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**Title 1**  
**GENERAL PROVISIONS**

Chapters:

- 1.01 ESTABLISHMENT OF MANUAL
- 1.03 DEFINITIONS
- 1.05 MISSION STATEMENT AND GOALS

Chapter 1.01  
**ESTABLISHMENT OF MANUAL**  
*(Amended August 15, 2005)*

- 1.01.010 Purpose
- 1.01.020 Title Citation and Reference
- 1.01.030 Validity of Policy
- 1.01.040 Scope of Authority Conferred
- 1.01.050 Interpretation and Use
- 1.01.060 Adoption/Amendment of Policies

**1.01.010 Purpose**

It is the intent of the Board of Directors of the Rio Linda/Elverta Community Water District (“District”) to maintain a Policy Manual. Contained therein shall be a comprehensive listing of the Board’s current policies, being the rules and regulations enacted by the Board from time to time. The Policy Manual will serve as a resource for Directors, staff and members of the public in determining the manner in which matters of District business are to be conducted.

**1.01.020 Title, Citation and Reference**

This Manual shall be known as the “Rio Linda/Elverta Community Water District Policy Manual,” and may be cited as and referred to herein as “Policy Manual”. It shall be sufficient in the conduct of official activity of the District, its departments and official to refer to this Policy Manual and its sections, as numbered herein, in lieu of referring to the ordinance, resolution or order establishing the policy contained and compiled herein. It shall be deemed sufficient when amending repealing or adding to any policy contained herein to refer to this Policy Manual or to sections herein.

**1.01.040 Scope of Authority Conferred.**

The Board may adopt, amend, or repeal policies or regulations contained within this Policy Manual. This Policy Manual does not confer additional authority or limit the existing authority of the Board, any commission, department, or official to administer or enforce any regulation contained herein.

**1.01.050 Interpretation and Use.**

Interpretation and use of this Policy Manual should be made only in conjunction with the underlying law permitting the establishment of the policy contained herein.

**1.01.060 Adoption/Amendment of Policies.**

*(Amended Resolution 2012-10)*

Consideration by the Board of Directors to adopt a new policy or to amend or repeal an existing policy may be initiated by submitting a written draft of the proposed action to the General Manager, the Board Secretary, or the Board President, and requesting that the item be included for consideration on the agenda at the next Board meeting.

Adoption of a new policy, or the repeal or amendment of an existing policy shall be accomplished at a Board meeting and shall require a majority affirmative vote of the entire Board.

Before considering any policy action, copies of the proposed action and associated documents shall be included in the agenda information packet distributed to Directors and made available to the public at least three (3) days prior to any meeting at which the action(s) are to be considered.

Notwithstanding the preceding sentence, the Board may add items to its agenda to consider a policy action if such action complies with the Ralph M. Brown Act (Government Code §54950 et seq.)

**Chapter 1.03**

**DEFINITIONS**

*(Amended August 15, 2005)*

- 1.03.010 General
- 1.03.020 Board, or Board of Directors
- 1.03.030 County
- 1.03.040 District
- 1.03.050 Employee
- 1.03.130 Manager, or General Manager
- 1.03.150 Oath
- 1.03.155 Officer
- 1.03.160 Policy Manual
- 1.03.190 Secretary, or Secretary of the Board
- 1.03.195 State
- 1.03.230 Water Works
- 1.03.235 Water Works System, or Water System

**1.03.010 General**

For purposes of this Policy Manual, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter, unless otherwise indicated in this Policy Manual. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and in the feminine gender the masculine. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.



**1.03.020 Board, Directors, or Board of Directors**

For purposes of this Policy Manual, "Board" or "Board of Directors" shall mean the Board of Directors of the Rio Linda/Elverta Community Water District.

**1.03.030 County**

For purposes of this Policy Manual "County" shall mean the County of Sacramento.

**1.03.040 District**

For purposes of this Policy Manual, "District" shall mean the Rio Linda/Elverta Community Water District.

**1.03.050 Employee.**

For purposes of this Policy Manual, "Employee" shall mean an employee of the Rio Linda/Elverta Community Water District, excepting officers of the District unless otherwise indicated.

**1.03.130 Manager, or General Manager.**

For purposes of this Policy Manual, "Manager" or "General Manager" shall mean the General Manager of the Rio Linda/Elverta Community Water District.

**1.03.150 Oath**

For purposes of this Policy Manual "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

**1.03.155 Officer**

For purposes of this Policy Manual, "officer" includes members of the Board, the General Manager, the Secretary of the Board, the Auditor, the General Counsel of the District, other legal counsel retained by the Board, and other persons designated by the Board.

**1.03.160 Policy Manual**

For the purposes of this policy manual, "Policy Manual" or "Manual" shall mean the official policy manual of the District, as set forth herein and as may be amended from time to time by the District.

**1.03.190 Secretary or Secretary of the Board**

For purposes of this Policy Manual, "Secretary" or "Secretary of the Board" shall mean the General Manager of the Rio Linda/Elverta Community Water District unless otherwise specified by the Board of Directors.

**1.03.195 State**

For purposes of this Policy Manual "State" shall mean the State of California.

**1.03.230 Water Works**

For purposes of this Policy Manual, "water works" shall mean facilities necessary to the supply, pumping, storage, treatment and distribution of water.

**1.03.235 Water Works System or Water System**

For purposes of this Policy Manual, "water works system" or "water system" shall mean the water works and all facilities and equipment necessary for the administration and operation thereof.

Chapter 1.05  
**MISSION STATEMENT AND GOALS**  
*(Amended July 16, 2012 Res. 2012-13)*

- 1.05.010 Purpose
- 1.05.020 Mission Statement
- 1.05.030 Goals

**1.05.010 Purpose**

The purpose of the District mission statement and related goals are to provide general guidelines within which District policy shall be developed and implemented.

**1.05.020 Mission Statement**

*(Amended by minute order 10-21-19)*

The mission of the Rio Linda/Elverta Community Water District is to provide safe and reliable water supply in a cost-effective manner.

**1.05.030 Goals**

The goals of the District are as follows:

1. Supply water to existing and future customers in a cost-effective manner while operating the District in a financially sound manner;
2. Maintain existing wells and storage in a manner that meets generally accepted water works standards and develop new wells and storage to meet peak flow demands and emergency needs;
3. Establish a responsive and cordial relationship with customers that include effective communications and notification regarding the affairs and operations of the District;
4. Complete and maintain a long-range plan for the water system;
5. Develop and maintain written policies, procedures, and specifications;
6. Establish a fiscally sound equipment replacement fund;
7. Participate in interagency cooperation in a manner that encourages respect between the agencies, including such cooperative activities as development of alternative water supplies, cooperative purchasing, mutual aid agreements and water system; and
8. Develop and implement an effective water conservation program.

**Title 2**  
**ADMINISTRATION AND PERSONNEL**

Chapters:

- 2.01 BOARD OF DIRECTORS
- 2.05 APPOINTED OFFICERS
- 2.10 GENERAL MANAGER
- 2.15 SUCCESSION PLANNING
- 2.20 COMPENSATION OF OFFICERS
- 2.30 CONFLICT OF INTEREST CODE
- 2.40 PUBLIC RECORDS ACT REQUEST POLICY

Chapter 2.01  
**BOARD OF DIRECTORS**  
*(Amended August 15, 2005)*

- 2.01.000 DIRECTORS
- 2.01.005 Governing body of the District
- 2.01.010 Number of Directors: Qualifications
- 2.01.020 Terms of Office
- 2.01.025 Taking Office; Oath
- 2.01.030 Determination of Vacancy
- 2.01.040 Vacancies: Manner of filling
- 2.01.050 Compensation of Directors
- 2.01.055 Election of President and Vice President
- 2.01.060 Duties of President and Vice President
- 2.01.065 Committees and Other Assignments
- 2.01.070 Requests for Information
- 2.01.075 Attendance at Meetings
- 2.01.080 Ralph M. Brown Act
- 2.01.085 Code of Ethics
- 2.01.090 Email Accounts
- 2.01.100 BOARD PROCEEDINGS
- 2.01.110 Regular Meetings
- 2.01.130 Meetings to be Informal; Robert's Rules of Order
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- 2.01.180 Quorum; Vote Required
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- 2.01.210 Questioning through President
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- 2.01.230 Appearance of Applicant
- 2.01.235 Appearance in Support of Applicant
- 2.01.240 Written Communication regarding Proposal
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- 2.01.280 Board Discussion and Action
- 2.01.290 Requests for Stenographic Report
- 2.01.300 PRESS RELATIONS POLICY
- 2.01.305 Purpose
- 2.01.310 Press Relations
- 2.01.315 Press Releases
- 2.01.400 COMPLIANCE AND ENFORCEMENT
- 2.01.405 Purpose
- 2.01.410 Responsibility to Intervene
- 2.01.415 Grounds for Disciplinary Action
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- 2.01.425 Notice
- 2.01.430 Participation of Director who is Subject to Disciplinary Action
- 2.01.435 Opportunity to be heard
- 2.01.440 Resolution of Censure
- 2.01.445 Alternative Discipline
- 2.01.450 No Basis for Challenging a Board Decision
- 2.01.455 Conflicts

## **2.01.000 DIRECTORS**

### **2.01.005 Governing body of the District.**

*(See Ca Water Code §30575 and §30576)*

The Board is the governing body of the District. Directors are responsible for monitoring the District’s progress in financing and attaining its goals and objectives, while pursuing its mission. The powers of the District enumerated in California Water Code Division 12 shall, except as therein otherwise provided, be exercised by the Board.

### **2.01.010 Number of Directors: Qualifications.**

*(See Ca Water Code §30500)*

The District shall have a board of five Directors each of whom whether elected or appointed, shall be a voter in the District.

**2.01.020 Terms of Office.**

*(See Ca Water Code §30502)*

The term of office of each Director other than Directors first elected or Directors appointed to fill an unexpired term shall be four years.

**2.01.025 Taking Office; Oath.**

*(See Ca Election Code §10554)*

Directors elected to office take office at noon on the first Friday in December next following the General District Election. Prior to taking office, each Director shall take and subscribe the official oath and file it with the Secretary *(Ca Water Code §30509)*.

**2.01.030 Determination of Vacancy.**

*(See Ca Gov Code §1770; Ca Water Code §30508)*

An office of a Director of the Board shall be deemed to become vacant when one or more events as specified in California Government Code Sections 1770 et seq. or California Water Code Sections 30500 et seq. have occurred.

**2.01.040 Vacancies: Manner of filling.**

*(See Ca Gov Code §1780)*

All vacancies occurring in the office of Director shall be filled pursuant to California Water Code Section 30504 and California Government Code Section 1780.

**2.01.050 Compensation of Directors.**

*(See Ca Water Code §30507 and Resolution 2002-12 adopted November 18, 2002)*

Each director shall receive compensation in an amount determined by resolution of the Board not to exceed one hundred dollars (\$100) for each day's attendance at meetings of the Board or for each day's service rendered as a Director by request of the Board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his/her duties required or authorized by the Board.

**2.01.055 Election of President and Vice President.**

*(See Ca Gov Code §30520)*

At its regular meeting in December, the Board shall elect one of its members as President and one of its members as Vice President who shall hold office thereafter until their successors are elected and qualify. The election of the President and Vice President shall be by voice vote cast separately for each office with the member with the highest number of votes being deemed elected.

**2.01.060 Duties of President and Vice President.**

*(See Ca Water Code §30578)*

The President shall preside at all meetings of the Board and act as Chairperson of the Board, shall appoint all committee members as specified in section 2.01.080, and shall perform all other duties necessary or incidental to his/her office as authorized or imposed by the Board. In the absence of the President or because of the President's inability to act, the Vice President shall take his/her place and perform the duties of the President.

**2.01.065 Committees and Other Assignments.**

*(Amended by 6-18-2018 Board Minutes)*

The Board President shall appoint such standing and/or ad hoc committees as may be deemed necessary or advisable. The creation of an ad hoc committees and new standing committees initiated by the Board President must be approved by action of the full Board of Directors per Policy 2.01.180. The President of the

Board shall make all appointments of Board Members to ad hoc and standing Committees with the cooperation of the Board Member(s) nominated for the assignment(s). In addition, the President of the Board may designate Board Members to represent the Board as needed. Board Member participation in meetings and attendance by Board Members at organized events shall not be considered sanctioned by the RLECWD Board of Directors unless such attendance/participation is in accordance with this policy. Announcement to authorize attendance/participation retroactively is acceptable to accommodate insufficient time available for a Board meeting prior to the event. Retroactive announcement must be approved by the Board of Directors per Policy 2.01.180.

1. The duties of a new standing committee shall be determined at the time of appointment, proposed at the regular Board meeting and subject to confirmation by the Board of Directors per Policy 2.01.180. Standing committees shall only be dissolved by majority vote of the Board.
2. The duties of an ad hoc committee shall be determined and announced at a regular meeting of the Board of Directors. Ad hoc committees shall be considered dissolved when any of the following occur:
  - a. The ad hoc committee submits its final report to the Board of Directors.
  - b. Upon the sixth regular meeting of the Board of Directors following the announcement that the ad hoc committee had been created, the Board Secretary shall announce, and the minutes shall reflect, the ad hoc committee dissolution.
  - c. The ad hoc committee has failed to report to the Board of Directors for three consecutive regular Board meetings. The Board Secretary shall announce, and the minutes shall reflect, the absence of reporting and indicate the ad hoc committee has been dissolved.
3. Board Members assigned by the Board President to serve on standing committees or to participate in sanctioned events shall service in such capacity for the remainder of the President's term of office. Such assignments are to be announced at the regular Board meeting in January each year. However, assignments may be changed via announcement at a subsequent Board meeting to accommodate Board Member availability, incompatibility of offices, or other circumstances. The Board President may also authorize temporary substitutions of Board Member for a single meeting to accommodate the anticipated absence of the regularly assigned Board Member.
4. All meetings of standing committees shall conform to all open meeting laws (e.g., Ralph M. Brown Act) that pertain to regular meetings of the Board. Board Members assigned to ad hoc committees and other assignments shall report their findings and observations to the Board of Directors at regular Board meetings.

#### **2.01.070 Requests for Information.**

Requests for information by Board members regarding District operations should be made through the General Manager or other designated District staff. The General Manager shall designate management or supervisory personnel to respond to inquiries in his/her absence.

#### **2.01.075 Attendance at Meetings.**

Board members are expected to attend all regular and special meetings of the Board, including closed sessions, unless there is good cause for the absence or the absence is pre-approved by the President. A request for absence, except emergency absence, shall be submitted to the Board President in writing as soon as the Board Member becomes aware that he/she may be absent. Absences shall conform to the requirement of Government Code Section 1063 or other applicable law.

**2.01.080 Ralph M. Brown Act.**

The Board as a whole and each Director shall comply with the Ralph M. Brown Act.

**2.01.085 Code of Ethics.**

The Board of Directors is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents. The following rules should be observed in order to assist in the governance of the behavior between and among members of the Board of Directors.

1. Directors shall thoroughly prepare themselves to discuss agenda items. Information may be requested pursuant to Section 2.01.090 or exchanged between Directors before meetings in a manner consistent with the Ralph M. Brown Act.
2. The dignity, style, values and opinions of each Director should be respected.
3. Responsiveness and attentive listening in communication is encouraged.
4. The needs of the District's constituents should be the priority of the Board of Directors.
5. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and route their questions through appropriate channels and to responsible management personnel.
6. The primary responsibility of the Board of Directors is the formulation and evaluation of policy and strategy to give direction and guidance to District staff. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
7. Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
8. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.
9. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action Directors should commit to supporting said action and not to create barriers to the implementation of said action.
10. The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.
11. Directors should develop a working relationship with the General Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.
12. Directors should practice the following procedures while working with the General Manager, District staff, and District constituents;
  - (A) In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
  - (B) In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager or delegated District staff.
  - (C) In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
  - (D) When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor. The chain of command should be followed.

**2.01.090 Email Accounts**

*(Approved 12/6/2010)*

In order for the public to contact the Board of Directors each Director must establish an email account through the District's server. It is required that all Directors use their District email addresses instead of personal private email accounts for District business. An email account will be assigned to Board members as they take office.

*(Approved by 4/16/2018 Board Minutes)*

Director correspondence on matters of District business which are conducted using text messaging are to be copied (e.g. using the multiply recipients feature in text messaging) to the following District e-mail address: PRA@RLECWD.COM. This email account will not be routinely monitored but will be reviewed by appropriate staff if the District receives a Public Records on Private Accounts request. Directors are thereby enabled to delete their text messages on their personal devices after copying the text to the email address stipulated above. The settings of this email account will be such that messages greater than one year old, will be deleted to conserve resources. Director written correspondence regarding District business on social media, e.g. Facebook Private Messaging, Twitter, Instagram etc., are prohibited due to the impracticality of compliance with Public Records on Private Accounts requests when using such correspondence methods.

**2.01.100 BOARD PROCEEDINGS****2.01.110 Regular Meetings.**

*(Res. No. 2023-02 repealed and replaced Res. No. 2012-08 and 12/16/13 board meeting)*

The regular meeting of the Board of Directors shall be held on the fourth Monday of each month except when the fourth Monday is a District, State or Federal holiday, in which case the regular meeting date and location shall be determined through Board action at a preceding Board meeting. Meetings shall commence at 6:30 p.m. unless otherwise noticed and shall be held at the Visitor Center located at 6730 Front Street, Rio Linda, or other location within the District.

**2.01.130 Meetings to be Informal; Robert's Rules of Order.**

It is the intent of the Board that meetings shall remain as informal as reasonably possible consistent with the business needs of the District. Failure to comply with these rules shall not invalidate an otherwise lawful action of the Board. Nevertheless, whenever the President, or a majority of the Board, deems it necessary for the orderly conduct of business, formal proceedings may be initiated. In such case, the meeting shall be conducted pursuant to Robert's Rules of Order except as otherwise provided in this Chapter.

**2.01.140 Posting Notice.**

*(Amended Resolution 2008-08)*

Notices and other items required to be posted by law or Board direction shall be posted on bulletin board at 810 Oak Lane, Rio Linda, California 95673 in the window of the District Office, and on the District's website.

**2.01.150 Agendas.**

*(Amended Resolution 2008-08, 3/30/09 minutes)*

The Secretary shall prepare the agenda for the meeting containing a brief description of each agenda item and post it at least 72 hours prior to the regular Board meeting after consultation with the President. If a Board member twenty-four (24) hours prior to the posting of the agenda requests a matter be placed on an agenda,



the Secretary shall include an item on the agenda to permit discussion of the matter, subject to approval by the President. Agendas for special Board meetings shall be posted at least twenty-four (24) hours prior to the meeting. The Board by majority vote, or as otherwise provided by law, may modify the agenda prior to proceeding to the consideration of the first matter. All matters shall be considered by the Board in the order listed on the agenda as posted or modified, to the extent of time available. No action may be taken on any matter which did not appear on the posted agenda except as permitted by State law. Agenda items not considered or completed at a meeting for lack of time may be continued and become agenda items at the following meetings in accordance with the forgoing policies.

**2.01.160 Public Comment.**

An item shall be placed on each regular meeting agenda labeled "Public Comment" to provide citizens with an opportunity to express views on matters not otherwise on the agenda. Whether on this agenda item or on another item, such public expression shall be subject to the rules provided herein. No person may address the Board without the permission of the presiding officer, or a majority of the quorum, or as otherwise required by law. Except as required by law, the presiding officer may not recognize anyone other than a Board member or member of the Board staff until Board members have had the opportunity to ask staff questions. A person addressing the Board shall begin by offering his name and address. However, a person shall not be required to offer his name and address in order to comment. Each speaker shall limit his remarks to two (2) minutes, except as otherwise specifically provided for in these rules, or except as time is extended by the presiding officer with the consent of a majority. Each speaker shall avoid repetition of the remarks of prior speaker's and speak only to the agenda item under consideration. Following each speaker's remarks, each Board member shall be given the opportunity to comment further and to address questions to the speaker.

**2.01.170 Form of Action.**

*(Amended Resolution 2008-08, Minute order June 17, 2013)*

The Board may act through the enactment of an ordinance whenever appropriate. A minute order or resolution shall be adopted to amend, repeal or otherwise modify the Policy Manual. The meeting date that the modification was approved will be recorded in the corresponding section of the Manual.

**2.01.175 Ordinances.**

*(Amended Resolution 2008-08, Minute order April 18, 2016)*

Most District business will occur by resolution, however the District Board of Directors may instead choose to carry out business by adopting an ordinance at a special or regular meeting. Unless specific adoption procedures are required by statute (i.e. updating water capacity fees and charges under Cal. Gov't Code §§ 66013 and 66016, or setting water conservation measures under the Cal. Water Code §§ 375 and 376), the District shall adopt an ordinance by introducing it for first reading at a District Board of Directors meeting and at least five (5) days later, perform a second reading and the District Board of Directors vote on adoption the ordinance. District ordinances shall then take effect thirty (30) days following adoption. The Secretary of the Board of Directors shall post the full text of said ordinance in the District office and publish a summary of the ordinance in a newspaper printed, published and circulated in the District at least five (5) days prior to the meeting at which adoption is proposed to occur. After adoption, the Secretary will then publish a summary of the ordinance a second time including the names of those directors voting for and against the ordinance within fifteen (15) days after adoption.

**2.01.180 Quorum; Vote Required.**

*(Amended Resolution 2008-08)*

The majority of the Board shall constitute a quorum for the transaction of business. No ordinance, resolution, or motion shall be passed or become effective without the affirmative votes of at least a majority of the full Board. An abstention shall be recorded as an abstention and shall have the effect of a non-vote.

**2.01.200 CONDUCT OF HEARINGS**

**2.01.205 Purpose.**

This procedure is a guide in conducting a dignified and functional hearing.

**2.01.210 Questioning through President.**

During the course of the hearing a person or Board member should direct any question regarding the matter to the President. No direct questioning of witnesses should be allowed.

**2.01.220 Staff Reports.**

Staff reports will first be heard upon the matter before the Board. The staff shall submit a report describing the physical situation and other facts bearing on the case.

**2.01.230 Appearance of Applicant.**

The applicant will then be given an opportunity to present statements amplifying the written application or providing supplemental information. The applicant may appear in his own behalf or by a representative.

**2.01.235 Appearance in Support of Applicant.**

Anyone else wishing to do so may then speak in support of the proposal. Supporters may appear in their own behalf or by a representative.

**2.01.240 Written Communication regarding Proposal**

The Secretary will then either read or introduce into the record as a whole communications received concerning the proposal.

**2.01.245 Appearance in Opposition to Proposal.**

Anyone wishing to be heard may next speak in opposition to the proposal. Opponents may also appear in their own behalf or by a representative.

**2.01.250 Applicant's Rebuttal.**

The applicant or representative will be afforded the opportunity to offer statements in rebuttal to opposition statements.

**2.01.260 Staff Summary, Alternatives and Recommendation.**

The staff will then present summary, alternatives and necessary recommendations.

**2.01.270 Close Hearing.**

The public portion of the hearing will then be closed and no further testimony taken.

**2.01.280 Board Discussion and Action.**

After the public portion of the hearing is closed and the matter is before the Board, the Board shall proceed with discussion and then: (a) defer taking action on the matter and then continue it until another time and place for further discussion and appropriate action; or (b) vote upon the matter by either granting or denying it as presented or granting it subject to conditions.

**2.01.290 Request for Stenographic Report.**

Any person interested in an application or Board initiated action may request the Secretary in advance of the hearing to provide for the recording of all testimony in a stenographic report. Such person shall make the request in writing to the Secretary and shall agree to pay all costs involved in taking and preparation of the stenographic report.

**2.01.300 PRESS RELATIONS AND MINUTE FORMAT POLICY**

*(Approved by Minute order 05/22/2023)*

**2.01.305 Purpose.**

The purpose of this policy is to provide for an orderly presentation of factual information about District activities and Board action.

**2.01.310 Press Relations.**

The General Manager is hereby designated as the official of the District to represent the District to the press. Employees of the District shall refer all press inquiries to the General Manager. Directors and other District officials are encouraged to refer press inquiries regarding District activities and Board actions at meetings to the General Manager or the President of the Board. Individual Board members should take care not to represent their own opinions as those of the Board or the District, even when those opinions coincide with formal Board action.

**2.01.315 Press Releases.**

Press releases regarding the District shall be approved by the General Manager and the President of the Board. Whenever possible, all members of the Board shall be given an opportunity to review proposed press releases.

**2.01.320 Minutes Format.**

The format of District meeting minutes for regular and special Board meetings shall comply with the Guidelines for Preparing Minutes for Governmental Agencies published by the City Clerks Association of California. Where appropriate and feasible, the minutes shall also include a timestamp corresponding to the point in the video recording where discussion of each action item commenced.

**2.01.400 COMPLIANCE AND ENFORCEMENT**

*(Per Res. 2007-02 Repealed and replaced Resolution 2015-02 approved 7/20/2015)*

**2.01.405 Purpose.**

The purpose of this policy is to establish a process for enforcement of the duties and standards of conduct for District Directors as set forth in this Chapter 2.01. Directors themselves have the primary responsibility to assure that these duties and standards of conduct are understood and met, and that the public can continue to have full confidence in the integrity of local government.

**2.01.410 Responsibility to Intervene.**

The chairs of committees, the Board President and all Board and committee members have the additional responsibility to intervene when actions of Directors that appear to be in violation of this Chapter are brought to their attention.

**2.01.415 Grounds for Disciplinary Action.**

The failure of a Director to comply with the provisions of this Chapter or Chapter 2.30 shall constitute grounds for disciplinary action against him/her. Any Director may submit a request to consider disciplinary action of another Director or Directors. The request should contain specific allegations of conduct that, if true, violate this Chapter or any other portion of the Policy Manual.

**2.01.415 Disciplinary Actions.**

The Board may impose the following disciplinary actions on a Director found to have violated the Policy Manual, depending upon the severity or frequency of the violation:

1. Admonishment. An admonishment is appropriate for allegations of a violation of law or city policy. An admonishment serves as a formal reminder of the rules and is not disciplinary in nature.
2. Reprimand. A reprimand is appropriate when the council finds that a councilmember has committed misconduct but determines that the misconduct does not rise to the level of requiring censure.
3. A censure is a formal resolution to reprimand an individual for misconduct and is a disciplinary action.

**2.01.420 Notice.**

Notice and the request shall be served upon the accused Director or Directors through personal service or certified mail, unless the Director accepts an alternative method of service, at least ten (10) days before the Board meeting where the request will be evaluated. Such notice shall be prepared by District staff and reviewed by legal counsel. The notice will include the time, place, and date of the meeting, as well as state the Director's right to submit oral or written evidence.

**2.01.425 Participation of Director who is Subject to Disciplinary Action.**

A Director who is the subject of an alleged violation will have the opportunity to respond to the accusations at the hearing. However, an accused Director shall be ineligible to vote on any matter related to a disciplinary action including, but not limited to, agendaizing the hearing and adopting a Resolution of Censure.

**2.01.430 Opportunity to be Heard.**

At the disciplinary action hearing, the Director shall have an opportunity to be heard concerning the allegations. The Director may submit a written response to the allegations in addition to, or in lieu of, speaking at the disciplinary action hearing if he/she so chooses. The hearing may be continued from time to time at the discretion of the Board.

**2.01.435 Resolution of Censure.**

If, at the close of the disciplinary action hearing, the Board finds that the Director's conduct does not comply with the District's standards, the Board may direct staff to prepare a resolution of censure which may include the imposition of sanctions against the Director as a majority of the Board deems appropriate. Such sanctions may include removal from a committee and restrictions on District-related travel privileges. At the next Board meeting, the Board may consider and adopt the Resolution of Censure including any sanctions imposed by the Board.

**2.01.440 Alternative Discipline.**

If the Board finds that a Director or Directors has violated the Policy Manual, but the violation does not rise to the level requiring formal censure, the Board may impose an admonishment or reprimand.

**2.01.445 No Basis for Challenging a Board Decision.**

A violation of this Chapter shall not be considered a basis for challenging the validity of a Board decision.

**2.01.450 Conflicts.**

In the event that a majority of the Board is unable to vote at a disciplinary hearing due to a conflict of interest, the General Manager may appoint an ad hoc committee of nonbiased members of the community to conduct an investigation and present a formal report to the Board during a regular open session meeting.

## Chapter 2.05

**APPOINTED OFFICERS**

*(Resolution 1996-02-01)*

2.05.010 Appointment of District Officers

2.05.020 Director not Eligible

2.05.030 Compensation and Tenure

2.05.040 Bond

2.05.100 Duties of Auditor

2.05.200 Duties of Counsel

**2.05.010 Appointment of District Officers.**

The Board shall appoint by majority vote, and enter into contracts for services for, a General Manager, auditor, and general counsel to carry out the duties required by law and other duties required by the board. Persons appointed as officers shall serve at the pleasure of the Board. *(See Ca Water Code §§30540, 30541, 30544; Ca Gov Code 53060)*

**2.05.020 Director not eligible.**

A director shall not be the General Manager, general counsel, or auditor. *(See Ca Water Code §30541)*

**2.05.030 Compensation.**

The General Manager, general counsel, and auditor shall each receive the compensation determined by the Board. *(See Ca Water Code §30542)*

**2.05.040 Bond.**

The District shall insure against losses caused by an employee or officer of the District in lieu of providing a bond or bonds in such amounts as shall be determined by the Board. (See *Ca Gov Code §53226.3*)

**2.05.100 Duties of Auditor.**

The Auditor shall (a) audit the books of the District annually in a manner consistent with law and the rules of the American Institute of Certified Public Accountants; (b) advise the General Manager; (c) provide such other accounting related services as the Board may desire; (d) attend meetings of the Board when requested by the Board; and (e) upon receipt of an inquiry from a member of the Board regarding District financial matters, respond in writing to the entire Board with a copy to the General Manager and to the general counsel. (See *Ca Gov. Code §53060; Ca Water Code §30540*)

**2.05.200 Duties of General Counsel.**

*(Approved by Minute order 06/26/2023)*

The District's general counsel (a) shall provide legal advice to the Board and other officers of the District; (b) shall represent the District in legal matters before the courts; (c) shall perform such other duties as appropriately requested by the Board or the General Manager; (d) shall review all contracts and ordinances of the District prior to approval by the Board; (e) may, and when requested shall, attend meetings of the Board and its committees; (f) upon receipt of an inquiry from a member of the Board regarding District matters (exclusive of matters personal to the Director), shall respond in writing to the entire Board with a copy to the General Manager.

Individual Board Member inquiries must be directed to the primary attorney representing the District. Should one of the non-primary attorneys receive outreach from an individual Board Member, the non-primary attorney shall redirect that Board Member to the primary attorney. (See *Ca Gov. Code §53060; Ca Water Code §31088 and Engagement Agreement with Legal Counsel*)

## Chapter 2.10 **GENERAL MANAGER**

*(Resolution 1996-02-01)*

**2.10.010 EMPLOYMENT****2.10.100 MANAGER-BOARD RELATIONS****2.10.110 Attendance at Meetings****2.10.115 Matters before the Board****2.10.120 Direction from the Board****2.10.125 Requests for Information****2.10.200 DUTIES OF THE MANAGER****2.10.205 General Manager and District Secretary****2.10.210 Full Charge and Control of Water System****2.10.215 Employ and Discharge Employees****2.10.220 Prescribe Duties of Employees****2.10.225 Fiscal Agent****2.10.230 Agent of the Board****2.10.235 Representative of the Board**

- 2.10.240 District's Public Relations Officer
- 2.10.245 Purchasing Agent
- 2.10.250 Additional Duties
- 2.10.260 Contract Signatory

### **2.10.010 Employment.**

The Board of Directors shall employ by contract a person specially trained, experienced, and competent to perform the duties of the General Manager. Said contract shall provide for terms of employment, compensation, and other benefits, including provisions for termination of employment, in a manner consistent with this Chapter. The General Manager shall serve at the pleasure of the Board. (See *Ca Gov Code §53060*)

## **2.10.100 MANAGER-BOARD RELATIONS**

The relationship between the Board and the General Manager shall be governed by the following policies:

### **2.10.110 Attendance at Meetings.**

The General Manager shall attend all meetings of the Board and committees thereof except those closed sessions involving matters related to the employment or termination of the General Manager.

### **2.10.115 Matters before the Board.**

The Board shall permit the General Manager to address all matters coming before the Board and, to such extent reasonably possible, the General Manager shall prepare written reports on all matters coming before the Board for potential action in open session.

### **2.10.120 Direction from the Board.**

The General Manager shall receive direction from the Board only through a vote taken by the Board in public meeting except as provided by the Ralph M. Brown Act.

### **2.10.125 Requests for Information.**

Requests for information by members of the Board regarding the operations of the District shall be made through the General Manager or other appropriate appointed officer. When the General Manager is not available, members of the Board may pass requests for information regarding operations of the District to the General Manager through employees and assistants of the General Manager. Such employees and assistants shall as soon as possible thereafter advise the General Manager of any such request. The General Manager shall furnish requested information as soon as reasonably possible. Board members shall not attempt to give direction to employees.

## **2.10.200 DUTIES OF THE GENERAL MANAGER**

### **2.10.205 General Manager and Board Secretary**

The General Manager shall perform the duties of General Manager of the District and the Duties of Secretary as provided by law and by policy statements and direction given to the General Manager by the Board. As Secretary, the General Manager shall: (a) serve as the secretary of the Board; (b) maintain minutes of meetings and record all hearings and official actions; and (c) serve as custodian of district records. (See *Ca Water Code §§30540, 30570, 30590; Ca Gov Code §§6200, 6250 et seq.*)

**2.10.210 Full Charge and Control of Water System.**

The General Manager shall have full charge and control of the maintenance, operation, and construction of the water-works system of the District. *(See Ca Water Code §30580)*

**2.10.215 Employ and Discharge Employees.**

The General Manager shall have full power and authority to employ and discharge all employees and assistants at pleasure. *(See Ca Water Code §30580)*

**2.10.220 Prescribe Duties and Fix Compensation of Employees.**

The General Manager shall prescribe the duties of employees and assistants; and fix and alter the compensation of employees and assistants subject to approval by the Board. *(See Ca Water Code §30580)*

**2.10.225 Fiscal Officer.**

The General Manager, as chief fiscal officer, shall (a) prepare the annual budget for Board consideration and adoption, and maintain proper budgetary control through the establishment and maintenance of a budgetary accounting system in a manner consistent with state law; and (b) prior to the issuance of checks to pay demands made against the District, review and approve such demands as required under the Government Code.

**2.10.230 Agent of the Board.**

The General Manager shall act as agent of the Board of Directors in relationships with other consultants, contractors, engineers, legal counsel, accountants, and auditors employed and retained by the District.

**2.10.235 Representative of the District.**

*(Amended by minute order 4/18/20)*

The General Manager shall act as representative of the District in working with county, regional, state and federal agencies concerned with water and wastewater operations and construction projects. The General Manager (GM) as appointed an alternate voting member for the Regional Water Authority (RWA) with the following direction:

(A) GM can only vote on RWA action items if the primary delegate (elected RLECWD Board Member is unavailable to attend the RWA meeting.

(B) Where the primary delegate has a known schedule incompatibility, the GM is directed to provide the RLECWD Board with as much RWA relevant issue information as practical to enable the RLECWD Board to give direction to the GM as appropriate.

If the circumstances are such that the primary delegate's absence was not anticipated, and/or the GM has not been given direction by the RLECWD Board on RWA items that may result in costs and other obligations for the RLECWD ratepayers, the GM is directed to abstain from the RWA vote.

**2.10.240 District's Public Relations Officer.**

The General Manager shall act as the District's public relations officer, endeavoring to keep the community informed of the District's efforts to operate and maintain an efficient program.



**2.10.250 Purchasing Agent.**

The General Manager shall act as the purchasing agent of the District. Pursuant to direction given by the Board, the General Manager shall execute such purchase orders as may be necessary to implement the annual budget of the District.

**2.10.250 Additional Duties of General Manager.**

The General Manager shall also: (a) perform other duties imposed by the Board; and (b) report to the Board in accordance with the rules and regulations as it adopts. *(See Ca Water Code §30581)*

**2.10.260 Contract Signatory.**

The General Manager shall sign all contracts.

Chapter 2.15

**SUCCESSION PLANNING**

*(Adopted on 2015-09-21 Board Meeting)*

**2.15.010 Purpose.**

The Succession Planning process described below is recommended if the Manager were to suddenly leave the District.

1. The Board hold an emergency meeting.
2. Request the District Engineer or Assistant Manager if available step in as Interim Manager for a period not to exceed 90 days. Salary to be negotiated as part of the Interim Manager's contract.
3. Immediately post the position on several sites such as Regional Water Authority, California Special Districts Assoc., American Water Works Assoc. and/or hire a firm that specializes in Executive hiring.
4. Form an ad hoc committee to vet the new hire and report to the full Board.

Chapter 2.20

**COMPENSATION OF DIRECTORS, OFFICERS AND EMPLOYEES**

*(Resolution 1996-09-02)*

2.20.100 COMPENSATION OF DIRECTORS

2.20.110 Compensation for Board Meetings

2.20.120 Compensation for Attendance at District Related Functions

2.20.130 Policy on Director Travel

2.20.140 Pre-Approved Compensation for Assigned District Representatives

2.20.150 Pre-Approved Travel for Assigned District Representatives Limitations on Director Reimbursement

2.20.160 Limitation on Board Compensation

2.20.200 Compensation of Other Officers

2.20.300 CONFLICT OF INTEREST CODE

2.20.400 PUBLIC RECORDS ACT REQUEST POLICY

## 2.20.100 COMPENSATION OF DIRECTORS

*(Amended by Resolution 2003-05 adopted on July 21, 2003)*

### 2.20.110 Compensation for Board Meetings.

Each Director shall receive compensation in accordance with Section 2.01.050 of the Administration and Personnel Policy for each day's attendance at regular and special meetings of the Board of Directors.

### 2.20.120 Compensation for Attendance at District-Related Functions.

Each Director shall receive compensation in accordance with Section 2.01.050 of the Administration and Personnel Policy for each day's attendance at approved conferences, meetings and seminars subject to the policies and limitations contained in this Chapter 2.20. Such compensation shall not include travel days, unless the Director was in attendance at the approved function on the day of travel.

### 2.20.130 Policy on Director Travel.

Individual Board members may attend any meeting, conference or seminar of their choosing, but shall only officially represent the District and receive compensation and/or travel reimbursement for approved travel. Approved travel shall consist of attendance at meetings, conferences and seminars by an appointed representative or alternate as identified in Section 2.20.140, or which the Board of Directors has approved by majority vote at a regular or special meeting. Directors attending a meeting, conference or seminar shall provide information regarding their attendance at the next regular Board meeting.

### 2.20.140 Pre-Approved Compensation for Assigned District Representatives.

*(amended by minute order July 18, 2022 Reference California AB 1234 Local Agencies Compensation and Ethics)*

The Board President may appoint by conformation of a majority of the Board members one Director to be the primary representative and one Director as the alternate to the following organizations: Sacramento Groundwater Authority (SGA), California Special Districts Association (CSDA), Association of California Water Agencies (ACWA) and/or ACWA/Joint Powers Insurance Authority (ACWA/JPIA). The Board may nominate a representative to Sacramento County LAFCo. This policy authorizes the primary representative or the alternate when the primary representative is not able to be present and requests that the alternate attend, may attend and be compensated for the following meetings:

- SGA- Regular and Special meetings held in compliance with the Ralph M. Brown Act.
- ACWA / ACWA JPIA – Meetings held in the Sacramento area (within a 30-mile radius of the RLECWD office).
- Sacramento County LAFCo – Regular and Special meetings held in compliance with the Ralph M. Brown Act.

All other meetings, conferences and seminars shall require prior Board approval if the Director wishes to be compensated for attendance and/or receive travel reimbursement. The following are also stipulations for Board Members receiving meeting attendance compensation:

- Board Members must submit a compensation request form within 30-days after the meeting for which they are requesting compensation. Extensions for of this time limit may be granted by the Board of Directors based on the written justification provided by the requesting Board Member.
- Board Members attending meetings other than RLECWD meetings and requesting compensation are required to present a brief summary of the meeting details. Such presentation is to be provided at the

RLECWD regular Board meeting immediately following the meeting for which compensation is or will be requested.

**2.20.150 Pre-Approved Travel for Assigned District Representatives Limitations on Director Reimbursement.**

The District will pay for reasonable expenses incurred by a Director that is directly related to attendance at a function authorized under Section 2.20.130. Reimbursement for mileage for use of a private vehicle shall be limited to travel destinations in excess of 50-miles from the District. Overnight lodging reimbursement shall be limited to destinations in excess of 75-miles from the District. Exceptions to this Section shall require prior approval by a majority of the Board of Directors. Payment of travel-related expenses shall only be made in accordance with the provisions of Section VII Employee Reimbursement Guidelines of the Personnel Handbook.

**2.20.160 Limitation on Board Compensation.**

Compensation to any individual Director under the provisions of Sections 2.20.110 and 2.20.120 shall not exceed six (6) days in any calendar month.

The compensation of the General Manager, general counsel and the Auditor shall be as determined by a written contract or agreement for services.

Chapter 2.30  
**CONFLICT OF INTEREST CODE**  
*(Res No. 2014-04)*

- 2.30.010 Purpose
- 2.30.020 Incorporation of Fair Political Practices Commission Language
- 2.30.025 Filing Statements of Economic Interest
- 2.30.030 Consultant Determination
- 2.30.035 Notice of Disqualification
- 2.30.040 Request for Opinion
- 2.30.045 Unclassified Employees
- 2.30.050 Fair Political Practices Commission Standard Code Provisions
- 2.30.055 Designated Position
- 2.30.060 Disclosure Categories
- 2.30.070 Category 1
- 2.30.080 Category 2
- 2.30.090 Category 3
- 2.30.100 Category 4

**2.30.010 Purpose.**

In California, local government agencies are required to adopt conflict of interest codes under the Political Reform Act of 1974 (Government Code Sections 81000, et. seq.). These codes are intended to ensure that local government agencies operate openly and ethically. The Fair Political Practices Commission has drafted a model conflict of interest code that local government agencies may adopt to comply with state law requirements. Rio Linda Elverta Community Water District's (the "District") conflict of interest code is meant to adopt and implement the Fair Political Practices Commission model code in order to provide guidelines for District employees and protect the integrity and efficiency of the District's operations.

**2.30.020 Incorporation of Fair Political Practices Commission Language.**

The District hereby adopts and incorporates California Code of Regulations, Title 2, division 6, Section 18730, as amended by Section 2.30.050.

**2.30.025 Filing Statements of Economic Interest.**

Designated employees and officials shall file statements of economic interests (FPPC Form 700) pursuant to the provisions of this Conflict of Interest Code. Statements of economic interests shall be filed with the District, which shall retain a copy to make available for public inspection and reproduction, pursuant to Government Code Section 81008. The original statements of economic interests shall be forwarded to the Sacramento County Clerk of the Board of Supervisors, as required by law.

**2.30.030 Consultant Determination.**

The General Manager shall make the initial determination as to whether individuals are consultants, as defined in California Code of Regulations, Title 2, division 6, Section 18701. An individual may be a consultant whether he or she is compensated or is an unpaid volunteer. The requirements of this conflict of interest code shall be included in the agreement which is entered into between the District and a consultant.

**2.30.035 Notice of Disqualification.**

If a filer is required to disqualify him or herself, the filer shall give written notice to the District, which shall be made part of the District’s official records. The filer shall refrain from participation and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.

**2.30.040 Request for Opinion.**

Any filer who is unsure of any right or obligation arising under the Conflict of Interest Code should consult with the General Manager who may request a formal opinion or letter of advice from the General Counsel. If an opinion is rendered by the General Counsel stating in full the facts and law upon which the opinion is based, compliance by the filer may be evidence of good faith in any civil or criminal proceeding brought pursuant to the Political Reform Act of 1974 or this conflict of interest code. The filer’s good faith compliance with the opinion of the General Counsel shall also act as a complete defense to any disciplinary action that the District may bring under Government Code Section 91003.5 or this Conflict of Interest Code.

**2.30.045 Unclassified Employees.**

Notwithstanding the provisions of California Code of Regulations, Title 2, division 6, Section 18734, any individual hired for a position not yet covered by the conflict of interest code in which the individual serves in a position that makes or participates in making governmental decisions is required to file a statement of economic interests under the District’s broadest disclosure category until the conflict of interest code is amended to include the new position unless the department in conjunction with the General Counsel, has provided a limited disclosure requirement in writing.

**2.30.050 Fair Political Practices Commission Standard Code Provisions.**

The political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation, California Code of Regulations, Title 2, division 6, Section 18730 (hereinafter “CCR 18730”), which contains the terms of a standard Conflict of Interest Code, which can be incorporated by Reference, and which may be amended by the FPPC to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of CCR 18730 and any amendments to it duly adopted by the FPPC, along with this Chapter constitute the Conflict of interest Code of the Rio Linda Elverta Community Water District.

Designated individuals shall file their statements of economic interest (FPPC form 700) with the Rio Linda Elverta Community Water District, which shall retain a copy to make available for public inspection and reproduction, pursuant to Government Code Section 81008. The original statements shall be forwarded to the Sacramento County Clerk of the Board of Supervisors, as required by law.

**2.30.055 Designated Positions.**

District employees are assigned the levels of disclosure described below. Every employee shall comply with the disclosure requirements of the categories he is assigned, as provided in Section 2.30.060.

<b>DESIGNATED POSITION, TITLE OR FUNCTION</b>	<b>DISCLOSURE CATEGORIES ASSIGNED</b>
1. Members of the Board of Directors	1, 2, 3, 4
2. Candidates for Members of the Board of Directors	1, 2, 3, 4

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3. General Manager	1, 2, 3, 4
4. General Counsel	1, 2, 3, 4
5. District Auditor	1, 2, 3, 4
6. District Engineer	1, 2, 3, 4
7. Consultant*	1, 2, 3, 4

\*Consultants shall disclose pursuant to the broadest category in this conflict of interest code, subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a designated position, is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described herein. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

**2.30.060 Disclosure Categories.**

The District adopts four disclosure categories under its conflict of interest code: Category 1, Category 2, Category 3, and Category 4.

**2.30.070 Category 1.**

Individuals in this category shall disclose all interests in real property located within the District, and all investments in, business positions with, and sources of income from entities having an interest in real property within the District or entities which are the type to do business with or within the District, and income from sources which provide facilities, services, supplies, or equipment of the type utilized by the District, including but not limited to:

- 1. Accounting services
- 2. Appraisal services
- 3. Architectural services
- 4. Banks and savings and loan institutions
- 5. Chemicals, insecticides, weed killers
- 6. Communications equipment and services
- 7. Computer hardware and software
- 8. Construction and building materials
- 9. Construction contractors
- 10. Custom farming services such as weed abatement, etc.
- 11. Electrical equipment
- 12. Engineering services
- 13. Entities construction distribution and drainage collector facilities for the District
- 14. Financial audit services
- 15. Freight and hauling
- 16. Hardware tools and supplies
- 17. Janitorial services
- 18. Land developers and builders
- 19. Meters
- 20. Motor vehicles, heavy equipment, special vehicles and parts, and services thereto
- 21. Office equipment

22. Petroleum products
23. Photographic services, supplies, and equipment
24. Pipe, valves, fittings, etc.
25. Printing, reproduction, recordkeeping, etc.
26. Public utilities
27. Pumps, motors, etc.
28. Real estate agents/brokers and investment firms
29. Safety equipment and facilities
30. Telemetering equipment
31. Title companies
32. Travel agencies
33. Water quality testing
34. Water services in any capacity
35. Water treatment equipment supplies and services
36. Well drilling

**2.30.080 Category 2.**

Individuals in this category shall disclose all interests in real property located within the District, and all investments in, business positions with, and sources of income from entities which are the type to do business with or within the District, and income from sources which provide facilities, services, supplies, or equipment of the type utilized by the district, including but not limited to:

1. Accounting services
2. Appraisal services
3. Banks and savings and Joan institutions
4. Communications services and equipment
5. Computer hardware and software
6. Consulting services
7. Employment agencies
8. Financial audit services
9. Janitorial services
10. Medical services and supplies
11. Office equipment, supplies, and services
12. Printing, reproduction, recordkeeping equipment, supplies, and services
13. Travel agencies
14. Water quality services

**2.30.090 Category 3.**

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources that are engaged in land development, construction or the acquisition or sale of real property in the District, plan to engage in such activities in the District, within the next twelve months, or have engaged in such activities in the District, within the past two (2) years. Disclosure shall also include investments and business positions in business entities, and income from sources which: (A) are contractors or subcontractors engaged in performance of work or services of the type utilized by the District; or (B) which manufacture or sell supplies, material machinery, or equipment of the type utilized by the District.

**2.30.100 Category 4.**

All investments and business positions in, and sources of income from, business entities that are engineering firms, accounting or auditing firms, employment services firms, banking, savings and loan, or other financial institutions.

**Chapter 2.40****PUBLIC RECORDS ACT REQUEST POLICY**

2.40.010 Purpose.

2.40.020 Preferred Form.

2.40.030 Initial Response.

2.40.040 Production of Records.

2.40.050 Limit of Public Records Act Request.

**2.40.010 Purpose.**

The California Public Records Act (Government Code Section 6250 et seq.) provides California citizens with important rights to obtain access to records held by public agencies in the State. The purpose of this policy is to clarify for the public, attorneys, insurance adjusters, and private investigators, the process by which the District will respond to requests for records under the Public Records Act. In addition, the District seeks to establish a clear procedure for responding to Public Records Act requests to ensure that the District processes all requests fairly, consistently and in a time sensitive manner.

**2.40.020 Preferred Form.**

The District prefers that all requests for public records be in writing on a form prescribed by the District Manager, unless the request is to review an agenda or agenda reports of the Board of Directors or a District committee. Oral requests may require further clarification or a response to questions from the District to clarify the request.

**2.40.030 Initial Response.**

The General Manager will provide its initial response to all requests as soon as possible, but not later than the ten-day period, or extensions thereof, as provided by Government Code sections 6256 and 6256.1. In accordance with the Public Records Act, this initial response will indicate whether the District has any disclosable records in response to the request. The following steps will be taken to make this determination.

(1) The General Manager shall review the request and determine whether the request seeks identifiable records and, if not, the General Manager shall so advise the person making the request.

(2) The General Manager shall respond to the person requesting records by advising him or her in writing of the availability of the documents and whether disclosure of any of the documents is exempt under the provisions of the Public Records Act.

**2.40.040 Production of Records.**

After the initial response from the District and if disclosable documents are identified, the person requesting such documents may either inspect the documents at the District office or request a copy of such documents. If a request is made for copies of the documents, the General Manager shall also advise the person requesting copies of the estimated time to compile the documents and the costs of copying the documents requested.



The person requesting the copies shall pay the per page charge for copying as set forth by resolution of the District Board for all copies requested, not to exceed the actual costs of providing the copies. The General Manager shall not make the requested copies until a deposit in the amount of the estimated costs of copying is received and shall not release the copies until the full cost of copying is paid to the District in the form of a check or money order. Cash is not accepted by the District.

**2.40.050 Limits of Public Records Act Request.**

In accordance with the Public Records Act, the District will provide only specific identifiable records but will analyze information which may be contained within any public records. The District is not required to create a document or record that does not exist. The District will exercise reasonable efforts to locate requested documents normally kept by the District.

The District will respond to requests for public records in accordance with the terms of the California Public Records Act as the Act now exists or may hereafter be amended, and nothing in this Policy is intended nor shall it be construed to conflict with the terms of the Public Records Act.

## Title 3 FINANCE

Chapters:

- 3.01 GENERAL PROVISIONS
- 3.03 DEFINITIONS
- 3.05 ACCOUNTING
- 3.06 DISPOSAL OF CAPITAL ASSETS
- 3.07 BUDGET
- 3.08 PUBLIC CONTRACT BIDDING
- 3.09 FINANCE POLICY
- 3.10 WHISTLEBLOWER POLICY
- 3.11 PAYMENT OF CLAIMS
- 3.15 RECORDS RETENTION POLICY
- 3.21 RISK CONTROL

### Chapter 3.01 **GENERAL PROVISIONS** *(Resolution 1996-11-02)*

**3.01.010 Purpose.**

The purpose of this Chapter is to provide for implementation of the financial provisions of the County Water District Law and the Government Code of the State of California.

### Chapter 3.03 **DEFINITIONS** *(Resolution 1996-11-02)*

- 3.03.010 General.
- 3.03.104 Budget.
- 3.03.108 Budget Document.
- 3.03.112 Fiscal Year
- 3.03.116 Fund.
- 3.03.120 Reserves

**3.03.010 General.**

As used in this Chapter certain terms, phrases, words and their derivatives shall be construed as specified in this Chapter.

**3.03.104 Budget.**

A plan of financial operation embodying an estimate of proposed expenditures for a fiscal year and the proposed means of financing them.

**3.03.108 Budget Document.**

The instrument used by the General Manager to present the proposed plan of financial operations of the District to the Board of Directors. It includes the proposed Budget and all supporting statements, details, schedules, statistics, messages, summaries and other information deemed appropriate by the General Manager.

**3.03.112 Fiscal Year.**

The twelve-month period of time to which the annual Budget applies, which shall be from July 1st through June 30th.

**3.03.116 Fund.**

An independent accounting entity with a self-balancing set of accounts segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

**3.03.120 Reserves.**

An account which records a portion of the fund balance which is segregated for some future use and which has not been appropriated for expenditure within the Budget.

## Chapter 3.05

### **ACCOUNTING**

*(Resolution 1996-11-02)*

## 3.05.100 Funds

## 3.05.110 Water Enterprise Fund

## 3.05.120 Project Funds

## 3.05.130 Special Holding Funds

## 3.05.140 Write-off of Uncollectible Accounts Receivable

## 3.05.150 Unclaimed Check Policy

## 3.05.160 Write off of Uncollectible Debt less than \$10.00.

## 3.05.170 Customer Final Bill Refunds

## 3.05.180 Capital Assets

**3.05.100 Funds.**

All monies received and/or expended by the District shall be accounted for and recorded in ledgers for those funds provided for in this Chapter.

**3.05.110 Water Enterprise Fund.**

All revenues and expenditures for the maintenance, operation and improvement of the District water fund shall be accounted for in this fund.

**3.05.120 Project Funds.**

The General Manager and District Auditor may create special funds for accounting of revenues and expenditures related to specific construction projects.

**3.05.130 Special Holding Funds.**

The General Manager and District Auditor may create special funds for accounting purposes to hold monies which have been expended from a regular budgeted fund, but for one reason or another are still in the possession of the District. All such funds shall be reported in the monthly Budget report.

*(approved 9/15/2014)*

After all reasonable efforts have been made to collect accounts, the District will write-off the uncollectible amount.

The amount is to be split between water service fees and surcharge fees of \$19.00 per service per billing cycle.

The method of writing off bad accounts will be as follows:

1. A report shall be created that lists all accounts that were not able to be collected. The list shall include the account number, address and the total amount due.
2. The list shall be presented to the Board of Directors once per fiscal year at the April meeting of the Board.
3. Upon approval of the Board of Directors to write off the presented amount, a journal entry will be made moving each account presented to water and surcharge bad debts, clearing accounts receivable.

**3.05.150 Unclaimed Check Policy.**

*(approved 4/20/2015)*

In conformance with the California Government Code, Section 50050, et seq. (Code). Money that remains unclaimed and in official custody of the District for three years (one year of the amount is less than \$15.00) becomes property of the District providing the District Chief Financial Officer follows certain processes as defined in the Code. The Code will be considered the procedure for implementing this policy.

**3.05.160 Write off of Uncollectible Debt less than \$10.00.**

*(approved 4/20/2015)*

The General Manager may write off uncollectible accounts receivable with delinquent balances less than ten dollars (\$10.00). A write-off of uncollectible accounts receivable does not constitute forgiveness of debit and it is still payable by the debtor. If the debt is later paid, it is treated as new, taxable revenue.

**3.05.170 Customer Final Bill Refunds.**

*(approved by minute order 5/18/2020)*

Customers with a credit balance on an account upon closure will normally be issued a refund for credit balances in excess of \$10.00. The \$10.00 threshold is less than the District's cost to process a final bill refund. If the customer contacts the District and requests the payment of the credit be refunded by check, the District will explain the cost for processing the final check and ask the customer to confirm his/her request. Credit balances of less than \$10.00 will be deposited into the District's operating fund by default.

**3.05.180 Capital Assets.**

*(approved by minute order 5/18/2020)*

*The term Capital Assets is used to describe* assets that are used in operations and that initial lives extending beyond a single reporting period. Capital assets may be either intangible (e.g., easements, water rights, and annexations) or tangible (e.g., land, buildings, building improvements, vehicles, machinery, equipment, and infrastructure).

The District defines a capital asset as having a useful life in excess of two or more years and acquisition cost of \$5,000.00 or more per unit. Generally, assets meeting this definition should be recorded on the District's Capital Asset Listing.

For a replacement to be capitalized, it must be a part of a major repair or rehabilitation project, which increases the value and/or useful life of the building, equipment or machinery. A replacement may also be capitalized if the new item or part is of significantly improved quality and higher value compared to the old item or part.

If similar items are purchased together, or items to be used as one system, which total \$5,000.00 in aggregate, should be capitalized.

The cost of an accessory purchased separately, after the equipment has been received and made operable, should be added to the value of an item of capital equipment.

Items costing less than \$5,000.00 would not be recorded as capital asset, but their costs would be recorded as expenditure (Office Equipment, Computer Equipment, etc.).

## Chapter 3.06

### **DISPOSING OF CAPITAL ASSETS**

*(Approved at the September 15, 2014 meeting of the Board)*

3.06.100 Purpose

3.06.200 Definitions

3.06.300 Yearly Inventory of Real Property

3.06.400 Disposal of Real Property

3.06.500 Procedure for Relinquishment of District Interest in Easements

3.06.600 Disposal of Vehicles and Large Equipment

3.06.700 Guidelines Concerning the Sale of Vehicles and Large Equipment

3.06.800 Disposal of Other Personal Property Other than Vehicles/Large Equipment

3.06.900 Revenue from Disposal of Surplus Property

3.06.1000 Prohibition against Upgrades

3.06.1100 Prohibited Director, Officer and Employee Transactions

3.06.1200 Discretion of Board and General Manager

#### **3.06.100 Purpose.**

The primary purpose of this policy is to allow management staff to determine if a parcel of real property, easement, vehicle or large equipment or other personal property is no longer needed for daily, emergency and/or future operations of the District. A staff report is generated to document why a parcel of real property, easement, vehicle or large equipment or other District property should not be retained.

#### **3.06.200 Definitions.**

**Real Property** – Any ownership interest in any parcel of land, buildings and improvements owned by the District.

**Easement** – An interest in another’s real property that permits the District to make limited use of that real property for a District purpose.

**Vehicles and Large Equipment** – Any ownership interest in utility trucks, dump trucks, tractors, backhoes, and other significant self-propelled equipment used in District operations.

**Personal Property** – Any ownership interest in any moveable or intangible thing that is subject to ownership and not classified as real property including: shop tools (cut-off saws, drills, etc.), computer equipment (monitors, printers, etc.), furniture.

**3.06.300 Yearly Inventory of Real Property.**

(Government Code Section 50569), every year before December 31st, the District shall inventory all of the real property it owns or controls and shall determine if any real property owned or controlled is in excess of the District's foreseeable needs ("Surplus Real Property"). If any real property is found to be in excess, the District shall list such real property in a document, which will be public record.

**3.06.400 Disposal of Real Property.**

1. District management determines if a parcel of real property no longer meets the needs of daily, emergency and/or future operations. A staff report is generated to document why the parcel should not be retained.

2. District management determines if a parcel falls within the notice and offer procedures provided in Government Code sections 54220 through 54232, as they may be amended from time to time. A parcel of real property is exempt from the statutory notice and offer procedures if it:

(A) Is less than 5,000 square feet; or

(B) Is less than "the minimum legal residential building lot size for the jurisdiction in which the parcel is located"; or

(C) Is sold to a Landowner of contiguous land; and;

a. Is not: (a) contiguous to land owned by a state or local agency that is used for park, recreational, open-space, low- or moderate-income housing; or (b) located in an enterprise zone or high-density, economically-distressed areas involved in certain redevelopment program; and

b. Has no recorded access and is less than 10,000 square feet;

(D) If the statutory notice and offer procedures must be followed, the District must obtain a qualified appraisal of the parcel and offer the surplus real property to specified public agencies before it can sell the property to other public agencies or a private party. The specified public agencies are as follows:

a. Sacramento County for developing low- and moderate-income housing;

b. Sacramento County Parks and Recreation Department for park and recreational purposes;

c. Any regional park authority that has jurisdiction over the area in which the surplus real property is located if it is to be used for park and recreational purposes;

d. The State Resources Agency for park and recreational purposes; and

e. The school district in whose jurisdiction the parcel is located.

(E) The Board of Directors declares real property as surplus and determines if a parcel must be offered to the designated public agencies under the statutory notice and offer procedures prescribed by the Government Code or is exempt from such procedures. If the District must sell a surplus parcel under the statutory notice and offer procedures, the General Manager will give qualifying public agencies notice of the parcel's availability for purchase. If none of the agencies to which notice must be given notifies the District within 60 days after receiving notice that they are interested in buying the surplus parcel, then the District may

sell the parcel by advertised public sale. If the District receives notice from an agency that it wishes to purchase or lease the Surplus Real Property, the District and the interested agency shall enter into good faith negotiations for a period of at least sixty (60) days. If the parties fail to reach an agreement within sixty (60) days, the District may proceed with disposing of the real property through a public sale as described in this section.

(F) In the event that more than one agency responds to the statutory notice by expressing an interest in purchasing the surplus real property, the District will give first priority to the agency that agrees to use the surplus real property for low or moderate income housing. However, if the surplus real property is already being used for a park or a recreational purpose, or if the surplus real property is designated for park or recreational purpose in the applicable general plan, then the District will give first priority to an agency that agrees to use the real property for a park or recreational use.

(G) In all cases where the statutory notice and offer procedures have not resulted in disposal of a parcel, the District will sell surplus real property by public sale. The General Manager will notice the parcel's sale at the appraised value unless the Board of Directors authorizes a different price. The notice of sale will contain a description of the surplus real property; a statement of time and place for opening bids. Bids for the purchase of surplus real property will be accepted or rejected by a resolution of the District Board of Directors. Alternatively, the District may list the surplus parcel for public sale with a licensed real estate broker in good standing who advertises the parcel through a multiple listing service or similar listing system at a fair market value determined by the broker using comparable sales data. Documents for the conveyance of title to surplus real property will be executed by the President of the Board upon authorization by the Board of Directors.

(H) If the General Manager determines that a surplus parcel is exempt from the Government Code's notice and offer procedures, it will not be necessary to obtain a formal appraisal of the property. If circumstances warrant and the Board of Directors determines it is in the best interest of the public the surplus parcel may be sold for less than fair market value. In such cases, the General Manager or his/her designee will prepare a staff report documenting why the parcel was not appraised, why it may be sold for less than fair market value, the fiscal impact of selling the parcel and why it is exempt from the Government Code notice and offer procedures. After review of the staff report, the Board of Directors may approve the sale of the surplus parcel by motion. A staff report and a certified copy of the Board of Directors Meeting minutes reflecting the Board's approval of the sale is sufficient to authorize the General Manager to make the sale.

### **3.06.500 Procedure for Relinquishment of District Interest in Easements.**

1. Staff determines if an easement no longer meets the needs of daily, emergency and/or future operations of the District. Staff then will generate a report that documents the justification for relinquishing the easement and makes a determination whether the easement has any fair market value. Staff then will forward the report to the General Manager for review. If staff determines that the easement has some marketable value, the General Manager will present the staff report to the Board at a subsequent meeting with a recommendation for Board of Directors action on relinquishing the easement in exchange for valuable consideration.

2. If staff determines that the easement has nominal fair market value, with Board approval, the General Manager shall have the authority, upon review and approval of the recommendation in the staff report, to sign and record a quitclaim deed to relinquish the District's interest in the easement. If the easement is a Public Utility Easement, the General Manager shall have the authority, upon review and approval of the recommendation in the staff report, to sign an easement relinquishment letter.

3. If, upon recommendation of staff, the General Manager authorizes disposal of an easement under this section, then the General Manager will report the disposal of the easement to the Board at its next regular meeting following the recording of the quitclaim deed relinquishing the easement.

### **3.06.600 Disposal of Surplus District Assets.**

(Approved by July 16, 2018 Minutes)

**1. Purpose and scope** – Rio Linda Elverta Community Water District (“the District”) must from time to time surplus District equipment, vehicles, materials or other District-owned assets not considered real property (collectively, “Surplus Assets”), which has become outdated, worn-out, or unnecessary. Accordingly, this policy prescribes the methods and means to remove the Surplus Assets from the District’s inventory, provide accurate information for insurance purposes, and assure the District receives fair market value for the Surplus Assets in the most efficient means practical under varying circumstances.

**2. Sale of Surplus Assets** – Board of Directors acts to declare assets to be surplus, and additionally act to declare the manner each item is to be dispositioned (sealed-bid or internet auction). The Board of Directors will then authorize the General Manger to review bids and authorize sale of the item(s) to the highest bidder.

(A) Sealed-bid Disposition:

1. Item is advertised for sale in a newspaper of local general circulation with information about the location/hours/days it can be seen and the deadline date for submission of sealed bids.
2. Sealed bids are opened after the submission deadline by the General Manager. The General Manager then determines if the bid is adequate for acceptance.

(B) Internet Disposition:

1. Item is posted on eBay or a similar user-friendly internet system that allows a user of the system to place ongoing bids on an item they are interested in purchasing. The system should allow bidders to see the last highest bid made and post a higher bid, if they choose, until the sale deadline.
2. A link to the Internet-posted items will available on the District’s website.
3. Photos of the surplus item (subject to the General Manager’s discretion), as well as contact and site-inspection information, will be provided at both the eBay/user friendly internet system and the District’s website.
4. The minimum bidding period will be seven days after the advertisement is published or posted.
5. If the Surplus Asset item is large, sale specifications may include the requirement that the buyer retrieve it at District facility.
6. Once bidding is complete, the General Manager will review bids received and authorize sale of the Surplus Asset item(s) to the highest bidder.
7. Buyers shall pay by cashier’s check.
8. Minimum bid recommendations by Department Managers will be subject to approval by the General Manager.
  - a. Buyers will typically be given one week from the date of sale to retrieve the purchase item, unless the General Manager determines that circumstances warrant an extended period.



**3.06.700 Guidelines Concerning the Sale of Surplus Vehicles and Large Equipment.***(Approved by July 16, 2018 Minutes)*

Prior to the sale of Surplus Assets, the General Manager will direct staff to assist in the following:

1. Remove all District equipment from the vehicle or large equipment (radio, decals, etc.).
2. Clean and repair the Surplus Asset if it is an immediate safety issue.
3. As necessary (e.g. for surplus vehicles), after the Surplus Asset is sold, the General

Manager or his or her designee will complete paperwork as required by the Department of Motor Vehicles (DMV) to report the sale of the Surplus Asset return all completed forms and vehicle license plates to DMV.

**3.06.800 Disposal of Other Personal Property other than Surplus Vehicles or Large Equipment.***(Approved by July 16, 2018 Minutes)*

In the normal course of business, the District will require disposal of personal property items which do not have value as assets, but have value as recycled material, such as glass, paper, scrap metal, and copper wire and pipe. For large quantity items with a combined total value estimated to be less than \$500, the following terms shall apply:

1. Board action for designation of surplus assets is not required for each transaction, i.e. the Board may provide blanket authorization for disposition at a reputable recycling facility.
2. The recycling facility must compensate the District by means of a check payable to the District
3. Copper pipe of sufficient lengths, which may be used in the construction industry instead of recycled, may be dispositioned in accordance with the Sale of Surplus Assets section above (3.06.600(2)(B)).

**3.06.900 Revenue from Disposal of Surplus Property.**

All revenue received from the disposal of surplus real or personal property will be deposited in the District's General Operating Fund unless otherwise specified by the Board of Directors.

**3.06.1000 Prohibition against Upgrades.**

Unless necessary to ensure the safety, merchantability and/or serviceability of surplus property, District staff may not make any repairs or upgrades to any real or personal property recommended or already deemed to be surplus. For example, staff may not replace a vehicle's worn but serviceable tires with new tires, nor may staff add or replace optional equipment that enhances a vehicle's value. Before sale and upon the General Manager's authorization, District staff may repair or replace parts on a surplus item if it is necessary to ensure that it is safe, serviceable and/or merchantable.

**3.06.1100 Prohibited Director, Officer and Employee Transactions.**

In accordance with Government Code section 1090; all members of the District Board of Directors and the General Manager are prohibited from purchasing surplus District real or personal property. Staff members generally are eligible to buy surplus District real or personal property noticed for sale on the same terms and conditions as those offered to members of the public, except that any District employee who actively participated in determining an item's price, surplus status or conditions of sale is prohibited from purchasing such items because the employee is deemed by law to have a prohibited interest in the sale. The General Manager, in consultation with the Board and legal counsel, will determine if an employee has a prohibited interest in an item of surplus property.

**3.06.1200 Discretion of Board and General Manager.**

Except as prohibited by law, the Board of Directors and General Manager will have the discretion to waive any minor irregularity in the procedures for the surplusing and disposing of surplus property. Such discretion will be exercised in a non-discriminatory manner.

## Chapter 3.07

### BUDGET

*(Resolution 1996-11-02; amended by adoption of Res. No. 2019-07)*

**3.07.100 Presentation and Review****3.07.200 Public Hearing****3.07.300 Adoption****3.07.400 Revisions to the Final Budget****3.07.500 Minor Revisions by the GM****3.07.100 Presentation and Review.**

In June of each year, the General Manager shall present the draft budget documents to the Board of Directors, including the "Preliminary Budget, for the following fiscal year. The Board may adopt the Preliminary Budget and schedule a Public Hearing for consideration of the Final Budget (typically August regular Board of Directors meeting).

**3.07.200 Public Hearing.**

On or before the regular Board meeting in August, the Board of Directors shall hold a public hearing to adopt the Final Budget. Copies of the Budget document shall be available to the public.

**3.07.300 Adoption.**

During or before the regular Board meeting in August, the Board of Directors shall make any changes it deems desirable to the Preliminary Budget and shall adopt by resolution the Budget as finally determined. The resolution shall include all adopted revenue and expenditure figures.

**3.07.400 Revisions.**

Occasionally, it is necessary and appropriate for Board of Directors to revise the budget. Examples of necessary budget revisions include but are not limited to; unforeseen regulatory requirements and expenses, operational costs beyond those originally budgeted, and catastrophic equipment/facilities failures. As required, the General Manager will present budget revisions to the Board and the Board will consider these revisions at regular meetings of the Board of Directors.

**3.07.500 Minor Revisions and reallocations between line items.**

When the budget revisions are minor in scope and/or consist merely of reallocating a surplus from one line item to cover reasonably anticipated shortfalls in another line item, the General Manager is authorized to make such minor budget revisions and report the revision, including submitting the revised budget to the Board review at the subsequent Board of Directors meeting. General Manager authorized minor budget revisions are limited in that the total budgeted expenses must remain unchanged.

## Chapter 3.08

# Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing

- 3.08.100 Purpose
- 3.08.200 Definitions
- 3.08.300 Procurement and Contract Administration
- 3.08.400 Appropriated funds
- 3.08.500 Solicitation of Bids
- 3.08.600 Exceptions to Standard Purchasing Procedures
- 3.08.700 Public Works
- 3.08.800 General Provisions

### **3.08.200 Definitions.**

For the purpose of this Policy, terms have the following meanings:

1. “Board” shall mean the District’s Board of Directors.
2. “Emergency” shall mean (1) a breakdown in machinery or equipment resulting in the inability of the District to provide essential services; or (2) a threat to public health, safety or welfare, including, but not limited to, threatened damage to natural resources or an imminent threat of injury or damage to any person or property.
3. “General Manager” shall mean the General Manager of the District as appointed by the District’s Board of Directors.
4. “Professional Services” shall mean any services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms or any specially trained or experienced person, firm, or corporation, providing services and advice in financial, economic, accounting, engineering, information services, technical, architectural, or other administrative/professional matters.
5. “Purchasing” refers collectively to contracting or procurement of service, supplies, materials, or labor, including capital improvements.
6. “Purchasing Agent” shall mean the General Manager, who is vested with the authority and responsibility of enforcing and implementing the Policy.

### **3.08.300 Procurement and Contract Administration.**

The District’s General Manager shall serve as the District’s Purchasing Agent and will implement and administer this Policy in consultation with the District’s General Counsel. The Purchasing Agent may delegate his or her duties as the Purchasing Agent to other District employees as he or she deems appropriate. The District shall conduct all contracting for goods and services in accordance with this Policy and under the administration of the Purchasing Agent or his or her designee.

**3.08.400 Appropriated Funds.**

The District shall only procure goods and services for which the Board of Directors has appropriated funds.

**3.08.500 Solicitation for Bids.****A. Formal Solicitation of Sealed Bids for Expenditures Exceeding \$25,000.00**

When any expenditure (services, supplies, materials, labor or other valuable consideration to the District) is expected to exceed \$25,000, the District shall publish a notice inviting bids a minimum of ten (10) days prior to the time of receiving bids, in a general circulation newspaper published within the District boundaries. This type of formal bidding process typically includes the issuance of written plans or specifications describing the goods or services to be provided and the receipt of written bids from the vendors or contractors involved. In addition to publication of the notice inviting bids, the Project Manager shall solicit a minimum of three (3) vendors or contractors to bid on the project when it is feasible to do so.

Following Board approval, the Purchasing Agent or designee shall then execute the contract, unless the Board

President's signature is required. When required by law, the contract shall be awarded to the lowest responsible, responsive bidder, in accordance with the Public Contract Code. The District shall award all other contracts to the bidder whose bid is in the District's best interests. In situations where the District only receives one responsive bid from the formal solicitation, the District may negotiate with and award the contract to the sole bidder. At its discretion, the District may reject all bids and re-advertise the project.

**B. Informal Solicitation of Bids for Expenditures Not Exceeding \$25,000**

When any expenditure is not expected to exceed \$25,000, the project manager shall solicit a minimum of three (3) vendors or contractors to submit written proposals. Written entries documenting that three written proposals were solicited shall be noted by the Project Manager in the project file. The Purchasing Agent may require additional bids. The Purchasing Agent's approval of the contract (if applicable) is required, unless he or she delegates this approval authority in writing to another District employee.

**3.08.600 Exceptions to Standard Purchasing Procedures****A. Emergency Conditions**

In the case of such an Emergency, the Purchasing Agent may authorize the lead operator, operations supervisor or his or her designee to secure, in the open market, at the lowest obtainable price, any services, supplies, material or labor required to respond to the Emergency, regardless of the amount of the expenditure. The purchase order should indicate "Emergency Conditions" with written documentation of the nature of the Emergency and lowest obtainable price information. The Purchasing Agent shall, as soon as possible, provide a full written explanation of the circumstances to the Board.

In the case of a disaster or for civil defense, nothing contained in this Policy shall limit the authority of the Purchasing Agent to make purchases and take such other emergency steps as are or may be authorized by the Board.

## B. Limited Availability/Sole Source

Occasionally, necessary supplies, material, equipment, or services are of a unique type, are of a proprietary nature, or are otherwise of such a specific design or construction are specifically necessary for purposes of maintaining cost effective system consistency so as to be available from only one source. The Purchasing Agent may dispense with the requirement of competitive bids and recommend negotiating a fair price and making the purchase from a specific business or supplier if: (1) no other supplier can be found after reasonable efforts by District staff to find alternative suppliers; (2) the specific item is integral to repair or enhance existing equipment; (3) only one contractor is capable of providing the required service; (4) the specific item is essential to maintaining District standards or research continuity; or (5) only one source is known for a specialized item of equipment or material. The basis for the sole source recommendation shall be documented in writing on the contract or purchase order and approved, in advance, by the Board for purchases exceeding \$25,000, and the Purchasing Agent or other authorized District employee, under this policy for purchases not exceeding \$25,000.

## C. Cooperative Purchasing

The District shall have the authority to join in cooperative purchasing agreements with other public agencies, (e.g. the State of California or other counties, cities, or special districts), to purchase goods or services at a price established by that agency through a competitive bidding process consistent with California public bidding requirements. The Purchasing Agent may authorize participation in cooperative purchasing agreements and may execute such agreements subject to the following:

### 1. Purchases Exceeding \$25,000

The formal competitive bidding procedures of Section 3.08.500A for purchases exceeding \$25,000 are not required when another public agency has secured a price through a formal, advertised competitive bidding process in which the District is an authorized participant. Board approval is required prior to purchase.

### 2. Purchases Not Exceeding \$25,000

Completion of the bidding procedures of Sections I.B and I.C for purchases not exceeding \$25,000 is not required when another public agency has secured a price through a competitive bidding process in which the District is an authorized participant. Approval from the Purchasing Agent or his/her authorized designee is required prior to purchase.

## Professional Services

### 1. Definitions and Restrictions

Professional Services are of a technical and professional nature and, due to the nature of the services to be provided, do not readily fall within the "low bid" competitive bidding process. In addition, State law requires that selection of professional consultants in the categories of architects, landscape architects, engineers, surveyors, and environmental consulting be made on the basis of demonstrated competence and the professional qualifications necessary for the satisfactory performance of the required services. Professional consultants should be individually selected for a specific project or problem with the objective of selecting the most qualified consultant at a price that is fair and reasonable. Professional service agreements shall not be split into smaller units, nor shall contract amendments be used, for the purpose of circumvention of the expenditure limits of this policy.

As used in this Policy, "Professional Services Agreement" shall mean and include all Professional Services provided by the same consultant, which are provided as part of or related to the same project or program for which the consultant is being retained. Consultants who are retained to provide services on an ongoing basis, such as geotechnical peer reviews of District projects, shall be retained by means of an annual service agreement unless an agreement providing for renewal or extension of services has been approved pursuant to Section 3.08. 600 D.3. Of this Policy.

A. For selection of architects, landscape architects, engineers, surveyors, and environmental consultants, the following procedures shall apply unless the services needed from such consultants are more of a technical nature and involve little professional judgment.

Cost is not to be included in the Request for Qualifications ("RFQ") or Request for Proposal ("RFP"). Only after a firm is selected is compensation negotiated. The scope of work is the basis for negotiations for payment. If the parties cannot agree on fair compensation, negotiations may be formally terminated with the firm considered to be most qualified and may be commenced with the second highest-rated firm. Such procedure may be repeated until an agreement is reached with a qualified firm.

Alternatively, a fee or cost estimate can be requested at the time of the RFP by requiring it to be provided in a separate, sealed envelope. The fee estimate will only be opened after selecting the successful consulting firm.

B. For consultants who do not fall under the qualifications-based selection method described above, or where the services needed from the vendors listed above is more of a technical nature and involve little professional judgment, cost can be included in the RFQ/RFP and used in ranking the consultants for selection. Examples of such consultants include, but are not limited to: training, safety, recruitment, personnel services, economic analysis, city and regional planning, property appraisals/analysis, property acquisition, title insurance, facilitators, legal services, financial services, and data processing.

## **2. Selection Procedures for Professional Services**

When the cost for professional services is expected to be in excess of \$25,000, the District shall prepare either a Request for Qualifications (RFQ), a two-step process, if a large response pool is expected or a Request for Proposal (RFP), a one-step process, if a smaller response pool is expected. Both should include the professional's qualifications, relevant experience, described approach, staffing and support. The RFQ respondents can be shortlisted to a minimum of three (3) qualified firms or individuals, who will then be invited to submit a written proposal. The proposal should outline the terms, conditions and specifications of the services required by the District. District staff will review the proposals received, rank the consultants based upon the following criteria, and invite the most qualified firms for interviews.

- A. Ability of the consultants to perform the specific tasks outlined in the RFP/RFQ.
- B. Qualifications of the specific individuals who will work on the project.
- C. Quantity and quality of time key personnel will be involved in their respective portions of the project.
- D. Reasonableness of the fee requested to do the work; comparability of fee to similar services offered by other qualified consultants (except where fee is to be negotiated later, as described above in Section 3.08. 600. D.1 of this Policy).
- E. Demonstrated record of success by the consultant on work previously performed for the District or for other public agencies or enterprises.

- F. The specific method and techniques to be employed by the consultant on the project or problem.
- G. Ability of the consultant to provide appropriate insurance in adequate amounts, including errors and omissions if applicable.
- H. Responsiveness to the RFP/RFQ.

The report to the Board shall summarize the basis for staff's consultant selection recommendation and the ranking of the consultants based upon these criteria.

### **3. Renewal of Contracts for Professional Services**

The District may, after following required consultant selection procedures, enter into Professional Services agreements which contain provisions authorizing their extension or renewal. Recommendations to extend or renew an existing a Professional Services agreement should include a written evaluation of the work performed by the consultant as well as a determination that the rationale for providing for the renewal option in the existing contract remains valid and that the fees being charged are comparable to fees for similar services offered by other consultants at the time of renewal or extension. A contract renewal recommendation shall be entered on the contract amendment. If the total amount of the contract renewal does not exceed \$25,000, the Purchasing Agent or his/her authorized designee may execute a contract amendment to formalize the renewal. If the total amount of the original agreement and any amendments exceed \$25,000, prior Board approval must be obtained.

### **4. Conflict of Law**

These procedures are not applicable where superseded by local, state or federal law, where the terms of grant funding provide for the use of other consultant selection procedures, or where the District is obligated to select consultants through the use of different procedures, such as the requirements of an insurance or self-insurance program.

### **5. Special Circumstances**

These professional consultant selection procedures are not applicable when if it is appropriate and in the best interest of the District under the specific circumstances of the project at issue, to limit the number of consultants solicited. Examples of such specific circumstances may include the following: (a) the need to take immediate action on a project precludes the District's ability to follow these procedures; (b) the absence of any fiscal or competitive advantage in following these procedures; (c) only one consultant is known to be available and capable of providing needed services within the required time; (d) the services to be provided are so unique that only one known consultant is qualified and available to perform them; or (e) the terms of a legal mandate or negotiated agreement require the use of a particular consultant. The basis for such action shall be documented in writing and noted in the contract and approved by the Purchasing Agent or designee. When Board approval is required, the documented basis for such action shall be included in the report to the Board.

### **6. Prequalified Consultant File**

District staff may maintain a current file of consultants in their appropriate professional services categories after the selection procedures have been followed in this policy and a determination made that a consultant is qualified and competent. District staff may maintain this "prequalified consultant" file for a period of two (2) years from determination of the qualification of such consultant. District may select a prequalified consultant from this file for services.

**3.08.700 Public Works.**

When a project qualifies as a public works project, additional state law requirements apply.

**A. Definition of Public Works Project.**

Pursuant to California Labor Code section 1720 et. seq. a public works project means: (1) construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority. For purposes of this paragraph, "construction" includes work performed during the design and preconstruction phases of construction, including, but not limited to, inspection and land surveying work. For purposes of this paragraph, "installation" includes, but is not limited to, the assembly and disassembly of freestanding and affixed modular office systems; (2) Work done for irrigation, utility, reclamation, and improvement districts, and other districts of this type, but not including the operation of the irrigation or drainage system of any irrigation or reclamation district, except as used in California Labor Code section 1778 relating to retaining wages; (3) Street, sewer, or other improvement work done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district thereof, whether the political subdivision or district operates under a freeholder's charter or not; (4) The laying of carpet done under a building lease-maintenance contract and paid for out of public funds; (5) The laying of carpet in a public building done under contract and paid for in whole or in part out of public funds; and (6) Public transportation demonstration projects authorized pursuant to Section 143 of the Streets and Highways Code.

**B. Notification to Department of Industrial Relations.**

When awarding a contract for a public works project, the District shall submit an online form (PWC100 form) to the Department of Industrial Relations within five (5) days of the award, as required under the California Labor Code.

**C. Notice Requirement.**

Beginning January 1, 2015 any document requesting bids on a public works project that is issued by the District shall include the following information:

1. No contractor or subcontractor may be listed on bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under California Labor Code section 1771.1(a)).
2. No contractor or subcontractor may be awarded a contract for a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to California Labor Code section 1725.5.
3. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

**D. Prevailing Wages.**

When the procurement is for a public works project, as defined in California Labor Code Section 1720 et. seq. for an amount exceeding one thousand dollars (\$1,000.00), the District shall require that prevailing wages be paid to laborers working on the project, as required under state law.



**3.08.800 General Provisions.****A. Conflict of Interest**

No District employee or elected official shall be financially interested, directly or indirectly, in any purchase, contract, sale, or transaction to which the District is a party and which comes before said official or employee for recommendation or action. Any purchase, contract, sale, or transaction in which any employee or official is financially interested shall become void at the election of the District.

No employee or elected official shall realize any personal gain from any purchase, contract, sale or transaction involving the District. When any staff member is in doubt as to whether there exists a conflict of interest, that employee shall consult the General Counsel, and another employee may be assigned to facilitate the purchase.

**B. Purchase of Recycled Products**

District staff shall purchase recycled products whenever such products are available at equal cost to nonrecycled products and when suitability and quality are equal. When recycled products are used, the supplier shall label the products to indicate that they contain recycled materials and specify the minimum percentage of recycled material in the products.

**C. Violations of This Policy**

Employees are subject to disciplinary action up to and including termination for violation of this Policy.

## Chapter 3.09

**FINANCE POLICIES**

*(Amended by Minute Order 4-15-19)*

3.09.140 District Investment Policy

3.09.150 Cash Reserve Policy

**3.09.140 District Investment Policy**

This statement is intended to provide policy and direction for the prudent and beneficial use of all funds and monies of the District without regard to source or restrictions. Any reference to portfolio shall mean the total of District cash and securities.

Permitted investments shall be listed in Exhibit A.

**Authority**

The Government Code of the State of California (Government Code), primarily section 53601 and related subsections authorize the types of investment vehicles allowed in a California local agency's portfolio. The investment vehicles emphasize preservation of capital and are a conservative set of investments. The authority to invest (as defined in the Government Code) is delegated to the local agency's legislative body for re-delegation to its finance officer. Under no circumstances is the local agency finance officer permitted to purchase an investment that is not specifically authorized by law and within the scope of investments delegated by the local agency's governing Board.

### **Basic Policy and Objectives**

The Rio Linda / Elverta Community Water District investment policy is a conservative policy guided by three principles of public fund management. In specific order of importance, the three principles are:

1. Safety of Principal. Investments shall be undertaken in a manner which first seeks to preserve portfolio principal.
2. Liquidity. Investments shall be made with maturity dates that are compatible with cash flow requirements and which will permit easy and rapid conversion into cash, at all times, without a substantial loss of value.
3. Return on Investment. Investments shall be undertaken to produce an acceptable rate of return after first consideration for principal and liquidity.

Following Are Objectives:

### **Diversification**

The District shall maintain a portfolio of authorized investments with diversified maturities, issuers and security types to avoid the risk inherent in over investing in any one sector. The District shall evaluate or cause to have evaluated each potential investment, seeking quality of issuer, underlying security or collateral, potential negative effects of market volatility on the investment and shall diversify the portfolio to reduce exposure and assure adherence to the Basic Policy and Objectives paragraph of this policy.

### **Reporting Requirements**

Annually a report of investment transactions and general finance activity shall be submitted to the Board of Directors. This report will be sufficiently detailed to provide information for investment evaluation. As needed, an appraisal of the investment portfolio shall be conducted to evaluate the effectiveness of the District's investment program. The purpose of this review, in addition to evaluation of performance, is to provide the platform for recommendations of change and improvements to the portfolio to the Board of Directors.

### **Conflict of Interest**

If the District appoints a Finance Officer or Treasurer, regardless of such position being full-time regular employee or a contract/consultant capacity, such position shall perform his/her duties under this investment Policy in accordance with the provisions of Section 1126 and 1090 of the Government Code as well as any other state law referred to in this policy.

### **Conflicts**

In the event any provision of this Statement of Investment Policy is in conflict with any of the statutes referred to herein or any other State or Federal statute, the provisions of each statute shall govern.

### **Safekeeping**

All securities purchased may be delivered against payment and held in safekeeping pursuant to a safekeeping agreement. All financial institutions shall be instructed to mail confirmations and safekeeping receipts directly to the Finance Officer of the District.

### **Exhibit "A"**

#### **Permitted Investments**

1. Investment pool authorized under \$50 million<sup>1</sup> Liquid CA Account Statues governed by Government Code Sections 16429.1-16429.4 AKA Local Agency Investment Fund or LAIF.
2. California Employers Retiree Benefit Trust (CEBRT).

### 3. Money Market Mutual Funds governed by Government Code Sections 53601.6(b).

#### **3.09.150 Cash Reserve Policy**

##### **Policy Statement and Definitions**

The Rio Linda / Elverta Community Water District reserve policy is a financial policy guided by sound accounting principles of public fund management. The policy establishes several reserve funds to minimize adverse annual budgetary impacts from anticipated and unanticipated District expenses. The adequacy of the target reserve year-end balance ranges and/or annual contributions will be reviewed annually during the budgeting and rate setting process and may be revised accordingly as necessary.

The District reserves can be classified into two categories that include Restricted for Debt Service and Restricted Other Purposes. A “fund” is a segregation within the District’s accounting system to keep sources and uses for a particular purpose easily identifiable and reportable.

**Restricted for Debt Service:** Funds that are used to account for accumulations of resources that are restricted for principal and interest.

**Restricted Other Purposes:** Funds that are used to accumulations of resources that are restricted for other purposes not included in Debt Service restricted assets.

The following District reserve funds are restricted for debit service:

##### **1. Surcharge 1 Account**

- 1.1. Purpose: To pay the semi-annual payments per the 2011 Safe Drinking Water State Revolving Fund loan of \$7,179,072.79. This account will be closed after repayment of the loan or 20 years from the project completion date. The account shall be maintained and administered by the Fiscal Agent.
- 1.2. Target Balance: Per Article B-4, a minimum of \$80,320 shall be deposited into the account every other month until the loan is repaid in full.
- 1.3. Methodology/Rational: The State of California set the amount of \$19.00 per connection billing period for loan repayment.
- 1.4. Use of Funds: The funds will be used only for payment of principal and/or interest on the loan or delinquencies until loan is repaid in full per funding agreement Section 13 Fiscal Service and Deposit Account Control Agreement.
- 1.5. Funding: A surcharge fee of \$19.00 per billing cycle is charged to each active account and collected as a primary source of funds.

##### **2. Surcharge 1 Reserve Fund**

- 2.1. Purpose: To establish a reserve as required by our 2011 Safe Drinking Water State Revolving Fund (SDWSRF) funding agreement # SRF111CX107, Article B-4 Reserve Fund. The Reserve Fund shall be maintained and administered by the Fiscal Agent.

- 2.2. Target Balance: The target balance is equivalent to two (2) loan payments or a minimum of \$481,917.00 per funding agreement Article B-4.
- 2.3. Methodology/Rational: To assure that funds will be available to make the semi-annual payments when due.
- 2.4. Use of Funds: The funds will remain in this account until the loan is paid off per our loan agreement.
- 2.5. Funding: The reserve is fully funded.

### **3. 2015 Water Revenue Refunding Bond Service Fund**

- 3.1. Purpose: To make semi-annual bond payments.
- 3.2. Target Balance: The amount equivalent to the amount payable on the bonds semi-annually.
- 3.3. Methodology/Rational: The District deposits a set amount per month into this reserve from the Operating Fund to have funds to pay the bond payments when due.
- 3.4. Use of Funds: These funds are used exclusively to repay the 2015 Bond debt.
- 3.5. Funding: The set amount is paid by the Operating Fund per month to build up enough money for payment of the bonds when due.

### **4. Surcharge 2 Account**

- 4.1. Purpose: Maintained by the District into which collected Surcharge #2 revenues are deposited per the 2018 Installment Sale Agreement with OPUS Bank for the Project outlined in Exhibit B. This account will be closed after repayment of the loan.
- 4.2. Target Balance: The amount equivalent to the loan amount payment semi-annually.
- 4.3. Methodology/Rational: The surcharge imposed by the District for the Project pursuant to its Ordinance No. 2016-02.
- 4.4. Use of Funds: The funds will be used only for repayment of principal and/or interest on the loan or any delinquencies until loan is repaid in full per installment agreement Article IV, Section 4.4.
- 4.5. Funding: A surcharge fee collected at the rate of \$7.90 for each water connection, increasing to \$15.80 for each water connection on July 20, 2018 and collected as a primary source of funds for loan repayment.

The following District reserve funds are restricted for other purposes:

### **5. Operating Reserve Fund**

- 5.1. Purpose: To provide an emergency reserve fund to cover temporary cash flow deficiencies caused by timing differences between revenues and expenditures.
- 5.2. Target Balance: Funding shall be a minimum of one month of cash to fund District operating expenditures.

- 5.3. Methodology/Rational: The District is required to have sufficient cash flow to meet the next six months of budgeted District expenditures (Government Code Section 53646(b)(3)). This fund is included as a source of cash flow to satisfy this requirement.
- 5.4. Use of Funds: These funds may be used to cover temporary cash flow deficiencies caused by timing differences and/or unexpected decreases revenue and expenses.
- 5.5. Funding: At each fiscal year budget, an analysis will be performed to determine the minimum target balance based upon the previous fiscal year's average monthly expenditures. Additionally, interest earnings will be accrued on and added to fund balance, using the District's earnings rate on investments.

## **6. OPEB or GASB 75 Fund**

- 6.1. Purpose: To provide a source of income to fund post-retirement benefits.
- 6.2. Target Balance: None.
- 6.3. Methodology/Rational: Government Code Section 22940 establishes in the State Treasury the Annuitants' Health Care Coverage Fund for the prefunding of health care coverage for annuitants (Prefunding Plan); and the California Public Employees' Retirement System (CalPERS) Board of Administration (Board) has sole and exclusive control and power over the administration and investment of the Prefunding Plan (also referred to as CERBT).
- 6.4. Use of Funds: To be used to fund post-retirement benefits costs, e.g. retiree medical insurance benefits obligated via applicable collective bargaining agreements.
- 6.5. Funding: The annual Operating Budget will determine the funding amount. The funds will be paid through the Operating Fund.

## **7. Capacity Fee Reserve**

- 7.1. Purpose: To provide funds for the orderly and timely expansion of the District facilities to meet future demand and to maintain and/or improve the District's existing level of service.
- 7.2. Target Balance: AB1600 does not designate a target reserve balance. A Government Code 66000 Compliance Report identifies the proposed capital projects necessary to maintain and/or improve services and the amount needed to fund those capital projects. In accordance with Government Code 66000, the balance shall not exceed the amount specified by that law.
- 7.3. Methodology/Rational: Virtually all development that occurs within the District requires the use of District facilities, plant and equipment for public services. This fee is established to insure the adequacy and reliability of such facilities, plant and equipment as development of undeveloped land occurs.
- 7.4. Use of Funds: The funds generated by the fee will be used to acquire, replace and/or construct various capital facilities, plant and equipment for the provision of water, security and administrative services.
- 7.5. Funding: Annual contributions from developer fees will depend upon new construction within the District. Additionally, interest earnings will be accrued on and added to fund balance, using the District's earnings rate on investments.

## Chapter 3.10

### WHISTLEBLOWER POLICY

*(Originally adopted in Res. No. 2012-12 & Amended in Minute order 7-20-15) (Amended Minute Order 4-15-19)*

#### 3.10.100 Purpose

#### 3.10.105 No-Retaliation

#### 3.10.110 Procedure for Report Violations

#### 3.10.115 Investigation of Complaints

#### 3.10.120 Accounting and Auditing Matters

#### 3.10.125 Acting in Good Faith

#### 3.10.130 Confidentiality

#### **3.10.100 Purpose.**

Rio Linda / Elverta Community Water District (RLECWD) requires its Directors, Managers and Employees to observe high standards of professionalism and ethical conduct in maintaining financial records. This Whistleblower Policy (the “Policy”) establishes standards and procedures to ensure that complaints and concerns (“Accounting Irregularity”) regarding accounting or auditing matters are reported and handled in a manner that complies with management objectives. In addition, this policy establishes procedures for:

1. The confidential, anonymous submission by Complainants of Accounting Irregularities regarding questionable accounting or auditing matters; and,
2. The treatment of Accounting Irregularities concerning accounting, internal account controls and auditing matters received by the RLECWD from Complainants.

#### **3.10.105 No-Retaliation.**

No office, employee or other (the “Complainant”) who in good faith reports an Accounting Irregularity shall suffer harassment, retaliation or adverse employment consequences. An employee who retaliates against someone who has reported an Accounting Irregularity in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable Complainants to raise serious concerns with RLECWD rather than seek resolution outside RLECWD.

#### **3.10.110 Procedure For Report Violations**

1. It is the responsibility of all Directors, Managers and Employees to report all suspected Accounting Irregularities in accordance with this Policy. District maintains an open door policy and suggests that Complainants share their questions, concerns or complaints with someone who can address them properly. In most cases, the Complainant’s supervisor is in the best position to address an area of concern. A Complainant’s supervisor may be most knowledgeable about the issues and will appreciate being brought into the process. It is the supervisor’s responsibility to help solve the problem.
2. If the Complainant is not comfortable speaking to his/her supervisor or is not satisfied with the supervisor’s response, the Complainant is encouraged to speak with the General Manager. Supervisors and General Manager are required to report suspected Accounting Irregularities to the Board of Directors. The Board of Directors will create an Ad Hoc Committee which has specific and exclusive responsibility to investigate all

reported violations. For suspected fraud or securities law violations, or when the Complainant is not satisfied or is uncomfortable with following District's open door policy, the Complainant should contact the General Manager directly.

RLECWD General Manager  
P.O. Box 400  
Rio Linda, CA 95673  
(916) 991-1000

### **3.10.115 Investigation Of Complaints**

1. The Audit Committee is responsible for investigating and resolving all reported complaints and allegations concerning Accounting Irregularities. The Audit Committee may retain independent legal counsel, accountants or other to assist in its investigation.
2. The Chair of the Audit Committee will notify the Complainant and acknowledge receipt of the reported suspected Accounting Irregularity within five business days. All reports will be investigated promptly and appropriate corrective action will be taken if warranted as a result of the investigation.
3. RLECWD shall retain records of complaints for a period of no less than seven years as a separate part of the records of the Audit Committee.

### **3.10.120 Accounting And Auditing Matters**

The Audit Committee is responsible for addressing all reported concerns or complaints regarding accounting practices, internal controls or auditing. The General Manager is required to immediately notify the Board of Directors of any complaint of which he/she is aware and to work with the Committee until the matter is resolved.

### **3.10.125 Acting In Good Faith**

Anyone filing a complaint concerning a suspected Accounting Irregularity must be acting in good faith and have reasonable grounds for believing the information disclosed indicates an Accounting Irregularity. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **3.10.130 Confidentiality**

Complaints or submissions concerning a suspected Accounting Irregularity may be submitted on a confidential basis by the Complainant or may be submitted anonymously. All complaints or submissions will be kept confidential to all extent possible, consistent with the need to conduct an adequate investigation.

## Chapter 3.11

### **PAYMENT OF CLAIMS**

*(Resolution 1996-11-02)*

#### **3.11.100 Claims and Demands.**

All claims and demands against the District shall be submitted in writing on a form prescribed by the District to the General Manager who shall review them to determine if, under Division 3.6 of Title 1 of the Government Code, they may be paid in the form in which they are submitted. If approved by the General Manager any claim or demand which does not conform to the adopted Budget shall be submitted to the Board of Directors for

approval or rejection prior to the drawing of a check. If a demand is certified by the General Manager as conforming to the adopted Budget it shall be deemed to have been authorized by the Board and a check may be drawn in payment. A list of such checks shall then be presented to the Board of Directors for ratification at the first meeting after the delivery of the checks.

**3.11.110 Claims Accepted from the Tort Claims Act.**

1. Claims for money or damages which are excepted by Section 905 of the Government Code from the requirements of Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Division 3.6 of Title 1 of the Government Code, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in this section.
2. A claim must be presented and acted upon as required herein as a prerequisite to suit thereon. Any action brought against the District on such a claim shall be subject to the provisions of Section 945.6.
3. The procedure for submission of a claim pursuant hereto shall be the same as that required for a claim not excepted by Section 905 of the Government Code.

**3.11.200 Salaries and Wages.**

Salaries and wages shall be paid to officers and employees of the District semimonthly. Payroll checks shall be treated as budgeted demand checks.

## Chapter 3.15

### **RECORDS RETENTION POLICY**

*(Resolution 2015-03 Approved July 20, 2015)*

- 3.15.100 Purpose
- 3.15.200 Description of Vital Records
- 3.15.300 Record Destruction Authority
- 3.15.400 Qualifications for Retention and Disposal of Records
- 3.15.410 Duplicate Records
- 3.15.420 Uncategorized Record
- 3.15.430 Documents in Use
- 3.15.440 Procedure for Destroying Records
- 3.15.460 Accounting Record
- 3.15.470 Payroll and Personnel Records
- 3.15.480 District Property Appraisal Records
- 3.15.490 District Financing Records
- 3.15.500 Public Meetings
- 3.15.510 Construction Records
- 3.15.520 Contracts
- 3.15.530 Property Records
- 3.15.540 Confidentiality
- 3.15.600 DEFINITIONS FOR RECORDS RETENTION AND DISPOSAL



- 3.15.610 Authorization
- 3.15.620 Records
- 3.15.630 Life
- 3.15.640 Record
- 3.15.650 Records Copies
- 3.15.660 Record Series
- 3.15.670 Record Center
- 3.15.680 Record Disposal
- 3.15.690 Records Retention Schedule
- 3.15.700 Vital Records
- 3.15.710 Examples of Vital Records

### **3.15.100 Purpose.**

The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of Rio Linda/Elverta Community Water District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

### **3.15.200 Description of Vital Records.**

Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

### **3.15.300 Record Destruction Authority.**

The General Manager is authorized by the Board to interpret and implement this policy, authorize the transfer of records to the records center and to cause to be destroyed any or all such records, papers, and documents that meet the qualifications governing the retention and disposal of records specified herein.

### **3.15.400 Qualifications for Retention and Disposal of Records.**

Pursuant to the provisions of California Government Code §§60200 through 60203, California Water Code §21403, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the Rio Linda/Elverta Community Water District. 3.15.410 Duplicate Records Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.

### **3.15.420 Uncategorized Records.**

Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media, unless a longer retention period is specifically provided.

### **3.15.430 Documents in Use.**

In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, auditing purposes, project financing or regulatory agency reporting purposes.

### **3.15.440 Procedure for Destroying Records.**

Records, papers or documents that are not expressly required by law to be filed and preserved, but required under this policy to be kept, may be destroyed if all of the following conditions are met:

**3.15.441**

The record, paper or document is photographed, micro photographed, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards, or copies are made to an approved electronic media;

**3.15.442**

The device used to reproduce such, record paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; and,

1. The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving and examining said documents.
2. Any accounting record, except journals and ledgers, that are more than three years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

(A) There is no continuing need for said record for pending litigation, auditing purposes, project financing or regulatory agency reporting and;

(B) There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that; (C) Said audit report or reports were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements, and (D) Said audit or audits contain the expression of an unqualified opinion.

**3.15.460      Accounting Record**

Any accounting record created for a specific event or action may be destroyed three years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction three years from the end of the fiscal period to which it applies. The following may be destroyed at any time: 1. Duplicated Documents (original-subject to aforementioned requirements). 2. Rough drafts, notes or working papers. 3. Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

**3.15.470      Payroll and Personnel Records**

All payroll and personnel records shall be retained indefinitely. Originals for terminated employees may be destroyed after three years retention, provided said records have been preserved in accordance with Section 3.15.440 above. Payroll and personnel records shall include the following:

1. Accident reports, injury claims and settlements.
2. Medical histories.
3. Worker Compensation Records.
4. Applications, changes, and terminations of employees.
5. Insurance records of employees.
6. Time Sheets or cards.

7. W-2's and other IRS forms.
8. Performance evaluations.
9. Earning records and summaries.
10. Retirement documents.
11. Such other documents as determined by the General Manager to be retained.

**3.15.480 District Property Appraisal Records**

All District property appraisal records may be destroyed after three years retention provided such records do not have to be retained to satisfy other requirements established for financing or grant award purposes.

**3.15.490 District Financing Records**

Records authorizing long-term debt, bonds, warrants, loans, grants or other financing methods may be destroyed after issuance or execution, provided they are reproduced in accordance with Section 3.15.440 above. Terms and conditions of bonds, warrants, loans, grants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed after five years. Paid bonds, warrant certificates, and interest coupons may be destroyed after six months if detailed payment records are kept for five years.

**3.15.500 Public Meetings**

Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may, upon specific Board authorization, be destroyed if said minutes are reproduced as provided for in Section 3.15.440 above. Recording tapes (or other media) of Board meetings will be kept for a period of three years from the date of the recorded meeting, after which they will be destroyed.

**3.15.510 Construction Records**

Construction records, such as bids, correspondence, change orders, contracts, certified payrolls, progress payment claims, claims for changed conditions and related construction documents shall be kept for three years after the Notice of Completion is approved and any warranty period has expired. Provided, however, such retention period shall not be less than the time periods required by any state or federal funding agency involved in the financing of any specific project. As-built plans for any public facility or works shall be retained as long as deemed necessary by the General Manager for the proper operation and maintenance of the system.

**3.15.520 Contracts**

Contracts should be retained for its life plus three years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work that is more than two years old may be destroyed.

**3.15.530 Property Records**

Unless otherwise provided herein, property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

**3.15.540 Confidentiality**

Nothing in this policy shall be interpreted to make District records deemed confidential by state or federal statute, regulation, and order or court adjudication available for public review.

**3.15.600 DEFINITIONS FOR RECORDS RETENTION AND DISPOSAL****3.15.610 Authorization.**

Approval from the General Manager, as authorized under this policy by the District's Board of Directors.

**3.15.620 Records**

(Financial, Accounting, Payroll, Personnel and Miscellaneous) including, but are not limited to the following:

**1. SOURCE DOCUMENTS**

- A. Invoices
- B. Warrants
- C. Requisitions/Purchase Orders (attached to invoices)
- D. Cash Receipts
- E. Claims (attached to warrants in place invoices)
- F. Bank Statements
- G. Bank Deposits
- H. Checks
- I. Bills
- J. Various accounting authorizations taken from Board minutes, resolutions or contracts

**2. JOURNALS**

- A. Cash Receipts
- B. Accounts Receivable or Payable Register
- C. Check or Warrant (payables)
- D. General Journal
- E. Payroll Journal
- F. Assets/Depreciation

**3. LEDGERS**

- A. Expenditure
- B. Revenue
- C. Accounts Payable or Receivable Ledger
- D. Construction
- E. General Ledger
- F. Assets/Depreciation

**4. TRIAL BALANCE****5. STATEMENTS (Interim or Certified- Individual or All Fund)**

- A. Balance Sheet
- B. Analysis of Changes in Available Fund Balance

- C. Cash Receipts and Disbursements
- D. Inventory of Fixed Assets (Purchasing)
- 6. JOURNAL ENTRIES (i.e. Master Ledger)
- 7. PAYROLL AND PERSONNEL RECORDS include but are not limited to the following:
  - A. Accident reports, injury claims and settlements
  - B. Applications, changes or terminations of employees
  - C. Earnings records and summaries, including 'VV-2 and other IRS forms
  - D. Fidelity Bonds
  - E. Garnishments
  - F. Insurance records of employees
  - G. Workers Compensation records
  - H. Medical Histories
  - I. Retirements
  - J. Time Sheets or Cards
- 8. OTHER RECORDS
  - A. Inventory Records (Purchasing)
  - B. Capital Asset Records (Purchasing)
  - C. Depreciation Schedule
  - D. Cost Accounting Records
  - E. Board Meeting Minutes
  - F. Board Authorized Committee Meeting Minutes not retained by an outside agency
  - G. Tapes or other audio or video recordings of Board Meetings
  - H. Insurance Policies and Claims

**3.15.630 Life.**

The term or operational or valid dates of a document.

**3.15.640 Record.**

Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, electronic media, microfilm, or other document, issued by or received by the District, and maintained and used as information in the conduct of its operations. A record shall not include notes, working papers, drafts not released for public review, or any other similar document.

**3.15.650 Record Copy.**

The official District copy of a document, record or file.

**3.15.660 Record Series.**

A group of records, generally filed together, and having the same reference and retention value.

**3.15.670 Records Center.**

The site selected for storage of inactive records.

**3.15.680 Records Disposal.**

The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.

**3.15.690 Records Retention Schedule.**

The consolidated, approved schedule list of District records provided in Section 3.15.700 that establishes a timetable for the life and disposal of records.

**3.15.700 Vital Records.**

Records that because of the information they contain, are essential to one or all of the following:

1. The resumption and/or continuation of operations;
2. The re-creation of the legal and financial operations of the District in case of a disaster;
3. The fulfillment of obligations to bondholders, customers, and employees.

**3.15.710 Examples of Vital Records.**

Vital records include but are not limited to the following:

- |   |   |
|---|---|
| (1) Contract and Agreements (Active)                                      | (20) Current-year Budget                                  |
| (2) Annexations and Attachments   | (21) Active Litigation Files                              |
| (3) As-built Drawings   | (22) Individual Claims/settlements (within 2 Years)       |
| (4) Audits  | (23) Inventory  |
| (5) Engineered Drawings and Standard Specifications                       | (24) Journal Vouchers                                     |
| (6) Customer Billing Records (Current)                                    | (25) Ledgers  |
| (7) Deeds, Easements, Right of Ways Property Records                      | (26) Licenses & Permits (to operate)                      |
| (8) Depreciation Schedule   | (27) Loans, Bonds and Grant Materials (Active)            |
| (9) District Insurance Records (Current)                                  | (28) System Maps  |
| (10) District Water Rights Permits, and Documents                         | (29) Minutes of Board Meetings                            |
| (11) Employee Accident Reports, Claims, Settlements (Current Fiscal Year) | (30) Payroll Register                                     |
| (12) Employee Earning Records   | (31) Policies, Rules & Regulations (Current)              |
| (13) Employee Fidelity Bonds  | (32) Purchase Orders & Requisitions (Current Fiscal Year) |
| (14) Employee Insurance Records   | (33) Restricted Materials Permits                         |
| (15) Water Service Permits (by others)                                    | (34) Employee Personnel Files                             |
| (16) Encroachment Permits   | (35) Title to Vehicles and Equipment                      |
| (17) Water Master Plan  | (36) Security Plans                                       |
| (18) Improvement District Documents                                       | (37) Computer Backup Files                                |
| (19) Environment Documents and Permits (Current)                          | (38) Warrant Voucher Register                             |
|   | (39) Warrants (with backup)                               |

**3.15.720 Records Retention Schedule.**

The following retention schedule identifies the length of time a District record must be retained in active storage before it can be placed in permanent storage or destroyed. The retention period is the period of time during which records must be kept before final disposition into permanent storage or destruction. The column for retention period includes a coded abbreviation and a number. The coded abbreviation represents the triggering event that commences the retention period. The number represents the number of years (unless otherwise noted) that the District must keep the record. The retention schedule provides a time period that each record must be kept in active storage in District facility and a time period that the original record must be kept in archived storage.

The coded abbreviations are as follows:

A = Active	AD = Adoption
AU = Audit	CL = Closed/Completion
CU = Current Year	DOB =Date of Birth
E = Election	L = Life
P = Permanent	T = Date of Termination
S = Record is Superseded	

The following is the District’s retention schedule:

Record	Retention Period (Years Unless Specified)	
	Active (Office)	Inactive (Archives)
<b>FINANCE</b>		
Accounting Records		
Bank Deposits	AU	AU + 2
Bank Statements	AU	AU + 5
Purchase Orders (retained copy)	AU	AU + 2
Warrants, Checks	AU	AU + 7
Journal Vouchers	AU	AU + 7
Ledgers	AU	AU + 7
Trial Balance (general ledger)	AU	AU + 2
Balance Sheet	AU	AU + 2
Budget	AU + 5	P
Audits	AU + 10	P
Audit Review or Hearing Documentation	AU	AU + 2
Improvement Districts	L + 5	P
Loan & Grants	L	L + 5
Registers		
*Cash Receipts	AU	AU + 5
* Security Deposits	AU	AU + 5
* Payroll	AU	AU + 5
* Warrant Voucher	AU	AU + 5
Meter Books	AU	AU + 5
Depreciation Schedules	AU	AU + 5
Annual Financial Report	CL	CL + 2
Bonds (Final Bond Documentation)	CL	CL + 10
Grants	CL	CL + 5

<b>PERSONNEL</b>		
<b>Record</b>	<b>Retention Period ( Years Unless Specified)</b>	
	<b>Active (Office)</b>	<b>Inactive (Archives)</b>
Payroll, Personnel forms & Authorizations	CU	CU + 3
Vehicle Mileage Reimbursement Rates	S	S + 2
Travel Records	CU + 2	CU + 2
Bonds and Garnishments	T	T + 3
Accidents Reports, Injury Claims & Settlements	CL	CL + 3
Employee Rights (grievances, union requests, sexual harassment, civil rights, disciplinary actions, etc.)	T	T + 6
Benefit Plan Claims	P	P
Denial of Benefit Plan Enrollment	CL	CL + 4
DMV Reports	CL	CL + 7
Immigration Earning Records	T	T + 3
IRS Forms	CU	CU + 3
Employee Handbook	S	S + 2
Employee Programs (EAP, etc)	CL	CL + 2
Medical Leave	CL	CL + 30
Negotiation (Notes, correspondence, MOU's)	S + 2	P
Employment Test Results (Non Hires)	CL	CL + 2
Employment Applications, Tests, Changes, Terminations	T	T + 3
Employee Insurance Records	T	T
Job Descriptions	S	S + 3
Job Announcements, Recruitment Materials, Eligibility Lists	CL	CL + 3
Performance Evaluations & Disciplinary Actions	T	T + 6
Retirements	L	L
Time Sheets or Cards	CL	CL + 5
Employee Training Records	CU + 7	
<b>OPERATIONS AND MAINTENANCE RECORDS</b>		
Bacteriological Analysis	CU	CU + 5
Chemical Analysis	CU	CU + 10
Reports and Surveys from State Agencies	CU	CU + 10
Customer Complaints	CU	CU + 2
Work Orders	CU	CU + 2
Water Rights and Water Permits & Licenses	L	L + 5
Master Plans	L + 5	P
Groundwater and Project Studies	L + 5	P
Construction Photos and videos	L	L + 5
OSHA and other agency Certificates and Permits	L	L + 2
Underground Service Alert	CU	CU + 2
Monthly Operations Reports	CU	CU + 2
<b>ENGINEERING</b>		
<b>Record</b>	<b>Retention Period (Years Unless Specified)</b>	
	<b>Active</b>	<b>Inactive</b>



	<b>(Office)</b>	<b>(Archives)</b>
Construction Project Inspection Reports	CL	L + 7
Construction Videos and Photos	CL	L + 7
Reports, Plans, Studies Contracted by District	CL	CL + 7
Bids, Proposals and Notices	CL	CL + 3
Contract and As-Built Drawings and Submittals	CL + 7	P
Construction Related Correspondence	CL	CL + 7
Permits (Issued by Others)	L	L + 3
Environmental Impact Studies and Reports	L	L + 3
Maps	L	P
Easements, Encroachments and Deeds	L	L
<b>MISCELLANEOUS</b>		
<b>RECORDS</b>	<b>Retention Period (Years Unless Specified)</b>	
	<b>Active (Office)</b>	<b>Inactive (Archives)</b>
Correspondence (To or From District)	CU	CU + 2
Staff and Committee Reports	CU	CU + 2
Agreements, Contacts, Leases	T + 4	P
Legal Opinions	CU	CU + 5
Annexations and Detachments	S	P
Policies, Rules and Regulations	S	S + 5
Press Releases and Newsletters	CU	CU + 2
<b>PURCHASING RECORDS</b>		
<b>RECORDS</b>	<b>Retention Period (Years Unless Specified)</b>	
	<b>Active (Office)</b>	<b>Inactive (Archives)</b>
Purchase Orders and Requisitions (with backup)	CL	CL + 3
Inventory Records	CU	CU + 3
Disposal of Surplus Property	CU	CU + 3
Bids and Quotes	CL	CL + 2
Maintenance Agreements	L	L + 4
<b>ADMINISTRATION</b>		
<b>RECORDS</b>	<b>Retention Period (Years Unless Specified)</b>	
	<b>Active (Office)</b>	<b>Inactive (Archives)</b>
Agenda (Board)	CU + 2	P
Minutes (Board)	CU + 5	P
Resolutions and Ordinances	P	P
Public Records Act Requests	CU + 1	CU + 1
<b>ELECTIONS / POLITICAL</b>		
<b>RECORDS</b>	<b>Retention Period (Years Unless Specified)</b>	
	<b>Active (Office)</b>	<b>Inactive (Archives)</b>
Elections Materials and Results	E	E + 5
Proposition 218 Ballots	E	P
Canvass	E	P
Campaign Statements, Conflict of Interest	CU	CU + 5
Campaign Disclosure (Elected)	E	P

Campaign Disclosure (Not Elected)	E	E + 5
Candidate Statements	E	E + 4
Statement of Economic Interest (Elected)	T	T + 7
Statement of Economic Interest(Not Elected)	E	E + 5
Oath of Office	T	T + 6
<b>RISK MANAGEMENT</b>		
<b>RECORDS</b>	<b>Retention Period (Years Unless Specified)</b>	
	<b>Active (Office)</b>	<b>Inactive (Archives)</b>
Insurance	CU	CU + 5
Accident Reports	CL	CL + 7
Bonds, Insurance	CU + 3	P
Incident Reports	CL	CL + 7
Insurance (Joint Powers Agreement)	CL + 4	P
Worker's Compensation Insurance & Claims	CU + 4	P
Risk Management Reports	CU	CU + 5
Suits, Claims, Liens where District is Party	CL + 5	P

Chapter 3.21  
**RISK CONTROL**  
 (Resolution 1996-11-02)

- 3.21.100 General Statement Regarding Risk
- 3.21.104 Statement of Risk Management Program Goals and Objectives
- 3.21.108 General Statement of Risk Management Policies
- 3.21.120 General Statement of Risk Management Responsibilities of District Employees
- 3.21.124 General Manager as Risk Manager; Duties
- 3.21.128 Risk Management Duties of District Counsel
- 3.21.136 Risk Management Duties of All Employees
- 3.21.140 Loss Control Considerations For Members of the Board of Directors
- 3.21.200 Contract Guidelines: Purpose
- 3.21.204 Consulting Contracts: Written Contracts
- 3.21.208 Minor Construction Contracts: Contract Form
- 3.21.212 Consulting and Minor Construction Contracts: Risk Minimization
- 3.21.220 Major Construction Contracts: Written Contract
- 3.21.224 Major Construction Contracts: Risk Minimization
- 3.21.500 Employee Injury and Illness Protection Program: Purpose
- 3.21.504 General Health and Safety Policies
- 3.21.508 General Health and Safety: Employee Requirements
- 3.21.512 Personal Protective Safety Equipment
- 3.21.516 Employee Safety and Health Training
- 3.21.605 Accident Policy
- 3.21.610 Employee Injury
- 3.21.615 Accidents Involving District Owned Vehicles

## 3.21.620 Drug Testing Following An Accident

## 3.21.900 ADMINISTRATIVE DIRECTIVES

**3.21.100 General Statement Regarding Risk.**

The District recognizes that through its services and statutory obligations the District will be unavoidably exposed to a variety of risks of loss from occurrences involving damage to property, loss of income, extra expenses, liability to others, and injury to employees. The District is self-insured through a risk sharing pool with other similar water agencies. Both minor and significant losses represent cash and/or other asset losses to the District. It is the objective of the Board of Directors to limit these losses in order to protect District ratepayers from inordinate rate increases to replace said assets.

**3.21.104 Statement of Risk Management Program Goals and Objectives.**

The goals and objectives of the District's Risk Management Program are to:

1. To protect the District against the financial consequences of accidental losses which may be catastrophic in nature.
2. To protect the District's assets.
3. To safeguard that all exposures to financial loss are discovered and treated.
4. To reduce other financial losses by using efficient reduction procedures.
5. To ensure a safe environment for employees and for members of the public who come into contact with these employees as services are provided.
6. To minimize the possible interruption of vital public services.
7. To reduce the cost of accidents, including insurance premiums, through effective safety programs and practices.
8. To periodically reassess the District's various exposures to loss, ability to bear financial loss, and the adequacy of its risk avoidance, prevention, reduction, retention and transfer programs.
9. To minimize the long term costs of all risk management activities, through cost effective loss control, claims handling, and risk financing.

**3.21.108 General Statement of Risk Management Policies.**

The general Risk Management policies of the District are that:

1. The District will provide safe working conditions for its employees. Under no circumstances will the risk of serious injury or death of employees be considered an acceptable risk.
2. The designated Risk Manager shall have responsibility and authority to administer the District's risk management program, including insurance procurement. The Risk Manager shall be assisted by any staff or consultants retained to provide risk management assistance.
3. The costs of risk shall be minimized through the sound application of risk avoidance, prevention, reduction, retention and transfer techniques.
4. The Risk Manager will periodically assess, subject to governing body appropriations, the District's exposures to risk and the effectiveness of existing risk management programs; and make recommendations for improvements.

5. Procurement of all District insurance will be administered by the Association of California Water Agencies Joint Powers Insurance Authority (JPIA) with District participation of JPIA policy development through membership on the Board of Directors of the JPIA.

6. Self-insured retentions and reserves shall be maintained and budgeted within a separate fund. No expenditures for self-insurance shall be included in the current budget of the District.

7. Administrative policies, procedures and guidelines will be established to avoid, prevent, reduce, retain or transfer risks.

### **3.21.120 General Statement of Risk Management Responsibilities of District Employees.**

The success of a risk management program depends on support from key individuals such as the Board of Directors and the General Manager. It is also essential that all employees be actively involved with the day-to-day aspects of safety, loss control and risk reduction.

### **3.21.124 General Manager as Risk Manager; Duties.**

The General Manager serves as the District's designated Risk Manager. The Risk Manager shall perform, and shall designate an employee as Safety Officer to assist in the performance of, the following risk management duties:

1. To implement the Risk Management Program and measure program effectiveness and performance.
2. Allocate risk management costs on an equitable basis to all departments.
3. Oversee the assignment and investigation of claims.
4. Monitor the risk management and loss control program and report results.
5. Develop risk management administrative policies, procedures and programs, and communicate them to all appropriate parties.
6. To periodically assess, subject to Board appropriations, the District's exposures to risk and the effectiveness of existing risk management programs, and make recommendations for improvements.
7. To see that claims by the District against others are filed and settled.
8. To maintain current records on insurance, property valuations, vehicle and equipment schedules, insurance registers, claims, and loss experience.
9. To serve as a primary reception point for all claims for damages filed with the District.
10. To stamp, record, file and distribute all Claims for Damages.
11. To file and maintain records of all Claims, Insurance Policies, Contracts, etc. related to Risk Management.
12. To keep a file of all reported complaints and requests for District service.
13. To assure that equipment, facilities and programs have safety measures built into them, and that appropriate OSHA and Consumer Safety Product Commission guidelines are considered.
14. To maintain and promote safe and healthful working conditions, including establish a training program.

### **3.21.128 Risk Management Duties of District Counsel.**

The risk management duties of the District Counsel are:

1. To coordinate with legal counsel assigned to claims by the JPIA.
2. To review all agreements, contracts, deeds, easements, and other legal documents for form and compliance to the insurance, hold harmless, and indemnification standards of the District.
3. To resolve and/or defend claims and suits, as required, in consultation with the JPIA.

**3.21.136 Risk Management Duties of All Employees.**

The risk management duties of all employees are:

1. To promote safety among co-workers and ensure that good communications on all risk and safety matters are achieved.
2. To aid new employees by pointing out job safety practices.
3. To apply the principles of accident prevention in their daily work, and care for and use proper safety devices and protective equipment as required by their employment.
4. To become familiar with and observe safe work procedures during the course of their work activities.
5. To promptly report to their immediate supervisor any work related accident, injury or occupational illness, regardless of the degree of severity, prior to the end of the work shift.
6. To cooperate with and assist in investigation of accidents to identify correctable causes and to prevent their recurrence.
7. To promptly report to their immediate supervisor all unsafe actions, practices, or conditions they observe.
8. To keep work areas clean and orderly at all times.
9. To obey safety rules and follow established work procedures.
10. To avoid horseplay and refrain from distracting others.
11. To dress in attire, including any safety gear, suited for the jobs they are expected to perform.
12. To lift and handle materials properly.

**3.21.140 Loss Control Considerations for Members of the Board of Directors.**

Elected officials, like employees, may incur liability for the District and may be held liable for what they both say and do, either individually or collectively. There may be either case law or statutory responsibility for certain behaviors on the part of elected officials. The following is a description of the most common legal areas of concern:

1. There are a number of conflict-of-interest prohibitions outlined in State statutes. Whether legally mandated or not, Directors should not vote on a matter where the Director's financial interest is especially affected.
2. During the pendency of any quasi-judicial proceeding, no member of the Board should engage in ex-parte (outside the hearing) communications with proponents or opponents about a matter in the proceeding.
3. Board members have a legal obligation to become familiar with the Ralph M. Brown Act and to not participate in meetings in violation thereof.
4. There are a number of risk reduction checklists that governing body members should use when considering legislative actions. Legislators, administrators and legal counsel who draft ordinances and other proposed legislative actions should review the proposed ordinance, etc. against the appropriate checklists.

**3.21.200 Contract Guidelines: Purpose.**

The following contract guidelines have been established to insure that the local government's exposures and risks are reasonably treated in all of the government's agreements, contracts, leases, settlements, etc.

**3.21.204 Consulting Contracts: Written Contracts.**

Consultant services should be procured by written contract and accompanying purchase order to track consultant costs. Contracts for services that should be in writing include, but are not limited to, management and planning studies, engineering, legal counsel, labor negotiations, plans examination, employment assessment centers, executive search, etc.

**3.21.208 Minor Construction Contracts: Contract Form.**

Contracts for minor construction projects (e.g. under \$25,000) may be procured by written "short form" contract and accompanying purchase order to track project costs. Contracts for services that are to be in writing include, but are not limited to, facility or infrastructure repair or remodeling, etc.

**3.21.212 Consulting and Minor Construction Contracts: Risk Minimization.**

In order to avoid, reduce, or transfer the risk of loss, for contracts for consulting services the following policies are to be applied in a manner consistent with the current recommendations contained in the JPIA publication "Risk Transfer Procedures for ACWA/JPIA Member Districts":

**3.21.220 Major Construction Contracts: Written Contract.**

Contracts for major construction projects (e.g. over \$25,000) should be procured by written contract in a manner consistent with state law.

**3.21.224 Major Construction Contracts: Risk Minimization.**

In order to avoid, reduce, or transfer the risk of loss, the following policies in addition to the policies established in Section 3.21.212 hereinabove are to be applied in a manner consistent with the current recommendations contained in the JPIA publication "Risk Transfer Procedures for ACWA/JPIA Member Districts":

**3.21.500 Employee Injury and Illness Protection Program: Purpose.**

The District's employees are its greatest assets. Providing safe and healthful working conditions is essential to protecting those assets, and an important element of an effective risk management and loss control program. Exposures from unsafe working conditions and practices can be avoided, eliminated, or reduced by identifying the exposures and hazards, and treating them through a variety of techniques such as correcting unsafe work practices or using proper equipment.

**3.21.504 General Health and Safety Policies.**

The following general employee health and safety policies are hereby established:

1. The District will provide safe working conditions for its employees. Under no circumstances will the risk of serious injury or death of employees be considered an acceptable risk.
2. The District will give prime consideration to safety in the design of buildings, facilities and the specifications for equipment.
3. Whenever a condition or practice is found to exist which could reasonably be expected to cause injury or property damage, the employee has a right and duty to report it immediately, and the General Manager has the authority and responsibility to take necessary action to correct the condition or practice or, where no funds are available to correct the condition, to recommend to the Board to appropriate such funds.

4. Each employee shall develop and exercise safe work habits in the course of their work to prevent injuries to themselves, their co-workers, and to preserve and protect the District's materials, equipment and facilities.
5. The District shall periodically inspect facilities and equipment to ensure that prescribed safety standards are met.
6. Employees shall be certified in first aid through a course provided by the District during working hours.
7. First Aid kits shall be provided in all District vehicles and at least on every floor of each District facility.
8. Employees shall use and/or wear all personal protective clothing and equipment required by department work rules.

### **3.21.508 General Health and Safety Employee Requirements.**

Employees shall conform to the following general requirements shall apply to all employees when in the performance of their work:

1. Promptly report in writing all accidents and injuries, including "close calls", occurring within the course of employment, whether or not the incident directly involved you.
2. Cooperate with and assist in investigation of accidents to identify correctable causes and to prevent their recurrence.
3. Promptly in writing report all unsafe actions, practices, or conditions.
4. Become familiar with and observe approved safe work procedures.
5. Avoid engaging in "horseplay" and refrain from distracting others.
6. Obey safety rules.
7. Wear required protective equipment.
8. Arrive at work suitably attired for the job(s) expected to be performed.
9. Refrain from the use of alcohol or drugs during work hours, not report to work under the influence of any substance that would affect worker safety and participate in a random drug testing program established by the General Manager.
10. Refrain from smoking on District property, in District vehicles, and while on duty.
11. Refrain from operating, modifying, adjusting or using equipment in an unauthorized manner.
12. Refrain from operating, modifying, adjusting or using equipment unless trained and knowledgeable about the equipment. Any failure to conform to the above requirements may result in disciplinary action, up to and including discharge.

### **3.21.512 Personal Protective Safety Equipment.**

Effective personal protection is essential for any employee who may be exposed to potentially hazardous substances or operations, or who perform jobs which have an inherent injury potential. Employees may be exposed to a wide variety of hazardous circumstances, including:

1. Chemical splashes or contact with toxic materials.
2. Falling objects or flying particles.
3. Fires and electrical hazards.
4. Equipment failures.

It is extremely important that employees be adequately protected in these situations. Some of the types of personal protective safety equipment that may be required and which will be provided by the District include:

1. **Hard Hats** to protect the head against falling objects, head bumping situations or electrical conductors.
2. **Goggles, face shields, or safety glasses** to guard against airborne debris, dust, flying particles, chips, chemicals, heat, or injurious rays.
3. **Ear plugs or ear muffs** to guard against prolonged exposure to cold or noise exceeding sound tolerance levels defined by law.
4. **Respirators, gas masks, airline respirators, hose masks, and self-contained breathing apparatus** to protect employees against toxic or abnormal atmospheric conditions.
5. **Safety Shoes** to protect feet against possible mashing from articles that can be dropped, from vehicle wheels, jack hammers, other machines and nail punctures.
6. **Life jackets** when working in and around water.
7. **Reflective Vests or bright articles** to increase worker visibility while working in or around traffic lanes, or at night.
8. **Protective clothing** such as gloves, vests, sleeves, aprons, leggings and full suits to protect against spills, abrasions, bumps, or heat.
9. **Safety Catch** to be used anytime an employee has to work under or adjacent to the gate of a raised dump truck bed.
10. **Safety Harness** to be used when an employee works from elevated locations such as tank ladders.

In addition, employees should wear clothing suitable for the job to be performed. Suitable clothing means clothing that will minimize the possibility of damage from moving or handling chemicals, machinery, hot or injurious substances, sunburn, insect bites or harmful agents. Employees working in hazardous areas should not wear tennis shoes, loafers, or sandals, but steel tipped shoes or boots. Employees should not wear high platform sandals or shoes when working if the thickness of the sole and heel is extreme and causes the wearer to walk precariously. Work shoes should be in good condition. Employees with long hair should wear a cap or net while working around machines. Individuals who are required to wear breathing devices should be clean shaven where the mask contacts the face. The personal protective equipment selected should meet applicable standards, such as those of the Mine Safety and Health Administration (MSHA), National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), or the National Fire Protection Association (NFPA). The choice of equipment is not a simple matter. Health and safety experts should be consulted before purchasing equipment. The purchasing decision and specification development should be coordinated between the General Manager and the Safety Officer.

### **3.21.516 Employee Safety and Health Training.**

The District shall conduct periodic training sessions designed to provide employees with training in how to deal with safety and health hazards encountered in the course of work. All new employees and all employees assigned to a new job shall receive appropriate training as part of their orientation. The District will use all practical means to provide its employees with up-to-date safety and health information.

### **3.21.605 Accident Policy.**

The primary reason for specifying a precise procedure for handling accidents is to ensure that the employee receives all available benefits under the State Workers' Compensation Law and the District is protected from



potential liability and property damage losses. Failure to follow the prescribed accident reporting procedures outlined in this section may result in the employee being required to pay medical expenses which otherwise would have been covered by Workers' Compensation insurance.

### **3.21.610 Employee Injury.**

When an employee is injured on the job, it shall be primarily his responsibility or, if the employee is disabled by the injury the responsibility of the first employee to become aware of the injury, to seek out adequate medical treatment as follows:

1. injuries of a minor nature requiring first aid only shall be treated by the employee himself or by a fellow employee and reported to the employee's supervisor as soon as possible, but in no case reported to the supervisor later than on the day the accident occurs, and the supervisor shall determine whether the injury is serious enough to require medical attention;
2. any employee involved in an accident resulting in a serious injury shall be referred immediately to the nearest hospital emergency room either by the employee himself, a fellow employee, or the supervisor, and the supervisor shall be immediately notified of the accident and the condition of the injured employee;
3. Employees who develop medical conditions that are believed to be caused by the job shall notify their supervisor immediately after receiving such a diagnosis from their physician. A supervisor shall within 24 hours

after notification of any injury or illness referred to hereinabove, shall complete the accident report form required by the District's Workers' Compensation insurer and file it with the Administrative Supervisor who shall mail it directly to the insurance carrier and provide a copy to the General Manager. As soon as possible, the supervisor shall require the employee to complete an accident report form as prescribed by the District.

### **3.21.615 Accidents Involving District Owned Vehicles.**

Accidents involving District owned vehicles should be reported to the appropriate police agency immediately regardless of the seriousness of the accident. The employee is to provide driver's license, insurance coverage and vehicle registration information to the owner of any other vehicle involved. The employee should not comment on the accident any further to anyone, though it is expected that the employee will answer questions of police officials. Under no circumstances should the employee state that the accident was his fault. The employee should then report the accident to his supervisor as soon as possible and complete the forms required. The supervisor should obtain or prepare a written report of the accident within 24 hours and submit it to the General Manager who should then advise the District's insurance agent.

### **3.21.620 Drug Testing Following an Accident.**

Any employee driving a vehicle while on duty who becomes involved in an accident submits to a drug test as required by the General Manager. The General Manager may require a drug test of any employee involved in any work-related accident resulting in the injury of an employee.

### **3.21.900 ADMINISTRATIVE DIRECTIVES.**

The General Manager may promulgate administrative directives to implement the policies establish in this chapter hereinabove. Said directives may be incorporated herein below as additions to this chapter.

## Title 4

### WATER SYSTEM REGULATIONS

**Chapters:**

- 4.01 ADMINISTRATIVE PROVISIONS
- 4.03 DEFINITIONS
- 4.05 ORGANIZATION AND ENFORCEMENT
- 4.07 SERVICE
- 4.09 CROSS-CONNECTION CONTROL
- 4.11 CONSUMER FACILITIES AND USE OF WATER
- 4.14 WATER CONSERVATION
- 4.17 WATER SYSTEM EXTENSION & RELOCATIONS
- 4.21 FIRE PROTECTION FACILITIES
- 4.23 ABATEMENT
- 4.31 FEES, CHARGES, AND BILLING

#### Chapter 4.01

### ADMINISTRATIVE PROVISIONS

- 4.01.010 Purpose
- 4.01.100 Title, Citation and Reference
- 4.01.200 Scope
- 4.01.300 Compliance with Regulations
- 4.01.910 Violation of Regulations Prohibited
- 4.01.920 Prosecution; Abatement
- 4.01.930 Damage to District Facilities
- 4.01.980 Amendment
- 4.01.990 Severability

**4.01.010 Purpose.**

The purpose of this Title is to implement the provisions of Article 2, Chapter 1, Part 5, Division 12 of the Water Code of the State of California (Sections 31020 et seq.) governing the conduct of the water enterprise and more specifically to obtain, divert, conserve, treat, and supply water (including flood and storm water) for domestic use, irrigation, sanitation, industrial use, fire protection, recreation, or any other public or private use. The Rio Linda/Elverta Community Water District intends to operate, improve and maintain its water enterprise pursuant to all applicable laws in a manner consistent to assure its rights under Section 54300 et seq. of the Government Code for financing of future improvements and to protect the public health and safety.

**4.01.100 Title Citation and Reference.**

This Title shall be known as the "Water System Regulations of the Rio Linda/Elverta Community Water District," may be cited as "Water Regulations", and will be referred to herein as "these regulations."

**4.01.200 Scope.**

These regulations establish the terms and conditions under which facilities will be installed and water will be supplied to consumers.

**4.01.300 Compliance with Regulations.**

By applying for or receiving water service from the District, each consumer covenants and agrees to be bound by and to comply with all regulations of the District from time-to-time in effect.

**4.01.910 Violation of Regulations Prohibited.**

No person shall violate these regulations with the intent (a) to cause damage or harm to the physical facilities of the water enterprise system, or (b) to obtain water without making payment therefore, or (c) to befoul the water, groundwater or watershed of the District.

**4.01.920 Prosecution; Abatement.**

1. The District will prosecute violations of Sections 498, 624 & 625 of the Penal Code of California which make it a misdemeanor to tamper with or bypass water meters, to take water without payment, or to otherwise damage or obstruct the District's facilities.
2. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of the regulations of the District shall be deemed to be a public nuisance and may be abated as such.

**4.01.930 Damage to District's Facilities.**

The consumer, by applying for water service from the District, covenants and agrees that, in addition to any right or remedy available to the District by law, the consumer will pay to the District its costs for repairing or replacing any of its facilities damaged by the consumer, his agents, or tenants, or as a result of construction or other work done on the consumer's property, including, without limitation, the sidewalks, driveways, curbs and gutters adjacent thereto, or as a result of installation of utility services to the consumer's property.

**4.01.980 Amendment.**

These Regulations may be added to or amended by adoption of a resolution by the Board following a public hearing advertised pursuant to the rules of the Board.

**4.01.990 Severability.**

If any section or portion thereof, of this Title is found by a court of competent jurisdiction to be invalid or unconstitutional, the remainder of this Title shall remain in full force and effect.

## Chapter 4.03 DEFINITIONS

## 4.03.010 GENERAL

## 4.03.030 Terms Defined by State Agencies

## 4.03.050 Other Sources of Definitions

4.03.090 Common Definition

4.03.200 DEFINITIONS

4.03.210 Consumer

4.03.270 Standards, District Standards, Standards and Specifications

4.03.290 Unimproved Land

**4.03.010 GENERAL.**

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

**4.03.030 Terms Defined by State Agencies.**

Terms which are not specifically defined in this Policy Manual shall be construed as defined in Titles 17 and 22 of the California Code of Regulations.

**4.03.050 Other Sources of Definitions.**

Terms which are not defined in this Policy Manual or the sources listed in 4.03.030 above, but which are defined in the most recently published version of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, hereinafter referred to as "Uniform Plumbing Code," shall be construed as specified in that code.

**4.03.090 Common Definition.**

Terms herein for which a definition is not otherwise prescribed either in this Policy Manual or in other sources referred to herein shall have their ordinarily accepted meaning within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986 or a successive publication thereto, shall be considered as providing ordinarily accepted meanings.

**4.03.200 DEFINITIONS.**

For the purposes of this Title, the following terms shall have the meaning prescribed therein:

**4.03.210 Consumer.**

The owner of record of a parcel who obtains water service from the District or the authorized agent of the owner.

**4.03.270 Standards, District Standards, Standards and Specifications.**

Plans and specifications for routine construction associated with the water system of the District as approved by the General Manager.

**4.03.290 Unimproved Land.**

Land on which no improvements exist or land which although improved to a degree is being further improved and said further improvement is the cause for augmented water service and requires one or more land use approvals.

## Chapter 4.05

### ORGANIZATION AND ENFORCEMENT

- 4.05.010 Enforcement and Interpretation by General Manager
- 4.05.020 Appointment of Engineers, Inspectors, and Other Employees
- 4.05.025 Public Officers.
- 4.05.030 Right of Entry
- 4.05.040 Stop Orders
- 4.05.060 Appeal of Determination or Order of General Manager
- 4.05.065 Limitation of Authority of the Board
- 4.05.070 Effect of Failure to Appeal
- 4.05.080 Scope of Hearing on Appeal
- 4.05.090 Staying of Orders
- 4.05.100 Decision of Board Final
- 4.05.110 Means of Enforcement

#### **4.05.010 Enforcement and Interpretation by General Manager.**

The General Manager is hereby authorized and directed to enforce all the provisions of these regulations. The General Manager shall have the power to render interpretations of these regulations and establish rules and supplemental regulations in order to clarify the application of its provisions. Other officers of the District shall assist and cooperate with the General Manager in order to implement these regulations.

#### **4.05.020 Appointment of Engineers, Inspectors, and Other Employees.**

For purposes of implementation of these regulations and in accordance with prescribed procedures, the General Manager may appoint such numbers of engineers, inspectors, and other employees as shall be authorized by the Board of Directors from time-to-time. The General Manager may deputize such appointees to act on his behalf to implement these regulations. Such appointees hereinafter shall be referred to as "deputy."

#### **4.05.025 Public Officers.**

For purposes of enforcement of these regulations, the General Manager and appointees deputized pursuant to Section 4.05.020 hereinabove shall be public officers as provided in §836.5 of the Penal Code of the State of California.

#### **4.05.030 Right of Entry.**

When it is necessary to make an inspection to enforce the provisions of these regulations, or when the General Manager or deputy has reasonable cause to believe that there exists upon a parcel a condition which is contrary to or in violation of these regulations, the General Manager or deputy may enter upon the parcel and/or buildings thereon to perform the duties imposed by these regulations; provided, however, that if such parcel or building is occupied that credentials be presented to the occupant and entry requested. If such parcel or building is unoccupied, a reasonable effort shall be made to locate the consumer or other person having charge or control of the parcel or building in order to request entry. If entry is denied, an inspection warrant may be obtained as provided by law.

**4.05.040 Stop Orders.**

Whenever any maintenance, repair, replacement, or new construction work is being done contrary to the provisions of these regulations or other pertinent laws or ordinances implemented through the enforcement of these regulations, the General Manager may order the work stopped by notice in writing served on the property owner or any such person engaged in doing or causing such work to be done. Such notice shall be served either personally or by regular mail. Service by mail shall be effective on the date of mailing. Any such persons causing or allowing violations of the District's policies shall forthwith stop such work until authorized by the General Manager to proceed with the work.

**4.05.060 Appeal of Determination or Order of General Manager.**

Orders, decisions or determinations made by the General Manager relative to the application and interpretation of these regulations may be appealed within fifteen (15) calendar days from the date of service or notification of said order, decision or determination. Said appeal may be filed in writing with the District essentially in the following form:

1. A heading in the words: "Before the Board of Directors of the Rio Linda/Elverta Community Water District";
2. A caption reading: "Appeals of [give the names of all appellants participating in the appeal]";
3. A brief statement setting forth the legal interest of each of the appellants in the parcel(s) or building(s) involved;
4. A brief description of the specific order, decision or determination appealed;
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed that the order, decision or determination should be reversed, modified, or otherwise set aside;
6. A brief statement in ordinary and concise language of any material facts claimed to support the contentions of the appellant;
7. The signatures of all parties named as appellants and their official mailing addresses;
8. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal. The appeal shall be placed as a public hearing on the agenda of the next regular meeting of the Board of Directors which occurs fifteen (15) calendar days or later following the date of receipt of the appeal.

Written notice of the time and place of the hearing shall be mailed to each appellant certified mail postage prepaid at least seven (7) calendar days prior to the date of the hearing.

**4.05.065 Limitation of Authority of the Board.**

The Board when ruling on an appeal may not set aside or modify the application of engineering design standards or District standards and specifications as provided in these regulations.

**4.05.070 Effect of Failure to Appeal.**

Failure of any person to file an appeal in accordance with the provisions of Section 4.05.060 shall constitute a waiver of the right to an administrative hearing and adjudication of the order, decision or determination of the General Manager provided that said order, decision or determination has been rendered in writing and said writing is accompanied by a copy of Section 4.05.060.

**4.05.080 Scope of Hearing on Appeal.**

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

**4.05.090 Staying of Orders.**

Except for orders issued pursuant to Section 4.05.040, any order, decision or determination of the General Manager shall be stayed during the pendency of a timely and properly filed appeal until a final decision has been reached by the Board.

**4.05.100 Decision of Board Final.**

A decision of the Board of Directors regarding an appeal shall be final.

**4.05.110 Means of Enforcement.**

The following shall constitute means of enforcement of orders issued pursuant to Section 4.05.040 and are not penalties for violation of these regulations:

1. Injunctive relief may be sought in a court of proper jurisdiction;
2. Nuisance abatement proceedings may be initiated pursuant to Chapter 4.23 herein below;
3. As a means of abatement, District water service may be terminated immediately in order to prevent an immediate threat to the health and safety of the public or may cause irreparable harm to the riparian environment.

## Chapter 4.07 **SERVICE**

4.07.010 NEW SERVICE

4.07.011 Application for Service & Processing 4.07.012 Conditions Precedent Service

4.07.013 Service Connection

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4.07.015 Location of Service Connection

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- 4.07.250 Charges for Multiple Services
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- 4.07.400 SERVICE INTERRUPTION
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- 4.07.420 Non-liability of District
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- 4.07.700 INITIATION OF WATER SERVICE: GENERALLY
- 4.07.710 Application
- 4.07.720 Failure to Apply
- 4.07.800 TERMINATION OF WATER SERVICE
- 4.07.810 Termination by the District
- 4.07.820 Termination by the Consumer
- 4.07.830 Reinitiation of Service Prohibited
- 4.07.840 Temporary Shut-Off

#### **4.07.010 NEW SERVICE**

##### **4.07.011 Application for Service and Processing.**

1. Application for Service must be made to the District in writing on the District's form by the consumer or his authorized agent. Applications must be supported by data as required by the District, such as a map and/or legal description of the property to be served, a description or plan showing intended water fixtures, a plan showing yard, lawn and garden areas and an estimate of amount to be used. The size of the meter and service connection will be determined by the District.
2. Applications requiring only fire service or requiring a service having a meter size equal to or less than one inch, which services can be connected to existing mains, will be processed in the order of the date the application is received, provided all requirements of the District are met. All other applications will be processed in the order of the date the application is received, provided the applicant meets all District requirements within 30 days of said date. If District requirements are not met within said thirty (30) days, the application shall be null and void.
3. Receiving an application shall in no way represent a commitment or agreement by the District to serve water. Said commitment will be made only at the time service actually commences or when the District executes a service Extension Agreement whichever shall first occur. In the case of a service extension agreement, the commitment of the District to supply water shall be limited to the number of connections to be installed pursuant thereto and in accordance with the terms thereof.

##### **4.07.012 Conditions Precedent Service.**

Metered water service will be provided subject to:

1. The existence of a water main of adequate capacity and pressure abutting the property to be served, or the construction of adequate mains, pumps and storage facilities under the provisions of these regulations.



2. Advance payment of the District's connection charge for service as provided in these regulations or as subsequently amended or adopted by the Board.

3. Approval by the County of Sacramento of a wastewater disposal system for the property to be serviced.

**4.07.013 Service Connection.**

A service connection is hereby defined as a pipeline from the water main to the property side of the curb line, including a meter box and other necessary fittings for the installation of the meter. All service connections and meters shall be and remains the property of the District, and shall not be molested by anyone other than an authorized employee of the District. Said meters and service connections shall be maintained, repaired and renewed by the District when rendered unserviceable through fair wear and tear, but that in the event that any replacement, repair or adjustment of any water service or meter shall be made necessary by the act or negligence of the consumer, his/her family or employee, any expense connected with said adjustment, renewal or repair shall be charged and collected from the consumer. The District shall not be responsible for open or faulty fixtures or for broken or damaged pipes beyond the District meter.

**4.07.014 Control Valve.**

The consumer to be served shall install a control valve on the pipe immediately following the connection point to the District meter. When old premises to which a service pipe has previously been connected are being altered, such control valve shall be installed by the consumer if such is not already provided. Where any consumer to be served or being served has also a separate and different water supply connected with pipes served by those of the District, he/she must make suitable provision pursuant to these regulations whereby water from such separate and different supply may not enter the mains of the District.

**4.07.015 Location of Service Connection.**

Water service will be provided at a meter abutting a major frontage of the property to be served at a point determined by the District. The consumer may indicate the point on his property where he desires service, but the final location shall be determined by the District.

**4.07.016 Land Use Approval Established.**

An application for service to unimproved land shall not be processed to completion by the District unless the applicant presents to the District a document from the County of Sacramento verifying that a: (a) valid Building Permit has been issued; or (b) Preliminary Division of Land has been approved; or (c) Tentative Subdivision Map has been approved; or (d) Planned Unit Development Precise Development Plan has been approved.

**4.07.030 Plan Check and Inspection Fees and Charges.**

*(Amended with Resolution 2011-03)*

Installation of a new service and continuation of service shall be conditioned upon payment of fees and charges as provided by Board resolution and as may be amended from time to time. The Board is authorized, upon request by an applicant for a new fire protection service installation/connection, and after a public hearing, to permit new installation/connection prior to the payment of the District's established fees. Any authorization shall be conditioned on the applicant for new fire protection service installation/connection entering into a written agreement with the District to pay all fees due no later than six months from the date fees are originally due.

#### **4.07.100 CHANGE OF SERVICE**

##### **4.07.110 Relocation.**

The District will relocate its facilities when requested to do so by the consumer provided such relocation is acceptable to the District and upon advance payment of the District's estimate of the cost thereof. If the actual cost of relocation exceeds the amount prepaid such excess will be paid on completion of the work.

##### **4.07.120 Enlargement.**

Enlargement of meter and service connection will be made by the District on the following conditions:

- (1) The consumer or his authorized agent files an application therefore in accordance with Regulation 4.07.011; and
- (2) The consumer pays the charge for service applicable to such enlarged meter and service connection as provided by District rates, from which shall be deducted the current charges applicable to the meter and service line replaced, only if these charges have been previously paid.

##### **4.07.230 Subdivision of Ownership.**

If the ownership of a structure receiving service through a single service connection is subdivided, new service connections shall be installed, and the fees and charges therefore shall be paid, to the extent necessary to provide a separate service connection to each separately owned unit or parcel.

##### **4.07.240 Connection Prior to January 1, 1998.**

The preceding sections of this regulation shall not apply to dwellings which have been continuously served through a single service connection installed prior to January 1, 1998. The minimum and quantity rates for each dwelling unit so served shall be computed as though each unit were served with a meter of the size installed on the single service connection and as though the quantity delivered to each unit were the quantity of the water measured by the installed meter divided by the number of dwelling units connected thereto.

##### **4.07.250 Charges for Multiple Service.**

*(Amended August 17, 2015 Board Meeting.)*

The District will not render separate statements to each dwelling unit or enterprise served by a single meter. The consumer, irrespective, in whose name the service is registered, will be responsible for all charges for all services through the meter.

#### **4.07.300 TEMPORARY SERVICE**

##### **4.07.310 Installation and Payment.**

Service which the District determines will be for less than one year and will not require installation of a permanent connection shall be provided upon payment of the total estimated cost of installing the connection and such reasonable deposit for service as may be required by the District.

**4.07.320 Service through Fire Hydrants.**

Temporary service for construction or other approved purposes may be provided through hydrant meters upon written application to the District and the payment of a refundable damage or loss deposit of \$1000.00, a permit charge of \$40.00, and water use fees as provided by District rate schedules.

**4.07.400 SERVICE INTERRUPTION****4.07.410 Water Shut Off.**

District reserves the right to shut off water at any and all times for the purpose of making repairs, extensions or alterations of its water system. Whenever possible, advance notice of interruption of service will be given to all consumers affected. Consumers depending upon a continuous supply of water should provide themselves with emergency storage.

**4.07.420 Non-liability of District.**

The District will exercise reasonable care and diligence to deliver to its consumers a continuous and sufficient supply of water under proper pressure and of good quality at the service connection to the consumer's premises. However, the District is not, and will not be, liable for any loss, damage, or inconvenience to any person by reason of shortage, insufficiency, suspension, discontinuance, shut off, increase or decrease of water pressure, or by a water quality problem.

**4.07.500 DISTRICT ACCESS TO FACILITIES.**

By applying for or receiving water service from the District each consumer irrevocably licenses the District and its authorized employees and agents to enter upon the consumer's property at reasonable times for the purpose of reading, inspecting, testing, checking, repairing or replacing the District's meters and other facilities.

**4.07.700 INITIATION OF WATER SERVICE: GENERALLY****4.07.710 Application.**

An application for the initiation or reinitiation of water service shall be filed with the District by the consumer or his agent prior to the use of water. Each applicant for service shall advise the District of the date service is to begin, the post office address to which the water bill shall be mailed, the exact location of the property to be served and provide such credit information and deposit as the District may require. An applicant shall be required to make written application for service on a form provided by the District. Where the application is made by an agent of the consumer, a form signed by the consumer authorizing the agent to make said application shall be submitted directly by the consumer.

**4.07.720 Failure to Apply.**

Anyone using water without having made application to the District for initiation or reinitiation of water service shall be held liable for the service from the date of any previous meter reading that most nearly coincides with the actual date the service was first used by such consumer. Such use of water may be subject to the misdemeanor prosecution provisions of Section 4.01.920 hereinabove.

## **4.07.800 TERMINATION OF WATER SERVICE**

### **4.07.810 Termination by the District.**

The District may refuse to furnish water and/or discontinue service to any premise where:

- a. The consumer fails to comply with any of the District's regulations.
- b. The consumer fails, after notice from the District, to remove an obstruction that prevents reading of the meter.
- c. Equipment using water is found to be dangerous or unsafe.
- d. The use of water is found to be detrimental or injurious to the water service furnished to other consumers.
- e. Negligent or wasteful use of water exists which affects the District's water service.
- f. It is necessary to protect itself against fraud or abuse.

### **4.07.820 Termination by the Consumer.**

Water service will be terminated on any business day (not a Saturday, Sunday, or holiday) requested by the consumer, provided that the request is received by the District not later than two business days prior to the date of termination. The consumer shall be responsible for all service furnished by the District prior to the termination of service.

### **4.07.830 Reinitiation of Service Prohibited.**

It shall be unlawful for any person to turn on water after the same shall have been turned off as provided in these regulations, without the written consent of the District. Unauthorized resumption of service shall be deemed as tampering with District property and the consumer shall be responsible for all charges incurred for actions taken by the District to discontinue service until the bill is paid in full (including charges for any repairs for parts and labor, for discontinuation and restoration of service, and for a tampering charge per the District's current fee Ordinance).

### **4.07.840 Temporary Shut-Off.**

When the consumer requests in writing temporary discontinuation of service (120 days or less) a charge per the District's current fee Ordinance will be assessed to the account. An additional charge per the District's current fee Ordinance will be made for every after-hours service call made to the property. If an emergency situation exists, the General Manager may waive the requirement that the request be in writing. The charge for turning off and on the service may be waived on a one time basis by the General Manager if the consumer at the time of emergency discontinuation will provide and install a control valve on the consumer side of and adjacent to the District meter.

Chapter 4.09  
**CROSS-CONNECTION CONTROL**  
*(Amended August 15, 2005)*  
*Resolution 2005-11*

- 4.09.010 AUTHORITY, PURPOSE & DEFINITIONS
- 4.09.020 INCORPORATION OF COUNTY OF SACRAMENTO REGULATIONS
- 4.09.030 INCORPORATION OF CALIFORNIA TITLE 17 REGULATIONS
- 4.09.100 BACKFLOW PREVENTION POLICY
- 4.09.110 Private Sources That Require Backflow Prevention Devices
- 4.09.120 Systems Carrying Hazardous Substances
- 4.09.130 Sewage Lift, Pump or Ejector Stations
- 4.09.200 BACKFLOW PREVENTION DEVICES
- 4.09.210 Installation
- 4.09.220 Existing Service Connections without Backflow Prevention Devices; Upgrading of Existing Devices
- 4.09.230 Operation, Testing, and Maintenance
- 4.09.300 COMPLIANCE WITH REGULATIONS
- 4.09.310 Access for Inspection
- 4.09.320 Noncompliance
- 4.09.330 Liability
- 4.09.340 Additional Penalties

**4.09.010 AUTHORITY, PURPOSE AND DEFINITIONS**

1. The Rio Linda/Elverta Community Water District, hereinafter referred to as “District”, operates a public water supply under permit issued by the State of California Department of Health Services. In order to comply with the terms of the permit and all State regulations intended to protect the public water supply from contamination or excessive loss of supply, suitable cross-connection prevention devices must be installed at the expense of the consumer. This Chapter supplements and does not supersede local plumbing regulations, codes or ordinances, or State regulations relating to water supply or plumbing regulations. Installation and continuous maintenance of a cross-connection prevention device, where required by District, shall be a condition of waterservice, including the continuation of existing water service.
2. Title 17, §7583-7605 of the California Code of Regulations, hereinafter referred to as “Title 17”, provides rules and regulations governing cross-connections. §7584 of Title 17 states in part that “The water suppliers shall protect the public water supply system from contamination by implementation of a cross-connection control program. The District is a water supplier within the meaning of Title 17.
3. In order to provide for an orderly and adequate means of protecting the District’s water system from potential cross-connections, the requirements hereinafter set forth are reasonable and necessary for the protection of the District’s water supply and distribution system and the public health and welfare. New water service connections shall be installed and existing water service connections shall be modified to conform to these regulations and requirements as hereinafter set forth.

4. Those definitions contained in Title 17 §7583 and Chapter 6.30 of the Sacramento County Code shall be used for purposes of determining and interpreting the meaning of certain words in this Chapter 4.09. In the event of a conflict between these two sources, Title 17 shall prevail.

#### **4.09.020 INCORPORATION OF COUNTY OF SACRAMENTO REGULATIONS.**

The regulations of the Sacramento County Code Chapter 6.30, inclusive, hereinafter referred to as “Protection of Drinking Water”, is hereby adopted, incorporated by reference herein and made a part hereto, insofar as the same are applicable to the protection of the District’s water supply and distribution system.

#### **4.09.030 INCORPORATION OF CALIFORNIA TITLE 17 REGULATIONS.**

The regulation of the California Department of Health, Title 17 California Administrative Code, § 7583-7605, inclusive, are hereby adopted, incorporated by reference herein and made a part hereto, insofar as the same are applicable to the protection of the District’s water supply and distribution system.

#### **4.09.100 BACKFLOW PREVENTION POLICY**

##### **4.09.110 Private Sources of Supply That Require Backflow Prevention Devices.**

*(Amended October 15, 2018)*

The public water supply system must at all times be isolated from private sources that have the potential for cross-connection or the potential for contamination. Abandonment of the private source of supply or other potential cross-connection condition pursuant to an approved well abandonment permit, building permit or other appropriate permit issued by the County of Sacramento shall be allowed at the sole discretion of the District in lieu of installation of a backflow prevention device in accordance with these regulations. A cross-connection or backflow prevention device shall be required at the service connection on the customer side of the water meter if any of the following conditions exist:

1. An auxiliary water supply is on the parcel or serving the parcel receiving water from the District’s water system;
2. The facility handles any substance under pressure in such a fashion as to permit the substance to possibly enter into the District water system, including water originating from the District water system;
3. The facility or parcel has more than one service connection;
4. The facility has or has the potential for a cross-connection that could result in the pollution or contamination of the District’s water system;
5. The structure or structures are used for commercial, industrial or institutional purposes, or has multiple use capabilities;

6. The parcel or facility is used for a business purpose determined by the District to have the potential for a cross-connection that may result in the pollution or contamination of the District's water system;
7. The parcel has a dedicated irrigation system and/or private fire hydrant;
8. The parcel or facility as determined by the Board of Directors has the potential for cross connection.

#### **4.09.120 Systems Carrying Hazardous Substances.**

The public water supply system shall be separated by an air gap system from sewage treatment plant systems, chemical plant systems, or other systems carrying hazardous substances which may jeopardize the safety of the drinking water supply or at any private or public premise on which any material dangerous to health or any toxic substance in toxic concentration is or may be handled under pressure. The air gap shall be located as close as practicable to the service cock, and all piping between the service cock and receiving tank shall be exposed. All portions of the air gap system, including piping shall be accessible for inspection at any reasonable hour.

#### **4.09.130 Sewage Lift, Pump or Ejector Stations.**

At the service connection to any sewage pumping station, the public water supply shall be protected by a properly installed air gap separation system satisfactory to District, the plans for which must be approved in writing by the District's Manager prior to installation. For a single hose bib water service to the vicinity of a sewage lift station, the District may accept as satisfactory back-flow protection the installation of a double check valve assembly located as close as practicable to the service connection. The service hose bib and connecting riser must be located at the discharge end of the double check valve assembly. The system, including all piping, shall be completely exposed.

### **4.09.200 BACKFLOW PREVENTION DEVICES**

#### **4.09.210 Installation.**

All backflow prevention devices will be designed and installed as specified by the Rio Linda/Elverta Community Water District. Such backflow prevention device shall be capable of assuring equivalent protection as provided for in the State of California Regulations Relating to Cross connections (Title 17, Chapter V, Sections 7583-7605, inclusive), as may be amended from time to time. At the time and application for a new water service is made in accordance with these regulations, the General Manager will review said application to determine, in accordance with applicable regulations, the

need for a backflow prevention device on the consumer's service. If a backflow device is required, it shall be the consumer's responsibility, and expense, to provide for the installation and continued maintenance of the device in accordance with District standards and at a location approved by the District, by one of

the following methods:

1. INSTALLATION BY DISTRICT - A backflow prevention device may be installed by the District at the sole discretion of the District, and thereby at the consumer's expense. The consumer shall deposit, in advance, the District's estimated cost of the device and installation. The final billing to the consumer shall be the total cost of the work.

2. **INSTALLATION BY CONSUMER** - A backflow prevention device may be purchased and installed through arrangements made by the consumer; conditionally, the type and manufacturer of the device shall be specified by the District. Installation is subject to inspection and acceptance by the District prior to providing water service to the parcel.

3. **FREEZE PROTECTION** - It is the responsibility of the property owner to install freeze protection. If the backflow prevention assembly cannot be inspected due to the presence of freeze protection material, the freeze protection may be removed. The District shall not be responsible for reinstallation of the freeze protection.

The relief port at the bottom of a reduced pressure backflow assembly must not be covered over by freeze protection. All test ports must be easily accessible along with the serial number and model number. Freeze protection shall be maintained in a neat, aesthetically pleasing condition. Torn or dislodged freeze protection may be removed by the District.

#### **4.09.220 Existing Service Connections without Backflow Prevention Devices; Upgrading of Existing Devices.**

1. The District will inspect the premises of existing service connections, and in compliance of the regulations shall determine if the premise(s) require a backflow prevention device. A list of property owners will be established that may require backflow prevention devices. Such list shall be prioritized by the potential for cross-connection with those with the highest potential listed first. If it is determined that a backflow prevention device is required, the installation of a backflow

prevention device shall be a condition of continued water service. Abatement of the potential cross connection shall be accomplished in compliance with the regulations contained in this Chapter 4.09. If a consumer fails to provide for the installation of the backflow prevention device within a reasonable time limit set forth in a written notification from the District, the District shall suspend water service to the property being served. Alternatively, at the District's option, and upon notification of the consumer, the District may install the backflow prevention device and charge the consumer the entire cost of the device and its installation.

2. An existing backflow prevention device which fails to meet District standards and specifications shall be upgraded at the consumer's expense following the procedures contained in this Chapter 4.09. Upgrading may include complete replacement of the backflow prevention device, installation of additional devices, or abatement of on-site cross-connection hazards.

#### **4.09.230 Operation, Testing, and Maintenance.**

Backflow prevention devices shall be owned, operated, and maintained by the consumer pursuant to the annual maintenance program prescribed by the District. District personnel or District approved contractors shall inspect and test the backflow prevention devices upon installation and annually thereafter. Charges for inspection and testing shall be set by the District from time to time based on the size and type of device. The consumer may be furnished with test results upon written request. A backflow prevention device that fails its annual test shall be repaired or replaced and retested at the owner's expense.



### 4.09.300 COMPLIANCE WITH REGULATIONS

#### 4.09.310 Access for Inspection.

Rio Linda/Elverta Community Water District personnel and representatives of any governmental health agency shall have the right of ingress to and egress from the consumer's premises at all reasonable hours for the purpose of investigating compliance with this Chapter.

#### 4.09.320 Noncompliance.

If a consumer fails to comply with this Chapter, the District shall have the right to discontinue water service and, if it deems necessary, physically disconnect the consumer's piping from the District's distribution system. Conditions or water uses that create a basis for water termination include, but are not limited to the following items:

1. Refusal to install a required approved backflow assembly.
2. Refusal to allow access onto premise for inspection purposes.
3. Refusal to allow testing of an approved backflow assembly
4. Refusal to repair or replace a faulty backflow assembly
5. Removing or bypassing of a required approved backflow preventer.
6. Direct or indirect connection between the District's water system and a sewer line.
7. Unprotected direct or indirect connection with the District's water system and a system or equipment containing contaminants.
8. Unprotected direct or indirect connection with the District's water system which presents an immediate health hazard.

#### 4.09.330 Liability.

The District shall not be liable for any injury to persons or damage to property which may result directly or indirectly from the installation or testing of any device to protect the District's public water supply from contamination.

#### 4.09.340 Additional Penalties.

In addition to the remedies otherwise granted the District by law, any water user who willfully fails to install a backflow prevention device as required by these regulations, or who willfully bypasses or alters such a device may be subject to prosecution and, upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County jail for a period not to exceed six (6) months or by both fine and imprisonment. Each day of the violation is a separate offense pursuant to California Health & Safety Code Section 116820. These penalties are in addition to any other rights or remedies that the District may have at law or in equity.

## Chapter 4.11

### CONSUMER FACILITIES AND USE OF WATER

#### 4.11.010 GENERAL

#### 4.11.100 PRIVATELY OWNED FACILITIES

- 4.11.110 Installation and Maintenance
- 4.11.120 Connection to Meters
- 4.11.130 Pressure Devices
- 4.11.140 Ground Wire Attachments Liability
- 4.11.150 District's Non-Responsibility
- 4.11.200 USE OF WATER
- 4.11.210 Responsibility of Control
- 4.11.220 Place of Use
- 4.11.230 Resale of Water Prohibited
- 4.11.240 Change of Use

**4.11.010 General.**

It is the policy of the District that all District responsibility for water and facilities for the transmission thereof to the consumer's property ends at the outlet side of the water meter. It is the responsibility of the consumer to protect, maintain and operate all facilities and appliances beyond that point.

### **4.11.100 PRIVATELY OWNED FACILITIES**

**4.11.110 Installation and Maintenance.**

The consumer shall, at his risk, furnish, install, maintain, repair and retain ownership and control over the pipes and water receiving equipment leading from the outlet of the District's water meter, provided, however that if the consumer's pipes or equipment causes damage, nuisance or inconvenience to the District or its other consumers, the District shall have the right to compel the consumer or user of such pipes or equipment to adjust, repair or replace the same or to discontinue use of water from the District

**4.11.120 Connection to Meter.**

The consumer shall be responsible for connecting his pipeline to the District's meter end. However, except for private fire protection services, the District at its discretion may make the necessary connection if the consumer's pipeline is placed before the meter is installed.

**4.11.130 Pressure Devices.**

Where it is desired to reduce or increase the pressure under which water is supplied by the District, the consumer shall be responsible for installing and maintaining the necessary regulators, pumps, or relief valves in such cases, the equipment shall be installed on the consumer's side of the meter and at his own risk and expense. Pressure reducers shall be required where the water pressure exceeds 90 psi (pounds per square inch) at the meter.

**4.11.140 Ground Wire Attachments Liability.**

The District is not responsible for providing an electrical ground through water service equipment. Consumers shall not attach any ground wiring to plumbing which is or may be connected to District service equipment. The District may hold the consumer liable for any injury to its personnel resulting from a ground wire attachment.

**4.11.150 District's Non-responsibility.**

The District shall not be responsible for any loss or damage caused the negligent or wrongful act or omission of a consumer or any of his tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, using, operating or interfering with any water receiving equipment. The District shall not be responsible for damage caused by faucets, valves, and other equipment which may be open at any time that water is turned on at the meter.

**4.11.200 USE OF WATER****4.11.210 Responsibility of Control.**

Title to water furnished by the District, the risk of loss thereof and full responsibility for the carriage, handling, storage, disposal and use thereof shall pass from the District to the consumer at the outlet of the District's meters.

**4.11.220 Place of Use.**

The consumer shall not use or permit the use of any water furnished him by the District on any premises other than those specified in his application for service.

**4.11.230 Resale of Water Prohibited.**

No water received from the District may be resold or delivered to others without the specific approval and authorization of the District.

**4.11.240 Change of Use.**

No substantial change in the character of water use through an existing connection shall be made except by the filing and processing of a new service application. The District shall determine what constitutes a substantial change in the character of water use which shall include, but is not limited to, change from single-family dwelling service to multiple dwelling service or from residential use to commercial or industrial use.

## Chapter 4.14 WATER CONSERVATION

## 4.14.010 Purpose

## 4.14.200 Requirements

**4.14.010 Purpose.**

Water is a limited natural resource. It must be used efficiently and economically to meet the health and safety needs of the community. This regulation incorporates water conservation as an integral part of the District's total water management program.

**4.14.200 Requirements.**

The District's rules and regulations related to conservation of water are set forth in its Water Shortage Ordinance (Ordinance No. 2008-01) and its' Water Master Plan, as they may be amended from time to time.

## Chapter 4.17

### **WATER SYSTEM EXTENSIONS AND RELOCATIONS**

- 4.17.010 EXTENSIONS
- 4.17.020 To Serve New Consumers Without Direct Access
- 4.17.030 Interconnection Between Mains
- 4.17.040 Size and Design
- 4.17.050 Preliminary Engineering and Planning
- 4.17.060 Cost of Preliminary Engineering and Planning
- 4.17.070 Estimate is Not a Commitment to Serve Water
- 4.17.100 PAYMENT
- 4.17.110 By Extendor
- 4.17.120 By District
- 4.17.200 EXTENSION AGREEMENTS
- 4.17.210 General
- 4.17.220 Small Extensions
- 4.17.230 Land Easements and Rights of Way
- 4.17.240 Reimbursement Agreement
- 4.17.300 EXTENSION CONSTRUCTION
- 4.17.310 Construction by Extendor
- 4.17.320 Conditions of Construction by Extendor
- 4.17.330 Construction by District
- 4.17.340 Construction Costs
- 4.17.400 RELOCATION
- 4.17.410 To Accommodate Streets and Highways
- 4.17.420 Improvements Under Assessment Proceedings
- 4.17.430 Required by Public Drainage Works
- 4.17.440 Required by Underground/Overhead Utilities

#### **4.17.010 EXTENSIONS**

##### **4.17.020 To Serve New Consumers Without Direct Access.**

Extension of the District's water distribution system including, without limitation, mains, storage tanks, pumps and pumping stations, fire hydrants and appurtenances, shall be constructed to serve new consumers whose lands do not have direct access to or do not abut a street or easement containing an adequate distribution main supplied from adequate pumping or storage facilities. Property with direct access to a street or easement containing an adequate distribution main, but which does not have a major frontage on the street or easement, will be served at such street or easement at the discretion of the District, provided that such property and adjacent properties cannot be further subdivided or developed.

**4.17.030 Interconnection Between Mains.**

If the Board of Directors finds that an interconnection between two of its water mains will benefit the District, it may, in its sole discretion, construct said interconnection without entering into a main extension agreement and without all or a portion of the costs thereof being advanced by an applicant for water service as provided by these regulations. The costs of such extensions shall be allocated among the various parcels of land susceptible of service there from on such fair basis as shall be determined by the General Manager and approved by the Board of Directors, taking into consideration the area of each parcel, its potential water requirements and its frontage, if any, on the said interconnection. Said allocated cost shall be paid to the District prior to the commencement of water service to said parcel of land and shall be in addition to the initial charges for service required by these regulations.

**4.17.040 Size and Design.**

All extensions of the District's water distribution system shall be designed by the District and constructed in accordance with the District's plans and specifications. The location, size, type and design of all such extensions shall be sufficient to provide adequate water service for the entire area that can economically be supplied there from as conclusively determined by the District.

**4.17.050 Preliminary Engineering and Planning.**

Upon request, made on a form supplied by the District, the District will prepare a written estimate and preliminary plan of extension or modification of water service. The request must be accompanied by a detailed plan showing the area of proposed service, the proposed water demand, the name and address of the consumer, developer and engineer of the project or development and other project information as may be required by the District. To the extent that they are available, the developer shall supply the District with all master plans, estimates of future water requirements and details of building construction for the purpose of designing the fire protection elements of the water system.

**4.17.060 Cost of Preliminary Engineering and Planning.**

The cost of preliminary engineering and planning shall be included as part of the cost of extending service except that in the event the cost of preparing an estimate exceeds one hundred percent (100%), the District will require payment there for which payment shall become due and payable upon presentation of a bill for same to the applicant. Should the District determine that the cost of preparing an estimate and accomplishing other engineering and planning work reasonably be expected to exceed \$500.00, the applicant shall be required to execute and advance funds for same pursuant to the District's usual form of agreement for this purpose.

**4.17.070 Estimate is Not a Commitment to Serve Water.**

Preparation of an estimate or any other preliminary engineering and planning work undertaken by the District in connection with the applicant's proposed project is not to be interpreted by the applicant as a commitment or agreement by the District, partial or otherwise, to serve water. Said commitment will be made only at the time service actually commences or when the District executes a service extension agreement whichever shall first occur. In the case of a service extension agreement, the commitment of the District to supply water shall be limited to the number of connections to be installed pursuant thereto and in accordance with the terms thereof.

## 4.17.100 PAYMENT

### 4.17.110 By Extendor.

The applicant for water service shall: (1) pay all costs of designing and constructing such extensions of the District's water distribution system as are required by these regulations; (2) install, or pay the District's cost of installation, of all service lines; and (3) pay the initial charge for water service pursuant to these regulations.

### 4.17.120 By District.

The District may in its discretion pay that portion of the costs of extending its distribution system referred to in these regulations equal to the difference in cost between the size required by the extendor's development and the size that the District requires under its long-range master plan when all the following conditions are present:

- (1) The main to be extended replaces a presently inadequate distribution pipeline;
- (2) The location of the facility to be constructed is one of those described in the future plans of the District as may be developed and amended from time to time; and
- (3) The Board of Directors has determined that it is within the district's financial ability to finance its share of the improvement.

## 4.17.200 EXTENSION AGREEMENTS

### 4.17.210 General.

After the preparation of preliminary cost estimate and plans pursuant to these regulations and at the time Extendor desires to secure a commitment of water service and proceed with construction, the applicant shall submit a written application for service pursuant to these regulations. Upon applicant meeting all requirements, the District shall prepare an Extension Agreement. The agreement shall specify the terms of payment, estimated cost of extension, requirements for easement or property, special service conditions and other details.

### 4.17.220 Small Extensions.

When the estimated cost of the work to be performed by the District is less than \$10,000 (exclusive of District fees), the General Manager of the District is authorized to prepare an agreement with the applicant. All of such agreements shall be in writing in the District's usual form, and signed by the applicant and on behalf of the District by the General Manager.

### 4.17.230 Land Easements and Rights of Way.

All extensions of the District's distribution system shall at all times be the property of, and be controlled by, the District. District facilities shall be located only in dedicated and accepted public streets or rights of way or within easements owned by the District. No facilities will be constructed until all rights of way, easements and facility sites as required by the District shall have been conveyed to the District at the sole cost and expense of the extendor. In the event such rights of way, easements or lands are not conveyed by the extendor, the extendor shall pay the District its entire cost of acquisition thereof, including appraisers' fees, escrow charges, title insurance premiums and regal expenses.

**4.17.240 Reimbursement Agreement.**

If an extension is made at the expense to the consumer which may serve other property than that of the consumer paying the cost for the extension, the District shall determine the potential for additional services available. Should such a potential exist, the District shall determine the proportionate percentage of the expense to be bared by the primary applicant/consumer. The remaining cost shall be shared by future secondary applicants who subscribe to service and such percentage determined by the District shall be collected from secondary applicants (upon their request for service) and the cost share as determined by the District shall be reimbursed to the primary applicant following such transaction. The reimbursement policy shall be in force continuously but no longer than ten (10) years from the commencement of service to the primary applicant/consumer.

**4.17.300 EXTENSION CONSTRUCTION****4.17.310 Construction by Extendor.**

The extendor may, if he elects, construct extensions to the District's water distribution system, with materials furnished by the District, provided, however, the District reserves the right to construct, with its own personnel or by private contract, any of the following: (1) Pumping plants, storage facilities and main transmission lines; (2) Small extensions; (3) Extensions involving complicated connections to, or interference with, the District's existing facilities.

**4.17.320 Conditions of Construction by Extendor.**

Construction by the extendor shall be subject to each of the following conditions: (1) Prior to commencement of construction the extendor shall execute an extension agreement, advance all costs of materials to be furnished and work to be performed by the District, pay all charges as required by Section 4.17.240 and furnish the District with a corporate surety performance bond satisfactory to the District in an amount equal to 100% of estimated cost of the construction by the extendor; (2) All work shall be performed by a competent and experienced contractor licensed for underground construction and with experienced laborers; (3) All work shall be performed in a good, workmanlike and safe manner and in accordance with the plans and specifications of the District, under its inspection, and to the satisfaction of its Chief Engineer. Risk or loss or damage to materials shall be borne by the extendor until the facilities constructed are accepted by the District; (4) All facilities shall be maintained by the contractor that installed the same for one year, or such longer period as shall be specified by the District, following the acceptance thereof by the District; and (5) The extendor shall indemnify and hold the District, its officers, employees and agents harmless from any liability, arising out of or in any way connected with, such work done by, or on behalf of, the extendor, his employees, agents or contractors.

**4.17.330 Construction by District.**

Subject to the rights of the extendor as set forth In Regulation 4.17.310 and 320, the District will construct extensions of its water distribution system. Such work shall be performed by the District's personnel or by private contract as determined by the District. Such work will be commenced only after the extendor has executed an extension agreement, advanced the total estimated cost of all facilities, paid all charges and provided all easements as required by these regulations.

**4.17.340 Construction Costs.**

1. The District shall determine its actual cost of all extensions. Costs shall include labor, material, overhead, engineering, legal and administrative expenses allocable to such work.
2. If the actual cost of such work should exceed the amount paid to the District therefore, the District will invoice the extendor for the excess. If such invoice is not paid promptly, the District shall have the right to refuse water service through such facilities or to said extendor.
3. In the event the actual cost of such facilities is less than the amount advanced to the District, the District will promptly refund such difference.

**4.17.400 RELOCATION****4.17.410 To Accommodate Streets and Highways.**

The District will relocate or reconstruct existing facilities to accommodate construction widening or relocation of streets and roadways and will release easements no longer considered useful to the District on the following conditions:

1. The entire cost of the relocation or reconstruction shall be paid by the party requesting the same if the party is not the County of Sacramento;
2. The new location is such that it will not in the opinion of the District be subject to future relocation; and
3. There shall be conveyed to the District without cost such easements or rights of way for new facilities locations as the District shall consider necessary.

**4.17.420 Improvements Under Assessment Proceedings.**

The District will not bear any part of the cost of any relocation or alteration of its facilities made necessary by improvements undertaken pursuant to improvement act or other assessment proceedings. The public agency undertaking such proceedings shall make arrangements with the District for any such relocation or alteration of the District's facilities which work will not be performed by the District until after it receives satisfactory guarantees of reimbursement of its full actual costs. The amount of said costs shall be paid to the District promptly after they are ascertained. The public agency shall furnish the District with such plans, specifications, surveys, drawings and time schedules related to the improvement work as shall be necessary to enable the District conveniently and efficiently to effect necessary relocation or alteration of its facilities.

**4.17.430 Required by Public Drainage Works.**

The District will at its own expense undertake reasonable and normal relocation of its water distribution lines as required by routine drainage projects undertaken by a public agency. Extensive relocation of water distribution lines or relocation of a major transmission line, pumping station, regulation structures and appurtenances, will be undertaken by the District only on a cost-sharing basis mutually satisfactory to the District and the public agency undertaking the drainage project.

**4.17.440 Required by Underground/Overhead Utilities.**

The District will not bear any part of the cost of relocating or altering any of its facilities to accommodate the construction of publicly or privately owned gas lines, telephone and electric cables, sanitary sewers, or other underground or overhead utilities. The District will undertake such relocation or alteration of its facilities only after the District's cost thereof is paid to the District, or such payment is guaranteed to the District's satisfaction.



## Chapter 4.21

### FIRE PROTECTION FACILITIES

- 4.21.010 GENERAL
- 4.21.100 HYDRANTS
  - 4.21.110 Hydrant Installation
  - 4.21.120 Installation by District
  - 4.21.130 Installation by Contractor
  - 4.21.140 Hydrant Permits
  - 4.21.200 Private Fire Protection Facilities

#### **4.21.010 GENERAL.**

The District will provide water service for fire hydrants and other facilities used exclusively for fire protection, at such pressures and at such rates of flow, as are available from time to time from the District's operation of its storage, transmission and distribution facilities. The District shall not be liable for any damage in any manner arising out of the non-availability of water or water pressure, at any hydrant or facility used for fire protection.

### **4.21.100 HYDRANTS**

#### **4.21.110 Hydrant Installation.**

Public fire hydrants will be installed and connected to the District's mains when requested by the public fire protection entity having jurisdiction or when required as a condition of a building permit or subdivision. Fire hydrants installed under this Chapter shall belong to the District.

#### **4.21.120 Installation by District.**

When a hydrant is installed in which the work is performed by the District, the holder of the building permit, developer of the subdivision, or otherwise District-authorized consumer or agency will reimburse the District the actual cost of labor, materials, engineering, inspection and usual overhead expenses in the installation of the hydrant assembly, hydrant lateral, control valve, and the connection to the District facilities.

#### **4.21.130 Installation by Contractor.**

In the event the District declines to perform such installation, the owner's contractor shall adhere to the terms and conditions as set forth in the District's "Standard Details and Construction Notes" and thereby satisfy the District with plan review, revisions, and plan approval. The responsible party will in addition thereto pay all costs determined by the District which include but are not limited to plan review, engineering, inspections, usual overhead expenses, and applicable fees; and upon completion of the work, will execute a deed and convey legal title including any interest in real property to the District at no cost to the District.

#### **4.21.140 Hydrant Permits.**

In the event that the District authorizes any person other than the public fire protection agency to use any hydrant of the District for the purpose of securing water, said person shall obtain a hydrant permit, a hydrant meter, and pay the appropriate fees for the purposes stated by the applicant. In the event of an emergency, the

Fire District of jurisdiction and/or the Rio Linda/Elverta Community Water District shall have the right to overrule the use of such hydrant(s) by consumer who purchased a permit.

#### **4.21.200 Private Fire Protection Facilities.**

A private fire protection system is defined as that water supply system which is totally intact and on the land of the Consumer. In order to attach such a system to existing water mains of the District, the following conditions must be met:

1. The land to be served is within the geographical area of the District.
2. The District possesses an adequate supply of surplus water capable of serving a private fire system.
3. In applying for such service, the consumer has complied with all the applicable requirements of these regulations.
4. The private fire suppression system is for the sole and exclusive benefit and use of the consumer and is located entirely within the consumer's property.
5. The private fire suppression system will be used exclusively for the suppression of fire or for the testing of the fire prevention system.
6. The type and location of the said private fire suppression system has been approved by the responsible fire protection agency.
7. The consumer assumes full responsibility for all maintenance and repair of the said system outside of the public right-of-way.
8. The size and design of the service connections, detector check, cold water fire service type meter, and the reduced pressure device shall all be determined by the District taking into consideration such factors as the ISO requirements and the AWWA requirements.
9. The District reserves the right to disconnect such system or to require cold water/fire service type meter as defined in AWWA Standards C703\_79 to be installed in lieu thereof in the event that water is taken through the detector check assembly for any other use than firefighting or testing.
10. The District may require payment for estimated water usage in the event of water consumption for purposes other than fire protection; such events may be determined by incidents of plumbing breaks or leakage or other means of water passage as determined.

## **Chapter 4.23 ABATEMENT**

- 4.23.010 Violation a Nuisance
- 4.23.020 Other Nuisances
- 4.23.030 Notices
- 4.23.100 Summary Abatement in Case of Emergency
- 4.23.200 Notice to Abate
- 4.23.210 Effect of Failure to Abate
- 4.23.220 Hearing; Resolution of Findings
- 4.23.230 Abatement by District
- 4.23.250 Record of Expenses; Hearing; Assessment as Lien
- 4.23.260 Collection of Assessed Costs
- 4.23.280 Termination of Water Service as Alternative

**4.23.010 Violation a Nuisance.**

Violation of any of the provisions of these regulations is a nuisance subject to abatement.

**4.23.020 Other Nuisances.**

The procedures for abatement established in this Chapter may be used to abate any nuisance which pursuant to law may be abated by the District.

**4.23.030 Notices.**

Notices required in this chapter shall be mailed by certified mail (return receipt not required) to the owner of the subject property and to said owner's mailing address shown on the records of the Assessor of the County of Sacramento. Further, a copy of such a notice shall be posted conspicuously upon the property. Further, when the address for purposes of billing for water service differs from the address shown in the Assessor's records, a notice shall also be mailed by certified mail (return receipt not required) to said billing address. Failure of the owner (or other person to whom notice is given) to receive a notice required in this chapter shall not affect the validity of any proceedings conducted pursuant to this chapter.

**4.23.100 Summary Abatement in Case of Emergency.**

When the conditions which constitute the nuisance pose an immediate threat to the public peace, health, or safety, or may cause irreparable harm to the environment, the Board may order the nuisance abated immediately by adopting by four-fifths (4/5) vote the resolution prescribed in Section 4.23.230 of this code.

**4.23.200 Notice to Abate.**

Upon making a determination that a nuisance exists upon a parcel within the District, the General Manager shall issue a notice to abate the nuisance. Said notice shall contain:

1. The heading notice shall state, "Notice and Order Abate Nuisance" in letters at least  $\frac{3}{4}$ " high.
2. The name and address of the person, firm, or corporation in violation, and the street address of the property where the violation is present
3. A list of conditions that create the nuisance.
4. A statement explaining which specific Policy Manual provisions have been violated.
5. An order instituting proceedings for abatement.
6. A statement of required repairs that must be done to abate the violation.
7. The range of the administrative, civil and/or criminal actions and monetary penalties, as described herein, that the District may impose for such violations if not corrected;
8. An order to correct the violation within thirty (30) days with the deadline for correction specified on the notice of violation.
9. A statement informing the recipient of his or her right to an administrative review.
10. A statement that if the person, corporation or entity fails to abate the violation and nuisance or fails to file on a timely basis a request for an appeal hearing, the notice and order shall be final and not subject to judicial review, and all persons served with such notice shall be deemed to have consented to the abatement of the nuisance and that, at the election of the District, the District will abate the nuisance and the costs of such abatement may be charged against the premises and may be recorded as a special assessment or nuisance abatement lien against the premises. A notice to abate may be issued simultaneously with, and as a part of, any other notice of violation of this code or other law, ordinance, or regulation.

**4.23.210 Effect of Failure to Abate.**

If the owner or other authorized person fails to abate the nuisance within the time period indicated in the notice issued pursuant to Section 4.23.200 hereinabove or has requested a hearing, the General Manager may determine to proceed with abatement proceedings as provided herein below. A notice shall be issued directing the owner or the owner's authorized agent to appear before the Board at a stated time and place to show cause why the Board should not order the nuisance abated.

**4.23.220 Hearing; Resolution of Findings.**

At the time fixed in the notice, the Board shall hear the testimony of all competent persons desiring to testify respecting the condition constituting the nuisance, including the estimated cost of abatement and any other matter which may be pertinent. At the conclusion of the hearing, which may be continued, the Board shall by resolution declare its findings. If the Board finds that sufficient evidence exists to support a determination that a nuisance exists, it may include in the resolution a declaration that the nuisance exists and an order directing the owner of the property upon which the nuisance exists to abate the nuisance within thirty (30) days after the date of the hearing. A notice containing said resolution shall be issued within seven (7) days from the date of the hearing.

**4.23.230 Abatement by District.**

If the nuisance has not been abated within the time prescribed, the Board by resolution may order the General Manager to abate the nuisance. The General Manager may direct any District employee, contracting agent, or other representative to enter upon the private property in a manner consistent with Section 202 (c) of the Uniform Building Code for purposes of abating the nuisance.

**4.23.250 Record of Expenses; Hearing; Assessment as Lien.**

The General Manager shall keep an account of the cost of abatement and shall render an itemized written report to the Board showing the cost of abating the nuisance. Before the report is submitted to the Board, a notice of the written report shall be issued as provided in Section 4.23.030 hereinabove at least ten (10) days prior to the meeting at which the report is to be submitted. At the time fixed for receiving and considering the report, the Board shall consider objections to the cost items raised by the person liable to be assessed for the cost of abatement. The Board may then make such modifications in the report as it deems desirable, after which, by resolution the report shall be confirmed. If the consumer does not pay the expense of abating the nuisance within ten (10) days after the District issues a notice of confirmation of the costs of abatement, the cost shall become a special assessment against the real property upon which the nuisance was abated and a personal liability of the owner of the property. Such assessment shall constitute a lien upon the property. Such lien shall attach upon recordation in the office of the County Recorder a certified copy of the resolution of confirmation.

**4.23.260 Collection of Assessed Costs.**

A certified copy of the confirmed report shall be given to the Assessor and Tax Collector, who shall add the amount of the assessment to the net regular tax bill levied against the property. A certified copy shall also be given to the County Auditor who shall enter the assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary property taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for

ordinary property taxes. All laws relating to the levy, collection, and enforcement of county taxes shall apply to such special assessment. The Board may enforce the personal liability of the owner by directing counsel to file suit in a court of competent jurisdiction to collect the cost of abatement.

**4.23.280 Termination of Water Service as Alternative.**

Where the District's interests can be effectively accomplished through termination of water service until such time as the condition on the property creating the nuisance is eliminated, such termination may be ordered in lieu of actions by the District to physically abate the nuisance.

## Chapter 4.31 FEES, CHARGES AND BILLING

- 4.31.010 STATEMENT OF POLICY
- 4.31.020 ADOPTION OF FEES AND CHARGES
- 4.31.030 CONSERVATION POLICY
- 4.31.100 CONNECTIONS
- 4.31.110 Connection Fees
- 4.31.200 WATER SERVICE CHARGES
- 4.31.210 Service Charges
- 4.31.214 Water Budget Implementation
- 4.31.217 Incentives for Prompt Repair of Leaks
- 4.31.220 Security Deposits
- 4.31.225 Billing Address
- 4.31.230 Bill Due Dates
- 4.31.235 Duplicate Bill to Occupant- Occupant Non-Payment
- 4.31.240 Billing Periods
- 4.21.245 Estimated Billing
- 4.31.250 Receipt of Payments
- 4.31.255 Payment Arrangements
- 4.31.260 Advance Payments
- 4.31.265 Returned Check
- 4.31.270 Disputed Bills
- 4.31.275 District Billing Error
- 4.31.280 Late Notice
- 4.31.282 Partial Payment on Delinquent Accounts
- 4.31.285 Service Discontinuation
- 4.31.286 Discontinuation of Residential Water Service for Nonpayment Policy
- 4.31.290 Liens for Unpaid Charges
- 4.31.295 Collection Fees and Charges
- 4.31.297 Fee Reversals
- 4.31.300 METER REREADS, TESTS AND ADJUSTMENTS
- 4.31.310 Testing the Accuracy of Meters
- 4.31.320 Meter Rereads

### 4.31.330 Reimbursement

#### **4.31.010 STATEMENT OF POLICY.**

As provided in Section 31007 of the Water Code of the State of California, rates and charges shall be so fixed as to yield an amount sufficient to do each of the following: (1) pay the operating expenses of the district; (2) provide for repairs and depreciation of works owned or operated by the District; (3) pay the interest on any debt; and (4) so far as possible, provide a fund for the payment of the principal of the debt as it becomes due. It is intended by this Chapter to require the district to pay the interest and principal of its debt from the revenues of the water system. The Board of Directors has determined that it is desirable to have all expenditures for operations and debt service funded independently of property tax revenue in order to assure consistent and safe operations.

#### **4.31.020 ADOPTION OF FEES AND CHARGES.**

The Board of Directors may establish fees and charges related to providing water service and water to any property within the District. Said fees and charges shall be established or amended by a resolution adopted pursuant to Section 54354 et seq. of the Government Code.

#### **4.31.030 CONSERVATION POLICY.**

Section 2 of Article 10 of the Constitution of the State of California specifically provides in part as follows:

It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The District has established a conservation program within Chapter 4.14 herein in order to reduce the waste of water. The water service rates established herein and the policies related thereto are declared to be a furtherance of that objective. These water service rate policies shall be deemed to be implemented in conformance with: (A) the California Urban Water Conservation Council's Best Management Practices 11, 5, and 9; (B) the intent of the Water Conservation in Landscaping Act (Government Code §65591 et seq.) and the Model Water Landscape Ordinance developed pursuant thereto (Sections 490 through 495 of Chapter 2.7 of Division 2 of Title 23 of the California Code of regulations); and (C) the terms of the Sacramento Area Water Forum Agreement.

### **4.31.100 CONNECTIONS**

#### **4.31.110 Connection Fees.**

Fees for connection to the District Water System as indicated in Resolution No. 2001-02-05 shall be paid prior to the installation of a new service connection.

## 4.31.200 WATER SERVICE CHARGES

### 4.31.210 Service Charges.

- a. Water Service. Fees for water service from the District Water System shall be as indicated in the District's current Water Rates Ordinance.
- b. Other Fees. Other water service fees are found in the District's current Fee Ordinance.

### 4.31.214 Water Budget Implementation.

1. The water service fees (rates) established in Section 4.31.210 hereinabove are intended to create an economic incentive to achieve the California Constitutional objective of preventing water waste. It is recognized that those rates when applied uniformly to all consumers in a class may inadvertently impair achievement of the co-equal Constitutional objective of putting water resources "to beneficial use to the fullest extent." Water in larger volumes may reasonably be used (1) for irrigation purposes by persons engaged in educational or organized recreational activities, by persons engaged in agricultural activities, or by persons in a manner which improve the aesthetic value of property, or (2) for other purposes by persons engaged in economic enterprises. In such cases, the economic impacts of the rate structure are counter-productive to the objectives of the Constitution and such impacts may be mitigated pursuant to "b." herein below.
2. Notwithstanding Section 4.31.210 hereinabove, a consumer may request and the District may provide a water budget agreement prepared in a manner consistent with the standards referenced in Section 4.31.030 hereinabove. Any proposed water budget agreement developed pursuant hereto shall be approved by resolution of the Board prior to implementing said agreement and may be revoked by the Board should the consumer regularly use water in excess of said budget. Approval shall be based upon an evaluation of the beneficial use involved, the efficiency of methods of use of the water, and the consumer's adherence to best management practices.
3. Notwithstanding all other provisions of this Title, the Board may repeal this Section at any time.

### 4.31.217 Incentives for Prompt Repair of Leaks. *(amended by minute order 4-18-22)*

Notwithstanding any other provision herein, the General Manager may authorize the following inducements to encourage water customers to promptly repair leaks: (A) If the water customer provides sufficient evidence to show the leak was promptly repaired, the General Manager may authorize an extended payment plan to enable the customer to pay down the charges resulting from the excessive water consumption. However, the Board of Directors must approve a payment plan in excess of 6- months in duration; (B) The General Manager may direct staff to engage the affected customer in outreach to provide information and instruction on participating in the District's consumption data device installation and benefits, which would have enabled a more prompt response to the leak and avoided water wasting (C) The General Manager may direct the Conservation Coordinator to offer a water audit intended to help the customer to use water more efficiently, thereby reducing the customers water bill moving forward.

### 4.31.220 Security Deposits.

As provided in Section 4.07.710 hereinabove, a security deposit may be required at the time of initiation of service. The following policies shall apply:

1. At the time of application pursuant to Section 4.07.710 the applicant may establish credit through one of three options:

- A. Have a previous record with the District for a period of at least one year of having paid water bills promptly when due. If such is evidence, then no deposit shall be required.
- B. Provide the District with a letter of previous electric service within the last 12 months where credit was established and maintained with the District's criteria. Letter must be received within ten (10) working days after application for water service.
- C. Pay a deposit of \$100.00

2. Maintenance of Credit. A consumer's credit may be deemed to be no longer maintained to the District's satisfaction if such consumer has one or more delinquent charges during a 12 month period, or if the service has been discontinued for nonpayment. In the event of such delinquency, the consumer may be required by the District to reestablish credit and will be subject to a deposit requirement as indicated in paragraph "A." above.

3. Increased Deposit Required Where Credit Not Maintained. Where a consumer or applicant for service does not satisfactorily establish and maintain credit in accordance with District policy, a deposit may be required in addition to an existing deposit in order to increase the total amount retained. The District may discontinue service if consumer fails to make such deposit as requested by the District. The deposit amount required may vary depending on the consumer's previous bills and history but shall not exceed twice the highest bill.

4. Deposit Retention and Refunds. Deposits will normally be held for a period of one year. Deposits will be credited to the consumer's account at the end of the deposit period if consumer has maintained a record of paying his/her account promptly and is in no way indebted to the District. Upon termination of service, the District will return the deposit less the amount of any charges remaining unpaid.

#### **4.31.225 Billing Address.**

The District shall be responsible, but not limited as such, to render each bill only to one mailing address only for each account in which a consumer has established. The consumer is responsible for notifying the District of any name and/or address changes. Consequences or expenses which may arise from the consumer providing erroneous information or failure to provide needed information shall deem the consumer fully responsible for such resulting indebtedness due to the District.

#### **4.31.230 Bill Due Dates.**

All water charges are due and payable upon presentation and are delinquent after date stated on bill (if delinquent date is not stated on the bill, it is considered past due on the 19th day after bill is rendered).

#### **4.31.235 Duplicate Bill to Occupant – Occupant Non-Payment**

*(Approved 9/15/2014)*

1. The District will prepare and mail a duplicate bill to an Occupant, provided the Landowner of the Premises at which the occupant resides satisfies all of the following terms and conditions:

- A. The Property owner signs a financial responsibility agreement form provided by the District, in which the Landowner agrees to guarantee payment of any fees and charges incurred by him/ her or their tenants as a result of District water service provided to the Landowner's Premises.
- B. The Account pays a bimonthly duplicate mailing fee set by the District to reflect the costs of generating and mailing the duplicate bill.



C. The Property owner will promptly pay the fees and charges due upon receipt of a notice of delinquency.

2. The District reserves the right to require a Property owner to assume sole liability for payment of fees and charges if there is a history of non-payment of bills by that Property owner's occupants.

#### **4.31.240 Billing Periods.**

All bills (with the exception of some closing bills) will be rendered bimonthly. Opening and closing bills will be prorated according to water consumption and time period if less than the minimum cubic feet and less than two months. Meters will be read at regular intervals for the preparation of regular bills. Meters will be read for opening and closing bills as arranged with District staff upon notification by consumer. In the event that a consumer does not notify the District of moving, or an otherwise change in consumer responsibility for water service, the District may charge the consumer's account based on total water consumption and time period up to the date of which the District was made aware of such change. In the event that weather or emergency conditions prevent meter reading schedules, the District shall charge minimum water rate relative to the consumer's account.

#### **4.31.245 Estimated Billing**

*(Approved 9/15/2014)*

If a meter fails to register correctly or cannot be read, a water service bill will be based on the District's estimate of the quantity of water delivered, taking into consideration past seasonal water demand and any other factors that are material and reasonable in determining a fair charge.

#### **4.31.250 Receipt of Payments.**

Consumer payments of bills shall be considered paid upon receipt of such payment in the District office only; this includes payments sent via postal delivery. Postmarked dates are not accepted as paid dates. District employees working outside of the District office shall not be obligated to accept payments unless authorized by the District. Late charges and/or discontinuation of service may be applicable if payments are not received by the date stated on the bill. Water service also may be discontinued for nonpayment of a bill for water service rendered (from the District) at a previous location if the bill is not paid within ten (10) days after presentation at consumer's new location.

#### **4.31.255 Payment Arrangements**

*(Approved 7/20/15)*

The District may offer up to two (2) Payment Arrangements per calendar year to customers experiencing a financial hardship. In order to qualify for a Payment Arrangement:

1. The customer must be in good standing with previous Payment Arrangements over the past 12 months.
2. The Payment Arrangement must not extend past the current billing cycle, unless approved by the General Manager.
3. A portion of the bill must be paid at the time of the Payment Arrangement.
4. After the District provides the ten (10) day notice of late payment and shut-off pursuant to section 4.31.280 of this policy and section 60371 of the Government Code, the actual user of the services may submit an application with the District to become a customer for water services. Reasonable efforts will be made to confirm the Property Owner's consent to this arrangement. The applicant will be required to provide District

with a current lease agreement and proof of timely payment of rent for the month immediately preceding the date of application.

The General Manager or authorized personnel may sign and approve the Payment Arrangement form. The Payment Arrangement form must be signed and received at the District office prior to disconnection of service. If the Payment Arrangement is being requested by the Occupant of a residence who is not the Owner, it must be signed by the Property Owner or have the Owners verbal approval to be valid. The Customer's failure to comply with a Payment Arrangement as agreed shall result in:

1. The Payment Arrangement being cancelled and rendered null and void.
2. The total outstanding balance will become immediately due and payable in full. A **Turn Off Notice tag** will be posted at the property, and the account charged an additional **Turn Off Notice tag fee** per the District's current fee Ordinance.
3. Failure to pay the amount due listed on the notice will result in water service to the property being disconnected on the date specified on the Turn-Off Notice. In the event water service is turned off, it will not be reinstated until the full account balance, and an additional Service Turn-Off/Turn-On Fee per the District's current fee Ordinance, is paid.
4. The District reserves the right to deny future Payment Arrangements.

#### **4.31.260 Advance Payments.**

Advance payments (overpayments) may be deposited with the District if the consumer so submits. The overpayment will result in a credit balance on the account until charges incurred offset that balance. The District shall not be required to pay any interest or yield on such overpayment.

#### **4.31.265 Returned Check.**

Customers will be notified by phone or written notice. Checks that are returned by the bank as unpaid can be returned to the issuer in the form of a check copy. A Return Check (NSF) Fee will be assessed, according to the District's current Fee Ordinance. Late fees and penalties will be assessed to the customer's account, if applicable.

1. Where an account has (2) or more returned checks, payment for District services and/or fees will be require the form of money order, certified check or debit and/or credit card. Payments made via the District's website will be limited to debit or credit cards. No personal checks will be accepted.
  - a. The customer may request to make payment with a personal check after demonstrating one (1) year of timely payments on the account.
2. The District may waive the returned check fee for the following circumstances:
  - a. Where a customer can demonstrate a check returned by the bank as unpaid is due to fraud. Customer must supply a statement from the bank with letterhead.
  - b. Where a customer can demonstrate a check returned by the bank as unpaid is due to bank error. Customer must supply a statement from the bank with letterhead.
3. The Returned Check and fee is due and payable within 10 days.
4. If payment is not received within 10 days, a 48 hr. Turn Off Notice tag will be posted at the property as a Turnoff Notice for Returned Check. Applicable fees will be assessed to the account. If the account

remains unpaid, a Service Turn-off/Turn-On Fee for nonpayment shall be issued disconnecting water service to the property and additional applicable fees will apply.

**4.31.270 Disputed Bills.**

Any request for review of a disputed bill must be made in writing. Dispute of a bill shall not justify nonpayment thereof and the bill shall be paid in full when due pending investigation and settlement of the dispute.

**4.31.275 District Billing Error.**

*(Approved 5/16/2016 by minute order)*

If a billing calculation error is made by the District, the current property owner's bill will be retroactively recalculated for a period not exceeding two years from the date of detection. Any credits or charges owed as a result of the recalculation will be applied to the current property owner's account. Prior property owners within the two year period will not be refunded or billed any additional amounts.

**4.31.280 First Notice.**

*(Adopted by Res No. 2022-08)*

Immediately following the due date as provided in Section 4.31.230, a first notice shall be mailed to consumers who have not submitted payment as well as the Occupant who is the actual user of the service. A fee charge shall be applied. The First notice or Final notice shall be issued by requirements of California Senate Bill 998 (Health and Safety Code, Section 116900 et seq. As such, the notice shall be translated to the languages listed in Civil Code section 1632 and shall include: (a) a statement that the account is in arrears and that services will be terminated in ten (10) days; and (b) a statement that Occupants have the right to become customers of the District without paying the delinquent amount in the event that the Occupant is different from the consumer/property owner.

**4.31.282 Partial Payment on Delinquent Accounts.**

*(Approved 9/15/2014 by minute order)*

A partial payment on a delinquent account may be accepted and credited to a Customer's account. The partial payment shall not cause removal of the account from a delinquent status or preclude assessment of fees and charges for delinquent payment, nor shall the partial payment preclude the meter/service from being turned off for delinquency.

**4.31.285 Service Discontinuation.**

*(Adopted Res No. 2022-08 repeals approved 2/25/19 minute order)*

Unless the arrears is cured or an Occupant of the service who is not the property owner applies to become a customer of the District, the service will result in being disconnected. The Final Notice will be mailed no less than seven (7)-days prior to the potential discontinuation of services date. A fee will apply. The District shall not be obligated to adjust mail time or other procedures due to consumers absence for any reason and/ or consequential delay of receipt of such notice. Following the mailing of the Final Notice, service may be terminated for non-payment and a fee shall be applied. Service may be reinstated pursuant to Section 4.07.710 following payment of delinquent charges.

Notwithstanding the foregoing, outstanding account balances which are significantly less than the fees charged for service termination may be considered relatively de minimis. The District is committed to efficient and effective allocation of resources. Initiating the service termination process and the fees and charges therein may be unreasonable if the outstanding balance is de minimis. Therefore, the District will not initiate the service termination process for any outstanding balance of less than ten dollars (\$10).

#### **4.31.286 Discontinuation of Residential Water Service for Nonpayment Policy**

*(Approved 10-17-22 by minute order)*

##### **Purpose**

The Rio Linda Elverta Community Water District (District) will apply the following Discontinuation of Water Service for Nonpayment Policy (Policy). Discontinuance of water service for nonpayment is considered the final phase of the collection procedure and will be instituted only after sufficient notification, and when all other reasonable alternatives have been deployed.

##### **Scope**

This Policy applies to all District residential water service customers, hereafter referred to as the “customer” or “customers”. To the extent this Policy conflicts with any other rules, regulations, or policies of the District, this Policy will control.

##### **General Provisions**

- A. All customers are provided a bimonthly bill for water service and usage. These bimonthly bills are due upon receipt. The due upon receipt aspect is necessary to implement the stipulated minimum days prior to discontinuation policies, associated alternative payment plans and bill dispute/appeals processes stipulated in the new sections of the California Health and Safety Code.
- B. The District will attempt to contact the customer and provide notice of discontinuation of water service as provided in this Policy. It is the customer’s responsibility to provide the District with accurate, current contact information. The District is not responsible for the customer not receiving the notices due to inaccurate and/or outdated customer contact information.
- C. The District will disconnect water service for charges that have become delinquent for a period of no less than sixty (60) days, unless the service discontinuation is otherwise preempted as further described in this policy. Reconnection fees will be applied to the account of any water service disconnected for nonpayment of delinquent charges. The District will provide notice of disconnection with information on how to restore water service.

1. The beginning of the sixty (60) day period begins with the day in each billing cycle which the bills are distributed.
2. A “Fee Free Deadline”, the last date to pay without incurring additional fee assessments will be established for each billing cycle.
3. Prior to the potential discontinuation of service date (prior to the 60th day following bill distribution) the District will send a payment delinquency notice (First Notice) advising the customer of the need to pay in order to preclude service termination and further advising of other options available to the customer. The District’s cost for sending the payment delinquency notice will be charged to the customer’s account. The payment delinquency notices will be sent no sooner than 19-days after the bill distribution date and no less than seven (7)-days prior to the potential discontinuation of services date.

4. Where a landlord-tenant relationship exists (where the billing address is different than the service address, the payment delinquency notice will also be sent to “Occupant” at the service address. The payment delinquency notice to the “Occupant” (tenant in the landlord-tenant relationship) will apprise the Occupant of the Occupant’s right to become the customer of record. Barring intervention (e.g. payment of the delinquency) to preclude such by the landlord, the tenant will be informed of the right to become the customer to whom the future services will be billed without the Occupant being required to pay the amount due on the delinquent account.

5. If the bill remains unpaid or is otherwise unresolved via alternative payment options, transition in the customer of record (landlord-tenant), or appeal, the District will send a Final Notice by mail no less than 7 days prior to discontinuation of service.

D. Customers whose water service has been discontinued may contact the District by telephone at (916) 991-1000 or in person regarding restoration of service. Restoration will be subject to payment of the delinquent charges, reconnection fees and established security deposit if required by the District. Water service reconnections requested and performed after normal business hours are subject to an additional fee.

## Notices

### A. First Notices to Customer

The District will provide notices as described above. The notices will be in English and will include instructions in the languages listed in Section 1632 of the Civil Code for receiving a translated copy of the notice. The First Notice will contain:

1. the name and address of the customer;
2. the amount of the delinquency;
3. the date by which payment or payment arrangements must be made to avoid discontinuation of service;
4. the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges;
5. a description of the procedure by which the customer may request an amortization, reduction, or other alternative payment arrangement;
6. the procedure for the customer to obtain information on financial assistance, if applicable; and
7. the telephone number where the customer may request a payment arrangement or receive additional information from the District.

### B. Final Notice

The District will provide a mailed notice to the customer of record at least seven (7) days before discontinuation of water service. If the notice is returned through the mail as undeliverable, the District will attempt to contact the customer by telephone, email and/or via door hanger at the service address. The District will make a reasonable, good faith effort to contact an adult person living at the service address. The notice will contain:

1. The date and time that the delinquent payment is due to prevent discontinuation of water service for nonpayment.
2. The amount of payment due to prevent discontinuation of water service.

3. Information relevant to landlord-tenant statutes regarding tenants rights to become the account holder of record without having to pay the past due balance. Such past due balance to remain the liability of the record property owner.
4. District contact information to initiate the process to restore water service following discontinuation for nonpayment.
5. The disconnection/reconnection fee to be added to the outstanding charges if the payment is not received prior to the date/time provided in the Final Notice.

### C. Posting of Notice to Occupants at Service Address

If the mailed notices are returned as undeliverable, the District will make a reasonable, good faith effort to contact an adult person living at the service address including, if necessary, by hand delivery notice placing in a conspicuous place at the service address.

### Bill Amortization

The District will consider a request to amortize the bill over a reasonable period of time, not to exceed six (6) months. The amortization schedule and amounts due will be set forth in writing and provided to the customer. During the amortization period, the customer must remain current on all water service charges in subsequent billing periods.

The District may terminate water service if the customer fails to pay an amortized amount due by the schedule date and the original amount due is delinquent by at least sixty (60) days. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

#### A. Contact

Customers are encouraged to contact the Customer Service Department for further details regarding this policy or customer assistance options during business hours at (916) 991-1000. Customers may also visit the District's Customer Service desk in person Monday through Friday, from 7:00 a.m. to 4:00 p.m., except on District holidays.

### When Service Will Not Be Discontinued

#### A. General

The District will not discontinue water service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during which the District's office is not open to the public. In addition, the District will not discontinue residential water service for nonpayment during the District's investigation of a customer dispute or complaint; during an appeal to the District's Board of Directors; during a District-approved extension, amortization, alternative payment schedule, or reduction, if the customer remains in compliance with the payment arrangement; or as may be required by local, state, or federal law.

#### B. Special Circumstances with Amortization Agreement

The District will not discontinue water service if all of the following are met:

- i. The customer is willing to enter into an amortization with respect to the delinquent charges
- ii The customer is the account holder of record.

iii. The customer is not currently in an Amortization Agreement with the District.

For any customers who meet all of the above qualifications, the District will offer the customer amortization of the unpaid balance. The District's General Manager will select terms and conditions for the amortization.

The District will review the request for amortization within seven (7) days and: (1) notify the customer of the amortization terms selected by the District and request the customer's signed assent to participate in the amortization; (2) request additional information from the customer; or (3) notify the customer that they do not meet the qualifications.

### **Discontinuation of Water Service for Nonpayment Policy**

The District may discontinue water service if a customer who has been granted an amortization under this section fails to do any of the following for sixty (60) days or more: (a) to pay any amortized amount due under the amortization schedule; or (b) to pay his or her current charges for water service. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

### **Other Remedies**

In addition to discontinuation of water service, the District may pursue any other remedies available in law or equity for nonpayment of water service charges, including, but not limited to: securing delinquent amounts by filing liens and/or direct levy on real property, filing a claim or legal action, or referring the unpaid amount to collections. In the event a legal action is decided in favor of the District, the District will be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.

### **Discontinuation of Water Service for Other Customer Violations**

The District reserves the right to discontinue water service for any violations of District ordinances, rules, or regulations other than nonpayment.

### **Fees and Charges Incurred**

Except as otherwise expressly stated in this Policy, any fees and charges incurred by a customer under any other rules, regulations, or policies of the District, including, but not limited to, delinquent charges, will be due and payable as set forth therein.

### **Decisions by District Staff**

Any decision which may be appealed to the District's General Manager. The General Manager's ruling may be appealed to the Board of Directors and/ or the Board's designee.

A customer may initiate a complaint or request an investigation regarding the amount of a bill within fifteen (15) days of receiving a disputed bill. For purposes of requesting review of the amount of a bill, a bill shall be deemed received by a customer five (5) days after mailing. The customer may submit a written request to review the amount of the bill to the District, which shall provide a written determination to the customer provided the request is made within the fifteen (15) day complaint window.

### **Translations**

#### **A. Policy**

Translations of this policy in the languages listed in Section 1632 of the Civil Code are available at the District office or website.

- i. Please visit our office or website for a translation of this policy.
- ii. Visite nuestra oficina o sitio web para obtener una traducción de este política.
- iii. 请访问我们的办公室或网站，了解本政策的翻译。
- iv. Mangyaring bisitahin ang aming opisina o website para sa isang pagsasalin ng patakarang ito.
- v. Vui lòng truy cập văn phòng hoặc trang web của chúng tôi để dịch bản chính sách này.
- vi. 이 정책에 대한 번역은 저희 사무실이나 웹 사이트를 방문하십시오.

## B. Notices

All written notices issued under this Policy will be available at the District office or website in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more people within the District's service area.

## References

- A. California Water Code div. 1, ch. 1, § 106.3
- B. California Health & Safety Code, div. 104, part 2, ch. 6, § 116900 et seq. (SB 998 [2018])
- C. California Government Code, tit. 6, div. 1, § 60370 et seq.
- D. California Civil Code div. 3, part 2, title 2, § 1632
- E. California Senate Bill 998 (SB 998)

### **4.31.290 Liens for Unpaid Charges.**

Water delivered to real property by said District shall be deemed an improvement to said real property, and the legal charge therefore shall constitute a lien thereon which shall only be discharged by payment thereof.

California law allows the District to record liens in order to secure payment of unpaid and delinquent charges for water or services provided to District customers. Depending upon the circumstances, the District may be able to place a lien against the property receiving the water service or against all real property owned within the county by the person responsible for paying the water charges for water or other services provided.

When a Customer's water bill becomes delinquent and/or when the District terminates water service or when the District has determined that the recovery of the amount due may be uncertain due to abandonment of a Parcel and/or Service Connection, then the District may secure the unpaid charges at any time by filing a certificate with the Sacramento County Recorder, which states the name and address of the Customer responsible for paying the charges. Pursuant to Water Code §31701.7, the unpaid charges along with penalties and interest shall be a lien against all real property owned by the responsible Customer.

Additionally, the District shall furnish the Sacramento County Board of Supervisors with an annual report before August first (1st) that includes a statement of delinquent and unpaid charges for water and other services requested by a property owner in writing if they remain delinquent and unpaid for sixty (60) days on July first (1st), as determined by the District Board of Directors. Pursuant to Water Code §31701.5, these unpaid amounts shall be added to and become a part of the annual property taxes levied against the real property receiving the water services.

The District also may choose to collect any delinquent charges by any other legally permitted means within its authority.



If a lien placed on a property is not paid and released within one (1) year and additional charges are incurred, the lien will be released and relined by the District annually until all outstanding fees are paid. An additional Property Lien Fee charge found in the current Fee Ordinance will be applied with each lien of the property.

**4.31.295 Collection Fees and Charges.**

Fees for collection of past due bills shall be as indicated in Section 4.31.210.

**4.31.297 Fee Reversals.**

*(Approved 9/15/2014)*

District staff has authorization to reverse a late fee once in a 12 month period, so long as the customer's payment history has been in good standing for the last 12 months. 48 hour tag fees and disconnect/reconnect fees can be waived by the General Manager or designated staff member for extreme circumstances (exp., death, terminal illness or injury) once in a 12 month period. The District will not waive fees for mail related issues.

## 4.31.300 METER REREADS, TESTS AND ADJUSTMENTS

### 4.31.310 Testing the Accuracy of Meters.

A consumer may, with a minimum of seven (7) working days written notice, request the District to test the water meter serving the premises. The charge for this service is found in the District's current Fee Ordinance. This payment will be refunded if the test indicates that the meter registers more than 2% fast. Additionally, if the meter was found in error as stated, the consumer's account may be adjusted for the overcharge or other undercharge. The adjustment shall be the equivalent of the average water usage for that consumer at that time of year. If the consumer has no history for that time of year in which to calculate the average, a minimum charge shall be assessed. Such adjustment shall be retroactive for no greater than three (3) billing periods or six (6) months. The meter shall be replaced with a new meter if it registers more than 2% slow.

### 4.31.320 Meter Rereads.

A consumer may, within two weeks following presentation of the first billing notice (each period); request the meter to be reread. The consumer is limited to one such request each billing period without charge. The consumer is limited to two such requests per year without charge. Additional requests shall require a fee found in the District's current Fee Ordinance. Additional requests may be refused by the District if the District determines such requests to be unnecessary. Any reread which results in an adjustment of the bill will not be counted in the limits specified herein.

### 4.31.330 Reimbursement.

Upon written application of a consumer, the district will allow a credit against future water charges to the extent the consumer has paid water charges erroneously levied by the District in excess of the proper water charge, provided that the credit will not apply to charges levied more than two years before the application for the credit was filed.