

**RESOLUTION NO. 1-93-288**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN GABRIEL COUNTY WATER DISTRICT ADOPTING THE  
SAN GABRIEL COUNTY WATER DISTRICT  
ADMINISTRATIVE CODE AND RELEALING RESOLUTION  
NO. 10-85-237, AS AMENDED**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SAN GABRIEL  
COUNTY WATER DISTRICT** as follows:

**Section 1. Purpose**

This resolution adopts an Administrative Code to replace the existing Code.

**Section 2. Adoption of Code**

The following Administrative Code is hereby adopted:

**ARTICLE 1. GENERAL PROVISIONS**

**1.01 Purpose**

This Administrative Code provides directors and the staff with a statement of instruction implementing the California County Water District Law and other laws regulating District activities.

**1.02 Amendments**

For time to time amendments will be required in this code to cover changes in procedures or new activities of the District. Such amendments will be accomplished by the Board at a duly constituted meeting through the adoption of a resolution by majority vote in which one or more sections are superseded by revised sections or new section are needed. When so adopted, the revised or new sections will be inserted in this Code and the superseded sections will be deleted. The changes or additions will be effective from the date of adoptions.

**1.03 Definitions**

The following terms are defined for the purposes of this Code, unless otherwise apparent from context:

“Act” means the California County Water District Law.

“Board” means the Board of Directors of the San Gabriel County Water District.

“Director” mean members of the Board.

“District” means the San Gabriel County Water District.

“President” means the President of the Board.

#### 1.04 **Policies**

It is the policy of the San Gabriel County Water District to maintain a positive balance in all storage accounts in the amount of 60% of the annual water demand.

### **ARTICLE 2. BOARD OF DIRECTORS**

#### 2.01 **Election and Appointment**

- (a) Directors shall be elected under the Act.
- (b) Each candidate for District office may prepare a candidate’s statement of qualifications on an appropriate form provided by the Registrar. Such statements shall not exceed 200 words in length. The Registrar shall prepare and distribute the statement of qualifications in accordance with the Elections Code. The Registrar shall collect, at the time each candidate avails himself/herself of these services, a sum not greater than the actual prorated costs of printing, handling, and translating the candidate’s statement, if any, incurred by the District as the results of providing this service.

#### 2.02 **Oath of Office**

The Secretary of the Board shall administer the oath of office to newly elected or appointed Directors. The oath shall be filed at the District office.

#### 2.03 **Compensable Event**

Board members shall receive compensation for, and payment and/or reimbursement of actual and necessary expenses for the following Compensable Events, and for travel time as set forth herein:

- (a) Regular and special meetings of the District’s Board of Directors;

- (b) Meetings and standing and ad hoc committees established by the District's Board of Directors;
- (c) Any conferences or organized educational activities, including, but not limited to, conferences sponsored by any water-related association of which the District is a member, water educational workshops, water classes, water seminars, water symposiums, water facilities tours and other special water-related functions, approved by the District's Board of Directors; and
- (d) Any other event that may be approved by the District's Board of Directors as a Compensable Event under this policy.

Board members shall be compensated at the rate of \$100.00 for each day's attendance at regular or special meetings of the District and \$50.00 per day for attendance at other Compensable Events, as defined in Section 2.03 paragraph (c), above, provided, however, that pursuant to Water Code Section 20202, such compensation shall not be paid for more than a total of ten (10) days in any calendar month. Such compensation shall be provided in addition to any reimbursement for meals, lodging, and travel expenses incurred in attending any such Compensable Event; provided, however, that no reimbursement shall be made to any Board member unless any expense report has been submitted by that Board member, as provided in greater detail in Section 2.04 (f) below. Any registration fees paid by the District for a Board member's attendance at any conference or other Compensable Event shall be in addition to the compensation paid under this Section.

#### 2.04 **Expense Reimbursement**

- (a) General Principles. Board members are encouraged to exercise prudence in all expenditures. Payment and/or reimbursement will be made only for actual and necessary expenses that qualify as reimbursable expenses under the provisions of this Section. Expenditures that are improper or otherwise not properly accounted for (as set forth in subdivision (f), below), or not consistent with the prohibition against gifts of public funds set forth in the California Constitution, will not be reimbursed or accepted by the District. Where such improper expenses have been paid by the District, they will be promptly refunded to the District or deducted from monies otherwise due a Director. Whenever possible, Board members shall use government or group rates for lodging and travel.

- (b) Meal and Incidental Expenses. All meal and incidental expenses to be reimbursed under this policy are limited to the actual expenses incurred by a Board member in his or her capacity as a director of the District, and shall be substantiated in accordance with subdivision (f), below. If a Board member receives an advance from the District to cover such expenses, any amounts received in excess of the actual expenses incurred shall be returned to the District within a reasonable time, not to exceed sixty (60) days, after the expenses are incurred.
- (c) Travel Expenses. Board members will be reimbursed for expenses actually incurred in traveling to and from Compensable Events, subject to the provisions set forth below. Board members must use the most economical mode and class of transportation reasonably consistent with scheduling needs and space requirements and the most direct and time-efficient route. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Travel expenses will include round-trip airfare where necessary, actual reasonable expenses for ground transportation to and from airports and hotels, and car rental. Board members also shall be reimbursed for use of privately-owned vehicles in the conduct of District business at the maximum allowable per mile rate established from time to time by the IRS.
- (d) Conference Lodging. For lodging in connection with a conference or organized educational activity, the lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided the lodging is available to the Board member at the time of booking. If the group rate is not available, the Board member shall use comparable lodging, or use applicable government or group rates offered by the provider of lodging; provided, however, that any lodging expense that exceeds the amounts set forth herein shall be approved by the Board in a public meeting before the expense is incurred.
- (e) Family/Guest Expenses. Expenses incurred by a family member or guest of a Board member in connection with the Board member's service will not be reimbursed. If a Board member desires to obtain accommodations for a spouse or other guest and such additional accommodations result in an increased cost for the Board member's accommodation, the Board member shall bear that additional cost unless otherwise approved by the Board.

- (f) Expense Report Forms. Reimbursement for actual and necessary expenses incurred under this Section shall be made through expense report forms to be provided by the District and completed and submitted to the District by Board members, together with an explanation of the District-related purpose for the expenditure and receipts documenting each expense. Expense reports shall be submitted by Board members within a reasonable time, not to exceed thirty (30) days after incurring the expense. Each Board member who attends at the expense of the District, a Compensable Event, other than a Board meeting or Board committee meeting, shall give at the next regular Board meeting a brief report (oral or written, at the Board member's discretion) of the event attended. If multiple Directors attend the same event, a joint report may be made.

To implement the reporting requirements of Government Code Section 53065.5, the District will prepare a list of the amount and purpose of each expense reimbursement made to each Board member for the preceding fiscal year, which will be available to the public.

## 2.05 **Board Officers**

- (a) The office of President, Vice President, Treasurer and Secretary are offices of the Board.
- (b) All Board officers shall be elected be-annually at the first regular meeting within 30 days after a general district election when Directors assume office.
- (c) The President of the Board shall be the Chairman of all meeting of the Board and shall execute all resolutions and contracts adopted by the Board and perform all other acts required by law.
- (d) The Vice President of the Board shall serve as Chairman at the Board meeting in the absence of the President. The Vice President shall execute all resolutions and contracts adopted by the Board in the President's absence and shall perform all other acts required by law.
- (e) The Treasurer shall maintain accurate records of the financial condition of the District and report monthly in writing to the Board concerning investments. The Treasurer shall draw all warrants and review and recommend action to be taken concerning all claims presented to the District and shall recommend appropriate action to be taken regarding the investment of District funds. The Treasurer may not be a member of the Board.

- (f) The Secretary of the Board shall record accurate minutes of all Board meetings reflecting all action taken. The Secretary shall attest to the signature of the President of all District documents required to be executed by the President. The Secretary may, but need not be, a member of the Board.

## 2.06 **General**

- (a) All meeting of the Board and any advisory body shall be open to the public and all persons shall be permitted to attend. No action shall be taken by secret ballot at such meetings.
- (b) The following terms are defined for the purposes of this article:

*Advisory body* means a decision-making or advisory body created by formal action of the Board. An *Ad hoc* committee composed solely of two or less uncompensated members is an advisory body only if the committee has continuing jurisdiction or meets pursuant to a schedule fixed by the Board.

*Meeting* includes any congregation of a quorum of the Board or advisory body at the same time and place to hear, discuss or deliberate on any ruling within the jurisdiction of the District; and any use of direct communication, personal intermediaries or technological devices by a quorum of the Board or an advisory body to develop a collective concurrence to action by the Board or advisory body.

*Member* means a director or a member of an advisory body.

- (c) All meetings of the Board and all meetings of advisory bodies shall be held within the District; except: to comply with State and Federal law or court order; to inspect real property or personal property which cannot be moved; to meet with another public agency at the other agency on multi-agency matters; to discuss legislative or regulatory matters with state or federal officials; to discuss matters related to a District facility in the facility; and to consult with legal counsel at counsel's office if so doing will result in a reduction in legal fees associated with the meeting.
- (d) Secretary shall provide each member a copy of these regulations.

## 2.07 **Regular and Special Meetings**

- (a) The Board shall hold regular meetings on the second and fourth Tuesday of each month at the hour of 4:00 o'clock p.m. at the District's headquarters located at 8366 Grand Av., Rosemead, California. A regular meeting may be adjourned by the Board or

by less than a quorum to another time. An adjourned regular meeting is a regular meeting for all purposes if held within five days of the regular meeting. If the adjourned meeting is held more than five days after the regular meeting, a new agenda shall be posted.

- (b) Special meetings may be called by the President, Vice President or Secretary upon twenty-four hour notice to each member.
- (c) An emergency meeting may be called without twenty-four notice or agenda if necessary due to disruption or threatened disruption of District facilities by work stoppage or crippling disaster or other activity severely impairing public health or safety as determined by a majority of the members.
- (d) Each advisory body may establish a time and place for regular meetings and may call special meetings in the same manner as the Board.

#### **2.08 Record of Proceedings**

- (a) The Secretary shall record minutes showing action taken by the Board in open session and by each advisory body. The minutes shall be available for public inspection when approved by the Board. If meetings are recorded on audio tape, the tape shall be available for public inspection for at least thirty days before the tape is erased on a tape player provided by the District.
- (b) Any person attending an open meeting of the Board may record the proceeding on audio or video media unless the Board finds the recording cannot continue without noise, illumination or obstruction of view constituting a persistent description of proceedings.

#### **2.09 Rules of Conduct**

- (a) The affirmative vote of at least three Directors is necessary for the Board to take action. The Board shall take action by motion, resolution or ordinance. Motions and resolutions may be adopted on voice vote; roll call shall be taken if requested by any member. Ordinances shall be adopted on roll call vote.
- (b) The Board may use video teleconferencing to receive public comment or testimony and for deliberations of the Board. If video teleconferencing is used, the agenda shall be posted at all teleconference locations and reasonable rules shall be adopted to protect the statutory and constitutional rights of the parties and the public appearing before the Board.

- (c) Except as otherwise required by law, and unless waived, proceedings of the Board shall be conducted in accordance with the latest edition of Robert's Rules of Order. Advisory bodies shall adopt rules of order appropriate to their work.
- (d) If any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue the closed session. Only matters appearing on the agenda may be considered in such a session. The Board may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.
- (e) The Board shall not prohibit public criticism of the policies, procedures, programs or services of the District or of the acts or decisions of the Board. However, no privilege or protections is hereby conferred for expression beyond that otherwise provided by law.

#### 2.10 **Agenda**

- (a) At least seventy-two hours before a *regular* meeting, or at least twenty-four hours prior to a *special* meeting, the Secretary shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session. The posting shall be freely accessible to the public.
- (b) The agenda for all meeting shall include the opportunity for the public to address the Board prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Board on matters within the jurisdiction of the District but not on the agenda.
- (c) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to statements made or questions posed during public comment; request clarification; provide a reference to staff or other resources for factual information; request staff to report back to the Board at a subsequent meeting or direct staff to place a matter of business on a future agenda.
- (d) Prior to discussion of any matter on the agenda, the Board may add matters to the agenda upon a majority finding an emergency exists or upon at least a two-thirds vote finding there is a need to take



immediate action and the need for action came to the attention of the District subsequent to the posting of the agenda. If only three directors are present, the finding of the need for action shall be by unanimous vote.

- (e) The agenda shall describe matters to be discussed in closed session in substantially the following form:
  - 1. For closed session under Government Code Section 54956.7: “License/Permit Determination”;
  - 2. For closed session under Government Code Section 54956.9: “Conference with Real Property Negotiator (property identity, negotiating partners, subject of negotiations)”;
  - 3. For closed session under Government Code Section 54956.9: “Conference with Legal Counsel – Existing Litigation (name of case unless disclosure would jeopardize service or settlement)” or “Conference with Legal Counsel – Anticipated Litigation (potential case name)” “Liability Claims (name of claimant)”;
  - 4. For closed session under Government Code Section 54956.94: “Liability Claims (name of claimant);
  - 5. For closed session under Government Code Section 54957: “Threat to Public Services or Facilities (name of law enforcement agency and title of officer)”;
  - or “Public Employee (specify position)”;
  - or “Public Employee Performance Evaluation (specify position);
  - or “Public Employee Discipline/Dismissal/Release”;
  - 6. For closed session under Government Code Section 54957.6: “Conference with Labor Negotiator (name of agency representative and employee organization or unrepresented employee)”.
- (f) Meeting to consider new or increased general tax or assessment shall be preceded by at least forty-five days notice as specified by law.

## 2.11 Closed Sessions

- (a) The Board may conduct a closed session to:
  - (1) Consider a license or permit application;

- (2) Consider property acquisition or disposition by eminent domain or otherwise; or
  - (3) Consider pending or potential claims or litigation;
  - (4) Consider threats to public services or facilitates;
  - (5) Consider the appointment, promotion or job performance of employees;
  - (6) Consider charges levied against an employee;
  - (7) Establish the District's position concerning employee negotiations; or
  - (8) Conduct any District business when public sessions is not possible due to riot or other interruption.
- (b) If possible, the Board shall avoid taking action in closed session. Action may be taken in closed session when necessary to avoid prejudice to the District. Action taken in closed session and the vote, abstention or absent of each member shall be publicly reported as follows:
- (1) Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final, as follows:
    - If the board's approval renders the agreement final, the Board shall report agreement in open session at the public meeting when the closed session is held.
    - If final approval rests with the other party to the negotiations, the District shall disclose the approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the District of its approval.
  - (2) Approval given to counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation shall be reported in open session at the public session at the public meeting when the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the actins, the defendants, or other particulars, but shall specify the direction to initiate or intervene in an action has

been given and the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the District's ability to effectuate service of process on one or more unserved parties, or would jeopardize its ability to conclude existing settlement negotiations to its advantage.

- (3) Approval given to counsel for a settlement of pending litigation, at any state prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:
    - If the Board accepts a settlement offer signed by the opposing party, the Board shall report acceptance and identify the substance of the agreement in open session at the public meeting when the closed session is held.
    - If final approval rests with some other party to the litigation or with the court, the District shall disclose the approval, and identify the substance of the agreement upon inquire by any person when the settlement becomes final.
  - (4) Disposition reached as to claims discussed in closed session shall be reported in the same manner as the settlement of pending litigation.
  - (5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported at the public meeting when the closed session is held. Such report shall identify the title of the position and specify any change in compensation. However, a report of dismissal or of non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of the employee administrative remedies.
  - (6) Approval of an agreement concluding labor negotiations shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.
- (c) Reports required by this section may be made orally or in writing. The Board shall provide to any person who has submitted a written request to the Board within twenty-four hours of the posting of the

agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, if the president, or designee, orally summarizes the substance of the amendments for the benefit of the document requester or any other person on the next business day following the meeting in which the action referred to is taken, or, in the case of substantial amendments, when any necessary retyping is complete (Section 54957.5(b) (c)).

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

### **ARTICLE 3. OTHER OFFICERS AND EMPLOYEES**

#### **3.01 General Manager**

- (a) The General Manager shall be appointed by the Board wholly on the basis of administrative and executive ability and qualifications and shall hold office for and during the pleasure of the Board.
- (b) The General Manager shall receive such compensation as the Board shall from time to time determine. In addition, the General Manager shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.
- (c) The General Manager shall be the administrative head of the government of the District under the direction and control of the Board except as otherwise provided in this Code. The General Manager shall be responsible for the efficient administration of all affairs of the District. In addition to general powers as administrative head, and not as a limitation thereon, it shall be the duty and the General Manager shall the following powers:
  - (1) To enforce all rules and regulations of the District except penal laws and to see that all franchises, contracts, permits and privileges granted by Board are faithfully observed.
  - (2) To control, order and give direction to subordinate officers and employees of the District.

- (3) To appoint, remove, promote and demote any and all employees of the District, subject to all applicable personnel resolution, rules, and regulations.
  - (4) To recommend to the Board adoption of such measures and resolution as necessary.
  - (5) To attend all meetings of the Board unless excused by the President individually or the Board, except when removal is under consideration.
  - (6) To keep the Treasurer and Board at all times fully advised as to the financial condition and needs of the District. Monthly financial statements are filed at the second regular meeting of each succeeding month.
  - (7) To exercise general supervision over all public buildings and all other public property which are under the control and jurisdiction of the District.
  - (8) To periodically report upon Federal grant and aid programs in which the District may be eligible to participate. Upon order of the Board, the General Manager shall process applications on behalf of the District for such participation.
- (d) The Board and its members shall deal with the administrative services of the District only through the General Manager, except for the purpose of inquiry, and neither the board nor any member thereof shall give orders or instructions to any subordinates of the General Manager. It shall be the duty of all subordinate officers and the Secretary, Treasurer, District Counsel and Auditor to assist the General Manager in administering the affairs of the District efficiently and harmoniously.

### 3.02 Auditor

The District shall annually hire any independent auditor to audit the books and records of the District and to certify as to the accuracy of the same. The auditor shall prepare and the Secretary shall sign and file and Annual Report of the Financial Transaction of Special Districts with the State Controller not later than March 31 of each year. The independent auditor shall not be a member of the Board or other officer or employee of the District.

### 3.03 Counsel

- (a) The District's counsel shall advise the District concerning all legal matters and shall prepare resolutions, contracts and other

documents requiring his/her review. The District's Counsel shall also assist the District in any litigation to which the District is a party.

- (b) Counsel shall be compensated at a rate as determined from time to time by the Board.
- (c) Counsel shall serve at the pleasure of the Board.

#### **ARTICLE 4. PERSONNEL SYSTEM**

Please See Personnel Manual

#### **ARTICLE 5. EMPLOYEES**

Please See Personnel Manual

#### **ARTICLE 6. HARASSMENT POLICY**

Please See Personnel Manual

#### **ARTICLE 7. CONFLICTS OF INTEREST**

##### **7.01 Conflicts of Interest: Disclosure Code**

The Political Reform Act, Government Code Section 81000 et seq. requires state and local government agencies to adopt and promulgate conflict of interest codes. The Los Angeles County Board of Supervisors, as the code reviewing body for the District, has adopted a standard conflict of interest code for use by the District. Therefore, the provisions of the standard conflict of interest code and any amendments to it duly adopted by the Los Angeles County Board of Supervisors are hereby incorporated by reference and, along with the following disclosure categories and the following list in which members, employees, and consultants are designated, constitute the conflict of interest code of the District.

Individuals holding designated positions shall file statements of economic interests with the District's filing officer. Within five days of receipt of the statements for the members of the Board of Directors, the District shall make and retain copies and forward the originals of these statements to the Los Angeles County Board of Supervisors. Statements for all other designated individuals will be retained by the District.

##### **7.02 Conflicts of Interest: Disclosure Categories**

The following categories are established for the purposes of conflicts of interest disclosures:

*Category 1.* Persons in this category shall disclose all interests in real property within jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two mile of any land owned or used by the agency.

Persons are not required to disclose property used primarily as their residence or for personal recreational purposes.

*Category 2.* Persons in this category shall disclose all investments and business positions.

The Political Reform Act defines investment as follows:

“Investment” means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest. If the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds one thousand dollars (\$1,000). The term “investment” does not include a time or demand deposit in a financial institution, share in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual include a pro rata share of investments of any business entity, mutual fund or trust in which the individual or spouse owns directly, indirectly, or beneficially, a 10 percent interest or greater.

According to the Political Reform Act, a business position is a position of director, officer, partner, trustee, employee, or any position of management in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or associations.

*Category 3.* Persons in this category shall disclose all income and business positions.

The Political Reform Act defines income as follows:

“Income” means a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any fit of food or beverage, forgiveness or payment of indebtedness received by the flier, reimbursement for expense, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10 percent interest or greater.

*Category 4.* Persons in this section shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell services and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned this disclosure category.

*Category 5.* Individuals who perform under contract the duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the agency which could affect financial interests shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act’s exceptions to the definition of consultant. The level of disclosure shall be as determined by the executive officer (or head) of the agency.

**7.03 Conflicts of Interest: Designated Employees**

The following employees are designated to file conflicts of interest disclosure statements for the disclosure categories specified:

Directors	1, 2, 3
General Manager	1, 2, 3
Finance Manger	1, 2, 3
General Legal Counsel	1, 2, 3



**ARTICLE 8. RECORDS****8.01 Inspection of District Records**

- (a) This section provides criteria and procedure for the public inspection of District records.
- (b) As used in this section:
  - (1) “Public Records” means any writing containing information relating to the conduct of District business prepared, owned, used, or retained by District regardless of physical form or characteristics.
  - (2) “Writing” means any handwriting, typewriting, printing, Photostatting, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents.
- (c) District records are open to public inspection at all times during the office hours of the District and every citizen has a right to inspect any District record except as herein provided.
- (d) Nothing contained in this section shall be construed to require disclosure of records that are:
  - (1) Preliminary drafts, notes or intra or interagency memoranda which are not retained by the District in the ordinary course of business, provided, that public interest in withholding such records clearly outweighs the public interest and disclosure;
  - (2) Records pertaining to pending litigation to which the District is a party or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claims have been finally adjudicated or otherwise settled;
  - (3) Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

- (4) Geological or geophysical data, plant production data and similar information relating to utility systems development which are obtained in confidence from any person;
  - (5) Test questions, scoring keys, and other examination data used to administer examinations for employment;
  - (6) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision;
  - (7) Records, the disclosure of which is exempted or prohibited pursuant to provision of federal or state law, provisions of the Evidence Code relating to privilege.
- (e) Notwithstanding the foregoing, every employment contract between the District and any public official or public employee is a public record which must be disclosed and an itemized statement of the total expenditures and disbursements of the District provided for in Article VI of the California Constitution shall be open for public inspection.
  - (f) The District shall justify withholding any records by demonstrating that the record in questions is exempt under the express provisions of this section or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.
  - (g) A person may receive a copy of any identifiable District record, upon request. An exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the District. A request for a copy of an identifiable public record or information produced there from or a certified copy of such record shall be accompanied by payment of a fee in the amount from time to time established by the Board.

In those cases where the applicant is unable to identify the record to be copied, a charge from time to time established by the Board, shall be paid to the District for time spent by District personnel in attempting to locate such record. The General Manager may require any person who desires to obtain a copy of a District record to deposit an amount equal to the estimated fees for copying and, if

applicable, charges for searching the required information. That portion of the deposit which is not required to cover the costs of such fees and charges will be refunded to the person desiring to obtain the information. If such deposit is insufficient to cover the costs of such fees and charges, an additional deposit will be required.

- (h) Notwithstanding any other provision in this section to the contrary, all records of the District, including records excluded from public inspection, shall be made available for inspection by any member of the Board at all reasonable times. No fee or charge shall be imposed upon any Board member for or obtaining a copy of such record or for any search relating to the location of such record.
- (i) This section is adopted for the purpose of implementing the provision contained in Chapter 3.5 (commencing with Section 6250) of Title 1 of the Government Code. Nothing herein contained shall be deemed to abridge or otherwise modify said provision.

#### 8.02 **Retention of District Records**

- (a) This section provides criteria and procedure for the retention or destruction of District records.
- (b) The following original records shall be maintained in perpetuity in the District's files:
  - (1) The certificate of incorporation of the District;
  - (2) Any certificate of annexation proceedings;
  - (3) Any certificate of the Secretary of State reciting the filing of annexation papers by the District in his office;
  - (4) Any certificate by the Secretary of State that detachment papers have been received and that he has excluded area from the District;
  - (5) Resolutions and Ordinances;
  - (6) Minutes of meetings of the Board of Directors;
  - (7) Certificates of assessed valuation prepared by the Auditor of Los Angeles County;
  - (8) Documents received from the tax assessor detailing District taxes collected;

- (9) Ballot arguments pro or contra on bond issues;
  - (10) Results of bond propositions received from the canvassing bodies;
  - (11) Results of elections for the office of member of the Board of Directors received from the canvassing body;
  - (12) Records of securities acquired with surplus District moneys;
  - (13) Receipts for securities from banks;
  - (14) Documents received relating to claims brought against the District;
  - (15) Documents received pursuant to imminent domain proceedings brought by the District;
  - (16) Records that are determined by the Board of Directors to be of significant and lasting historical, administrative, legal, fiscal, or research value; and
  - (17) Records required by law to be filed and preserved.
- (c) The following original records, or microfilmed or scanned copy of such original record, shall be maintained in perpetuity in the District's files:
- (1) Financial records summarizing the financial status of the District other than reports prepared pursuant to Article 9 (commencing with Section 53891) of Part 1 of Division 2 of the Government Code;
  - (2) Records affecting title to land or liens thereon;
  - (3) Oaths of office and related materials depicting the authenticity of the appointment of any Director or Officer of the District;
  - (4) Paid vouchers with attached documents, summary of collections, registers of demands issued and journals of warrants paid, provided, the original thereof has been maintained in the District's files for a period of five years;
  - (5) Reports of the District in correspondence not covered in any other portion of this section; and

- (6) Records received pursuant to state statutes which are not expressly required by law to be filed and preserved.
- (d) The following original records may be destroyed after the passage of time, as indicated, without the maintenance of a microfilm or scan copy thereof;
- (1) Unacceptable bids or proposals for construction may be destroyed without microfilming or scanning after two years;
  - (2) Work orders or in-house records of time spent on various District work assignments may be destroyed without microfilming or scanning after two years;
  - (3) Records created for a specific event or action may be destroyed without microfilming or scanning after five years following the end of the fiscal year in which the event or action was completed, unless there is pending litigation involving the records;
  - (4) Cancelled check for payment of bond interest and redemption may be destroyed by an executive officer without microfilming or scanning after ten years;
  - (5) Tapes and records of the minutes of the Board of Directors may be erased after six month; and
  - (6) Any record, paper or document which is more than two years old and which was prepared or received in any manner other than pursuant to state statute.
- (e) The following records may be destroyed at any time, without maintenance of a microfilm or scan copy thereof:
- (1) All duplicates, the original or a permanent photo static record of which is on file;
  - (2) Rough drafts, notes and working papers accumulated in the preparation of a communication, study contributing significantly to the preparation of the document representing the work of any department of the District, including but not limited to meter books after the contents thereof have been transferred to other records;
  - (3) Cards, listings, non-permanent indicates, other papers used for controlling work and transitory files including letters of transmittal, suspense letters, and tracer letters;

- (4) Cancelled coupon sheets from registered bonds;
- (5) Shorthand notebooks, telephone messages and inter-departmental notes.
- (f) The provisions of this article are intended to implement the provisions of Chapter 7 (commencing with Section 60200) of Division 2, Title 6 of the Government Code. Nothing herein contained shall be deemed to abridge or amend said provisions.

**8.03 Notices**

All notices required to be posted shall be posted at the following places:

- (a) Bulletin board in the lobby of the Administration Building of the District.

**ARTICLE 9. FINANCIAL**

**9.01 Claims and Demands**

**Purpose and Scope**

The provisions of this section apply to all claims filed against this District for money or damages which are excepted by Government Code Section 905 from Chapter 1 (commencing with 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.5 of the Government Code of the State of California and which are not governed by any other statutes or regulations expressly relating thereto, including but not limited to claims filed by local governmental agencies.

**Filing of Claim Required**

A claim shall be presented in accordance with the provisions of this section in all cases described in subsection (a) hereof.

**Presentation of Claim**

A claim, or any amendment thereto, shall be presented to the District by delivering it to the Clerk or Secretary of the District or by mailing it to the Clerk, Secretary or governing body of the District at its principal offices.

**Contents of Claim**

A claim presented pursuant to this section shall be presented by the claimant or by a person acting on his behalf and shall show:

- (1) The name and post office address of the claimant.

- (2) Post office address to which the person presenting the claim desires notice to be sent.
- (3) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
- (4) The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at the time of the presentation of the claim.
- (5) The name or names of the public employee or employees causing the injury, damage or loss if known.
- (6) The amount claimed as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.
- (7) The signature of the claimant or some person on his behalf.

### **Time for Presentation of Claim**

A claim filed pursuant to this section relating to a cause of action for death or for injury to person or to personal property or growing crop shall be presented as provided herein not later than the 100<sup>th</sup> day after accrual of cause of action. A claim relating to any other cause of action shall be presented as provided herein not later than one year after the accrual of said cause of action.

### **Leave to Present Late Claim**

When a claim which is required by this section to be presented within a period of less than one year after the accrual of the cause of action, is not presented within the required time, an application may be made to the District for leave to present such claim. Section 911.4(b), and Sections 911.6 through 912.2 inclusive, and Sections 946.4 and 946.6 of the Government Code are applicable to all such claims, and the time specified in this section shall be the time specified in Section 911.2 of the Government Code within the meaning of Sections 911.6 and 946.6 of the Government Code.

### **Time for Action by Board**

The Board shall act on the claim within 45 days after the claim has been presented to the District.

### **Notice of Rejection of Claim**

Written notice of any action taken pursuant to this section rejecting a claim in whole or in part shall be given to the person who presented the claim.

### **Claim as Prerequisite to Suit**

No suit for money or damages may be brought against the District on a cause of action for which a claim is required to be presented in accordance with this section until the written claim therefore has been presented to the District and has been acted upon by the Board.

### **Limitations**

No suit may be brought against the District on any cause of action for which a claim is required to be presented in accordance with this subsection unless such suit is commenced within six months after the date the claim is acted upon by the Board, or is deemed to have been rejected by the Board.

### **Minor Claims**

- (a) The General Manager shall develop a simple form for claims of \$1,000 or less (herein "minor claim). The form shall be made available on request.
- (b) The General Manager shall consider and approve or reject minor claims.
- (c) A person who submits a minor claim and who is dissatisfied with the decision of the General Manager may request review by the Board of Directors by filing a written notice of appeal.
- (d) The General Manager shall present a monthly report to the Board concerning the disposition of minor claims.



## 9.02 **Purchasing Procedures**

### **Contract Amounting to \$2,000 or Less**

The General Manager may execute contracts for the obtaining of goods or services and authorize payment therefor without prior Board approval if the contract involves not more than \$2,000 in expense to the District.

### **Contracts Amounting to more than \$2,000**

Any contract for the obtaining of goods or services involving more than \$2,000 in expenses to the District shall not be entered into without prior Board approval in accordance with the following procedures:

- (a) The General Manager shall solicit such proposals as he deems necessary for contracts for obtaining goods or services involving between \$2,000 and \$5,000 in expenses.
- (b) The General Manager shall solicit at least three informal bids from vendors known to be capable of providing the goods or services solicited which are anticipated to cost more than \$5,000, provided if the General Manager is unable to secure three informal bids he shall submit to the Board an explanation of why additional proposals were not received.
- (c) Notwithstanding the foregoing, all contracts for the performance of a public work or improvement, the value of which is estimated to be \$5,000 or more shall be awarded the following open, competitive bidding unless less formal procedures are authorized by the Board.

### **Procurement for Emergency Repairs**

In accordance with the state legislation (Chapter 803, Stats 1994 "AB3348") dealing with the procurement of labor and material to make emergency repairs to public facilities.

- (a) Labor and material necessary for emergency repair or replacement of public facilities of the District damaged by unanticipated calamity may be undertaken without giving notice for competitive bids if provisions of this Section are followed.
- (b) By 4/5's vote, the Board may authorize procurement of labor or material without bidding to make emergency repairs or

replacements. Such authorization shall be based on substantial evidence set forth in the minutes of the meeting that the emergency will not permit delay and action is necessary to respond to the emergency. The need to continue or terminate the authorization shall be reviewed at each subsequent regular meeting until the emergency subsides or the work is complete.

- (c) The General Manager may authorize the procurement of labor or material without bidding to make emergency repairs or replacements when a meeting of the Board cannot be commenced to authorize emergency action in a timely manner. The General Manager shall report to the Board within seven days of the emergency or at the next regular meeting scheduled within 14 days after the action. The report shall describe the emergency and reasons justifying the emergency action. At every regular meeting following the General Manager's action, the Board shall determine by 4/5's vote whether the need for emergency action continues.

### 9.03 **Budget**

#### **Preparation and Presentation**

The General Manager shall prepare the proposed budget for the District's operations and present the same to the Board together with his recommendations on or before the first regular meeting of the Board in November of each year.

#### **Hearing and Adoption**

The Board shall review the proposed budget for the District at its first regular meeting in November of each year. The meeting may be continued from time to time but shall at all times be open to the public.

#### **Transmission of Financial Report to the County**

On or before March 1 of each year, the Secretary shall file with the County Auditor of Los Angeles County a copy of the District's budget. If the District has not adopted a formal budget, the Secretary shall file a listing of anticipated revenues, together with the District's expenditures and expenses for the fiscal year in progress.

## **Transmission of Financial Report to State**

On or before April 1 of each year, the District shall transmit a copy of the year-end audit report or an annual financial statement and a report on taxes for indebtedness with the State Controller.

### **9.04 Systems of Accounts**

The General Manager shall maintain sufficient books and records to accurately reflect the financial condition of the District and shall consult the District's independent auditor to determine whether the books and records are adequate to meet the requirement of applicable law.

### **9.05 Investment Policy**

#### **Permitted Investments**

- (a) The Treasurer may invest surplus monies of the District without first securing further Board approval in the following types of investments.
  - (1) Local Agency Investment Fund of the State of California.
  - (2) Citizens Business Bank
  - (3) Time certificates of deposit issued by a nationally or state chartered bank or a state or federal association located within the State of California if secured by federal insurance or approved collateral at the required percentage of market value.
  - (4) United States treasury notes, bonds, bills, or certificates or indebtedness or those for which the full faith and credit of the United States are pledged for payment of principle and interest.
- (b) The Board may authorize the Treasurer to invest surplus monies of the District in the following additional types of investment:
  - (1) Bonds issued by the District.
  - (2) Registered state warrants or treasury notes or bonds of the State of California or by a department board, agency, or authority of the State.

- (3) Bonds, notes, warrants, or other evidences of indebtedness of any local agency within this state.
  - (4) Obligations issued by banks or cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participation or other instruments of or issued by or fully guaranteed as to principle and interest by the Federal National Mortgage Association; or in guaranteed portions of Small Business Administration notes; or in obligations, participation or other instruments of, or issued by a federal agency, or a United States Government sponsored enterprise.
  - (5) Repurchase agreements of any securities authorized by this resolution.
  - (6) Time certificates of deposit issued by a nationally or state chartered bank or a state or federal association located outside of the State of California if secured by federal insurance.
- (c) No investment shall be purchased:
- (1) On margin
  - (2) “Forward” or “in the future”
  - (3) Based upon foreign currency
  - (4) Which are shares of beneficial interest issued by diversified management companies as described in Government Code Section 53601
  - (5) Which are inverse floaters, range notes, interest only strips derived from a pool of mortgages or any security resulting in zero interest if held to maturity.
- (d) Investments may be short-term or long-term in nature. Long-term investments are those which comply with the requirements of Government Code Sections 53601 et seq. and with a maturity date greater than one (1) year from the date of purchase. No long-term investment shall be made unless the Board has granted express authority to make that investment either specifically or as a part of an investment program no less than three months prior to the investment purchase date.

## **Investment Procedure**

- (a) In making the above investments, the District shall observe the limitations contained in the Government Code, including Section 53601, and stated in this resolution.
- (b) The Treasurer or General Manager is responsible of selecting the proper mix of investments. The primary investment goal of the District is to safeguard the principle of the fund. The secondary investment goal is to meet liquidity needs of the District. The third investment goal is to achieve return on investment.
- (c) When deposits or investments owned by the District mature or when other monies are available for investment or deposit, the monies may be deposited or invested in the Local Agency Investment Fund or other permitted investments.
- (d) All investments shall be held in the name of the District. All investment documents shall be held for safekeeping in the District vault or in a depository approved by the Board. The Board shall, from time to time, execute such documents as are necessary to provide evidence of the Treasurer's trading authority as set forth in this resolution.

## **Reports**

- (a) The Treasurer or General Manager shall present quarterly reports on investments to the Board of Directors. The report shall show: the type of investment; date of investment; how title is held; institution; date of maturity; par value; amount of each investment; current market value for all securities with a maturity of more than 12 months; rate of interest; confirmation that each investment is consistent with this investment policy; information showing expenditure requirements can be met in the following quarter and specify which investments were made pursuant to Government Code Section 53601(i), 53601.1 and 53635(i). For money managed by LAIF, a county investment pool or placed in FDIC insured accounts, the Treasurer or General Manager may use the statement from these institutions in lieu of separate report. Monthly banking and investment reports issued by the District and provided to the Board shall reflect account balances on all District accounts and investments.

- (b) The General Manager, Treasurer and District Counsel (hereinafter collectively “investment review committee”) shall review all investments held by the District semi-annually on or about January 1 and July 1 of each year.
- (c) This investment policy shall be reviewed annually or more often, as necessary. The Treasurer shall annually recommend a statement of investment policy. The Board shall consider the Treasurer=s recommendation at a public meeting.

### **Transitional Rules**

Investments held by the District are contrary to the terms of this resolution shall be divested by the Treasurer, provided, investments which cannot be divested immediately without loss of earnings shall be divested at maturity.

### **Savings and Checking Deposit Accounts**

- (a) The District shall establish in its name one or more deposit accounts with State or national banks and/or savings associations upon such terms and conditions as may be agreed upon. The President and Treasurer are authorized to establish such accounts in the name of the District for active, inactive and bond interest and redemption funds.
- (b) Checks drawn to pay demands which have been approved by the Board shall be signed by at least one Board member and the following individuals: the Treasurer or the General Manager.
- (c) Upon maturity, investments shall be deposited back into the District’s checking or savings accounts upon the approval of any one of the following officers: Assistant Secretary-Treasurer, President, Treasurer, General Manager, or Finance Manager.

### **Safety Deposit Boxes**

The President, Treasurer and General Manager are hereby authorized to obtain safety deposit boxes at State or national banks and/or savings associations for use of the District.

### **Petty Cash Account**

The President and Treasurer are authorized to create and maintain a petty cash account in the amount of \$500.00 in cash.

### **Revolving Fund Account**

The President and Treasurer are authorized to create a revolving fund bank account in the amount of \$200,000.00. The revolving fund account shall be maintained for the payment of the Districts payroll; payments to the Public Employees Retirement System; payroll and withholding taxes; insurance premiums and benefits; deferred compensation payments; Social Security payments; and in an emergency demands approved by any one of the three signatories. Withdrawals from the revolving fund account shall be made upon three signatures made of the following individuals: President, Treasurer, Secretary, General Manager and Finance Manager.

### **Other**

- (a) All transactions described herein, including opening or closing checking accounts, shall be accomplished by the designated officer only in the name of the District. Action by the Board is required for each transaction unless otherwise indicated above. All withdrawals shall be supported by receipts which indicate the purpose of the withdrawal, the amount and the District employee responsible for the withdrawal.
- (b) Any officer may receive non-negotiable instruments on behalf of the District. Such instrument shall be remitted to the Treasurer for handling.

### **9.06 Sale of Surplus Property**

- (a) The General Manager shall recommend and the Board shall approve the sale of surplus property unless other procedures are approved by the Board. Surplus property shall be sold to the person submitting the highest, written sealed bid.
- (b) Surplus property shall not be sold to member of the Board, the General Manager, any officer or employee or the immediate family of any such person. As used herein, the term “immediate family” refers to spouse, minor or dependent children and parents.

### **9.07 Secure Approval of Expenditures**

All expenditures shall be in conformance with the approved budget. The General Manager shall secure Board approval of expenditures in excess of budgeted amounts. The General Manager shall also secure Board approval of expenditures which are not in excess of budgeted amounts

unless the General Manager is specifically authorized to make the expenditure without Board approval, e.g. petty cash.

**9.08 Developers Responsibility for Costs Related to Water Supply Assessments and Water Verification**

If the District is obligated to perform a study analyzing the adequacy of a water supply for a new development pursuant to Public Resources Code section 10910, et seq., or Government Code section 66473.7, the developer of the development shall pay for all costs the District incurs related to the study.

**9.09 Financial Reserve Policy**

- (a) The District will strive to maintain a balanced operating budget for all operational funds with annual revenues equal to or greater than annual expenditures.

The District shall maintain an Operating Reserve at least equal to one year's variable budget costs. The total annual variable budget cost includes the cost to purchase, produce, treat and deliver water as well as two-thirds salaries and personnel compensation. The total cost shall be calculated based on the total operating expense as stated in the Annual Budget. The appropriate funding source when needed is the water commodity rate.

- (b) The District shall maintain a Capital and Equipment Replacement Reserve of at least 25% of the previous year's total revenue.
- (c) The District shall maintain a Rate Stabilization Reserve equal to the cost of purchasing replacement water for water pumped over the 5,395.80 acre feet of prescriptive pumping right.
- (d) The District shall maintain reserves in the Debt-Service Reserve equal to one year's annual debt service obligation and maintain revenues at levels sufficient to meet the rate covenant requirements.
- (e) The District shall maintain an Emergency Reserve in the amount of \$1,000,000 for unforeseen catastrophic disasters."

**ARTICLE 10. ENVIRONMENTAL REVIEW OF DISTRICT PROJECTS**

**PART 1. GENERAL**



### 10.01 **General**

All District projects shall be undertaken with due regard for the environmental consequences thereof as required by this Title.

#### 10.102 **Purpose**

- (a) The regulations contained in this Title implement the regulations prescribed by the Secretary of Resources (hereinafter "State Guidelines") for local agencies to implement the California Environmental Quality Act (CEQA).
- (b) This Title applies if the District has discretion over an activity and:
  - (1) The activity is directly undertaken by the District,
  - (2) The activity is financed in whole or in part by the District
  - (3) A private activity requires approval from the District.

#### 10.103 **Scope**

- (a) Environmental documents shall be prepared by a lead agency and considered by responsible agencies before a decision is made to proceed with a project covered by this Title. The District will sometimes act as the lead agency and sometimes act as a responsible agency.
- (b) These guidelines set forth the process for determining:
  - (1) Whether the District is a lead agency or responsible agency
  - (2) The District's duties as a responsible agency
  - (3) The District's duties as a lead agency
  - (4) Whether measures mitigating adverse environmental impacts are feasible and can be implemented.

#### 10.104 **Delegation of Responsibilities**

- (a) The General Manager or designee shall:

- (1) Determine whether the District is a lead agency or responsible agency.
  - (2) Determine whether an activity is exempt or a project subject to review under this Title.
  - (3) Conduct an initial study.
  - (4) Prepare or cause a negative declaration or environmental impact report (EIR) to be prepared.
  - (5) Respond to public comments.
  - (6) Provide required notices.
  - (7) Respond to requests for consultation by lead agencies.
- (b) The Board shall:
- (1) Approve, certify, review and consider the negative declaration or draft a final environmental impact report prior to approving a project.
  - (2) Make findings as required by this Title.

## **PART 2. ROLE OF DISTRICT AS RESPONSIBLE AGENCY**

### **10.201 Lead Agency Concept**

The lead agency shall prepare the negative declaration or EIR for a project carried out or approved by more than one public agency. The determination of which agency is the lead agency shall be made after consultation in accordance with criteria set forth in the State Guidelines.

### **10.202 Consultation with Lead Agency**

- (a) When the District is a responsible agency, the General Manager shall respond to requests for consultation by assisting the lead agency in preparing adequate environmental documents.
- (b) As soon as possible, but not longer than 45 days after receiving a notice of preparation from the lead agency, the General Manager shall send a written reply by certified mail. The reply shall specify the scope and content of the environmental information relevant to

the District's statutory responsibilities in connection with the proposed project.

- (c) Prior to the close of the public review period for a draft EIR or mitigated negative declaration, the General Manager shall either submit complete and detailed objectives for mitigation measures which would address the significant environmental effects identified by the General Manager, or refer the lead agency to appropriate readily available guidelines or reference documents.

#### **10.203 Challenge to Lead Agency**

- (a) When the District is a responsible agency, shall assume the role of the lead agency only when conditions set forth in the State Guidelines are found to exist.
- (b) If the General Manager believes the final EIR or negative declaration prepared by the lead agency is not adequate for use by the District, the District must:
  - (1) Take the issue to court within 30 days after the lead agency files a notice of determination.
  - (2) Be deemed to have waived any objection to the adequacy of the EIR or negative declaration.
  - (3) Prepare a subsequent EIR if permissible under the State Guidelines.

#### **10.204 Use of Environmental Documents**

- (a) Prior to reaching a decision on the project, the Board must consider the environmental effects of the project as shown in the lead agency's EIR or negative declaration.
- (b) When an EIR has been prepared for a project, the District shall not approve the project as proposed if the District finds any feasible alternative or feasible mitigation measures within its powers would substantially lessen any significant impact the project would have on the environment. When considering alternatives and mitigation measures, the District is more limited than a lead agency. The District has responsibility for mitigating or avoiding only the environmental effects of those activities which it decides to carry out, finance, or approve.

- (c) The District shall make the findings required for each significant effect of the project.
- (d) The District should file a notice of determination in the same manner as a lead agency except the District does not need to state the EIR or negative declaration complies with CEQA. The District should state it considered the EIR or negative declaration as prepared by a lead agency.

### **PART 3. ROLE OF DISTRICT AS LEAD AGENCY**

#### **CHAPTER 1 - EXEMPTIONS**

##### **10.301 General**

The District is a lead agency when a project is only approved or carried out by the District or when the District has been designated the lead agency. This Chapter describes the process used by the District when acting as a lead agency.

##### **10.302 Review for Exemption**

- (a) The General Manager shall first determine whether the activity is exempt from environmental review under CEQA.
- (b) Possible exemptions from CEQA include:
  - (1) The activity is not a "project".
  - (2) The project is "ministerial", that is: The District has no discretion with respect to the activity other than to determine whether facts exist requiring action.
  - (3) The project is an emergency.
  - (4) The project is exempt by statute.
  - (5) The project is a "categorical exemption".
  - (6) There is no possibility the activity may have a significant effect on the environment.
- (c) The District shall prepare a list of exempt projects often handled by the District.

This listing shall be used in preliminary review.

### 10.303 Ministerial Project

- (a) The following are presumed ministerial:
  - (1) Issuance of building permits.
  - (2) Issuance of business licenses.
  - (3) Approval of final subdivision maps
  - (4) Approval of individual utility service connections and disconnections.
  - (5) Leasing of District property where the use of the premises is not significantly changed.
  - (6) Any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal or demolition of an existing pipeline. For the purposes of this subsection, 'pipeline' includes subsurface facilities but does not include any surface facility related to the operation of the underground facility.
- (b) Where a project involves an approval containing elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

### 10.304 Emergency Projects

- (a) The following are emergency projects:
  - (1) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Government Code Section 8550.
  - (2) Emergency repairs to public service facilities necessary to maintain service.
  - (3) Specific actions necessary to prevent or mitigate an emergency.

### 10.305 Rates, Tolls, Fares, and Charges

- (a) CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the District which the District finds are for the purpose of:
  - (1) Meeting operating expenses, including employee wage rates and fringe benefits.
  - (2) Purchasing or leasing supplies, equipment, or materials,
  - (3) Meeting financial reserve needs and requirements, or
  - (4) Obtaining funds for capital projects, necessary to maintain service within existing service areas.
- (b) Rate increases to fund capital projects for the expansion of a system are subject to CEQA.
- (c) The District shall incorporate written findings in the record of any proceeding in which an exemption under this section is claimed setting forth with specificity the basis for the claim of exemption.

### 10.306 Categorical Exemption

- (a) The following categorical exemptions are as set forth in the State Guidelines:
  - (1) Class 1: Operation, repair, maintenance or minor alteration of existing facilities involving negligible or no expansion of use.
  - (2) Class 2: Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
  - (3) Class 3: Construction and location of limited numbers of new, small facilities; structures; equipment and facilities; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

- (4) Class 4: Minor alterations in the condition of land, water, and/or vegetation not involving removal of mature, scenic trees except for forestry and agricultural purposes.
- (5) Class 5: Minor alterations in land use limitations in areas with an average slope of less than 20%, not resulting in any changes in land use or density.
- (6) Class 6: Basic data collection, research, experimental management, and resource evaluation activities not resulting in a serious or major disturbance to an environmental resource.
- (7) Class 9: Activities limited entirely to inspection, to check for performance of an operation, or quality, health, or safety of a project.
- (8) Class 11: Construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.
- (9) Class 12: Sales of surplus government property except for parcels of land located in an area of statewide, regional, or area wide concern.
- (10) Class 13: Acquisition of lands for fish and wildlife conservation purposes and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.
- (11) Class 15: Division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when: the division is in conformance with the General Plan and zoning; no variances or exceptions are required; all services and access to the proposed parcels to local standards are available; the parcel was not involved in a division of a larger parcel within the previous 2 years; and the parcel does not have an average slope greater than 20 percent.
- (12) Class 19: Annexations to the district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the annexing or detaching governmental agency whichever is more restrictive. However, the extension of utility services to the existing facilities must have a

capacity to serve only the existing facilities; or annexations of individual small parcels of the size for facilities exempted by State Guidelines.

- (13) Class 20: Changes in the organization or reorganization of local agencies where the changes do not change the geographical area which previously existing powers are exercised.
  - (14) Class 23: Normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose.
  - (15) Class 25: Transfers of ownership of interests in land to preserve open space.
  - (16) Class 27: Leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the governing authority determines the building was exempt from CEQA.
- (b) Classes 3,4,5,6 and 11 set forth are qualified by consideration of where the project is to be located. A project ordinarily insignificant in its impact on the environment may be significant in a sensitive environment. These classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) A categorical exemption shall not be used for an activity where there is a reasonable possibility the activity will have a significant effect on the environment due to unusual circumstances.

#### **10.307 Notice of Exemption**

- (a) When the General Manager decides a project is exempt from CEQA and the General Manager approves or determines to carry out the project, the General Manager or the applicant may file a notice of exemption with the County Clerk.
- (b) The notice shall be filed, if at all, after approval of the project. Such a notice shall include:



- (1) A brief description of the project,
- (2) A finding that the project is exempt, including a citation to the State Guidelines section under which it is found to be exempt.
- (3) A brief statement of reasons to support the finding.

## **CHAPTER 2 - NON EXEMPTIONS**

### **10.308 General**

This Article describes the procedures for preparing and processing a negative declaration or EIR when the District is a lead agency.

### **10.309 Review of Application for Completeness**

The General Manager shall determine whether an application for a permit or other entitlement for use is complete within 30 days from the receipt of the application. If no written determination of the completeness of the application is made within that period, the application will be deemed complete on the 30th day.

### **10.310 Initial Study**

- (a) Unless an exemption applies or unless the General Manager determines an EIR is required for the project, the General Manager shall conduct an "initial study" to determine whether the project may have a significant effect on the environment.
- (b) If any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the District shall either:
  - (1) Prepare an EIR or
  - (2) Use a previously prepared EIR which the District determines would adequately analyze the project.
- (c) The initial study shall be used to:
  - (3) Determine whether a project may have any potential environmental impacts.

- (4) Enable the lead agency to decide whether to prepare and EIR or negative declaration.
  - (3) Allow the project proponent to modify a project, mitigating adverse impacts before an EIR is written; and
  - (4) Assist in the preparation of an EIR.
- (d) An initial study shall contain in brief form:
- (1) A description of the project including the location of the project;
  - (2) An identification of the environmental setting;
  - (3) An identification of environmental effects by use of a checklist, matrix, or other method;
  - (4) A discussion of ways to mitigate the significant effects identified, if any,
  - (5) An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls;
  - (6) The name of the person or persons who prepared or participated in the initial study.
- (e) If the project is to be carried out by a private person or private organization, the person or organization carrying out the project shall submit information to enable the General Manager to prepare the initial study.
- (f) As soon as the General Manager determines an initial study will be required for the project, the General Manager shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a negative declaration should be prepared.
- (g) When the District acts as the lead agency, the District shall determine within 45 days after accepting an application as complete, whether it intends to prepare an EIR or a negative declaration.

**10.311 Decision to Consider a Negative Declaration**

- (a) A proposed negative declaration shall be prepared for a nonexempt project when:
  - (1) The initial study shows there is no substantial evidence the project may have a significant effect on the environment, or
  - (2) The initial study identifies potentially significant effects but the project has been revised by changes in project plans or an enforcement commitment to mitigation measures which avoid the effects or to mitigate the effects to a point where clearly no significant effects would occur and the Board finds the project as approved will not have a significant effect on the environment.
- (b) Before approving a negative declaration as a lead agency, the General Manager shall consult with all responsible agencies and trustee agencies concerned with the project. This consultation may take place during the public review period for the proposed negative declaration.

#### **10.312 Processing the Proposed Negative Declaration**

- (a) The General Manager shall process the proposed negative declaration as set forth in this Section.
- (b) The draft negative declaration shall include:
  - (1) A brief description of the project; including a commonly used name for the
  - (2) The location of the project and the name of the project proponent;
  - (3) A finding that the project will not have a significant effect on the environment.
  - (4) An attached copy of the Initial Study documenting reasons to support the finding;
  - (5) Mitigation measures, if any, included in the project to avoid potentially significant effects.
- (c) Notice of the preparation of a proposed negative declaration shall be provided to the public at least twenty days prior to submission to the Board. The review period on the notice shall be long enough

to provide the public with sufficient time to respond to the proposed findings before the negative declaration is approved. Notice shall be given to all organizations and individuals who have previously requested such notice and shall be given in one or more of the ways as determined by the General Manager:

- (1) Publication once in a newspaper of general circulation in the area affected by the proposed project.
  - (2) Posting by the Agency on and off site where the project is to be located.
  - (3) Direct mail notice to property owners contiguous to the project as shown on the latest equalized assessment roll.
- (d) At the time and place stated in the notice and prior to approving the project, the Board shall consider the negative declaration and comments received during the public review process. The Board may approve the negative declaration if it finds on the basis of the initial study and any comments received there is no substantial evidence the project will have a significant effect on the environment.
- (e) With a private project, the negative declaration must be completed and ready for approval within 105 days from the date when the lead agency accepted the application as complete.

#### **10.313 Notice Determination**

- (a) The General Manager shall file a notice after the Board decides to carry out or approve a project for which a negative declaration has been approved.
- (b) The notice of determination shall include:
  - (1) An identification of the project including its common name where possible and its location.
  - (2) A brief description of the project.
  - (3) The date the Board approved the project.
  - (4) The determination of the Board the project will not have a significant effect on the environment.

- (5) A statement that a negative declaration has been prepared pursuant to CEQA.
  - (6) The address where a copy of the negative declaration may be examined.
- (c) The notice of determination shall be filed with the county clerk of the county or counties in which the project will be located. If the project requires a discretionary approval from any state agency, the notice of determination also shall be filed with the Secretary for Resources.

**10.314 Decision to Consider an EIR**

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

**10.315 Notice of Preparation**

- (a) Immediately after deciding an EIR is required for a project, the District shall send each responsible agency a "notice of preparation" stating an EIR will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project and to each trustee agency responsible for natural resources affected by the project.
- (b) The notice of preparation shall provide responsible agencies with sufficient information describing the project and the environmental effects to enable the responsible agencies to make a meaningful response. At a minimum, the information shall include:
  - (1) Description of the project.
  - (2) Location of the project indicated either on an attached map (preferably a copy of a U.S.G.S. 15' or 7-112' topographical map identified by quadrangle name, or by a street address in an urbanized area), and
  - (3) Probable environmental effects of the project.
- (c) The notice of preparation shall be sent by the General Manager by certified mail or any other method of transmittal which provides it with a record the notice was received.

- (d) The General Manager may begin work on the draft EIR immediately without awaiting responses to the notice of preparation. A draft EIR in preparation may be revised or expanded to conform to responses to the notice of preparation. A General Manager shall not circulate a draft for public review before the time period for responses to the notice of preparation has expired.
- (e) If a responsible agency fails by the end of the 45 day period to provide the District with either a response to the notice or a well justified request for additional time, the District may presume the responsible agency has no response to make.
- (f) To expedite the consultation, the General Manager, a responsible agency, a trustee agency, or a project applicant may request one or more meetings before representatives of the agencies involved to assist the General Manager in determining the scope and content of the environmental information which the responsible agency may require. Such meetings shall be convened by the General Manager as soon as possible, but no later than 30 days, after the meetings were requested. On request, the Office of Planning and Research will assist in convening meetings which involve state agencies.
- (g) When one or more state agencies is a responsible agency or a trustee agency, the General Manager shall send a notice of preparation to each state responsible agency and each trustee agency with a copy to the State Clearinghouse in the Office of Planning and Research. The State Clearinghouse will ensure that the state responsible agencies and trustees reply to the lead agency within the required time.
- (h) When the notice of preparation is submitted to the State Clearinghouse, the state identification number issued by the Clearinghouse shall be the identification number for all subsequent environmental documents on the project. The identification number should be referenced on all subsequent correspondence regarding the project, specifically on the title page of the draft and final EIR and on the notice of determination.

### 10.316 Scoping

- (a) Prior to completing the draft EIR, the General Manager may consult directly with any person or organization concerned with the environmental effects of the project. This early consultation is called "scoping". Scoping is mandatory when preparing an EIR/EIS jointly with a federal agency.

- (b) The General Manager shall convene a meeting with responsible agency representatives to discuss the scope and content of the environmental information a responsible agency will need in the EIR within 30 days after receiving a request for the meeting.

#### 10.317 **Draft EIR**

- (a) The draft EIR shall be prepared directly by or under contract to the District. The required contents of a draft EIR are discussed below.
- (b) The General Manager may require the project applicant to supply data and information both to determine whether the project may have a significant effect on the environment and to assist the General Manager in preparing the draft EIR. The requested information should include an identification of other public agencies which will have jurisdiction by law over the project.
- (c) Any person, including the applicant, may submit information or comments to the General Manager to assist in the preparation of the draft EIR. The submittal may be presented in any format, including the form of a draft EIR. The General Manager must consider all information and comments received. The information or comments may be included in the draft EIR in whole or in part.
- (d) The General Manager may choose one of the following arrangements or a combination of them for preparing a draft EIR.
  - (1) Preparing the draft EIR directly with District staff.
  - (2) Contracting with another entity, public or private, to prepare the draft EIR.
  - (3) Accepting a draft prepared by another entity, either the applicant, a consultant retained by the applicant, or any other person independent review and analysis.
  - (4) Using a previously prepared EIR.
- (e) A draft EIR sent out for public review must reflect the independent judgment of the General Manager. The General Manager is responsible for the adequacy and objectivity of the draft EIR.

#### 10.318 **Draft EIR: Contents**

- (a) Each draft EIR shall contain the following:

- (1) Table of contents or index;
  - (2) Summary;
  - (3) Project description;
  - (4) Description of environmental setting;
  - (5) Environmental impact, including: any significant environmental effect of the proposed project; any significant environmental effects which cannot be avoided if the proposal is implemented; mitigation measures proposed to minimize the significant effects; alternatives to the proposed action; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; any significant irreversible environmental changes which would be involved in the proposed action should it be implemented; and the growth inducing impact of the proposed action;
  - (6) Effects not found to be significant;
  - (7) Organizations and persons consulted;
  - (8) Air and water quality aspects; and
  - (9) Significant cumulative impacts.
- (b) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity and any significant irreversible environmental changes which would be involved in the proposed action should it be implemented need be included only in EIRs prepared in connection with any of the following activities:
- (1) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency.
  - (2) The adoption by a local agency formation commission of a resolution making determinations.
  - (3) A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969.



### 10.319 Notice of Completion

- (a) When the draft EIR is completed, a "notice of completion" must be filed with the Secretary for Resources.
- (b) The notice of completion shall include:
  - (1) A brief description of the project.
  - (2) The proposed location of the project.
  - (3) An address where copies of the draft EIR are available, and
  - (4) The period during which comments will be received on the draft EIR.
- (c) If the EIR is reviewed through the review process handled by the State Clearinghouse, the cover form required by the State Clearinghouse will serve as the notice of completion, and no notice of completion need be sent to the Resources Agency.
- (d) With a private project, the lead agency shall complete and certify the final EIR within one year after the date when the lead agency accepts the application as complete. An unreasonable delay by an applicant in providing information requested by the lead agency for the preparation of a negative declaration or an EIR shall suspend the running of the time periods described herein for the period of the unreasonable delay. At the request of an applicant, the lead agency may waive the one year time limit for completing and certifying a final EIR or the 105 day period for completing a negative declaration if:
  - (1) The project will be subject to CEQA and to the National Environmental Policy Act.
  - (2) Additional time will be required to prepare a combined EIR-EIS or combined negative declaration-finding of no significant impact as provided herein, and
  - (3) The time required to prepare the combined document will be shorter than the time required to prepare the documents separately.

- (f) The time limits for taking final action on a permit for a development project may also be waived where a combined EIR-EIS will be prepared. The time limits for processing permits for development projects under Government Code Section 65950-65960 shall not apply if federal statutes or regulations require time schedules which exceed the state time limits.

**10.320 Comments on Draft EIR**

- (a) The District shall consult with and request comments on the draft EIR from:
  - (1) Responsible agencies.
  - (2) Trustee agencies with resources affected by the project, and
  - (3) Other state, federal, and local agencies which exercise authority over resources which may be affected by the project.
- (b) The District may consult directly with any person who has special expertise with respect to any environmental impact involved.

**10.321 Public Review of Draft EIR**

- (a) The District shall provide public notice of the availability of a draft EIR at the same time as it sends a notice of completion to the Resources Agency. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:
  - (1) Publication at least one time by the District in a newspaper of general circulation in the area affected by the proposed project.
  - (2) Posting of notice by the District on and off the site in the area where the project is to be located.
  - (3) Direct mailing to owners of property contiguous to the project as those owners are shown on the latest equalized assessment roll.
- (b) Review periods for draft EIRs should not be less than 30 days nor longer than 90 days except in unusual situations. The review period for draft EIRs for which a state agency is a responsible

agency shall be at least 45 days unless a shorter period is approved by the State Clearinghouse.

- (c) The District shall use the State Clearinghouse to distribute draft EIRs for review and should use area wide clearinghouses to distribute the documents to regional and local agencies.
- (d) The District should furnish copies of draft EIRs to appropriate public library systems and in offices of the District.
- (e) The District should compile listings of other agencies, particularly local agencies, which have jurisdiction by law and special expertise with respect to various projects and project locations to be used as a guide in determining which agencies should be consulted with regard to a particular project.
- (f) Public hearings may be conducted on the draft EIR, either in separate proceedings or in conjunction with other proceedings of the public agency.

#### **10.322 Evaluation of Comments**

- (a) The District shall evaluate comments on the draft EIR and prepare a written response.
- (b) The written response shall describe the disposition of significant environmental issues raised. In particular, the major issues raised when the District's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusion statements unsupported by factual information will not suffice.
- (c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR.

#### **10.323 Final EIR**

- (a) The final EIR shall include:
  - (1) The Draft EIR or a revision of the draft.
  - (2) Comments and recommendations received on the Draft EIR either verbatim or in summary.

- (3) A list of persons, organizations, and public agencies commenting on the Draft EIR
- (4) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (5) The Board shall certify the final EIR has been completed in compliance with CEQA and that the Board has reviewed and considered the information contained in the EIR prior to approving the project.

#### **10.324 Notice of Determination**

- (a) The General Manager shall file a notice of determination following each project approval for which an EIR was considered. The notice shall include:
  - (1) As identification of the project including its common name where possible and its location.
  - (2) A brief description of the project.
  - (3) The date when the District approved the project.
  - (4) The determination of the District whether the project in its approved form will have a significant effect on the environment.
  - (5) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA.
  - (6) A description of the mitigation measures and method of monitoring the mitigation measures.
  - (7) Whether a statement of overriding considerations was adopted for the project.
  - (8) The address where a copy of the EIR and the record of project approval may be examined.

### **PART 4. USE OF ENVIRONMENTAL DOCUMENTS**

#### **10.401 General**

The District shall not approve or carry out a project as proposed unless significant effects have been reduced to an acceptable level. The Board shall make one or more written findings for each significant effect, accompanied by a statement of the facts supporting each finding.

#### **10.402 Findings**

- (a) The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and exclusive jurisdiction of another public agency and not the District. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) "Acceptable level" means all significant effects that can feasibly be avoided have been eliminated or substantially lessened as described in the findings and any remaining, unavoidable significant effects are acceptable due to overriding considerations.

#### **10.403 Overriding Consideration**

Where the decision allows the occurrence of significant unmitigated effects the District must state in writing the overriding reasons to act based on the final EIR and/or other information in the record. If the District makes a statement of overriding considerations, the statement shall be included in the record of the project approval and should be mentioned in the notice of determination.

#### **10.404 Mitigation**

Project approval shall be conditioned upon implementation of the mitigation measures. Mitigation measures and a program to monitor the mitigation measures shall be described in the findings.

#### **10.405 Use of EIR for Later Projects**

- (a) Where an EIR has been prepared, the EIR may be incorporated in the EIR by using a tiered EIR. The tiered EIR need not examine effects which were mitigated or avoided or which were examined in sufficient detail in the prior EIR to enable mitigation or avoidance by the site specific revisions or conditions in connection with the approval of the later project.
- (b) An initial study shall be prepared to determine whether the later project may cause significant effects not examined in the prior EIR.

**10.406 Use of Subsequent EIR for Same Project**

A revised EIR shall be prepared if the project is revised in such a way as to produce new significant adverse environmental impacts or new significant adverse environmental impacts are discovered.

**ARTICLE 11. WATER CONSERVATION**

**PART 1. GENERAL**

**11.101** The District will establish water use efficiency requirements and water supply shortages stages that will reduce water consumption within the District through conservation, beneficial use of water, prevent waste of water, and maximize the efficient use of water within the District. This Article sets forth water conservation measures which shall be followed by customers.

**PART 2. REQUIREMENTS**

**11.201** The following water use efficiency requirements are effective at all times and are permanent requirements set forth in the District's Administrative Code.

- (a) Customers shall conserve water supplied by the District by the prevention and elimination of all waste or leakage of water.
- (b) All new plumbing fixtures installed within the District service area must conform to the following requirements:
  - (1) Toilets shall use less than 1.6 gallons per flush.
  - (2) Showerheads shall flow at less than 2.5 gallons per minute.

- (3) Non-residential lavatory faucets shall be metering or self-closing.
- (4) Urinals shall be waterless.
- (c) The District shall confer with local authorities to ensure that all new homes and developments irrigate landscape with a drip or microspray system.

**PART 3. DECLARATION OF WATER SUPPLY EMERGENCY BY THE BOARD OF DIRECTORS**

**11.301 STAGE 1 WATER SUPPLY EMERGENCY (15% - 20% Reduction of Water Use)**

When the Board of Directors declares a Stage 1 Water Emergency, due to drought, a water supply shortage, or a threatened water shortage exists, a 15% - 20% reduction in water will be required to lower the overall water demand. Percentages will be determined by action of the Board of Directors. The District shall notify all users of District drinking water by mail that the following conservation rules are to be implemented immediately:

- (a) There shall be no washing down of sidewalks, walkways, buildings, walls, patios, driveways, parking areas or other surfaces except to eliminate dangerous conditions or to eliminate a public health and/or a safety hazard.
- (b) The washing of any motor vehicle(s) or equipment shall be done only with a hand-held nozzle that shuts off, or may be done at a carwash that uses recycled water.
- (c) No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar structures of aesthetic value unless such water is part of a recirculating water system.
- (d) No filling, draining or refilling of pools or spas of any kind. Adding makeup water to swimming pools or spas due to evaporation is permitted.

- (e) No public place where food is sold shall serve drinking water to any customer unless specifically requested by said customer.
- (f) All water users shall promptly repair all leaks from indoor and outdoor plumbing and fixtures.
- (g) All watering outdoors for the purposes of irrigating landscape, lawns, etc., shall be limited to no more than two (2) days per week. Watering days shall be as follows: addresses ending in even numbers shall water on Monday and Thursday and addresses ending in odd numbers shall water on Tuesday and Friday between the hours of 6:00 p.m. and 8:00 a.m.
- (h) No water users shall cause or allow irrigation water to run off landscaped areas into or onto adjoining sidewalks, streets or other paved areas due to incorrectly directed or improperly maintained sprinklers, or excessive watering.
- (i) Application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall is prohibited.
- (j) Hotel and motels must provide guests with the option of not having towels and linens laundered daily, and shall post a notice stating so in each guestroom in clear and understandable language.
- (k) Irrigation with potable water of ornamental turf on public street medians is prohibited.

**11.302 STAGE 2 WATER SUPPLY EMERGENCY  
(20% - 30% Reduction of Water Use)**

When the Board of Directors declares Stage 2 Water Emergency, the District shall notify all users of District drinking water by mail that the following rules are to be implemented in addition to the rules under 11.301 immediately, and wherever two rules are similar, the stricter of the two shall take precedence.



- (a) The District shall impose a moratorium on all new water connections within the District boundaries.
- (b) Landscape or other outdoor watering and irrigation shall be limited to three (1) days per week. Watering days shall be as follows: addresses ending in even numbers shall water on Monday; addresses ending in odd numbers shall water on Tuesday. All watering shall be prohibited between the hours of 6:00 p.m. and 8:00 a.m.
- (c) There shall be no washing of cars or motor vehicles of any kind.
- (d) The District will not allow construction water to be sold for the purposes of dust control.
- (e) Water from fire hydrants shall be used only for firefighting and public welfare activities.
- (f) Flushing of water mains will not be permitted except as necessary to protect the public health.

**PART 4. INTENTIONAL VIOLATION OF CONSERVATION POLICIES**

**11.401 ENFORCEMENT**

- (a) Customers shall be notified in writing when the first violation of this article is discovered by the District. The notice shall include a warning that further violations could result in stricter penalties as set forth below.
- (b) Customers who violate this article for a second time within a twelve-month period have committed an infraction punishable by a fine of up to \$150.00.
- (c) Customers who violate this article for a third time within a twelve-month period have committed an infraction punishable by a fine of up to \$250.00.
- (d) Customers who violate this article for a fourth time within a twelve-month period have committed an infraction punishable by a fine of up to \$500.

- (e) The District may install flow restrictors or terminate service to customers who have violated provisions of this article five times within a twelve-month period.

**PART 5. CONSERVATION INCENTIVES**

**11.501**

Customers are encouraged to make the most efficient use of water supplies. The District offers to its customers information on water conservation, water conserving fixtures and rebates through the Municipal Water District.