated Schedule of Rates, Fees and Charges, as amended from time-to-time by the Board, or a special unit-rate, if deemed applicable by the General Manager, or his designee.

**6.402 SERVICE IN LIEU OF A SEWER SYSTEM FACILITIES EXTENSION<sup>22,23</sup>**

Where requests involve the extension of a sewer pipeline that District determines is not feasible, the District shall have the option of making sewer service available to the Customer from the closest District sewer pipeline rather than extending a District sewer pipeline. In such case, Customer shall be required to (1) complete arrangements for the Sewer Service Lateral Installation, and (2) extend and maintain Private Sewer System facilities from the Sewer Service Lateral to the property, at Customer's sole expense.

**6.403 OTHER SEWER SYSTEM FACILITIES**

Arrangements for all sewer system facilities other than those specifically provided for above, including temporary facilities, shall be made under special written agreements covering the applicable terms and conditions.

**6.404 ARRANGEMENTS FOR SEWER CONNECTIONS BY OTHER PUBLIC AGENCIES**

Arrangements by another public agency for the connection of one of its sewer facilities into the District's sewer system shall be specifically dealt with in a special agreement by and between the involved agency and the District.

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<sup>22</sup> Section 6.402 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>23</sup> Section 6.402 amended by Resolution No. 2023-111 on July 19, 2023.



## **ARTICLE 5 – COMMENCEMENT OF SERVICE**

### **6.501 APPLICATION: GENERAL**

(a) An applicant for sewer service or for a change in the amount or type of such service shall make request on forms provided by the District at least two working days prior to the date service is to start, and pay required fees in accordance with the Consolidated Schedule of Rates, Fees and Charges, as amended, prior to obtaining a permit from the administrative authority. District may, at its discretion, request proof of identity, property ownership, or rental agreement. District has the right to refuse service to a rental tenant when an outstanding balance remains unpaid on the account of the property owner.

(b) Applicant must be able to establish and maintain a satisfactory credit rating with the District. A credit deposit will be required if Applicant cannot provide the necessary information to ascertain satisfactory credit rating or if Applicant cannot maintain a satisfactory credit rating, as determined by the District. No interest will be paid by District on the credit deposit. The credit deposit will be refunded, less any outstanding account balance, when the account is closed. If Customer requests service at another property within the District, the credit deposit will be transferred to that new account. The deposit may be refunded prior to the closing of the account based on special circumstances deemed acceptable by the District, at its sole discretion.

(c) In the event a rental property has two or more prior unpaid accounts, the District may require that service to subsequent tenants be established on the account of the property owner.

### **6.502 APPLICATION: CONTENTS**

Applicants for sewer service shall provide the following information on forms provided:

- (a) location of property from which sewage will flow;
- (b) owner of property;
- (c) strength of sewage to be discharged;
- (d) duration of discharge;
- (e) quantity of discharge;
- (f) type of user (residential, commercial or industrial);
- (g) nature of business if commercial or industrial; and
- (h) plumbing plans of the proposed facility, commercial or industrial.

**6.503 GENERAL TERMS AND CONDITIONS FOR PROVIDING SEWER SERVICE**

(a) To maintain a satisfactory credit rating, Customer must continue to pay monthly District bills without causing, in any twelve month period, (1) two or more delinquencies involving payment from 16 to 45 days from the date the bill was issued, or (2) one delinquency involving payment made for more than 45 days from the date the bill is issued. Failing to maintain a satisfactory credit rating will result in the Customer being required to pay District the sum of (1) the entire outstanding account balance, and (2) a credit deposit equal to three average monthly billings based on the preceding 12-month period; when assessed, deposit arrangements are warranted.

(b) Customer assumes total responsibility for all charges incurred from the effective date of service until Customer notifies the District to discontinue service.

(c) Sewer bills, based on a daily service charge, are due upon presentation of the statement and become delinquent if not paid within 15 days after the date of the bill, unless arrangements have been made to enroll in District's Level Payment Program.

(d) Payments received shall be applied against applicable fees in the following order: (1) delinquency processing charges; (2) mandatory

conservation penalty charges; (3) credit deposit fees; (4) sewer charges of other agencies that the District is contractually obligated to collect; (5) utility tax charges of other agencies that the District is contractually obligated to collect; (6) sewer service charges; (7) refuse and/or storm drain service charges of other agencies that the District is contractually obligated to collect; (8) water service charges; and (9) miscellaneous charges/adjustments. If the amount of payment received is not sufficient to fully pay the charges due, the water service account will become or remain delinquent and subject to discontinuance of service.

(e) Where the District is providing sewer service but not water service, billing for sewer service will either be provided by District or by the water purveyor on behalf of the District.

(f) If District finds it necessary to physically discontinue sewer collection service due to delinquency of an account, a Customer who wants to restore service shall pay (1) the entire outstanding account balance; (2) delinquency processing charges and penalty charges; and (3) District's actual cost of disconnection, plugging and reconnection, or unplugging as determined by District staff.

(g) A service charge, as set forth in the Consolidated Schedule of Rates, Fees and Charges, will be assessed on all non-payable items returned by the bank. For non-payable items involving less than \$500.00, Customer will receive a 10-day notice for payment of returned item plus service charges, to be paid by cash, cashier's check, or money order only. If payment is not made within the 10-day period, water and/or sewer service will be discontinued. For non-payable items involving \$500.00 or more, District will inform Customer that payment of the returned item plus a service charge shall be made by cash, cashier's check, or money order within 5 days. If payment is not made within the 5-day period, water and/or sewer service will be discontinued.

**6.504 TERMS AND CONDITIONS APPLICABLE FOR SEWER SERVICE TO DEVELOPMENTS SERVED THROUGH SEWER COLLECTION SYSTEMS OF ANOTHER SEWER PURVEYING AGENCY**

Where sewer collection service is provided by another sewer purveying agency through District-owned and operated sewer systems (other than local collection), District shall look to each involved sewer purveying agency to enforce collection of District sewer service charges and all applicable District rules and regulations governing the provision of sewer system facilities and service.

**6.505 APPLICATION: INDUSTRIAL WASTE CONNECTIONS**

Applicants for sewer service proposing to discharge into a collector sewer owned by the District shall also make application to such agency and present satisfactory evidence to the District such application has been accepted or the requirements waived by the District.

**6.506 CERTIFICATION AND RECERTIFICATION OF CLASS**

(a) The General Manager shall prepare a list showing the expected discharge classification for various types of uses. The General Manager shall review applications for sewer service and determine which class of discharge applies to the applicant.

(b) A non-residential discharger or applicant who contends the General Manager's determination of Class does not accurately reflect the quantity or quality of water reaching the sewer may request the General Manager to review the determination by presenting evidence to support such contention. The General Manager may change the classification assigned to the discharger if the discharger can show that the sewage differs significantly and substantially from the sewage for the Class.

**6.507 IMPROVEMENT DISTRICT**

If the Applicant's property is not within an Improvement District of the District, the Applicant shall simultaneously petition to annex to the appropriate Improvement District if one exists in the vicinity of the property to be served.

**ARTICLE 6 – FINANCIAL PARTICIPATION CHARGE POLICIES; SEWER TREATMENT  
PLANT CAPACITY**

**6.601           PURPOSE**

The purpose of sewer treatment plant capacity financial participation charges ("Capacity Charges") is to provide a source of funds to finance sewer treatment plant facilities as necessary to meet the additional service requirements necessitated by community growth and to distribute the costs fairly among those who create the need for additional facilities.

**6.602           SEWER TREATMENT PLANT**

As used in this Section, "Sewer Treatment Plant" shall include: gravity sewer mains; sewer lift station and force main sewer facilities; treatment facilities; control building site improvements; and on-site treated effluent regulatory storage facilities.

**6.603           BASIC CONCEPTS AND CRITERIA<sup>24</sup>**

(a)     Payment of Capacity Charges as a Prerequisite to Receiving Service: New developments and non-exempt existing developments requesting sewer service directly or indirectly through District owned and operated facilities will be required to pay non-reimbursable capacity charges (also referred to as Financial Participation Charges) shown on either the Application for Service or Addendum. In cases where District's Financial Participation Charges had increased subsequent to the issuance of either the Application for Service or Addendum, the District will honor charges quoted on the Application for Service or Addendum, provided Applicant/Customer has executed and fulfilled the financial arrangements on or before the date set forth on such Application for Service or

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<sup>24</sup> Section 6.603 amended by Resolution No. 2015-074 on June 17, 2015.

Addendum.

In cases where District's Financial Participation Charges had increased subsequent to the issuance of either the Application for Service or Addendum, and financial arrangements were not received by the District on or before the date set forth on the corresponding Application for Service or Addendum, such Application for Service or Addendum will be nullified and voided, and a new Application for Service or Addendum will be generated. Financial arrangements to be executed and fulfilled in the new Application for Service or Addendum will be based on the then-in-effect Financial Participation Charges and fees for service.

Paid capacity charges shall remain appurtenant to the real property parcel of land to which it is assigned, regardless of changes in ownership, and will not be transferable to any other parcel of land nor refunded to any party other than the current owner of the land, except as otherwise provided for in this Title relative to commercial and industrial developments.

(b) Bases for computing the amount of capacity charges: Sewer System Financial Participation Charges shall be computed and paid in accordance with the Master Fee Schedule, which shall be subject to adjustment and change by the District's Board of Directors, from time-to-time, to reflect changing circumstances.

(c) Special Capacity Charges: The District's Board of Directors may, from time to time, find it appropriate to establish special sewer service areas, assessment Districts, or improvements Districts within the District which require special financing programs. As a part of such special programs, special capacity charges schedules may be established which include the applicable capacity charges plus additional charges as are deemed appropriate and necessary for each such special program.

Applicants connecting to facilities financed by an assessment district, community facilities district, or other special financing program utilizing excess capacity in which District has not financially participated, may be required to pay, in addition to the applicable Capacity Charges, a special fee-in-lieu charge. The use of such facilities to serve outside properties will be limited to only those special circumstances where no other facilities are available to serve the property; the financial burden to construct the required facilities is prohibitive; there are no restrictions prohibiting use by others; and excess capacity is available in the system, all as determined by District. The fee-in-lieu charges collected by District will be deposited into the construction or maintenance fund of the local improvement district or service area, to be utilized, either directly or indirectly, to benefit the involved assessment district, community facilities district, or other special financing program.

Applicants connecting to facilities financed by an assessment district, community facilities district, or other special financing program in which District has financially participated in providing additional capacity, will not be required to pay the special fee-in-lieu charge.

(d) Development to be Exempted from Payment of Capacity Charges:

(1) Existing Development within the boundaries of the following listed improvement districts, as they existed on November 3, 1982, with which a completed structure existed as of the following effective dates:

a. Resolution No. 1599 effective March 15, 1978 for Improvement District Nos. 19, U-9, and U-13;

b. Resolution No. 1599.1, effective April 5, 1978 for Improvement District Nos. 22 (and C), U-1 and U-8.

c. Resolution No. 1599.2, effective May 3, 1978, for Improvement District No. 17; and

d. Resolution No. 1599.4, effective February 6, 1980, for Improvement District E.



Such exemption shall be applicable whether or not they were connected directly or indirectly to and receiving service from District facilities. Notwithstanding the foregoing, in the event any modification, addition or replacement of the structure results in an increased sewer capacity requirement, capacity charges shall be applicable for such increased requirements, as determined by District. This exemption has been determined to apply in cases where residential units utilized private on-site septic systems and existed at the time the improvement district was created, as the project was funded by Federal grant monies and the facilities were sized to include capacity for all units in existence within the boundaries regardless of method of effluent waste disposal.

(2) Special Exemption: Lands within Improvement District No. U-10, which are also located within Elsinore Valley Municipal Water District's Assessment District No. 79-1, are exempt from paying capacity charges.

(3) Existing Development Outside of Improvement Districts Receiving Sewer Service: All properties upon which a completed structure existed prior to the applicable effective dates listed above, which were located outside any of the above-listed operating District improvement Districts but being provided with sewer service by the district, shall be exempt from paying capacity charges. Notwithstanding the foregoing, in the event any modification, addition, or replacement of any structure results in an increased sewer capacity requirement, capacity charges shall be applicable for such increased requirements as determined by District.

(4) Granny Unit Development: A granny unit is defined as a second dwelling unit located on the same parcel of land and utilizing a common service connection/meter as the primary single family residential dwelling unit, which is intended solely for the occupancy of not more than two persons 60 years of age or older, shall not be rented or sold, and complies with the requirements of the County of Riverside or the incorporated city within which they are located as evidenced by the:

- a. Approval of a conditional or public use permit specifically authorizing the Granny Unit;
- b. Recordation of a granny unit related deed restriction;

c. issuance of a building permit and an occupancy permit for the involved granny unit.

Approved and authorized granny units shall be exempt from payment of capacity charges until they no longer are in compliance with the restrictions set forth above, at which time capacity charges shall become applicable.

**6.604 SOURCES OF FUNDS TO FINANCE ADDITIONAL SEWER TREATMENT PLANT FACILITIES**

It is the intent of the District's Board of Directors that future facilities will be financed with available funds from the following sources and/or combinations thereof: (1) Customers of development; (2) financial participation charges; (3) Federal and/or State grants; (4) Federal and/or State loans; (5) pay-as-you-go construction funds; (6) sale of general obligation and assessment District bonds; and (7) other sources such as short-term bank loans, as may become available and feasible.

**6.605 RELATIONSHIP OF THIS POLICY WITH OTHER DISTRICT FINANCIAL PARTICIPATION PROGRAMS**

This policy shall be separate from and in addition to any and all other District financial participation programs relative to sewer system facilities, including the sewer system and recycled water facilities financial participation reserve fund program provided for in the District's rules and regulations.

**6.606 CHARGES**

Sewer treatment plant financial participation charges shall be reflected in the District's Consolidated Schedule of Rates, Fees and Charges, as amended from time to time by the Board of Directors. Said charges are based on the Equivalent Dwelling Unit (EDU) factor multiplied by the FPC per EDU. An EDU factor of one

(1) is based on a single family home generating 235 gallons/day of domestic wastewater.

## **ARTICLE 7 – COMMERCIAL AND INDUSTRIAL DEVELOPMENT**

### **6.701 FINANCIAL PARTICIPATION CHARGES AGREEMENTS<sup>25</sup>**

(a) Currently applicable basic background information relative to EMWD's financial participation policies and charges:

(1) The currently (2/16/94) uniformly applicable (throughout EMWD) basic concepts; objectives; purposes; terms; conditions; administrative, accounting/financial and operational procedures; and charges associated with EMWD's Amended Sewer Treatment Plant Capacity, Domestic Water system Facilities, and Sewer System and Disposal Facilities Financial Participation Policies and Charges (hereinafter sometimes collectively referred to as "EMWD's Financial Participation Policies and Charges"), are set forth and provided for in resolutions adopted by the Board as needed.

(b) Need for revised and additional provisions, regulations and procedures to facilitate more effective, efficient, equitable and uniform administration and conduct of EMWD's financial participation policies and charges as they relate to commercial and industrial types of development within EMWD:

(1) Most of the provisions, regulations and procedures set forth in EMWD's Financial Participation Policies and Charges, which are currently in effect, are appropriate and generally adequate relative to residential types of development, the users service requirements and financial participation policy related factors and charges for which generally change very little regardless of changes of ownership and/or occupants.

(2) However, with regard to commercial and industrial types of development, for which ownerships, occupants, uses, service (including water, fire flow and quantitative and qualitative sewer) requirements and financial participation policy related factors and charges can and do change and vary, experience has clearly demonstrated the need for revised and additional

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<sup>25</sup> Section 6.701 amended by Resolution No. 2018-014 on February 21, 2018.

provisions, regulations and procedures to facilitate more effective, efficient, equitable and uniform administration and conduct of EMWD's Financial Participation Policies and Charges. Such needed revisions and additional provisions, regulations and procedures are provided for/set forth below.

(c) Implementation of these revised and additional provisions, regulations and procedures:

Following their approval and adoption by EMWD's Board of Directors and continuing until otherwise officially approved and authorized by said Board of Directors, These Revised and Additional Provisions, Regulations and Procedures shall be appended to and constitute a part of each of the above, identified currently in effect Amended EMWD Financial Participation Policies and Charges to:

- (1) Amend;
- (2) Supplement; and/or
- (3) In instances of conflicting language and/or provision(s), prevail over and supersede the language and/or provisions of, said currently in effect Amended EMWD Financial Participation Policies and Charges.

(d) Revised and additional provisions, regulations and procedures to facilitate more effective, efficient, equitable and uniform administration and conduct of EMWD's financial participation policies and charges as they relate to commercial and industrial types of development within EMWD:

These Revised and Additional Provisions, Regulations and Procedures, which are in general accord with and/or represent logical and reasonable further interpretations and extensions of the basic intents and objectives of the currently in effect provisions, regulations and procedures for the administration and conduct of EMWD's Financial Participation Policies and Charges, include the following provisions, regulations and procedures which require and/or provide for or that:

- (1) Financial Participation Charges Agreements:

All future financial, including, but not limited to, payment of applicable EMWD Financial Participation Charges for each involved category of service, and other arrangements associated with the provision of sewer and/or water service(s) (as applicable) for each individual commercial and industrial establishment, including those involving:

- a. New commercial business and industrial establishments;
- b. Commercial businesses and industrial establishments relocating from elsewhere within or outside of EMWD; and
- c. Existing commercial businesses and industrial establishments within EMWD that propose to modify, add or replace structure(s) for which changes in service requirements involve additional arrangements, as determined by EMWD, shall be covered by a duly executed individual formal "Financial Participation Charges Agreement" or "Amended Financial Participation Charges Agreement" (which amend a previously executed "Financial Participation Charges Agreement" and/or other applicable arrangements for service related document) by and between EMWD and the:

(i) Involved commercial or industrial firm if such firm is:

- The owner of the property which is the site for the involved commercial or industrial establishment; and
- Responsible for the payment of the EMWD Financial Participation Charges which are applicable for the involved commercial or industrial establishment; or

(ii) Involved commercial or industrial firm if such firm is:

- The lessee of the property which is the site for the involved commercial or industrial establishment; and
- Responsible for the payment of the EMWD Financial Participation Charges which are applicable for the involved commercial or industrial establishment; or

(iii) Involved commercial or industrial firm and the owner of the property which is the site for the involved commercial or industrial

establishment if:

- Such commercial or industrial firm is the lessee of the property which is the site for the involved commercial or industrial establishment; and
- The water and/or sewer, as appropriate, service requirements for the involved commercial or industrial development are:
  - Totally covered by the "Grandfather" provisions of EMWD's Financial Participation Policies and Charges or by EMWD Financial Participation Charges previously paid by the property owner or the property owner's predecessor(s); or
  - Partially covered by the "Grandfather" provisions of EMWD's Financial Participation Policies and Charges or by EMWD Financial Participation Charges previously paid by the property owner or the property owner's predecessor and the property owner or the involved commercial or industrial firm is to be responsible for payment of the applicable additional EMWD Financial Participation charges, as determined to be appropriate by EMWD.

(iv) Each such Financial Participation Charges Agreement and/or Amended Financial Participation Charges Agreement shall contain/cover all provisions, terms and conditions which are to be associated with each involved (Sewer Treatment Capacity, Domestic Water System Facilities, Sewer System and/or Disposal Facilities related) category of service and the service capacity(ies) and applicable EMWD Financial Participation Charges covered thereby, in accord with EMWD's Financial Participation Policies and Charges and These Revised and Additional Provisions, Regulations and Procedures, as they may be revised by EMWD's Board of Directors from time to time.

(2) Periodic Measurement and Determination of Adjusted Service Capacity Requirements by EMWD:

As a prerequisite to receiving service and a condition of continuing to receive service, each commercial or industrial establishment shall, without cost to EMWD and pursuant to the provisions of the involved Financial Participation

Charges Agreement and/or Amended Financial Participation Charges Agreement, as appropriate, (provided for in this Section), make available to EMWD the physical facilities, information and access necessary, as determined by EMWD, to facilitate appropriate and reasonable periodic measurement (both quantitative and qualitative relative to sewer service) and determination of the involved commercial or industrial establishment's adjusted service capacity requirement(s) (for each involved category of service) by EMWD.

(3) Adjustments of Applicable EMWD Financial Participation Charges by EMWD:

In the event the adjusted service capacity requirements for a category of service for an existing commercial or industrial establishment determined by EMWD (pursuant to the provisions of this Section):

a. Are more than one hundred fifteen percent (115%) of the service capacity which is covered by the Grandfather provisions of EMWD's Financial Participation Policies and Charges and/or previously paid EMWD Financial Participation Charges (for the involved category of service), EMWD shall determine, based upon the then current applicable per Equivalent Dwelling Unit (EDU) EMWD Financial Participation Charges (for the involved category of service), the amount of "Additional EMWD Financial Participation Charges Adjustment" which is applicable for the difference between the adjusted service capacity requirements and the service capacity which is covered by such Grandfather provisions and/or previously paid EMWD Financial Participation Charges (for the involved category of service); or

b. Are less than eighty five percent (85%) of the service capacity which is covered by the Grandfather provisions of EMWD's Financial Participation Policies and Charges and/or previously paid EMWD Financial Participation Charges (for the involved category of service), EMWD shall determine, based on the per EDU Financial Participation Charges (for the involved category of service), if any, which was used to compute the amount of previously paid EMWD Financial Participation Charges, the amount of EMWD Financial Participation Charges Credit Adjustment which is applicable for the difference between the adjusted sewer capacity requirements and the service



capacity which is covered such Grandfather provisions and/or by previously paid EMWD Financial Participation Charges (for the involved category of service).

c. In the event the adjusted service capacity requirement is between one hundred fifteen percent (115%) and eighty five percent (85%) of the service capacity which is covered by the Grandfather provisions of EMWD's Financial Participation Policies and Charges and/or previously paid EMWD Financial Participation Charges (for the involved category of service) no adjustment in the applicable amount of EMWD Financial Participation Charges or the service capacity covered thereby shall be applicable or made.

d. Relative to the determination of the applicable amount of EMWD Financial Participation Charges Credit Adjustment (as provided for in this Section), when the involved previous payment of EMWD Financial Participation Charges involve more than one payment and/or per EDU Financial Participation Charge, the determination of the applicable amount of EMWD Financial Participation Charges Credit Adjustment shall be based upon the per EDU Financial Participation Charge (for the involved category of service) which was used to compute the amount of the most recent previous payment of EMWD Financial Participation Charges (for the involved category of service).

(e) All payments of District financial participation charges for sewer service, and other arrangements associated with the provision of sewer service for each individual commercial and industrial establishment, shall be covered by a duly executed "Financial Participation Charges Agreement" or "Amended Financial Participation Charges Agreement" (hereinafter collectively referred to as "Agreement"). The Agreement requirement applies to new commercial and industrial Customers or existing commercial and industrial Customers seeking to amend sewer services with the District is said commercial and industrial Customers are:

(1) the owner of the property which is the site for the involved commercial or industrial establishment and responsible for the payment of the District financial participation charges applicable for the involved commercial or industrial establishment, or

(2) the lessee of the property which is the site for the involved commercial or industrial establishment and responsible for the payment of the District financial participation charges applicable for the involved commercial or industrial establishment, or

(3) the lessee of the property which is the site for the involved commercial or industrial establishment, and the sewer service requirements for the involved commercial or industrial development are either:

a. totally covered by the "Grandfather" provisions of District's financial participation policies and charges or by District financial participation charges previously paid by the property owner or the property owner's predecessor(s), or

b. partially covered by the "Grandfather" provisions of District financial participation policies and charges or by District financial participation charges previously paid by the property owner or the property owner's predecessor, in which case the property owner or the involved commercial or industrial firm is to be responsible for payment of the applicable additional District financial participation charges.

(f) Each such Agreement shall contain all provisions, terms, and conditions applicable with regard to the District's sewer services, including, but not limited to, all applicable District financial participation charges.

## **6.702 PERIODIC MEASUREMENT AND DETERMINATION OF ADJUSTED SERVICE CAPACITY REQUIREMENTS BY DISTRICT**

As a prerequisite to receiving service and a condition of continuing to receive service, each commercial or industrial establishment shall, without cost to District and pursuant to the provisions of the applicable Agreement, make available to District the physical facilities, information, and access necessary, as determined by District, to facilitate appropriate and reasonable periodic measurement (both quantitative and qualitative relative to sewer service) and determination of the involved commercial or industrial establishment's adjusted service capacity

requirements by District.

**6.703           ADJUSTMENTS OF APPLICABLE DISTRICT FINANCIAL PARTICIPATION CHARGES**

(a)     In the event the adjusted service capacity requirements for sewer service for an existing commercial or industrial establishment: (1) exceeds one hundred fifteen percent (115%) of the service capacity that is covered by the grandfather provisions of District's financial participation policies and charges and/or previously paid District's financial participation charges, or (2) are less than eighty five percent (85%) of the service capacity covered by the Grandfather provisions of District's financial participation policies and charges and/or previously paid District's financial participation charges for sewer service, then District shall determine, based on the per EDU financial participation charges for sewer service, if any, that was used to compute the amount of previously paid District financial participation charges, the amount of District financial participation charges credit adjustment applicable for the difference between the adjusted sewer capacity requirements and the service capacity covered by such Grandfather provisions and/or by previously paid District financial participation charges.

(b)     In the event the adjusted service capacity requirement, above, is between one hundred fifteen percent (115%) and eighty five percent (85%) of the service capacity covered by the Grandfather provisions of District's financial participation policies and charges and/or previously paid District financial participation charges for sewer service, no adjustment in the applicable amount of District financial participation charges or the service capacity covered thereby shall apply.

(c)     When the District financial participation charges involve more than one payment and/or per EDU financial participation charge, the determination of the applicable amount of District financial participation charges credit adjustment shall be based upon the per EDU financial participation charge used to compute

the amount of the most recent payment of District financial participation charges.

**6.704**

**PAYMENT OF APPLICABLE ADDITIONAL DISTRICT FINANCIAL PARTICIPATION CHARGES ADJUSTMENTS**

(a) Under the provisions of each Financial Participation Charges Agreement and/or Amended Financial Participation Charges Agreement, the involved commercial or industrial establishment or property owner shall: (1) acknowledge and agree to comply with the service requirement measurement and adjustment provisions set forth above, and (2) agree to pay the applicable additional District financial participation charges adjustments that result from the application of the provisions set forth above, and to execute and return the Amended Financial Participation Charges Agreement within sixty (60) calendar days after the date of District's billing for the additional District financial participation charges adjustment, unless otherwise provided in said Amended Agreement. Whether or not the commercial or industrial establishment or property owner executes and returns the Amended Financial Participation Charges Agreement, payment pursuant to the additional District financial participation charges adjustment shall be submitted within sixty (60) days. Unpaid fees may result in discontinuance of service, levying of assessments, and legal action, as determined by District.

(b) Payment of Applicable Additional EMWD Financial Participation Charges Adjustments:

(1) Under the provisions of each Financial Participation Charges Agreement and/or Amended Financial Participation Charges Agreement entered into pursuant to the provisions of this Section, the involved commercial or industrial establishment or property owner, as made appropriate by the provisions of the involved Financial Participation Charges Agreement, will, among other things, agree to pay the applicable Additional EMWD Financial Participation Charges Adjustment(s), which result(s) from the application of the provisions of this Section, if any, and to execute and return the related appropriately Amended (to, among other things, provide for and cover the increased service capacity which will be associated with the involved applicable Additional EMWD Financial

Participation Charges Adjustment) Financial Participation Charges Agreement within sixty (60) calendar days after the date of EMWD's appropriate billing for such applicable Additional EMWD Financial Participation Charges Adjustment, unless otherwise provided in said Amended Financial Participation Charges Agreement, with the understanding that, whether or not the involved firm executes and returns the involved Amended Financial Participation Charges Agreement, if such payment of applicable Additional EMWD Financial Participation Charges Adjustment is not so made within the specified sixty (60) calendar-day period of time, EMWD may, at its option, utilize its available legal authorities, powers, and rights to collect the involved unpaid applicable Additional EMWD Financial Participation Charges Adjustment, together with appropriate interest and/or applicable penalty charges:

a. As an integral part of the monthly billings for water and/or sewer service(s) rendered to the involved commercial or industrial establishment by EMWD during a twelve (12) month period of time which shall begin not more than one hundred and twenty (120) calendar days after the date of EMWD's initial billing to the involved firm for such applicable Additional EMWD Financial Participation Charges Adjustment, in a manner which could result in the discontinuance of service if the resulting monthly billings are not paid in full each month, unless otherwise provided in the involved Financial Participation Charges Agreement; or

b. By, under certain circumstances, levying a special assessment/charge as a part of the next available property tax bill for the real property occupied by the involved commercial or industrial establishment; or

c. Such other means as are determined appropriate.

(2) Until applicable Additional EMWD Financial Participation Charges Adjustment are paid in full, EMWD shall not assign the additional service capacity(ies) covered thereby pursuant to the applicable provisions of this Section.

**6.705 REIMBURSEMENTS OF DISTRICT FINANCIAL PARTICIPATION CHARGES CREDIT ADJUSTMENTS**

(a) District shall reimburse the District financial participation charges credit adjustments, if any, within sixty (60) calendar days after receipt of the duly executed Amended Financial Participation Charges Agreement from the involved commercial or industrial establishment or property owner, as determined by District, unless otherwise provided in said Amended Financial Participation Charges Agreement.

(b) Unless and until the involved commercial or industrial establishment executes the Amended Financial Participation Charges Agreement, District shall not make the financial reimbursement or the adjustments provided for therein.

**6.706 PROVISIONS, PROCEDURES, AND LIMITATIONS RELATIVE TO THE ASSIGNMENTS/TRANSFERS OF CREDITS COVERED BY THE GRANDFATHER PROVISIONS OF DISTRICT'S FINANCIAL PARTICIPATION POLICIES AND CHARGES AND/OR PREVIOUSLY PAID DISTRICT FINANCIAL PARTICIPATION CHARGES AND THE SERVICE CAPACITIES COVERED THEREBY**

(a) Assignments or transfers of credits covered by the Grandfather provisions of District's financial participation policies and charges and/or previously paid commercial and industrial development-related District financial participation charges and the service capacities covered thereby are subject to the following provisions, procedures, and limitations: The amount of sewer service capacity covered by the Grandfather provisions shall be equivalent to the sewer service requirement for each involved commercial or industrial establishment at the more recent time of either: (1) the time the establishment first began receiving sewer service (directly or indirectly) through District financial participation charges related system facilities, or (2) the time the of the implementation of the District financial participation charges covering the portion of District within

which the involved establishment is located.

(b) The amounts of service capacities covered by Grandfather provisions of District's financial participation policies and charges shall, unless otherwise provided for in a Financial Participation Charges Agreement and/or other applicable arrangements for service document (1) be and remain fixed and not subject to change, (2) be assigned to the real property parcel on which the commercial or industrial establishment is located, (3) be and remain appurtenant to the real property parcel to which it is assigned, regardless of changes in ownership, occupancy and/or use, and (4) cover the sewer service requirements of commercial, industrial, or other type of development on the involved real property parcel up to the full amount of the Grandfather provision.

(c) The amount of service capacity for sewer service covered by District financial participation charges previously paid by the owner and/or a former owner of a real property parcel providing the site for a commercial or industrial establishment, together with the related aggregate amount of credit for such payment(s) of District financial participation charges, shall, unless otherwise provided for in a Financial Participation Charges Agreement and/or other applicable arrangements for service document: (1) be assigned to the real property parcel upon which the involved commercial or industrial establishment is located, (2) be and remain appurtenant to the real property parcel to which they are assigned, except as provided elsewhere in this section, (3) not be transferable to any other real property parcel, (4) be assignable to a successor owner of the involved real property parcel, pursuant to a District-approved Assignment/Transfer Agreement document, (5) be temporarily assignable to a lessee of the involved real property parcel pursuant to the provisions of a Financial Participation Charges or Amended Financial Participation Charges Agreement, as appropriate, entered into with District by both the involved owner and lessee, (6) cover the sewer service requirements of commercial, industrial, or other types of development on the involved real property parcel up to the full amount of the capacity covered by the District Financial Participation Charges

previously paid by the owner and/or a former owner of the involved real property parcel, and (7) be subject to the service capacity requirement and District Financial Participation Charges related adjustment set forth above.

(d) The amount of service capacity for sewer service, covered by District financial participation charges and paid by the lessee of a real property parcel and/or the improvements thereon, together with related aggregate amount of credit for such payments of District financial participation charges, shall, unless otherwise provided for in a Financial Participation Charges Agreement: (1) be assigned to the lessee that paid said charges (hereinafter "lessee of record") only while said lessee of record leases the involved site/facility and operates the involved commercial or industrial establishment thereon, (2) except as provided below, be applicable only for the purpose of covering sewer service requirements of the lessee of record's commercial or industrial establishment on the involved real property parcel up to the full amount of such service capacity covered by the District financial participation charges, paid by the lessee of record, (3) be assignable/transferrable to a subsequent lessee of the involved site/facility (hereinafter "successor lessee") only if where: (a) the change in lessee and operation of the involved commercial or industrial establishment will involve essentially no change in the type, level, or magnitude of operation of the involved District Financial Participation Charges related service requirements, (b) the service requirements for each category of service for the successor lessee's commercial or industrial establishment does not exceed the service capacities covered by the respective credits for payment of District's Financial Participation Charges previously assigned to the lessee of record by District, (c) the lessee of record has fulfilled all District-related contractual and service related obligations and is in full compliance with all applicable District Rules, Regulations and Polices, (d) an appropriate Assignment/Transfer Agreement document has been executed by and between the lessee of record and successor lessee, and furnished to and approved by District, (e) the successor lessee has made all necessary arrangements with District for the provision of the sewer services for the involved commercial or industrial establishment, including the execution of



the required Financial Participation Charges Agreement with District, and (f) be subject to the service capacity requirements and District Financial Participation Charges and related adjustment provisions set forth above.

(d) If a lessee of record's commercial or industrial establishment is relocated or goes out of business, the assigned amount of service capacity covered by District financial participation charges paid by the lessee of record for sewer service, shall be subject to reacquisition.

(f) EMWD Reacquisition of Certain Assigned Service Capacities Covered by Previously Paid Applicable EMWD Financial Participation Charges:

Except:

(1) EMWD shall have, pursuant to These Revised and Additional Provisions, Regulations and Procedures and the provisions of involved Financial Participation Charges and Amended Financial Participation Charges Agreements, and exercise the exclusive right to reacquire all of the:

a. Service capacities covered by reduced service capacity related reimbursements made by EMWD pursuant to the provisions of this Section; and

b. Remaining residual (following the completion of the permanent minimum assignments of service capacities, including all fire flow storage and offsite water main related capacities, provided for in this Section) service capacities (for each involved category of service) covered by previously paid EMWD Financial Participation Charges for each commercial and industrial establishment which either:

(i) Goes out of business; or

(ii) Moves to another location, either within or outside of EMWD, pursuant to the provisions of an Amended Financial Participation Charges Agreement, by and between EMWD and the involved establishment (which is going out of business or moving) and/or another legally entitled party(ies), as made appropriate by involved legal documents and/or EMWD records (hereinafter sometimes collectively referred to as the "departing

establishment”), which among other things, shall provide for the payment by EMWD of a financial consideration for the service capacity(ies) being reacquired, which shall be based upon one hundred percent (100%) of the previously paid EMWD Financial Participation Charges which cover such remaining residual capacity (for each category of service) being so required, less the aggregate total outstanding amount of funds, if any, then owed to EMWD by the involved departing establishment.

(2) Each successor establishment which occupies/uses real property parcels and improvements thereon for which EMWD has so reacquired remaining residual service capacities (as above defined) from the departing establishment shall be required to make financial and other arrangements for all involved categories of service under the provisions of a Financial Participation Charges Agreement with EMWD, as provided for in this Section, which arrangements will take into account the permanent assignment(s) of minimum service capacities, including all fire flow storage and offsite water main related capacities, provided for in this Section) above, together with their respective related previously paid EMWD Financial Participation Charges.

**6.707 DISTRICT REACQUISITION OF CERTAIN ASSIGNED SERVICE CAPACITIES COVERED BY PREVIOUSLY APPLICABLE DISTRICT FINANCIAL PARTICIPATION CHARGES**

(a) Except as otherwise provided herein, District shall have the exclusive right to reacquire all of the: (1) service capacities covered by reduced service capacity related reimbursements made by District, as set forth above, and (2) remaining residual sewer service capacities covered by previously paid District financial participation charges for each commercial and industrial establishment which either goes out of business or moves to another location, either within or outside of District, pursuant to the provisions of an Amended Financial Participation Charges Agreement.

(b) Each successor establishment that occupies/uses real property parcels

and improvements thereon for which District has so reacquired remaining residual service capacities shall be required to make financial and other arrangements for all sewer service under the provisions of a Financial Participation Charges Agreement with District.

**6.708 PROVISIONS APPLICABLE WHEN ANOTHER PUBLIC ENTITY ASSISTS A COMMERCIAL OR INDUSTRIAL ESTABLISHMENT IN THE PAYMENT OF DISTRICT FINANCIAL PARTICIPATION CHARGES**

In the event another public entity becomes involved, financially or otherwise, in assisting a new or expanding commercial or industrial establishment in the payment of any applicable District financial participation charges, all of the arrangements involved with such assistance shall be solely between such other entity and commercial or industrial establishment to the end that: (1) District shall deal only with the involved commercial or industrial establishment relative to the payment of applicable District Financial Participation Charges and the service capacity credits covered thereby, (2) such other public entity shall depend solely on the involved commercial or industrial establishment for any and all applicable recovery or reimbursement of its assistance, (3) other applicable District Rules, Regulations and Policies, and the provisions of the necessary Financial Participation Charges Agreement with the involved commercial or industrial establishment, such other public entity shall not, directly or by assignment, acquire any credits for payment of District financial participation charges or the service capacities covered thereby as a result of its assistance to the involved commercial or industrial establishment, and (4) District shall incur no obligations or responsibilities to either such involved other public entity or commercial or industrial establishment as a result of said arrangement(s) regarding District financial participation charges.

**ARTICLE 8 – PROCEDURES FOR DETERMINING INITIAL FINANCIAL PARTICIPATION CHARGES FOR INDUSTRIAL AND COMMERCIAL DEVELOPMENTS**

**6.801           PURPOSES AND OBJECTIVES OF THESE BASIC PROCEDURES**

To the extent determined to be appropriate and necessary by District, the basic procedures and designated responsibilities for their performance set forth and described below shall be applicable relative to each application District receives for sewer service for a commercial establishment to, among other things, enable District to expeditiously: (1) ascertain all necessary and pertinent quantitative and qualitative information associated with requested services, (2) work with the applicant for services in the necessary analysis and coordination of the involved request for services, planning and development of possible mutually beneficial cost saving and service requirement capacity reduction alternatives, and resolution of problems that could restrict or preclude the provision of the request services by District, (3) determine the service capacity requirements associated with the requested services, and (4) determine the appropriate amount(s) of District financial participation charges that will be initially applicable for the requested services.

**6.802           PROCEDURAL FUNCTIONS AND RESPONSIBILITIES TO BE PERFORMED BY DISTRICT’S NEW BUSINESS DEVELOPMENT STAFF**

Relative to all applications for sewer services for commercial and industrial establishments, District’s New Business Development staff personnel (hereinafter “NBD”) shall be responsible for: (1) receiving all such applications for services, (2) referring all such applications to another (other) department(s)/ divisions(s) of District’s staff with a request for assistance, investigation, analysis, report and/or recommendation, as appropriate, (3) coordinating the analysis, evaluation and processing of such applications for service(s), by the appropriate departments/divisions of District’s staff, including meetings with applicants for service(s) and/or their representations relative to such applications, (4)

coordinating all such applications for services related correspondence with the involved applicants for services, (5) relative to applications for services that require no special analysis or evaluation proceedings with the completion of all financial and other arrangements with the involved applicants for services, including the execution of the necessary Financial Participation Charges Agreement provided for herein, in accord with applicable District Rules, Regulations and Policies, and with the appropriately coordinated assistance of District's Purchasing and Contracts Department, and (6) coordinate the formulation and/or the provision of the requested services, as appropriate, based upon the reports and recommendations of District's staff. Such recommendations shall be subject to preliminary approval by the General Manager, his designee, or the Board of Directors, if determined necessary by the General Manager, prior to being presented to the involved applicants for services, (7) negotiating, subject to final management and/or Board of Directors approval, as appropriate, all financial and other arrangements associated with such preliminarily approved recommendations with the involved applicants for services, with the assistance and support of District's Purchasing and Contracts Department staff, other District staff personnel, special consultants employed by District, and District's Legal Counsel, as appropriate and necessary, and (8) after receiving administrative approval for the recommendations, as amended as a result of negotiations with the involved applicants for services, and assisting and participating with District's Purchasing and Contracts Department and Legal Counsel, as appropriate and necessary, in: (a) the preparation of the necessary Financial Participation Charges Agreements covering all financial and other arrangements associated with the provision of the applied for services, (b) securing the appropriate formal administrative and/or Board of Directors approval, as appropriate, of such Financial Participation Charges Agreements, (c) obtaining the execution of such Financial Participation Charges Agreements by the appropriate parties thereto; and (d) monitoring and managing of such Financial Participation Charges Agreements relative to compliance with and fulfillment of the terms, conditions, obligations and responsibilities provided for therein throughout the respective terms of such Financial Participation Charges

Agreements.

**6.803           PROCEDURAL FUNCTIONS AND RESPONSIBILITIES TO BE PERFORMED  
BY DISTRICT'S PURCHASING AND CONTRACTS DEPARTMENT**

Relative to all applications for sewer services for commercial and industrial establishments, District's Purchasing and Contracts Department staff (hereinafter "P/CD") shall ,during the period of time which begins with the receipt of each respective application for services and ends when the related recommendations thereof have been administratively approved, in an expeditious and timely manner, review, advice, assist, support and participate with NBD, other District staff personnel, special consultants and District's Legal Counsel, as appropriate and necessary, in the performance of the procedural functions and responsibilities set forth hereinabove.

**6.804           PROCEDURAL FUNCTIONS AND RESPONSIBILITIES TO BE PERFORMED  
BY OTHER DISTRICT DEPARTMENT/DIVISION STAFF PERSONNEL**

Relative to all applications sewer services for commercial and industrial establishments, District Administration, Executive, Engineering, Finance, Information Systems, Planning, Records Management, Resources Development and Operations (Water and Sewer) Departmental/Divisional staff personnel shall, as and when requested by NBD and/or P/CD, provide/perform the requested assistance, comment, consultation, information, recommendation, response or report functions(s) as diligently, expeditiously and promptly as possible to facilitate NBD's and P/CD's timely completion of their functions/responsibilities provided for herein.

PAGES 490 THROUGH 534 ARE LEFT BLANK INTENTIONALLY. **TITLE 7** FOLLOWS.

## **TITLE 7 – RECYCLED WATER**

### **ARTICLE 1 – GENERAL**

#### **7.101 INTRODUCTION<sup>1,2</sup>**

The District owns and operates recycled water distribution systems providing secondary or tertiary treated recycled water for approved purposes to customers within the District’s service area. Uses of recycled water may include, but are not limited to, common area landscape irrigation, agricultural irrigation, industrial processes and commercial uses, landscape or recreational impoundment purposes, and wildlife habitat. This Title applies to recycled water service from the District and sets forth preliminary matters common to recycled water service.

#### **7.102 PURPOSE<sup>3</sup>**

The purpose of this Title is to promote the conservation and reuse of water resources and to ensure maximum public benefit from the use of the District’s recycled water supply by regulating its use in accordance with applicable federal, State, and local regulations.

#### **7.103 POLICY<sup>4</sup>**

EMWD shall fairly and equitably allocate recycled water, a limited water supply, to its customers to maximize the beneficial reuse of recycled water within EMWD’s service area, striving for 100 percent utilization of all recycled water produced.

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<sup>1</sup> Section 7.101 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>2</sup> Section 7.101 amended by Resolution No. 2023-111 on July 19, 2023.

<sup>3</sup> Section 7.102 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>4</sup> Section 7.103 amended by Resolution No. 2016-111 on September 7, 2016.



**7.104 INTENT<sup>5,6,7</sup>**

Recycled water shall be used whenever it is available; consistent with federal, state, and local laws, in the best interests of public health, safety and welfare, and provides a beneficial use to the District and the Customer. The District reserves the right to require Customers to use recycled water in lieu of potable water for all approved uses. This provision is understood to apply to existing Customers as well as new Customers applying to the District for recycled water service.

**7.105 SCOPE<sup>8</sup>**

This Title establishes the requirements for recycled water use and the provision of recycled water service by the District to its customers. If there is any conflict between the provisions of this Title and the provisions of any of the documents incorporated by reference, the most stringent requirement will govern.

**7.106 AUTHORITY<sup>9,10,11</sup>**

This Title is enacted under the authority of and implements the following:

- (a) EMWD "Amended Rules and Regulations Governing the Provision of Water System Facilities and Service".
- (b) EMWD "Backflow and Cross-Connection Prevention Program".

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<sup>5</sup> Section 7.104 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>6</sup> Section 7.104 amended by Resolution No. 2020-069 on April 15, 2020.

<sup>7</sup> Section 7.104 amended by Resolution No. 2023-111 on July 19, 2023.

<sup>8</sup> Section 7.105 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>9</sup> Section 7.106 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>10</sup> Section 7.106 amended by Resolution No. 2016-111 on September 7, 2016

<sup>11</sup> Section 7.106 amended by Resolution No. 2023-111 on July 19, 2023.

- (c) State Water Resources Control Board, Division of Drinking Water (Title 22, Division 4).
- (d) California State Water Resources Control Board "Manual of Cross-Connection Control/Procedures and Practices".
- (e) California Administrative Code "Regulations Relating to Cross-Connections" (Title 17, Chapter 5, Subchapter 1).
- (f) EMWD standards and specification for developer projects.
- (g) EMWD Consolidated Schedule of Rates, Fees and Charges.
- (h) California-Nevada Section American Water Works Association "Guidelines for Distribution of Non-potable Water".
- (i) EMWD "Recycled Water Best Management Practices".
- (j) California State Water Resources Control Board "Guidelines for Use of Reclaimed Water for Construction Purposes".
- (k) All applicable federal, State or local statutes, regulations, ordinances.
- (l) California Regional Water Quality Control Board (CRWQCB), Santa Ana Order No. R8-2008-0008 Waste Discharge and Producer/User Reclamation Requirements for EMWD RWRFs Discharge to Groundwater Management Zones within San Jacinto River Basin.
- (m) CRWQCB San Diego Order No. 2000-165 Waste Discharge Requirements for EMWD Temecula Valley RWRf.
- (n) CRWQCB Santa Ana Order No. R8-2015-0006, National Pollution Discharge Elimination System (NPDES) Order No. CA80000188 Waste Discharge Requirements for EMWD Recycled Water System, Temescal Creek Discharge.

## **ARTICLE 2- DEFINITIONS**

### **7.201 TERMS<sup>12,13,14</sup>**

The following terms are defined for the purposes of this Title unless otherwise apparent from context:

- (a) "Applicant" means the party requesting a Recycled Water Service Connection and/or recycled water service from District.
  
- (b) "Backflow" means a condition which results in the flow of water into District pipelines from a source other than an approved water supply.
  
- (c) "Commercial Service" means the delivery of recycled water for a commercial enterprise which includes, but is not limited to, industrial uses.
  
- (d) "Cross-Connection" is an 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 substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.
  
- (e) "Customer" means a person receiving recycled water service.
  
- (f) "Interim Service/Facilities" means alternate service/facilities until such time as recycled water becomes available to the project site for use.

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<sup>12</sup> Section 7.201 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>13</sup> Section 7.201 amended by Resolution No. 2016-014 on February 21, 2018.

<sup>14</sup> Section 7.201 amended by Resolution No. 2023-111 on July 19, 2023.

(g) "Landscape Impoundment" means a body of water used for aesthetic or irrigation purposes and not intended for public contact or ingestion, which may contain recycled water.

(h) "Non-Potable Water" means water that is not acceptable for human consumption in conformance with federal, State and local drinking water standards. Examples include recycled water, raw water, and brackish groundwater.

(i) "Recycled Water Facilities" means facilities under the control of the District from the source of supply to the point of connection to the Customer's on-site facilities, normally up to and including District's Service Connection. Public facilities include the following:

(1) Primary – Backbone transmission and storage facilities.

(2) Secondary – Public facilities located along general plan roadways serving multiple projects.

(3) Local – Public facilities other than Primary and Secondary which benefit only a localized area.

(j) "Private On-Site Recycled Water System" means the Customer operated portion of the recycled water system extending from a District Service Connection to the use site to be provided with recycled water service.

(k) "Potable Water" means water which conforms to the latest federal, state, and local drinking water standards.

(l) "Recreational Impoundment" means a body of water used for recreational activities including, but not limited to, fishing, boating, and/or swimming.

(m) "Recycled Water" means water available from the District's recycled water facilities, which may include a combination of treated wastewater, intercepted surface and subsurface stream flows, groundwater and other waters including

potable water.

(n) "Recycled Water Agreement" means an executed contract between the District and the Customer, as a condition for obtaining recycled water service.

(o) "Recycled Water Site Supervisor" is an individual who has obtained a certificate of completion for an approved Recycled Water Site Supervisor training class and is knowledgeable of the Customer's on-site plumbing systems, basic concepts of cross-connection control, and EMWD's Recycled Water Best Management Practices. This certification must be renewed every five years.

(p) "Regulatory Agency" means individually, or in concert with, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers; the State Water Resources Control Board, Division of Drinking Water (DDW), California Regional Water Quality Control Boards, California Department of Fish and Wildlife; the Riverside County Department of Environmental Health Services; the Riverside County Flood Control and Water Conservation District; and the District.

(q) "Service Connection" means all piping and appurtenances required to extend recycled water service from a District recycled water distribution pipeline to the meter assembly.

(r) "Temporary Recycled Water Service" means recycled water service for construction and/or other temporary purposes, as determined acceptable by the District.

(s) "Unauthorized Discharge" means any release of recycled water that violates the provisions of this Title or any applicable federal, State, District, or local statutes, regulations, ordinances, contracts, or other requirements.

(t) "Use Area" means the specific area designated to be served recycled water through on-site recycled water facilities.

(u) "RWUE" (Recycled Water Use Exhibit) means recycled water use exhibit that graphically identifies the project's condition of approval. For further information, refer to the "Recycled Water Irrigation Guideline".

(v) "Frontage Fee" refers to an Applicant/Customer's payment of a unit-rate fee (per linear foot) representing their pro-rata share of the District's publicly financed facility construction or another Applicant's privately financed facility construction; whereby, the District has a Potentially Reimbursable Frontage Agreement obligation.

## **ARTICLE 3 – FACILITY REQUIREMENTS**

### **7.301 PUBLIC RECYCLED WATER FACILITIES EXTENSIONS AND SERVICE CONNECTIONS<sup>15,16</sup>**

(a) Main Frontage:

(1) For new subdivision developments, main extensions shall be required, as determined by the District, to include perimeter and interior street frontages as established by project-related service need, street improvements and future constructability impacts, local area service conditions, and extension of service to adjacent lands.

(2) All planned public main facilities and service connections must be approved by the District during the design conditions phase with the Development Services Department and identified on the RWUE.

(b) Construction by Applicant/Customer:

(1) Applicant shall construct the public recycled system facilities extensions and service connections in accordance with the District's standard plans and specifications, applicable federal, State and local statutes, ordinances, regulations, and terms and conditions set forth in a standard form written agreement between the District and Customer.

(2) An Applicant for recycled water service required to construct recycled water system facility improvements, including main extensions, shall pay all District-incurred costs for:

(i) The facilities planning of such improvements.

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<sup>15</sup> Section 7.301 amended by Resolution 2015-074 on June 17, 2015; amended by Resolution 2016-075 on June 15, 2016; amended by Resolution 2016-111 on September 7, 2016.

<sup>16</sup> Section 7.201 amended by Resolution No. 2023-111 on July 19, 2023.

(ii) Reviewing the plans and specifications prepared by the applicant for such facility improvements.

(iii) Inspection and testing of such facility improvements.

(3) Before work commences, the Applicant shall deposit an amount equal to the General Manager's estimate of the District-incurred costs at each of the work phases identified in subsection (a) or other applicable work phase. Applicant's deposit will be reconciled against actual District-incurred costs, which is subject to additional billing of shortfall or refund of overpayment.

(5) District-incurred costs shall include, but not be limited to the costs of consulting services, if any; administrative and overhead expenses; District staff labor and supervision expenses; and transportation costs.

(6) In conjunction with an Applicant's privately financed facilities extension, the District may issue a Potentially Reimbursable Frontage Agreement to Applicant; whereby, the District will require other benefitting Applicants/Customers whose property fronts upon the Applicant's facilities extension to pay to the District their pro-rata front-footage fees. The District will pass through any pro-rata collection of front-footage fee payments to the Applicant, or its successors or assigns, only during the time period the Agreement is in force. The terms and conditions of such potential pass-through front-footage fee payment(s) to Applicant shall be set forth in a standard Agreement executed by the General Manager, or his designee, on behalf of the District. Frontage fee amount to be stipulated in the Agreement shall be the then in-effect standard unit-rate as published in the Consolidated Schedule of Rates, Fees, and Charges, as amended from time-to-time by the Board, or a special unit-rate, if deemed applicable by the General Manager, or his designee.

(7) For new subdivision developments where a portion or all of perimeter frontage facilities are existing and funded by the District, the applicant may be required to pay to the District their pro-rata front-footage fees. Frontage fee amount shall be the then in-effect standard unit-rate as published in the Consolidated Schedule of Rates, Fees, and Charges, as amended from time-to-



time by the Board, or a special unit-rate, if deemed applicable by the General Manager, or his designee.

(c) The District has the right to determine the location, size and capacity of the Service Connection.

(d) Requests for modification or relocation of an existing Service Connection shall be made to District in writing and paid for in advance before the District will begin the involved work.

(e) The District reserves the right to limit the use area to be supplied by one Service Connection to one Customer. A Service Connection shall not be used to supply adjoining property of a different Customer unless approved by the District.

(f) District ownership and maintenance responsibilities terminate at the meter.

(g) Under certain circumstances, the District may at the District's discretion, contribute to the cost of constructing the facilities needed to deliver recycled water to the applicant's property or reimburse applicant for costs incurred to oversize facilities, which shall be subject to the terms and conditions of reimbursement under the District's Standard Facilities Agreement.

(h) The District may elect to participate in or construct transmission lines, main lines, reservoirs, pumping stations or other facilities, as it deems necessary, and/or as funds are available.

### **7.302 ON-SITE RECYCLED WATER FACILITIES<sup>17,18</sup>**

- (a) All planned on-site irrigation systems must be approved by the District during the design conditions phase with the Development Services Department and identified on the accepted recycled water use exhibit (RWUE).
- (b) Each Customer shall be responsible for furnishing, installing, operating, and maintaining all facilities necessary to convey water from the meter assembly to the use area.
- (c) On-site recycled water facilities shall be constructed in accordance with the District's standard plans and specifications and applicable federal, State and local statutes, ordinances, and regulations.
- (d) Plans, specifications and drawings of facilities shall be submitted and approved by the District, prior to commencing construction. An applicable Engineering Report, submitted and stamped by a Civil Engineer, may be required to be submitted to the District for approval by California State Water Resources Control Board.
- (e) District shall inspect the construction of all recycled water facilities to ensure compliance with applicable Title 22 regulations and conformance with EMWD approved plans, guidelines, and requirements. No construction of the on-site irrigation system shall begin prior to EMWD plan approval and a pre-construction meeting.
- (f) Controller charts for landscape irrigation systems must be submitted to and approved by the District's Recycled Water Operations representative prior to release of the project.

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<sup>17</sup> Section 7.302 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>18</sup> Section 7.302 amended by Resolution No. 2023-111 on July 19, 2023.

(g) The complete installed system shall be tested in the presence of a District inspector to ensure compliance.

(h) If the Customer fails to abide by the above stated requirements, they shall be responsible for any fees or penalties set forth under the District's Consolidated Schedule of Rates, Fees, and Charges, and may be subject to termination of service.

### **7.303 INTERIM SERVICE CONNECTIONS<sup>19</sup>**

(a) Interim Service Connections are potable meters serving a use site designed and installed for recycled water and/or a potable connection to a future recycled water pipeline facility and shall be constructed per EMWD guidelines.

(b) An approved RP (Reduced Pressure Principal) backflow assembly is required on the interim service while the private on-site system is using an alternate source of water. When recycled water becomes available, the interim connection and backflow assembly will be removed and a new connection will be made to the public recycled water facilities, per the District's requirements.

(c) The applicant may be required to pay a deposit amount to the District to facilitate the conversion of a future recycled water pipeline when recycled water becomes available.

(d) When recycled water becomes available, an inspection of the on-site system will be conducted by the District, to verify that the system has been maintained and is still in compliance with EMWD guidelines. Upon verification of compliance, recycled water shall be supplied to the site.

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<sup>19</sup> Section 7.303 amended by Resolution No. 2023-111 on July 19, 2023.

### **7.304**

### **CONVERSION OF PUBLIC RECYCLED WATER FACILITIES<sup>20</sup>**

(a) Conversion from Potable to Recycled Water Use. Prior to the conversion of existing potable water facilities to recycled water use, the District shall, at a minimum, review the record drawings, approve required reports, and determine the measures necessary to bring the system into full compliance. No existing potable water facilities shall be converted to, or incorporated into, the recycled water system without performing a cross-connection shut down test, and approval by District and/or other regulatory agencies.

(b) It shall be the responsibility of the Customer, at Customer's expense, to implement the following, as determined by District:

(1) Isolation and testing of the recycled water supply. Potable service shall be removed at the District main or abandoned in a manner approved by the District.

(2) Installation of approved backflow assemblies on any and all nonpotable water meter connections.

(3) Notification to all on-site personnel involved.

(4) The installation of all warning labels/signs.

(5) The installation of waterlines and facilities, which shall include any capacity fees due, as provided for in the District's rules and regulations.

### **7.305**

### **MARKING WATER FACILITIES<sup>21</sup>**

(a) All portions of the Customer's recycled water facilities shall be clearly identified in accordance with the State Water Resources Control Board, Division of Drinking Water requirements.

(b) Water meters used for recycled water service shall not be used for potable water service. The recycled water meter shall be identified in accordance

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<sup>20</sup> Section 7.304 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>21</sup> Section 7.305 amended by Resolution No. 2015-074 on June 17, 2015.

with the District's Standards and Specifications.

**7.306 CROSS-CONNECTION PREVENTION**<sup>22,23,24,25</sup>

(a) Backflow Assembly. Wherever backflow protection is found to be necessary, the Customer, at their expense, shall install, test, and maintain an approved backflow assembly in accordance with EMWD's cross-connection regulations in Section 5.504 of the EMWD Administrative Code.

(b) System Testing. At sites having potable water service and recycled water service, the District shall periodically test the integrity of the on-site systems by:

(1) Isolating each system in turn and recording the internal pressure of the isolated system in accordance with regulatory agency approved shutdown test procedure.

(2) Introducing tracer dyes into the system to determine the existence of backflow into the potable water system.

A cross-connection test will be initially conducted at the Applicant's expense prior to receiving recycled water and as frequently as determined by the District and/or by the State Water Resources Control Board, Division of Drinking Water. If a cross-connection is discovered, the Customer will bear the full responsibility for resolving all deficiencies to the satisfaction of the District and the State Water Resources Control Board, Division of Drinking Water.

(c) The District will require notification of any proposed additions or modifications to the recycled irrigation system including submission of irrigation drawings per EMWD Standards and Specifications for developer projects.

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<sup>22</sup> Section 7.306 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>23</sup> Section 7.306 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>24</sup> Section 7.306 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>25</sup> Section 7.306 amended by Resolution No. 2016-111 on September 7, 2016.

## **ARTICLE 4- RECYCLED WATER SERVICE**

### **7.401 GENERAL STATEMENT (RECYCLED WATER SERVICE)<sup>26,27,28</sup>**

Where water is used for irrigation, commercial uses, industrial processes, landscape and recreational impoundments, and wildlife habitat, the District may choose to provide recycled water where technically and economically feasible and as available. Each use must be approved on a case by case basis. Determination of the specific uses shall be in accordance with requirements set forth in Title 22 and in accordance with the EMWD Administrative Code to protect the public health. Each use shall be subject to the availability of distribution facilities or the technical and economic feasibility of making such facilities available, as determined by District. Each use shall be in accordance with all applicable federal, state, and local laws.

### **7.402 AVAILABILITY OF RECYCLED WATER AND RECYCLED WATER DEMAND MANAGEMENT PLAN<sup>29</sup>**

- (a) The District shall fairly and equitably allocate recycled water, a limited water supply, to its customers to maximize the beneficial use of recycled water.
  
- (b) The District shall develop and implement a comprehensive demands management program setting forth volumetric-based recycled water allocations and peak flow rates for each customer relative to supply projections and system capabilities.
  
- (c) The District shall monitor recycled water demands relative to storage and supply conditions and when prudent, augment recycled water with excess brackish groundwater or other non-potable supplies to meet seasonal and daily recycled

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<sup>26</sup> Section 7.401 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>27</sup> Section 7.401 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>28</sup> Section 7.401 amended by Resolution No. 2020-069 on April 15, 2020.

<sup>29</sup> Section 7.402 added by Resolution No. 2016-111 on September 7, 2016.

water demands.

(d) The District may implement pre-determined seasonal price adjustments, as approved by the Board of Directors, to avoid operating costs associated with discharging excess recycled water.

(e) The production and use of recycled water shall be reviewed regularly and customer allocations adjusted as needed to maximize the beneficial use of recycled water.

**7.403 SIZE, LOCATION, AND INSTALLATION OF SERVICE LINE<sup>30,31</sup>**

(a) The District may determine the size of the service lines, service connections, and meters. The service lines shall be installed to a recycled water meter adjacent to a curb or property line of the Customer's property, abutting upon a public street, highway, alley, easement, lane or road (other than a freeway) in which there are existing District recycled water mains.

(b) Except as provided in this section, recycled water shall not be supplied to property other than described in the application for service and no customer shall deliver recycled water outside of the District without the express consent of the Board of Directors. All recycled water meters and service laterals shall be adjacent to the parcel(s) they serve. Each use site shall consist of contiguous parcels, with a single owner or tenant. In no case shall a single recycled water service/meter be permitted to serve multiple recycled water accounts nor shall a single recycled water meter be permitted to serve multiple recycled water customers. Plans for a recycled water use site shall be prepared and submitted to the District for approval.

(c) Every recycled water service line installed by the District shall be equipped with a valve on the inlet side of the meter. Such valve shall be used exclusively by the District to control the supply through the service line. If valve

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<sup>30</sup> Section 7.403 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>31</sup> Section 7.403 amended by Resolution No. 2018-014 on February 21, 2018.

is damaged by the Customer's use requiring replacement, replacement shall be at the Customer's expense.

**7.404 DISTRICT'S LIABILITY<sup>32</sup>**

The District is not responsible for any condition of the recycled water itself, or any substance that may be mixed with or be in recycled water as delivered to any Customer, except as required by Title 22 and applicable regulations. The District shall not be liable for any damage from recycled water, including that resulting from inadequate capacity, blockage, defective plumbing, broken or faulty services, or recycled water mains; or any conditions beyond the control of the District. All users shall accept such conditions of pressure, as provided by the distribution system at the location of the service connection and hold the District harmless from all damage arising from low pressure or high pressure conditions, or from interruptions of service.

**7.405 CONDITIONS OF SERVICE<sup>33,34,35,36</sup>**

Recycled water service will be made available to the Customer in accordance with this Title under the following terms and conditions:

(a) Compliance with Regulations. The District's recycled water shall be used in a manner that complies with all applicable federal, State, and local statutes, ordinances, regulations and other applicable requirements for the treatment level supplied, as determined by District. The District's recycled water shall not be used for any purpose that is prohibited under or inconsistent with applicable federal, state and/or local laws.

(b) Studies and Reports. The cost and preparation of any study or report

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<sup>32</sup> Section 7.405 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>33</sup> Section 7.405 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>34</sup> Section 7.405 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>35</sup> Section 7.405 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>36</sup> Section 7.405 amended by Resolution No. 2020-069 on April 15, 2020.



necessary to comply with the California Environmental Quality Act (CEQA), State Water Resources Control Board, Division of Drinking Water, or other regulatory requirements shall be the responsibility of the applicant.

(c) Service Constraints. All service is contingent on the quantity and quality of recycled water available from District's facilities and shall be provided in accordance with this Title and the terms of the agreement between District and the Customer.

(d) Distribution. The District reserves the right to control and schedule distribution as necessary to:

- (1) maintain an acceptable working pressure;
- (2) manage the availability of recycled water supply; and
- (3) safeguard the public health.

(e) Metering. All recycled water use shall be metered. Customers shall be held responsible and charged for all recycled water passing through the meter(s), unless otherwise specified by the District:

Interim Recycled Water Public Facility Connections exist in cases where a potable main line system is temporarily supplying the recycled main line, until recycled water becomes available. This is only approved for supplying landscape services. Interim service may be made available, as determined by the District. The Customer, at the Customer's expense, must perform all work necessary to make connections to the permanent recycled water system when installed.

(f) Temporary Connections. If recycled water is not initially available, the District may approve a temporary connection to another water source. Before such temporary connection is made, the District's plan check process and procedures must be followed and approved by the District and an approved backflow assembly or air gap shall be installed on the alternate water source. Temporary connections to the alternate source shall be removed before connection is re-established to the recycled water system. At no time will the

District allow reconnection to the potable system once recycled water has been introduced. Re-establishment of service must be inspected and approved by the District prior to resuming delivery. Supplemental temporary supplies will be delivered at the rate then in effect for the type of water supplied.

(g) Temporary Potable Highline Service Connection. This connection is used solely for the construction of the onsite recycled irrigation system and is utilized through an approved backflow RP assembly from the temporary potable source. Refer to EMWD Recycled Water Irrigation Guidelines. Prior to release of the recycled irrigation meter, this temporary highline shall be removed and inspected by an EMWD Recycled Water Operations Inspector.

(h) Recycled Water for Construction Use. When available, recycled water shall be used by contractors for dust control, soil compaction during grading operations, and compaction of backfill in pipeline trenches. Special rates and hookup charges apply to recycled water used for construction purposes. Additional cost associated with piping modifications and special conditions may apply.

## **7.406 REQUEST FOR SERVICE**<sup>37,38,39,40,41</sup>

(a) New projects that are identified as recycled water candidates must submit and obtain District approval of a recycled water use exhibit (RWUE) to be included in the design conditions prior to submitting public facility plans for plan check.

(b) Application: All requests for recycled water service must be made by the applicant completing and signing the appropriate District application form. Upon

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<sup>37</sup> Section 7.406 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>38</sup> Section 7.406 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>39</sup> Section 7.406 amended by Resolution No. 2018-014 on February 21, 2018.

<sup>40</sup> Section 7.406 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>41</sup> Section 7.406 amended by Resolution No. 2023-111 on July 19, 2023.

receipt of the application, the District shall review the application and may prescribe requirements in writing to the applicant as to the off-site and on-site facilities necessary to be constructed, the manner of connection, the financial responsibility, and the use of the recycled water. Prior to receiving recycled water service, the proposed use shall be approved by the State Water Resources Control Board, Division of Drinking Water. The District will inspect onsite recycled water facilities prior to water delivery and annually thereafter to ensure compliance with the District's regulations and other applicable requirements.

(c) Recycled Water Use Agreement. Upon approval of the application and issuance of all required regulatory agency permits, a non-transferable Recycled Water Agreement shall be executed between District and Customer authorizing the applicant to receive recycled water service subject to the terms and conditions of this Code, Federal, State, and local regulatory agencies rules and regulations. The agreement shall include, but not be limited to, the property location, quantity of recycled water to be used, permitted uses, and rate to be charged for the recycled water.

(d) Recycled Water Operations Memorandum of Understanding. The District may require an Operational Memorandum of Understanding to address individual service management.

## **7.407 CHARGES FOR SERVICE<sup>42,43</sup>**

(a) Recycled water rates, fees and charges are set forth in District's Consolidated Schedule of Rates, Fees and Charges. The Board reserves the right to change the schedule of recycled water rates, service charges and other charges from time to time. The District may require that an applicant post a security deposit in an amount not less than the estimated cost of recycled water service for a two-month period, or an amount as determined by the District. No interest will be paid

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<sup>42</sup> Section 7.407 amended by Resolution No. 2016-075 on June 15, 2016.

<sup>43</sup> Section 7.407 amended by Resolution No. 2016-111 on September 7, 2016.

by the District on the security deposit, which will be refunded, less any outstanding account balance, when the account is closed.

(b) The District will render monthly billings for recycled water deliveries made during the preceding month, based on meter readings. All bills shall be due and payable upon presentation and become delinquent if not paid within 21 days after the date of the bill. Security deposits may be required on any account which becomes delinquent 2 or more times during any 12 month period, or by having a single delinquency for a period of more than 45 days.

(c) Delinquent accounts will be subject to being discontinued by the District. If a Customer account becomes delinquent, water service (potable or recycled) to any account belonging to that same Customer will be subject to discontinuance. A past due notice and final notice will be sent prior to discontinuance of service. In order to continue or restore service once an "Order to Discontinue Service" has been processed, Customer must pay District the sum of: (1) the entire outstanding account balance; (2) a delinquency processing charge; and (3) a security deposit.

(d) Penalty charges of 1-1/2 percent per month may be charged on all delinquent accounts with an outstanding balance of \$200 or more, beginning 30 days after the account became delinquent and continuing until the balance has been paid in full.

(e) Once water service has been discontinued, service may not be restored until the next working day. If restoration of service is requested after 5:00 p.m. or on weekends, Customer must pay, in addition to the charges above, an after hour service restoration fee, as set forth in District's Consolidated Schedule of Rates, Fees and Charges. After hours service restoration will only be offered under emergency circumstances.

(f) In the event a Customer has previously presented insufficient funds or otherwise not payable check to the District, payment for continuation or

restoration of service shall be made by cash, cashier's check, or money order only. Cash payments will only be accepted at District's authorized payment collection centers and District offices where payments may be made. (g) A service charge, as set by resolution will be assessed on all non-payable items returned by the bank. For non-payable items involving less than \$500, Customer will receive a 10-day notice for payment of returned item plus service charge, to be paid by cash, cashier's check, or money order only. If payment is not made within the 10-day period, water service will be discontinued. For non-payable checks involving \$500 or more, District will contact the Customer and payment of the returned item plus service charge shall be made, by cash, cashier's check, or money order, within 5 days. In the event that payment is not made within the 5-day period, water service will be discontinued.

#### **7.408           DISPUTED WATER BILLS**

Any dispute over the correctness of a water bill will be investigated by the District. Bills reflecting clerical or meter errors shall be adjusted, taking into consideration the volume of business, seasonal demand, and any other factors that may assist in determining an equitable charge.

#### **7.409           NON-REGISTERING WATER METER<sup>44</sup>**

When a meter is found to be out of order, the charge for water will be based on, at the discretion of the District, either the average monthly consumption for the preceding months during which the meter is known to have registered correctly, the estimated usage based on calculated flows, or the consumption as registered by a "substitute meter". Consideration will also be given to volume of business, seasonal demand and any other factors that may assist in determining an equitable charge.

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<sup>44</sup> Section 7.409 amended by Resolution No. 2015-074 on June 17, 2015.

#### **7.410 ANNUAL SITE INSPECTIONS<sup>45</sup>**

Every Recycled Water Use Site must undergo an annual site inspection with a Site Supervisor, which may or may not require the onsite irrigation system be turned on to check for overspray and broken sprinkler heads. Each site is specific and the Customer's account will be charged at the current time and material rate. If follow-up inspections are required for outstanding deficiencies, the Customer will pay the cost of each subsequent visit.

#### **7.411 CROSS-CONNECTION TESTING<sup>46,47</sup>**

When a recycled water use site requires a cross-connection shutdown test, the Customer's account will be billed for the test. The billing is on an hourly basis and will be charged at the current time and material rate outlined in the District's Consolidated Schedule of Rates, Fees and Charges. If follow-up testing is required due to test failure and/or the discovery of a Cross Connection, the Customer will bear the cost of all corrective measures and any subsequent testing.

#### **7.412 WHOLESALE RECYCLED WATER SERVICE<sup>48</sup>**

Wholesale recycled water service to another water agency shall be specifically dealt with in a special agreement, by and between the involved water purveying agency and the District covering the terms and conditions for service.

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<sup>45</sup> Section 7.410 Meter Testing deleted per Resolution No. 2016-111 on September 7, 2016 and section 7.411 Annual Site Inspections renumbered as section 7.410.

<sup>46</sup> Section 7.412 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>47</sup> Section 7.411 Cross-Connection Testing amended by Resolution No. 2016-111 on September 7, 2016. (Note: Typo in resolution fails to show correct renumbering of 7.412 as 7.411.)

<sup>48</sup> Section 7.412 amended by Resolution No. 2016-111 on September 7, 2016.

## 7.413 DISCONTINUANCE OF SERVICE<sup>49</sup>

(a) Turn-off At Customer's Request. A Customer may request that service be discontinued, either temporarily or permanently, by giving at least two business days' advance notice to the District. The Customer assumes total responsibility for all charges incurred from the effective date of service until Customer notifies the District to discontinue service. For all Agricultural Customers, please refer to your Recycled Water Use Agreement.

(b) Turn-off by the District. The District may discontinue a Customer's service for the following reasons: Costs associated with discontinuance of Recycled Water Service as described below, will be charged.

(1) Non-Payment of Bills. A service may be discontinued for nonpayment of any water charges of a Customer, whether or not the payment delinquency is associated with recycled water service at the service connection or at any other District recycled or domestic water service connection of the same Customer.

(2) Water Quality. Service may be discontinued if, at any point in the District's distribution system, the recycled water does not meet the requirements of regulatory agencies. Service would, in such case, be restored at such time as recycled water again meets the requirements of regulatory agencies, or at such time as the District supplements the recycled water system with water from other sources.

(3) For Non-Compliance with Terms & Conditions Contained in District's Recycled Water Agreement. Customer's failure to comply with any of the terms and conditions contained in the District's standard recycled water agreement shall result in enforcement action.

(4) For Non-Compliance with Regulations. Service may be suspended or terminated at any time the Customer's operations do not conform to this Title.

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<sup>49</sup> Section 7.413 amended by Resolution No. 2016-111 on September 7, 2016.

Where safety of water supply or public health is endangered, or regulations have been violated, service shall be suspended immediately without notice.

(5) For Waste of Water. In order to protect against serious and negligent waste or misuse of recycled water, the District may suspend service if such wasteful practices are not remedied after notice to such effect has been given to the Customer.

(6) For Unauthorized Use of Recycled Water. When the District has discovered an unauthorized use, the service may be suspended without notice. The District shall, as appropriate, notify the California State Water Resources Control Board of such unauthorized use. Repeated unauthorized usage shall be considered as tampering with District property and may result in the offender being charged and prosecuted.

#### **7.414 RE-ESTABLISHMENT OF SERVICE<sup>50</sup>**

(a) The District shall have the right to refuse to re-establish service following termination of service for violation of these provisions. Any request to reestablish service subsequent to the termination of recycled water service shall be in the manner prescribed for initially obtaining recycled water service from the District, which may include the collection of a security deposit in an amount determined by the District; the Customer may be assessed fees according to the level of enforcement.

(b) In order to resume or continue service that has been suspended, the Customer may be required, at the District's discretion, to pay a restoration fee. Re-establishment of service shall only be made by the District, during regular working hours as established by the District.

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<sup>50</sup> Section 7.414 amended by Resolution No. 2016-111 on September 7, 2016.





## **ARTICLE 5 – OPERATIONAL REQUIREMENTS**

### **7.501 PRIVATE ON-SITE RECYCLED WATER SYSTEMS<sup>51,52</sup>**

Customer shall operate, maintain and control all on-site recycled water systems in accordance with the requirements established by District, federal, State, and local regulatory agencies. It shall be the responsibility of Customer to:

- (a) Designate District approved Recycled Water Site Supervisor(s), trained in the use of recycled water, to manage the operations of Customer's recycled water facilities. The Recycled Water Site Supervisor(s) shall be available to respond to an emergency 24 hours a day, 365 days a year. Customer must notify EMWD of any personnel changes requiring a new Recycled Water Site Supervisor.
  
- (b) Ensure that all on-site operations personnel are trained and familiarized with the use of recycled water, and are familiar with the Districts Best Management Practices.
  
- (c) Furnish its operations personnel with maintenance instructions, irrigation schedules, controller charts, and District approved record drawings to ensure proper operation in accordance with the on-site facilities design, agreement, and this Title.
  
- (d) Notify the District of any proposed facility modifications and/or proposed recycled water use changes for District's review and approval. All facility modifications must be inspected by the District during and upon completion of construction. Customer shall submit revised as-built drawings to the District, per District standards and specifications.

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<sup>51</sup> Section 7.501 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>52</sup> Section 7.501 amended by Resolution No. 2016-111 on September 7, 2016.

(e) Ensure that the design and operation of Customer's recycled water facilities remain in compliance with the Districts Standards and Specifications, Agreement and this Title.

(f) Implement on-site controls which meet the requirements established by District, federal, State and local regulatory agencies to protect the health of Customer's employees and the public. The minimum necessary on-site controls are described in the following documents: EMWD "Recycled Irrigation Guideline"; EMWD "Recycled Water Best Management Practices"; EMWD Ordinance No. 69, as amended; "Backflow and Cross-Connection Prevention Program"; California Administrative Code (Title 17); and State Water Resources Control Board, Division of Drinking Water (Title 22).

(g) Notify the District immediately of any and all failures in the system that result in an unauthorized discharge or contamination of a potable water system due to a cross-connection on the premises.

(h) Maintain the irrigation system and components in accordance with all applicable manufacturer's recommendations as approved by the District.

## **7.502 PUBLIC RECYCLED WATER FACILITIES**

Ownership, operation and maintenance of all recycled water system facilities up to, and including, the District's meter assembly, shall be the responsibility of District.

(a) Tampering with District Property. No person shall at any time tamper with District property except to shut off water to prevent damage. Such tampering constitutes a misdemeanor or felony criminal violation punishable by law. Only authorized District personnel may operate District facilities.

(b) Unauthorized Use of Recycled Water. Customers who use the water

without District approval may be liable for a penalty charge, and for the cost of the water.

(c) Property Damage. Any repair costs incurred by District as a result of damage inflicted by the Customer or others will be billed to the responsible party. Failure by the responsible party to pay for such costs shall constitute grounds for discontinuance of water service and/or legal action by the District.

### **7.503 ACCESS TO CUSTOMER'S PREMISES**

District or other authorized regulatory personnel showing proper evidence of identification, shall have the right to enter upon Customer's premises for the purpose of:

- (a) Monitoring and inspecting all recycled water systems to ascertain compliance with this Title and other regulatory requirements; and
- (b) Installing, maintaining, repairing and reading District owned facilities serving the Customer's premises.

## **ARTICLE 6 – ENFORCEMENT**

### **7.601 INTRODUCTION<sup>53,54</sup>**

The District is responsible for implementing the enforcement of the Recycled Water Program and Regulations for its administration. The goal of the District is to maintain compliance through a pro-active program of education, monitoring and enforcement. In the event of noncompliance, the District may pursue enforcement measures as provided herein.

### **7.602 INFORMAL AND FORMAL ENFORCEMENT PROCEDURES<sup>55</sup>**

(a) Informal Enforcement Procedures. In the event a customer's use of recycled water is not in compliance with the articles of this Title, the Customer will be notified of the violation and of the corrective measures necessary to achieve compliance. A reasonable time limit for the satisfactory correction thereof will be agreed to, along with a date for a follow-up inspection to verify the violation has been mitigated.

(b) Formal Enforcement Procedures. In the event the Customer does not take appropriate corrective action within the agreed upon time limit, the District may commence formal enforcement procedures, following EMWD's Recycled Water Enforcement Response Plan.

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<sup>53</sup> Section 7.601 amended by Resolution No. 2015-074 on June 17, 2015.

<sup>54</sup> Section 7.601 amended by Resolution No. 2016-111 on September 7, 2016.

<sup>55</sup> Section 7.602 amended by Resolution No. 2016-111 on September 7, 2016.