PALMDALE WATER DISTRICT

RULES AND REGULATIONS

Palmdale Water District

Rules and Regulations

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PALMDALE WATER DISTRICT

RULES AND REGULATIONS

The District was formed under the provisions of Division 11 of the Water Code of the State of California. Under the law, the District's primary functions are to acquire, control, conserve, store and distribute water for the beneficial use of inhabitants and water users within the District. The Water Code authorizes the District to establish rules and regulations governing its operations. The District has determined that it is in its best interest to adopt the following rules and regulations regarding the provision of water service.

ARTICLE 1: GOALS AND OBJECTIVES

The overall objective of the District is to make available the highest quality water at the lowest possible cost. To this end, the District shall provide water service with the following guidelines:

1.01: OPERATIONS

To operate the water supply, treatment, storage and distribution facilities in a manner to provide the most economical and dependable service possible.

1.02: PLANNING

To provide for the studies, designs and plans for water system facilities to meet present and future demands for water service.

1.03: EQUITABLE ALLOCATION OF COSTS

To establish such rates, charges, fees and assessments necessary to meet the costs of providing service and to equitably allocate such costs.

ARTICLE 2: SCOPE OF RULES AND REGULATIONS

These rules and regulations are adopted by the Board of Directors with respect to the operation of the District and the provision of water service. The Board has the right to amend, change and supplement these rules at any time.

2.01: SEVERABILITY

If any rule or regulation contained herein shall be found to be unenforceable, such decision shall not affect the remaining portions of these rules and regulations.

2.02: APPLICABILITY

These rules and regulations apply to the Board, all District personnel and any persons obtaining utility service from the District.

ARTICLE 3: DEFINITIONS (Revised 9-12-12)

Unless the context specifically indicates otherwise, the following terms shall, for the purposes of these rules and regulations, have the following meanings:

A. **Applicant:** Any person or entity applying to the District for water service.

B. **Assessment Parity Charge:** A charge to applicants for permanent water service based upon that acreage being served, in accordance with the provisions of the rules included herein.

C. **Board:** Board of Directors of the Palmdale Water District.

D. **Capital Improvement Fee:** A charge to developers designed to cover the cost of additional facilities necessitated by new development within the District, in accordance with the provisions of the rules applicable to developers included herein.

E. **CEQA:** The California Environmental Quality Act.

F. **Cleaning and Walk-Thru Water Service:** Provision of water for a maximum of five working days to facilitate cleaning and showing of property for sale or rent.

G. **Commercial Service:** Provision of water for use in connection with commercial premises devoted primarily to operations for profit.

H. **Consumer:** Any person, association, corporation or governmental agency supplied or entitled to be supplied with water service for compensation by the District.

I. **Cross-Connection:** Any connection between District facilities and any source containing unapproved water or a substance that is not approved as safe, wholesome and potable.

J. **Developer:** Any person or entity developing and/or subdividing land within the District for the purpose of constructing new commercial or residential units.

K. **Disconnection:** The termination of water service to the Consumer affected by turning off and locking the meter at the service connection.

L. **District:** The Palmdale Water District, Palmdale, California.

M. **Engineer:** A qualified registered engineer, appointed to act for the District.

N. **Facilities:** The wells, pipelines, meters, pumps, storage facilities, buildings, structure connections, fittings, valves and other fixtures and appurtenances comprising the production, transmission and distribution system owned by the District for the purpose of delivering water to Consumers within the District.

O. **Industrial Service:** Provision of water to industrial premises where the water is used primarily in manufacturing or processing activities.

P. **Main Extension:** The extension of water distribution mains beyond existing facilities in accordance with the provisions of the rules applicable to main extensions included herein.

Q. **Manager:** The General Manager of the Palmdale Water District, or the person authorized by the Manager, or the Board, to act for the General Manager.

R. **Meter:** The appurtenance owned by the District at the service connection by which the District measures the quantity of water delivered through District facilities to the Consumer.

S. **Premises:** The integral property or area, including improvements thereon, to which water service is, or is to be, provided.

T. **Private Fire Protection:** Provision of standby quantities and pressures of water as available for fire protection purposes through sprinkler systems and fire hydrants located on private property, rather than through public fire hydrants operated by public authorities for general fire protection.

U. **Residential Service:** Provision of water for household purposes and other similar and customary purposes pertaining to structures with a primary purpose of providing domestic service, single family dwellings including apartments, town houses and condominium.

V. **Service Laterals:** The connection between the District's water mains and the water meter and service connection, including all of the pipe, fittings and valves necessary to make the connection.

W. **Service Connection:** The point of connection of the Consumer's piping with the meter and Service lateral owned by the District.

X. **Surplus Property:** Real property owned by the District that is determined by the Board to be unnecessary for District purposes.

Y. **Temporary Service:** Provision of water on a temporary basis for construction purposes.

ARTICLE 4: BOARD OF DIRECTORS (BoD) (Revised 3-11-15)

4.01: NUMBER OF DIRECTORS

The number of Directors shall be five (5) members elected at large from the District, each to be a resident and voter of one of the five voting Districts. (Water Code, §§ 21550, 21551.)

4.02: VOTING DISTRICTS

There shall be five (5) voting divisions with the boundaries as established by the Board of Directors to equalize, as best as possible, the number of registered voters in each voting division. These boundaries shall be adjusted with approval of the Board when deemed necessary. Resolution 13-1 and the PWD Boundary and Elective Division Map are attached hereto as Appendix A. (Water Code, § 21605.)

4.03: MEETINGS OF THE BOARD

4.03.1 REGULAR MEETINGS OF THE BOARD

(a) Regular meetings of the Board are held on the second and fourth Wednesday of each calendar month at 7:00 p.m. or the time and dates set on the agenda when necessary. If the regular meeting falls on a holiday, the meeting time will be re-scheduled before or after that date as the Board directs.

(b) The District shall comply with all public noticing requirements of the Ralph M. Brown Act, codified at Sections 54954.5 through 54957.10. Additionally, the District shall specifically comply with the following noticing provisions at least 72 hours before the time of the meeting:

(i) The District shall provide notice by electronic mail, in the form of a final agenda, to a local newspaper of general circulation, radio or television station requesting such notice in writing.

(ii) The District shall post the agenda at the District Offices in a location visible and freely accessible to members of the public, and on the District's Internet Website, www.palmdalewater.org.

(iii) The District shall mail, by U.S. mail and electronic mail, copies of the agenda or agenda packets requested by any person pursuant to Government Code, Section 54954.1.

(iv) The General Manager shall ensure electronic mail delivery and personal delivery of the agenda and agenda packets to each member of the Board.

4.03.2 SPECIAL MEETINGS OF THE BOARD

Special meetings of the Board shall be held at a time and place as may be designated by the presiding officer or by a 3/5ths majority of the members of the Board. Special meetings shall comply with the requirements of Government Code, Section 54956 and 54956.5. Upon direction by the presiding officer, or a 3/5 majority, the General Manager shall ensure electronic mail delivery and personal delivery of the agenda to all members of the Board at least 24 hours prior to such special meeting. The General Manager shall also ensure delivery to all members of the Board of all documents that will be included in the agenda packet as soon as reasonably practical.

4.03.3 EMERGENCY MEETINGS OF THE BOARD

(a) In case of an emergency or dire emergency involving matters upon which prompt action is necessary due to disruption or threatened disruption of public facilities, or activity that severely impairs public health, safety, or both, an emergency meeting of the Board may be held at a time and place as may be

designated by the presiding officer without complying with the 24 hour prior notice requirement. The Board of Directors designates the General Manager with the discretion to determine the existence of an emergency for purposes of this Section. The General Manager shall ensure telephonic notice one hour in advance of the meeting to all members of the Board, all media who has requested notice of meetings in writing, followed by written confirmation through electronic mail.

(b) In the event of an emergency, the General Manager may be required to take certain actions before a special meeting of the Board may be held. Accordingly, the Board of Directors has authorized the General Manager to hire such additional personnel, equipment and contractors as deemed necessary to make repairs, alteration and modifications to the District's facilities that are required when emergencies occur. (Motion approved February 13, 1962; Resolution, dated February 20, 1969.)

4.03.4 QUORUM

The quorum consists of three Board Members. A quorum must be present for the Board to take action on any matter. A 3/5 Board majority is required for any action by the Board, except for a motion to adjourn or a motion to adjourn for a stated time.

4.03.5 BOARD MEETINGS: RULES OF PROCEDURE

The conduct of the meetings of the Board of Directors, Board committees, and Board workshops, is governed by the Rules of Procedure attached hereto as Appendix DD. In the event a question of procedure is not addressed by the District Rules of Procedure, Robert's Rules of Order shall apply. Failure to comply with any portion of the District Rules of Procedure or the Robert's Rules of Order shall not render any action by the Board void.

4.04: BOARD ACTION

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

4.04.1 ORDINANCES

Where an ordinance is required by statute, but the procedure for such ordinance is not specified, the Board shall adopt the ordinance as follows:

1. The ordinance shall be noticed as an agenda item for two consecutive Board meetings.

2. The ordinance shall be introduced and read at two consecutive regular Board meetings, unless a motion is made and passed by a majority of the Board to waive the full reading of the ordinance. The ordinance may then be passed.

3. The ordinance shall become effective thirty (30) days after adoption and shall be published, within ten (10) days after its adoption, at least once for one week in a newspaper of general circulation within the boundaries of the District.

4.05: OFFICERS OF THE BOARD

The officers of the Board shall be:

President, Vice President, Treasurer and Secretary.

Officers shall be elected by a 3/5 majority vote of the Board. The Board shall reorganize every two years, following an election, unless by a 3/5 majority vote the Board approves a reorganization at any other time.

4.06: DUTIES AND OBLIGATIONS OF THE OFFICERS OF THE BOARD

Other than the duties and obligations specified herein, Officers have no rights or authority different from any other Director. In addition to such duties and

obligations imposed by law or by action of the Board of Directors, the duties of each Officer of the District are as follows:

4.06.1 PRESIDENT

Preside over and conduct all meetings of the Board, including maintaining the order pursuant to the Rules of Procedure adopted by the Board and attached hereto as Appendix DD, to ensure constructive and democratic meetings and help, not hinder, the business and discussion of the Board. Carry out the resolutions and orders of the Board. Exercise other powers and perform other duties as prescribed by the Board in these Rules and Regulations and by other actions of the Board. Approve Board meeting agendas. Form or disband standing and ad hoc committees. Appoint committee members and the Chair of said committees. Sign all agreements to which the District is a party. Write and/or sign correspondence on behalf of the Board and PWD. In the event of an early vacancy in the office of the Presidency, the Vice President shall become the President.

4.06.2 VICE PRESIDENT

Exercise the duties of the President in the absence of, when the President stands down, or when the President is unable to continue in his/her duties due to any other reason. In the event of an early vacancy in the position of Vice-President, the Board shall elect a new Vice-President in accordance with Section 4.04.

4.06.3 TREASURER

Sign financial instruments as required and serve as the Finance Committee Chair. The Treasurer acts on behalf of the President in the event the President and Vice President are unable to do so. In the event of an early vacancy in the position of Vice-President, the Board shall elect a new Vice-President in accordance with Section 4.04.

4.06.4 SECRETARY

Certify or attest to the actions taken by the Board. Sign the minutes of the Board meeting following their approval. In the absence of the Secretary from any meeting at which the Board approved meeting minutes, the Vice President, if present, shall sign the meeting minutes. In the event of an early vacancy in the position of Vice-President, the Board shall elect a new Vice-President in accordance with Section 4.04.

4.07: DUTIES AND OBLIGATIONS OF ALL DIRECTORS

4.07.1 RULES OF CONDUCT

The Board of Directors shall at all times conduct itself in accordance with all applicable Federal laws, State laws, Local laws, and the District's Rules and Regulations. Any violations by any Director of these Rules and Regulations, including this Article IV, may be addressed by the Board in the manner provided in the Rules of Procedure, attached hereto as Appendix DD at Section IV.B.

4.07.2 PARTICIPATION IN OFFICIAL BUSINESS OF THE DISTRICT

Directors shall attend all regular and special meetings of the Board, including committee meetings, and other functions as approved in advance by the Board of Directors, including those listed in Appendix V. In the event a Director is unable to attend a meeting, or other official business of the District, the Director shall notify the President and General Manager with as much advance notice as reasonably practical, or as soon thereafter as reasonably practical. Failure to attend four consecutive regular meetings of the Board, without the prior approval of the Board, will result in loss of committee assignments. The Board shall excuse absences by approving such absences pursuant to the Consent Calendar at the next regular Board meeting.

4.07.3 DIRECTOR COMPENSATION **(Revised 12-11-09)**

(a) The District has set Director compensation as provided herein, pursuant to Water Code, Section 20200, *et seq.* and Government Code, Section 53232, *et seq.* The Board of Directors shall be compensated for attendance at regular and special meetings of the Board, including committee meetings, and other functions as approved in advance by the Board of Directors, at a rate of $150.00 per day up to the maximum number of days per month and the maximum annual compensation allowable by law. In addition, Directors shall be entitled to compensation for a day of service in attendance at all meetings and occurrences listed and as indicated in Appendix V, as the Board of Directors has determined those meetings and occurrences constitute performance of official duties rendered as members of the Board. Each Director shall submit, on a form provided by PWD and signed by the Director, the number of days of attendance for which compensation shall be made. Email or FAX submittal of the form shall be acceptable with signature to follow. Compensation for purely social functions is not allowable.

(b) Requests for compensation and expense reimbursement relating to any meeting or event not listed in Appendix V shall not be approved, unless the Board determines that the meeting constitutes one of the following:

(i) A conference or organized educational activity conducted in compliance with Government Code Section 54952.2, including, but not limited to, required ethics training pursuant to Government Code Section 53234, *et seq.*

(ii) A meeting or event attended at the formal request of the Board, including an event to recognize, any employee of the District, or members of the public.

(iii) A meeting or event necessary to further communications with representatives of regional, state and national government on District functions.

(iv) A meeting or event of regional, state and national organizations whose activities affect the District's interests.

4.07.4 DIRECTOR EXPENSES

The District has set the reimbursement for Director expenses as provided herein, pursuant to Water Code, Section 20200, *et seq.* and Government Code, Section 53232, *et seq.* Directors shall be compensated for actual, reasonable and necessary expenses incurred for participating in activities approved in advance by the Board of Directors or as allowed as indicated in Appendix V attached hereto, and that further the goals and interests of the District.

Directors shall exercise prudence in all expenditures. Requests for reimbursement must be accompanied by receipts and documentation and shall be submitted on a form provided by the District and signed by the Director. Email or FAX submittal of the form shall be acceptable with signature to follow.

All requests for reimbursement shall be submitted monthly to the General Manager after the expenses were incurred or expenditures made. The General Manager shall ensure prompt payment of the reimbursable expenses and all questions regarding payment of reimbursable expenses to the staff shall be directed to the General Manager. The Finance Committee shall periodically review Director's expense reports and shall prepare such reports and documents as may be required under Government Code Section 53065.5 and Government Code 53232.3.

This policy is intended to result in no personal gain or loss to a Director and no reimbursement shall be allowed for transportation, lodging, meals or

incidental expenses of family members or guests of a Director traveling with the Director to an authorized event.

4.07.5 REPORTS TO GOVERNING BOARD

At the regular meeting of the Board following any meeting, conference, educational activity or other authorized event for which compensation for a day of services or reimbursement of expenses is requested, the Director attending the event shall give a brief report on the meeting or event. If more than one Director of the District attended the same meeting, a joint report may be made. Reports may be written or oral.

4.08: SPEAKING ENGAGEMENTS AND/OR PRESENTATIONS BY DIRECTORS

The District recognizes the importance of interaction with the community it serves and encourages opportunities for interaction that provides the most accurate information available. This often takes the form of speaking and giving presentations to community and other groups on behalf of the District. Community groups, whether formal or informal, are likely to focus on particular areas of the District's operations and policies. These include topics such as water rates and structure, water quality, state and local water conditions, water conservation and efficiency, and business and infrastructure planning.

The District therefore establishes these rules to ensure the community's needs are met and that the District is accurately represented. Members of the Board of Directors shall not make any presentation on behalf of the District, without the prior approval of the Board, as provided herein. Presentations made on behalf of the District, and therefore governed by these rules, include any speaking engagement or public presentation at any event to any group, entity, or association, related to any matter that relates to the business of the District, unless the Director makes the disclaimers required in these rules.

(a) Speaking Engagements and/or Presentations Made Pursuant to Requests from the Public.

1. All requests from any person other than a Director or District Staff for a speaking engagement or presentation by any Director shall be submitted to the District office with as much notice as possible before the event (Form attached as Appendix BB of Rules and Regulations);

2. Topic appropriate District staff will be assigned to prepare, or update, information for the presentation, and attend the presentation;

3. The General Manager shall inform all Directors of the public request;

4. The President shall determine whether the topic in the request relates to any matter within the purview of any standing committee. If so, the President shall refer the request to that committee to allow that committee to respond and designate a speaker, if approved.

5. If the topic or issue in the request does not relate to any matter within the purview of any standing committee, the President shall recommend to the Board of Directors whether to respond, approve, or disapprove a request. The Board shall approve the request by 3/5 majority vote and also approve a speaker by 3/5 majority vote.

(b) Speaking Engagements and/or Presentations Made Pursuant to Requests From Directors.

1. Directors must request prior approval from the Board before making any presentations on behalf of the District. Directors may request approval to speak on behalf of the District by submitting an approval request to the President, and notifying the General Manager of that request, with as much notice as possible before the event (Form attached as Appendix BB of Rules and Regulations).

2. Topic appropriate District staff will be assigned to prepare, or update, information for the presentation, and attend the presentation;

3. The President shall determine whether the topic or issue in the request relates to any matter within the purview of any standing committee. If so, the President shall refer the request to that committee to allow that committee to respond. If the committee does not approve the request, the Board may then consider and approve the request by a 3/5 majority vote**.**

(c) Speaking Engagement and/or Presentations by Directors on Their Own Behalf.

1. Nothing herein prohibits or forbids a Director from making public presentations on his/her own behalf, so long as the Director clearly states orally at the beginning of that presentation, in any written or electronic material published in connection with that presentation, and in any written or electronic material distributed at the presentation, that the presentation is from the individual Director, not the District. The disclosure statement by the individual Director shall be substantially in the form provided herein:

", I make this presentation/speech on my own behalf as an individual, and not on behalf of the Palmdale Water District or its Board."

Any disclosure statement made in good faith that informs the public that the Director is not purporting to act "on behalf" of the District or its Board shall be deemed to in compliance with this Section.

2. If a Director makes a presentation/speech on his/her own behalf pursuant to this Subsection, the Director may not distribute any official District material at such presentation that has not otherwise been made generally available to the public by the District, may not use the District's Logo, or allow the use of the Logo, in any material published, distributed, or

displayed in connection with that presentation/speech. A Director may distribute his/her business card in which he/she is identified as a Director of the District and may allow for the publication of his/her business card in any material published, distributed, or displayed in connection with that presentation/speech, so long as:

A. The business card is published by itself and without any revisions or additional content; or

B. In the event the business card is published with any additional content, then the publication shall also include a disclosure statement providing that:

"the Director sponsors/supports the [event/group/association] as an individual, and not on behalf of the Palmdale Water District or its Board."

Any disclosure statement made in good faith that informs the public that the Director is not purporting to act "on behalf" of the District or its Board shall be deemed to in compliance with this Section.

4.09: PUBLIC STATEMENTS ON BEHALF OF THE DISTRICT

The District is not represented by any one individual Director and is instead represented by action of the Board (through a 3/5 majority). Therefore, public statements can only be made on behalf of the District as authorized by the Board. The Board designates the President, General Manager, and Public Information Officers as the persons authorized to make public statements on behalf of the District. Any other public statements shall not be attributable to the District or the Board.

4.10: PRESENTATION OF AWARDS AND RECOGNITIONS

(a) The District recognizes the importance of interaction with the community it serves and encourages opportunities for recognition of individuals,

organizations, businesses, agencies or associations who share in the mission and strategic vision of the District to provide water within its service area. Accordingly, the Board authorizes and encourages its individual Directors, subject to the approval by the Outreach Committee, to recognize such efforts that are consistent with the Irrigation District Law, under which the District is formed, to "furnish sufficient water in the District for any beneficial use." (Water Code 22075.)

(b) The awards and recognitions authorized herein shall be in the form of a Certificate of Appreciation or Certificate of Recognition, collectively attached hereto in Appendix EE, Exhibit 2, recognizing the recipient's efforts in water conservation and efficiency, water resource management, water education, interagency cooperation, and other areas that relate to the District's purpose.

(c) The awards and recognitions authorized herein shall not be given in connection with any personal matters, political campaigns of the Director or others, or any legislative matters.

4.11: USE OF DISTRICT PROPERTY AND EQUIPMENT

A Director can be assigned selected District equipment for use on District business. A Director shall not use or permit the use of District equipment, telephones, materials or property for personal gain or profit, including for use in connection with any campaign or election. Each Director must protect and properly use any District asset within his or her own control, including information recorded on paper or in electronic form. A Director shall not request a District employee to perform services for their personal gain or profit, including in connection with any campaign or election. Requests for assistance in connection with the official business of the District are not considered requests made for a Director's personal gain or profit.

4.12: USE OF DISTRICT MATERIAL CONTAINING DISTRICT SEAL/LOGO BY DIRECTORS

(a) Purpose of the Seal/Logo. The District has adopted the following seal, also referred to as its "logo," as the official seal of the Palmdale Water District, pursuant to the Irrigation District Law (Water Code, § 21404):

The seal has been adopted for purposes of identifying official communications, actions, and positions of the District. Therefore, the Board has approved use of the seal by individual Directors as provided herein to maintain uniformity in the representation of the District.

(b) Use of District Seal/Logo. Material containing the District seal, including District letterhead, shall only be used by Directors for District business and may not be used for any personal matters including political campaign materials or in connection with any political events or activities. Use or display of the District seal/logo at any political event or activity, whether it is in connection with District elections or unrelated elections, is not permitted. Any written or electronic communication or presentation by a Director that is not approved as District business herein or approved separately by Board action, shall not contain the District seal/logo.

(c) District Business. District business includes:

(i) Correspondence approved by the Board, such as communications to the Association of California Water Agencies and other governmental agencies, which shall thereafter be distributed to all Directors;

(ii) Distribution of any District promotional and informational material generally available to the public;

(iii) Distribution of official District material at events approved by the Board, including events listed at Appendix V;

(iv) Distribution of awards or recognitions on behalf of the District pursuant to Section 4.10;

(d) Publication or Reproduction of the District's Seal/Logo. Publication or reproduction of the District's seal/logo not expressly authorized in these Rules and Regulations must be approved by the Board in advance. The seal/logo is a trademark of the District. It cannot be used to imply endorsement of any event, position, or action of any other group, agency, association, or business, unless approved by the Board.

(e) Business Cards, Clothing and Other Items Distributed to Directors by the District. This Section does not apply to a Director's distribution of his/her business cards provided to the Director by the District, which identify the Director as an elected official of the District. This Section does apply, however, to the publication of a Director's business cards, which must also comply with Section 4.08(c) (2). Additionally, this Section does not apply to the use of shirts or other items containing the District's Logo, which have been distributed to the Director by the District. Use of such items, however, is subject to the laws and regulations of the State.

4.13: CAMPAIGNING RESTRICTIONS

4.13.1 SOLICITING POLITICAL CONTRIBUTIONS

Directors are prohibited from soliciting, or permitting others to solicit on his/her behalf, political funds or contributions at District facilities for the benefit of his/her own campaign for any office or the campaign of any other person for any other office.

4.13.2 USE OF DISTRICT PROPERTY, EQUIPMENT OR FACILITIES FOR CAMPAIGNING

Directors shall not use, or permit any other person to use, the District's seal, trademark, stationery, or other indicia of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law. Directors shall not use, or permit any other person to use, District equipment, facilities, materials, or any other property for any solicitation for political contributions to any campaign.

4.14: WEBSITE AND SOCIAL MEDIA

The District has an interest in disseminating information useful to customers and others interested in the operations, goals, and objectives of the District. The District encourages the use of the internet, through its website or social media pages, to further the goals of the District, subject to the terms and conditions of the rules set forth herein. The use of such websites or social media pages by Directors, however, raises legal issues which are unique to government agencies. As such, these rules establish procedures for use of the website and social media by Directors.

4.14.1 DISTRICT WEBSITE

The District owns and maintains a website at www.palmdalewater.org for the purpose of conducting the official business of the District. The General Manager has the authority to manage the website, including the contents of the website, as part of the District's day-to-day operations. The General Manager, however, does not have the authority to post any material or content in connection with the political campaign of any Director of the District, in connection with the political campaign of any candidate for any other office, or in connection with his/her own performance evaluation.

4.14.2 DIRECTOR BIOGRAPHIES ON DISTRICT WEBSITE

Each Director shall submit to the General Manager a biography for publication on the District's website at www.palmdalewater.org. The

biography of a Director shall be limited to the Director's own qualifications and experience, and shall not include language that in any way makes reference to other Directors or their qualifications, character or activities.

4.14.3 DIRECTORS' SOCIAL MEDIA COMMUNICATIONS POLICY

(a) Introduction/Purpose: In light of advances in information and communications technology, the Board has adopted this policy to ensure continued compliance with the Brown Act in connection with the District's social media and other electronic communications, including the District's Facebook and Twitter pages, while respecting a Director's right to express himself or herself on issues within the District's subject matter jurisdiction, and to enhance Directors' communications with their constituents.

(b) Creation and Maintenance of District Social Media Pages:

1. The District Public Information Officer, under the supervision of the General Manager, shall create and maintain an official District social media page, including the existing Facebook and Twitter Palmdale Water District pages. The content posted on the District's social media pages shall be consistent with the policy and direction provided by the Board for District matters.

2. Directors are not authorized to post content to any District social media page on behalf of the District. Only the District Public Information Officer shall post content to any District social media page on behalf of the District. Directors shall not create or maintain any social media page on behalf of the District, nor shall Directors create any social media page containing the seal or logo of the District.

(c) "Comments," "Likes," or "Sharing" on District Social Media Pages:

In order to avoid any violation of the still unclear applicability of the Ralph M. Brown Act to social media, Directors may not comment or "like" any post

on the District social media pages. Nothing herein prohibits a Director from "sharing" a District post to his/her own social media page, or any other social media page.

(d) Other Social Media Sites or Blogs, not maintained by the District:

The District is not responsible for the content, comments, "likes", or any other communication occurring on websites, blogs, or social media sites not maintained by the District. Nevertheless, Directors must exercise the same guidelines on non-District websites, blogs, or social media sites to avoid any implication of the Brown Act or other applicable laws.

4.15: RESPONSIBILITIES AND AUTHORITY OF THE BOARD AND GENERAL MANAGER

(a) The Board of Directors has the power and it shall be its duty to manage and conduct the business and affairs of the District**. (Water Code, §21385.) To that end, the Board "shall: (a) Employ agents, officers, and employees as required," and "(b) prescribe their duties and fix their salaries." (Water Code, §21185.) Accordingly,** the Board employs a General Manager to carry out Board policies, direct District operations, and provide day-to-day supervision of District employees and control of District expenditures. **However, the Board does not relinquish its obligation or authority to establish an organizational chart and fix salaries for positions in accordance with Water Code, Section 21185.**

It is the judgment of the Board and the General Manager that clear delineation of their respective responsibilities and authority is essential to effective District management. Said authority and responsibilities are set out herein and in the General Manager Employment Agreement.

(b) Board communications to District staff shall be made through the office of the General Manager to ensure staff's time and resources are most efficient used and ensure compliance with budget restrictions.

ARTICLE 5: CONFLICT OF INTEREST CODE AND DISCLOSURE
(Appendix Revised 11-26-14)

The District has adopted a Conflict of Interest Code in accordance with state law and incorporates such Code herein. The District Conflict of Interest Code is attached hereto as Appendix B.

ARTICLE 6: INDEMNIFICATION OF OFFICERS, DIRECTORS AND EMPLOYEES

The District has adopted an express policy concerning defense and indemnity of its employees, former employees, officers or former officers and members or former members of its Board of Directors to the fullest extent permitted by law. A copy of Resolution 93-4, which outlines this policy, is attached hereto as Appendix R.

ARTICLE 7: CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES
(Appendix Revised 2-7-05)

The District has adopted CEQA Environmental Review Guidelines in accordance with state law and incorporates such guidelines herein. The District CEQA Environmental Review Guidelines are attached hereto as Appendix L.

ARTICLE 8: RULES APPLICABLE TO EXISTING CONSUMERS **(Revised 2-27-95)**

8.01: DESCRIPTION OF SERVICE

A. Quantities: The District will use its best efforts to supply water dependably and safely in adequate quantities and pressures to meet the reasonable needs and requirements of Consumers.

B. Pressures: The District's goal is to maintain normal operating pressure of not less than 40 pounds per square inch nor more than 125 pounds per square inch at the service connection except that during periods of hourly maximum demand the pressure at the time of peak seasonal loads may not be less than 30 pounds per square inch and that during periods of hourly minimum demand the pressure may not be

more than 150 pounds per square inch. However, there exist some isolated areas where pressure normally drops below 40 pounds per square inch or exceeds 125 pounds per square inch. Variations in pressure under normal operation will not exceed 50 percent of the average operating pressure. (The average operating pressure will be determined by computing the arithmetical average of at least 24 consecutive hourly pressure readings.) The District does not, however, make any guarantee to the consumer as to operating pressures or flows.

C. Quality: Whenever furnished for human consumption or for domestic uses, the District will endeavor to provide water that is wholesome, potable, in no way harmful or dangerous to health and, insofar as practicable, free from objectionable odors, taste, color and turbidity.

D. Responsibility for Loss or Damage: Consumers shall accept such conditions of pressure and service as are provided by the District system and hold the District harmless from any loss or damage to Consumers resulting from the District's failure to meet the service goals stated within this section or due to any interruptions in service or any change in pressure. The District shall not be liable for any damage resulting from inadequate capacity, defective plumbing, broken or faulty service lines, or any conditions beyond the control of the District or otherwise.

8.02: CONDITIONS OF SERVICE AND RIGHTS OF THE DISTRICT AND CONSUMERS

A. Notices:

1. Notice to Consumers

Notice to a Consumer will normally be in writing and will be delivered or mailed to the consumer's last known address. In

emergencies or when circumstances warrant, the District, where feasible, will endeavor to promptly notify the consumer affected and may make such notification orally, either in person or by telephone, or by leaving a written notice on the door.

2. Notice from Consumers

A Consumer may make notification in person, by telephone or by letter to the District at its commercial office.

B. Change in Consumer's Equipment, Operations or Land Use: A Consumer making any material change in the size, character, or extent of the equipment, operations, or nature of land use such as using water for commercial activities where water has been previously used for residential purposes only, shall immediately give the District written notice of the nature and extent of the change.

C. Continuity of Service: The District expressly reserves the right to restrict, curtail, allocate or apportion District water supplies as necessary, in the sole discretion of the District.

1. Emergency Interruptions

The District will make all reasonable efforts to prevent interruptions to service and, when such interruptions occur, will endeavor to re-establish service with the shortest possible delay consistent with the safety of the District's customers and the general public.

Where an emergency interruption of service affects the service to any public fire protection device, the District will promptly endeavor to notify the Fire Chief, or other public official responsible for fire protection, of such interruption and of subsequent restoration of normal service.

2. Scheduled Interruptions

Whenever the District finds it necessary to schedule an interruption to its service, it will, where feasible, notify all Consumers to be affected by the interruption, stating the approximate time and anticipated duration of the interruption. Scheduled interruptions will be made at such hours as will be least inconvenient to the Consumers consistent with reasonable utility operations.

Where public fire protection is provided by the mains affected by the interruptions, the District will promptly endeavor to notify the Fire Chief, or other officials responsible for fire protection, stating the approximate time and anticipated duration of the interruption. In addition, the Fire Chief or other official responsible for fire protection will be notified promptly upon restoration of service.

3. Apportionment of Supply During Times of Shortage

During times of threatened or actual water shortage, the District will apportion its available water supply among its Consumers as directed by the appropriate state and local authorities. In the absence of direction from such authorities, it will apportion the supply in the manner that appears most equitable under circumstances then prevailing and with due regard to public health and safety.

D. Ownership of Facilities on Consumer's Premises

The service lateral, meter, and meter box furnished at the Consumer's expense and located wholly or partially upon a Consumer's premises are the property of the District. No rent or other charge will be paid by

the District where the District-owned service facilities are located on a Consumer's premises.

E. District Access to Consumer's Premises

The District shall at all reasonable hours have access to meters, service connections and other property owned by it which may be located on Consumer's premises for purposes of installation, maintenance, operation or removal of the property at the time service is to be terminated. The Consumer's system shall be open for inspection at all reasonable times to authorized representatives of the District. Any inspection work or recommendations made by the District or its agents in connection with plumbing or appliances, cross-connections or any use of water on the Consumer's premises, either as a result of a complaint or otherwise, may result in a charge to the Consumer.

F. Service Calls

Where the District requires access to the Consumer's premises for maintenance, service, or otherwise, and the Consumer's presence is required for such service call, the District shall give the Consumer a one day’s notice during which the service call shall be made. Service call may occur anytime between 8 a.m. and 5 p.m. during normal operating hours. However, if requested, the District can schedule a service call with the Consumer for a shorter time frame between the hours of 3-5 p.m. during normal District operating days.

G. District's Responsibilities for Damage or Loss to Consumer

The District will not be responsible for any loss or damage caused by any negligence or wrongful act of a Consumer or of a Consumer's authorized representatives in installing, maintaining, operating or using any or all appliances, facilities or equipment which is supplied.

H. Consumer's Responsibility for District Property

The Consumer will be charged for damage to District's meters and other property resulting from the use or operation of appliances and facilities on Consumer's premises, including but not limited to, damage caused by steam, hot water or chemicals.

I. Resale of Water

Except by special agreement with the District, no Consumer shall resell water received from the District, nor shall such water be delivered to a property other than that specified in the application for service. When property provided with a service connection is subdivided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters. Except by special permission of the District's Board of Directors, a service connection shall not be used to supply water to any parcel of land other than the parcel on which the service connection is located and for which all relevant connection fees have been paid.

8.03: RATES (Appendix Revised 12-10-14)

A. General Provisions: Rates and charges for water consumption, as specified under various classifications of service, and other miscellaneous charges are set by the Board from time to time. Current rates and charges are set forth in the attached appendices according to section and rate classification as set forth below.

B. Water Rates: Retail charges consist of a minimum monthly service charge based on meter size, a water budget commodity rate charge based on allocation and usage, a water quality fee, a drought surcharge, and an elevation booster surcharge, if applicable, attached hereto as Appendix C.

1. Variances: (Approved 9-30-09)

Variances to the water rate budget structure are available to qualifying consumers. Variance policies for the water rate budget structure and the variance application are attached hereto as Appendix C.1. If approved, the variance adjustment will apply to the current and the previous month's billing.

2. Adjustments: (Approved 7-28-10)

A courtesy adjustment is available to customers who exceed their allocation caused by extraordinary water consumption due to leaks. The application and program conditions are attached hereto as Appendix C.2.

3. Rate Assistance Program: (Approved 8-13-14)

A rate assistance program has been developed to assist low income ratepayers by offering an assistance amount up to fifty percent (50%) off of the monthly service charge to those who qualify. The program conditions and application are attached hereto as Appendix C.3

C. Miscellaneous Charges: (Revised 3-11-09) In order to recover the cost associated with afterhours service calls, late payments, disconnections, reconnections and other damages sustained by the District, the specified items listed below are charged to Consumers; the dollar amounts associated with each item are determined by the Board and are attached hereto as Appendix D.

1. Non-Payment Shutoff Fee

If a Consumer requests resumption or continuance of service after such service has been disconnected, then the non-payment which led to the disconnection shall be deemed to be evidence of non-credit worthiness and the Consumer shall be required to

make a security deposit, pay a Non-Payment Shutoff Fee, unpaid user and late charges, advance payments required by these Rules and Regulations, and meet any other conditions set forth by the District.

2. Rejected Payment Charge (Revised 5-11-11)

When a Consumer's payment for water service or other charges is rejected for any reason, the District shall issue a Notice of Rejected Payment on a 48-Hour Disconnect Notice as set forth in Article 8.04(G)(6) below. The 48-Hour Disconnect Notice will become effective if the water service charges together with the Rejected Payment Charge and the 48-Hour Disconnect Notice Fee are not paid in cash or other certified funds before or on the date specified on the 48-hour notice. No additional 48-hour notice will be given in the event the rejected payment was tendered as payment for water service disconnected for non-payment. Upon shutoff of water service for a rejected payment, a Non-Payment Shutoff Fee will be charged to the account per Item 1 of Appendix D. When a second rejected payment occurs for reason within a year of the first rejected payment, service shall be discontinued without notice to the Consumer and will not be restored until all charges, fees and deposits specified herein have been paid in cash or other certified funds at the District office. In addition, for a period of one year, the customer will be required to pay all charges for water service with cash or certified funds.

3. Meter Test Charge

The District shall endeavor to keep the meters in good condition and registering accurately. Any Consumer may

request that his meter be examined and tested to see if it is correctly recording water delivered through it. Said request shall be made on a form furnished by the District and shall be signed by the Consumer. If such examination and test reveals that quantities of water recorded by the meter fall outside of a range between 97 percent and 103 percent of the actual quantities of water passed through the meter during the test, the cost of such test shall be paid by the District. If the meter is found to be registering within three (3) percent accuracy, the cost of such test as set forth in Appendix D shall be paid by the Consumer to the District on demand. All other tests and examinations of meters shall be at the District's expense.

4. Pulled Meter Charge

If a Consumer's service has been disconnected and the meter has been "pulled" or removed from the premises, then the Consumer shall pay at the District office a pulled meter charge along with any other charges before the service and meter can be reconnected.

5. Unauthorized Water Use

Any person or entity found taking water from or through any of the District's facilities without District authorization will be assessed a fine payable to the District, as set forth in Appendix D, in addition to applicable District charges for the quantity of water taken. Written notice of the assessment of such fine shall be given by personal service or by registered or certified mail.

6. Charge for Turn Off at Main

If the water to a property is turned on more than once without District authorization, the service may be shut off at the main,

and the Consumer shall be required to pay, in addition to any other applicable charges, a charge for the expense of reconnection prior to the re-establishment of service.

7. Property Damage

If a Consumer, new applicant or developer is found to be responsible for any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. If responsibility for damage is not known, charges will be made to the current Consumer or property owner.

a. Consumers who operate the District owned angle stop in order to stop leaks or flooding at their property and damage the angle stop in the process, the District will review the service location to determine the last time the angle stop was replaced. If the angle stop replacement was over 5 years ago, the District will assess the charge on the consumers account, but waive the charge as a courtesy. The consumer must also agree in writing to install or have installed at their own expense an isolation value on their side of the service.

8. Cleaning and Walk-Thru Water Service

Temporary service will be provided to an existing water service for a maximum of five working days to facilitate cleaning and showing of property for sale or rent. This service is not to be used for maintenance requiring high volumes of water. Allowed usage of water is five (5) units of water or less. Any water usage in excess of five (5) units will be charged at the District rates and billed directly to the user. Charges are as listed in Appendix D.

9. Turn-on/off Fee

If a customer requests that a service be turned on after paying all applicable fees and charges as described herein and a Palmdale Water District representative turns the water service on and water is found to be running, or when a customer requests that water be turned off due to the customer working on plumbing, the customer shall then be required to pay a Turn-on/off Fee.

10. 48-Hour Disconnect Notice Fee

When a 48-Hour Disconnect Notice has been issued by the District as set forth in Article 8.04(G) (4) below, the customer shall be required to pay a 48-Hour Disconnect Notice Fee.

D. Rates for Compound Meters Sized for Fire Protection:

(Revised 2-23-98) Effective March 1, 1998, compound meters which are sized for fire protection and used primarily for providing domestic and/or industrial water will be charged using the middle register for meters containing three registers, or by using the smallest register for meters containing two registers as the base for the minimum monthly charge. In addition to the above, there will be a flat rate charge of $100.00 per month for standby pressures and quantities of water for fire protection and to cover the costs of maintenance, repair, and testing of the meter and appurtenances. For example, an 8" x 4" x 2" compound meter will be assessed its minimum bill on the four-inch register and an 8" x 2" compound meter will be assessed its minimum bill on the two-inch register. If any usage is registered on the large component register for any given month, the standard rate for billing for that size meter will be charged plus the standard rate for amounts of water used above the volume allowable per said minimum monthly

charge. In addition, the District will check said compound meters for accuracy at least once, and preferably twice, a year.

8.04: BILLING PROCEDURES (Revised 5-27-15 per Appendix FF)

A. Joint Service: No joint service is allowed. An individual party will be solely liable for payment of bills.

B. Re-establishment of Credit: A Consumer whose service has been discontinued for nonpayment will be required to pay any unpaid balance due the District for the premises for which service is to be restored and may be required to pay a Non-Payment Shutoff Fee as prescribed in Article 8.03(C)(1) before service is restored.

C. Bankruptcy of Consumer: Pursuant to the Bankruptcy Act (P.L. 95-598, as amended from time to time), the District shall not alter, refuse or discontinue service to, or discriminate against, a Consumer, or a trustee of a Consumer, solely on the basis that a debt owed by the Consumer to the District for service rendered before the order for relief was not paid when due. It shall be the responsibility of the Consumer to supply the District with a copy of any applicable order for relief. The District shall discontinue service if neither the Consumer, nor the trustee, within 20 days after the date of the order for relief, furnishes adequate assurance of payment in the form of an advance payment for service after such date. As used herein, "adequate assurance of payment" shall mean a deposit in accordance with the criteria set forth in Appendix E. As used herein, "order for relief" shall have the same meaning as given to it in the Bankruptcy Act. The commencement of a voluntary case under the Bankruptcy Act shall constitute an order for relief. Service may be discontinued in accordance with the rules of the District upon non-payment for service rendered after the order of relief.

D. Refund of Advance Payment: Upon discontinuance of a service, the District will refund the balance of the Consumer's advance payment for that service, in excess of any unpaid bills. Refunds will be made within a reasonable period of time.

E. Rendering and Payment of Bills: Bills for service will be rendered on a monthly basis unless otherwise provided in the rate schedules (Appendix C). Bills for service are due and payable upon presentation and become delinquent 25 days from the date of the invoice. In the event that the bill is not paid within that time, the Consumer will be assessed a late charge as set forth in Appendix D. Payment may be made at the office of the District or to any representative of the District authorized to make collections. However, it is the Consumer's responsibility to assure that payments are received at the District's office in a timely manner. Partial payments are not authorized unless prior approval has been received from the District's office. Collection of closing bills may be made at the time of presentation.

F. Separate Meters: Each meter on a Consumer's premises will be considered separately and the readings of two or more meters will not be combined except where combination of meter readings is specifically provided in the applicable rate schedule, or where the District's operating convenience or necessity may require the use of more than one meter or a battery of meters. In the latter case, the monthly minimum charge will be determined from the monthly minimum charge on the basis of a meter size equivalent in discharge area to the total combined discharge areas of such meters.

G. Delinquent Bills: The following rules apply to Consumers whose bills remain unpaid after 25 days from the invoice date.

1. **Small Balance Accounts**. If any balance amounting to $10.00 or less remains unpaid, it shall be carried over and added to the next billing.

2. **Delinquent Balances**. If payment for a billing period is not made on or before the 25th day after the date of the invoice, a late charge will be assessed to the account as listed in Appendix D. The Consumer then has eight (8) days prior to issuance of a 48-Hour Mailed Disconnect Notice to settle the account. After receipt of the invoice and up to 2 days prior to the date set for disconnection, the Consumer may request an amortization payment plan pursuant to Article 8.04(J).

3. **Turn-Off Deadline**. Water service charges and late charges must be paid on or prior to 6:00 p.m. on the date specified on the 48-Hour Disconnect Notice.

4. **First Written Mailed Notice of Disconnection.** Upon assessment of a late charge on the account, no later than the 25th day after the date of the invoice and no less than 15 days before the account is scheduled to be subject to disconnection, the District will mail notices to the Account Holder, *i.e.*, the person or entity responsible for the payment on the account, and to water users at the property address(es) served on the account (or to property managers, in the case of multi-unit properties), if that address is different from the Account Holder's mailing address, informing them of:

   (1) The name and address of the Account Holder whose account is delinquent.

   (2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment pursuant to Section 8.04(J) is required in order to avoid termination.

(4) The procedure by which the Account Holder may initiate a complaint or request an investigation pursuant to Section 8.04(H) concerning service or charges, except that if the bill for service contains a description of that procedure, the notice is not required to contain that information.

(5) The procedure by which the customer may request amortization of the unpaid charges, pursuant to Section 8.04(J).

(6) The procedure for the Account Holder to obtain information on the availability of financial assistance, including the District's Rate Assistance Program, or any private, local, state, or federal sources, if applicable.

(7) The telephone number of a representative of the District who can provide additional information or institute arrangements for payment pursuant to Section 8.04(J).

(8) Notice to the "Water User" in English, Spanish, Chinese, Tagalog, Vietnamese and Korean as follows:

NOTICE TO ALL PROPERTY OWNERS, LANDOWNERS, AND PROPERTY MANAGERS THIS NOTICE OF TERMINATION MUST BE PROVIDED TO TENANTS/RESIDENTS

WATER SERVICE TO BE TURNED OFF IN 10 DAYS

Date of Mailing:
Date of TurnOff:
Service Property Address:

TO THE WATER USER:

Water service to this address is scheduled to be discontinued in 10 days for non-payment. To avoid the loss of water service, you must contact your landlord, property manager or property owner regarding payment of the water bill.

Please call a customer service representative at (661) 947-4111 to learn how to continue water service at your address; receive an estimated monthly cost of water service, and obtain the address of the local office where you can speak to a customer care representative in person.

5. Second Written Mailed Disconnection Notice. At least seven days prior to actual disconnection, the District shall mail a second notice to the account holder to ensure the Consumer receives notice at least 48 hours before disconnection. This second mailed notice shall include:

(1) The Account Holder's name and address

(2) The amount of delinquency

(3) The date by which payment must be made or arrangements for payment pursuant to Section 8.04(J) is required in order to avoid termination.

(4) The procedure for the Account Holder to obtain information on the availability of financial assistance, including private, local state, or federal sources if applicable.

(5) The telephone number of the District representative who can provide additional information or institute arrangements for payment pursuant to Section 8.04(J).

6. **Waiver of Second Mailed Notice to Public Agencies.** Because of usual sound financial base and variations in warrant payment procedures, public agencies will not be sent a 48-Hour Delinquent Notice for delinquent payment of current accounts.

7. **Notification of Rejected Payment Disposition**. Upon receipt of a rejected payment taken as remittance of water service or other charges, the District will consider the account not paid. The District will make a reasonable, good-faith effort to notify the Consumer of the rejected payment. Water service will be disconnected if the amount of the rejected payment, the rejected payment charge, and a deposit if required, are not paid within 48 hours of the date of notice. All amounts paid must be cash or certified funds.

   In the event a consumer's payment is rejected for any reason and the rejected payment was tendered for water service disconnected for non-payment, and as a result the District restores the service, the District may again promptly disconnect service without providing further notice. No additional notices will be given in the case of a rejected payment tendered for payment of water charges that were subject to discontinuance.

8. **Rejected Payment-Issued to Restore Service**. Any Consumer whose payment is rejected for any reason and the payment was submitted to restore service turned off for non-payment, will be required to pay, for one year, cash or certified funds to have service restored if turned off again within this time period for non-payment.

H. Disputed Bills: The procedure to be used to contest the accuracy of water charges upon receipt of a bill for water service is as follows:

1. Up to five (5) calendar days prior to the Payment Due Date on the bill for water service, the Consumer has a right to initiate a complaint or request an investigation regarding any bill tendered by the District. Such protest shall be made in writing and delivered to the District at its office, along with all evidence and data the Consumer wishes to be considered by the District.

2. Following receipt of a complaint or a request for an investigation, the Manager shall review and evaluate the evidence provided by the Consumer and the information on file with the District concerning the water charges in question, and shall render a decision as to the accuracy of the water charges and shall also render a brief written summary of the decision.

a. If water charges are determined to be incorrect, a corrected invoice will be provided and the revised charges will be due within ten (10) calendar days after the date of invoice for revised charges. If the revised charges remain unpaid after the prescribed period of time, water service will be terminated on the working day following the period allowed for payment, subject to the right of appeal to the Board of Directors. Water service will be restored only after outstanding water charges and any and all applicable Non-Payment Shutoff Fees and other charges are paid in full.

b. If the water charges in question are determined to be correct, the water charges are due and payable at the time the decision of the Manager is rendered.

c. At the time the decision of the Manager is rendered, the Consumer will be advised of the right to further appeal before the Board.

d. If the decision of the Manager is not to the satisfaction of the Consumer, the Consumer may request a hearing before the Board at a regular meeting. A request for hearing must be submitted in writing to the District at least ten calendar days prior to the next regular meeting of the Board.

e. Water service may not be terminated until the investigation is completed and the Consumer has been notified of the District's decision.

3. When a hearing before the Board is requested, such request shall also be made in writing and delivered to the District at its office and the Consumer shall appear at the hearing and present evidence and reasons as to why the water charges in question are not accurate. The Board shall evaluate evidence presented by the Consumer, as well as information on file with the District concerning the water charges in question, and render a decision as to the accuracy of said charges.

a. If the Board finds the water charges in question are incorrect, the Consumer will be invoiced for any additional charges and payment of the invoice is due within ten (10) calendar days from the date of said invoice. Any overcharges will be reflected as a credit on the next regular bill to the Consumer, or refunded directly to the Consumer, in the sole discretion of the Board. If the revised charges remain unpaid after the

prescribed period of time, water service will be terminated on the working day following the period allowed for payment. Service will be restored only after outstanding water charges and any and all applicable Non-Payment Shutoff Fees and other charges are paid in full.

b. If the Board finds that the water charges in question are correct, the Board's decision is final and binding.

I. Adjustment of Bills for Meter Error: (Revised 2-23-98) The Consumer may request an adjustment of the bill on the basis of meter error. Such a request must be made in writing and the rules set forth in Article 8.03(C) (3), Meter Test Charge, will apply. The District will, within one week, proceed to test the Consumer's meter; the meter will be tested in an "as found" condition, in order to determine the average meter error. If the average meter error is found to exceed 3 percent, that is if quantities of water recorded by the meter are outside of a range between 97 percent and 103 percent of the actual quantities of water passed through the meter during the test, the following billing adjustments will be made.

1. Fast Meters

The District will refund to the Consumer the amount of the overcharge based on corrected meter readings of the period the meter was in use and determined to be incorrect, but not to exceed a period of six months.

2. Slow Meters

The District may bill the Consumer, at its option, for the amount of the undercharge based upon corrected meter

readings for the period the meter was in service and determined to be incorrect, but not to exceed a period of four months.

3. Non-Registering Meters

The District may bill the Consumer according to an estimate of water consumed while the meter was not registering, but not exceeding a period of four months. This estimate will be based on the Consumer's prior use during the same season of the previous year if conditions were unchanged during the year, or on a reasonable comparison of consumption of other similar Consumers during the same period.

4. General

If the meter error is caused by some event, the date of which can be determined, then the billing adjustment will be made for the period of time since the date of such event; such a period may exceed the six-month limitation for fast meters and the four month limitation for slow or non-registering meters, as stated in 1 through 3 above.

J. Amortization of Unpaid Balance.

1. Certification by Physician: Where a licensed physician certifies that the termination of service will be life-threatening to the Consumer and the Consumer is unable to pay for the service within the normal payment period but is willing to enter into an amortization agreement, then the Consumer may request, in writing, a 12-month amortization payment plan.

2. Amortization Payment Plan: Upon written confirmation of the doctor's certification of life-threatening conditions, determination by the District of the Consumer's inability to pay and District approval of the request, a written amortization plan

will be entered into between the District and the Consumer. The Consumer will be charged an administrative fee representing the cost to the District of initiating and administering the plan, and the plan shall include a charge for interest of ten percent (10%) per annum or the maximum legal rate, whichever is lower, on the unpaid balance.

3. **Compliance with Plan:** The Consumer must comply with the amortization plan and remain current as charges accrue in each subsequent billing period. The Consumer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan. Failure to comply with the terms of an amortization plan will result in delivery of a 48-Hour Disconnect Notice.

8.05: TURN ON AND TURN OFF PROCEDURES AND CHARGES
(Revised 2-27-95)

A. Turn-off at the Consumer's Request: A Consumer may request that service be discontinued either temporarily or permanently. Such request must be made by giving at least one working day's advance notice to the District. If such a notice is not given, the Consumer will be billed for service until one working day after the District acquires knowledge that the Consumer has vacated premises or otherwise has discontinued service. (Form attached hereto in Appendix S)

B. Turn-off by the District: The District may disconnect a Consumer's service for various reasons which are listed below. Such involuntary disconnections are effected by turning off and locking the meter, thereby stopping the water service; the District will make a reasonable attempt to notify the Consumer in person of the disconnection, or will place a disconnection notice on the premises served by the disconnected meter at least 48 hours prior to termination. Reasons for

involuntary disconnection include, but are not limited to, the following:

1. For Non-Payment of Bills

A service may be disconnected for non-payment of periodic bills. Before a service is disconnected, the Consumer will be notified by a 48-Hour Disconnect Notice as set forth in Article 8.04(G). A service may be disconnected for non-payment of bills of a Consumer whether or not the payment delinquency is associated with water service at that service connection or at any other water service connection of that same Consumer.

2. For Waste of Water (Revised 5-27-15)

In order to protect itself and its Consumers against willful or negligent waste or misuse of water, the District has adopted a policy regarding water waste as well as a Resolution declaring water conservation regulations which includes regulations and restrictions on the delivery and consumption of water for public use. Said Water Waste Policy and Resolution 15-9 are attached hereto as Appendix O.

3. For Unsafe or Hazardous Conditions

The District may disconnect a service without notice if unsafe or hazardous conditions are found to exist on the Consumer's premises. The District will immediately notify the Consumer of the reasons and the necessary corrections required before reconnection. Such unsafe or hazardous conditions may exist due to defective appliances or equipment that may be detrimental to either the Consumer, the District, or to the District's other Consumers.

4. For Fraudulent Use of Service

When the District discovers that a Consumer has obtained service by fraudulent means, or has diverted the water service for unauthorized use, the service to that Consumer may be discontinued without notice. The District will not restore service to such Consumer until that Consumer has complied with the District's Rules and Regulations and other reasonable requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual cost to the District incurred by reason of the fraudulent use.

5. For Failure to Comply with Rules

The District may disconnect a service for failure to comply with the District's Rules and Regulations established as a condition to the use of water, if full compliance with the Rules and Regulations is not obtained within five calendar days after notice to such effect has been given to the Consumer. Where safety of water supply is endangered, services may be discontinued immediately without notice.

C. Restoration of Service: (Revised 2-23-98) In order to resume or continue service that has been disconnected, the Consumer must pay a Non-Payment Shutoff Fee as set forth under Article 8.03C (1). The District will endeavor to make reconnections as soon as practicable, to suit the Consumer's convenience; however, the District shall make the reconnection before the end of the next regular working day following the Consumer's request and payment of any applicable reconnection fees and other charges pursuant to 8.03(C)(1).

8.06: CHANGES IN METER SIZE, LAND USE OR INCLUSION OF ADDITIONAL LAND AREA

The owner of a property who desires a change in meter size or location of such meter or changes substantially the type of land use (such as residential to commercial) or wishes to include adjacent land areas not served at the time of the original commencement of service, shall make a request in writing and, if approved by the District, shall pay various costs and charges as set forth below.

A. Charges for a Smaller Meter: **(Revised 9-9-09)** If the desired meter size is the next smaller size meter than the current size, the Owner shall complete a Meter Exchange Application. Upon District approval of the Application, fees associated with desired meter exchange must be paid prior to performance of work. Said Application and fees are attached hereto as Appendix N.1.

B. Charges for a Larger Meter: If the desired meter size is larger than the current size, the Owner shall pay the full current charges for a new regular service connection for the desired meter size as set forth in Article 10.05, less any credit on the removed meter. In addition, the Owner must also pay the Assessment Parity Charge and the Capital Improvement Fee as set forth in Articles 10.06 and 10.07, respectively; any charge that has been paid previously by the Owner or predecessors will be credited against the amount due under the current charge.

C. Charges for Change in Meter Location: If the Consumer desires a change in location of the meter, such change may be effected with the mutual agreement of the District and the property owner, and the owner/Consumer shall pay for the actual costs incurred by the District.

D. Change in Land Use: The Consumer/property owner shall notify the District of any change in the character or use of the property or buildings from that for which the service connection was originally

obtained. If a residential property is to be reclassified or used as commercial or industrial or a commercial property is to be reclassified or used as industrial, the owner shall pay the current Assessment Parity Charge as set forth in Article 10.06, less credit for any charge previously paid by the owner or predecessors. In all cases, the Manager's determination of the property's zoning classification or use will be final, subject to an appeal to the Board.

E. Inclusion of Additional Land Area: The Consumer/property owner shall notify the District of any additional land area or adjacent lots not served at the time of original commencement of service that are to be served from the existing service connection. In such cases, the District will assess a current Assessment Parity Charge for the additional land area as set forth in Articles 10.06.

8.07: WATER CONSERVATION

The purpose of this rule is to ensure that water resources available to the District are put to a reasonable beneficial use and that the benefits of the District's water supply and a service extend to the largest number of persons.

A. Wastage: In order to protect itself against serious and negligent waste of water, the District may disconnect service as set forth in Article 8.05(B) (2).

B. Use of Water Saving Devices and Practices: Each Consumer of the District is urged to install devices to reduce the quantity of water to flush toilets and to reduce the flow rate of showers. Each Consumer is further urged to adopt such other water usage and re-usage practices and procedures as are feasible and reasonable.

1. Rebate Programs: (Revised 10-8-14)

To help customers reduce indoor and outdoor water use, the District approved water conserving rebate programs are attached

hereto as Appendix O.1 (Rebate forms available in English and Spanish.

8.08: CROSS CONNECTIONS

The District has adopted a Cross-Connection Control Program, District Ordinance No. 88-1, and incorporates such program herein. The District Cross-Connection Control Program is attached hereto as Appendix F.

8.09: UNLAWFUL ACTS (Revised 2-27-95)

In order to protect public water supplies, certain acts are, by state law, misdemeanors and in some instances are punishable by imprisonment in the county jail for not more than one year or in the state prison. Among the more significant statutes involving criminal acts with respect to water systems are:

A. Section 498 Penal Code: This section includes stealing water, as well as diverting other utilities illegally and taking water after service has been disconnected and the meter sealed (including unauthorized connections to fire hydrants - see 9.03.)

B. Section 588 Penal Code: Permitting willful or neglectful seepage or overflow of water on adjacent lands, public or private roads or highways.

C. Sections 4450 to 4457 Health and Safety Code: Any act that leads to the pollution of any conduit or reservoir.

8.10: FIRE HYDRANT DAMAGE

When any person, company, or agency is determined to be the responsible party that has caused damage of a fire hydrant or blow off, the District may charge that party with all costs necessary to repair the damages and the cost of water loss computed on the basis of the duration of flow and the flow rate, based upon the type of land zoning in which the fire hydrant is located:

Industrial - 5,000 gallons per minute

Commercial - 2,500 gallons per minute

Residential - 1,250 gallons per minute

ARTICLE 9: RULES APPLICABLE TO TEMPORARY CONSUMERS

9.01: ESTABLISHMENT OF TEMPORARY SERVICE

The District will, if no undue hardship to its existing consumers would result therefrom, furnish temporary service for construction purposes when the applicant has requested service on this basis or the District reasonably expects the service to be temporary and the applicant therefore has paid advances and established credit. The District contemplates temporary service will be provided for a term approximately 90 days or less and requires the applicant to comply with the following:

A. **Advances:** The applicant must advance to the District the estimated net cost of installing and removing the facilities necessary to furnish the service.

B. **Deposits/Establishment of Credit:** The applicant must deposit a sum of money equal to the estimated bill when the duration of service is to be for a period of one month or less, subject to adjustment or refund according to the actual bill at termination of service. If the duration of service is to exceed one month, then the applicant must establish credit in the same manner as is prescribed for permanent service, under Article 10.03.

9.02: RATES, CHARGES AND CONDITIONS OF SERVICE

The rates, charges and conditions for temporary service will be the same as those prescribed for permanent service.

9.03: CONNECTIONS TO FIRE HYDRANTS

Fire hydrants connected to District mains are for use by the District and by organized fire protection agencies. Other parties desiring to use water from fire hydrants for any purpose must obtain written permission from the Manager and from the appropriate fire protection agency prior to use and shall operate the hydrant according to the instructions issued by the Manager. Unauthorized use will be subject to penalty and will be prosecuted according to law. Notwithstanding all other penalties, charges for unauthorized use of water through fire hydrants will be subject to the appropriate fine specified in Appendix D along with applicable charges.

9.04: WATER FOR CONSTRUCTION NEEDS **(Revised 8-25-14)**

All requests for construction water shall be made on an approved application form available in the District office and accompanied by the appropriate deposit amounts as stated in that form. A copy of the application form is attached hereto as Appendix P. Any costs involved in supplying such connections will be prepaid by the applicant. The approval of construction water is subject to the availability of water necessary to meet normal domestic demands as determined by the General Manager. The allowable uses of construction water are underground utility construction, dust control, finish grade earthwork and limited rough grading projects. Applications for construction water for rough grading operations will be approved only for single parcel projects where the approved grading plans show the total volume of uncompacted fill material, including over excavation and recompaction, will not exceed 8,000 cubic yards per gross project acre. If the application is approved, water usage for rough grading operations shall be limited to one acre foot of water per gross project acre or portion thereof on a pro rata basis (one cubic foot of water for each square foot of land area within the project parcel). When submitting an application for construction water, the applicant

shall provide the District an approved set of grading plans and such additional information as deemed necessary by the General Manager. Any violation of this Article 9.04 is an unauthorized use of water under Article 8.03(C) (5).

ARTICLE 10: RULES APPLICABLE TO INDIVIDUAL APPLICANTS FOR WATER SERVICE

10.01: USE OF AN ACTIVE SERVICE BY NEW OCCUPANT

A person who takes possession of premises and uses water without applying for water service is liable for all water delivered from the date of the last recorded meter reading; if the meter is found inoperative, the quantity consumed will be estimated. If proper application for service is not made within 48 hours after notification to do so, or if accumulated bills are not paid upon presentation, water service shall be discontinued without further notice.

10.02: APPLICATION FOR SERVICE **(Revised 5-27-15 per Appendix FF)**

Each applicant is required to contact the District office to apply for service. In most cases, this must be the Owner of the property. Residential/Multi-Family, Commercial/Industrial/Irrigation, and Realtor Applications are attached hereto as Appendix S (Available in English and Spanish). The District may request the following information, depending upon the type of service, either in application form or verbally by a customer service representative:

A. Contents:

1. Date applicant obtained ownership of property/requested date of activation.

2. Location and address of premises to be served, including the mailing address of a property manager of any multiunit residential structure, mobile home park, or farm labor camp where the owner, manager or employer is the customer of record.

3. Applicant's Information.

4. Contact Information, including mobile telephone number, if the Consumer approves such method of communication from the District.

5. Agreement to assume any outstanding water charges for property where service is requested.

6. Agreement to abide by District Rules and Regulations.

7. Such other information and/or supporting documents as the District may reasonably require.

B. Purpose: The application is merely a written/verbal request for service and does not bind the applicant to take service for a period of time longer than that upon which the minimum charge is based; neither does it bind the District to serve, except under reasonable conditions and upon the approval of the Manager.

10.03: ESTABLISHMENT OF CREDIT

Applicants for service or reconnection shall provide the District with information sufficient to enable the District to determine the credit worthiness of the Applicant. Upon determining the Applicant's lack of credit worthiness, the District will require the Applicant to deposit with the District such sums of money as determined by the Board from time to time, in accordance with the criteria attached hereto as Appendix E. Such deposits will be refunded to applicants at the termination of water service, provided all water charges have been paid. However, no refund will be made where the balance remaining in the deposit account is less than $5.00. All amounts less than $5.00 will be transferred to the water conservation account to be used for the education of the public regarding water conservation. In addition, one year after the date a deposit is made for service to a single family residence, the Manager or the Manager's designee has discretionary authority to refund such deposits upon

receipt of satisfactory evidence of credit worthiness as set forth in paragraph B below. Applications for service to any property will be granted only if all assessments, fees, charges, delinquent water bills, and penalties due and charged to or against said property have been fully paid.

A. Waiver of Deposit:

1. Public Agencies will not be subject to the deposit requirements stated above.
2. First time customers will not be subject to the deposit requirements stated above if their credit report shows the following:
   a. At least two (2) years of established credit history through a Credit Reporting Agency.
   b. Under the Negative column, it must show zero (0).
   c. Under the Public column, it must show zero (0).
   d. Under the Collection column, it must show zero (0).
   e. Under the Payment History column, it should show 1's and x's only. Any other number appearing would be considered as unworthy credit.

   Example: x = No reporting from Creditor
   1 = Paid within 30 days
   2 = Paid within 60 days
   3 = Paid within 90 days
   4 = Paid within 120 days
   5 = Possible Collection

   Procedure to follow

B. Refund of Deposit (Revised 8-13-14)

(Single Family Residences Only):

1. One (1) year after the date a deposit is made for service to a single family residence, such deposits may be refunded if the customer meets the following criteria and requests a refund in writing: (English and Spanish Form attached hereto in Appendix E)
    a. Customer has at least one (1) year of established active customer history.
    b. Customer does not have any disconnect charges on the account.
    c. Customer has not had any checks returned from the bank (e.g., insufficient funds), rejected electronic funds transfer or credit card charge backs.
2. One (1) year after the date a deposit is made due to disconnection for non-payment, returned check(s), or credit card chargeback(s), such deposits may be refunded if the customer meets the following criteria and requests a refund in writing:
    a. Customer has not incurred any additional disconnect charges on the account.
    b. Customer has not had any additional checks returned from the bank (e.g., insufficient funds), rejected electronic funds transfer or any additional credit card charge backs.

C. Transfer of Service: Existing customers who have at least one (1) year of established active customer history and meet the requirements for a refund of deposit may transfer service from one account to

another without having to make a deposit as long as there has not been more than a thirty (30) day lapse in service.

10.04: REFUSAL TO SERVE

The District may refuse to serve an applicant for service under the following conditions:

A. Conditions for Refusal:

1. If the applicant fails to comply with any of the Rules and Regulations contained herein.

2. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing Consumers.

3. If, in the judgment of the District, the applicant's installation for utilizing the service is unsafe or hazardous, or of such nature that satisfactory service cannot be rendered, or exceeds the normal capacity of the meter service.

4. Where service has been discontinued for fraudulent use, the District will not serve an applicant until it has determined that all conditions of fraudulent use or practice have been corrected.

B. Notification to Applicant: When an applicant is refused service under the provisions of this rule, the District will notify the applicant promptly of the reason for the refusal to serve and of the right of applicant to appeal that decision to the Board.

10.05: WATER SERVICE CONNECTIONS (Revised 7-1-08)

For those premises that do not have an existing service connection, the applicant will be charged for the installation and material costs for a service connection. The schedule of such charges for single service connections are attached hereto as Appendix N. In addition, the applicant must pay the Assessment Parity Charge and the Capital Improvement Fee as set forth in Articles 10.06 and 10.07. If such a connection requires an extension of the

District's mains, the applicant must also pay the costs of main extension, as set forth in Article 10.08; in all cases the applicant shall contribute for any existing mains and public fire hydrants, as set forth in Article 10.09.

A. **Size:** The District reserves the right to determine the size of the service connection, the service pipe and water meter and the type and size of any backflow preventor or other appurtenances required for the installation.

B. **Location:** Service will be installed at locations designated by the applicant, but only at curb and/or property lines of the property to be served abutting upon a public street, highway, alley, lane, or road (other than a freeway) in which is installed a water main of the District.

C. **Looped Metered Connections:** Service provided to a location that has its own distribution system that is looped and connected to District facilities by two (2) or more meters shall be provided with an approved type backflow prevention device immediately downstream of each metered connection as specified in Appendix F.

D. **Changes in Service Connection/Meter Size:** Payment of the current charges for the Assessment Parity Charge will be required upon the happening of any of the following:

1. The alteration or increase in size of a service connection.

2. The service of any area, adjacent property, or property of different ownership not served at the time of the original commencement of service.

3. The increase of use by reason of land zoning reclassification or actual land use.

In instances where such additional charges are due, credit will be allowed for any such previous payments made by either the applicant,

owner, or their predecessors. In order to insure the ability of the District to collect these increased charges where applicable, the size of any such meter service and/or the area it serves, or the property's zoning classification or actual use, shall be determined by the Manager. Subject to an appeal to the Board, such determination by the Manager will be final.

E. Limitations of Use of Service Connections:

1. Number of Units and Land Area. The District reserves the right to limit the number of buildings, separate houses, living or business quarters, and the area of land under one ownership to be supplied by one service connection.

2. After Subdivision. When property provided with a service connection is subdivided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

3. Supplying to Other Property. Except by special permission of the District, no service connection shall be used to supply adjoining property belonging to a different owner, or adjoining property acquired by the original application or owner subsequent to installation of the original service connection, or to supply property of the same owner on opposite sides of a public street or alley, or to supply water to any property for which the Assessment Parity Charge and Capital Improvement Fee shall not have previously been paid to the District.

4. Supplying Outside District. No service connection will be used to supply water received from the District to property outside the District.

10.06: ASSESSMENT PARITY CHARGE

Every applicant for water service from any of the lines or works of the District who has not, either in person or through the predecessor in interest, paid an Assessment Parity Charge (previously called an Acreage Supply Charge) or the equivalent thereof or requests modification of service or change in land use, with respect to the land to be served, shall, before such application will be acted upon by the District, or water furnished pursuant thereto, pay to the District an Assessment Parity Charge computed at a per acre rate as attached hereto as Appendix G. Said Assessment Parity Charge is fixed pursuant to Section 22280 of the Water Code to raise money for District purposes in lieu of assessment. This charge shall be in addition to any and all other charges and requirements set forth by the District and shall be used for purposes authorized by Section 22280 of the Water Code.

A. Waiver of Charges to Public Utility: An Assessment Parity Charge shall not be required to be paid by a water company which: (1) is a public utility subject to regulation by the Public Utilities Act, and (2) maintains and operates a distribution system.

B. Waiver of Charge to Mutual Water Company: An Assessment Parity Charge shall not be required to be paid by any mutual water company serving land within the District and supplying water to its own members exclusively and through only its own facilities.

C. Exceptions to Waiver: Waivers shall not apply to any land owned by such public utility or such mutual water company for which water may be served directly from the lines and works of the District.

D. Credit for Prior Payment: In instances where the applicant requests a modification of service or there is a change in land use and the Assessment Parity Charge has been previously paid by the owner, tenant or predecessor in interest, the amount of such previously paid

charge shall be credited against the current per acre charge set forth in Appendix G.

E. Exemptions: The Lakeshore No. 1, Lakeshore No. 2 and Ana Verde Special Assessment District are exempted from this charge.

F. Westmont Improvement District: There shall be a credit for payments made by virtue of special assessments of the Westmont Improvement District against the applicable Assessment Parity Charge.

10.07: CAPITAL IMPROVEMENT FEE (Revised 10-23-13)

In order to provide funds for the construction of District facilities and acquisition of water supply to meet water demands created by future development, the Board has determined that developers shall be required to contribute toward the cost of constructing the additional facilities and acquisition of water supply required to meet increasing demands for water service. In order to implement this determination and to comply with all legal requirements pertaining to such development fees, the Board authorized a study of the District's water system, facilities, and water supply which resulted in an updated master plan known as "2001 Water System Master Plan Update" and the development of the "2010 Strategic Water Resources Plan". All of these documents constitute the District's Capital Improvement Plan, which shall be updated each year. To the extent any such update changes the Capital Improvement Plan or Schedule of Fees based on the actual costs of any proposed capital improvements, or based on estimated costs tied to the Construction Cost Index, this policy shall also be updated and modified to be consistent with said changes and modified plan. Resolution No. 13-12 and Table 1 under Appendix H to these Rules and Regulations incorporate the proposed modifications to the existing Capital Improvement Fees and include the new Water Supply component of said fees.

The following table summarizes the proposed fees for the period of January 1, 2014 – December 31, 2014.

CAPITAL IMPROVEMENT FEE (EFFECTIVE JANUARY 1, 2014-DECEMBER 31, 2014) (PER SINGLE-FAMILY DWELLING UNIT)			
	PROPOSED		
SERVICE ZONE	INFRASTRUCTURE ($/SFDU)	WATER SUPPLY* ($/SFDU)	TOTAL
2800' & 2850'	$1,441	$7,288	$8,729
2950' & 3000'	$1,161	$7,349	$8,510
3200' & 3250'	$9,089	$7,041	$16,130
3400' & 3400'+	$12,274	$7,041	$19,315
CAPITAL IMPROVEMENT FEE (EFFECTIVE JANUARY 1, 2014-DECEMBER 31, 2014) (COMMERCIAL /INDUSTRIAL)			
	PROPOSED		
SERVICE ZONE	INFRASTRUCTURE ($/EDU)	WATER SUPPLY* ($/AFY)	TOTAL
2800' & 2850'	$1,441	$10,970	BASED ON EDU'S & AFY
2950' & 3000'	$1,161	$10,970	
3200' & 3250'	$9,089	$10,970	
3400' & 3400' +	$12,274	$10,970	

For the period of January 1, 2015 – December 31, 2015, the Capital Improvement Fees will increase to the amounts shown in the following table, plus the percentage based on the published Construction Cost Index for the comparable time frame, plus the difference in the amount of the fee between 2014 and 2015 that would have been collected by all new connections during 2014 and spread out over the remaining single family dwelling units within the first 14,000 AFY water supply.

CAPITAL IMPROVEMENT FEE (EFFECTIVE JANUARY 1, 2015-DECEMBER 31, 2015) (PER SINGLE-FAMILY DWELLING UNIT)			
	PROPOSED		
SERVICE ZONE	INFRASTRUCTURE ($/SFDU)	WATER SUPPLY* ($/SFDU)	TOTAL
2800' & 2850'	$1,441	$8,665	$10,106
2950' & 3000'	$1,161	$8,665	$9,826
3200' & 3250'	$9,089	$8,665	$17,754
3400' & 3400'+	$12,274	$8.665	$20,939

CAPITAL IMPROVEMENT FEE (EFFECTIVE JANUARY 1, 2015-DECEMBER 31, 2015) (COMMERCIAL /INDUSTRIAL)			
	PROPOSED		
SERVICE ZONE	INFRASTRUCTURE ($/EDU)	WATER SUPPLY* ($/AFY)	TOTAL
2800' & 2850'	$1,441	$10,970	BASED ON EDU'S & AFY
2950' & 3000'	$1,161	$10,970	
3200' & 3250'	$9,089	$10,970	
3400' & 3400' +	$12,274	$10,970	

A. **Purpose**: The purpose of the Capital Improvement Fee is to create a fund to finance the estimated reasonable cost of capital improvements to infrastructure and relating to water supply that are required to meet anticipated demands for water service arising from new residential, commercial and industrial development within the District's service area.

B. **Elevation Zones:** Given the nature of the District's water service system and the topographic and geographic characteristics of the District's service area, the Infrastructure component of the Capital Improvement Fees to be imposed on new developments is segregated

by elevation zone. The purpose of this segregation is, to the extent possible, to fairly allocate the fees accordingly to the benefit derived from the capital improvements to be constructed. Accordingly, different fees will be charged under this policy depending upon the elevation zone in which the ultimate water consumer is or will be located, as well as by type of service involved.

C. Single Family Residential Connections: The Board has determined that anticipated water usage based on historical data should be the primary basis for determining Capital Improvement Fees for residential connections. Residential water usage varies depending on whether the connection is for a single family residence or part of a larger residential complex such as apartments, condominiums or mobile home parks. The District has analyzed water usage by type of residential dwelling unit in the 2001 Water System Master Plan Update and the 2010 Strategic Water Resources Plan. This analysis led to the development of a "single family dwelling unit or equivalent dwelling unit" equating two multiple family dwelling units to each single family dwelling unit for purposes of the Capital Improvement Fee as applied to residential units. Thus, developers of residential units, regardless of type, are assessed a Capital Improvement Fee for each single family dwelling unit or equivalent dwelling unit, depending upon the applicable elevation zone. The schedule of such fees applicable to single family residential units is set forth in Table 1 of Appendix H. In cases where a single family residential connection requires a fire flow requirement specified by the County of Los Angeles which is in excess of 1250 GPM for two hours, the method of calculating said Capital Improvement Fee is attached hereto in Appendix H.

D. Commercial/Industrial and Multifamily Residential Connections: The Board has determined fire flow requirements specified by the County of Los Angeles and the domestic usage of these connections should be the primary basis for determining the capital improvement fees for commercial/industrial and multifamily residential connections. The developer will be assessed a Capital Improvement Fee based upon the fire flow and domestic water demands. The method of calculating capital improvement fees for commercial/industrial and multifamily residential developments are set forth in Appendix H.

E. Temporary Structure Connections: The Board recognizes that the amount of the Capital Improvement Fee for nonresidential services should be adjusted in the event the structure to which service is to be provided is a temporary structure. The District policy is to provide for some proportionate reimbursement of such charges based upon the duration of service. For purposes of this paragraph, a "temporary structure" is one manufactured under state license in whole or in sections in a factory, transported to a site, placed and, if in sections, joined together thereon and may be disconnected and removed in the same configuration as initially delivered and placed. When a party applies for water service for a temporary structure, the Capital Improvement Fee calculated pursuant to Appendix H shall be applied and paid. In the event that the water service is discontinued and the temporary structure removed from the site prior to the running of a 10 year period following payment of the Capital Improvement Fee, the District will reimburse the applicant, or the applicant's designated successor, an amount equal to:

$$\text{Reimbursement} = \text{CIF} - \frac{\text{CIF}}{120}(n)$$

For purposes of this formula, the following definitions apply:

1. "C.I.F." means the amount of capital improvement fee originally paid.

2. "n" means the time expressed in months up to a maximum of 120 months that water service was provided to the temporary structure following payment of the capital improvement fee.

10.08: MAIN EXTENSIONS (Revised 7-1-08)

The District has determined that sound engineering and economic practices require that water system facilities be designed and constructed in order to provide hydraulic integration. This will allow consumers to obtain more dependable supplies of water. If an applicant's property does not front upon an existing distribution main of the District, such applicant shall, in addition to any and all other charges, be required to pay the cost of a main extension of a size to be determined by the District. The size of the extended main may be larger than that required to serve the applicant in which case the applicant shall be entitled to reimbursement in accordance with the District's Main Extension Reimbursement Policy, as set forth in Article 11.03. In addition, the cost may include the cost of providing a circulating line to avoid a dead-end line if deemed necessary by the District.

A. Payment of Costs: Prior to construction by the District, the applicant shall deposit an amount of money equal to the Manager's cost estimate of the work.

B. Water Main in a Private Street: The District will not install a water main in a street which is not formally dedicated to public use unless the following conditions are met at no cost to the District:

1. The applicant grants to the District such easement or easements for the installation, maintenance and replacement of water lines

and appurtenances required for such service as determined by the Manager on an approved District form.

2. The Board approves the easement and the application for service.

10.09: CONTRIBUTIONS FOR EXISTING FACILITIES

Whenever any water line of the District now exists, or is hereafter placed adjacent to any parcel of property through which water may be served to parcels abutting on said line, there shall be paid at the time service is required to such parcel a contribution on the existing main and other facilities an amount based upon the number of front feet of the parcel adjacent to and to be served by the connection, multiplied by the amount per diameter inch set forth in Appendix I attached hereto.

10.10: DEADEND LINES

No dead-end lines shall be permitted, except at the discretion of the Manager, and in cases where circulation lines are necessary, they shall be designed and installed by the District as part of the cost of the main extension and in accordance with District policy regarding circulating water system as set forth in Article 11.02.

10.11: PROVISION OF SERVICE

The District shall not be obligated to provide water service to any applicant for water service until after any and all fees, charges and past due assessments owing to the District and associated with the parcel seeking water service shall have been paid in full.

ARTICLE 11: RULES APPLICABLE TO DEVELOPERS AND SUBDIVIDERS
(Revised 7-1-08)

Construction of all distribution mains and other necessary facilities required in subdivisions, or to service a remote parcel of land, shall be performed and paid for by the

developer or subdivider as set forth in this Article and in accordance with the Agreement for Acquisition and Construction of Water System Improvements attached hereto as Appendix Y. In some cases, the District may require larger size mains to be installed than is actually required to serve a particular subdivision or remote parcel.

11.01: APPLICATION PROCEDURE

A. Submission of Plans and Fire Requirements:

The subdivider or developer shall furnish the District with the following:

1. Street Plans

2. Grading Plans

3. Tract Map

For commercial and industrial developments, the developer shall determine and indicate on one copy of the tract map the sizing of all service connections, subject to District approval. For residential developments, the District shall determine the sizing of each service connection.

4. Plot Plan

5. Sewer Plan

6. Storm Drainage Plan

7. Fire Department Requirements (one copy of plot plan stamped by the Fire Department showing fire hydrant location and fire flow requirements).

B. Master Plan: In cases where the total area to be developed covers more than one tract, a master plan of the entire area shall be furnished by the developer.

C. Request for Statement of Water Availability: Upon written request by the developer to the District and upon approval by the Manager of the proposed water system improvements required to serve the

development, including any oversizing or off-site facilities required by the District, the District will provide the developer with a letter regarding water availability to the development. Such letter shall expressly condition water service upon the terms set forth in the letter and upon the completion in accordance with the plans and specifications and acceptance by the District of all system improvements required by the District in connection with the development.

11.02: CIRCULATING WATER SYSTEM

In order to preserve water quality and to conserve water, the District will approve the design of and subsequently accept only project water systems for subdivisions, apartment complexes, etc. which provide not only for full circulation for each water main within the system but also each water main within the system must be connected to active mains of each end of said system main to provide two separate sources of supply.

A. Project Street Patterns: Designers and planners should develop street patterns for projects under their jurisdiction which permit installation of fully circulating water systems.

B. Off-Site Improvements: Where necessary, the developer shall construct, subject to plans approved by the District, such off-site facilities as required to provide a fully circulating water system. The developer shall obtain and subsequently convey to the District, such easements as may be necessary for installation of such off-site facilities.

C. Easements Required: Where street patterns cannot reasonably be designed to accommodate circulating systems, or for other reasons deemed valid by the District, a minimum of a ten foot wide easement shall be granted to the District for circulating mains to enable District

to have access to such facilities for repair or replacement. Where necessary, the developer shall provide a minimum of a ten foot wide access easement between public rights-of-way and the circulating water main easements.

D. District Approval of Easements: Any easements provided hereunder must first be approved by the District as to location and form. Easements must prohibit construction of any structures and the planting of trees and shrubs on the easement and must be provided at no cost to the District.

E. Title Insurance: Where easements are provided, the developer must also provide a policy of Title Insurance, insuring the District's right, title and interest in the easement granted. The minimum amount of such policy shall be $25,000, except where deemed insufficient by the Manager, in which case the amount required shall be determined by the Manager.

11.03: MAIN EXTENSIONS

Sound engineering and economic practices require that water system facilities be designed and constructed in order to provide hydraulic integration. Accordingly, the District may require developers to construct facilities off-site which could not necessarily be required to provide service to the individual development.

The District recognizes that such off-site facilities whether they are oversized or extended may be of benefit to subsequent developments. In some instances, facilities required will be available for connection by subsequent developers. In other instances, no connections will be permitted.

A. Reimbursement Agreement: If any water system plans approved by the District include the construction of off-site facilities, the District

and the developer will enter into a reimbursement agreement, a form of which is attached hereto as Appendix I.

B. **Subsequent Connections Available**: If the facilities constructed are available for subsequent connection, the District agrees to collect a fee from owners of property fronting on such facilities in an amount per diameter inch of main as set forth in Appendix I times the number of front feet of the property adjacent to and to be served by the connection. The amount to be collected will depend upon whether District policy allows connection to the main from both sides of the street or only from one side of the street. This amount will be paid to the developer when received by the District. This reimbursement right will extend for a period of ten years from the District's acceptance of the line.

C. **No Subsequent Connections**: If the facilities are not available for subsequent connection, the District will reimburse the developer, at the time of acceptance of the line, an amount per diameter inch of main as set forth in Appendix I times the lineal feet of main constructed.

D. **Deduction from Capital Improvement Fees:** Where a Capital Improvement Fee has been assessed in accordance with Article 10.07 hereof, the developer may deduct any reimbursement amount due under Paragraph C above from the Capital Improvement Fees due.

E. **District Review:** The District will review and consider revision of this policy for determination of future reimbursements at least every two years.

11.04: PROVISION OF SERVICE

The District shall not be obligated to provide water service to any applicant for water service until after any and all fees, charges and past due assessments

owing to the District and associated with the parcel seeking water service shall have been paid in full.

ARTICLE 12: RULES APPLICABLE TO INTERACTION BETWEEN THE DISTRICT AND MEMBERS OF THE PUBLIC

(Revised 3-11-15 Section 12.12 deleted per Appendix EE)

12.01: RECORD-RETENTION (Revised 7-25-12)

To establish an orderly procedure for the storage, reproduction, and possible destruction of records, the Board approved Resolution 12-10 adopting a Record-Retention Policy and Record-Retention Schedule attached hereto as Appendix W.

12.02: ACCESS TO DISTRICT RECORDS

The District shall make available a copy of any District record not exempt from disclosure to any person requesting such record.

A. Form of Request: The request for a copy of District records must be in writing and must describe, with reasonable particularity, a record readily identifiable by District personnel.

B. District Determination of Compliance: The District, within 10 days of actual receipt of a proper request, shall determine whether to comply with the request and will notify the person making the request of such determination and the reasons therefore.

C. Extension of Time for Determination: In unusual circumstances, as specified below, the time for determination of District compliance may be extended for a period not to exceed 10 working days, by written notice from the Manager to the person making the request setting forth the reasons for the extension and the date on which a determination will be mailed. Unusual circumstances are:

1. The need to search District facilities or other locations that are separate from the main District office.

2. The need to search for, collect and examine a voluminous amount of separate and distinct records demanded in a single request.

3. The need to consult with another agency having a substantial interest in the determination of the request.

D. No Compilation or Extraction: The District will provide, unless impracticable to do so, an exact copy of the record requested. The District is not obligated to create a compilation or extract of its records in response to a request.

E. District Review: The District will review and consider revision of this policy for determination of future reimbursements from time to time.

12.03: REQUEST FOR PUBLIC HEARING

Where a decision or determination has been made by the Board or by District personnel, which decision impacts a Consumer, developer or other person, that person may request a review of the District decision or determination and, if necessary, a hearing before the Board.

A. Request for Review: Where a decision or determination has been made by District personnel other than the Manager, the person disputing such decision or determination may request, in writing, a review of that determination by the District Manager. The Manager shall respond, or set forth reasons why additional investigation is needed, within 20 days of receipt of the request.

B. Board Review: Where a decision or determination has been made by the Board or the District Manager, including a response by the Manager to a request for review, the person disputing such decision or determination may request, in writing, a hearing before the Board. Upon receipt of such request at least ten days prior thereto, the matter

will be placed on the agenda for hearing at the next Board meeting, unless impracticable, in which case the matter shall be placed on the agenda for hearing at the next successive Board meeting.

C. Hearing Procedure: At the Board meeting, the matter shall be called as it appears on the agenda. At that time, the interested party shall be given an opportunity to be heard as to why the Manager's determination shall not be upheld. The burden of demonstrating to the Board why the Manager's determination should be overruled shall lie with the interested party. The Board shall consider only the evidence available to the Manager at the time he made his determination.

D. Decision Final: All decisions by the Board shall be final and binding.

12.04: SALE OF DISTRICT LANDS

A. Surplus Property: Upon the determination by the Board that real property belonging to the District is no longer necessary for District purposes, other than for the purpose of exchange, such property shall be designated surplus property. The District may dispose of surplus land as set forth hereafter.

B. Offer to Sell or Lease: Prior to disposing of surplus land, the District shall send a written offer to sell or lease such land as follows:

1. A written offer to sell or lease for development of low- and moderate-income housing shall be sent to any local public entity responsible for the development of such housing and within whose jurisdiction the surplus land is located. Upon written request therefore, housing sponsors as defined in Health and Safety Code Section 50074 shall also be sent written offers to sell or lease the surplus land. Priority shall be given to offers for development of the land for lower income

disabled and elderly persons and other lower income households.

2. A written offer to sell or lease for park and recreational or open-space purposes shall be sent:

a. To the park or recreation department of the city where the land is located;

b. To the Los Angeles County Parks and Recreation Department;

c. To the regional park authority having jurisdiction where the land is located;

d. To the State Resources Agency or any agency succeeding to its powers.

3. A written offer to sell or lease for enterprise zone purposes shall be sent to the nonprofit neighborhood enterprise association in the area where the land is located.

4. A written offer to sell or lease shall be made to the public school district where the land is located.

C. Fair Market Value: The District shall dispose of any surplus District land for its fair market value. Where necessary, an appraisal by a qualified appraiser shall be utilized to determine fair market value.

D. Good Faith Negotiations: After any entity specified in paragraph B above has notified the District in writing, within 60 days of receipt of the District's notification of intention to sell the land, of its interest in acquiring or leasing the land, the District and such entity shall enter into good faith negotiations for sale or lease. If the price or terms cannot be agreed upon after a negotiation period of at least 60 days, the District may dispose of the land to any interested party, in the Board's discretion.

E. **Exempt Surplus Land:** The requirements set forth in this Article 12.03 shall not apply to District surplus lands which are exempt. Exempt surplus land is land which is:

1. Less than 5,000 square feet in area;

2. Less than minimum legal residential building lot size;

3. Has no access of record and is less than 10,000 square feet in area.

Provided, however, that such surplus land is not contiguous to land owned by a state or local agency used for park, recreational, open-space or low- and moderate-income housing and is not located within an enterprise zone. Provided further, that unless such exempt surplus land is sold to an owner of property contiguous to the surplus land, it is not considered exempt for purposes of this Article.

F. **Appraisal:** Where a sale of District land is consummated, the District and the buyer shall share appraisal costs equally. Where the District is willing to sell but the buyer elects not to buy, the buyer shall pay the full cost of appraisal, which cost shall be retained from the buyer's deposit. Where the buyer is willing but the District elects not to go forward with the sale, the District shall pay the full cost of appraisal.

G. **Deposit:** All offers to be considered by the Board shall be accompanied by a deposit in the amount of 10% of the proposed purchase price.

H. **Broker's Fees:** Brokerage fees shall be paid as agreed upon by the parties.

I. **Escrow:** The District and the buyer shall share escrow fees equally. The District will provide the buyer with a policy of Title Insurance at District expense.

J. **Down Payment:** The minimum down payment shall be 25% of the purchase price, unless modified by the Board.

K. **Balance of Purchase Price:** The remaining principal balance after the down payment may, upon approval by the Board, be on a Note Secured by Deed of Trust, executed by the buyer in favor of the District, and shall bear interest at current market rates.

12.05: DISTRICT EASEMENTS

Upon written application to the District and upon approval by the Board, the Board shall execute the necessary Quitclaim Deed or Affidavit required to confine or eliminate easements owned by the District. The person requesting such action shall pay a processing fee as set forth in Appendix D and must record the executed document within 30 days of receipt thereof.

12.06: RELOCATION ASSISTANCE LAW

The District has adopted Rules and Regulations implementing payments and administering relocation assistance as mandated by state law and incorporates those Rules and Regulations herein. The District Rules and Regulations Implementing the Relocation Assistance Law are attached hereto as Appendix J.

12.07: ACCEPTANCE OF GRANT DEEDS AND EASEMENTS

The Manager is authorized and directed by the Board to accept and consent to the recording of grant deeds and grants of easements to the District.

12.08: SALE OF DISTRICT PERSONAL PROPERTY (Revised 11-7-05)

A. **Surplus Property:** Upon the determination by the Board that personal property belonging to the District is no longer necessary for District purposes, such property shall be designated surplus property. Surplus personal property with insufficient value to warrant sale of such property to the public may be disposed of at the General Manager's discretion. The District may dispose of surplus personal property which has a residual value

sufficient to warrant sale of such property to the public by sealed bid as set forth in 12.04.B. or by public auction utilizing a commercially available auction service.

B. Sealed Bid:

1. **Notice Inviting Bids:** Prior to disposing of surplus personal property, the District shall advertise such property for two or more days in a newspaper of general circulation inviting sealed bids. The Board may set minimum bids for individual items.
2. **Presentation of Bids:** All bids shall be presented under sealed cover on forms provided by the District as attached hereto as Appendix U.
3. **Opening of Bids:** At the time and place set forth in the Notice Inviting Bids, the bids shall be opened in public.
4. **Acceptance or Rejection of Bids:** The Board may reject any and all bids should it deem it to be for the public good or may award the surplus personal property to the highest bidder at the price specified in the bid.
5. **General Sale Terms and Conditions:** See Appendix U.

12.09 DISTRICT VEHICLE AND MOTORIZED EQUIPMENT REPLACEMENT POLICY AND PROCEDURE (Revised 4-28-10)

To help reduce cost of ownership through improved selection, replacement, and utilization, District vehicles and motorized equipment shall be replaced as set forth in Appendix Z.

12.10: YOUTH ORGANIZATION SPONSORSHIP (Revised 2-22-06)

The Board of Directors of the District recognizes the value and need for youth activities within the District's service area and finds and determines that such activities have direct and indirect benefits to the District and are consistent with the purposes for which it is formed. Upon written application to the

District, the District will consider requests for funds to be used for sponsorship of recreational activities conducted by non-profit organizations benefiting youth up to the age of 16 within the District's service area. The District will also consider requests for sponsorship of other youth activities conducted by non-profit organizations within the service area when youth from these organizations provide volunteer services to the District in connection with District activities. The General Manager may approve the disbursal of funds in response to requests in the following manner:

A. The funds disbursed must be used for a public purpose involving activities for youth within the area served by the District. The determination of what constitutes such a public purpose shall be made in the sole discretion of the General Manager. Public purpose includes the demonstrated benefit to the District and its customers.

B. The total amount which may be authorized by the General Manager in any fiscal year may not exceed the amount designated in the annual budget for Youth Sponsorship.

C. The maximum amount which may be disbursed to any non-profit organization in a given fiscal year is $500.00.

D. The approved disbursal to a non-profit organization will be scheduled for presentation by the Board of Directors at a regular meeting of the Board.

12.11: FACILITY TOURS (Approved 4-26-04)

The District has established conditions and requirements for various types of tours of its facilities. The District Facility Tour Policy is attached hereto as Appendix T.

ARTICLE 13: ANNEXATION TO THE DISTRICT

The following conditions pertain to annexation of land upon approval by the Board of the proposed annexation and compliance with statutory provisions prior thereto:

13.01: CHARGES FOR ANNEXATION

The owners of land hereafter annexed to the District shall pay all back assessments levied by the District since its inception, in addition to any other charges imposed by law.

13.02: CONDITIONS OF ANNEXATION

In addition to payment of charges specified in Article 13.01, the owner of land sought to be annexed to the District shall comply with District standards as to all lines, works and facilities constructed, including the size of line, quality of materials and workmanship. Said owner shall otherwise be subject to the terms and conditions set forth in the District Rules and Regulations relating to developers, subdividers and individual applicants for water service.

13.03: EASEMENTS

The owner of land sought to be annexed shall provide the District with any necessary easements required for District facilities in order to provide water service to the annexed property. Such easements shall be provided at no cost to the District. The owner shall provide a policy of Title Insurance, insuring the District's right, title and interest in the easement granted. The minimum amount of such policy shall be $25,000, except where deemed insufficient by the Manager, in which case the amount required shall be determined by the Manager.

ARTICLE 14: RULES APPLICABLE TO THE OPERATION AND USE OF PALMDALE LAKE (Revised 1-28-09)

The primary purpose of Palmdale Lake is for storage of a dependable, potable source of water supply of the inhabitants of the District. In furtherance of that general policy, Palmdale Lake is not open to the general public for recreational purposes.

14.01: CONTROLLED RECREATION

Palmdale Lake shall be made available on a limited basis for controlled recreation. Such access shall be provided pursuant to agreement between the District and the particular person or persons desiring access to the lake. Recreational use is limited to boating, hunting and fishing only. No swimming or wading is allowed.

A. **Outside Boats:** To prevent invasive species (Quagga/Zebra Mussels) infestation of Palmdale Lake, outside boats are restricted from entering the Lake unless said boats have successfully undergone the proper inspection program as stated in Resolution 09-02 attached hereto as Appendix AA.

14.02: WATER LEVELS

To insure that enough water will be stored in Palmdale Lake to protect the District from a temporary disruption of water deliveries from the State Water Project or other source, minimum water levels shall be maintained:

A. From May 1 to October 1 of each year, the minimum water elevation shall be 2812.5 feet.

B. After October 1, the Lake may be drained down 5.5 feet to a minimum elevation of 2807.0 feet. That elevation shall be maintained until it can reasonably be determined that water will be available in Littlerock Dam for delivery to Palmdale Lake.

C. At no time shall Palmdale Lake be drained to an elevation below 2805.0 feet without prior approval of the Board.

14.03: SANITATION FACILITIES

Adequate sanitation facilities shall be maintained at the clubhouse and at landings and other convenient places as needed.

ARTICLE 15: REPORTING REQUIRED BY STATE AND LOCAL AUTHORITIES

15.01: STATEMENT OF INVESTMENT POLICY (Appendix Revised 12-10-14)

Pursuant to Government Code Section 53646, the Board shall adopt a Statement of Investment Policy annually. The Investment Policy establishes guidelines for the prudent investment of District funds. A copy of the current District Investment Policy is attached hereto as Appendix K.

15.02: STATEMENT OF RESERVE POLICY (Revised 11-13-13)

The Reserve Funds Policy conforms District practice to the requirements of State law and ensures the District will have sufficient funding available to meet operating, capital, and debt service cost obligations through the establishment of legally restricted reserves and Board restricted funds as attached hereto in Appendix K.1.

15.03: FIXED ASSET CAPITALIZATION AND INVENTORY CONTROL POLICY (Approved 9-26-07)

To ensure adequate control and appropriate use of the Palmdale Water District's fixed assets, the District has established a Capitalization Policy and an Inventory Control Policy attached hereto as Appendix X.

15.04: FINANCIAL REPORTS

A report of all financial transactions of the District shall be filed with the State Controller for each fiscal year within ninety (90) days of the end of that fiscal year. The report shall be in the form mandated by the State Controller.

15.05: DISTRICT ROSTER

A. Filing Statement: The District shall file with the Secretary of State and the Los Angeles County Clerk a statement containing the following:

1. The full, legal name of the District.

2. The District's official mailing address.

3. The name and residence or business address of each Board member.

4. The name of the President of the Board and the name and address of the District secretary.

B. Amendments to Statement: Within ten (10) days after any change in the information provided in the statement filed pursuant to section A above, the District shall file an amended statement containing updated information with the Secretary of State and the County Clerk.

15.06: CAMPAIGN STATEMENTS

The District is governed by the Political Reform Act, as set forth in Government Code Sections 81000, et seq. District officers and Board members are, therefore, subject to the filing requirements of said Act.

ARTICLE 16: RULES, POLICIES AND PROCEDURES REGARDING EMPLOYER EMPLOYEE RELATIONS

Pursuant to Government Code Sections 3500 et seq., also known as the Meyers-Milias-Brown Act, the Board has adopted Resolution 91-14, which provides a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the District and employee organizations. A copy of Resolution 91-14 is attached hereto as Appendix Q.

16.01: Y-RATING POLICY

"Y-rating" is a procedure whereby an employee who is reclassified, transferred or demoted downward to a classification having a lower pay range than his/her current classification may retain his/her current pay rate after the position change. Except as specifically prohibited elsewhere, Y-ratings shall be given when persons or positions are reclassified, transferred or demoted downward for the District's convenience without considering an employee's merit or lack of it. Employees with Y-ratings will be frozen at their current pay rate and will not receive a salary range adjustment or cost of living increase until the salary range related to their new position exceeds the Y-rated pay rate. Shift differential shall be paid in addition to the Y-rated pay rate when the employee's new position qualifies for such pay. Other Differentials shall be added to the Y-rated pay rate, as applicable. Y-ratings shall be approved or denied at the discretion of the General Manager.

The practice of Y-rating is not to be confused with disciplinary involuntary demotion, salary range adjustments, or other normal personnel procedures. Y-ratings are sometimes, but not always, associated with a reorganization and redistribution of duties and responsibilities within the District.

ARTICLE 17: BID PROCUREMENT AND CHANGE ORDER POLICY

(Article Number Revised 3-11-15 per Appendix EE)

The District's Bid Procurement and Change Order Policy for all contracts for any improvement, job, construction project or unit of work, and all acquisitions of material or equipment as well as the General Manager's acquisition authority is outlined in Appendix M attached hereto.

ARTICLE 18: CLAIMS PRESENTED AGAINST THE DISTRICT

(Article Number Revised 3-11-15 per Appendix EE)

This article was passed, approved and adopted at the Regular Board meeting of the Board of Directors held on August 27, 2014 as referenced in Resolution No. 14-14 attached hereto in Appendix CC.

18.01: AUTHORITY

This regulation is enacted pursuant to Section 935 of the California Government Code.

18.02: CLAIMS REQUIRED

All claims against the District for money or damages that are excluded by Government Code § 905 and that are not otherwise governed by the Government Claims Act, California Government Code §§ 900 et seq., or another state law (hereinafter in this resolution, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this Chapter.

18.03: FORM OF CLAIM

All claims shall be made in writing and verified by the claimant or by the guardian, conservator, executor, or administrator of claimant. In addition, all claims shall contain the information required by California Government Code §§ 910 through 915.4. The foregoing reference to Government Code §§ 910 through 915.4 shall not be construed to authorize a class claim, and no claim may be filed on behalf of a class of persons unless verified by every member of that class.

18.04: DELIVERY OF CLAIMS AND ADMINISTRATION

All documents setting forth claims or demands against the District must be delivered to the District Office, located at 2029 East Avenue Q, Palmdale,

California 93550, to the attention of the General Manager. The General Manager, or designee, shall audit each demand and investigate each claim for damages and shall cause the same to be promptly presented to the Board of Directors with a recommendation as to the action which should be taken. Notwithstanding the foregoing, the General Manager may delegate to a third-party administrator the general administration of claims under the continued supervision of the General Manager.

18.05: CLAIM PREREQUISITE TO SUIT

In accordance with California Government Code §§ 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the District prior to the filing of any action on such claims, and no such action may be maintained by a person who has not complied with the requirements contained in this resolution.

18.06: ACTIONS FOR PAYMENT OF TAXES, FEES OR FINES; PAYMENT REQUIRED PRIOR TO COMMENCEMENT OF LEGAL ACTION

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the District or an officer thereof to prevent or enjoin the collection of taxes, fees, or fines sought to be collected pursuant to any provision, resolution, or ordinance of the District for the payment of all taxes, fees, or fines. Payment of all taxes, fees, or fines, interest, and penalties shall be required as a condition precedent to seeking judicial review of the validity or application of any such tax, fees, or fines.

18.07: SUIT

Any action brought against the District upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the District shall conform with the requirements of Section 950-951 of the California Government Code.

18.08: WARRANT FOR PAYMENT

If a claim or demand against the District is presented to the Board of Directors and allowed and ordered paid by it, the General Manager shall draw a warrant upon the Finance Director for the amount allowed, which warrant shall be countersigned by the General Manager. The warrant shall also specify for what purpose it is drawn and out of what fund it is to be paid.

If the warrant statement referred to shows sufficient available funds in the treasury legally applicable to the payment of the same, and in case of a written contract that the condition under which the money would become due has been performed, the General Manager shall cause a warrant to be drawn thereon, in the same manner as provided for the payment of other claims and demands.

18.09: SPECIAL CLAIMS PROCEDURES

Notwithstanding the general provisions of Section 19.02 with respect to claims, pursuant to the authority contained in Section 935 of the California Government Code, the following claims procedures are established for those claims against the District for money or damages not now governed by state or local laws:

A. Employee Claims: Notwithstanding the exceptions contained in Section 905 of the California Government Code, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, or vacation pay, sick leave pay, and any other expenses or allowances claimed due from the District, when a procedure for processing such claims is not otherwise provided by state or local laws shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the California Government Code relating to the prohibition of suit in the absence of presentation of claims and action thereon by the Board of Directors.

B. **Contract and Other Claims:** In addition to the requirements of this resolution, and notwithstanding the exemptions set forth in Section 905 of the California Government Code, all claims against the District for damages or money, when procedure for processing such claims is not otherwise provided by state or local laws, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the California Government Code relating to the prohibition of suit in the absence of presentation of claims and action thereon by the Board of Directors.

APPENDICES

APPENDIX A: MAP OF VOTING DIVISIONS AND RESOLUTION NO. 13-1 – RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT ADOPTING THE REAPPORTIONMENT PLAN FOR THE DISTRICT
(ARTICLE 4.02 – PG. 5)

APPENDIX B: RESOLUTION NO. 14-19 – RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT AMENDING THE CONFLICT OF INTEREST AND DISCLOSURE CODE FOR THE PALMDALE WATER DISTRICT
(ARTICLE 5 – PG. 23)

APPENDIX C: RESOLUTION NO. 14-21 – RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT AMENDING APPENDIX C TO THE RULES AND REGULATIONSOF THE PALMDALE WATER DISTRICT AND ADOPTING A 2.5% RATE INCREASE FOR CALENDAY YEAR 2015

RESOLUTION NO. 14-16 – RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT APPROVING CHANGES IN RATES, FEES, AND CHARGES FOR WATER SERVICE

RESOLUTION NO. 11-8 – RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT TO REVISE WATER RATE STRUCTURE TO EQUALIZE TIER RANGES AMONG USER CLASSES

RESOLUTION NO. 10-22 – RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT CONFIRMING AND MODIFYING THE POLICY FOR THE ELEVATION BOOSTER SURCHARGE AND SETTING THE ELEVATION BOOSTER SURCHARGE FOR 2011

RESOLUTION NO. 09-08 – RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT ADOPTING WATER RATE BUDGET STRUCTURE
(ARTICLE 8.03.B – PG. 28)

APPENDIX C.1: WATER RATE BUDGET STRUCTURE VARIANCE POLICIES AND APPLICATION
(ARTICLE 8.03.B.1 – PG .29)

APPENDIX C.2: COUTESY LEAK ADJUSTMENT PROGRAM CONDITIONS AND APPLICATION
(ARTICLE 8.03.B.2 – PG. 29)

APPENDIX C.3: RATE ASSISTANCE PROGRAM CONDITIONS, APPLICATION AND AFFIDAVIT FOR RENTAL PROPERTIES
(ARTICLE 8.03.B.3 – PG. 29)

APPENDIX D: MISCELLANEOUS CHARGES
(ARTICLE 8.03.C – PG. 29)

APPENDIX E: REFUNDABLE CONSUMER DEPOSITS

DEPOSIT REFUND REQUEST FORM
(AVAILABLE IN ENGLISH AND SPANISH)
(*ARTICLE 10.03.B – PG. 55)*

APPENDIX F: CROSS-CONNECTION CONTROL PROGRAM
(ARTICLE 8.08 – PG. 49 & ARTICLE 10.05 – PG. 56)

APPENDIX G: ASSESSMENT PARITY CHARGE
(ARTICLE 10.06 – PG. 59)

APPENDIX H: CAPITAL IMPROVEMENT FEE AND RESOLUTION 13-12 – RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT MODIFYING THE POLICY REGARDING CAPITAL IMPROVEMENT FEES FOR NEW WATER SERVICE CONNECTIONS AND ADOPTING NEW WATER SUPPLY FEE
(ARTICLE 10.07 – PG. 60)

APPENDIX I: MAIN EXTENSION REIMBURSEMENT RATES
(ARTICLES 10.08 – PG. 65, 10.09 – PG. 66 & 11.03.A – PG. 69)

APPENDIX J: RULES AND REGULATIONS IMPLEMENTING THE RELOCATION ASSISTANCE LAW
(ARTICLE 12.06 – PG. 76)

APPENDIX K: RESOLUTION NO. 14-20 – RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT ESTABLISHING ITS INVESTMENT POLICY
(ARTICLE 15.01 – PG. 81)

APPENDIX K.1: RESOLUTION NO. 13-13 – PALMDALE WATER DISTRICT'S RESERVE POLICY
(ARTICLE 15.02 – PG. 81)

APPENDIX L: CEQA ENVIRONMENTAL REVIEW GUIDELINES
(ARTICLE 7 – PG. 23)

APPENDIX M: BID PROCUREMENT AND CHANGE ORDER POLICY
(ARTICLE 17 – PG. 83)

APPENDIX N: INSTALLATION CHARGES FOR SINGLE SERVICE CONNECTION
(ARTICLE 10.05 – PG. 56)

APPENDIX N.1: METER DOWNSIZING PROGRAM
(ARTICLE 8.06.A – PG. 47)

APPENDIX O: WASTE OF WATER POLICY AND RESOLUTION NO. 15-9 – RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT DECLARING WATER CONSERVATION REGULATIONS

RESOLUTION NO. 14-12 - RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT DECLARING EMERGENCY WATER CONSERVATION RESTRICTIONS AND ADOPTING STATE WATER RESOURCE CONTROL BOARD REGULATIONS ON THE DELIVERY AND CONSUMPTION OF WATER FOR PUBLIC USE

RESOLUTION NO. 14-9 – BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT URGING HEIGHTENED WATER CONSERVATION BY CUSTOMERS IN RESPONSE TO DROUGHT

RESOLUTION NO. 09-19 – RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT DECLARING WATER CONSERVATION REGULATIONS
(ARTICLE 8.05.B.2 – PG. 45)

APPENDIX O.1: WATER CONSERVATION REBATE PROGRAMS AND APPLICATIONS *(AVAILABLE IN ENGLISH AND SPANISH)*
(ARTICLE 8.07.B. – PG. 48)

APPENDIX P: APPLICATION FOR CONSTRUCTION METER SERVICE
(ARTICLE 9.04 – PG. 51)

APPENDIX Q: RESOLUTION NO. 91-14 - RESOLUTION OF PALMDALE WATER DISTRICT TO ESTABLISH EMPLOYER-EMPLOYEE RELATIONS, PROCEDURES, RULES AND POLICIES
(ARTICLE 16 – PG. 82)

APPENDIX R: RESOLUTION NO. 93-4 - RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AUTHORIZING DEFENSE AND INDEMNIFICATION OF OFFICERS, DIRECTORS AND EMPLOYEES AGAINST CLAIMS
(ARTICLES 6 – PG. 23 & ARTICLE 18 – PG. 84)

APPENDIX S: WATER SERVICE APPLICATIONS FOR RESIDENTIAL & MULTI-FAMILY, COMMERCIAL, INDUSTRIAL & IRRIGATION, REALTORS AND TEMPORARY WATER SERVICE

WATER TURN-OFF SERVICE REQUEST FORM
(MOST FORMS AVAILABLE IN ENGLISH AND SPANISH)
(ARTICLES 10.02 – PG. 52)

APPENDIX T: FACILITY TOUR POLICY
(ARTICLE 12.11 – PG. 78)

APPENDIX U: INVITATION TO BID FOR SALE OF DISTRICT PERSONAL PROPERTY
(ARTICLE 12.08.B – PG. 77)

APPENDIX V: GUIDELINES FOR DIRECTOR COMPENSATED MEETINGS AND ACTIVITIES; DIRECTOR MEETING REPORT FORM
(ARTICLE 4.07.3 – PG. 11)

APPENDIX W: RESOLUTION NO. 12-10 – RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AMENDING AND RESTATING ITS RECORD-RETENTION POLICY AND A RECORD-RETENTION SCHEDULE FOR THE DISTRICT AND APPROVING DESTRUCTION OF RECORDS IN ACCORDANCE WITH THEREWITH
(ARTICLE 12.01 – PG. 71)

APPENDIX X: FIXED ASSET CAPITALIZATION AND INVENTORY CONTROL POLICY
(ARTICLE 15.03 – PG. 81)

APPENDIX Y: AGREEMENT FOR ACQUISITION AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS
(ARTICLE 11 – PG. 66)

APPENDIX Z: DISTRICT VEHICLE AND MOTORIZED EQUIPMENT REPLACEMENT POLICY AND PROCEDURE
(ARTICLE 12.09 – PG. 77)

APPENDIX AA: RESOLUTION NO. 09-02 – RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT RESTRICTING OUTSIDE BOATS FROM ENTERING PALMDALE LAKE
(ARTICLE 14.01.A – PG. 80)

APPENDIX BB: PALMDALE WATER DISTRICT SPEAKER REQUEST FORM
(ARTICLE 4.08 (a) – PG. 14)

APPENDIX CC: RESOLUTION NO. 14-14 - RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT ADDING ARTICLE 19 TO THE PALMDALE WATER DISTRICT RULES AND REGULATIONS TO ADOPT A PRESENTATION PROTOCOL FOR CLAIMS PRESENTED AGAINST THE PALMDALE WATER DISTRICT
(ARTICLE 18 – PG. 84)

APPENDIX DD: RESOLUTION NO. 14-18 – RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT ADDING APPENDIX DD TITLED "BOARD MEETINGS: RULES OF PROCEDURE" TO THE PALMDALE WATER DISTRICT RULES AND REGULATIONS
(ARTICLE 4.03.5 – PG. 7)

APPENDIX EE: RESOLUTION NO. 15-7 - RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT AMENDING THE PALMDALE WATER DISTRICT RULES AND REGULATIONS AS THEY RELATE TO THE BOARD OF DIRECTORS, INCLUDING AMENDMENT OF ARTICLE IV TITLED "BOARD OF DIRECTORS," DELETION OF ARTICLE 12, SECTION 12.12 TITLED "COMMUNITY REQUEST FOR SPEAKERS AND/OR PRESENTATIONS;" DELETION OF ARTICLE 17 TITLED "RESPONSIBILITES AND AUTHORITY OF

THE BOARD AND GENERAL MANAGER," AND ADDITION OF APPENDIX EE - INCLUDING CERTIFICATE OF RECOGNITION AS EXHIBIT 2.
(ARTICLE 4.10(b) – PG. 17, ARTICLE 12 – PG. 71, ARTICLE 17 – PG. 83, ARTICLE 18 – PG. 84)

APPENDIX FF: RESOLUTION NO. 15-10 - A RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AMENDING THE PALMDALE WATER DISTRICT RULES AND REGULATIONS AS THEY RELATE TO NOTICE GIVEN TO DELINQUENT CONSUMERS AND ACTUAL USERS, INCLUDING AMENDMENT OF ARTICLE 8, SECTION 8.04 (G) TITLED "DELINQUENT BILLS" AND AMENDMENT OF ARTICLE 10, SECTION 10.02 TITLED "APPLICATION FOR SERVICE"
(ARTICLE 8.04 – PG. 34 & ARTICLE 10.02 – PG. 52)

APPENDIX A

PALMDALE WATER DISTRICT
MAP OF VOTING DIVISIONS

PALMDALE WATER DISTRICT
RESOLUTION NO. 13-1

RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT ADOPTING THE REAPPORTIONMENT PLAN FOR THE DISTRICT

WHEREAS, Palmdale Water District ("District") is a California Irrigation District under Division 11 of the California Water Code;

WHEREAS, Water Code Section 21605(b) provides that the boundaries of an irrigation district must be adjusted after each decennial census by following the requirements of Election Code Section 22000 et seq.;

WHEREAS, the District engaged National Demographics Corporation ("NDC") to prepare an analysis for the potential reapportionment of the District's boundaries;

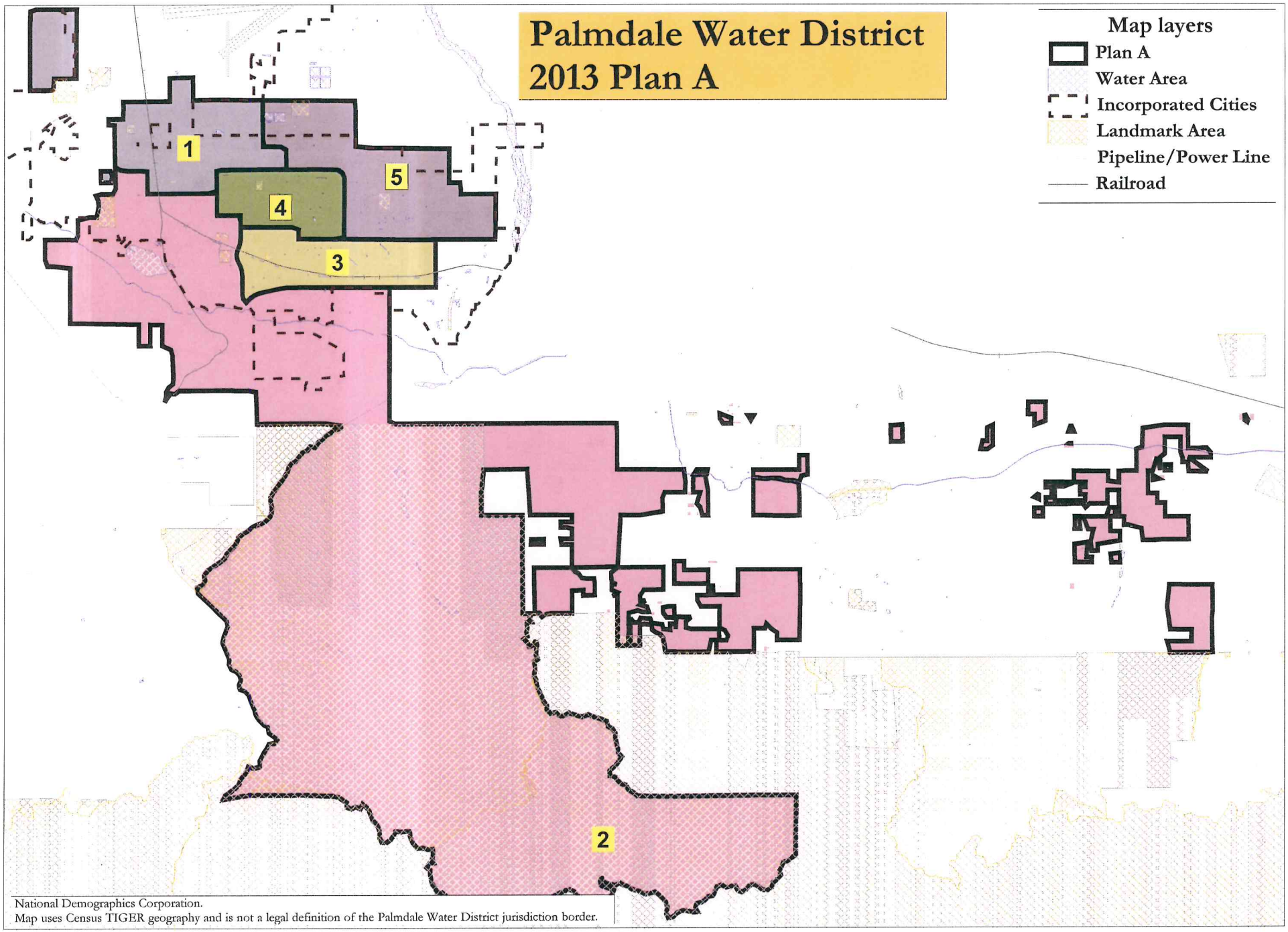
WHEREAS, NDC presented its analysis, including a series of adjustment options, to the District's Board of Directors on January 9, 2013.

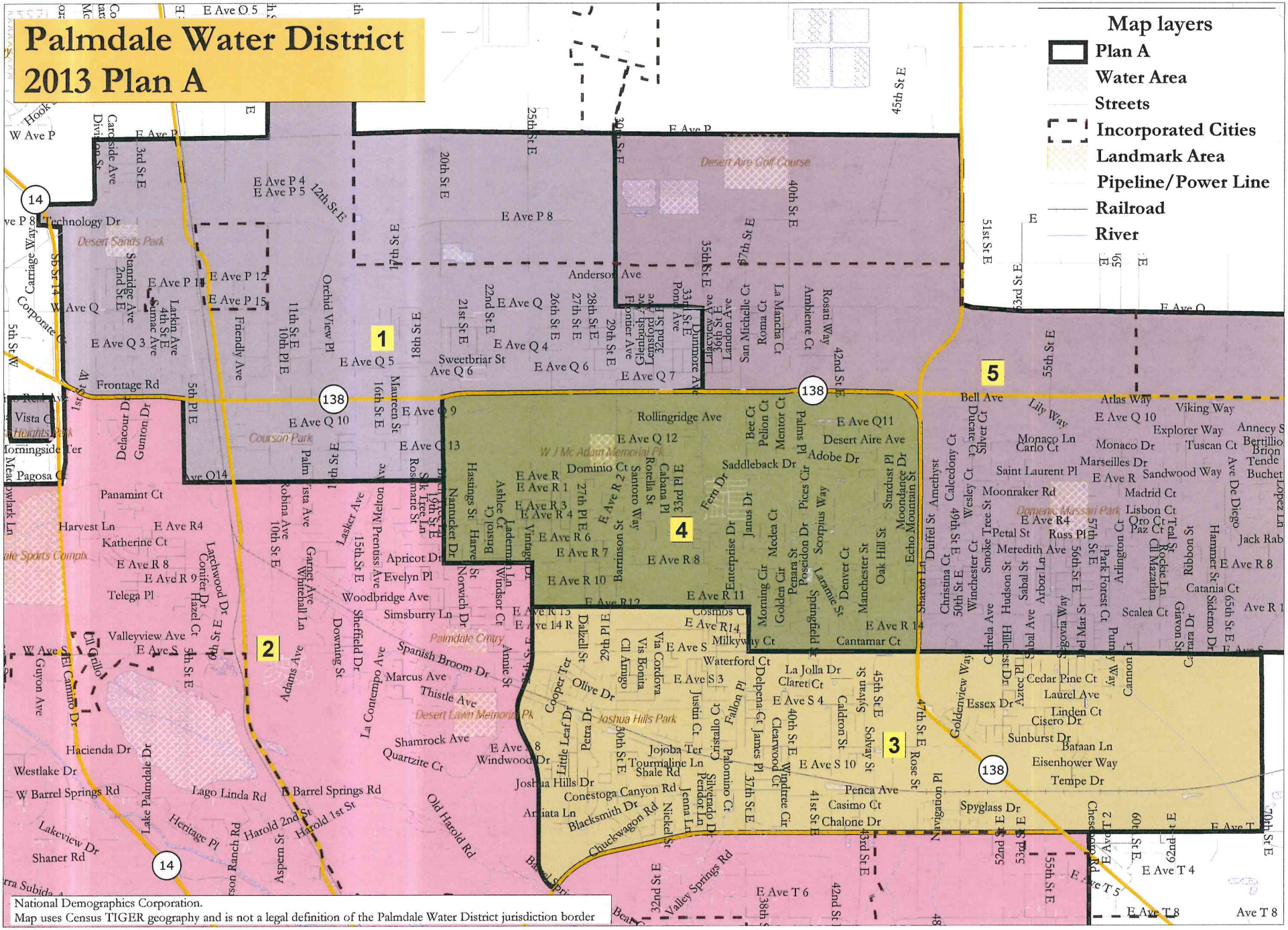
NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Palmdale Water District hereby adopts Reapportionment Plan A, attached hereto as Exhibit A and incorporated herein by reference, and elects to proceed with the reapportionment of the District's boundaries pursuant to the terms and boundaries set forth in Reapportionment Plan A.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Palmdale Water District on January 23, 2013.

President	January 23, 2013 (date)
Secretary	January 23, 2013 (date)

Exhibit A


Palmdale Water District
2013 Plan A
Map layers
Plan A
Water Area
Incorporated Cities
Landmark Area
Pipeline/Power Line
Railroad
1
2
3
4
5
National Demographics Corporation.
Map uses Census TIGER geography and is not a legal definition of the Palmdale Water District jurisdiction border.


Palmdale Water District
2013 Plan A
Map layers
Plan A
Water Area
Streets
Incorporated Cities
Landmark Area
Pipeline/Power Line
Railroad
River
1
2
3
4
5
National Demographics Corporation.
Map uses Census TIGER geography and is not a legal definition of the Palmdale Water District jurisdiction border

NDC

National Demographics Corporation

Street by Street Division Border Description for
Palmdale Water District "Plan A"

First Division: The region bounded and described as follows: Beginning at the point of intersection of E Avenue P and 30th St E, and proceeding southerly along 30th St E to E Avenue Q, and proceeding easterly along E Avenue Q to 35th St E, and proceeding southerly along 35th St E to State Hwy 138, and proceeding westerly along State Hwy 138 to 20th St E, and proceeding southerly along 20th St E to E Avenue R, and proceeding westerly along E Avenue R to 5th St E, and proceeding northerly along 5th St E to State Hwy 138, and proceeding westerly along State Hwy 138 to the District border, and proceeding northerly and easterly to the point of beginning. The First District also includes all of the non-contiguous District territories located to the west and northwest of the primary district territory.

Second Division: The region bounded and described as follows: Beginning at the point of intersection of 70th St E and E Avenue T, and proceeding westerly along E Avenue T to Pearblossom Hwy, and proceeding westerly along Pearblossom Hwy to Barrel Springs Rd, and proceeding northerly along Barrel Springs Rd to 25th St E, and proceeding northerly along 25th St E to E Avenue R 8, and proceeding westerly along E Avenue R 8 to 20th St E, and proceeding northerly along 20th St E to E Avenue R, and proceeding westerly along E Avenue R to 5th St E, and proceeding northerly along 5th St E to State Hwy 138, and proceeding westerly along State Hwy 138 to the District border, and proceeding counter-clockwise along the District border to the point of beginning. The Second District also includes all of the non-contiguous District territories located to the south and southeast of the primary district territory.

Third Division: The region bounded and described as follows: Beginning at the point of intersection of 25th St E and Barrel Springs Rd, and proceeding northerly along 25th St E to E Avenue R12, and proceeding easterly along E Avenue R12 to 37th St E, and proceeding southerly along 37th St E to E Ave S, and proceeding easterly along E Ave S to 70th St E, and proceeding southerly along the District border extending south from 70th St E to E Avenue T, and proceeding westerly along E Avenue T to Pearblossom Hwy, and proceeding westerly along Pearblossom Hwy to Barrel Springs Rd, and proceeding northerly along Barrel Springs Rd to the point of beginning.

Fourth Division: The region bounded and described as follows: Beginning at the point of intersection of State Hwy 138 and 20th St E, and proceeding easterly and southerly along State Hwy 138 to E Ave S, and proceeding westerly along E Ave S to 37th St E, and proceeding northerly along 37th St E to E Avenue R12, and proceeding westerly along E Avenue R12 to 25th St E, and proceeding northerly along 25th St E to E Ave R 8, and proceeding westerly along E Ave R 8 to 20th St E, and proceeding northerly along 20th St E to the point of beginning.

Fifth Division: The region bounded and described as follows: Beginning at the point of intersection of E Avenue P and 30th St E, and proceeding southerly along 30th St E to E Avenue Q, and proceeding easterly along E Avenue Q to 35th St E, and proceeding southerly along 35th St E to State Hwy 138, and proceeding easterly and southerly along State Hwy 138 to E Ave S, and proceeding easterly along E Ave S to the District border, and proceeding counter-clockwise along the District border to the point of beginning.

Phone: (909) 624-1442
FAX (818) 254-1221

P.O. Box 5271
Glendale, CA 91221

info@NDCresearch.com
www.NDCresearch.com

APPENDIX B

CONFLICT OF INTEREST AND DISCLOSURE CODE

RESOLUTION NO. 14-19

RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT AMENDING THE CONFLICT OF INTEREST AND DISCLOSURE CODE FOR THE PALMDALE WATER DISTRICT

WHEREAS, the Political Reform Act ("Act"), Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, under the Act, the District must periodically review its internal organization to determine: (i) whether any position that has been added to the District constitutes a designated position under the District's Conflict of Interest and Disclosure Code ("Code"); or (2) whether the duties of any existing position that is currently not a designated position have changed such that the position now constitutes a designated position under the District's Code; and

WHEREAS, Exhibit A of the District's Code is hereby modified with the deletion of obsolete language regarding disclosure and with the definition for income to include 'receipt of gifts, loans and travel payments' wherever the word 'income' appears; and

WHEREAS, Exhibit B of the District's Code is hereby modified with the inclusion of an expanded definition for Consultants and New Positions under Government Code Section 81008 and is further modified to revise titles and delete one position for the following designated positions as reflected on the Palmdale Water District Organization Chart attached hereto as "Exhibit 1" and incorporated herein by reference:

a) General Manager is now General Manager/CEO
b) Assistant General Manager is now Assistant General Manager/COO
c) Water and Energy Resources Manager is now Water and Energy Resources Director
d) Engineering Manager is now Engineering/Grant Manager
e) Human Resources Manager is now Human Resources Director
f) Community & Government Affairs Coordinator is now Public Information Officer/Conservation Director
g) Water Conservation Supervisor deleted

There are no changes in job duties and, therefore, no changes in the level of disclosure is required; and

WHEREAS, the District's Code adopted by the County of Los Angeles Board of Supervisors effective October 15, 2014 is attached hereto as "Exhibit 2" and incorporated herein by reference; and

WHEREAS, to meet the requirements of the Act, the District must amend its Conflict of Interest and Disclosure Code to reflect these changes.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Palmdale Water District does hereby amend Exhibit A and Exhibit B of its Conflict of Interest and Disclosure Code, setting forth the designated positions within the District and their disclosure obligations, as set forth on the attached "Exhibit 2."

BE IT FURTHER RESOLVED, that individuals holding newly-designated positions shall file Statements of Economic – Assuming Office Statements with the District General Manager or his designee, as required under the District's Code. All other individuals holding designated positions shall file Statements of Economic Interests as required by law and the District's Code. Within five days of receipt of the Statements filed by the Directors and by the General Manager, 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.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Palmdale Water District held on November 26, 2014.

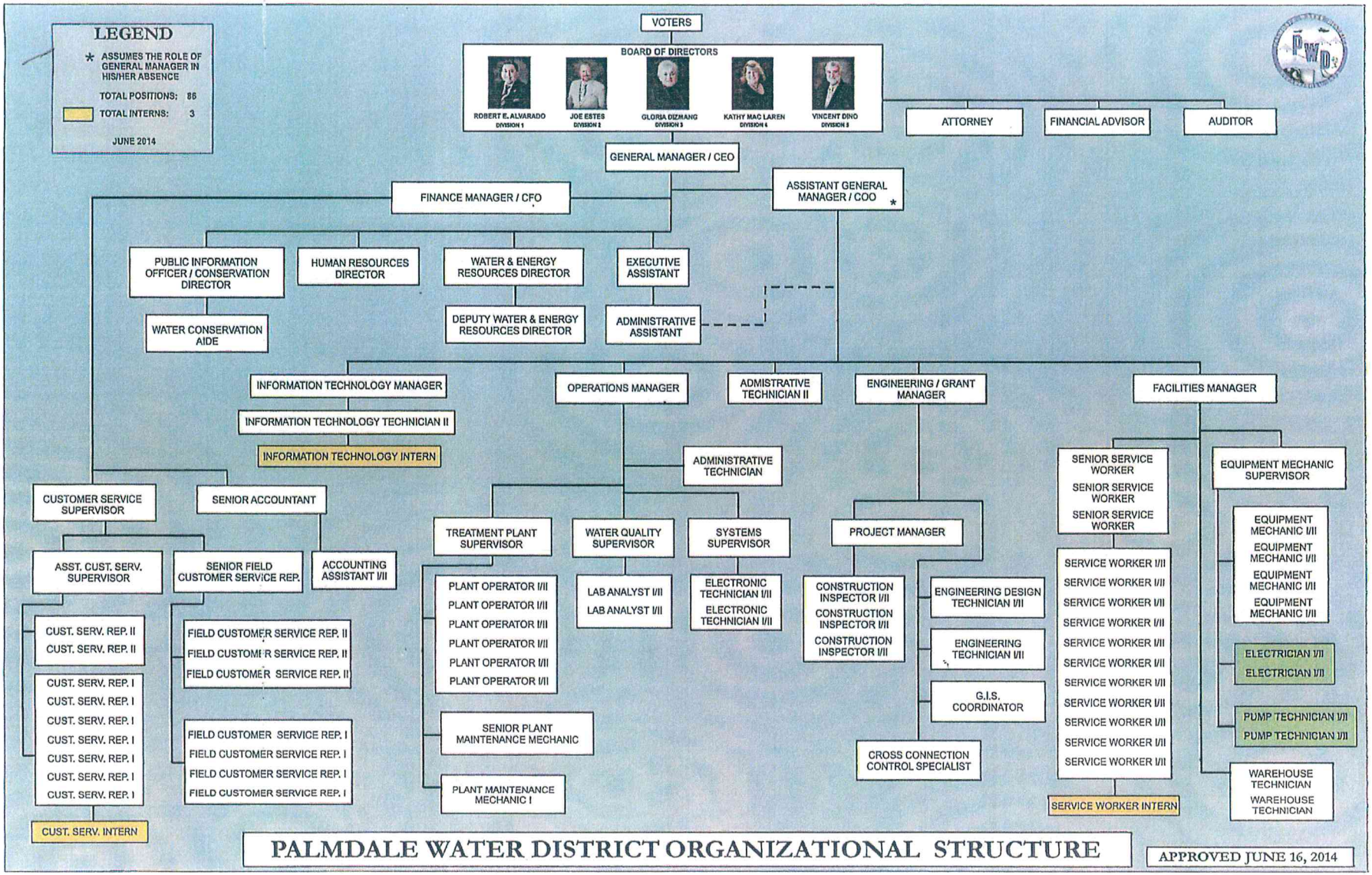
Kathy Mac Laren, President

ATTEST:

Joe Estes, Secretary

APPROVED AS TO FORM:

BY: _____
Aleshire & Wynder, LLP, General Counsel


LEGEND
* ASSUMES THE ROLE OF GENERAL MANAGER IN HIS/HER ABSENCE
TOTAL POSITIONS: 86
TOTAL INTERNS: 3
JUNE 2014
VOTERS
BOARD OF DIRECTORS
ROBERT E. ALVARADO DIVISION 1
JOE ESTES DIVISION 2
GLORIA DIZMANG DIVISION 3
KATHY MAC LAREN DIVISION 4
VINCENT DINO DIVISION 5
ATTORNEY
FINANCIAL ADVISOR
AUDITOR
GENERAL MANAGER / CEO
FINANCE MANAGER / CFO
ASSISTANT GENERAL MANAGER / COO *
PUBLIC INFORMATION OFFICER / CONSERVATION DIRECTOR
HUMAN RESOURCES DIRECTOR
WATER & ENERGY RESOURCES DIRECTOR
EXECUTIVE ASSISTANT
WATER CONSERVATION AIDE
DEPUTY WATER & ENERGY RESOURCES DIRECTOR
ADMINISTRATIVE ASSISTANT
INFORMATION TECHNOLOGY MANAGER
INFORMATION TECHNOLOGY TECHNICIAN II
INFORMATION TECHNOLOGY INTERN
OPERATIONS MANAGER
ADMISTRATIVE TECHNICIAN II
ENGINEERING / GRANT MANAGER
FACILITIES MANAGER
CUSTOMER SERVICE SUPERVISOR
SENIOR ACCOUNTANT
ADMINISTRATIVE TECHNICIAN
ASST. CUST. SERV. SUPERVISOR
SENIOR FIELD CUSTOMER SERVICE REP.
ACCOUNTING ASSISTANT I/II
CUST. SERV. REP. II
CUST. SERV. REP. II
CUST. SERV. REP. I
CUST. SERV. REP. I
CUST. SERV. REP. I
CUST. SERV. REP. I
CUST. SERV. REP. I
CUST. SERV. REP. I
CUST. SERV. REP. I
CUST. SERV. INTERN
FIELD CUSTOMER SERVICE REP. II
FIELD CUSTOMER SERVICE REP. II
FIELD CUSTOMER SERVICE REP. II
FIELD CUSTOMER SERVICE REP. I
FIELD CUSTOMER SERVICE REP. I
FIELD CUSTOMER SERVICE REP. I
FIELD CUSTOMER SERVICE REP. I
TREATMENT PLANT SUPERVISOR
WATER QUALITY SUPERVISOR
SYSTEMS SUPERVISOR
PLANT OPERATOR I/II
PLANT OPERATOR I/II
PLANT OPERATOR I/II
PLANT OPERATOR I/II
PLANT OPERATOR I/II
PLANT OPERATOR I/II
SENIOR PLANT MAINTENANCE MECHANIC
PLANT MAINTENANCE MECHANIC I
LAB ANALYST I/II
LAB ANALYST I/II
ELECTRONIC TECHNICIAN I/II
ELECTRONIC TECHNICIAN I/II
PROJECT MANAGER
CONSTRUCTION INSPECTOR I/II
CONSTRUCTION INSPECTOR I/II
CONSTRUCTION INSPECTOR I/II
ENGINEERING DESIGN TECHNICIAN I/II
ENGINEERING TECHNICIAN I/II
G.I.S. COORDINATOR
CROSS CONNECTION CONTROL SPECIALIST
SENIOR SERVICE WORKER
SENIOR SERVICE WORKER
SENIOR SERVICE WORKER
SERVICE WORKER I/II
SERVICE WORKER I/II
SERVICE WORKER I/II
SERVICE WORKER I/II
SERVICE WORKER I/II
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SERVICE WORKER I/II
SERVICE WORKER I/II
SERVICE WORKER I/II
SERVICE WORKER I/II
SERVICE WORKER INTERN
EQUIPMENT MECHANIC SUPERVISOR
EQUIPMENT MECHANIC I/II
EQUIPMENT MECHANIC I/II
EQUIPMENT MECHANIC I/II
EQUIPMENT MECHANIC I/II
ELECTRICIAN I/II
ELECTRICIAN I/II
PUMP TECHNICIAN I/II
PUMP TECHNICIAN I/II
WAREHOUSE TECHNICIAN
WAREHOUSE TECHNICIAN
PALMDALE WATER DISTRICT ORGANIZATIONAL STRUCTURE
APPROVED JUNE 16, 2014

"EXHIBIT 1"

"EXHIBIT 2"

Conflict of Interest Code
of the

PALMDALE WATER DISTRICT

Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730) by Reference

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 Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the conflict of interest code of this agency by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

Place of Filing of Statements of Economic Interests

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head; or his or her designee. The agency shall make and retain a copy of all statements filed by its Board of Directors, General Manager, and forward the originals of such statements to the Executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

PALMDALE WATER DISTRICT

EXHIBIT "A"

CATEGORY 1

Persons in this category shall disclose, in accordance with this Code, all interest in real property within the District, except personal residences or property used primarily for personal recreational purposes. Real property shall be deemed to be within the jurisdiction of the District if the property or any part of it is located within or not more than two miles outside the boundaries of the District or within two miles of any land owned or used by the District.

CATEGORY 2

Persons in this category shall disclose in accordance with this Code, all income (including receipt of gifts, loans and travel payments) from, investments in, and business positions with in businesses that produce products or provide services of a type utilized by the District, including the following areas:

Office equipment and supplies
Banks and savings and loans institutions
Securities dealers and underwriters
Real property
Public utilities
Financial audit services
Insurance services
Computer equipment, services, and supplies
Printing, reproduction, or photographic equipment, services and supplies
Periodicals, books, newspapers
Chemicals
Motor vehicles and specialty vehicles, parts and supplies
Construction and maintenance equipment, services and supplies and building materials
Petroleum products
Transportation and lodging services
Safety equipment and supplies
Security services
Food services and supplies
Communication services
Water quality testing equipment, supplies and services
Cathodic protection equipment, services and supplies
Engineering services
Employment / temporary help agencies
Educational equipment, services and supplies

PALMDALE WATER DISTRICT

EXHIBIT "A" (Cont'd)

CATEGORY 2 (Cont'd)

Medical supplies, services and informational materials
Landscape services and supplies
Typographical services
4-color separations
General and specialty equipment rentals
Consulting Services: legal, energy and power, engineering, soils testing, water treatment, advertising, communications, design, art work, audio/visual, movie productions, planning, water pricing and demand, economists, desalting, environmental, appraisers, real estate sales, and investment services.

CATEGORY 3

Consultants performing 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, consultants who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the District, or which could affect financial interests, and those consultants who, under contract, exercise primary responsibility for the management of public investments, shall be required to file Statements of Economic Interests disclosing reportable interests as determined by the General Manager of the District. (See footnote for clarification*)

PALMDALE WATER DISTRICT

EXHIBIT "B"

Designated Positions	Disclosure Categories
Members of Board of Directors	1, 2
General Manager/CEO	2
Assistant General Manager/COO	2
Water and Energy Resources Director	2
Operations Manager	2
Facilities Manager	2
Finance Manager/CFO	2
Engineering/Grant Manager	2
Human Resources Director	2
Information Technology Manager	2
Public Information Officer/Conservation Director	2
Consultants/New Positions*	3

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The General Manager/CEO or his or her designee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager/CEO or his or her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

EFFECTIVE: 10/15/14

APPENDIX C

WATER BUDGET RATE STRUCTURE

PALMDALE WATER DISTRICT
RESOLUTION NO. 14-21

A RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AMENDING APPENDIX C TO THE RULES AND REGULATIONS OF THE PALMDALE WATER DISTRICT AND ADOPTING A 2.5% RATE INCREASE FOR CALENDAR YEAR 2015

WHEREAS, the District's current water rates for Calendar Years 2015 – 2019 are set forth at Appendix C of the Rules and Regulations of the Palmdale Water District;

WHEREAS, in 2014 District staff undertook a review of the District's financial position and determined the current water rate revenues are not sufficient to offset the cost of providing the water service, including, among other things, increased operation and maintenance expenses, increased costs for necessary infrastructure repairs and enhancements, increased water quality regulations, and increased water supply costs;

WHEREAS, on April 17, 2014, the District retained Bartle & Wells, an independent water rate consultant, pursuant to an open bid process to perform a financial study of the District's existing water rates and rate structure and the District's existing and future reasonably estimated costs of providing water service;

WHEREAS, on July 16, 2014 and July 23, 2014, Bartle & Wells made presentations to the Board of Directors that concluded the current rates and rate structure will not be sufficient to cover the reasonably estimated costs of providing the District's water service over the next five fiscal years and proposed a revised rate structure and annual rate increases options depending on the level of maintenance and improvements expected to take place in the next five years, including 5%, 5.5% and 6% annual rate increases;

WHEREAS, the District's charges and fees for water service are subject to the requirements of Proposition 218 (Cal. Const. Art. XIIID, Section 6), including notice, hearing, and protest requirements applicable to increases of water rates;

WHEREAS, on July 23, 2014, pursuant to Proposition 218, the Board approved and directed staff to provide notice of the proposed rate structure changes and 5.5% annual rate increases;

WHEREAS, on September 17, 2014, the District held a public hearing at which District staff presented a total of 340 valid protests to the Board, resulting in less than a majority protest pursuant to Article XIII D, Section 6 of the California Constitution;

WHEREAS, although the lack of a majority protest authorizes the Board to adopt the Proposed Rates up to 5.5% for the next five fiscal years, the Board is not required to implement all of the annual rate increases;

WHEREAS, each year through its budget process, the Board reviews the estimated costs of providing the District's service in the ensuing year and determines at that time the amount of the increase it will implement for the ensuing year;

WHEREAS, if the Board determines not to implement the full 5.5% rate increase, it must adopt an amended Appendix C of the Rules and Regulations of the Palmdale Water District;

WHEREAS, on November 21, 2014, the Board approved the 2015 Budget including a 2.5% rate increase;

WHEREAS, the adoption of this resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273 because the resolution pertains to the adoption of charges necessary to maintain services within the District's existing service area.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Directors of the Palmdale Water District does hereby resolve as follows:

1. The foregoing recitals are hereby found to be true and correct and incorporated herein by this reference.

2. The Board has determined through its annual budget process to implement a 2.5% annual rate increase for Calendar Year 2015 instead of the full 5.5% annual rate increase authorized by the Proposition 218 rate setting process.

3. The current Appendix C shall be replaced by the attached Appendix C, attached hereto, which includes a 2.5% rate increase in Calendar Year 2015 and a 5.5% rate increase in Calendar Years 2016 – 2019.

4. The General Manager is authorized and directed to give due notice of exemption of this resolution from the provisions of CEQA, pursuant to Title 14 California Code of Regulations section 15062.

7. Effective Date. All sections of this Resolution shall be in full force and effect as of January 1, 2015.

PASSED AND ADOPTED on this 10th day of December, 2014 by the Board of Directors, the governing body of the Palmdale Water District.

PALMDALE WATER DISTRICT

KATHY MAC LAREN, President

ATTEST

ROBERT ALVARADO, Vice President

APPROVED AS TO FORM:

By: _____
Aleshire & Wynder, General Counsel

APPENDIX C

Palmdale Water District Proposed Rate Structure

Water Quality Fee ($/ccf): 5-yr moving average of (GAC costs) / (billed water usage [hcf])

User Classification	Water Budget Allocation - Essential Usage
Single Family Residential "SFR"	Indoor Allocation
Multi Family Residential "MFR"	3-yr average of minimum monthly usage
Commercial-Industrial "CI"	3-yr average of minimum monthly usage
Irrigation Only "IRR"	Essential Outdoor Allocation
Other "OTHER"	3-yr average of minimum monthly usage

User Classification	Water Budget Allocation - Efficient Usage
Single Family Residential "SFR"	Indoor Allocation + Efficient Outdoor Allocation
Multi Family Residential "MFR"	3-yr moving average by month
Commercial-Industrial "CI"	3-yr moving 3 month average
Irrigation Only "IRR"	Efficient Outdoor allocation
Other "OTHER"	3-yr moving average by month

Service Charge

Meter Size	Monthly Service Charge
1" and Below	$31.27
1-1/2"	$93.80
2"	$143.85
3"	$260.62
4"	$427.44
6"	$844.50
8"	$1,344.96
10"	$1,928.84

Commodity Rates ($/ccf*)

Tiers	CY 2014
Tier 1	$0.73
Tier 2	$0.84
Tier 3	$2.37
Tier 4	$3.57
Tier 5	$4.61
Tier 6	$5.93

Elevation Booster Surcharge ($/ccf*)

Area	CY 2014
B	-
A1	5-Year Moving Average of Actual Pumping Costs
A2	5-Year Moving Average of Actual Pumping Costs
A3	5-Year Moving Average of Actual Pumping Costs

**Water use is metered in units of ccf (hundred cubic feet)*

All Classes

Tier	Water Budget Allocation
Tier 1	0 - 100% Essential Usage
Tier 2	100% Essential Usage - 100% Efficient Usage
Tier 3	101-130% Efficient Usage
Tier 4	131-160% Efficient Usage
Tier 5	161-190% Efficient Usage
Tier 6	Above 191% Efficient Usage

APPENDIX C

Meter Charges	% Increase	2.5%	5.5%	5.5%	5.5%	5.5%
Meter Size	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
1" and Below	$31.27	$32.05	$33.81	$35.67	$37.63	$39.70
1.5"	$93.80	$96.15	$101.44	$107.02	$112.91	$119.12
2"	$143.85	$147.45	$155.56	$164.12	$173.15	$182.67
3"	$260.62	$267.14	$281.83	$297.33	$313.68	$330.93
4"	$427.44	$438.13	$462.23	$487.65	$514.47	$542.77
6"	$844.50	$865.61	$913.22	$963.45	$1,016.44	$1,072.34
8"	$1,344.96	$1,378.58	$1,454.40	$1,534.39	$1,618.78	$1,707.81
10"	$1,928.84	$1,977.06	$2,085.80	$2,200.52	$2,321.55	$2,449.24

Commodity Rates	% Increase	2.5%	5.5%	5.5%	5.5%	5.5%
	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
Tier 1	$0.73	$0.75	$0.79	$0.83	$0.88	$0.93
Tier 2	$0.84	$0.86	$0.91	$0.96	$1.01	$1.07
Tier 3	$2.37	$2.43	$2.56	$2.70	$2.85	$3.01
Tier 4	$3.57	$3.66	$3.86	$4.07	$4.29	$4.53
Tier 5	$4.61	$4.73	$4.99	$5.26	$5.55	$5.86
Tier 6	$5.93	$6.08	$6.41	$6.76	$7.13	$7.52

Stage No.	Policy	% Shortage	Drought Surcharge per CCF*					
			CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
1	Water Rationing	20% reduction in water deliveries	$0.45	$0.46	$0.48	$0.51	$0.54	$0.57
2	Water Rationing	30% reduction in water deliveries	$0.77	$0.78	$0.82	$0.87	$0.92	$0.97
3	Water Rationing	40% reduction in water deliveries	$1.19	$1.21	$1.28	$1.35	$1.43	$1.52

PALMDALE WATER DISTRICT
RESOLUTION NO. 14-16

A RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT APPROVING CHANGES IN RATES, FEES, AND CHARGES FOR WATER SERVICE

WHEREAS, the Palmdale Water District (the "District") is authorized to collect charges and set rates for water service pursuant to the Irrigation District Law, codified at Division 11 of the Water Code, specifically at Sections 22280 through 22284;

WHEREAS, the District's current water rates are set forth at Appendix C of the Rules and Regulations of the Palmdale Water District;

WHEREAS, District staff has undertaken a review of the District's financial position and determined the current water rate revenues are not sufficient to offset the cost of providing the water service, including, among other things, increased operation and maintenance expenses, increased costs for necessary infrastructure repairs and enhancements, increased water quality regulations, and increased water supply costs;

WHEREAS, on April 17, 2014, the District retained Bartle & Wells, an independent water rate consultant, pursuant to an open bid process to perform a financial study of the District's existing water rates and rate structure and the District's existing and future reasonably estimated costs of providing water service;

WHEREAS, on July 16, 2014 and July 23, 2014, Bartle & Wells made presentations to the Board of Directors that concluded the current rates and rate structure will not be sufficient to cover the reasonably estimated costs of providing the District's water service over the next five fiscal years, and, proposed a revised rate structure and annual rate increases options depending on the level of maintenance and improvements expected to take place in the next five years, including 5%, 5.5% and 6% annual rate increases;

WHEREAS, the District's charges and fees for water service are subject to the requirements of Proposition 218 (Cal. Const. Art. XIIID, Section 6), including notice, hearing, and protest requirements applicable to increases of water rates;

WHEREAS, on July 23, 2014, pursuant to Proposition 218, the Board approved and directed staff to provide notice of the proposed rate structure changes and 5.5% annual rate increases, set forth in draft Appendix C, attached hereto, (the "Proposed Rates");

WHEREAS, on August 1, 2014, District staff mailed notice of (1) the Proposed Rates, (2) a September 17, 2014 public hearing, and (3) the method of protesting the Proposed Rates, to all the record owners of parcels within the District's service area that are subject to the District's fees and charges, using the last equalized assessment tax roll of the Los Angeles County Assessor and the District's customer billing records;

WHEREAS, the District held three public workshops on August 14, 2014, August 21, 2014, and September 8, 2014 to provide the public additional information regarding the Proposed Rates;

WHEREAS, from August 1, 2014, to 7:00 p.m. on September 17, 2014, the District accepted valid protests to the Proposed Rates;

WHEREAS, on September 17, 2014, the District held a public hearing at which District staff presented a total of 340 valid protests to the Board, resulting in less than a majority protest pursuant to Article XIII D, Section 6 of the California Constitution;

WHEREAS, although the lack of a majority protest authorizes the Board to adopt the Proposed Rates up to 5.5% for the next five fiscal years, the Board is not required to implement all of the annual rate increases;

WHEREAS, each year through its budget process, the Board reviews the estimated costs of providing the District's service in the ensuing year and determines at that time the amount of the increase it will implement for the ensuing year;

WHEREAS, the District has previously decided not to exercise its full authority to increase rates, including on May 13, 2009, when the Board approved a 46% rate increase for 5 years and only implemented 15% rate increases in those years; and

WHEREAS, the adoption of this resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273 because the resolution pertains to the adoption of charges necessary to maintain services within the District's existing service area.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Directors of the Palmdale Water District does hereby resolve as follows:

1. The foregoing recitals are hereby found to be true and correct and incorporated herein by this reference.

2. The District has received and accepted 340 valid protests to the Proposed Rates as of 7:00 p.m. on September 17, 2014.

3. The District adopts and approves the Proposed Rates as set forth in draft Appendix C to the District's Rules and Regulations, attached hereto.

4. The Current Appendix C shall be replaced by the draft Appendix C, attached hereto, reflecting the District's authority to impose and collects rates for the provision of water service in accordance therewith.

5. In the event the Board determines, through its annual budget process, not to implement the full 5.5% annual rate increase set forth in Appendix C for any of the following five fiscal years, it shall amend Appendix C to reflect the actual rate adopted for that year.

6. The General Manager is authorized and directed to give due notice of exemption of this resolution from the provisions of CEQA, pursuant to Title 14 California Code of Regulations section 15062.

7. Effective Date. All sections of this Resolution shall be in full force and effect immediately.

PASSED AND ADOPTED on this 17th day of September, 2014 by the Board of Directors, the governing body of the Palmdale Water District.

PALMDALE WATER DISTRICT

KATHY MAC LAREN, President

ATTEST

JOE ESTES, Secretary

APPROVED AS TO FORM:

By: _____
Aleshire & Wynder, General Counsel

Palmdale Water District Proposed Rate Structure

Water Quality Fee ($/ccf): 5-yr moving average of (GAC costs) / (billed water usage [hcf])

User Classification	Water Budget Allocation - Essential Usage
Single Family Residential "SFR"	Indoor Allocation
Multi Family Residential "MFR"	3-yr average of minimum monthly usage
Commercial-Industrial "CI"	3-yr average of minimum monthly usage
Irrigation Only "IRR"	Essential Outdoor Allocation
Other "OTHER"	3-yr average of minimum monthly usage

User Classification	Water Budget Allocation - Efficient Usage
Single Family Residential "SFR"	Indoor Allocation + Efficient Outdoor Allocation
Multi Family Residential "MFR"	3-yr moving average by month
Commercial-Industrial "CI"	3-yr moving 3 month average
Irrigation Only "IRR"	Efficient Outdoor allocation
Other "OTHER"	3-yr moving average by month

Service Charge

Meter Size	Monthly Service Charge
1" and Below	$31.27
1-1/2"	$93.80
2"	$143.85
3"	$260.62
4"	$427.44
6"	$844.50
8"	$1,344.96
10"	$1,928.84

Commodity Rates ($/ccf*)

Tiers	CY 2014
Tier 1	$0.73
Tier 2	$0.84
Tier 3	$2.37
Tier 4	$3.57
Tier 5	$4.61
Tier 6	$5.93

Elevation Booster Surcharge ($/ccf*)

Area	CY 2014
B	-
A1	5-Year Moving Average of Actual Pumping Costs
A2	5-Year Moving Average of Actual Pumping Costs
A3	5-Year Moving Average of Actual Pumping Costs

**Water use is metered in units of ccf (hundred cubic feet)*

All Classes

Tier	Water Budget Allocation
Tier 1	0 - 100% Essential Usage
Tier 2	100% Essential Usage - 100% Efficient Usage
Tier 3	101-130% Efficient Usage
Tier 4	131-160% Efficient Usage
Tier 5	161-190% Efficient Usage
Tier 6	Above 191% Efficient Usage

Appendix C

Meter Charges	% Increase	5.5%	5.5%	5.5%	5.5%	5.5%
Meter Size	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
1" and Below	$31.27	$32.99	$34.80	$36.71	$38.73	$40.86
1.5"	93.80	98.96	104.40	110.14	116.20	122.59
2"	143.85	151.76	160.11	168.92	178.21	188.01
3"	260.62	274.95	290.07	306.02	322.85	340.61
4"	427.44	450.95	475.75	501.92	529.53	558.65
6"	844.50	890.95	939.95	991.65	1,046.19	1,103.73
8"	1,344.96	1,418.93	1,496.97	1,579.30	1,666.16	1,757.80
10"	1,928.84	2,034.93	2,146.85	2,264.93	2,389.50	2,520.92

Commodity Rates	% Increase	5.5%	5.5%	5.5%	5.5%	5.5%
	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019
Tier 1	$0.73	$0.77	$0.81	$0.85	$0.90	$0.95
Tier 2	$0.84	$0.89	$0.94	$0.99	$1.04	$1.10
Tier 3	$2.37	$2.50	$2.64	$2.79	$2.94	$3.10
Tier 4	$3.57	$3.77	$3.98	$4.20	$4.43	$4.67
Tier 5	$4.61	$4.86	$5.13	$5.41	$5.71	$6.02
Tier 6	$5.93	$6.26	$6.60	$6.96	$7.34	$7.74

Drought Surcharges			
Stage No.	Policy	% Shortage	Drought Surcharge per CCF*
1	Water Rationing	20% reduction in water deliveries	$0.45
2	Water Rationing	30% reduction in water deliveries	$0.77
3	Water Rationing	40% reduction in water deliveries	$1.19

RESOLUTION NO. 11-8

RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT TO REVISE WATER RATE STRUCTURE TO EQUALIZE TIER RANGES AMONG USER CLASSES

WHEREAS, on May 13, 2009, the Board of Directors of Palmdale Water District ("District") approved and adopted District Resolution No. 09-08, which implemented a water budget rate structure and associated rates based on tiers of usage among single family residential-multi-family residential, commercial and irrigation user classes (the "2009 Rate Structure"); and

WHEREAS, the 2009 Rate Structure was challenged in two lawsuits brought by the City of Palmdale ("City"); and

WHEREAS, the California Court of Appeal ruled on August 9, 2011 in the City of Palmdale v. Palmdale Water District, Second District Court of Appeal Case No. B224869, that certain aspects of the 2009 Rate Structure (namely, the range of tiers among different user classes) did not comply with the requirements of Article XIIID, Section 6 of the California Constitution; and

WHEREAS, the District desires to promptly comply with the direction of the Court of Appeal on an interim basis, until a more thorough study and analysis can be completed to determine what, if any, further adjustments to the 2009 Rate Structure are necessary to bring it into compliance with the requirements of Article XIIID, Section 6 of the California Constitution,

NOW, THEREFORE, BE IT RESOLVED that the District's Board of Directors hereby amends the tier ranges in its water rate structure retroactive to June 1, 2009, effective beginning the September, 2011, billing cycle, as set forth in the table below:

Tier	SFR/MFR	Commercial	Irrigation
Tier 2	100-130%	100-130%	100-130%
Tier 3	130-160%	130-160%	130-160%
Tier 4	160-190%	160-190%	160-190%
Tier 5	Above 190%	Above 190%	Above 190%

BE IT FURTHER RESOLVED that District staff is directed and instructed to implement the above-referenced adjustments to user class tiers as soon as possible, and to prepare any necessary revisions to the District's Rules and Regulations to memorialize those adjustments, which revisions are hereby deemed approved by this action.

BE IT FURTHER RESOLVED that the District's Board of Directors finds and determines that the above-referenced adjustments will result in reduced water rates for District customers and thus compliance with the procedural requirements Article XIIID, Section 6 of the California Constitution is not required to take this action.

BE IT FURTHER RESOLVED that the District's Board of Directors hereby finds that the above-referenced adjustments are statutorily exempt from compliance with the California Environmental Quality Act (Public Resources Code sections 21000 et seq.) pursuant to CEQA Guidelines section 15273 as the adjustments constitute a modification of the District's rate structure and apply only to rates to obtain funds necessary to meet the District's operating expenses; to purchase or lease equipment supplies or materials; to meet financial reserve needs and requirements; and to obtain funds for capital projects necessary to maintain service within existing service areas.

CERTIFICATION:

I hereby certify that the foregoing Resolution No. 11-8 was duly and regularly adopted by the Board of Directors of the Palmdale Water District at the meeting thereof held on the 19th day of August, 2011 by the following vote:

AYES: Directors Dexter, Figueroa, Godin, and Storm

NOES: None

ABSTAIN: None

ABSENT: Director Cordova

GORDON DEXTER, President,
Board of Directors

ATTEST:

RAUL FIGUEROA, Secretary,
Board of Directors

RESOLUTION NO. 10-22

RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT CONFIRMING AND MODIFYING THE POLICY FOR THE ELEVATION BOOSTER SURCHARGE AND SETTING THE ELEVATION BOOSTER SURCHARGE FOR 2011

WHEREAS, in 2000, the Board of Directors ("Board") of the Palmdale Water District ("District") established the Elevation Booster Surcharge ("EBS") as a means of more fairly allocating the increased cost of moving water to serve customers in the higher elevations of the District's service area; and

WHEREAS, the initial calculation of the EBS was based on the actual costs of moving water to the higher elevations during 1999; and

WHEREAS, the cumulative cost of moving water to the highest elevation in the District, based on that 1999 data, was $3.04 per unit of water; and

WHEREAS, because the EBS was a new part of the water rate, and would result in a significant increase in the rates charged customers in the higher elevations, the Board determined to phase in the EBS over a five year period to total one-half of the cumulative costs predicated on the 1999 data; and

WHEREAS, during the period from 2000 to 2005, the District developed more sophisticated tracking methods to segregate water service accounts into the different elevations areas and to develop information on water use by customers in those areas; and

WHEREAS, in 2005, the Board reconsidered the EBS utilizing and relying on actual energy cost and water use data from 2004 and set the EBS at $1.26 per unit of water moved to the higher elevations; and

WHEREAS, in 2009, the District engaged Raftelis Financial Consultants, Inc. ("Raftelis"), to prepare a new water rate study, which recommended adoption of a water budget rate structure under Water Code §370, *et seq.;* and

WHEREAS, the Raftelis study also recommended an increase in the EBS based on certain assumptions concerning increases in energy costs, including the assumption of an 8% annual increase in energy costs from 2005 forward; and

WHEREAS, now that the actual 2009 consumption and energy cost data is available for the upper elevations of the District's service area, District staff has recalculated the actual cumulative cost of moving a unit of water to higher elevations in 2009 to be $0.82; and

WHEREAS, it is the intent of the EBS to ensure water service accounts in the higher elevations are being charged an appropriate amount to cover the cost of moving water to them, and accordingly, where possible, the EBS should be based on the actual consumption and cost data, rather than projections or assumptions; and

WHEREAS, District staff recommends that the EBS be reviewed and recalculated annually utilizing actual energy costs and water usage data from the prior year because annual adjustments will level out variations and reduce the impact on customers from year to year; and

WHEREAS, staff further recommends that, beginning in 2011, the annual adjustment to the EBS should be based on a five year running average to further insulate the affected customers from large unanticipated increases in the EBS.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of Palmdale Water District hereby finds and determines that the EBS should be adjusted annually based on actual energy costs and water usage data.

BE IT FURTHER RESOLVED THAT, to further reduce variations in the EBS from year to year, the EBS should be calculated using a five year running average of the actual energy costs and water usage data.

BE IT FURTHER RESOLVED THAT, relying on the calculation data from 2005 to 2009, the Board of Directors hereby finds and determines that the EBS shall be set by Elevation Areas as shown in the chart below.

Elevation Booster Surcharge Calculation Summary ($ / unit of water)										
Elevation Area	2005		2006		2007		2008		2009	
	Area Cost	Cumulative Cost	Area Cost	Cumulative Cost	Area Cost	Cumulative Cost	Area Cost	Cumulative Cost	Area Cost	Cumulative Cost
Base	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Area 1	0.15	0.15	0.15	0.15	0.19	0.19	0.15	0.15	0.16	0.16
Area 2	0.19	0.34	0.16	0.31	0.19	0.38	0.19	0.34	0.25	0.41
Area 3	0.29	0.63	0.31	0.61	0.33	0.71	0.38	0.71	0.41	0.82
5 Year Running Average										
Base	-	-	-	-	-	-	-	-	0.00	0.00
Area 1	-	-	-	-	-	-	-	-	0.16	0.16
Area 2	-	-	-	-	-	-	-	-	0.19	0.35
Area 3	-	-	-	-	-	-	-	-	0.35	0.70

BE IT FURTHER RESOLVED THAT, as soon as the actual usage and costs data is available after the close of a calendar year, District staff shall analyze and evaluate that data for the previous five-year period and, utilizing the five year running average, set the EBS for the remainder of that year and until the next adjustment of the EBS made in accordance with this policy.

BE IT FURTHER RESOLVED THAT, the General Manager and staff are hereby authorized and directed to implement this EBS policy forthwith.

PASSED AND ADOPTED this 22nd day of December 2010.

Gordon Dexter, President,
Board of Directors
Palmdale Water District

ATTEST:

Raul Figueroa, Secretary,
Board of Directors
Palmdale Water District

RESOLUTION NO. 09-08

RESOLUTION OF THE BOARD OF DIRECTORS
OF PALMDALE WATER DISTRICT
ADOPTING WATER RATE BUDGET STRUCTURE

This Resolution is based upon the following facts:

1. Appendix C of the Rules and Regulations of the Palmdale Water District sets forth the District's current water rates.

2. Financial information available to the District confirms that the current water rate revenues are not sufficient to offset, among other things, increased operation and maintenance expenses, increased costs for necessary infrastructure repairs and enhancements, increased water quality regulations, and increased water supply costs.

3. Investigation of the water rates was undertaken by the District, and the District also engaged a water rate consultant, Raftelis Financial Consultants, Inc., to review the District's existing rates and rate structure. As a result of that investigation and study, it is recommended that there be a revision in the current water rates and rate structure, including the adoption of a water budget rate structure effective through calendar year 2014.

4. The Board of Directors has found and determined that the approval of the restructuring and adjustment of the rates is for the purpose of meeting operating expenses, performing necessary infrastructure repairs, replacements and enhancements, purchasing water supplies, promoting conservation, discouraging the waste or inefficient use of water and obtaining funds sufficient to maintain service and is therefore exempt from the provisions of the California Environmental Quality Act.

5. The Board of Directors of Palmdale Water District further finds and determines that the adjustment in the rates and the adoption of a water budget system of rates is in the best interests of the District and its inhabitants.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of Palmdale Water District that effective May 14. 2009, the rate structure and water rates through calendar year 2014 shall be as set forth in Appendix C which is attached to this Resolution as Exhibit A.

President

Secretary

E X H I B I T A
APPENDIX C

Service Charge ($)

Meter Size	Current	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014
5/8"	$ 12.87	$ 25.97	$ 29.61	$ 31.97	$ 34.53	$ 37.29	$ 40.28
1"	$ 25.73	$ 50.66	$ 57.75	$ 62.37	$ 67.36	$ 72.75	$ 78.57
1 ½"	$ 38.60	$ 91.81	$ 104.66	$ 113.04	$ 122.08	$ 131.85	$ 142.39
2"	$ 64.34	$ 141.2	$ 160.97	$ 173.85	$ 187.75	$ 202.77	$ 219.00
3"	$ 128.67	$ 256.43	$ 292.33	$ 315.72	$ 340.97	$ 368.25	$ 397.71
4"	$ 218.74	$ 421.05	$ 480.00	$ 518.40	$ 559.87	$ 604.66	$ 653.03
6"	$ 424.61	$ 832.59	$ 949.15	$ 1,025.08	$ 1,107.09	$ 1,195.66	$ 1,291.31
8"	$ 681.95	$ 1,326.44	$ 1,512.14	$ 1,633.11	$ 1,763.76	$ 1,904.86	$ 2,057.25
10"	$ 990.76	$ 1,902.60	$ 2,168.96	$ 2,342.48	$ 2,529.88	$ 2,732.27	$ 2,950.85

Commodity Charge ($/ccf*) ** ccf = hundred cubic feet = 748 gallons Water use is metered in units of ccf*

Tiers	Current	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014
Tier 1	$ 1.27	$ 0.64	$ 0.73	$ 0.79	$ 0.85	$ 0.92	$ 0.99
Tier 2	$ 1.29	$ 2.50	$ 2.85	$ 3.08	$ 3.32	$ 3.59	$ 3.88
Tier 3	$ 1.32	$ 3.20	$ 3.65	$ 3.94	$ 4.26	$ 4.60	$ 4.96
Tier 4	$ 1.37	$ 4.16	$ 4.74	$ 5.12	$ 5.53	$ 5.97	$ 6.45
Tier 5	$ 1.41	$ 5.03	$ 5.73	$ 6.19	$ 6.69	$ 7.22	$ 7.80

Elevation Booster Surcharge ($/ccf) *See website (www.palmdalewater.org) for map of elevation areas*

Area	Current	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014
A1	$ 0.17	$ 0.23	$ 0.25	$ 0.27	$ 0.29	$ 0.31	$ 0.34
A2	$ 0.36	$ 0.49	$ 0.53	$ 0.57	$ 0.62	$ 0.67	$ 0.72
A3	$ 1.26	$ 1.71	$ 1.85	$ 2.00	$ 2.16	$ 2.33	$ 2.52

Water Quality Fee ($/ccf)

Current	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014
$ -	$ 0.20	$ 0.20	$ 0.21	$ 0.22	$ 0.23	$ 0.23

The effective dates for rate changes are: 5/14/09 (CY 2009), 1/1/10 (CY 2010), 1/1/11 (CY 2011), 1/1/12 (CY 2012), 1/1/13 (CY 2013), 1/1/14 (CY 2014)

~~SEE ATTACHED RATE CHART REVISED 9/30/09~~

Water Budgets:

According to American Water Works Association, "water budgets are volumetric allotments of water to customers based on customer-specific characteristics and conservative resource standards."[1] After completing a thorough study the District proposes the following approach to determine individual water budgets for each customer in the newly defined customer classes as shown in the following table.

New Customer Classification	Single Family Residential ("SFR") & Multi-Family Residential ("MFR")	Commercial / Industrial ("CI") and Other (i.e. Municipal, District, School, Construction etc ...)	Irrigation only ("IRR")
Water Budget Allocation	SFR: Indoor + Outdoor MFR: 3-yr historical average	3-yr historical average	Outdoor
Tiers Definition	% of Water Budget Allocation		
Tier 1	0 – 100%	0 – 100%	0 – 100%
Tier 2	100 – 125%	100 – 130%	0 – 110%
Tier 3	125 – 150%	130 – 160%	110 – 120%
Tier 4	150 – 175%	160 – 190%	120 – 130%
Tier 5	Above 175%	Above 190%	Above 130%

For residential customers, the indoor allocation will be based on an average of 4 occupants per home[2] providing an allotment of 60 gallons per capita per day (GPCD). Adjustments for additional occupants can be requested by submitting an Adjustment Application to the District. These applications may be obtained from the District office or website and will require supporting documentation and approval.

The outdoor allocation will be based on irrigable area ("IA") determined by the total square footage of the parcel from assessor's data and the amount of water required to maintain a healthy landscape. For residential customers, the irrigable area is estimated to be 45 percent of the total

[1] *American Water Works Association Journal, May 2008, Volume 100, Number 5*

[2] California, Dept of Finance: E-5 City/County Population and Housing Estimates, 1/1/2008 for City of Palmdale (3.561 residents/household)

parcel area. For irrigation only customers, the irrigable area is assumed to be 100 percent of total parcel area.

The amount of water needed for irrigation is based on:

- Weather: determined by evapotranspiration (ET_0) data gathered from a local weather station
- Landscape factor: the California State assembly passed a bill, AB 1881, to encourage conservation, which provided a landscape factor ("LF") adjustment of 70 percent to the amount of water needed for irrigation
- Conservation factor: approved by District Board to account for water supply shortages (currently set at 100%).

To calculate the customer-specific monthly water budget allocation, the following equations can be used:

- Indoor allocation = GPCD * Household Size * Days per billing cycle / (748 gallons/ccf)
- Outdoor allocation = (ET_0/(12in/ft))* IA * LF * conservation factor / (100 ft^3 / 1 ccf)

The tiers for non-residential customers will be revised when the Board declares a water supply emergency and mandatory cutbacks in water usage.

New user classifications	Water Budget Allocations =
Single Family Residential ("SFR")	Indoor allocation + Outdoor allocation
Multi-Family Residential ("MFR")	3-yr moving average by month
Commercial-Industrial ("CI")	3-yr moving average by month
Irrigation Only ("IRR")	Outdoor allocation
Other ("OTHER")	3-yr moving average by month

Service charge *REVISED 09/30/09*	
Meter size	Monthly Service charge
5/8"	$ 23.78
1"	$ 45.18
1-1/2"	$ 80.85
2"	$ 123.66
3"	$ 223.54
4"	$ 366.24
6"	$ 722.96
8"	$ 1,151.03
10"	$ 1,650.46

Commodity rates ($/ccf)	
Tiers	CY 2009
Tier 1	$ 0.64
Tier 2	$ 2.50
Tier 3	$ 3.20
Tier 4	$ 4.16
Tier 5	$ 5.03
Water quality fees ($/ccf)	
$ 0.20	
Elevation booster surcharge ($/ccf)	
B	$ -
A 1	$ 0.23
A 2	$ 0.49
A 3	$ 1.71

New Customer classifications	Single Family Residential ("SFR") & Multi-Family Residential ("MFR")	Commercial / Industrial ("CI") and Other (i.e. Municipal, District, School, Construction etc …)	Irrigation only ("IRR")
Allocation equation	SFR - Indoor + Outdoor MFR – 3-yr historical monthly average	3-yr historical monthly average	Outdoor
Tier definitions	% of water budget allocation		
Tier 1	0 – 100%	0 – 100%	0 – 100%
Tier 2	100 – 125%	100 – 130%	0 – 110%
Tier 3	125 – 150%	130 – 160%	110 – 120%
Tier 4	150 – 175%	160 – 190%	120 – 130%
Tier 5	Above 175%	Above 190%	Above 130%

New user classifications	Water Budget Allocations =
Single Family Residential ("SFR")	Indoor allocation + Outdoor allocation
Multi-Family Residential ("MFR")	3-yr moving average by month
Commercial-Industrial ("CI")	3-yr moving average by month
Irrigation Only ("IRR")	Outdoor allocation
Other ("OTHER")	3-yr moving average by month

Service charge	
Meter size	Monthly Service charge
5/8"	$ 26.97
1"	$ 51.24
1-1/2"	$ 91.68
2"	$ 140.23
3"	$ 253.50
4"	$ 415.31
6"	$ 819.84
8"	$ 1,305.27
10"	$ 1,871.62

Commodity rates ($/ccf)	
Tiers	CY 2013
Tier 1	$ 0.72
Tier 2	$ 2.84
Tier 3	$ 3.63
Tier 4	$ 4.72
Tier 5	$ 5.70
Water quality fees ($/ccf)	
$ 0.20	
Elevation booster surcharge ($/ccf)	
B	$ -
A 1	$ 0.15
A 2	$ 0.40
A 3	$ 0.83

New Customer classifications	Single Family Residential ("SFR") & Multi-Family Residential ("MFR")	Commercial / Industrial ("CI") and Other (i.e. Municipal, District, School, Construction etc …)	Irrigation only ("IRR")
Allocation equation	SFR - Indoor + Outdoor MFR – 3-yr historical monthly average	3-yr historical monthly average	Outdoor
Tier definitions	% of water budget allocation		
Tier 1	0 – 100%	0 – 100%	0 – 100%
Tier 2	101 – 130%	101 – 130%	101 – 130%
Tier 3	131 – 160%	131 – 160%	131 – 160%
Tier 4	161 – 190%	161 – 190%	161 – 190%
Tier 5	Above 191%	Above 191%	Above 191%

Revised 01/01/13

APPENDIX C.1

WATER BUDGET RATE STRUCTURE
VARIANCE POLICIES AND APPLICATION

Variance Request for Increased Water Allocation

This form is to request a water allocation greater than the standard amount PWD uses. If you believe you need an increased allocation based on the criteria listed below you must complete and return this form in its entirety. Incomplete applications, including applications without requested supporting documentation, will not be reviewed. PWD keeps water rates low by reducing purchases of expensive water from outside the local area. Variances may be approved only for the reasons listed on this application.

Account Holders Name: _____ Account # _____

Owner's Name: _____

Service Address: _____ Phone #: _____

I request increased water allocation for the following reason(s):

☐ 1. More than 4 Full-time residents in household Total Persons in Home:_____

Please provide the names and relationship of residents in household

	Name:	Relationship		Name:	Relationship
1			5		
2			6		
3			7		
4			8		

☐ 2. Licensed Child Care (in home) Facility Please submit a copy of a valid Family Child Care Home license
Total number of children:_____

☐ 3. Adult Day Care Facility (in home)Please submit a copy of a valid Adult Day Care license
Total persons currently cared for:_____

☐ 4. Medical Needs (Please submit verifiable medical documentation)

☐ 5. Other Circumstance Explain:_____
_____

I affirm, under penalty of perjury, that I am the above account holder and the information contained herein, including supporting documentation, is complete and accurate. I further understand that all variances are subject to change and I may be liable for back charges if I provide incorrect information.

Signature _____ Date:_____

Daytime Phone (Required): _____ Email:_____

Submit this completed form along with proper documnetation to District . Please allow 4 to 5 weeks to process your variance request. Once approved and processed, variances will be applied to future billings

For District Use Only
Date Received & Intials _____
Documention Submitted _____
_____
Total Adjustment $ _____
Date Completed & Intials

Please return completed form and required documents to:
Palmdale Water District
2029 East Avenue Q
Palmdale, Ca 93550
FAX: 661-947-8604

Variance Application Information

Number of people in household:

The indoor water budget for single-family residential customers is calculated assuming four (4) people per household. If you have more than four people living in your household year round, you can apply for a vari-ance. Customers will receive an additional 66 gallons per person per day for each additional person. Include the number of people in the household and provide the names and relationships in household. List their first and last names on the "Variance" form.

Documentation must be presented with the Variance Application in order to be approved. Acceptable documents displaying address of application are as follows:

- Copy of last year's income tax return (first page only, listing dependants)
- Valid California Driver's license
- Formal change of address form from USPS
- Lease agreement
- Voided blank checks with pre printed name and address
- Children-A child's Birth Certificate, current year student I. D. card or current year report card

Licensed In-Home Childcare or Eldercare Facility:

If a resident is being used as a licensed childcare or eldercare facility, include a copy of your business license. List the number of children or elderly. When approved, an additional 500 gallons/child/month and 1,000 gal-lons /adult/month will be added to your indoor water budget.

Medical needs:

Please provide verification from a healthcare provider. All medical information will be kept confidential.

Before submitting the application, please read the following:

Information contained on the application form is subject to an audit (PWD reserves the right to audit Variance Applications). As an applicant subject to an audit, you must agree to: provide acceptable documentation of the actual household population. Such documentation may include, but not limited to; copies of the items listed above. If information supplied in the applica-tion is found to be false, the fees and charges will be adjusted retroactively to the date of the application and penalty fees may apply. Appropriate fees and charges will be added to the next water service bill for the ad-dress on the application.

Solicitud de incremento en la asignación de agua

Esta forma es para solicitar un incremento en la asignación de agua que el Distrito asigna de manera estándar. Si usted cree que necesita un incremento en su asignación –basado en cualquiera de las razones enlistadas en esta página—Usted tiene que llenar completamente y entregar esta forma. Solicitudes incompletas incluyendo aquellas que carezcan de documentos solicitados no serán revisadas. El Distrito mantiene tarifas bajas reduciendo compras de agua fuera del area a altos costos. Esta solicitud podrá ser sólo aprobada por las razones enlistadas en esta forma.

Nombre del solicitante: _____ Número de cuenta: _____

Nombre del dueño de la cuenta: _____ Teléfono celular: _____

Dirección del Servicio: _____ Teléfono de casa: _____

Yo solicito un incremento en mi asignación de agua por la(s) siguiente(s) razon(es):

☐ 1. Mas de 4 residentes de tiempo complete en el hogar Total de residents en el hogar_____
Favor de escribir los nombres y parentesco de los residentes del hogar.

	Nombre:	Parentesco:		Nombre	Parentesco:
1			5		
2			6		
3			7		
4			8		

☐ 2. Guardería Infantil con licencia (en casa) favor presentar una copia de la licencia.
Número total de niños:_____

☐ 3. Guarderia para adultos con licencia (en casa) favor de presenter una copia de la licencia.
Número de personas que están siento cuidadas actualmente:_____

☐ 4. Necesidades Médicas (favor de presenter documentación médica).

☐ 5. Otras circunstancias explique:_____
_____

Yo afirmo y bajo pena de perjurio, que soy el dueño de esta cuenta y la información proveída es completa y verdadera. En caso de proveer información incorrecta también entiendo que todos los ajustes podrian cambiar y ser yo responsable de pagarlos.

Firma: _____ Fecha:_____

Teléfono: _____ Email:_____

Permítanos de 4 a 5 semanas para procesar esta solicitud. Una vez aprobada y procesada si hay ajustes serán aplicados a facturas futuras.

For District Use Only
Date Received & Intials _____
Documention Submitted _____
_____
Total Adjustment $ _____
Date Completed & Intials

Por favor envie esta forma y los documentos requeridos a:
Palmdale Water District
2029 East Avenue Q
Palmdale, Ca 93550
FAX: 661-947-8604

Información de la solicitud

Número de personas en el hogar:

La cantidad de agua asignada para una cuenta residencial es calculada asumiendo un total de 4 personas en el hogar. Si usted tiene mas de 4 personas residiendo todo el año en su hogar, puede solicitar un incremento. Podría recibir 66 galones de agua por día por cada persona adicional. Llene la solicitud incluyendo el número total de personas en el hogar, nombre apellido y parentesco con el solicitante.

La documentación debe ser presentada con la solicitud para que pueda ser aprobada. Documentación aceptable que muestre la dirección correspondiente a la solicitud por cada residente se limita a:

• Copia de la declaración de impuestos del año anterior (sólo la primera página donde se muestra el nombre de los dependientes). Otros comprobantes puedieran ser:
• Copia dela licencia de manejar ó identificación del estado de California.
• Copia del aviso de cambio de domicilio tramitado en USPS (correo).
• Copia del contrato de arrendamiento.
• Copia de un cheque en blanco cancelado con nombre y dirección.
• Para los niños copia del acta de nacimiento, ó copia de la identificación vigente de la escuela ó boleta escolar del año acutal.

Guardería con licencia infantil ó para adultos en casa.

Si la residenica está siendo usada como guardería con licencia infantil ó de adultos, incluya una copia de su licencia. Enliste el número de niños ó adultos. Cuando su solicitud sea aprobada, se le incrementará su límete de agua de la siguiete manera, 500 galones de agua por mes por niño ó 1000 galones de agua por mes por adulto.

Necesidades médicas:

Favor de proveer documentacón de su doctor donde especifique el número de galones de agua que sean necesarios para el residente. Toda la información médica se mantendrá confidencial.

Antes de submitir su solicitud, lea lo siguiente.

La información contenida en la solicitud está sujeta a ser auditada(PWD se reserva el derecho de auditar solicitudes de incremento de asignación de agua). Como solicitante sujeto a ser auditado usted estará de acuerdo en proveer documnetación comprobatoria de todos los residentes de su hogar. Dicha documentación se limita a la enlistada anteriormente. Si la informción submitida con la solicitud es falsa, se haran cargos retroactivos a la cuenta a partir de la fecha de la solicitud. Y una multa podría imponerse, dichos cargos seran reflejados en la siguiente factura de agua.

APPENDIX C.2

COURTESY LEAK ADJUSTMENT
APPLICATION AND PROGRAM CONDITIONS

Courtesy Leak Adjustment Application

A courtesy adjustment is available to customers who go over their allocations caused by extraordinary water consumption due to leaks. When an adjustment is made, the excess units of water for Tiers **5** and **6** are re-billed at the Tier **2** rate.

Account Holders Name: _____ Social Security #(last 4): _____

Service Address: _____

Telephone Cellular _____ Home: _____

Account Number: _____

E-mail Address: _____

Leak Adjustment Policy:
If you find a leak and your water bill was exceptionally high, you may qualify for a courtesy leak adjustment after the leak is fixed.

Policy Conditions:

- **RECEIPT FOR REPAIRS (Original Receipts Only no copies) MUST BE ATTACHED** to completed form.

DATE REPAIR MADE: _____

- The increase in consumption must have been caused by a leak which has been repaired.
- The increase in consumption must be at least 50% more than the property's monthly average correspon-- ding seasonal water consumption, as evidenced by the historical water cosumption available for the property.
- The repair must be completed within 60 days of the increase in consumption (from the date of the bill).
- An adjustment to the customer's account will be limited to two (2) consecutive billing periods.
- Limit of 1 account adjustment every 12 revolving months based on the date of last leak adjustment on the account.
- All documentation must be submitted within 90 days of the bill date for the first bill in question.

Briefly explain what repairs were done at the property:

_____

_____

_____

I certify that I understand the requirements in this form and that to the best of my knowledge the information is true.

Account Holder Signature: _____ Date: _____

Once this application with original receipts attached is received, the District will review the account for compliance with policy conditions. If all conditions are met, the District will provide an adjustment to the account and will reflect on your bill. Please be aware that it can take up to 6 weeks to process your request.

For District Use Only:
Date Received & Initials: _____
Processed By: _____
Denied: _____
Approved: _____
If approved Credits:

Please return form and proof of repairs to:

Palmdale Water District
2029 East Avenue Q
Palmdale, Ca 93550

File: Leak Adjust Revised 4/02/15

Find and Fix Leaks



Follow these tips to find leaks inside or outside your home.

Turn Off the Water

Before you look for leaks, make sure no water is being used inside or outside of your home.

Locate your water meter

About 90 percent of all area residential water meters are located in the front sidewalk. The first step is to check your water meter for movement. Look at the top of the meter. You'll notice a triangle called a flow indicator. The red triangle (flow indicator) will move whenever water is passing through it. If your meter doesn't have a flow indicator, you can use the sweep hand on the register to indicate water loss. If either the flow indicator or the sweep hand is moving, you may have a leak or malfunction if you are sure water is not being used inside the home.

Check Your Toilets

Locating a leak is a process of elimination. Shut off one toilet at a time at the wall. In between each shutoff, go out to the water meter and check your flow indicator. If the small triangle stopped moving, that means the toilet is the culprit. If the small, red flow-indicator triangle is moving, that toilet is not the problem. Something else is causing the water flow.

Check Your Irrigation System

Shut off the anti-siphon valve that serves your sprinkler system. Check the red flow-indicator triangle at the water meter. If the flow indicator stopped moving, the sprinkler system is the problem.

Check Your Water Softener

Most softeners have a bypass lever. Turn the lever to allow water to bypass the softener. Check the red flow-indicator triangle at the meter. If the triangle is no longer moving, you have isolated the leak to your softener. (You also can check for leaking swamp coolers, water-cooled air conditioners, ice machines and reverse osmosis units by turning the bypass lever on each and checking the meter.)

Check Your Pool

First turn off the automatic fill valve and place a bucket on a step where the bucket rim is at least a few inches above the water line. Then place a heavy weight in the bucket and add water until the water level inside the bucket is equal with the water level in the pool. Leave the bucket and pool undisturbed for several hot days, then compare the water level in the bucket to the water level in the pool. If the water level in the bucket is noticeably higher than the water level in the pool, you may be losing water to a leak. If this is the case, contact a pool leak detection specialist for further assistance.

Check Your Main Service Line

First, you need to find your water shutoff valve. This is usually in your front yard near the sewer riser cap, in your garage or near your water softener unit. Shut off the valve, cutting off all water to your home, and go in the house and turn on a faucet to make sure the water is off. Check the red flow-indicator triangle at the meter. If the red triangle is moving, the leak is between the shutoff valve and the water meter.

Last step

First, close the water meter cap to prevent damage to the lens and replace the meter box lid. If you are not able to find the leak, call a professional plumber to locate and fix the leak(s). If you find a simple leak like your toilet flapper or kitchen faucet, you may want to fix the problem yourself but be sure to keep all receipts

Solicitud de ajuste de cortesía por fuga de agua

Un ajuste de cortesía está disponible para los clientes que su consumo se ha incrementado considerablemente y ha pasado el límite debido a una fuga de agua.Cuando un ajuste es hecho, el exceso de unidades consumidas facturadas en tarifa 5 y 6 se recalcularan al costo de tarifa 2.

Nombre del dueño de la cuenta: _____ Ultimos 4 dígitos del seguro social: _____

Dirección del servicio: _____

Número de cuenta: _____

Teléfonos - Celular: _____ Casa: _____

Correo electrónico: _____

Póliza del ajuste por fuga:

Si usted encuentra una fuga y su factura de agua es extraordinariamente alta, usted podría calificar para recibir un ajuste de cortesía después de haber reparado la fuga.

Condiciones de la póliza:

• **FAVOR DE ANEXAR EL RECIBO DE LA REPARACION (Sólo recibos originales- no copias)**

FECHA EN QUE SE HIZO LA REPARACION: _____

• **El incremento en consumo tuvo que haber sido causado por una fuga que ha sido reparada.**

• El incremento en consumo tiene que ser por lo menos 50% mas que el promedio mensual de consumo durante el mismo periodo de tiempo en años anteriores de acuerdo al historial de cosumo de la propiedad.

• La reparación tuvo que haberse hecho dentro de los 60 dias del incremento (de la fecha de la factura).

• El ajuste a la cuenta del cliente será limitado a dos (2) ciclos de facturacion consecutivos .

• Limite de un ajuste cada 12 meses consecutivos basado en la fecha del último ajuste por fuga en la cuenta.

• Toda la documentación tiene que ser submitida dentro de 90 dias de la fecha de la primera factura a ajustar.

Explicación breve de las reparaciones hechas en la propiedad:

_____

_____

_____

Yo certifico dentro de mi conocimiento que esta información es verdadera y que entiendo los requisitos de esta solicitud.

Firma del dueño de la cuenta: _____ Fecha: _____

Una vez que esta solicitud es recibida con facturas originales anexadas, el Distrito revisará la cuenta siguiendo la póliza de condiciones. Si todas las condiciones se cumplen, el Distrito va a aplicar un ajuste a la cuenta y será reflejado en la factura. Por favor tome en cuenta que este ajuste pudiera tomar hasta 6 semanas para ser procesado.

For District Use Only:
Date Received & Initials: _____
Processed By: _____
Denied: _____
Approved: _____
If approved Credits:

Esta versión fué creada: 150402

Por favor envié esta forma y facturas de la reparación a:

Palmdale Water District
2029 East Avenue Q
Palmdale, Ca 93550

Guía para encontrar y arreglar fugas



Siga estos consejos para encontrar fugas dentro y fuera de casa .

Cierre todas las llaves

Antes de buscar fugas verifique que el agua no está siendo usada dentro o fuera de la casa.

Localice su medidor de agua

Cerca de un 90% de los medidores residenciales se encuentran en la acera frente a la propiedad. El primer paso es revisar si su medidor tiene movimiento debido al flujo del agua.Observe la parte superior de su medidor. Usted va a encontrar un triángulo de color rojo llamado indicador de flujo, el cual gira cuando el agua fluye al pasar a través del medidor. Si su medidor no tiene un indicador de flujo entonces puede observar la manecilla giratoria del registro que es una aguja que gira en el momento que el agua fluye a través del medidor. Si el agua no está siendo usada dentro la propiedad y el indicador de flujo ó manecilla giratoria del medidor está girando, entonces lo mas posible es que tenga una fuga de agua ó el equipo puede estar malfuncionando.

Revise sus inodoros

Encontrar fugas de agua es un proceso de eliminación. En caso de que el indicador de flujo del medidor esté girando, cierre la llave de paso que se encuentra en la pared detrás del inodoro y vaya a observar su medidor una vez mas, si el indicador de flujo ha dejado de girar quiere decir que ese inodoro tiene fuga de agua. Si el indicador de flujo sigue girando quiere decir que la fuga está en otro lugar. Y asi sucesivamente continue verificando el resto de la propiedad.

Revise su sistema de riego

Cierre la válvula principal que abastece el flujo del agua para el sistema de riego. Observe el indicador del flujo del agua en el medidor, si éste ha dejado de girar el problema o fuga de agua está en el sistema de riego.

Revise su sistema suavizante de agua

La mayoría de sistemas suavizantes de agua tienen una palanca para guiar el flujo del agua y así hacer que el agua pase por el sistema suavizante ó que se vaya directamente a la propiedad sin pasar por el sistema. Ponga la palanca que regula el flujo del agua directo a la propiedad y observe su medidor, si el indicador de flujo ya no está girando, la fuga de agua está en el sistema suavizante de agua. Revise de la misma manera sistemas de enfriamento como swamp cooler, aire acondicionado a base agua, máquinas para hacer hielo y equipos de filtración de agua por ósmosis inversa.

Revise su alberca

Si su alberca tiene válvula de llenado automático apáguela, colóque un balde en el escalón superior de la alberca lleno de agua con algo pesado dentro (una piedra por ejemplo). Trate que el borde del balde quede unos centímetros arriba del nivel del agua de la alberca y que el nivel del agua del balde quede igual que el nivel del agua de la alberca. Deje el balde en la alberca por varios dias calurosos sin tocar el agua del balde, depués compare el nivel del agua del balde con el nivel del agua de la alberca, si éste último está cosiderablemente mas bajo que el nivel del balde el resultado es que su alberca tiene una fuga, y para arrreglar este problema tendrá que contratar servicio especializado en detección y arrglo de fugas de albercas.

Revise la tubería de abastecimiento principal en su propiedad.

Primero, necesita cerrar la llave de paso de agua que está dentro de su propiedad, puede estar en la parte del frente de su casa cerca de la llave del jardín ó en el garage. Dentro de su casa abra cualquier llave para verificar que el flujo del agua ha sido interrumpido. Observe el indicador de flujo de agua en su medidor, si éste se encuentra girando quiere decir que la fuga de agua está en la tubería de abastecimiento principal entre el medidor y la llave de paso en su propiedad.

Ultimo paso

Primero, cierre la tapa del medidor para prevenir cualquier daño al lente y coloque la tapadera de la caja. Si no le ha sido posible encontrar la fuga de agua, llame a un plomero para que encuentre la fuga y la arregle. Si usted encuentra una fuga simple como en un inodoro o un grifo de la cocina usted podría arreglarlo; en ambos casos cerciórese de guardar los recibos.

APPENDIX C.3

RATE ASSISTANCE PROGRAM

RULES TO APPLICANTS FOR WATER RATE ASSISTANCE PROGRAM

APPLICANT

The Palmdale Water District Rate Assistance Program (PWDRAP) is available only to residential customers, age 62 or older, who receive water through a 5/8" or 3/4" water meter.

An applicant for the District's Rate Assistance Program must be either the owner living in the premises or the tenant of the residence and responsible for the payment of water service provided by the District. Tenants must have on file with the District an affidavit, in the form attached hereto as "Exhibit A", signed by the property owner, assuming responsibility for payment of services for said property.

ELIGIBILITY FOR PROGRAM

Each applicant for the PWDRAP must establish eligibility for the program annually as stated below:

CARE Program: Applicant must qualify and be enrolled in Southern California Edison's or Southern California Gas' California Alternative Rates for Energy (CARE) program and must provide a utility bill showing proof of such enrollment.

Household Income: Applicant's total gross household income cannot exceed pre-determined income requirements established by the District, based upon the approved limits set by the California Public Utilities Commission for the CARE program. Applicant must provide verification of household income with application by any means deemed acceptable by the District.

Income Requirements. Maximum household income requirements are based upon number of persons living in residence in relation to maximum total "gross household income" from all sources.

Income Qualifications. Total gross household income is all revenues, from all household members, from whatever sources derived, including but not limited to:

- Wages
- Salaries and Other Employment Compensation
- Interest
- Dividends
- Spousal Support
- Public Assistance Payments
- Social Security and Other Pensions
- Rental Income

- Income from Self-employment
- All Employment-related Non-cash Income

Income Taxes: Applicant may not be claimed as a dependent on another person's federal or state income tax return.

Property Taxes: Applicant may be required to provide a copy of their annual property tax statement, or documentation reasonably requested by the District to evidence home ownership.

Additional Requirements: The following requirements also apply to each applicant:

- Must reapply each time they move.
- Must reapply annually.
- Must notify the District within 30 days if they become ineligible.

METHOD OF APPLICATION FOR PROGRAM

Application Procedure: Applicant must obtain from the District an application, attached hereto as "Exhibit B", for the PWDRAP. Applicant must complete the application and submit the required documentation to the District. If approved, applicant will receive the assistance on their bill, as calculated under Section "Rate Assistance", below, at a to-be-determined date. If the application is not approved, applicant will receive a letter from the District explaining the reason for the disapproval.

Application Period: Applications are accepted on a first come, first served basis, contingent upon the availability of funds. Participation in the PWDRAP is personal to the applicant and is not transferable with the property.

PROGRAM FUNDING

The Board of Directors will approve on an annual basis, as part of the District's budget process, the annual funding for the PWDRAP. **Funding for the PWDRAP is not derived from water rate revenue.** Approved funding, if any, will be a not-to-exceed amount established for a twelve (12) month period that may differ from the District's fiscal year. The annual funding approved will be prorated amongst eligible participants in an amount not-to-exceed fifty percent (50%) of the current monthly service charge.

ASSISTANCE RATE

The District has established an assistance amount of up to fifty percent (50%) off of the monthly service charge for 5/8" & ¾" meters, for qualified households. This rate of assistance is subject to change on an annual basis as determined by the Board of Directors.

REDUCTION; TERMINATION

The District, in its sole discretion, reserves the rights to reduce amounts available under the PWDRAP, and any assistance available under that program, in its entirety, upon at least thirty (30) days written notice to participants in the program.

PALMDALE WATER DISTRICT

2029 East Avenue Q • Palmdale, California 93550 • Telephone (661) 947-4111 • Fax (661) 947-8604

Board of Directors

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Palmdale Water District Rate Assistance Program (PWDRAP) Application
Calendar Year 2015

Applicant's Name: _____ Tenant ☐ Yes ☐ No

Account Holders Name: _____ Social Security # (last 4): _____

Service Address: _____ Date of Birth: _____

Account Number: _____ Phone: _____

E-mail Address: _____

- Number of person(s) in your household: _____
- Total **Gross** Annual Household Income for all person(s) in your household: $_____
  (This is income before deductions)
- Can anyone else claim you as a dependent on his/her Income Tax Return? ☐ Yes ☐ No
- Which utility CARE program are you currently enrolled in? (Please attach a copy of your most recent bill)
  Southern California Edison ☐
  Southern California Gas ☐
- Attach a copy of a government issued picture I.D.
- Attach copy of prior year tax return or social security statement.
- **If you are a tenant, please attach copy of rental agreement and have property owner complete the affidavit of lessee responsibility which can be obtained at District office or on the web at www.palmdalewater.org**

Declaration and Self Certification Statement

I declare that the information I have provided in this application and supporting documents is true and correct. I agree to provide proof of income in a form requested by the District. I agree to inform the District if I no longer qualify to receive rate assistance. I know that if I receive any rate assistance without qualifying for it, I may be required to pay back the amount of assistance received.

Account Holder Signature: _____ Date: _____

For District Use Only:

Date Received and Initials: _____

Processed By: _____

Date Approved: _____

Date Denied: _____

Please return application and supporting documents to:

Palmdale Water District
2029 E. Avenue Q
Palmdale, CA 93550

About PWDRAP

The Palmdale Water District is pleased to offer a Rate Assistance Program to our customers, 62 years of age or older, and low income families who meet the eligibility requirements identified below. If your household qualifies for a discount on your energy bill under the electric or gas CARE program(s), you may also qualify for rate assistance of up to fifty percent (50%) on the monthly service charge on your water bill. Low income senior applications take priority; however, if funds are available we will process low income family applications.

To apply for PWDRAP at your residence, please fill out this application and submit the required documentation to the District. If approved, the rate assistance will become effective within sixty (60) days after the date of approval. If your application is not approved, you will receive a letter from the District explaining the reason for that decision. Applicants may apply any time throughout the year; however, applications will be accepted and processed in the order they are received, contingent upon the availability of funds.

If you need assistance in completing the application, or would like more information about the program, call the District at 661-947-4111, option 2, and speak to a Customer Service Representative, or visit our office at 2029 East Avenue Q, Palmdale, CA 93550, or on the web at www.palmdalewater.org

INCOME REQUIREMENTS (Effective June 1, 2014 through May 31, 2015) Source: California PUC Alternative Rates for Energy (CARE)	
Number of person(s) living in residence	Maximum total "gross household income" from all sources
1	$31,460
2	$31,460
3	$39,580
4	$47,700
5	$55,820
6	$63,940
7	$72,060
8	$80,180
Each Additional Person	$8,120

What Counts as Income?

Total gross household income is all revenues, from all household members, from whatever sources derived, including but not limited to: wages, salaries and other employment-related compensation, interest, dividends, spousal and child support payments, public assistance payments, Social Security and pensions, rental income, income for self-employment, and all employment-related non-cash income.

What are the Qualifications?

- Must complete and submit application. Applications will be accepted on a first come, first served basis contingent upon availability of funds.
- Must qualify for the Southern California Edison or Southern California Gas CARE program.
- Total gross household income cannot exceed the amounts shown on the “Income Requirements” table.
- Must be a District residential customer and receive water through a 5/8" or 3/4" meter.
- Must provide verification of age and household income as required by the District.
- May not be claimed as a dependent on another person’s federal or state income tax return.
- If the applicant is a tenant, copy of the rental agreement must be attached to this application.
- May be required to provide proof of ownership by means requested by the District.
- Must reapply annually and/or each time you move.
- Must notify the District within thirty (30) days if you become ineligible.
- Assistance is nontransferable with property or applicant.

PALMDALE WATER DISTRICT

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AFFIDAVIT OF LESSEE RESPONSIBILITY FOR WATER BILLS

I, _____, do hereby affirm and say:

1. That I am the Landlord/Owner of the property located at _____ _____ Palmdale, CA.

2. That this property is a single residence.

3. That the water account number is: _____

4. That the following information, as provided, is true and correct to the best of my knowledge:

   Lessee/Tenant responsible for paying the water bill:

   Name: _____

   Telephone: _____

   E-mail address: _____

5. That on _____ a lease was executed for the above described premises with said lease, requiring said lessee/tenant to be responsible for all water bills incurred during the term of the lease.

6. That the expiration of said lease is _____

   I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed this ____ day of _____, 20 ___.

   By Landlord/Owner:

   Name: _____ E-mail address: _____

   Last four of social security number: _____

   Mailing address: _____

   Telephones: Cell: _____ Home/Office: _____

   Signature: _____

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Programa de Asistencia Tarifario de Palmdale Water District

Solicitud para el año de calendario 2015

Nombre del solicitante: _____ Inquilino: ☐ Sí ☐ No

Nombre del dueño de la cuenta: _____Ultimos 4 números del seguro social: _____

Dirección del Servicio: _____ Fecha de nacimiento:_____

Número de cuenta: _____ Teléfono: _____

Dirección de correo electrónico: _____

- Número de personas en el hogar: _____
- Ingreso total bruto de todas las personas en el hogar: $_____
  (Antes de deducciones)
  Podría alguien mas incluirlo como dependiente en la declaracion de impuestos? Sí ☐ No ☐
- ¿En cual programa CARE está actualmente inscrito? ☐ Southern California Edison
  (Agregue una copia de la factura más reciente) ☐ Southern California Gas

- Incluya una copia de su identificación con fotografía (Debe ser expedida por una oficina gubernamental)
- Incluya una copia de su declaración de impuestos del año pasado o su estado de ingresos del seguro social o prueba de ingreso anual.
- **Si el solicitante es el inquilino, favor de anexar copia del contrato de arrendamiento y tambien el dueño de la propiedad debe completar un affidavid el cual se puede obtener en la oficina del Distrito ó en la página web: www.palmdalewater.org**

Declaración y autocertificación

Yo declaro que la información proveída en esta aplicación y la documentación presentada son correctas y verdaderas. Estoy de acuerdo en brindar prueba de ingresos en la forma requerida por el Distrito. Y estoy de acuerdo en informar al Distrito si ya no califico para recibir la asistencia. Yo se que si recibo la asistencia sin calificar podría requerirse que pague el monto de la cantidad de asistencia recibida.

Firma del solicitante:_____ Fecha: _____

For District Use Only:

Date Received and Initials: _____

Processed By: _____

Date Approved: _____

Date Denied: _____

Favor de entregar la aplicación y documentación requerida a:

Palmdale Water District
2029 E. Avenue Q
Palmdale, CA 93550

En referencia a PWDPAT

El Distrito del Agua de la Ciudad de Palmdale se complace en ofrecer el programa de asistencia tarifario para nuestros clientes de 62 años o mayores y familias de bajos ingresos que reunan los requisitos explicados mas adelante. Si su hogar califica para el descuento CARE en las facturas de electricidad ó gas entonces podría calificar para la asistencia del programa tarifario recibiento hasta un 50% de descuento en el cargo mensual mínimo por servicio. Daremos prioridad a procesar las solicitudes de los clientes de la tercera edad y si los fondos están aún disponibles procesaremos solicitudes de familias de bajos ingresos.

Para participar en PWDPAT favor de llenar esta solicitud y agregar la documentación necesaria. Si la solicitud es aprobada, la asistencia será efectiva 60 días después a partir de la fecha de aprobación. Si la solicitud no es aprobada , usted recibirá una carta del Distrito con una explicación por esta decisión. Recibiremos solicitudes en cualquier fecha durante el año, sin embargo, las solicitudes serán aceptadas y procesadas en el orden que sean recibidas hasta que los fondos sean agotados.

Si necesita ayuda llenando la solicitud ó necesita mas información acerca del programa, llame al Distrito 661-947-4111, opción 8 (español) luego presione 2 para servicio al cliente en español ó visite nuestra oficina ubicada en el 2029 E Avenue Q, Palmdale, CA 93550 ó visite nuestra página web: www.palmdalewater.org .

REQUISITOS DE INGRESO (Vigente del 1ro de Junio del 2014 al 31 de Mayo de1 2015) Fuente: California PUC Tarifas Alternativas para Energía (CARE)	
Número de personas que viven en el hogar	Máximo del ingreso bruto total de todas las fuentes
1	$31,460
2	$31,460
3	$39,580
4	$47,700
5	$55,820
6	$63,940
7	$72,060
8	$80,180
Por cada persona adicional	$8,120

Que se considera ingreso?

Ingreso total bruto es el la acumulación de los ingresos de todos los integrantes del hogar provenientes de cualquier fuente: sueldos, salarios, compensaciones por empleo, intereses, dividendos, manutención marital, manutención de hijos, asistencia pública, pensiones del seguro social, ingresos por arrendamineto, ingresos provenientes de trabajar por cuenta propia y todas las retribuciones no monetarias por empleo.

Cuales son los requisitos?

- La solicitud tiene que ser llenada y entregada. Las solicitudes serán aceptadas en el orden que sean recibidas hasta agotar la disponibilidad de fondos.
- Debe calificar para el programa CARE de Southern California Edison ó Southern California Gas.
- Si el solicitante es el inquilino favor de anexar copia del contrato de arrendamiento.
- La cantidad de ingreso total bruto del hogar no puede exceder la cantidad mostrada en la tabla de " ingresos requeridos".
- Debe ser cliente residencial del Distrito con un medidor de agua de 5/8" ó 3/4".
- Debe proveer verificación de edad e ingreso requerido por el Distrito.
- No tiene que ser reclamado como dependiente de otra persona en la declaración de impuestos federal ó estatal.
- Podría ser requerida una prueba de ser dueño de la propiedad.
- Tendrá que aplicar anualmente y/ó cada vez que se mude a otra propiedad dentro del Distrito.
- Tendrá que notificar en un periodo de 30 días si ya no es elegible.
- La asistencia no es transferible con la propiedad o con el solicitante.

PALMDALE WATER DISTRICT

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DECLARACION JURADA PARA CONFIRMAR QUE EL ARRENDATARIO ES RESPONSABLE DEL PAGO DE FACTURAS DE AGUA

Yo, _____, por este medio expreso y afirmo:

1. Que soy el arrendador/dueño de la propiedad localizada:_____ _____Palmdale, CA.
2. Que esta propiedad es de uso residencial.
3. Que el número de cuenta del agua es: _____.
4. Que dentro de mi conocimiento, la información proveída es correcta y verdadera.

   Arrendatario/Inquilino responsable de pagar la factura de agua:

   Nombre: _____

   Teléfono: _____

   Correo electrónico: _____
5. Que en la fecha: _____un contrato de arrendamiento fué realizado para la propiedad arriba mencionada y en dicho contrato de arrendamiento se especifica que el arrendatario/inquilino arriba mencionado es responsible por las facturas de agua generadas durante el periodo vigente del contrato de arrendamiento.
6. La fecha de vencimiento del contrato de arrendamiento es: _____

   Yo declaro bajo pena de perjurio y bajo las leyes del estado de California que la infomación anterior es verdadera y correcta. Ejecutado el día_____del mes _____, 20_____

   Nombre del arrendador/dueño: _____

   Ultimos 4 números del seguro social: _____Correo electrónico: _____

   Dirección de correo: _____

   Teléfonos: Celular: _____ Casa/Oficina: _____

   Firma: _____

Nuestra mision es brindar el mejor servicio a nuestros clientes y proveer agua a un costo razonable

APPENDIX D

MISCELLANEOUS CHARGES

APPENDIX D

MISCELLANEOUS CHARGES

1. Shutoff Fee:
   - During regular working hours-on shut off list but service not yet physically off (8 a.m. to 5 p.m.) . . . . . $ 20.00
   - During regular working hours-service physically shut off (8 a.m. to 5 p.m.) . . . . . $ 30.00
   - After regular working hours-Saturdays, Sundays, and holidays (emergencies only) . . . . . $ 80.00

2. Rejected Payment Charge per Article 8.03C (2) . . . . . $ 25.00

3. Meter Test Charge per Article 8.03C (3)-(per test/invoiced) . . . $ 65.00

4. Pulled Meter Charge per Article 8.03C (4). . . . . $ 60.00

5. Unauthorized Water Use Fine per Article 8.03C (5) . . . . $ 1,000.00

6. Walk-thru and Cleaning Water Service per Article 8.03C (8) – maximum of five working days:
   -5 units or less . . . . .minimum monthly charge plus $ 55.00 Service Charge

   -6 units or more . . . . charged at current District rates plus $ 55.00 Service Charge

7. Disconnection Charge for Waste or Misuse of Water per Article 8.05B (3) and Appendix O . . . . . $ 1,000.00

8. Late Charge per Article 8.04E and Article 8.04G (2) – **10% of the balance due for the first 30 days and 1-1/2% for each 30 days thereafter**

9. Fee for Confinement or Quitclaim of Easements per Article 12.04 . . $ 100.00

10. Non-emergency Service Calls After Regular Working Hours (8 a.m. to 5 p.m.) on Weekdays, Saturdays, Sundays, and Holidays. . . $ 80.00

11. Turn-on/off Fee per Article 8.03C (9) . . . . . $ 15.00

12. 48-Hour Disconnect Notice Fee per Article 8.03C (10) . . . . $ 20.00

13. Angle Stop Repair per Article 8.02H:
    -During regular working hours (7 a.m. to 3:30 p.m.) . . . . $ 440.00

    -After regular working hours, Saturdays, Sundays, and Holidays . . $ 600.00

-Service line replacement per Article 8.03C (7)	Cost + Overhead
14. Missing or Damaged Padlock	$ 15.00
15. Damaged or Missing District Property (meter, register, transmitter) . .	Cost + Trip
16. Backflow Non-Compliance Charge	$ 50.00
17. Fire Flow Test Charge	$ 250.00
18. Customer Deposit	$ 200.00 Residential $ 300.00 Commercial
19. Fire Protection (per month)	$ 100.00
20. Bad Debt Collection Charge	Actual cost associated
21. Account Transfer Charge	$ 10.00
22. Set-up Account Charge	$ 25.00 each
23. Credit Evaluation Charge	$ 10.00 each
24. Meter Downsizing Fee:	
- 1" to 5/8" x 3/4"	$ 240.00
- 1-1/2" to 5/8" x 3/4"	$ 318.00
- 1-1/2" to 1"	$ 405.00
- 2" to 1".	$ 455.00
- 2" to 1-1/2"	$ 579.00

REVISED AND ADOPTED BY THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AT A REGULAR MEETING HELD SEPTEMBER 9, 2009.

PALMDALE WATER DISTRICT

ADDENDUM TO APPENDIX D

PLAN CHECK

- Residential: $0.50 per Lineal Foot + $40.00 per Lot
- Commercial: $1.00 per Lineal Foot + $40.00 per Equivalent Unit + $250.00 per Sheet
- Multi Family: $1.00 per Lineal Foot + $25.00 per Dwelling Unit + $500.00 per Sheet

INSPECTION

- Residential: $2.00 per Lineal Foot + $160.00 per Lot
- Commercial: $4.00 per Lineal Foot + $160.00 per Equivalent Unit + $1,000.00 per Sheet
- Multi Family: $4.00 per Lineal Foot + $100.00 per Dwelling Unit + $2,000.00 per Sheet

APPENDIX E

REFUNDABLE CONSUMER DEPOSITS

Consumer's Deposit Required per Article 10.03 as follows:

Commercial or Industrial:

For each single or multiple commercial or industrial unit served by the same service meter ..... $300.00 per unit

Residential:

For each dwelling unit served by the same service meter ..... $200.00 per unit

At the Manager's discretion, the District may require an additional deposit as a condition precedent to water service or reconnection if (i) District determines the consumer has an unsatisfactory payment history, (ii) the consumer is not credit-worthy, or has previously had water service disconnected for non-payment, or had a check returned to the District (e.g., insufficient funds) or had a credit card charge back in connection with payment of a District bill, or (iii) the nature of the services or the consumer's intended use of water warrants an additional deposit. In such instances, the total consumer deposit shall be determined by the Manager, but in no event shall the deposit exceed the total of the three (3) highest months' water usage charges during the twelve (12) calendar months immediately preceding the delivery of the deposit or $500, whichever amount is greater.

REVISED AND ADOPTED BY THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AT A REGULAR MEETING HELD MARCH 11, 2009 EFFECTIVE MAY 13, 2009.

DEPOSIT REFUND REQUEST FORM

For Single Family Residences

Account Holders Name: _____

Social Security # (last 4): _____

Phone number: _____

Service Address: _____

Account Number: _____

The refund of a deposit is subject to the customer making a request in writing and the customer meeting all the requirements of Palmdale Water District's Rules and Regulations Section 10.03. B. “Refund of Deposit (Single Family Residences Only)”.

One (1) year after a deposit is made with the District (i.e., initial account setup, non-payment, return check) Customer must submit written request to receive a refund of the deposit.

1.) As per section 10.03.B.2.b – “Customer has not incurred any additional disconnect charges on the account.”

2.) As per section 10.03.B.2.c – “Customer has not had any additional checks returned from bank (e.g. insufficient funds), rejected electronic funds transfer or any credit card charge backs".

I, _____ have read the rules and regulations above and understand that I
print name
must comply with them in order to receive my deposit refund. I hereby request the District to review my account to see if it qualifies for a deposit refund. If refund request is denied the District will contact me. If approved, I request the refund of my deposit to be returned as follows:

☐ Please apply my deposit refund to my account.

☐ Please issue me a check for my deposit refund.
(Please note that check refunds can take 3-4 weeks to process).

Mailing Address for Refund Check if different than above address:

_____

_____

Signed,

_____ _____
Account Holder Signature Date

Return by U.S. Mail, Fax (661) 947-8604, or scan and email to "front_office@palmdalewater.org"

For District Use Only

Account Reviewed: Approved _____ (Initials) Denied** _____ (Initials) ** Customer Contacted

SOLICITUD PARA REEMBOLSO DEL DEPOSITO

Para cuentas residenciales

Nombre del dueño de la cuenta: _____

Seguro Social (últimos 4 números): _____

Número de teléfono: _____

Dirección del servicio: _____

Número de cuenta: _____

El reembolso del depósito debe ser solicitado por el cliente por escrito ó mediante esta solicitud. La cuenta debe de reunir los requisitos del Distrito de Palmdale Water bajo las reglas y regulaciones bajo la seccion 10.03.B Siendo los siguientes:

El depósito es elegible para reembolso después de haber permanecido en la cuenta un año (Depósito Inicial, depósito pagado después de una desconexión ó depósito por pago devuelto por su banco).

1.) Por sección 10.03.B.2 b - Que la cuenta no haya tenido desconexión por falta de pago en los pasados 12 meses.

2.) Por sección 10.03.B.2 c - Que la cuenta no haya tenido cheques devueltos por falta de pago así como transacciones electrónicas de cuentas bancarias ó transacciones de tarjetas de crédito devueltas.

Yo, _____ he leído las reglas y regulaciones arriba explicadas y entiendo que
nombre

mi cuenta tiene que reunir los requisitos para recibir el reembolso de mi depósito. Por este medio le pido al distrito que revise mi cuenta para procesar mi reembolso. Si el reembolso es negado el Distrtio me lo notificará. Si el reembolso es aprobado, Yo pido que se haga de la manera siguiente:

☐ Favor de reembolsar el depósito a mi cuenta.

☐ Favor de mandarme un cheque. (Reembolsos en forma de cheque tardan de 3 a 4 semanas).

En caso que deseé que le mandemos el cheque a una dirección distinta de la dirección del servicio favor de especifiarla.

_____

_____

Firma,

_____ _____

Firma del dueño de la cuenta Fecha

Mándenos esta forma por correo, por Fax (661-947-8604) ó por e-mail a “front_office@palmdalewater.org”

For District Use Only

Account Reviewed:	Approved _____ (Initials)	Denied** _____ (Initials)	** Customer Contacted

APPENDIX F

CROSS-CONNECTION CONTROL PROGRAM

ORDINANCE NO. 88-1

OF THE PALMDALE WATER DISTRICT INSTITUTING A CROSS-CONNECTION CONTROL PROGRAM TO PROTECT THE PUBLIC WATER SYSTEM

SECTION I: PURPOSE

The purpose of this ordinance is (1) to protect the public water supply against actual or potential cross-connection by isolating within the premise contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate cross-connections between drinking water systems and sources of contamination; (4) to prevent the making of cross-connections in the future.

These regulations are adopted pursuant to the State of California Code of Regulations, Title 17 – Public Health entitled "Regulations Relating to Cross-Connections".

It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the Palmdale Water District and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the Palmdale Water District and/or the service of water pipes or fixtures of any consumer of the Palmdale Water District.

SECTION II: DEFINITIONS

A. **Air-Gap Separation: The term "air-gap separation" means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the flood rim of the vessel, in no case less than one inch.**

B. **Approved Backflow Prevention Device: The term "approved backflow prevention device" shall mean devices which have passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the California Department of Health Services.**

C. **Approved Water Supply: The term "approved water supply" means any water supply whose potability is regulated by a State or local health agency.**

D. **Auxiliary Supply: The term "auxiliary supply" means any water supply on or available to the premises other than the approved water supply.**

E. **AWWA Standard: The term "AWWA Standard" means an official standard developed and approved by the American Water Works Association (AWWA).**

the check valve assembly, and equipped with necessary test cocks for testing.

Q. Service Connection: The term "service connection" refers to the point of connection of a user's piping to the water supplier's facilities.

R. Water Supplier: The term "water supplier" means the person who owns or operates the approved water supply system.

S. Water User: The term "water user" means any person obtaining water from an approved water supply system.

SECTION III: CROSS-CONNECTION PROTECTION REQUIREMENTS

A. General Provisions

1. Unprotected cross-connections with the public water supply are prohibited.

2. Whenever backflow protection has been found necessary, the Palmdale Water District will require the water user to install an approved backflow prevention device by and at his/her expense for continued services or before a new service will be granted.

3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the Palmdale Water District s mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention device. The type of device to be installed will be in accordance with the requirements of this ordinance.

B. Where Protection is Required

1. Each service connection from the Palmdale Water District water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the Palmdale Water District and is approved by the public health agency having jurisdiction.

2. Each service connection from the Palmdale Water District water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the Palmdale Water District water system which have been subjected to deterioration in sanitary quality.

3. Backflow prevention devices shall be installed on the service connection to any premises having (a) internal cross-connections that cannot be

permanently corrected and controlled to the satisfaction of the state or local health department and the Palmdale Water District, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible whether or not cross-connections exist.

C. Type of Protection Required

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required on the consumer's premises. The type of protective device that may be required (listing in an increasing level of protection) includes: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP), and an Air-gap separation (AG). The water user may choose a higher level of protection than required by the Palmdale Water District. The minimum types of backflow protection required to protect the approved water supply, at the user's water connection to premises with varying degrees of hazard are given in Table 1. Situations which are not covered in Table 1 shall be evaluated on a case by case basis and the appropriate backflow protection shall be determined by the Palmdale Water District or health agency.

Table 1
TYPE OF BACKFLOW PROTECTION REQUIRED

Degree of Hazard:	Minimum Type of Backflow Prevention:
(A) Sewage and Hazardous Substances	
(1) Premises where the public water system is used to supplement the reclaimed water supply.	AG
(2) Premises where there are wastewater pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the Palmdale Water District.	AG
(3) Premises where reclaimed water is used and there is no interconnection with the potable water system. A RP may be provided in lieu of an AG if approved by the health agency and the Palmdale Water District.	AG

(4)	**Premises where hazardous substances handled in any manner in which the substances may enter a potable water system. This does not include a single family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the Palmdale Water District**	**AG**
(5)	**Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.**	**RP**

(B) Auxiliary Water Supplies

(1)	**Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A RP or DC may be provided in lieu of an AG if approved by the health agency and the Palmdale Water District.**	**AG**
(2)	**Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of a RP if approved by the health agency and Palmdale Water District.**	**RP**

(C) Fire Protection Systems

(1)	**Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).**	**DC**
(2)	**Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by the health agency and Palmdale Water District.**	**AG**
(3)	**Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.**	**DC**

(D) Dockside Watering Points and Marine Facilities

(1)	**Pier hydrants for supplying water to vessel for any purposes.**	**RP**
(2)	**Premises where there are marine facilities.**	**RP**

(E) Premises where entry is restricted do that inspections For cross-connections cannot be made with sufficient Frequency or at sufficiently short notice to assure that Cross connections do not exist. RP

(F) Premises where there is a repeated history of cross-connection being established or re-established. RP

2. Two or more services supplying water from different street mains to the same building, structure, or premises through which an interstreet main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valve shall not be considered adequate if backflow protection is deemed necessary to protect Palmdale Water District's mains from pollution or contamination; in such cases, the installation of approved backflow devices at such service connections shall be required.

SECTION IV: BACKFLOW PREVENTION DEVICES

A. Approved Backflow Prevention Devices

1. Only backflow prevention devices which have been approved by the Palmdale Water District shall be acceptable for installation by a water user connected to Palmdale Water District's potable water system.

2. The Palmdale Water District will provide, upon request, to any affected customer a list of approved backflow prevention devices.

B. Backflow Prevention Device Installation

1. Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Title 17, of the California Code of Regulations. Location of the devices should be as close as practical to the user's connection. The Palmdale Water District shall have the final authority in determining the required location of a backflow prevention device.

   (a) Air-gap separation (AG): The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one (1) inch above the flood rim of the receiving tank.

(b) **Reduced pressure principle backflow prevention device (RP): The approved reduced pressure principle backflow prevention device shall be installed on the user's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches (12") above grade and not more than thirty-six inches (36") above grade measured from the bottom of the device and with a minimum of twelve inches (12") side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the Palmdale Water District.**

(c) **Double check valve assembly (DC): The approved double check valve assembly shall be located as close as practical to the user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade, it must be installed in a vault such that there is a minimum of six inches (6") between the bottom of the vault and the bottom of the device, so that the top of the device is no more than a maximum of eight inches (8") below grade, so there is a minimum of six inches of clearance between the side of the device with the test cocks and side of the vault, and so there is a minimum of three inches (3") clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a three inch (3") layer of gravel.**

C. **Backflow Prevention Device Testing and Maintenance**

1. **The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated their competency in testing of these devices to the Palmdale Water District. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The Palmdale Water District may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the Palmdale Water District shall be filed with the Palmdale Water District each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.**

2. **The Palmdale Water District will supply affected water users with a list of**

persons acceptable to the Palmdale Water District to test backflow prevention devices. The Palmdale Water District will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

3. (OPTIONAL) Upon request, the Palmdale Water District will test a customer's backflow prevention device to fulfill the requirements of this ordinance. The customer will be charged for the test and any maintenance found necessary to keep the device in working order on the next regular water bill.

D. Backflow Prevention Device Removal

1. Approval must be obtained from the Palmdale Water District before a backflow prevention device is removed, relocated, or replaced.

(a) Removal: The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the Palmdale Water District to verify that a hazard no longer exists or is not likely to be created in the future;

(b) Relocation: A device may be relocated following confirmation by the Palmdale Water District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

(c) Repair: A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the Palmdale Water District. A retest will be required following the repair of the device; and

(d) Replacement: A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the Palmdale Water District and must be commensurate with the degree of hazard involved.

SECTION V: USER SUPERVISOR

At each premises where it is necessary, in the opinion of the Palmdale Water District, a user supervisor shall be designated by and at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the Palmdale Water District shall be promptly notified by the user supervisor so that appropriate measures

may be taken to overcome the contamination. The water user shall inform the Palmdale Water District of the user supervisor's identity on, as a minimum, an annual basis and whenever a change occurs.

SECTION VI: ADMINISTRATIVE PROCEDURES

A. Water System Survey

1. The Palmdale Water District shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Palmdale Water District upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

2. The Palmdale Water District may require an on-premise inspection to evaluate cross-connection hazards. The Palmdale Water District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer which cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention device the Palmdale Water District considers necessary.

3. The Palmdale Water District may, at its discretion, require a reinspection for cross-connection hazards of any premise to which it serves water. The Palmdale Water District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer which cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention device the Palmdale Water District considers necessary.

B. Customer Notification – Device Installation

1. The Palmdale Water District will notify the water user of the survey findings, listing corrective action to be taken if required. A period of 60 days will be given to complete all corrective action required including installation of backflow prevention devices.

2. A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the 60 days period allowed. The second notice will give the water user a two week period to take the required corrective action. If no action is taken within the two week period, the Palmdale Water District may terminate water service to the affected water user until the required corrective actions are taken.

C. Customer Notification - Testing and Maintenance

1. **The Palmdale Water District will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user 30 days to have the device tested and supply the water user with the necessary form to be completed and submitted to the Palmdale Water District.**

2. **A second notice shall be sent to each water user which does not have his/her backflow prevention device tested as prescribed in the first notice within the 30 day period allowed. The second notice will give the water user a two week period to have his/her backflow prevention device tested. If no action is taken within the two week period, a fee of $50.00 will be charged to the account of the water user.**

3. **A final notice will then be sent notifying the water user that if his/her backflow prevention device is not tested within two weeks, water service will be terminated without further notice.**

SECTION VII: WATER SERVICE TERMINATION

A. General

When the Palmdale Water District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the Palmdale Water District shall institute the procedure for discontinuing the Palmdale Water District's water service.

B. Basis For Termination

Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:

1. **Refusal to install a required backflow prevention device,**

2. **Refusal to test a backflow prevention device,**

3. **Refusal to repair a faulty backflow prevention device,**

4. **Refusal to replace a faulty backflow prevention device,**

5. **Direct or indirect connection between the public water system and a sewer line,**

6. **Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants,**

7. **Unprotected direct or indirect connection between the public water system and an auxiliary water system,**

8. A situation which presents an immediate health hazard to the public water system.

C. Water Service Termination Procedures

1. For conditions 1, 2, 3, or 4, the Palmdale Water District will terminate service to a customer's premise after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period, water service may be terminated2.For conditions 4, 5, 6, 7, or 8, the Palmdale Water District will take the following steps

(a) Make reasonable effort to advise water user of intent to terminate water service;

(b) Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the Palmdale Water District.

(OPTIONAL) SECTION VIII: REQUIREMENTS FOR THE CERTIFICATION AS A BACKFLOW PREVENTION DEVICE TESTER

Each applicant for certification as a tester of backflow prevention devices shall file an approved application with the Palmdale Water District, together with a fee, as may be established by the District Board of Directors.

Competency in all phases of backflow prevention device testing and repair must be demonstrated by means of education and/or experience in order to obtain certification.

The following are minimum requirements:

(a) Applicants shall have had at least two (2) years experience in plumbing or pipe fitting or equivalent qualifications.

(b) Hold a valid certification from the American Water Works Association (AWWA) California-Nevada Section, from a County certification program, or have equivalent training in the opinion of the Palmdale Water District and the Health Department.

(c) Each applicant for certification as a tester of backflow prevention devices shall furnish evidence to show that he has available the necessary tools and equipment to properly test such devices. He shall be responsible for the competency and accuracy of all tests and reports prepared by him.

The certificate issued to any tester is valid for a period of one year and may be

revoked, suspended, or not renewed by the Palmdale Water District for improper testing, repairs, and/or reporting.

SECTION IX: SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid

SECTION X: EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance shall be published in the Antelope Valley Press, a newspaper of general circulation, printed and published in the City of Palmdale.

ADOPTED BY THE BOARD OF DIRECTORS AT A REGULAR MEETING HELD MAY 23, 1988

APPENDIX G

ASSESSMENT PARITY CHARGE

APPENDIX G

ASSESSMENT PARITY CHARGE

The following assessment parity charges apply per Article 10.06:

2800' zone . . . . . $ 600.00 per acre

2950' zone . . . . . $ 803.00 per acre

3000' zone . . . . . $ 803.00 per acre

3100' zone . . . . . $1,013.00 per acre

3400' zone and higher. . . . . $1,013.00 per acre

APPENDIX H

CAPITAL IMPROVEMENT FEE SCHEDULE

RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT MODIFYING THE POLICY REGARDING CAPITAL IMPROVEMENT FEES FOR NEW WATER SERVICE CONNECTIONS AND ADOPTING NEW WATER SUPPLY FEE

RESOLUTION NO. 13-12

WHEREAS, following an update of its master plan in 1989, Palmdale Water District ("District") adopted a Capital Improvement Plan ("CIP") and a Capital Improvement Fee Policy ("Policy") which is set forth in Exhibit "H" to the District's Rules and Regulations; and

WHEREAS, the Policy established Capital Improvement Fees ("CIF") to be paid in connection with new service connections within the District's service area; and

WHEREAS, the new capital improvements identified in the CIP are the basis for determining the CIF under the Policy; and

WHEREAS, the purpose of the CIF is to create a fund to finance the estimated reasonable cost of capital improvements shown on the CIP to meet anticipated demand for water service arising from new connections; and

WHEREAS, as required under California Government Code Section 66002(b), the District has annually reviewed and, when necessary, updated the CIP and, based upon changes to the CIP, has modified the Policy and adjusted the CIF in accordance therewith; and

WHEREAS, since the initial planning period for the CIP would have expired in 1996, the District engaged Montgomery Watson in June, 1995, to review, study and update its master plan and to make recommendations to modify the CIP to meet projected needs and demands through the year 2005; and

WHEREAS, in January, 1996, Montgomery Watson submitted its final report entitled Water System Master Plan ("1996 Master Plan"), which report, among other things, made recommendations concerning the CIP to meet projected growth and development through year 2005; and

WHEREAS, on September 19, 1996, the District adopted the 1996 Master Plan which contained an updated CIP; and

WHEREAS, the 1996 Master Plan constituted an updating of the CIP, which update included the identification of recommended capital improvements to the District's water system and the estimated cost of constructing the capital facilities required to accommodate projected growth and development through year 2005; and

WHEREAS, following properly noticed and conducted public hearings in 1997, 1998, 1999, and 2000, the District duly adopted resolutions which updated the Capital Improvement Policy and modified the CIF; and

WHEREAS, in 2000, the District retained Montgomery Watson to review, study, and update the 1996 Master Plan and, among other things, make recommendations concerning the CIP to meet projected needs through year 2010; and

WHEREAS, in March 2001, Montgomery Watson submitted its final report entitled Water System Master Plan ("2001 Master Plan") including recommended modifications of the CIP, and the District has approved that report and adopted it as the District's 2001 Master Plan; and

WHEREAS, following properly noticed and conducted public hearings in 2001, 2002, 2003, 2004, 2005, and 2006 the District adopted Resolutions which updated the Capital Improvement Policy and modified the CIF; and

WHEREAS, in light of the economic slowdown which impacted growth and development within the District between 2007 and 2012, the District did not make changes to the CIP over those years; and

WHEREAS, following a properly noticed and conducted public hearing in March, 2013, the District adopted a Resolution which updated the Capital Improvement Policy and modified the CIF; and

WHEREAS, the District has adopted a Strategic Water Resources Plan ("SWRP"), which sets forth recommended water supply acquisitions and projects necessary to meet future anticipated growth within the District; and

WHEREAS, in 2013, the District retained Carollo Engineers to review, study, and calculate a proposed Water Supply Fee necessary to supply the next 14,000 acre feet per year of new water supply that will be necessary to meet anticipated growth and development within the District; and

WHEREAS, the purpose of the Water Supply Fee is to create a fund to finance the estimated reasonable cost of capital projects and water acquisitions necessary to meet anticipated demand for water service arising from new connections; and

WHEREAS, the District has considered the water supply costs and costs of constructing the capital facilities identified in the SWRP and CIP, and the impact on the existing capital improvement fees payable under the Policy and determined that the policy and the fees should be modified; and

WHEREAS, the District has given and published the required notices and conducted a public hearing with respect to the proposed modification of the Policy and CIF payable thereunder; and

WHEREAS, the Board of Directors of Palmdale Water District has found and determined that the establishment of capital improvement fees is exempt from the requirements of the California Environmental Quality Act pursuant to California Public Resources Code Section 21080(b)(8) and further has found and determined that said fees are for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas.

NOW, THEREFORE, BE IT RESOLVED that, the Board of Directors of Palmdale Water District hereby modifies and amends the Policy by deleting the existing Table 1 from Appendix "H" to the District's Rules and Regulations and inserting in place thereof proposed Table 1 attached hereto and incorporated herein.

FURTHER RESOLVED, that the General Manager of the District be and he hereby is, authorized and directed to implement this modified Policy until further order of the Board.

PASSED AND ADOPTED by the Board of Directors of the Palmdale Water District at a duly called and noticed public meeting of said Board held on October 23, 2013.

President — October 23, 2013 (date)

Secretary — October 23, 2013 (date)

APPENDIX H

CAPITAL IMPROVEMENT FEE

1. *Capital Improvement Fees per Article 10.07C:*

TABLE 1

2014 CAPITAL IMPROVEMENT FEE SUMMARY PER SERVICE ZONE (SINGLE FAMILY DWELLING UNIT)			
SERVICE / BENEFIT ZONE	**INFRASTRUCTURE ($/SFDU)**	**WATER SUPPLY* ($/SFDU)**	**TOTAL**
2800' & 2850'	$1,441	$7,288	$8,729
2950' & 3000'	$1,161	$7,349	$8,510
3200' & 3250'	$9,089	$7,041	$16,130
3400' & 3400' +	$12,274	$7,041	$19,315
*FEE BASED ON TYPICAL SFR DEMAND (0.79 AFY)			

2014 CAPITAL IMPROVEMENT FEE SUMMARY PER SERVICE ZONE (COMMERCIAL AND INDUSTRIAL)			
SERVICE / BENEFIT ZONE	**INFRASTRUCTURE ($/EDU)**	**WATER SUPPLY* ($/AFY)**	**TOTAL**
2800' & 2850'	$1,441	$10,970	BASED ON EDU'S & AFY
2950' & 3000'	$1,161	$10,970	
3200' & 3250'	$9,089	$10,970	
3400' & 3400' +	$12,274	$10,970	
* BASED ON FORECASTED AFY DEMAND			

For the period of January 1, 2015 – December 31, 2015, the Capital Improvement Fees will increase to the amounts shown in the following table, plus the percentage based on the published Construction Cost Index for the comparable time frame, plus the difference in the amount of the fee between 2014 and 2015 that would have been collected by all new connections during 2014 and spread out over the remaining single family dwelling units within the first 14,000 AFY water supply.

2015 CAPITAL IMPROVEMENT FEE SUMMARY PER SERVICE ZONE (SINGLE FAMILY DWELLING UNIT)

SERVICE / BENEFIT ZONE	INFRASTRUCTURE ($/SFDU)	WATER SUPPLY* ($/SFDU)	TOTAL
2800' & 2850'	$1,441	$8,665	$10,106
2950' & 3000'	$1,161	$8,665	$9,826
3200' & 3250'	$9,089	$8,665	$17,754
3400' & 3400' +	$12,274	$8,665	$20,939

*FEE BASED ON TYPICAL SFR DEMAND (0.79 AFY)

2015 CAPITAL IMPROVEMENT FEE SUMMARY PER SERVICE ZONE (COMMERCIAL AND INDUSTRIAL)

SERVICE / BENEFIT ZONE	INFRASTRUCTURE ($/EDU)	WATER SUPPLY* ($/AFY)	TOTAL
2800' & 2850'	$1,441	$10,970	BASED ON EDU'S & AFY
2950' & 3000'	$1,161	$10,970	
3200' & 3250'	$9,089	$10,970	
3400' & 3400' +	$12,274	$10,970	

* BASED ON FORECASTED AFY DEMAND

APPENDIX I

MAIN EXTENSION REIMBURSEMENT RATES AND AGREEMENT

APPENDIX I

MAIN EXTENSION REIMBURSEMENT RATES

1. Reimbursement Where District Policy Provides for Subsequent Connection per Article 11.03B

    - $4.00 per diameter inch frontage foot of main, where District policy provides for subsequent connection from both sides of street.
    - $8.00 per diameter inch frontage foot of main, where, where District policy provides for subsequent connection from only one side of street

2. Charge for Connection to Existing Main per Article 10.09

    - $4.00 per diameter inch frontage foot of main, where District policy provides for subsequent connection from both sides of street.
    - $8.00 per diameter inch frontage foot of main, where, where District policy provides for subsequent connection from only one side of street.

3. Reimbursement Where District Policy Precludes Subsequent Connection per Article 11.03C

    - $8.00 per diameter inch per lineal foot of main.

Effective: July 1, 2008

MAIN EXTENSION REIMBURSEMENT AGREEMENT

NO._____

1. IDENTIFICATION:

This Main Extension Reimbursement Agreement ("Agreement") is made and entered into effective as of the _____day of _____ , 19____, between PALMDALE WATER DISTRICT, a California Irrigation District formed pursuant to the California Water Code ("District"), and _____ _____("Developer").

2. RECITALS:

2.1 This Agreement is made pursuant to the requirements of and in accordance with the District's Main Extension Reimbursement Policy ("Policy"), a currently effective copy of which is attached to this Agreement as Exhibit "A".

2.2 Developer is in the process of designing and constructing certain improvements to be located on real property situated within the District's boundaries. The legal description of the real property is set forth in Exhibit "B" attached to this Agreement.

2.3 In order to complete the planned development of the real property, Developer will require water service from the District, which will, in turn, require that the District's existing facilities be extended beyond current limits.

2.4 District is willing to grant Developer's request for water service to the real property on certain terms and conditions, including the terms and conditions of this Agreement and in accordance with the Policy.

3. AGREEMENTS:

3.1 Agreements of Developer:

Developer agrees to design and construct at Developer's expense the main extension and off-site facilities specified in Exhibit "C" in accordance with plans and specifications approved by the District.

3.1.1 Until such time as District accepts said main extension and off-site facilities from Developer, Developer shall maintain and insure said facilities for their full replacement cost value and further shall indemnify and save District harmless from any and all claims relating to the design and/or construction of said main extension and off-site facilities and shall take all steps necessary to comply with the California Environmental Quality Act.

3.1.2 Developer shall be responsible for securing all required and necessary governmental approvals in order to complete construction of the main extension and off-site facilities specified in Exhibit "C" including the acquisition of any easements and rights-of-way necessary to complete construction of said facilities.

3.1.3 All facilities shall become the property of the District upon acceptance.

3.2 Agreements of District:

3.2.1 Upon acceptance of the main extension and off-site facilities specified in Exhibit "C" by the District, District shall collect a fee for said facilities from persons subsequently connecting to them as specified in the Policy and, upon receipt of payment of those fees by District, District will pay said fees over to Developer at intervals not more frequently than each calendar quarter. Such payments shall be made by mailing appropriate amounts with an accounting to Developer at the address last given to District by Developer.

3.2.2 In the event any such main extension and off-site facilities specified in Exhibit "C" are not available for subsequent connection by other persons, District shall reimburse Developer in a single lump sum pursuant to the provisions of the Policy applicable to such circumstances.

3.2.3 The Developer's right to receive reimbursement under paragraphs 3.2.1 and 3.2.2 contained above in this Agreement shall commence after the date of District acceptance as shown on Exhibit "C" and an Agreement is executed and shall terminate ten years after said date of District acceptance.

3.2.4 Developer's rights to receive reimbursement under Paragraphs 3.2.1 and 3.2.2 above, are subject to the right of District to off-set against any

sums payable to Developer the amount of any indebtedness then due or owing by Developer to District.

3.2.5 District shall make reasonable effort to notify Developer of any subsequent connections giving rise to a right to reimbursement pursuant to this Article 3.2. District shall give written notice of such connections by mail addressed to the last known address provided to District by Developer. Until such time as that address changes, the address of Developer specified below Developer's signature on this Agreement shall be the address to which District shall send mailed notice.

4. SUCCESSORS AND ASSIGNS:

The obligations of Developer, if Developer is more than one person, party or entity, shall be joint and several. This Agreement shall bind and inure to the benefit of the heirs, representatives, executors, administrators, successors and/or assigns of the parties hereto.

PALMDALE WATER DISTRICT

By:_____
Its:_____

_____
(Developer)

By:_____
Its:_____
_____
_____
(Address)

MAIN EXTENSION REIMBURSEMENT POLICY

Exhibit "A"

PALMDALE WATER DISTRICT
MAIN EXTENSION REIMBURSEMENT POLICY

PALMDALE WATER DISTRICT
RULES AND REGULATIONS SECTION 11.03:

11.03: MAIN EXTENSIONS:

Sound engineering and economic practices require that water system facilities be designed and constructed in order to provide hydraulic integration. Accordingly, the District may require developers to construct facilities off-site which could not necessarily be required to provide service to the individual development.

The District recognizes that such off-site facilities whether they are oversized or extended may be of benefit to subsequent developments. In some instances, facilities required will be available for connection by subsequent developers. In other instances, no connections will be permitted.

A. Reimbursement Agreement:

If any water system plans approved by the District include the construction of off-site facilities, the District and the developer will enter into a reimbursement agreement, a form of which is attached hereto as Appendix I.

B. Subsequent Connections Available:

If the facilities constructed are available for subsequent connection, the District agrees to collect a fee from owners of property fronting on such facilities in an amount per diameter inch of main as set forth in Appendix I, times the number of front feet of the property adjacent to and to be served by the connection. The amount to be collected will depend upon whether District policy allows connection to the main from both sides of the street or only from one side of the street. This amount will be paid to the developer when received by the District. This reimbursement right will extend for a period of ten years from the District's acceptance of the line.

C. No Subsequent Connections:

If the facilities are not available for subsequent connection, the District will reimburse the developer, at the time of acceptance of the line, an amount per diameter inch of main as set forth in Appendix I, times the lineal feet of main constructed.

D. Deduction From Capital Improvement Fees:

Where a capital improvement fee has been assessed in accordance with Article 10.07 hereof, the developer may deduct any reimbursement amount due under Paragraph C above from the capital improvement fees due.

E. District Review:

The District will review and consider revision of this policy for determination of future reimbursements at least every two years.

PALMDALE WATER DISTRICT
RULES AND REGULATIONS APPENDIX I:

APPENDIX I
MAIN EXTENSION REIMBURSEMENT RATES

1. Reimbursement Where District Policy Provides for Subsequent Connection per Article 11.03B.

- $1.00 per diameter inch per frontage foot of main, where District policy provides for subsequent connection from both sides of street.
- $2.00 per diameter inch per frontage foot of main, where District policy provides for subsequent connection from only one side of street.

2. Charge for Connection to Existing Main per Article 10.09.

- $1.00 per diameter inch per frontage foot of main, where District policy provides for subsequent connection from both sides of street.
- $2.00 per diameter inch per frontage foot of main, where District policy provides for subsequent connection from only one side of street.

3. Reimbursement Where District Policy Precludes Subsequent Connection per Article 11.03C.

- $2.00 per diameter inch per lineal foot of main.

APPROVED AND ADOPTED AT A REGULAR BOARD MEETING OF THE PALMDALE WATER DISTRICT BOARD OF DIRECTORS HELD March 10, 1997

LEGAL DESCRIPTION

Exhibit "B"

MAIN EXTENSION AND OFF-SITE FACILITIES

WATER SYSTEM ACCEPTED BY DISTRICT:_____
DATE

Exhibit "C"

APPENDIX J

PALMDALE WATER DISTRICT
RULES AND REGULATIONS IMPLEMENTING THE RELOCATION ASSISTANCE LAW

PALMDALE WATER DISTRICT

RULES AND REGULATIONS IMPLEMENTING

RELOCATION ASSISTANCE LAW

(Government Code Chapter 16, SS 7260, et seq.)

October 28, 1975

1. PURPOSE AND SCOPE

1.1 Purpose

These rules and regulations are adopted pursuant to Government Code S 7267.8 to implement payments and to administer relocation assistance according to the provisions of the Relocation Assistance Law, Government Code, Chapter 16, SS 7260, et seq. These rules and regulations are to assure the fair and equitable treatment of persons displaced by the real property acquisitions and programs of this District.

1.2 Scope

These rules and regulations apply to all acquisitions of real property, or interests therein, undertaken by this District whether by negotiated purchase, eminent domain, or otherwise. It is recognized that the Relocation Assistance Law has applicability to all real property acquisitions undertaken by this District regardless of whether relocation of any residence, business or farming operation is required.

2. DEFINITIONS

2.1 Section 7260 Definitions Incorporated.

The following terms are defined in Government Code S 7260:

(a) "Public Entity"

(b) "Person"

(c) "Displaced Person"

(d) "Business"

(e) "Farm Operation"

(f) "Affected Property"

(g) "Public Use"

(h) "Mortgage"

Whenever any of the preceding terms are used within these rules and regulations, they shall have the meaning set forth in Section 7260.

2.2 "Board" shall mean the Board of Directors of the Palmdale Water District.

2.3 "District" shall mean the Palmdale Water District.

2.4 "Manager" Shall mean the Manager of the Palmdale Water District or the Designee of said manager.

2.5 "Relocation Costs" shall mean the costs of relocation advisory assistance, compensation for displaced persons, additional payments to displaced dwelling owners, additional payments to displaced individual or family renters reimbursable expenses of the owner necessarily incurred for recording fees, transfer taxes, and similar expenses incidental to conveying real property and such other costs as may be foreseeably attributable to relocation activities required pursuant to the Relocation Assistance Law.

3. ACQUISITION PROCEDURES

3.1 In order to promote the policies enumerated in Government Code S 7267, the District shall, to the greatest extent practicable, be guided by the provisions of S 7267.1 to 7267.7, inclusive, and these regulations, when engaged in the acquisition of real property.

Where possession of real property is sought pursuant to an order for immediate possession, strict adherance to these standards is not required. The District shall, nevertheless, attempt to comply with the intent and purpose of the Act and these regulations to the extent possible under the circumstances. Within the guidelines of GC S 7267.3, the District shall provide maximum prior notice to owners who must relocate a dwelling due to an order

for immediate possession. Even though an action in eminent domain may be initiated, District shall attempt to negotiate a purchase based upon the amount established as security in the immediate possession proceeding.

3.2 When the manager has determined that acquisition of real property for public use by the District may be in the best interests of the District, the manager shall present a recommendation to the Board. Prior to submitting a recommendation, the manager shall determine if the proposed acquisition will leave the owner with an uneconomic remnant and shall determine if the acquisition of a larger or smaller parcel will correct any such uneconomic remnant and still serve the District's interests.

3.3 When the Board determines that acquisition of real property for public purposes may be to the best interests of the District, it shall direct the manager to hire a qualified independent appraiser for the purpose of determining the fair market value of the parcel proposed to be acquired. The Board shall also direct the manager to investigate the present use of the parcel proposed to be acquired and make an estimate of the relocation costs, if any, which the District may be obligated to pay in accordance with the Act.

3.4 The appraiser shall not give consideration to or include in the appraisal of the property proposed to be acquired any allowances for relocation costs. The appraisal shall be based exclusively on the fair market value of the real property proposed to be acquired. Manager shall instruct appraiser that the owner, or his representative, must be afforded opportunity to accompany the appraiser during inspection of the property.

3.5 The manager shall present the appraisal and the estimate or relocation costs to the Board for consideration in determining whether the proposed acquisition is to the best interests of the District. If the Board determines that the acquisition should take place, the Board shall establish an amount which it believes to be just compensation, exclusive of relocation costs, to be paid for the real property. In no event shall the amount thus established as just compensation be less than the amount of the approved appraisal. If the Board believes the appraisal is excessive, it may disapprove the appraisal and order a new appraisal by a different independent appraiser.

3.6 Following establishment of the amount the Board believes to be just compensation, and prior to the institution of any action in eminent domain, the manager shall transmit a written statement of, and summary of the basis for, the amount so established to the owner of the property proposed to be acquired. The District shall offer to purchase the property for an amount not less than the sum established as just compensation.

3.7 District shall make every reasonable effort to expeditiously acquire the real property through negotiation prior to the institution of any action in eminent domain.

4. RELOCATION ADVISORY ASSISTANCE

4.1 Program establishment

The manager shall institute a relocation advisory assistance program where:

(a) Acquisition of real property by the District will result in the creation of displaced persons; and

(b) It appears that such displaced persons need relocation assistance.

4.2 Scope of Relocation Advisory Assistance Programs

Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to perform all of the tasks detailed in Government Code Section 7261 (c).

4.3 Contracting for Relocation Services

Where it appears that a relocation advisory assistance program will be burdensome upon the District staff, the manager may contact private or other public entities for the purpose of establishing a contract to provide relocation advisory assistance in accordance with Government Code Section 7261.5. Proposals for such relocation advisory assistance contracts shall be submitted to the Board of Directors for approval.

5. RELOCATION PAYMENTS

5.1 Subchapter 6 of Title 2, California Administrative Code, Relocation Assistance Program (SS 1873 et seq.) is hereby incorporated as though fully set forth herein, except that where said subchapter refers to the "State of California" and to "the department" they shall be read to mean "the District".

APPENDIX K

STATEMENT OF INVESTMENT POLICY

RESOLUTION NO. 14-20

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT ESTABLISHING ITS INVESTMENT POLICY

1.0 POLICY

WHEREAS; the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern; and

WHEREAS; the legislative body of a local agency may invest monies not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections 5922 and 53601 et seq.; and

WHEREAS; the Deputy Treasurer of the Palmdale Water District ("District") shall annually prepare and submit a statement of investment policy and such policy, and any changes thereto, and report same to the Finance Committee, and it shall be considered by the Board of Directors at a public meeting;

NOW THEREFORE; it shall be the policy of the District to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of District funds.

2.0 SCOPE

This investment policy applies to all financial assets of the District. These funds are accounted for in the annual district audit.

3.0 PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the District, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (California Government Code 53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

2. Liquidity: The investment portfolio will remain sufficiently liquid to enable the District to meet all operating requirements which might be reasonably anticipated.

3. Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

5.0 DELEGATION OF AUTHORITY

The authority to invest public funds is expressly delegated to the Board of Directors. The Board re-delegates the investment function to the Board President or Vice President and the Deputy Treasurer. The Board President or Vice President designate the District's Financial Advisor as the Deputy Treasurer who shall have the authority to act on behalf of the District with the concurrence of the Board Finance Committee.

The investment of the District's monies is annually delegated by the Board of Directors to the Board President or Vice President and Deputy Treasurer (District Financial Advisor) who shall thereafter assume full responsibility for those transactions until the delegation is revoked or expires. The Board President or Vice President shall delegate the day-to-day operations of investing to the Deputy Treasurer, but not the responsibility for the overall investment program. All transactions will be reviewed by the Finance Committee on a monthly basis to assure compliance with the Investment Policy. (California Government Code Section 53607.)

6.0 ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Deputy Treasurer will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the District shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the Financial Industry Regulatory Authority (FINRA) or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Deputy Treasurer shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the District's account with that firm has reviewed the District's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the District that are appropriate under the terms and conditions of the Investment Policy.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

The District is empowered by California Government Code 53601 et seq. to invest in the following:

a. Bonds issued by the District.

b. United States Treasury Bills, Notes and Bonds.

c. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by, or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

d. Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), or by a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit may not exceed 35% of the District's money which may be invested pursuant to this policy.

e. Monies held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease

installment sale, or other agreement, or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance.

f. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including pooled investment accounts sponsored by the State of California, County Treasurers, other local agencies or Joint Powers Agencies.

Such investments shall be limited to securities that at the time of the investment have a term remaining to maturity of five years or less, or as provided above.

The District shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

9.0 COLLATERALIZATION

All certificates of deposit must be collateralized by United States Treasury Obligations. Collateral must be held by a third party trustee and valued on a monthly basis. The percentage of collateralizations on repurchase and reverse agreements will adhere to the amount required under California Government Code 53601(i)(2).

10.0 SAFEKEEPING AND CUSTODY

All security transactions entered into by the District shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to the District by book entry, physical delivery or by third party custodial agreement.

11.0 DIVERSIFICATION

The District will diversify its investments by security type and institution. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities.

Diversification strategies shall be reviewed and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

a. Portfolio maturity dates shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.

b. Maturities selected shall provide for stability of income and liquidity.

c. Disbursement and payroll dates shall be covered through maturities of investments, marketable United States Treasury bills or other cash equivalent instruments such as money market mutual funds.

12.0 REPORTING

The Deputy Treasurer, after review by the Finance Committee, shall submit to each member of the Board of Directors an investment report at least quarterly. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for District by third party contracted managers. The report will also include the source of the portfolio valuation. For funds which are placed in LAIF, FDIC-insured accounts and/or in a county investment pool, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy, and (2) the District will meet its expenditure obligations for the next six months. The Deputy Treasurer shall maintain a complete and timely record of all investment transactions.

13.0 INVESTMENT POLICY ADOPTION

The Investment Policy shall be adopted by resolution of the District. Moreover, the Policy shall be reviewed on an annual basis, and modifications must be approved by the Board of Directors.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Directors of Palmdale Water District held on December 10, 2014. Resolution No. 14-20 was adopted by the following vote:

AYES: President Mac Laren, Director Alvarado, Director Dino

NOES: None

ABSTAIN: None

President, Board of Directors
Palmdale Water District

ATTEST:

Vice President of the Board of Directors

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, Robert Alvarado, Vice President of the Palmdale Water District, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 14-20 of the Board of Directors of Palmdale Water District adopted at a Regular Meeting held on December 10, 2014 and that the same has not been amended or repealed.

Robert Alvarado

Vice President, Board of Directors
Palmdale Water District

DATED: December 10, 2014

(SEAL)

UBS Financial Services Inc.
777 S. Figueroa Street, 52nd Fl
Los Angeles, CA 90017
Tel. 213-253-5236
Tel. 213-972-1457
Fax 855-889-4005
Toll Free 800-624-9289

Michael R. Giordano, CIMA®
Senior Vice President – Wealth Management
mike.giordano@ubs.com

James M. Giordano, CFP®, CRPS®
Vice President – Wealth Management
james.giordano1@ubs.com

www.ubs.com

December 3, 2014

Finance Committee
Palmdale Water District
2029 East Avenue Q
Palmdale, CA 93550

Dear Sirs:

This letter certifies that I have read and understand the Palmdale Water District Investment Policy. I will present investment recommendations and transactions that are appropriate under its terms and conditions.

Sincerely,

Michael R. Giordano, CIMA®
Senior Vice President – Investments

James M. Giordano, CFP®, CRPS®
Vice President - Investments

UBS Financial Services Inc. is a subsidiary of UBS AG.

APPENDIX K.1

STATEMENT OF RESERVE POLICY

RESOLUTION NO. 13-13

PALMDALE WATER DISTRICT'S RESERVE POLICY

WHEREAS, the Board of Directors recognizes the need to ensure that the District will have sufficient funding available to meet its operating, emergency capital, and debt service obligations.

WHEREAS, the Board of Directors recognizes the need for sound financial policies as stewards of our customers' funds.

WHEREAS, the Board of Directors recognizes the need for funds to be held in reserve for unanticipated and unforeseeable expenses.

WHEREAS, the Board of Directors recognizes the need to avoid significant water rate fluctuations.

WHEREAS, the Board of Directors recognizes a need for long term strategic financial policies.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Palmdale Water District hereby rescinds the District's existing Reserve Policy (Resolution No. 09-03) and establishes the Palmdale Water District Reserve Policy as follows:

Legally Restricted Funds:
The Capital Improvement Fees, as modified by District Resolution No. 13-12 to consist of fee components allocated for infrastructure and for water supply and Water Supply Connection Fees, are subject to the requirements of the Mitigation Fee Act (AB 1600). The funds may not be used to support ongoing operations of the District. The District is legally required to account for these funds separately. An annual report is required to show balance forward, fees collected, income earned, expenditures, and future commitments. All funds collected must be committed or expended within five years of being collected or they must be refunded.

1. *Capital Improvement Fund:*

PWD will maintain a capital improvement fund with fees collected from developers to pay for the new facilities necessary to deliver water service to newly developed property and to pay for the additional water supplies necessitated to meet the demand for water created by such newly developed property. These fees are for offsite improvements such as the development's fair share cost of wells, reservoirs, transmission mains, treatment plant capacity, and other necessary facilities, as well as to pay for water supply acquisitions and projects associated with new water supplies necessitated by new development. The fees are collected at rates established by the Board of Directors based upon specific engineering studies. The rates charged are based on a project's equivalent capacity unit (ECU) basis. These funds are restricted

to the design and construction of capital facilities for water delivery, and as otherwise provided in Resolution No. 13-12 and in Appendix H to the District's Rules and Regulations.

2. Bond Proceeds Fund(s):

Bond proceeds fund(s) are monies derived from the proceeds of a bond issue. Typically they consist of construction fund monies and a debt service reserve fund. The use of these proceeds is restricted by conditions set forth in the respective legal bond documents. These funds are usually held by the Trustee in favor of the bond holders.

3. Debt Service Reserve Funds:

This fund is governed by legal bond covenants for the District's revenue bonds. Bond covenants require that this fund be maintained at a level sufficient to fund maximum annual debt service payments. These funds are held by the bond trustee during the term of the bonds and are to be used in the event that the District is unable to meet its required semi-annual debt service obligation. Annual interest earnings on bond reserve funds shall be applied to each year's debt service payments.

A Reserve Fund for the 2013A Bonds is established pursuant to the Indenture in an amount equal to the Reserve Requirement. Assured Guaranty Municipal Corp. ("AGM") has committed to issue, simultaneously with the execution and delivery of the 2013A Bonds, a municipal bond debt service reserve insurance policy in an amount equal to the initial Reserve Requirement for deposit in the Reserve Fund.

4. Rate Stabilization Fund:

This fund is governed by legal bond covenants for the District's revenue bonds. The District may withdraw all or any portion of the amounts on deposit in the Rate Stabilization Fund and transfer such amounts to the Water Revenue Fund for application in accordance with an Installment Purchase Agreement.

Board Designated Funds:

Board designated funds are set to accomplish systematic and strategic goals or provide for prudent management of operations. The Board of Directors has complete discretion in the management and designation of self adopted funds. Such funds can be modified, transferred, or altered by Board action.

1. Dam Self Insurance:

The District shall make available $5 million for self-insurance of the Littlerock Dam as seed money for reconstruction under the terms of the agreement between Palmdale Water District, Littlerock Creek Irrigation District and Palmdale Water District Public Facilities Corporation. The money will be used to begin the reconstruction following the event as applications for FEMA reimbursement are in process.

2. *O&M Operating Reserve:*

The O&M Operating Reserve will vary over time with a goal of maintaining three (3) months average cash operating expenses of $5.6 million. This reserve is considered a working cash requirement. It bridges the gap between the time expenses are paid and the time revenues from the same service are collected from customers.

3. *O&M Emergency Reserve:*

The O&M Emergency Reserve will vary over time with a goal of maintaining three (3) months average cash operating expenses of $5.6 million. This reserve is considered a working cash requirement for use in an emergency situation.

4. *Unrestricted Reserves:*

Unrestricted reserves represent a remainder balance of cash that is not yet designated for some use by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Palmdale Water District as follows:

Each fiscal year budget will report on the status of the reserve over the previous year and budget for proposed sources and uses for each reserve.

PASSED AND ADOPTED by the Board of Directors of the Palmdale Water District at a regular meeting held on this 13th day of November, 2013 by the following vote:

Ayes: Director Gordon Dexter, Director Gloria Dizmang, Director Robert Alvarado, Director Steve Cordova
Noes: None
Absent: President Kathy Mac Laren
Abstain: None

President, Board of Directors

ATTEST:

Secretary, Board of Directors

APPENDIX L

CALIFORNIA ENVIRONMENTAL QUALITY ACT
ENVIRONMENTAL REVIEW GUIDELINES

FOR

PALMDALE WATER DISTRICT

RESOLUTION NO. 05-1

ADOPTION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES FOR PALMDALE WATER DISTRICT

WHEREAS, this Board of Directors has previously adopted local guidelines implementing the California Environmental Quality Act (CEQA); and

WHEREAS, recent actions of the Secretary of the California Resources Agency in revising the State Environmental Guidelines require that the District's local guidelines be revised to reflect and implement CEQA as currently amended;

NOW, THEREFORE, BE IT RESOLVED that this Board of Directors does hereby rescind to the full extent permitted by law its previously adopted CEQA guidelines; and

RESOLVED FURTHER that this Board does, in accordance with CEQA and with the revised State Guidelines of the Secretary of the California Resources Agency, hereby adopt revised guidelines implementing CEQA, as currently amended, a copy of said revised guidelines being attached hereto, and by this reference incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on February 7, 2005.

President

ATTEST:

Secretary

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
ENVIRONMENTAL REVIEW GUIDELINES FOR THE
PALMDALE WATER DISTRICT

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
ENVIRONMENTAL REVIEW GUIDELINES FOR
PALMDALE WATER DISTRICT

ARTICLE 1 – GENERAL

15001. Short Title

These Guidelines may be cited as the "Palmdale Water District CEQA Guidelines."

15002. General Concepts

(a) Basic Purposes of CEQA. This section is intended to present the general concepts of CEQA in a simplified and introductory manner. If there are any conflicts between the short statement of a concept in this section and the provisions of other sections of these guidelines, the other sections shall prevail.

The basic purposes of CEQA are to:

(1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.

(2) Identify the ways that environmental damage can be avoided or significantly reduced.

(3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.

(4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

(b) Governmental Action. CEQA applies to governmental action. This action may involve:

(1) Activities directly undertaken by the District or another governmental agency,

(2) Activities financed in whole or in part by the District or another governmental agency, or

(3) Private activities which require approval from the District or another governmental agency.

(c) Private Action. Private action is not subject to CEQA unless the action involves governmental participation, financing, or approval.

(d) Project. A "project" is an activity subject to CEQA. The term "project" has been interpreted to mean far more than the ordinary dictionary definition of the term. See Section 15378.

(e) Time for Compliance. The District is required to comply with CEQA procedures when it proposes to carry out or approve the activity. See Section 15004.

(f) Environmental Impact Reports and Negative Declarations. An Environmental Impact Report (EIR) is the public document used by the District to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

(1) An EIR is prepared when the District finds substantial evidence that the project may have a significant effect on the environment. See Section 15064(a)(1).

(2) When the District finds that there is no substantial evidence that a project may have a significant environmental effect, the District will prepare a "Negative Declaration" instead of an EIR. See Section 15070.

(g) Significant Effect on the Environment. A significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. See Section 15382. Further, when an EIR identifies a significant effect, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. See Section 15091.

(h) Methods for Protecting the Environment. CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency preparing the EIR must respond to the information by one or more of the following methods:

(1) Changing a proposed project

(2) Imposing conditions on the approval of the project;

(3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;

(4) Choosing an alternative way of meeting the same need;

(5) Disapproving the project;

(6) Finding that changing or altering the project is not feasible;

(7) Finding that the unavoidable significant environmental damage is acceptable as provided in Section 15093.

(i) Discretionary Action. CEQA applies in situations where a governmental agency can use its judgment in deciding whether and how to carry out or approve a project. A project subject to such judgmental controls is called a "discretionary project." See Section 15357.

(1) Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is called "ministerial," and CEQA does not apply. See Section 15369.

(2) Whether a governmental agency has discretionary or ministerial controls over a project depends on the authority granted by the law providing the controls over the activity. Similar projects may be subject to discretionary controls in one governmental agency and only ministerial controls in another. See Section 15268.

(j) Public Involvement. Under CEQA, the District must solicit and respond to comments from the public and other agencies concerned with the project. See Sections 15073, 15086, 15087, and 15088.

(k) Three Step Process. The District will normally take up to three separate steps in deciding which document to prepare for a project subject to CEQA.

(1) In the first step the Lead Agency examines the project to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any farther. The Lead Agency may then prepare a Notice of Exemption. See: Sections 15061 and 15062.

(2) If the project is not exempt, the Lead Agency takes the second step and conducts an Initial Study (Section 15063) to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, the Lead Agency prepares a Negative Declaration. See Sections 15070 et seq.

(3) If the Initial Study shows that the project may have a significant effect, the Lead Agency takes the third step and prepares an EIR. (See: Sections 15080 et seq.)

15003. Policies

In addition to the policies declared by the Legislature concerning environmental protection and administration of CEQA in Sections 21000, 21001, 21002, and 21002.1 of the Public Resources Code, the courts of this state have declared the following policies to be implicit in CEQA:

(a) The EIR requirement is the heart of CEQA. (*County of Inyo v. Yorty*, 32 Cal. App. 3d 795.)

(b) The EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected. (*County of Inyo v. Yorty*, 32 Cal. App. 3d 795.)

(c) The EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project. (*No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68.)

(d) The EIR is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action. (*People ex rel. Department of Public Works v. Bosio*, 47 Cal. App. 3d 495.)

(e) The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should a majority of the voters disagree. (*People v. County of Kern*, 39 Cal. App. 3d 830.)

(f) CEQA was intended to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (*Friends of Mammoth v. Board of Supervisors*, 8 Cal. 3d 247.)

(g) The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (*Bozung v. LAFCO* (1975) 13 Cal.3d 263)

(h) The Lead Agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151)

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692)

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (*Laurel Heights Improvement Assoc. v. Regents of U.C.* (1993) 6 Cal.4th 1112 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553)

15004. Time of Preparation

(a) Before granting any approval of a project subject to CEQA, if the District is the Lead Agency or Responsible Agency, it shall consider a final EIR or Negative Declaration or another document authorized by these Guidelines to be used in the place of an EIR or Negative Declaration. (See: The definition of "approval" in Section 15352.)

(b) Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and Negative Declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

(1) With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

(2) To implement the above principles, the District shall not undertake actions concerning the proposed public project that would have a

significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. For example, the District shall not:

(A) Formally make a decision to proceed with the use of a site for facilities which would require CEQA review, regardless of whether the District has made any final purchase of the site for these facilities, except that the District may designate a preferred site for CEQA review and may enter into land acquisition agreements when it has conditioned its future use of the site on CEQA compliance.

(B) Otherwise take any action which gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.

(3) With private projects, if the District is Lead Agency, it shall encourage the project proponent to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time.

(c) The environmental document preparation and review should be coordinated in a timely fashion with the existing planning, review, and project approval processes being used by the District. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively.

15005. Terminology

The following words are used to indicate whether a particular subject in the Guidelines is mandatory, advisory, or permissive:

(a) "Must" or "shall" identifies a mandatory element which the District is required to follow.

(b) "Should" identifies guidance provided by the Secretary for Resources based on policy considerations contained in CEQA, in the legislative history of the statute, or in federal court decisions which California courts can be expected to follow. The District will follow this guidance in the absence of compelling, countervailing considerations.

(c) "May" identifies a permissive element which is left fully to the discretion of the District.

15006. Reducing Delay and Paperwork

The District will endeavor to reduce delay and paperwork by:

(a) Integrating the CEQA process into early planning. See Section 15004(c).

(b) Ensuring the swift and fair resolution of Lead Agency disputes. See Section 15053.

(c) Identifying projects which fit within categorical exemptions and are therefore exempt from CEQA processing. See Section 15300.4.

(d) Using Initial Studies to identify significant environmental issues and to narrow the scope of EIRs. See Section 15063.

(e) Using a Negative Declaration when a project not otherwise exempt will not have a significant effect on the environment. See Section 15070.

(f) Using a previously prepared EIR when it adequately addresses the proposed project. See Section 15153.

(g) Consulting with state and local Responsible Agencies before and during preparation of an Environmental Impact Report so that the document will meet the needs of all the agencies which will use it. See Section 15083.

(h) Urging applicants, either before or after the filing of an application, to revise projects to eliminate possible significant effects on the environment, thereby enabling the project to qualify for a Negative Declaration rather than an Environmental Impact Report. See Section 15063(c)(2).

(i) Integrating CEQA requirements with other environmental review and consulting requirements. See Public Resources Code Section 21080.5.

(j) Eliminating duplication with federal procedures by providing for joint preparation of environmental documents with federal agencies and by adopting completed federal NEPA documents. See Section 15227.

(k) Emphasizing consultation before an Environmental Impact Report is prepared, rather than submitting adversarial comments on a completed document. See Section 15082(b).

(l) Combining environmental documents with other documents such as general plans. See Section 15166.

(m) Eliminating repetitive discussions of the same issues by using Environmental Impact Reports on programs, policies, or plans and tiering from reports of broad scope to those of narrower scope. See Section 15152.

(n) Reducing the length of Environmental Impact Reports by means such as setting appropriate page limits. See Section 15141.

(o) Preparing analytic rather than encyclopedic Environmental Impact Reports. See Section 15142.

(p) Mentioning only briefly issues other than significant ones in EIRs. See Section 15143.

(q) Writing Environmental Impact Reports in plain language. See Section 15140.

(r) Following a clear format for Environmental Impact Reports. See Section 15120.

(s) Emphasizing the portions of the Environmental Impact Report that are useful to decision-makers and the public and reducing emphasis on background material. See Section 15143.

(t) Using incorporation by reference. See Section 15150.

(u) Making comments on Environmental Impact Reports as specific as possible. See Section 15204.

15007. Amendments

(a) These Guidelines will be amended from time to time to match new developments relating to CEQA.

(b) Amendments to the Guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when the District must comply with the amendments.

(c) If a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved.

(d) The District shall comply with new requirements in amendments to the Guidelines beginning with the earlier of the following two dates:

(1) The effective date of the District's procedures amended to conform to the new Guideline amendments; or

(2) The 120th day after the effective date of the Guideline amendments.

(e) The District may implement any permissive or advisory elements of the Guidelines beginning with the effective date of the Guideline amendments.

ARTICLE 2 – GENERAL RESPONSIBILITIES

15020. General

The District is responsible for complying with CEQA and these Guidelines. It must meet its own responsibilities under CEQA and shall not rely on comments from other public agencies or private citizens as a substitute for work CEQA requires it to accomplish as a Lead Agency. For example, if the District is Lead Agency, it is responsible for the adequacy of its environmental documents. The District, as a Lead Agency, shall not knowingly release a deficient document hoping that public comments will correct defects in the document.

15021. Duty to Minimize Environmental Damage and Balance Competing Public Objectives

(a) CEQA establishes a duty for the District to avoid or minimize environmental damage where feasible.

(1) In regulating public or private activities, the District must give major consideration to preventing environmental damage.

(2) The District will not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

(b) In deciding whether changes in a project are feasible, the District may consider specific economic, environmental, legal, social, and technological factors.

(c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.

(d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. The District shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when it decides to approve a project that will cause one or more significant effects on the environment.

15022. Public Agency Implementing Procedures

(a) The District must adopt objectives, criteria, and specific procedures consistent with CEQA and its Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The implementing procedures should contain at least provisions for:

(1) Identifying the activities that are exempt from CEQA. These procedures should contain:

(A) Provisions for evaluating a proposed activity to determine if there is no possibility that the activity may have a significant effect on the environment.

(B) A list of projects or permits over which the District has only ministerial authority.

(C) A list of specific activities which the District has found to be within the categorical exemptions established by the State CEQA Guidelines.

(2) Conducting Initial Studies.

(3) Preparing Negative Declarations.

(4) Preparing draft and final EIRs.

(5) Consulting with and obtaining comments from other public agencies and members of the public with regard to the environmental effects of projects.

(6) Assuring adequate opportunity and time for public review and comment on the Draft EIR or Negative Declaration.

(7) Evaluating and responding to comments received on environmental documents.

(8) Assigning responsibility for determining the adequacy of an EIR or Negative Declaration.

(9) Reviewing and considering environmental documents by the person or decision-making body who will approve or disapprove a project.

(10) Filing documents required or authorized by CEQA and these Guidelines.

(11) Providing adequate comments on environmental documents which are submitted to the public agency for review.

(12) Assigning responsibility for specific functions to particular units of the District.

(13) Providing time periods for performing functions under CEQA.

(b) The District should revise its implementing procedures to conform to amendments to the State CEQA Guidelines within 120 days after the effective date of any amendments. During the period while the District is revising its procedures, it must conform to any statutory changes in the California Environmental Quality Act that have become effective regardless of whether it has revised its formally adopted procedures to conform to the statutory changes.

15023. Office of Planning and Research (OPR)

(a) The District is aware that from time to time OPR shall review the State CEQA Guidelines and makes recommendations for amendments to the Secretary for Resources.

(b) The District may request that OPR provide assistance in identifying the various responsible agencies and any federal agencies which have responsibility for carrying out or approving a proposed project.

(c) OPR shall ensure that state Responsible Agencies provide the necessary information to the District, as a Lead Agency, in response to Notices of Preparation within, at most, 30 days after receiving a Notice of Preparation.

(d) OPR shall resolve disputes as to whether the District is the Lead Agency for a project.

(e) OPR shall receive and file all Notices of Completion, Determination, and Exemption.

(f) OPR shall establish and maintain a database for the collection, storage, retrieval, and dissemination of Notices of Exemption, Notices of Preparation, Notices of Determination, and Notices of Completion provided to the office. This database of notice information shall be available through the Internet.

15024. Secretary for Resources

(a) The State of California CEQA Guidelines are adopted by the Secretary for Resources. The Secretary makes a finding that each class of projects given a categorical exemption will not have a significant effect on the environment.

(b) The Secretary may issue amendments to the State CEQA Guidelines.

(c) The Secretary must certify state environmental regulatory programs which meet the standards for certification in Section 21080.5 of the Public Resources Code.

(d) The Secretary shall receive and file notices required by certified state environmental regulatory programs.

15025. Delegation of Responsibilities

(a) The District may assign specific functions to its staff to assist in administering CEQA. Functions which may be delegated include but are not limited to:

(1) Determining whether a project is exempt.

(2) Conducting an Initial Study and deciding whether to prepare a draft EIR or Negative Declaration.

(3) Preparing a Negative Declaration or EIR.

(4) Determining that a Negative Declaration has been completed within a period of 105 days.

(5) Preparing responses to comments on environmental documents.

(6) Filing of notices.

(b) The District's Board of Directors cannot delegate the following functions:

(1) Reviewing and considering a final EIR or approving a Negative Declaration prior to approving a project.

(2) The making of findings as required by Sections 15091 and 15093.

(c) Where an advisory body, such as a Board committee, is required to make a recommendation on a project to the District's Board of Directors, the advisory body shall also review and consider the EIR or Negative Declaration in draft or final form.

ARTICLE 3 – AUTHORITIES GRANTED TO PUBLIC AGENCIES BY CEQA

15040. Authority Provided by CEQA

(a) CEQA is intended to be used in conjunction with discretionary powers granted to the District by other laws.

(b) CEQA does not grant the District new powers independent of the powers granted to the District by other laws.

(c) Where another law grants the District discretionary powers, CEQA supplements those discretionary powers by authorizing the District to use the discretionary powers to mitigate or avoid significant effects on the environment when it is feasible to do so with respect to projects subject to the powers of the District. Effective January 1, 1983, CEQA provides express authority for the District to use its discretionary powers to mitigate or avoid significant effects on the environment.

(d) The exercise of the discretionary powers may take forms that had not been expected before the enactment of CEQA, but the exercise must be within the scope of the power.

(e) The exercise of discretionary powers for environmental protection shall be consistent with express or implied limitations provided by other laws.

15041. Authority to Mitigate

Within the limitations described in Section 15040:

(a) A Lead Agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard*, (1994) 512 U.S. 374, *Ehrlich v. City of Culver City*, (1996) 12 Cal. 4th 854.).

(b) When the District acts as a Responsible Agency for a project, it shall have more limited authority than if it were acting as the Lead Agency. When acting as the Responsible Agency, it may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which it will be called on to carry out or approve.

(c) With respect to a project which includes housing development, a Lead or Responsible Agency shall not reduce the proposed number of housing units as a mitigation measure or alternative to lessen a particular significant effect on the environment if that agency determines that there is another feasible, specific mitigation measure or alternative that would provide a comparable lessening of the significant effect.

15042. Authority to Disapprove Projects

The District may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed. A Lead Agency has broader authority to disapprove a project than does a Responsible Agency. A Responsible Agency may refuse to approve a project in order to avoid direct or indirect

environmental effects of that part of the project which the Responsible Agency would be called on to carry out or approve. For example, if the District, as a water district, were acting as a Responsible Agency, it would not have authority to disapprove a project for air pollution effects that were unrelated to the water aspects of the project regulated by the District.

15043. Authority to Approve Projects Despite Significant Effects

The District may approve a project even though the project would cause a significant effect on the environment if the District makes a fully informed and publicly disclosed decision that:

(a) There is no feasible way to lessen or avoid the significant effect (see Section 15091); and

(b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (See: Section 15093.)

15044. Authority to Comment

Any person or entity other than a Responsible Agency may submit comments to a Lead Agency concerning any environmental effects of a project being considered by the Lead Agency.

15045. Fees

(a) For a project to be carried out by any person or entity other than the Lead Agency, the Lead Agency may charge and collect a reasonable fee from the person or entity proposing the project in order to recover the estimated costs incurred in preparing environmental documents and for procedures necessary to comply with CEQA on the project. Litigation expenses, costs and fees incurred in actions alleging noncompliance with CEQA are not recoverable under this section.

(b) The District may charge and collect a reasonable fee from members of the public for a copy of an environmental document not to exceed the actual cost of reproducing a copy.

ARTICLE 4 – LEAD AGENCY

15050. Lead Agency Concept

(a) Where a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or Negative Declaration for the project. This agency shall be called the Lead Agency.

(b) Except as provided in subsection (c), the decision-making body of each Responsible Agency shall consider the Lead Agency's EIR or Negative Declaration prior to acting upon or approving the project. Each Responsible Agency shall certify that its decision-making body reviewed and considered the information contained in the EIR or Negative Declaration on the project.

(c) The determination of the Lead Agency of whether to prepare an EIR or a Negative Declaration shall be final and conclusive for all persons, including Responsible Agencies, unless:

(1) The decision is successfully challenged as provided in Section 21167 of the Public Resources Code,

(2) Circumstances or conditions changed as provided in Section 15162, or

(3) A Responsible Agency becomes a Lead Agency under Section 15052.

15051. Criteria for Identifying the Lead Agency

Where two or more public agencies will be involved with a project, the determination of which agency will be the Lead Agency shall be governed by the following criteria:

(a) If the project will be carried out by the District, the District shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency.

(b) If the project is to be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole. The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose, such as the District.

(c) Where more than one public agency equally meet the criteria in subsection (b), the agency which will act first on the project in question shall be the Lead Agency.

(d) Where the provisions of subsections (a), (b), and (c) leave two or more public agencies with a substantial claim to be the Lead Agency, the public agencies may by agreement designate an agency as the Lead Agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

15052. Shift in Lead Agency Designation

(a) Where a Responsible Agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the Responsible Agency shall assume the role of the Lead Agency when any of the following conditions occur:

(1) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:

(A) A subsequent EIR is required pursuant to Section 15162,

(B) The Lead Agency has granted a final approval for the project, and

(C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.

(3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(b) When a Responsible Agency assumes the duties of a Lead Agency under this section, the time limits applicable to a Lead Agency shall apply to the actions of the agency assuming the Lead Agency duties.

15053. Designation of Lead Agency by Office of Planning and Research

(a) If there is a dispute over which of several agencies should be the Lead Agency for a project, the disputing agencies should consult with each other in an effort to resolve the dispute prior to submitting it to OPR. If an agreement cannot be reached, any public agency, or the applicant if a private project is involved, may submit the dispute to OPR for resolution.

(b) OPR shall designate a Lead Agency within 21 days after receiving a completed request to resolve a dispute.

(c) Regulations adopted by OPR for resolving Lead Agency disputes may be found in Title 14, California Code of Regulations, Sections 16000 et seq.

(d) Designation of a Lead Agency by OPR shall be based on consideration of the criteria in Section 15051 as well as the capacity of the agency to adequately fulfill the requirements of CEQA.

ARTICLE 5 – PRELIMINARY REVIEW OF PROJECTS AND CONDUCT OF INITIAL STUDY

15060. Preliminary Review

(a) A Lead Agency is allowed 30 days to review for completeness applications for permits or other entitlements for use. While conducting this review for completeness, the agency should be alert for environmental issues that might require preparation of an EIR or that may require additional explanation by the applicant. Accepting an application as complete does not limit the authority of the Lead Agency to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application.

(b) Except as provided in Section 15111, the Lead Agency shall begin the formal environmental evaluation of the project after accepting an application as complete and determining that the project is subject to CEQA.

(c) Once an application is deemed complete, a Lead Agency must first determine whether an activity is subject to CEQA before conducting an Initial Study. An activity is not subject to CEQA if:

(1) The activity does not involve the exercise of discretionary powers by a public agency;

(2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or

(3) The activity is not a project as defined in Section 15378.

(d) If the Lead Agency can determine that an EIR will be clearly required for a project, the Lead Agency may skip further initial review of the project and begin work directly on the EIR process described in Article 9, commencing with Section 15080. In the absence of an Initial Study, the Lead Agency shall still focus the EIR on the significant effects of the project and indicate briefly its reasons for determining that other effects would not be significant or potentially significant.

15060.5. Preapplication Consultation

(a) For a potential project involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the Lead Agency shall, upon the request of a potential applicant and prior to the filing of a formal application, provide for consultation with the potential applicant to consider the range of actions, potential alternatives, mitigation measures, and any potential significant effects on the environment of the potential project.

(b) The Lead Agency may include in the consultation one or more Responsible Agencies, Trustee Agencies, and other public agencies who in the opinion of the Lead Agency may have an interest in the proposed project. The Lead Agency may consult the Office of Permit Assistance in the Trade and Commerce Agency for help in identifying interested agencies.

15061. Review for Exemption

(a) Once the District, if acting as a Lead Agency, has determined that an activity is a project subject to CEQA, it shall determine whether the project is exempt from CEQA.

(b) A project is exempt from CEQA if:

(1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).

(2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.

(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

(4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).

(c) The District should include in its implementing procedures a listing of the projects it often handles that it has determined to be exempt. This listing should be used in preliminary review.

(d) After determining that a project is exempt, the District may prepare a Notice of Exemption as provided in Section 15062. Although the notice may be kept with the project application at this time, the notice shall not be filed with OPR or the county clerk until the project has been approved.

15062. Notice of Exemption

(a) When the District decides that a project is exempt from CEQA and it approves or determines to carry out the project, it may file a Notice of Exemption. 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) The location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name),

(3) A finding that the project is exempt from CEQA, including a citation to the State Guidelines section or statute under which it is found to be exempt, and

(4) A brief statement of reasons to support the finding.

(b) A Notice of Exemption may be filled out and may accompany the project application through the approval process. The notice shall not be filed with the county clerk or the OPR until the project has been approved.

(c) When the District approves an applicant's project, either the District or the applicant may file a Notice of Exemption.

(1) When a state agency files this notice, the Notice of Exemption shall be filed with OPR. A form for this notice is provided in Appendix E. A list of all such notices shall be posted on a weekly basis at the Office of Planning and Research, 1400 Tenth Street, Sacramento, California. The list shall remain posted for at least 30 days.

(2) When the District files this notice, the Notice of Exemption shall be filed with the county clerk of each county in which the project will be located. Copies of all such notices shall be available for public inspection and such notices shall be posted within 24 hours of receipt in the office of the county clerk. Each notice shall remain posted for a period of 30 days. Thereafter, the clerk shall return the notice to the local agency with a notation of the period it was posted. The District shall retain the notice for not less than 9 months.

(3) The District is encouraged to make postings pursuant to this section available in electronic format on the Internet. Such electronic postings are in addition to the procedures required by these guidelines and the Public Resources Code.

(4) When an applicant files this notice, special rules apply.

(A) The notice filed by an applicant is filed in the same place as if it were filed by the agency granting the permit. If the permit was granted by a state agency, the notice is filed with OPR. If the permit was granted by a local agency, the notice is filed with the county clerk of the county or counties in which the project will be located.

(B) The Notice of Exemption filed by an applicant shall contain the information required in subdivision (a) together with a certified document issued by the District stating the District has found the project to be exempt. The certified document may be a certified copy of an existing document or record of the District.

(C) A notice filed by an applicant is subject to the same posting and time requirements as a notice filed by the District.

(d) The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the District's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply.

15063. Initial Study

(a) Following preliminary review, the Lead Agency shall conduct an Initial Study to determine if the project may have a significant effect on the environment. If the Lead Agency can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable.

(1) All phases of project planning, implementation, and operation must be considered in the Initial Study of the project.

(2) To meet the requirements of this section, the Lead Agency may use an environmental assessment or a similar analysis prepared pursuant to the National Environmental Policy Act.

(3) An Initial Study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR.

(b) Results.

(1) If the Lead Agency determines that there is substantial evidence that 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 Lead Agency shall do one of the following:

(A) Prepare an EIR, or

(B) Use a previously prepared EIR which the Lead Agency determines would adequately analyze the project at hand, or

(C) Determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or Negative Declaration. Another appropriate process may include, for example, a master EIR, a master environmental assessment, approval of housing and neighborhood commercial facilities in urban areas as described in section 15181, approval of residential projects pursuant to a specific plans described in section 15182, approval of residential projects consistent with a community plan, general plan or zoning as described in section 15183, or an environmental document prepared under a State certified regulatory program. The Lead Agency shall then ascertain which effects, if any, should be analyzed in a later EIR or negative declaration.

(2) The Lead Agency shall prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.

(c) Purposes. The purposes of an Initial Study are to:

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

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

(3) Assist in the preparation of an EIR, if one is required, by:

(A) Focusing the EIR on the effects determined to be significant,

(B) Identifying the effects determined not to be significant,

(C) Explaining the reasons for determining that potentially significant effects would not be significant, and

(D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

(4) Facilitate environmental assessment early in the design of a project;

(5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;

(6) Eliminate unnecessary EIRs; and

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

(d) Contents. 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, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or Negative Declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.

(4) A discussion of the ways to mitigate the significant effects identified, if any;

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

(6) The name of the person or persons who prepared or participated in the Initial Study.

(e) Submission of Data. If the project is to be carried out by a private person or private organization, the Lead Agency may require such person or organization to submit data and information which will enable the Lead Agency to prepare the Initial Study. Any person may submit any information in any form to assist a Lead Agency in preparing an Initial Study.

(f) Format. Sample forms for an applicant's project description and a review form for use by the Lead Agency are contained in Appendices G and H. When used together, these forms would meet the requirements for an Initial Study, provided that the entries on the checklist are briefly explained pursuant to subsection (d)(3). These forms are only suggested, and the District may use such other format for an Initial Study as it deems appropriate. A previously prepared EIR may also be used as the Initial Study for a later project.

(g) Consultation. As soon as a Lead Agency has determined that an Initial Study will be required for the project, the Lead Agency 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. During or immediately after preparation of an Initial Study for a private project, the

Lead Agency may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study.

15064. Determining the Significance of the Environmental Effects Caused by a Project

(a) Determining whether a project may have a significant effect plays a critical role in the CEQA process.

(1) If there is substantial evidence, in light of the whole record before a Lead Agency, that a project may have a significant effect on the environment, the Lead Agency shall prepare a draft EIR.

(2) When a final EIR identifies one or more significant effects, the Lead Agency and each Responsible Agency shall make a finding under Section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project.

(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.

(c) In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the Lead Agency. Before requiring the preparation of an EIR, the Lead Agency must still determine whether environmental change itself might be substantial.

(d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

(3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

(e) Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the Lead Agency.

(1) If the Lead Agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the Lead Agency shall prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988). Said another way, if a Lead Agency is presented with a fair argument that a project may have a significant effect on the environment, the Lead Agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68).

(2) If the Lead Agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the Lead Agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the Lead Agency that the project, as revised, may have a significant effect on the environment then a Mitigated Negative Declaration shall be prepared.

(3) If the Lead Agency determines there is no substantial evidence that the project may have a significant effect on the environment, the Lead Agency shall prepare a Negative Declaration (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App. 3d 988).

(4) The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the Lead Agency that the project may have a significant effect on the environment.

(5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

(6) Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.

(7) The provisions of Sections 15162, 15163, and 15164 apply when the project being analyzed is a change to, or further approval for, a project for which an EIR or Negative declaration was previously certified or adopted (e.g. a tentative subdivision, conditional use permit). Under case law, the fair argument standard does not apply to determinations of significance pursuant to sections 15162, 15163, and 15164.

(g) After application of the principles set forth above in Section 15064(f), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the Lead Agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.

(h) (1) When assessing whether a cumulative effect requires an EIR, the Lead Agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(2) A Lead Agency may determine in an Initial Study that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a Mitigated Negative Declaration, the Initial Study shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable.

(3) A Lead Agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs

must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project.

(4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable.

15064.5. Determining the Significance of Impacts to Archeological and Historical Resources

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code Sections 5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. The District shall treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the Lead Agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the Lead Agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Sections 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a Lead Agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a Lead Agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A Lead Agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The Lead Agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the Lead Agency is a state agency, the Lead Agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a Lead Agency shall first determine whether the site is a historical resource, as defined in subsection (a).

(2) If a Lead Agency determines that the archaeological site is a historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

(d) When an Initial Study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a Lead Agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as

provided in Public Resources Code Sections 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the

Native American Heritage Commission fails to provide measures acceptable to the landowner.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a Lead Agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

15064.7. Thresholds of Significance

(a) The District may develop and publish thresholds of significance that it uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the District and compliance with which means the effect normally will be determined to be less than significant.

(b) Thresholds of significance to be adopted for general use as part of the Lead Agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.

15065. Mandatory Findings of Significance

(a) A Lead Agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

(1) The project has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory.

(2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

(b) (1) Where, prior to the commencement of preliminary review of an environmental document, a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment specified by subsection (a) or would mitigate the significant effect to a point where clearly no significant effect on the environment would occur, a Lead Agency need not prepare an environmental impact report solely because, without mitigation, the environmental effects at issue would have been significant.

(2) Furthermore, where a proposed project has the potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species, the Lead Agency need not prepare an EIR solely because of such an effect, if:

(A) the project proponent is bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan or natural community conservation plan;

(B) the state or federal agency approved the habitat conservation plan or natural community conservation plan in reliance on an environmental impact report or environmental impact statement; and

(C) 1. such requirements avoid any net loss of habitat and net reduction in number of the affected species, or

2. such requirements preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat and number of the affected species to below a level of significance.

(c) Following the decision to prepare an EIR, if a Lead Agency determines that any of the conditions specified by subsection (a) will occur, such a determination shall apply to:

(1) the identification of effects to be analyzed in depth in the environmental impact report or the functional equivalent thereof,

(2) the requirement to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment,

(3) when found to be feasible, the making of changes in the project to substantially lessen or avoid the significant effects on the environment, and

(4) where necessary, the requirement to adopt a statement of overriding considerations.

ARTICLE 6 – NEGATIVE DECLARATION PROCESS

15070. Decision to Prepare a Negative or Mitigated Negative Declaration

The District shall prepare or have prepared a proposed Negative Declaration or Mitigated Negative Declaration for a project subject to CEQA when:

(a) The Initial Study shows there is no substantial evidence, in light of the whole record before the District, that the project may have a significant effect on the environment, or

(b) The Initial Study identifies potentially significant effects, but:

(1) Revisions in the project plans or proposals made by, or agreed to by, the applicant before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the District, that the project as revised may have a significant effect on the environment.

15071. Contents

A Negative Declaration circulated for public review shall include:

(a) A brief description of the project, including a commonly used name for the project, if any;

(b) The location of the project, preferably shown on a map, and the name of the project proponent;

(c) A proposed finding that the project will not have a significant effect on the environment;

(d) An attached copy of the Initial Study documenting reasons to support the finding; and

(e) Mitigation measures, if any, included in the project to avoid potentially significant effects.

15072. Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration

(a) A Lead Agency shall provide a notice of intent to adopt a Negative Declaration or Mitigated Negative Declaration to the public, Responsible Agencies, Trustee Agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the Lead Agency of the Negative Declaration or Mitigated Negative Declaration to allow the public and agencies the review period provided under Section 15105.

(b) The Lead Agency shall mail a notice of intent to adopt a Negative Declaration or Mitigated Negative Declaration to the last known name and address of all organizations and

individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a Negative Declaration or Mitigated Negative Declaration by at least one of the following procedures to allow the public the review period provided under Section 15105:

(1) Publication at least one time by the Lead Agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(2) Posting of notice by the Lead Agency on and off site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

(c) The alternatives for providing notice specified in subsection (b) shall not preclude a Lead Agency from providing additional notice by other means if the Lead Agency so desires, nor shall the requirements of this section preclude a Lead Agency from providing the public notice at the same time and in the same manner as public notice required by any other laws for the project.

(d) The county clerk of each county within which the proposed project is located shall post such notices in the office of the county clerk within 24 hours of receipt for a period of at least 20 days.

(e) For a project of statewide, regional, or areawide significance, the Lead Agency shall also provide notice to transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project as specified in Section 21092.4(a) of the Public Resources Code. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site and freeways, highways and rail transit service within 10 miles of the project site.

(f) A notice of intent to adopt a Negative Declaration or Mitigated Negative Declaration shall specify the following:

(1) A brief description of the proposed project and its location.

(2) The starting and ending dates for the review period during which the Lead Agency will receive comments on the proposed Negative Declaration or Mitigated Negative Declaration. This shall include starting and ending dates for the review period. If the review period is shortened pursuant to Section 15105, the notice shall include a statement to that effect.

(3) The date, time, and place of any scheduled public meetings or hearings to be held by the Lead Agency on the proposed project, when known to the Lead Agency at the time of notice.

(4) The address or addresses where copies of the proposed Negative Declaration or Mitigated Negative Declaration including the revisions

developed under Section 15070(b) and all documents referenced in the proposed Negative Declaration or Mitigated Negative Declaration are available for review. This location or locations shall be readily accessible to the public during the Lead Agency's normal working hours.

(5) The presence of the site on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that section.

(6) Other information specifically required by statute or regulation for a particular project or type of project.

15073. Public Review of a Proposed Negative Declaration or Mitigated Negative Declaration

(a) The Lead Agency shall provide a public review period pursuant to Section 15105 of not less than 20 days. When a proposed Negative Declaration or Mitigated Negative Declaration and Initial Study are submitted to the State Clearinghouse for review by state agencies, the public review period must not be less than 30 days, unless a shorter period is approved by the State Clearinghouse under Section 15105(d).

(b) When a proposed Negative Declaration or Mitigated Negative Declaration and Initial Study have been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse.

(c) A copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study shall be attached to the notice of intent to adopt the proposed declaration that is sent to every Responsible Agency and Trustee Agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.

(d) Where one or more state agencies will be a Responsible Agency or a Trustee Agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or areawide environmental significance, the Lead Agency shall send copies of the proposed Negative Declaration or Mitigated Negative Declaration to the State Clearinghouse for distribution to state agencies.

(e) The Lead Agency shall notify in writing any public agency which comments on a proposed Negative Declaration or Mitigated Negative Declaration of any public hearing to be held for the project for which the document was prepared. A notice provided to a public agency pursuant to Section 15072 satisfies this requirement.

15073.5. Recirculation of a Negative Declaration Prior to Adoption

(a) A Lead Agency is required to recirculate a Negative Declaration when the document is, or must be, substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

(b) A "substantial revision" of the Negative Declaration shall mean:

(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The Lead Agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(c) Recirculation is not required under the following circumstances:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed Negative Declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the Negative Declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the Negative Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration.

(d) If during the Negative Declaration process there is substantial evidence in light of the whole record, before the Lead Agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the Lead Agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed Negative Declaration had previously been circulated for the project.

15074. Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration

(a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed Negative Declaration or Mitigated Negative Declaration before making its recommendation.

(b) Prior to approving a project, the decision-making body of the Lead Agency shall consider the proposed Negative Declaration or Mitigated Negative Declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed Negative Declaration or Mitigated Negative Declaration only if it finds on the basis of the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration or Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis.

(c) When adopting a Negative Declaration or Mitigated Negative Declaration, the Lead Agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(d) When adopting a Mitigated Negative Declaration, the Lead Agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

(e) A Lead Agency shall not adopt a Negative Declaration or Mitigated Negative Declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

15074.1. Substitution of Mitigation Measures in a Proposed Mitigated Negative Declaration

(a) As a result of the public review process for a proposed Mitigated Negative Declaration, including any administrative decisions or public hearings conducted on the project prior to its approval, the Lead Agency may conclude that certain mitigation measures identified in the Mitigated Negative Declaration are infeasible or otherwise undesirable. Prior to approving the project, the Lead Agency may, in accordance with this section, delete those mitigation measures and substitute for them other measures which the Lead Agency determines are equivalent or more effective.

(b) Prior to deleting and substituting for a mitigation measure, the Lead Agency shall do both of the following:

(1) Hold a public hearing on the matter. Where a public hearing is to be held in order to consider the project, the public hearing required by this section may be combined with that hearing. Where no public hearing would otherwise be held to consider the project, then a public hearing is required before a mitigation measure may be deleted and a new measure adopted in its place.

(2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.

(c) No recirculation of the proposed Mitigated Negative Declaration pursuant to Section 15072 is required where the new mitigation measures are made conditions of, or are otherwise incorporated into, project approval in accordance with this section.

(d) "Equivalent or more effective" means that the new measure will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.

15075. Notice of Determination on a Project for which a Proposed Negative or Mitigated Negative Declaration has been Approved

(a) The Lead Agency shall file a Notice of Determination within five working days after deciding to carry out or approve the project. For projects with more than one phase, the Lead Agency shall file a Notice of Determination for each phase requiring a discretionary approval.

(b) The Notice of Determination shall include:

(1) An identification of the project including the project title as identified on the proposed Negative Declaration, its location, and the State Clearinghouse identification number for the proposed Negative Declaration if the Notice of Determination is filed with the State Clearinghouse.

(2) A brief description of the project.

(3) The Lead Agency's name and the date on which it approved the project.

(4) The Lead Agency's determination that the project will not have a significant effect on the environment.

(5) A statement that a Negative Declaration or a Mitigated Negative Declaration was adopted pursuant to the provisions of CEQA.

(6) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.

(7) The address where a copy of the Negative Declaration or Mitigated Negative Declaration may be examined.

(c) If the Lead Agency is a state agency, the Lead Agency shall file the Notice of Determination with OPR within five working days after approval of the project by the Lead Agency.

(d) If the Lead Agency is a local agency, the local Lead Agency shall file the Notice of Determination with the county clerk of the county or counties in which the project will be located, within five working days after approval of the project by the Lead Agency. If the project requires discretionary approval from any state agency, the local Lead Agency shall also, within five working days of this approval, file a copy of the Notice of Determination with OPR.

(e) A Notice of Determination filed with the county clerk shall be available for public inspection and shall be posted by the county clerk within 24 hours of receipt for a period of at least 30 days. Thereafter, the clerk shall return the notice to the local Lead Agency with a notation of the period during which it was posted. The local Lead Agency shall retain the notice for not less than 9 months.

(f) A Notice of Determination filed with OPR shall be available for public inspection and shall be posted for a period of at least 30 days.

(g) The filing of the Notice of Determination pursuant to subsection (c) above for state agencies and the filing and posting of the Notice of Determination pursuant to subsections (d) and (e) above for local agencies, start a 30-day statute of limitations on court challenges to the approval under CEQA.

(h) A sample Notice of Determination is provided in Appendix D. The District may devise its own form, but the *minimum* content requirements of subsection (b) above shall be met. The District may make copies of all notices filed pursuant to this section available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of these guidelines and the Public Resources Code.

ARTICLE 7 – EIR PROCESS

15080. General

To the extent possible, the EIR process should be combined with the existing planning, review, and project approval process used by the District.

15081. Decision to Prepare an EIR

The EIR process starts with the decision to prepare an EIR. This decision will be made either during preliminary review under Section 15060 or at the conclusion of an Initial Study after applying the standards described in Section 15064.

15081.5 EIRs Required by Statute

(a) A Lead Agency shall prepare or have prepared an EIR for the following types of projects. An Initial Study may be prepared to help identify the significant effects of the project.

(1) The burning of municipal wastes, hazardous wastes, or refuse-derived fuel, including but not limited to tires, if the project is either:

(A) The construction of a new facility; or

(B) The expansion of an existing facility that burns hazardous waste that would increase its permitted capacity by more than 10 percent. This does not apply to any project exclusively burning hazardous waste for which a determination to prepare a Negative Declaration, or Mitigated Negative Declaration or Environmental Impact Report was made prior to July 14, 1989. The amount of expansion of an existing facility is calculated pursuant to subdivision (b) of Section 21151.1 of the Public Resources Code.

(C) Subsection (1) of this subdivision does not apply to:

1. Projects for which the State Energy Resources Conservation and Development Commission has assumed jurisdiction pursuant to Chapter 6 (commencing with Section 25500) of Division 15 of the Public Resources Code.

2. Any of the types of burn or thermal processing projects listed in subdivision (d) of Section 21151.1 of the Public Resources Code.

(2) The initial issuance of a hazardous waste facilities permit to a land disposal facility, as defined in subdivision (d) of Section 25199.1 of the Health and Safety Code. Preparation of an EIR is not mandatory if the facility only manages hazardous waste which is identified or listed pursuant to Section 25140 or Section 25141 of the Health and Safety Code on or after January 1, 1992; or only conducts activities which are regulated pursuant to Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code on or after January 1, 1992. "Initial issuance" does not include the issuance of a closure or postclosure permit pursuant to Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code.

(3) The initial issuance of a hazardous waste facility permit pursuant to Section 25200 of the Health and Safety Code to an off-site large treatment facility, as defined pursuant to subdivision (d) of Section 25205.1 of that code. Preparation of an EIR is not mandatory if the facility only manages hazardous waste which is identified or listed pursuant to Section 25140 or Section 25141 of the Health and Safety Code on or after January 1, 1992; or only conducts activities which are regulated pursuant to Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code on or after January 1, 1992. "Initial issuance" does not include the issuance of a closure or postclosure permit pursuant to Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code.

(4) Any open pit mining operation which is subject to the permit requirements of the Surface Mining and Reclamation Act (beginning at Section 2710 of the Public Resources Code) and which utilizes a cyanide heap-leaching process for the purpose of extracting gold or other precious metals.

(5) An initial base reuse plan as defined in Section 15229.

(b) A Lead Agency shall prepare or have prepared an EIR for the selection of a California Community College, California State University, University of California, or California Maritime Academy campus location and approval of a long range development plan for that campus.

(1) The EIR for a long range development plan for a campus shall include an analysis of, among other significant impacts, those environmental effects relating to changes in enrollment levels.

(2) Subsequent projects within the campus may be addressed in environmental analyses tiered on the EIR prepared for the long range development plan.

15082. Notice of Preparation and Determination of Scope of EIR

(a) Notice of Preparation. Immediately after deciding that an Environmental Impact Report is required for a project, the Lead Agency shall send to the State Clearinghouse and each Responsible and Trustee Agency a Notice of Preparation stating that an Environmental Impact Report will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project.

(1) The Notice of Preparation shall provide the Responsible Agencies with sufficient information describing the project and the potential environmental effects to enable the Responsible Agencies to make a meaningful response. At a minimum, the information shall include:

(A) Description of the project,

(B) Location of the project (either by street address and cross street, for a project in an urbanized area, or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name), and

(C) Probable environmental effects of the project.

(2) A sample Notice of Preparation is shown in Appendix I. The District may devise its own formats for this notice. A copy of the Initial Study may be sent with the notice to supply the necessary information.

(3) To send copies of the Notice of Preparation, the Lead Agency shall use either certified mail or any other method of transmittal that provides it with a record that the notice was received.

(4) The Lead Agency may begin work on the draft EIR immediately without awaiting responses to the Notice of Preparation. The draft EIR in preparation may need to be revised or expanded to conform to responses to the Notice of Preparation. A Lead Agency shall not circulate a draft EIR for public review before the time period for responses to the Notice of Preparation has expired.

(b) Response to Notice of Preparation. Within 30 days after receiving the Notice of Preparation under subsection (a), each Responsible and Trustee Agency and the State Clearinghouse shall provide the Lead Agency with specific detail about the scope and content of the environmental information related to the Responsible or Trustee Agency's area of statutory responsibility that must be included in the draft EIR.

(1) The response at a minimum shall identify:

(A) The significant environmental issues and reasonable alternatives and mitigation measures that the Responsible Agency will need to have explored in the draft EIR; and

(B) Whether the agency will be a Responsible Agency or Trustee Agency for the project.

(2) If a Responsible or Trustee Agency fails by the end of the 30-day period to provide the Lead Agency with either a response to the notice or a well-justified request for additional time, the Lead Agency may presume that the Responsible Agency has no response to make.

(3) A generalized list of concerns not related to the specific project shall not meet the requirements of this section for a response.

(c) Meetings. In order to expedite the consultation, the Lead Agency, a Responsible Agency, a Trustee Agency, or a project applicant may request one or more meetings between representatives of the agencies involved to assist the Lead Agency in determining the scope and content of the environmental information that the Responsible or Trustee Agency may require. Such meetings shall be convened by the Lead Agency 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 that involve state agencies.

(1) For projects of statewide, regional or areawide significance pursuant to Section 15206, the Lead Agency shall conduct at least one scoping meeting. The Lead Agency shall provide notice of the scoping meeting to all of the following:

(A) any county or city that borders on a county or city within which the project is located, unless otherwise designated annually by agreement between the Lead Agency and the county or city;

(B) any Responsible Agency

(C) any public agency that has jurisdiction by law with respect to the project;

(D) any organization or individual who has filed a written request for the notice.

(d) State Clearinghouse. The State Clearinghouse will ensure that the state Responsible and Trustee Agencies reply to the Lead Agency within 30 days of receipt of the Notice of Preparation by the state Responsible and Trustee Agencies.

(e) Identification Number. 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.

15083. Early Public Consultation

Prior to completing the draft EIR, the Lead Agency may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. Many public agencies have found that early consultation solves many potential problems that would arise in more serious forms later in the review process. This early consultation may be

called scoping. Scoping will be necessary when preparing an EIR/EIS jointly with a federal agency.

(a) Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.

(b) Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds.

(c) Where scoping is used, it should be combined to the extent possible with consultation under Section 15082.

15083.5. City or County Consultation with Water Agencies

This guideline addresses consultation between a city or county and the District at the Notice of Preparation stage of environmental review.

(a) This guideline shall apply only to projects which meet all of the following criteria:

(1) The project consists of any of the following activities for which an application has been submitted to a city or county:

(A) A residential development of more than 500 dwelling units.

(B) A shopping center or business establishment that will employ more than 1,000 persons or have more than 500,000 square feet of floor space.

(C) A commercial office building that will employ more than 1,000 persons or have more than 250,000 square feet of floor space.

(D) A hotel, motel or both with more than 500 rooms.

(E) An industrial, manufacturing, or processing plant, or industrial park intended to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(F) Any mixed-use project that would demand an amount of water equal to, or greater than, the amount of water needed to serve a 500-dwelling unit project.

(2) As part of approval of the project, any of the following are required:

(A) An amendment to, or revision of, the land use element of a general plan or a specific plan, which would result in a net

increase in the stated population density or building intensity to provide for additional development.

(B) The adoption of a specific plan, unless the city or county has previously complied with this section for the project.

Notwithstanding the foregoing provisions of this subsection (a)(2), when a project is identified in connection with the revision of any part of a general plan, that project is subject to the requirements of this section only if the project results in a net increase in the stated population density or building intensity, and if the city or county has not previously complied with the requirements of this section for the project in question.

(3) A city or county has determined that an Environmental Impact Report is required in connection with the project.

(b) For projects subject to this guideline, a city or county shall identify any water system that is, or may become, a public water system, as defined in Section 10912 of the Water Code, that may supply water for the project. When a city or county releases a Notice of Preparation for review, it shall send a copy of the notice to each public water system which serves or would serve the proposed project and request that the system both indicate whether the projected water demand associated with the proposed project was included in its last urban water management plan and assess whether its total projected water supplies available during normal, single-dry, and multiple-dry water years as included in the 20-year projection contained in its urban water management plan will meet the projected water demand associated with the proposed project, in addition to the system's existing and planned future uses.

(c) The District's Board of Directors shall approve and submit its water supply assessment to the city or county not later than 30 days after the date on which the request and Notice of Preparation were received. If the District fails to submit its assessment within the allotted time, the Lead Agency may assume, unless there has been a request for a specific extension of time from the District, that the District has no information to submit. If the District concludes there would be insufficient water to serve the proposed project, it shall provide the city or county with its plans for acquiring additional water supplies.

(d) The Lead Agency shall include within the EIR the District's assessment and any other information provided by the District, up to a maximum of ten typewritten pages. The assessment and information may only exceed that length with the approval of the Lead Agency. The Lead Agency may independently evaluate the District's information and shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the proposed project, in addition to existing and planned future uses. If the Lead Agency determines that water supplies will not be sufficient, the Lead Agency must include that determination in its findings for the project pursuant to Sections 15091 and 15093.

(e) For purposes of this section, "public water system" means a system as defined in Section 10912 of the Water Code with 3,000 or more service connections.

(f) This section does not apply to the County of San Diego and the cities in the county as provided in Section 10915 of the Water Code.

15084. Preparing the Draft EIR

(a) The draft EIR shall be prepared directly by or under contract to the Lead Agency. The required contents of a draft EIR are discussed in Article 9 beginning with Section 15120.

(b) The Lead Agency 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 Lead Agency 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 Lead Agency 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 Lead Agency 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 Lead Agency may choose one of the following arrangements or a combination of them for preparing a draft EIR.

(1) Preparing the draft EIR directly with its own staff.

(2) Contracting with another entity, public or private, to prepare the draft EIR.

(3) Accepting a draft prepared by the applicant, a consultant retained by the applicant, or any other person.

(4) Executing a third party contract or Memorandum of Understanding with the applicant to govern the preparation of a draft EIR by an independent contractor.

(5) Using a previously prepared EIR.

(e) Before using a draft prepared by another person, the Lead Agency shall subject the draft to its own review and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency. The Lead Agency is responsible for the adequacy and objectivity of the draft EIR.

15085. Notice of Completion

(a) As soon as the draft EIR is completed, a Notice of Completion must be filed with OPR in a printed hard copy or in electronic form on a diskette or by electronic mail transmission.

(b) The Notice of Completion shall include:

(1) A brief description of the project,

(2) The proposed location of the project (either by street address and cross street, for a project in an urbanized area, or by attaching a specific map,

preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name).

(3) An address where copies of the draft EIR are available, and

(4) The review period during which comments will be received on the draft EIR.

(c) A sample form for the Notice of Completion is included in Appendix L.

(d) Where the EIR will be reviewed through the state review process handled by the State Clearinghouse, the Notice of Completion cover form required by the State Clearinghouse will serve as the Notice of Completion (see Appendix C).

(e) The District may make copies of Notices of Completion filed pursuant to this section available in electronic format on the Internet.

15086. Consultation Concerning Draft EIR

(a) The Lead Agency 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) Any other state, federal, and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project, including water agencies consulted pursuant to section 15083.5.

(4) Any city or county which borders on a city or county within which the project is located.

(5) For a project of statewide, regional, or areawide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site, and freeways, highways and rail transit service within 10 miles of the project site.

(6) For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources.

(b) The Lead Agency may consult directly with:

(1) Any person who has special expertise with respect to any environmental impact involved,

(2) Any member of the public who has filed a written request for notice with the Lead Agency or the clerk of the governing body.

(3) Any person identified by the applicant whom the applicant believes will be concerned with the environmental effects of the project.

(c) A Responsible Agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the Responsible Agency. Those comments shall be supported by specific documentation.

(d) Prior to the close of the public review period, a Responsible Agency or Trustee Agency which has identified what that agency considers to be significant environmental effects shall advise the Lead Agency of those effects. As to those effects relevant to its decision, if any, on the project, the Responsible or Trustee Agency shall either submit to the Lead Agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the Lead Agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the Responsible or Trustee Agency is not aware of mitigation measures that address identified effects, the Responsible or Trustee Agency shall so state.

15087. Public Review of Draft EIR

(a) The Lead Agency shall provide public notice of the availability of a draft EIR at the same time it sends a Notice of Completion to OPR. This public notice shall be given as provided under Section 15105 (a sample form is provided in Appendix L). Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, 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. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(2) 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 the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

(b) The alternatives for providing notice specified in subsection (a) shall not preclude the District from providing additional notice by other means if it so desires, nor shall the requirements of this section preclude the District from providing the public notice required by this section at the same time and in the same manner as public notice otherwise required by law for the project.

(c) The notice shall disclose the following:

(1) A brief description of the proposed project and its location.

(2) The starting and ending dates for the review period during which the Lead Agency will receive comments. If the review period is shortened, the notice shall disclose that fact.

(3) The date, time, and place of any scheduled public meetings or hearings to be held by the Lead Agency on the proposed project when known to the Lead Agency at the time of notice.

(4) A list of the significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the Lead Agency at the time of the notice.

(5) The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the Lead Agency's normal working hours.

(6) The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that Section.

(d) The notice required under this section shall be posted in the office of the county clerk of each county in which the project will be located for a period of at least 30 days. The county clerk shall post such notices within 24 hours of receipt.

(e) In order to provide sufficient time for public review, the review period for a draft EIR shall be as provided in Section 15105. The review period shall be combined with the consultation required under Section 15086. When a draft EIR has been submitted to the State Clearinghouse, the public review period shall be at least as long as the review period established by the Clearinghouse.

(f) Public agencies shall use the State Clearinghouse to distribute draft EIRs to state agencies for review and should use areawide clearinghouses to distribute the documents to regional and local agencies.

(g) To make copies of EIRs available to the public, Lead Agencies should furnish copies of draft EIRs to public library systems serving the area involved. Copies should also be available in offices of the Lead Agency.

(h) Public agencies should compile listings of other agencies, particularly local agencies, which have jurisdiction by law and/or special expertise with respect to various projects and project locations. Such listings should be a guide in determining which agencies should be consulted with regard to a particular project.

(i) Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged, but not required as an element of the CEQA process.

15088. Evaluation of and Response to Comments

(a) The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

(b) The Lead Agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.

(c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency'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. Conclusory statements unsupported by factual information will not suffice.

(d) 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. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:

(1) Revise the text in the body of the EIR, or

(2) Include marginal notes showing that the information is revised in the response to comments.

15088.5. Recirculation of an EIR Prior to Certification

(a) A Lead Agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087, but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the

environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

(c) If the revision is limited to a few chapters or portions of the EIR, the Lead Agency need only recirculate the chapters or portions that have been modified.

(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.

(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

(f) The Lead Agency shall evaluate and respond to comments as provided in Section 15088. Recirculating an EIR can result in the Lead Agency receiving more than one set of comments from reviewers. The following are two ways in which the Lead Agency may identify the set of comments to which it will respond. This dual approach avoids confusion over whether the Lead Agency must respond to comments which are duplicates or which are no longer pertinent due to revisions to the EIR. In no case shall the Lead Agency fail to respond to pertinent comments on significant environmental issues.

(1) When an EIR is substantially revised and the entire document is recirculated, the Lead Agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The Lead Agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The Lead Agency need only respond to those comments submitted in response to the recirculated revised EIR.

(2) When the EIR is revised only in part and the Lead Agency is recirculating only the revised chapters or portions of the EIR, the Lead Agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The Lead Agency need only respond to: (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The Lead Agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

(3) As part of providing notice of recirculation as required by Public Resources Code Section 21092.1, the Lead Agency shall send a notice of recirculation to every agency, person, or organization that commented on the prior EIR. The notice shall indicate, at a minimum, whether new comments may be submitted only on the recirculated portions of the EIR or on the entire EIR in order to be considered by the agency.

(g) When recirculating a revised EIR, either in whole or in part, the Lead Agency shall, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.

15089. Preparation of Final EIR

(a) The Lead Agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these Guidelines.

(b) Lead Agencies may provide an opportunity for review of the final EIR by the public or by commenting agencies before approving the project. The review of a final EIR should focus on the responses to comments on the draft EIR.

15090. Certification of the Final EIR

(a) Prior to approving a project the Lead Agency shall certify that:

(1) The final EIR has been completed in compliance with CEQA;

(2) The final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and

(3) The final EIR reflects the Lead Agency's independent judgment and analysis.

(b) If an EIR is certified by a non-elected decision-making body of the District, where the District is the Lead Agency, that certification may be appealed to the District's Board of Directors. The District must provide for such appeals.

15091. Findings

(a) The District shall not approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the District makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such

changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subsection (a)(2) shall not be made if the District has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subsection (a)(1), the District shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The District shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

15092. Approval

(a) After considering the final EIR and in conjunction with making findings under Section 15091, the Lead Agency may decide whether or how to approve or carry out the project.

(b) The District shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The District has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

(c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

15093. Statement of Overriding Considerations

(a) CEQA requires the District to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the Lead Agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the Lead Agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If the District makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

15094. Notice of Determination

(a) The Lead Agency shall file a Notice of Determination within five working days after deciding to carry out or approve the project.

(b) The Notice of Determination shall include:

(1) An identification of the project including the project title as identified on the draft EIR, and the location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map, preferably a copy of a U.S.G.S. 15' or 7-1/2' topographical map identified by quadrangle name). If the Notice of Determination is filed with the State Clearinghouse, the State Clearinghouse identification number for the draft EIR shall be provided.

(2) A brief description of the project.

(3) The Lead Agency's name and the date on which the agency approved the project. If a Responsible Agency files the Notice of Determination pursuant to Section 15096(i), the Responsible Agency's name and date of approval shall also be identified.

(4) The determination of the Lead Agency 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) Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.

(7) Whether findings were made pursuant to Section 15091.

(8) Whether a statement of overriding considerations was adopted for the project.

(9) The address where a copy of the final EIR and the record of project approval may be examined.

(c) If the Lead Agency is a state agency, the Lead Agency shall file the Notice of Determination with OPR within five working days after approval of the project by the Lead Agency.

(d) If the Lead Agency is a local agency, the local Lead Agency shall file the Notice of Determination with the county clerk of the county or counties in which the project will be located, within five working days after approval of the project by the Lead Agency. If the project requires discretionary approval from any state agency, the local Lead Agency shall also, within five working days of this approval, file a copy of the Notice of Determination with OPR.

(e) A Notice of Determination filed with the county clerk shall be available for public inspection and shall be posted within 24 hours of receipt for a period of at least 30 days. Thereafter, the clerk shall return the notice to the local Lead Agency with a notation of the period during which it was posted. The local Lead Agency shall retain the notice for not less than 9 months.

(f) A Notice of Determination filed with OPR shall be available for public inspection and shall be posted for a period of at least 30 days.

(g) The filing of the Notice of Determination pursuant to subsection (c) above for state agencies and the filing and posting of the Notice of Determination pursuant to subsections (d) and (e) above for local agencies, start a 30-day statute of limitations on court challenges to the approval under CEQA.

(h) A sample Notice of Determination is provided in Appendix D. The District may devise its own form, but any such form shall include, at a minimum, the information required by subsection (b). The District may make copies of all notices filed pursuant to this section available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of the Guidelines and the Public Resources Code.

15096. Process for a Responsible Agency

(a) General. A Responsible Agency complies with CEQA by considering the EIR or Negative Declaration prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved. This section identifies the special duties a public agency will have when acting as a Responsible Agency.

(b) Response to Consultation. A Responsible Agency shall respond to consultation by the Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the project. By this means, the Responsible Agency will ensure that the documents it will use will comply with CEQA.

(1) In response to consultation, a Responsible Agency shall explain its reasons for recommending whether the Lead Agency should prepare an EIR or Negative Declaration for a project. Where the Responsible Agency disagrees with the Lead Agency's proposal to prepare a Negative Declaration for a project, the Responsible Agency should identify the significant environmental effects which it believes could result from the project and recommend either that an EIR be prepared or that the project be modified to eliminate the significant effects.

(2) As soon as possible, but not longer than 30 days after receiving a Notice of Preparation from the Lead Agency, the Responsible Agency shall send a written reply by certified mail or any other method which provides the agency with a record showing that the notice was received. The reply shall specify the scope and content of the environmental information which would be germane to the Responsible Agency's statutory responsibilities in connection with the proposed project. The Lead Agency shall include this information in the EIR.

(c) Meetings. The Responsible Agency shall designate employees or representatives to attend meetings requested by the Lead Agency to discuss the scope and content of the EIR.

(d) Comments on Draft EIRs and Negative Declarations. A Responsible Agency should review and comment on draft EIRs and Negative Declarations for projects which the Responsible Agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a Negative Declaration, or on additional alternatives or mitigation measures which the EIR should include. The comments shall be limited to those project activities which are within the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency. Comments shall be as specific as possible and supported by either oral or written documentation.

(e) Decision on Adequacy of EIR or Negative Declaration. If a Responsible Agency believes that the final EIR or Negative Declaration prepared by the Lead Agency is not adequate for use by the Responsible Agency, the Responsible Agency must either:

(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 Section 15162; or

(4) Assume the Lead Agency role as provided in Section 15052(a)(3).

(f) Consider the EIR or Negative Declaration. Prior to reaching a decision on the project, the Responsible Agency must consider the environmental effects of the project as shown in the EIR or Negative Declaration. A subsequent or supplemental EIR can be prepared only as provided in Sections 15162 or 15163.

(g) Adoption of Alternatives or Mitigation Measures.

(1) When considering alternatives and mitigation measures, a Responsible Agency is more limited than a Lead Agency. A Responsible Agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.

(2) When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. With respect to a project which includes housing development, the Responsible Agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

(h) Findings. The Responsible Agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.

(i) Notice of Determination. The Responsible Agency should file a Notice of Determination in the same manner as a Lead Agency under Section 15075 or 15094, except that the Responsible Agency does not need to state that the EIR or Negative Declaration complies with CEQA. The Responsible Agency should state that it considered the EIR or Negative Declaration as prepared by a Lead Agency.

15097. Mitigation Monitoring or Reporting

(a) This section applies when the District has made the findings required under paragraph (1) of subdivision (a) of Section 15091 relative to an EIR or adopted a Mitigated Negative Declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR or Negative Declaration are implemented, the District shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. The District may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

(b) Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-

level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.

(c) The District may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the District's Board of Directors or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:

(1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.

(2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

(3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the approving agency is informed of compliance with mitigation requirements.

(d) Lead and Responsible Agencies should coordinate their mitigation monitoring or reporting programs where possible. Generally, Lead and Responsible Agencies for a given project will adopt separate and different monitoring or reporting programs. This occurs because of any of the following reasons: the agencies have adopted and are responsible for reporting on or monitoring different mitigation measures; the agencies are deciding on the project at different times; each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.

(e) At its discretion, the District may adopt standardized policies and requirements to guide individually adopted monitoring or reporting programs. Standardized policies and requirements may describe, but are not limited to:

(1) The relative responsibilities of various departments within the District for various aspects of monitoring or reporting, including lead responsibility for administering typical programs and support responsibilities.

(2) The responsibilities of the project proponent.

(3) District guidelines for preparing monitoring or reporting programs.

(4) General standards for determining project compliance with the mitigation measures or revisions and related conditions of approval.

(5) Enforcement procedures for noncompliance, including provisions for administrative appeal.

(6) Process for informing staff and decision makers of the relative success of mitigation measures and using those results to improve future mitigation measures.

(f) Where a Trustee Agency, in timely commenting upon a draft EIR or a proposed Mitigated Negative Declaration, proposes mitigation measures or project revisions for incorporation into a project, that agency, at the same time, shall prepare and submit to the Lead or Responsible Agency a draft monitoring or reporting program for those measures or revisions. The Lead or Responsible Agency may use this information in preparing its monitoring or reporting program.

(g) When a project is of statewide, regional, or areawide importance, any transportation information generated by a required monitoring or reporting program shall be submitted to the transportation planning agency in the region where the project is located and to the California Department of Transportation. Each transportation planning agency and the California Department of Transportation shall adopt guidelines for the submittal of such information.

ARTICLE 8 – TIME LIMITS

15100. General

(a) The District shall comply with time limits consistent with this article in implementing CEQA.

(b) The District should carry out its responsibilities for preparing and reviewing EIRs within a reasonable period of time. The requirement for the preparation of an EIR should not cause undue delays in the processing of applications for permits or other entitlements to use.

15101. Review of Application for Completeness

A Lead Agency or Responsible Agency shall determine whether an application for a permit or other entitlement for use is complete within 30 days from the receipt of the application, except as provided in Section 15111. 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.

15102. Initial Study

The Lead Agency shall determine within 30 days after accepting an application as complete whether it intends to prepare an EIR or a Negative Declaration or use a previously prepared EIR or Negative Declaration except as provided in Section 15111. The 30 day period may be extended 15 days upon the consent of the Lead Agency and the project applicant.

15103. Response to Notice of Preparation

Responsible Agencies and Trustee Agencies shall provide a response to a Notice of Preparation to the Lead Agency within 30 days after receipt of the notice. If a Responsible Agency fails to reply within the 30 days with either a response or a well justified request for additional time, the Lead Agency may assume that the Responsible Agency has no response to make and may ignore a late response.

15104. Convening of Meetings

The Lead Agency shall convene a meeting with agency representatives to discuss the scope and content of the environmental information a Responsible Agency will need in the EIR as soon as possible, but no later than 30 days after receiving a request for the meeting. The meeting may be requested by the Lead Agency, a Responsible Agency, a Trustee Agency, or by the project applicant.

15105. Public Review Period for a Draft EIR or a Proposed Negative Declaration or Mitigated Negative Declaration

(a) The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

(b) The public review period for a proposed Negative Declaration or Mitigated Negative Declaration shall be not less than 20 days. When a proposed Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period, not less than 20 days, is approved by the State Clearinghouse.

(c) If a draft EIR or proposed Negative Declaration or Mitigated Negative Declaration has been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse.

(d) A shortened Clearinghouse review period may be granted in accordance with the provisions of Appendix K and the following principles:

(1) A shortened review shall not be granted for any proposed project of statewide, areawide, or regional environmental significance.

(2) Requests for shortened review periods shall be submitted to the Clearinghouse in writing by the decision-making body of the Lead Agency, or a representative authorized by ordinance, resolution, or delegation of the decision-making body.

(3) The Lead Agency has contacted Responsible and Trustee agencies and they have agreed to the shortened review period.

15106. [Deleted]

15107. Completion of Negative Declaration

With private projects involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the Negative Declaration must be completed and approved within 180 days from the date when the Lead Agency accepted the application as complete.

15108. Completion and Certification of EIR

With a private project, the Lead Agency shall complete and certify the final EIR as provided in Section 15090 within one year after the date when the Lead Agency accepted the application as complete; provided, however, that where the District is Lead Agency the one-year time limit may be extended once for a period of not more than 90 days upon consent of the District and the applicant.

15109. Suspension of Time Periods

An unreasonable delay by an applicant in meeting requests by the Lead Agency necessary for the preparation of a Negative Declaration or an EIR shall suspend the running of the time periods described in Sections 15107 and 15108 for the period of the unreasonable delay. Alternatively, the District may disapprove a project application where there is unreasonable delay in meeting requests. The District may allow a renewed application to start at the same point in the process where the application was when it was disapproved.

15110. Projects with Federal Involvement

(a) 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 in Section 15221, and

(3) The time required to prepare the combined document will be shorter than the time required to prepare the documents separately.

(b) 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.

(c) The time limits for processing permits for development projects under Government Code Sections 65950-65960 shall not apply if federal statutes or regulations require time schedules which exceed the state time limits. In this event, any state agencies involved shall make a final decision on the project within the federal time limits.

15111. Projects with Short Time Periods for Approval

(a) If a statute or ordinance requires the District to make decisions on any matter within time limits that are so short that review of the project under CEQA would be difficult, then the District shall deem an application for a project not received for filing until such time as progress toward completing the environmental documentation required by CEQA is sufficient to enable the District to finish the CEQA process within the short permit time limit. This section will apply where all of the following conditions are met:

(1) The enabling legislation for a program, other than Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, requires the Lead Agency to take action on an application within a specified period of time that is six months or less, and

(2) The enabling legislation provides that the project will become approved by operation of law if the Lead Agency fails to take any action within such specified time period, and

(3) The project involves the issuance of a lease, permit, license, certificate, or other entitlement for use.

(b) In any situation to which this section applies, the environmental document shall be completed or certified and the decision on the project shall be made within the period established under the Permit Streamlining Act (Government Code Sections 65920, et seq.).

15112. Statutes of Limitations

(a) CEQA provides unusually short statutes of limitations on filing court challenges to the approval of projects under the Act.

(b) The statute of limitations periods are not public review periods or waiting periods for the person whose project has been approved. The project sponsor may proceed to carry out the project as soon as the necessary permits have been granted. The statute of limitations cuts off the right of another person to file a court action challenging approval of the project after the specified time period has expired.

(c) The statute of limitations periods under CEQA are as follows:

(1) Where the District filed a Notice of Determination in compliance with Sections 15075 or 15094, 30 days after the filing of the notice and the posting on a list of such notices.

(2) Where the District filed a Notice of Exemption in compliance with Section 15062, 35 days after the filing of the notice and the posting on a list of such notices.

(3) Where a certified state regulatory agency files a Notice of Decision in compliance with Public Resources Code Section 21080.5(d)(2)(E), 30 days after the filing of the notice.

(4) Where the Secretary for Resources certifies a state environmental regulatory agency under Public Resources Code Section 21080.5, the certification may be challenged only during the 30 days following the certification decision.

(5) Where none of the other statute of limitations periods in this section apply, 180 days after either:

(A) The District's decision to carry out or approve the project, or

(B) Commencement of the project if the project is undertaken without a formal decision by the District.

ARTICLE 9 - CONTENTS OF ENVIRONMENTAL IMPACT REPORTS

15120. General

(a) Environmental Impact Reports shall contain the information outlined in this article, but the format of the document may be varied. Each element must be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed.

(b) The EIR may be prepared as a separate document, as part of a general plan, or as part of a project report. If prepared as a part of the project report, it must still contain one separate and distinguishable section providing either analysis of all the subjects required in an EIR or, as a minimum, a table showing where each of the subjects is discussed.

(c) Draft EIRs shall contain the information required by Sections 15122 through 15131. Final EIRs shall contain the same information and the subjects described in Section 15132.

(d) No document prepared pursuant to this article that is available for public examination shall include a "trade secret" as defined in Section 6254.7 of the Government Code, information about the location of archaeological sites and sacred lands, or any other information that is subject to the disclosure restrictions of Section 6254 of the Government Code.

15121. Informational Document

(a) An EIR is an informational document which will inform the District's, and other public agencies', decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The District shall consider the information in the EIR along with other information which may be presented to the District.

(b) While the information in the EIR does not control the District's ultimate discretion on the project, the District must respond to each significant effect identified in the EIR by making findings under Section 15091 and if necessary by making a statement of overriding consideration under Section 15093.

(c) The information in an EIR may constitute substantial evidence in the record to support the District's action on the project if its decision is later challenged in court.

15122. Table of Contents or Index

An EIR shall contain at least a table of contents or an index to assist readers in finding the analysis of different subjects and issues.

15123. Summary

(a) An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be a clear and simple as reasonably practical.

(b) The summary shall identify:

(1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect;

(2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and

(3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

(c) The summary should normally not exceed 15 pages.

15124. Project Description

The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.

(b) A statement of objectives sought by the proposed project. A clearly written statement of objectives will help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.

(d) A statement briefly describing the intended uses of the EIR.

(1) This statement shall include, to the extent that the information is known to the Lead Agency,

(A) A list of the agencies that are expected to use the EIR in their decision-making, and

(B) A list of permits and other approvals required to implement the project.

(C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the Lead Agency should integrate CEQA review with these related environmental review and consultation requirements.

(2) If the District must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project.

15125. Environmental Setting

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

(b) [omitted]

(c) Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

(d) The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

(e) Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced as well as the potential future conditions discussed in the plan.

15126. Consideration and Discussion of Environmental Impacts

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The subjects listed below shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6, preferably in separate .

sections or paragraphs of the EIR. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

(a) Significant Environmental Effects of the Proposed Project.

(b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented.

(c) Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Project Should it be Implemented.

(d) Growth-Inducing Impact of the Proposed Project.

(e) The Mitigation Measures Proposed to Minimize the Significant Effects.

(f) Alternatives to the Proposed Project.

15126.2 Consideration and Discussion of Significant Environmental Impacts

(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the Notice of Preparation is published, or where no Notice of Preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.

(b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

(c) Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented. Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

(d) Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects

(a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the Lead, Responsible or Trustee Agency or other persons which are not included but the Lead Agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.

(D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case

of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

(3) Mitigation measures are not required for effects which are not found to be significant.

(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an *ad hoc* exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(5) If the Lead Agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

(b) Mitigation Measures Related to Impacts on Historical Resources.

(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

(2) In some circumstances, documentation of a historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

(3) The District, whenever feasible, will seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

(A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context.

Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

(B) Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites;

2. Incorporation of sites within parks, greenspace, or other open space;

3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.

4. Deeding the site into a permanent conservation easement.

(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

(D) Data recovery shall not be required for a historical resource if the Lead Agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

15126.6 Consideration and Discussion of Alternatives to the Proposed Project

(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

(b) Purpose Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

(c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

(d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

(e) "No project" alternative.

(1) The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see Section 15125).

(2) The "no project" analysis shall discuss the existing conditions at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

(3) A discussion of the "no project" alternative will usually proceed along one of two lines:

(A) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

(B) If the project is other than a land use or regulatory plan, for example a specific construction project involving identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. Here, the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed. In certain instances, the no project alternative means "no build" wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.

(C) After defining the "no project" alternative using one of these approaches, the Lead Agency should proceed to analyze the impacts of the "no project" alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

(f) Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

(1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

(2) Alternative locations.

(A) Key question. The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

(B) None feasible. If the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a project which must be in close proximity to natural resources at a given location.

(C) Limited new analysis required. Where a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for projects with the same basic purpose, the Lead Agency should review the previous document. The EIR may rely on the previous document to help it assess the feasibility of potential project alternatives to the extent the circumstances remain substantially the same as they relate to the alternative.

(3) An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

15127. Limitations on Discussion of Environmental Impact

The information required by Section 15126.2(c) concerning irreversible changes, need be included only in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of the District:

(b) The adoption by a Local Agency Formation Commission of a resolution making determinations; or

(c) 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, 42 U.S.C. Sections 4321-4347.

15128. Effects Not Found to be Significant

An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.

15129. Organizations and Persons Consulted

The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.

15130. Discussion of Cumulative Impacts

(a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in Section 15065(c). Where a Lead Agency is examining a project with an incremental effect that is not "cumulatively considerable," the Lead Agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

(1) As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

(2) When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A Lead Agency shall identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

(3) An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The Lead Agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The following elements are necessary to an adequate discussion of significant cumulative impacts:

(1) Either:

(A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the District, or

(B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the Lead Agency.

(2) When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

(3) Lead Agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

(4) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available; and

(5) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

(c) With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

(d) Previously approved land use documents such as general plans, specific plans, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the Lead Agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in Section 15152(f), in a certified EIR for that plan.

(e) If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section 15183(j).

15131. Economic and Social Effects

Economic or social information may be included in an EIR or may be presented in whatever form the District desires.

(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if a construction project divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the installation of a water storage tank and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the storage tank and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.

(c) Economic, social, and, particularly, housing factors shall be considered by the District, together with technological and environmental factors, in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the District to consider the factors in reaching a decision on the project.

15132. Contents of Final Environmental Impact Report

The Final EIR shall consist of:

(a) The draft EIR or a revision of the draft.

(b) Comments and recommendations received on the draft EIR either verbatim or in summary.

(c) A list of persons, organizations, and public agencies commenting on the draft EIR.

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

(e) Any other information added by the Lead Agency.

ARTICLE 10 – CONSIDERATIONS IN PREPARING EIRs AND NEGATIVE DECLARATIONS

15140. Writing

EIRs shall be written in plain language and may use appropriate graphics so that decision-makers and the public can rapidly understand the documents.

15141. Page Limits

The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages.

15142. Interdisciplinary Approach

An EIR shall be prepared using an interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the consideration of qualitative as well as quantitative factors. The interdisciplinary analysis shall be conducted by competent individuals, but no single discipline shall be designated or required to undertake this evaluation.

15143. Emphasis

The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed.

15144. Forecasting

Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, the District will use its best efforts to find out and disclose all that it reasonably can.

15145. Speculation

If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, it should note its conclusion and terminate discussion of the impact.

15146. Degree of Specificity

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a water system master plan because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a water system master plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

15147. Technical Detail

The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

15148. Citation

Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR.

15149. Use of Registered Professionals in Preparing EIRs

(a) A number of statutes provide that certain professional services can be provided to the public only by individuals who have been registered by a registration board established under California law. Such statutory restrictions apply to a number of professions including but not limited to engineering, land surveying, forestry, geology, and geophysics.

(b) In its intended usage, an EIR is not a technical document that can be prepared only by a registered professional. The EIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to increase beneficial effects. As a result of information in the EIR, the Lead Agency should establish requirements or conditions on project design, construction, or operation in order to protect or enhance the environment. State statutes may provide that only registered professionals can prepare technical studies which will be used in or which will control the detailed design, construction, or operation of the proposed project and which will be prepared in support of an EIR.

15150. Incorporation by Reference

(a) An EIR or Negative Declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR or Negative Declaration.

(b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or Negative Declaration shall state where the incorporated documents will be available

for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the Lead Agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the Lead Agency does not have an office in the county.

(c) Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

(d) Where the District incorporates information from an EIR that has previously been reviewed through the state review system, the state identification number of the incorporated document should be included in the summary or designation described in subsection (c).

(e) Examples of materials that may be incorporated by reference include but are not limited to:

(1) A description of the environmental setting from another EIR.

(2) A description of the city or county general plan that applies to the location of the project.

(f) Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand.

15151. Standards for Adequacy of an EIR

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

15152. Tiering

(a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and Negative Declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or Negative Declaration solely on the issues specific to the later project.

(b) Where feasible, the District will tier the environmental analyses which it prepares for separate but related projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or Negative Declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or Negative Declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or Negative Declaration. Tiering does not excuse the District from adequately analyzing reasonably foreseeable significant

environmental effects of the project and does not justify deferring such analysis to a later tier EIR or Negative Declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

(c) Where the District uses the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the District prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(d) Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any Lead Agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or Negative Declaration on the later project to effects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

(e) Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.

(f) A later EIR shall be required when the Initial Study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A Negative Declaration shall be required when the provisions of Section 15070 are met.

(1) Where a Lead Agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later EIR or Negative Declaration, and need not be discussed in detail.

(2) When assessing whether there is a new significant cumulative effect, the Lead Agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).

(3) Significant environmental effects have been "adequately addressed" if the Lead Agency determines that.

(A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or

(B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

(g) When tiering is used, the later EIRs or Negative Declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or Negative Declaration should state that the Lead Agency is using the tiering concept and that it is being tiered with the earlier EIR.

(h) There are various types of EIRs that may be used in a tiering situation. These include, but are not limited to, the following:

(1) General plan EIR (see State Guidelines, Section 15166).

(2) Staged EIR (Section 15167 herein).

(3) Program EIR (Section 15168 herein).

(4) Master EIR (Section 15175 herein).

(5) Multiple-family residential development / residential and commercial or retail mixed-use development (Section 15179.5 herein).

(6) Redevelopment project (Section 15180 herein).

(7) Housing / neighborhood commercial facilities in an urbanized area (see State Guidelines, Section 15181).

(8) Projects consistent with community plan, general plan, or zoning (Section 15183 herein).

15153. Use of an EIR from an Earlier Project

(a) The Lead Agency may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of environmental impact. Further, the Lead Agency may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same.

(b) When a Lead Agency proposes to use an EIR from an earlier project as the EIR for a separate, later project, the Lead Agency shall use the following procedures:

(1) The Lead Agency shall review the proposed project with an Initial Study, using incorporation by reference if necessary, to determine whether the EIR would adequately describe:

(A) The general environmental setting of the project,

(B) The significant environmental impacts of the project, and

(C) Alternatives and mitigation measures related to each significant effect.

(2) If the Lead Agency believes that the EIR would meet the requirements of subsection (1), it shall provide public review as provided in Section 15087 stating that it plans to use the previously prepared EIR as the draft EIR for this project. The notice shall include as a minimum:

(A) An identification of the project with a brief description;

(B) A statement that the Lead Agency plans to use a certain EIR prepared for a previous project as the EIR for this project;

(C) A listing of places where copies of the EIR may be examined; and

(D) A statement that the key issues involving the EIR are whether the EIR should be used for this project and whether there are any additional, reasonable alternatives or mitigation measures that should be considered as ways of avoiding or reducing the significant effects of the project.

(3) The Lead Agency shall prepare responses to comments received during the review period.

(4) Before approving the project, the decision-maker in the Lead Agency shall:

(A) Consider the information in the EIR, including comments received during the review period and responses to those comments,

(B) Decide either on its own or on a staff recommendation whether the EIR is adequate for the project at hand,

(C) Make or require certification to be made as described in Section 15090, and

(D) Make findings as provided in Sections 15091 and 15093 as necessary.

(5) After making a decision on the project, the Lead Agency shall file a Notice of Determination.

(c) An EIR prepared for an earlier project may also be used as part of an Initial Study to document a finding that a later project will not have a significant effect. In this situation a Negative Declaration will be prepared.

(d) An EIR prepared for an earlier project shall not be used as the EIR for a later project if any of the conditions described in Section 15162 would require preparation of a subsequent or supplemental EIR.

15154. Projects Near Airports

(a) When a Lead Agency prepares an EIR for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted for a project within two nautical miles of a public airport or public use airport, the Lead Agency shall utilize the Airport Land Use Planning Handbook published by Caltrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport-related safety hazards and noise problems.

(b) A Lead Agency shall not adopt a Negative Declaration or Mitigated Negative Declaration for a project described in subsection (a) unless the Lead Agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

ARTICLE 11 – TYPES OF EIRs

15160. General

This article describes a number of examples of variations in EIRs as the documents are tailored to different situations and intended uses. These variations are not exclusive. Lead Agencies may use other variations consistent with the Guidelines to meet the needs of other circumstances. All EIRs must meet the content requirements discussed in Article 9 beginning with Section 15120.

15161. Project EIR

The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the project. The EIR shall examine all phases of the project including planning, construction, and operation.

15162. Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a Negative Declaration, the Lead Agency shall prepare a subsequent EIR if required under subsection (a). Otherwise the Lead Agency shall determine whether to prepare a subsequent Negative Declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the Lead Agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or Negative Declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent Negative Declaration adopted.

(d) A subsequent EIR or subsequent Negative Declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or Negative Declaration shall state where the previous document is available and can be reviewed.

15163. Supplement to an EIR

(a) The Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

(1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and

(2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

(b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

(c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

(d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

(e) When the District decides whether to approve the project, its Board of Directors shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

15164. Addendum to an EIR or Negative Declaration

(a) The Lead Agency or Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted Negative Declaration.

(d) The District's Board of Directors shall consider the addendum with the final EIR or adopted Negative Declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the Lead Agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

15165. Multiple and Phased Projects

Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of the District, but is not deemed a part of a larger undertaking or a larger project, the District may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

15166. EIR as Part of a General Plan [omitted]

15167. Staged EIR

(a) Where a large capital project will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin, a staged EIR may be prepared covering the entire project in a general form. The staged EIR shall evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the District for approval shall be discussed with a greater degree of specificity.

(b) When a staged EIR has been prepared, a supplement to the EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

(c) Where a statute such as the Warren-Alquist Energy Resources Conservation and Development Act provides that a specific agency shall be the Lead Agency for a project and requires the Lead Agency to prepare an EIR, a Responsible Agency which must grant an approval for the project before the Lead Agency has completed the EIR may prepare and consider a staged EIR.

(d) An agency requested to prepare a staged EIR may decline to act as the Lead Agency if it determines, among other factors, that:

(1) Another agency would be the appropriate Lead Agency; and

(2) There is no compelling need to prepare a staged EIR and grant an approval for the project before the appropriate Lead Agency will take its action on the project.

15168. Program EIR

(a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

(1) Geographically,

(2) A logical parts in the chain of contemplated actions,

(3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or

(4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

(b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:

(1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action.

(2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis.

(3) Avoid duplicative reconsideration of basic policy considerations.

(4) Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the Lead Agency has greater flexibility to deal with basic problems or cumulative impacts, and

(5) Allow reduction in paperwork.

(c) Use with Later Activities. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

(2) If the District finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the District can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

(3) The District shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.

(4) Where the subsequent activities involve site specific operations, the District should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

(5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

(d) Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:

(1) Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.

(2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

(3) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.

(e) Notice with Later Activities. When a law other than CEQA requires public notice when the District later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that:

(1) This activity is within the scope of the program approved earlier, and

(2) The program EIR adequately describes the activity for the purposes of CEQA.

15169. Master Environmental Assessment

(a) General. The District may prepare a Master Environmental Assessment, inventory, or data base for all, or a portion of, the territory subject to its control in order to provide information which may be used or referenced in EIRs or Negative Declarations. Neither the content, the format, nor the procedures to be used to develop a Master Environmental Assessment are prescribed by these Guidelines. The descriptions contained in this section are advisory. A Master Environmental Assessment is suggested solely as an approach to identify and organize environmental information for a region or area of the state.

(b) Contents. A Master Environmental Assessment may contain an inventory of the physical and biological characteristics of the area for which it is prepared and may contain such additional data and information as the District determines is useful or necessary to describe environmental characteristics of the area. It may include identification of existing levels of quality and supply of air and water, capacities and levels of use of existing services and facilities, and generalized incremental effects of different categories of development projects by type, scale, and location.

(c) Preparation.

(1) A Master Environmental Assessment or inventory may be prepared in many possible ways. For example, a Master Environmental Assessment may be prepared as a special, comprehensive study of the area involved, as part of the EIR on a general plan, or as a data base accumulated by indexing EIRs prepared for individual projects or programs in the area involved.

(2) The information contained in a Master Environmental Assessment should be reviewed periodically and revised as needed so that it is accurate and current.

(3) When advantageous to do so, Master Environmental Assessments may be prepared through a joint exercise of powers agreement with

neighboring local agencies or with the assistance of the appropriate Council of Governments.

(d) Uses.

(1) A Master Environmental Assessment can identify the environmental characteristics and constraints of an area. This information can be used to influence the design and location of individual projects.

(2) A Master Environmental Assessment may provide information agencies can use in Initial Studies to decide whether certain environmental effects are likely to occur and whether certain effects will be significant.

(3) A Master Environmental Assessment can provide a central source of current information for use in preparing individual EIRs and Negative Declarations.

(4) Relevant portions of a Master Environmental Assessment can be referenced and summarized in EIRs and Negative Declarations.

(5) A Master Environmental Assessment can assist in identifying long range, area-wide, and cumulative impacts of individual projects proposed in the area covered by the assessment.

(6) A Master Environmental Assessment can assist a public agency in formulating a general plan or any element of such a plan by identifying environmental characteristics and constraints that need to be addressed in the general plan.

(7) A Master Environmental Assessment can serve as a reference document to assist public agencies which review other environmental documents dealing with activities in the area covered by the assessment. The public agency preparing the assessment should forward a completed copy to each agency which will review projects in the area.

15170. Joint EIR-EIS

A Lead Agency under CEQA may work with a federal agency to prepare a joint document which will meet the requirements of both CEQA and NEPA. Use of such a joint document is described in Article 14, beginning with Section 15220.

ARTICLE 11.5 – MASTER ENVIRONMENTAL IMPACT REPORT

15175. Master EIR

(a) The Master EIR procedure is an alternative to preparing a project EIR, staged EIR, or program EIR for certain projects which will form the basis for later decision making. It is intended to streamline the later environmental review of projects or approval included within the project, plan or program analyzed in the Master EIR. Accordingly, a Master EIR shall, to the greatest extent feasible, evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects.

(b) A Lead Agency may prepare a Master EIR for any of the following classes of projects:

(1) A general plan, general plan update, general plan element, general plan amendment, or specific plan.

(2) Public or private projects that will be carried out or approved pursuant to, or in furtherance of, a redevelopment plan.

(3) A project that consists of smaller individual projects which will be carried out in phases.

(4) A rule or regulation which will be implemented by later projects.

(5) Projects that will be carried out or approved pursuant to a development agreement.

(c) A Lead Agency may develop and implement a fee program in accordance with applicable provisions of law to generate the revenue necessary to prepare a Master EIR.

15176. Contents of a Master EIR

A Lead Agency shall include in a Master EIR all of the following:

(a) A detailed discussion as required by Section 15126.

(b) A description of anticipated subsequent projects that are within the scope of the Master EIR, including information with regard to the kind, size, intensity, and location of the subsequent projects, including, but not limited to all of the following:

(1) The specific type of project anticipated to be undertaken such as a single family development, office-commercial development, sewer line installation or other activities.

(2) The maximum and minimum intensity of any anticipated subsequent project, such as the number of residences in a residential development, and with regard to a public works facility, its anticipated capacity and service area.

(3) The anticipated location for any subsequent development projects, and, consistent with the rule of reason set forth in Section 15126.6(f), alternative locations for any such projects.

(4) A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects, or an explanation as to why practical planning considerations render it impractical to identify any such program or scheduling or other device at the time of preparing the Master EIR.

(c) A description of potential impacts of anticipated projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. This description shall not be construed as a limitation on the impacts which may be considered in a focused EIR.

(d) Where a Master EIR is prepared in connection with a project identified in subdivision (b)(1) of section 15175, the anticipated subsequent projects included within a Master EIR may consist of later planning approvals, including parcel-specific approvals, consistent with the overall planning decision (e.g., general plan, or specific plan, or redevelopment plan) for which the Master EIR has been prepared. Such subsequent projects shall be adequately described for purposes of subdivision (b) or of this section (15176) if the Master EIR and any other documents embodying or relating to the overall planning decision identify the land use designations and the permissible densities and intensities of use for the affected parcel(s). The proponents of such subsequent projects shall not be precluded from relying on the Master EIR solely because that document did not specifically identify or list, by name, the subsequent project as ultimately proposed for approval.

15177. Subsequent Projects Within the Scope of the MEIR

(a) After a Master EIR has been prepared and certified, subsequent projects which the Lead Agency determines as being within the scope of the Master EIR will be subject to only limited environmental review.

(b) Except as provided in subsection (2) of this subdivision, neither a new environmental document nor the preparation of findings pursuant to Section 15091 shall be required of a subsequent project when all the following requirements are met:

(1) The Lead Agency for the subsequent project is the Lead Agency or any Responsible Agency identified in the Master EIR.

(2) The Lead Agency for the subsequent project prepares an Initial Study on the proposal. The Initial Study shall analyze whether the subsequent project was described in the Master EIR and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in the Master EIR.

(3) The Lead Agency for the subsequent project determines, on the basis of written findings, that no additional significant environmental effect will result from the proposal, no new additional mitigation measures or alternatives may be required, and that the project is within the scope of the Master EIR. "Additional significant environmental effect" means any project-specific effect which was not addressed as a significant effect in the Master EIR.

(c) Whether a subsequent project is within the scope of the Master EIR is a question of fact to be determined by the Lead Agency based upon a review of the Initial Study to determine whether there are additional significant effects or new additional mitigation measures or alternatives required for the subsequent project that are not already discussed in the Master EIR.

(d) Prior to approval of the proposed subsequent project, the Lead Agency shall incorporate all feasible mitigation measures or feasible alternatives appropriate to the project as set forth in the Master EIR and provide notice in the manner required by Section 15087.

(e) When the Lead Agency approves a project pursuant to this section, the Lead Agency shall file a notice in the manner required by Section 15075.

15178. Subsequent Projects Identified in the MEIR

(a) When a proposed subsequent project is identified in the Master EIR, but the Lead Agency cannot make a determination pursuant to Section 15177 that the subsequent project is within the scope of the Master EIR, and the Lead Agency determines that the cumulative impacts, growth inducing impacts and irreversible significant effects analysis in the Master EIR is adequate for the subsequent project, the Lead Agency shall prepare a Mitigated Negative Declaration or a focused EIR if, after preparing an Initial Study, the Lead Agency determines that the project may result in new or additional significant effects. Whether the cumulative impacts, growth inducing impacts and irreversible significant effects analyses are adequate is a question of fact to be determined by the Lead Agency based upon a review of the proposed subsequent project in light of the Master EIR.

(b) A Lead Agency shall prepare a Mitigated Negative Declaration for any proposed subsequent project if both of the following occur:

(1) The Initial Study prepared pursuant to Section 15177 has identified potentially new or additional significant environmental effects that were not analyzed in the Master EIR; and

(2) Feasible mitigation measures or alternatives will be incorporated to revise the subsequent project before the Negative Declaration is released for public review pursuant to Section 15073 in order to avoid or mitigate the identified effects to a level of insignificance.

(c) A Lead Agency shall prepare a focused EIR if the subsequent project may have a significant effect on the environment and a Mitigated Negative Declaration pursuant to subdivision (b) of this section cannot be prepared.

(1) The focused EIR shall incorporate by reference the Master EIR and analyze only the subsequent project's additional significant environmental effects and any new or additional mitigation measures or alternatives that were not identified and analyzed by the Master EIR. "Additional significant environmental effects" are those project-specific effects on the environment which were not addressed as significant in the Master EIR.

(2) A focused EIR need not examine those effects which the Lead Agency, prior to public release of the focused EIR, finds, on the basis of the Initial Study, related documents, and commitments from the proponent of a subsequent project, have been mitigated in one of the following manners:

(A) Mitigated or avoided as a result of mitigation measures identified in the Master EIR which the Lead Agency will require as part of the approval of the subsequent project;

(B) Examined at a sufficient level of detail in the Master EIR to enable those significant effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions of approval, or by other means in connection with approval of the subsequent project; or

(C) The mitigation or avoidance of which is the responsibility of and within the jurisdiction of another public agency and is, or can and should be, undertaken by that agency.

(3) The Lead Agency's findings pursuant to subdivision (2) shall be included in the focused EIR prior to public release pursuant to Section 15087.

(4) A focused EIR prepared pursuant to this section shall analyze any significant environmental effects when:

(A) Substantial new or additional information shows that the adverse environmental effect may be more significant than was described in the Master EIR; or

(B) Substantial new or additional information shows that mitigation measures or alternatives which were previously determined to be infeasible are feasible and will avoid or reduce the significant effects of the subsequent project to a level of insignificance.

(d) A Lead Agency shall file a Notice of Determination pursuant to Section 15075 if a project has been approved for which a Mitigated Negative Declaration has been prepared pursuant to this section and a Notice of Determination shall be filed pursuant to Section 15094 if a project has been approved for which a focused EIR has been prepared pursuant to this section.

(e) When a Lead Agency determines that the cumulative impacts, growth inducing impacts and irreversible significant effects analysis in the Master EIR is inadequate for the subsequent project, the subsequent project is no longer eligible for the limited environmental review available under the Master EIR process and shall be reviewed according to Article 7 (commencing with Section 15080) of these guidelines. The Lead Agency shall tier the project specific EIR upon the Master EIR to the extent feasible under Section 15152.

15179. Limitations on the Use of the Master EIR

The certified Master EIR shall not be used in accordance with this article if either: (i) it was certified more than five years prior to the filing of an application for a later project, or (ii) a project not identified in the certified Master EIR as an anticipated subsequent project is approved and the approved project may affect the adequacy of the Master EIR, unless the Lead Agency does one of the following:

(a) Reviews the Master EIR and finds that no substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, or that there is no new

available information which was not known and could not have been known at the time the Master EIR was certified; or

(b) Prepares a subsequent or supplemental EIR that updates or revises the Master EIR and which either: (i) is incorporated into the previously certified Master EIR, or (ii) references any deletions, additions or other modifications to the previously certified Master EIR.

15179.5. Focused EIRs and Small Projects

(a) When a project is a multiple family residential development of 100 units or less or is a residential and commercial or retail mixed-use commercial development of not more then 100,000 square feet, whether or not the project is identified in the Master EIR, a focused EIR shall be prepared pursuant to this section when the following conditions are met:

(1) The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five years of certification of the focused EIR; and

(2) The parcel on which the project is to be developed is either:

(A) Surrounded by immediately contiguous urban development;

(B) Previously developed with urban uses; or

(C) Within one-half mile of an existing rail transit station.

(b) A focused environmental impact report prepared pursuant to this section shall be limited to a discussion of potentially significant effects on the environment specific to the project, or which substantial new information shows will be more significant than described in the prior environmental impact report. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth inducing impacts of the project.

(c) This section does not apply where the Lead Agency can make a finding pursuant to Section 15177 that the subsequent project is within the scope of the Master EIR, where the Lead Agency can prepare a Mitigated Negative Declaration or focused EIR pursuant to Section 15178, or where, pursuant to Section 15162 or Section 15163, the environmental impact report referenced in subdivision (a)(1) of this section must be updated through the preparation of a subsequent environmental impact report or a supplemental environmental impact report.

ARTICLE 12 – SPECIAL SITUATIONS

15180. Redevelopment Projects

(a) All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.

(b) An EIR on a redevelopment plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent EIR or a supplement to an EIR would be required by Section 15162 or 15163.

15181. Housing and Neighborhood Commercial Facilities in Urbanized Areas [omitted]

15182. Residential Projects Pursuant to a Specific Plan

(a) Exemption. Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or Negative Declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section.

(b) Scope. Residential projects covered by this section include but are not limited to land subdivisions, zoning changes, and residential planned unit developments.

(c) Limitation. This section is subject to the limitation that if after the adoption of the specific plan, an event described in Section 15162 should occur, this exemption shall not apply until the city or county which adopted the specific plan completes a subsequent EIR or a supplement to an EIR on the specific plan. The exemption provided by this section shall again be available to residential projects after the Lead Agency has filed a Notice of Determination on the specific plan as reconsidered by the subsequent EIR or supplement to the EIR.

(d) Alternative. This section provides an alternative to the procedure described in Section 15181.

(e) Fees. The Lead Agency has authority to charge fees to applicants for projects which benefit from this section. The fees shall be calculated in the aggregate to defray but not to exceed the cost of developing and adopting the specific plan including the cost of preparing the EIR.

(f) Statute of Limitations. A court action challenging the approval of a project under this section for failure to prepare a supplemental EIR shall be commenced within 30 days after the Lead Agency's decision to carry out or approve the project in accordance with the specific plan.

15183. Projects Consistent with a Community Plan or Zoning

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, the District shall limit its examination of environmental effects to those which the agency determines, in an Initial Study or other analysis:

(1) Are peculiar to the project or the parcel on which the project would be located,

(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,

(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or

(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(d) This section shall apply only to projects which meet the following conditions:

(1) The project is consistent with:

(A) A community plan adopted as part of a general plan,

(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or

(C) A general plan of a local agency, and

(2) An EIR was certified by the Lead Agency for the zoning action, the community plan, or the general plan.

(e) This section shall limit the analysis of only those significant environmental effects for which:

(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the Lead Agency found to be feasible, and

(2) The Lead Agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial

evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the Lead Agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the city or county decides to apply the standards or policies as permitted in this section.

(g) Examples of uniformly applied development policies or standards include, but are not limited to:

(1) Parking ordinances.

(2) Public access requirements.

(3) Grading ordinances.

(4) Hillside development ordinances.

(5) Flood plain ordinances.

(6) Habitat protection or conservation ordinances.

(7) View protection ordinances.

(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.

(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.

(1) "Community plan" is defined as a part of the general plan of a city or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.

(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the

zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.

(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

15184. State Mandated Local Projects

Whenever a state agency issues an order which requires the District to carry out a project subject to CEQA, the following rules apply:

(a) If an EIR is prepared for the project, the District shall limit the EIR to considering those factors and alternatives which will not conflict with the order.

(b) If the District undertakes a project to implement a rule or regulation imposed by a certified state environmental regulatory program listed in Section 15251, the project shall be exempt from CEQA with regard to the significant effects analyzed in the document prepared by the state agency as a substitute for an EIR. The District shall comply with CEQA with regard to any site-specific effect of the project which was not analyzed by the certified state agency as a significant effect on the environment. The District need not re-examine the general environmental effects of the state rule or regulation.

15185. Administrative Appeals

(a) Any administrative appeal upon the adequacy of a District environmental document shall be handled according to the District's procedures and public notice shall be handled in accordance with the District's requirements and Section 15202(e).

(b) When an appeal has been made to the District's Board of Directors, it shall consider the environmental document and make findings under Sections 15091 and 15093 if appropriate.

15186. School Facilities

(a) CEQA establishes a special requirement for certain school projects, as well as certain projects near schools, to ensure that potential health impacts resulting from exposure to hazardous materials, wastes, and substances will be carefully examined and disclosed in a Negative Declaration or EIR, and that the Lead Agency will consult with other agencies in this regard.

(b) When a project located within one-fourth mile of a school involves the construction or alteration of a facility which might reasonably be anticipated to emit hazardous or acutely hazardous air emissions, or which would handle acutely hazardous material or a mixture containing acutely hazardous material in a quantity equal to or greater than that specified in subdivision (a) of Section 25536 of the Health and Safety Code, which may impose a health or safety hazard to persons who would attend or would be employed at the school, the Lead Agency must:

(1) Consult with the affected school district or districts regarding the potential impact of the project on the school when circulating the proposed Negative declaration or draft EIR for review.

(2) Notify the affected school district of the project, in writing, not less than 30 days prior to approval or certification of the Negative Declaration or EIR.

(c) [omitted]

(d) When the Lead Agency has carried out the consultation required by paragraph (2) of subdivision (b), the Negative Declaration or EIR shall be conclusively presumed to comply with this section, notwithstanding any failure of the consultation to identify an existing facility.

(e) The following definitions shall apply for the purposes of this section:

(1) "Acutely hazardous material," is as defined in 22 C.C.R. § 66260.10.

(2) "Administering agency," is as defined in Section 25501 of the Health and Safety Code.

(3) "Hazardous air emissions," is as defined in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(4) "Hazardous substance," is as defined in Section 25316 of the Health and Safety Code.

(5) "Hazardous waste," is as defined in Section 25117 of the Health and Safety Code.

(6) "Hazardous waste disposal site," is as defined in Section 25114 of the Health and Safety Code.

15187. Environmental Review of New Rules and Regulations [omitted]

15188. Focused EIR for Pollution Control Equipment

This section applies to project consisting solely of the installation of pollution control equipment and other components necessary to the installation of that equipment which are undertaken for the purpose of complying with a rule or regulation which was the subject of an environmental analysis as described in Section 15187 of the State Guidelines by the state agency which adopted that rule or regulation.

(a) The Lead Agency for the compliance project may prepare a focused EIR to analyze the effects of that project when the following occur:

(1) the agency which promulgated the rule or regulation certified an EIR on that rule or regulation, or reviewed it pursuant to an environmental analysis prepared under a certified regulatory program and, in either case, the review included an assessment of growth inducing impacts and cumulative impacts of, and alternatives to, the project;

(2) the focused EIR for the compliance project is certified within five years of the certified EIR or environmental analysis required by subdivision (a)(1); and

(3) the EIR prepared in connection with the adoption of the rule or regulation need not be updated through the preparation of a subsequent EIR or supplemental EIR pursuant to section 15162 or section 15163.

(b) The discussion of significant environmental effects in the focused EIR shall be limited to project-specific, potentially significant effects which were not discussed in the environmental analysis required under Section 15187. No discussion of growth-inducing or cumulative impacts is required. Discussion of alternatives shall be limited to alternative means of compliance, if any, with the rule or regulation.

15189. Compliance with Performance Standard or Treatment Requirement Rule or Regulation

This section applies to projects consisting solely of compliance with a performance standard or treatment requirement which was the subject of an environmental analysis as described in Section 15187 of the State Guidelines by the state agency that promulgated that standard or requirement.

(a) If preparing a Negative Declaration, Mitigated Negative Declaration or EIR on the compliance project, the Lead Agency for the compliance project shall, to the greatest extent feasible, use the environmental analysis prepared pursuant to Section 15187 of the State Guidelines. The use of numerical averages or ranges in the environmental analysis prepared under said Section 15187 does not relieve the Lead Agency on the compliance project from its obligation to identify and evaluate the environmental effects of the project.

(b) Where the Lead Agency determines that an EIR is required for the compliance project, the EIR need address only the project-specific issues or other issues that were not discussed in sufficient detail in the environmental analysis prepared under Section 15187. The mitigation measures imposed by the Lead Agency shall be limited to addressing the significant effects on the environment of the compliance project. The discussion of alternatives shall be limited to a discussion of alternative means of compliance, if any, with the rule or regulation.

15190. Deadlines for Compliance with Sections 15188 and 15189

(a) The Lead Agency for a compliance project under either Section 15188 or Section 15189 shall determine whether an EIR or Negative Declaration should be prepared within 30 days of its determination that the application for the project is complete.

(b) Where the EIR will be prepared under contract to the Lead Agency for the compliance project, the agency shall issue a request for proposal for preparation of the EIR not later than 30 days after the deadline for response to the notice of preparation has expired. The contract shall be awarded within 30 days of the response date on the request for proposals.

ARTICLE 13 – REVIEW AND EVALUATION OF EIRs AND NEGATIVE DECLARATIONS

15200. Purposes of Review

The purposes of review of EIRs and Negative Declarations include:

(a) Sharing expertise,

(b) Disclosing agency analyses,

(c) Checking for accuracy,

(d) Detecting omissions,

(e) Discovering public concerns, and

(f) Soliciting counter proposals.

15201. Public Participation

Public participation is an essential part of the CEQA process. The District encourages wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the District's activities. Such procedures will include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the District.

15202. Public Hearings

(a) CEQA does not require formal hearings at any stage of the environmental review process. Public comments may be restricted to written communication.

(b) If the District provides a public hearing on its decision to carry out or approve a project, the District will include environmental review as one of the subjects for the hearing.

(c) A public hearing on the environmental impact of a project should usually be held when the District determines it would facilitate the purposes and goals of CEQA to do so. The hearing may be held in conjunction with and as a part of normal planning activities.

(d) A draft EIR or Negative Declaration should be used as a basis for discussion at a public hearing. The hearing may be held at a place where public hearings are regularly conducted by the District or at another location expected to be convenient to the public.

(e) Notice of all public hearings shall be given in a timely manner. This notice may be given in the same form and time as notice for other regularly conducted public hearings of the public agency. To the extent the District maintains an Internet web site, notice of all public hearings should be made available in electronic format on that site.

(f) The District may include, in its implementing procedures, procedures for the conducting of public hearings pursuant to this section. The procedures may adopt existing notice

and hearing requirements of the District for regularly conducted legislative, planning, and other activities.

(g) There is no requirement for the District to conduct a public hearing in connection with its review of an EIR prepared by another public agency.

15203. Adequate Time for Review and Comment

The District shall provide adequate time for other public agencies and members of the public to review and comment on a draft EIR or Negative Declaration that it has prepared.

(a) The District may establish time periods for review in its implementing procedures and shall notify the public and reviewing agencies of the time for receipt of comments on EIRs. These time periods shall be consistent with applicable statutes, the State CEQA Guidelines, and applicable Clearinghouse review periods.

(b) A review period for an EIR does not require a halt in other planning or evaluation activities related to a project. Planning should continue in conjunction with environmental evaluation.

15204. Focus of Review

(a) In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, Lead Agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

(b) In reviewing Negative Declarations, persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should:

(1) Identify the specific effect,

(2) Explain why they believe the effect would occur, and

(3) Explain why they believe the effect would be significant.

(c) Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

(d) Reviewing agencies or organizations should include with their comments the name of a contact person who would be available for later consultation if necessary. Each Responsible Agency and Trustee Agency shall focus its comments on environmental information germane to that agency's statutory responsibility.

(e) This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the Lead Agency to reject comments not focused as recommended by this section.

(f) Prior to the close of the public review period for an EIR or Mitigated Negative Declaration, a Responsible or Trustee Agency which has identified significant effects on the environment may submit to the Lead Agency proposed mitigation measures which would address those significant effects. Any such measures shall be limited to impacts affecting those resources which are subject to the statutory authority of that agency. If mitigation measures are submitted, the Responsible or Trustee Agency shall either submit to the Lead Agency complete and detailed performance objectives for the mitigation measures, or shall refer the Lead Agency to appropriate, readily available guidelines or reference documents which meet the same purpose.

15205. Review by State Agencies

(a) Draft EIRs and Negative Declarations to be reviewed by state agencies shall be submitted to the State Clearinghouse, 1400 Tenth Street, Sacramento, California 95814. For U.S. Mail, submit to P.O. Box 3044, Sacramento, California 95812-3044. When submitting such documents to the State Clearinghouse, the District shall include, in addition to the printed copy, a copy of the document in electronic form on a diskette or by electronic mail transmission, if available.

(b) The following environmental documents shall be submitted to the State Clearinghouse for review by state agencies:

(1) Draft EIRs and Negative Declarations prepared by a state agency where such agency is a Lead Agency.

(2) Draft EIRs and Negative Declarations prepared by a public agency where a state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law with respect to the project.

(3) Draft EIRs and Negative Declarations on projects identified in Section 15206 as being of statewide, regional, or areawide significance.

(4) Draft EISs, environmental assessments, and findings of no significant impact prepared pursuant to NEPA, the Federal Guidelines (Title 40 CFR, Part 1500, commencing with Section 1500.1).

(c) The District may send environmental documents to the State Clearinghouse for review where a state agency has special expertise with regard to the environmental impacts involved. The areas of statutory authorities of state agencies are identified in Appendix B. Any such environmental documents submitted to the State Clearinghouse shall include, in addition to the printed copy, a copy of the document in electronic format, on a diskette or by electronic mail transmission, if available.

(d) When an EIR or Negative Declaration is submitted to the State Clearinghouse for review, the review period set by the Lead Agency shall be at least as long as the period provided in the state review system operated by the State Clearinghouse. In the state review system, the normal review period is 45 days for EIRs and 30 days for Negative Declarations. In exceptional circumstances, the State Clearinghouse may set shorter review periods when requested by the Lead Agency.

(e) A sufficient number of copies of an EIR, Negative Declaration, or Mitigated Negative Declaration, shall be submitted to the State Clearinghouse for review and comment by state agencies. The notice of completion form required by the State Clearinghouse must be submitted together with the copies of the EIR and may be submitted together with the copies of the Negative Declaration or Mitigated Negative Declaration. The Notice of Completion form required by the State Clearinghouse is included in Appendix C. If the Lead Agency uses the on-line process for submittal of the notice of completion form to the State Clearinghouse, the form generated from the Internet shall satisfy this requirement (refer to www.ceqanet.ca.gov.).

(f) While the Lead Agency is encouraged to contact the regional and district offices of state Responsible Agencies, the Lead Agency must, in all cases, submit documents to the State Clearinghouse for distribution in order to comply with the review requirements of this section.

15206. Projects of Statewide, Regional, or Areawide Significance

(a) Projects meeting the criteria in this section shall be deemed to be of statewide, regional, or areawide significance.

(1) A draft EIR or Negative Declaration prepared by the District on a project described in this section shall be submitted to the State Clearinghouse and should be submitted also to the appropriate metropolitan area council of governments for review and comment. The Notice of Completion form required by the State Clearinghouse must be submitted together with the copies of the EIR and may be submitted together with the copies of the Negative Declaration. The Notice of Completion form required by the State Clearinghouse is included in Appendix C. If the District, as Lead Agency, uses the on-line process for submittal of the notice of completion form to the State Clearinghouse, the form generated from the Internet shall satisfy this requirement (refer to www.ceqanet.ca.gov).

(2) When such documents are submitted to the State Clearinghouse, the District shall include, in addition to the printed copy, a copy of the document in electronic format on a diskette or by electronic mail transmission, if available.

(b) The Lead Agency shall determine that a proposed project is of statewide, regional, or areawide significance if the project meets any of the following criteria:

(1) A proposed local general plan, element, or amendment thereof for which an EIR was prepared. If a Negative Declaration was prepared for the plan, element, or amendment, the document need not be submitted for review.

(2) A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located. Examples of the effects include generating significant amounts of traffic or interfering with the attainment or maintenance of state or national air quality standards. Projects subject to this subsection include:

(A) A proposed residential development of more than 500 dwelling units.

(B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.

(C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.

(D) A proposed hotel/motel development of more than 500 rooms.

(E) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.

(3) A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres.

(4) A project for which an EIR and not a Negative Declaration was prepared which would be located in and would substantially impact the following areas of critical environmental sensitivity:

(A) The Lake Tahoe Basin.

(B) The Santa Monica Mountains Zone as defined by Section 33105 of the Public Resources Code.

(C) The California Coastal Zone as defined in, and mapped pursuant to, Section 30103 of the Public Resources Code.

(D) An area within 1/4 mile of a wild and scenic river as defined by Section 5093.5 of the Public Resources Code.

(E) The Sacramento-San Joaquin Delta, as defined in Water Code Section 12220.

(F) The Suisun Marsh as defined in Public Resources Code Section 29101.

(G) The jurisdiction of the San Francisco Bay Conservation and Development Commission as defined in Government Code Section 66610.

(5) A project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for endangered, rare and threatened species as defined by Section 15380 of these Guidelines.

(6) A project which would interfere with attainment of regional water quality standards as stated in the approved area-wide waste treatment management plan.

(7) A project which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

15207. Failure to Comment

If any public agency or person who is consulted with regard to an EIR or Negative Declaration fails to comment within a reasonable time as specified by the Lead Agency, it shall be assumed, without a request for a specific extension of time, that such agency or person has no comment to make. Although the Lead Agency need not respond to late comments, the Lead Agency may choose to respond to them.

15208. Retention and Availability of Comments

Comments received through the consultation process shall be retained for a reasonable period and be available for public inspection at an address given in the final EIR. Comments which may be received on a draft EIR or Negative Declaration under preparation shall also be considered and kept on file.

15209. Comments on Initiative of Public Agencies

Every public agency may comment on environmental documents dealing with projects which affect resources with which the agency has special expertise regardless of whether its comments were solicited or whether the effects fall within the legal jurisdiction of the agency.

ARTICLE 14 – PROJECTS ALSO SUBJECT TO NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

15220. General

This article applies to projects that are subject to both CEQA and NEPA. NEPA applies to projects which are carried out, financed, or approved in whole or in part by federal agencies. Accordingly, this article applies to projects which involve one or more state or local agencies and one or more federal agencies.

15221. NEPA Document Ready Before CEQA Document

(a) When a project will require compliance with both CEQA and NEPA, the District should use the EIS or Finding of No Significant Impact rather than preparing an EIR or Negative Declaration if the following two conditions occur:

(1) An EIS or Finding of No Significant Impact will be prepared before an EIR or Negative Declaration would otherwise be completed for the project; and

(2) The EIS or Finding of No Significant Impact complies with the provisions of these Guidelines.

(b) Because NEPA does not require separate discussion of mitigation measures or growth inducing impacts, these points of analysis will need to be added, supplemented, or identified before the EIS can be used as an EIR.

15222. Preparation of Joint Documents

If a Lead Agency finds that an EIS or Finding of No Significant Impact for a project would not be prepared by the federal agency by the time when the Lead Agency will need to consider an EIR or Negative Declaration, the Lead Agency should try to prepare a combined EIR-EIS or Negative Declaration-Finding of No Significant Impact. To avoid the need for the federal agency to prepare a separate document for the same project, the Lead Agency must involve the federal agency in the preparation of the joint document.

This involvement is necessary because federal law generally prohibits a federal agency from using an EIR prepared by a state agency unless the federal agency was involved in the preparation of the document.

15223. Consultation With Federal Agencies

When it plans to use an EIS or Finding of No Significant Impact or to prepare such a document jointly with a federal agency, the Lead Agency shall consult as soon as possible with the federal agency.

15224. Time Limits

Where a project will be subject to both CEQA and the National Environmental Policy Act, the one year time limit and the 105-day time limit may be waived pursuant to Section 15110.

15225. Circulation of Documents

(a) Where the federal agency circulated the EIS or Finding of No Significant Impact for public review as broadly as state or local law may require and gave notice meeting the standards in Section 15072(a) or 15087(a), the Lead Agency under CEQA may use the federal document in the place of an EIR or Negative Declaration without recirculating the federal document for public review. One review and comment period is enough. Prior to using the federal document in this situation, the Lead Agency shall give notice that it will use the federal document in the place of an EIR or Negative Declaration and that it believes that the federal

document meets the requirements of CEQA. The notice shall be given in the same manner as a notice of the public availability of a draft EIR under Section 15087.

(b) [omitted]

15226. Joint Activities

The District will cooperate with federal agencies to the fullest extent possible to reduce duplication between the California Environmental Quality Act and the National Environmental Policy Act. Such cooperation should, to the fullest extent possible, include:

(a) Joint planning processes,

(b) Joint environmental research and studies,

(c) Joint public hearings,

(d) Joint environmental documents.

15227. State Comments on a Federal Project [omitted]

15228. Where Federal Agency Will Not Cooperate

Where a federal agency will not cooperate in the preparation of joint document and will require separate NEPA compliance for the project at a later time, the District will persist in efforts to cooperate with the federal agency. Because NEPA expressly allows federal agencies to use environmental documents prepared by an agency of statewide jurisdiction, the District will try to involve a state agency in helping prepare an EIR or Negative Declaration for the project. In this way there will be a greater chance that the federal agency may later use the CEQA document and not require the applicant to pay for preparation of a second document to meet NEPA requirements at a later time.

15229. Baseline Analysis for Military Base Reuse Plan EIRs [omitted]

ARTICLE 15 - LITIGATION

15230. Time Limits and Criteria

Litigation under CEQA must be handled under the time limits and criteria described in Sections 21167 et seq. of the Public Resources Code and Section 15112 of these Guidelines in addition to provisions in this article.

15231. Adequacy of EIR or Negative Declaration for Use By Responsible Agencies

A final EIR prepared by a Lead Agency or a Negative Declaration adopted by a Lead Agency shall be conclusively presumed to comply with CEQA for purposes of use by Responsible Agencies which were consulted pursuant to sections 15072 or 15082 unless one of the following conditions occurs:

(a) The EIR or Negative Declaration is finally adjudged in a legal proceeding not to comply with the requirements of CEQA, or

(b) A subsequent EIR is made necessary by Section 15162 of these Guidelines.

15232. Request for Hearing

In a writ of mandate proceeding challenging approval of a project under CEQA, the petitioner shall, within 90 days of filing the petition, request a hearing or otherwise be subject to dismissal on the court's own motion or on the motion of any party to the suit.

15233. Conditional Permits

If a lawsuit is filed challenging an EIR or Negative Declaration for noncompliance with CEQA, Responsible Agencies shall act as if the EIR or Negative Declaration complies with CEQA and continue to process the application for the project according to the time limits for Responsible Agency action contained in Government Code Section 65952.

(a) If an injunction or a stay has been granted in the lawsuit prohibiting the project from being carried out, the Responsible Agency shall have authority only to disapprove the project or to grant a conditional approval of the project. A conditional approval shall constitute permission to proceed with a project only when the court action results in a final determination that the EIR or Negative Declaration does comply with the provisions of CEQA (Public Resources Code Section 21167.3(a)).

(b) If no injunction or stay is granted in the lawsuit, the Responsible Agency shall assume that the EIR or Negative Declaration fully meets the requirements of CEQA. The Responsible Agency shall approve or disapprove the project within the time limits described in Article 8, commencing with Section 15100, of these Guidelines and described in Government Code Section 65952. An approval granted by a Responsible Agency in this situation provides only permission to proceed with the project at the applicant's risk prior to a final decision in the lawsuit (Public Resources Code Section 21167.3(b)).

ARTICLE 16 – EIR MONITOR

15240. EIR Monitor

The Secretary for Resources may provide for publication of a bulletin entitled "California EIR Monitor" on a subscription basis to provide public notice of amendments to the Guidelines, the completion of draft EIRs, and other matters as deemed appropriate. Inquiries and subscription requests should be sent to the following address:

Secretary for Resources
Attention: California EIR Monitor
1416 Ninth Street, Room 1311
Sacramento, California 95814

ARTICLE 17 – EXEMPTION FROM CERTIFIED STATE REGULATORY PROGRAMS [omitted]

ARTICLE 18 - STATUTORY EXEMPTIONS

15260. General

This article describes the exemptions from CEQA granted by the Legislature. The exemptions take several forms. Some exemptions are complete exemptions from CEQA. Other exemptions apply to only part of the requirements of CEQA, and still other exemptions apply only to the timing of CEQA compliance.

15261. Ongoing Project

(a) If a project being carried out by a public agency was approved prior to November 23, 1970, the project shall be exempt from CEQA unless either of the following conditions exist:

(1) A substantial portion of public funds allocated for the project have not been spent, and it is still feasible to modify the project to mitigate potentially adverse environmental effects, or to choose feasible alternatives to the project, including the alternative of "no project" or halting the project; provided that a project subject to the National Environmental Policy Act (NEPA) shall be exempt from CEQA as an on-going project if, under regulations promulgated under NEPA, the project would be too far advanced as of January 1, 1970, to require preparation of an EIS.

(2) The District proposes to modify the project in such a way that the project might have a new significant effect on the environment.

(b) A private project shall be exempt from CEQA if the project received approval of a lease, license, certificate, permit, or other entitlement for use from the District prior to April 5, 1973, subject to the following provisions:

(1) CEQA does not prohibit the District from considering environmental factors in connection with the approval or disapproval of a project, or from imposing reasonable fees on the appropriate private person or entity for preparing an environmental report under authority other than CEQA. The District may require environmental reports for projects covered by this paragraph pursuant to local ordinances during this interim period.

(2) Where a project was approved prior to December 5, 1972, and prior to that date the project was legally challenged for noncompliance with CEQA, the project shall be bound by special rules set forth in Section 21170 of CEQA.

(3) Where a private project has been granted a discretionary governmental approval for part of the project before April 5, 1973, and another or additional discretionary governmental approvals after April 5, 1973, the project shall be subject to CEQA only if the approval or approvals after April 5, 1973, involve a greater degree of responsibility or control over the project as a whole than did the approval or approvals prior to that date.

15262. Feasibility and Planning Studies

A project involving only feasibility or planning studies for possible future actions which the District's Board of Directors has not approved, adopted, or funded does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.

15263. Discharge Requirements

The State Water Resources Control Board and the regional boards are exempt from the requirement to prepare an EIR or a Negative Declaration prior to the adoption of waste discharge requirements, except requirements for new sources as defined in the Federal Water Pollution Control Act or in other acts which amend or supplement the Federal Water Pollution Control Act. The term "waste discharge requirements" as used in this section is the equivalent of the term "permits" as used in the Federal Water Pollution Control Act.

15264. Timberland Preserves [omitted]

15265. Adoption of Coastal Plans and Programs

(a) CEQA does not apply to activities and approvals pursuant to the California Coastal Act (commencing with Section 30000 of the Public Resources Code) by:

(1) Any local government, as defined in Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a local coastal program, or

(2) Any state university or college, as defined in Section 30119, as necessary for the preparation and adoption of a long-range land use development plan.

(b) CEQA shall apply to the certification of a local coastal program or long-range land use development plan by the California Coastal Commission.

(c) This section shifts the burden of CEQA compliance from the local agency or the state university or college to the California Coastal Commission. The Coastal Commission's program of certifying local coastal programs and long-range land use development plans has been certified under Section 21080.5, Public Resources Code. See: Section 15192.

15266. General Plan Time Extension

CEQA shall not apply to the granting of an extension of time by the Office of Planning and Research to a city or county for the preparation and adoption of one or more elements of a city or county general plan.

15267. Financial Assistance to Low or Moderate Income Housing [omitted]

15268. Ministerial Projects

(a) Ministerial projects are exempt from the requirements of CEQA. The District will determine what is "ministerial" based upon its analysis of its own laws on a case-by-case basis.

(b) In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the following actions shall be presumed to be 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.

(c) The District will provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances.

(d) Where a project involves an approval that contains 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.

15269. Emergency Projects

The following emergency projects are exempt from the requirements of CEQA.

(a) 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 Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.

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

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

(d) Projects undertaken, carried out, or approved by the District to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official state scenic highways, nor any project undertaken,

carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(c) Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et seq.

15270. Projects Which are Disapproved

(a) CEQA does not apply to projects which the District rejects or disapproves.

(b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the District can determine that the project cannot be approved.

(c) This section shall not relieve an applicant from paying the costs for an EIR or Negative Declaration prepared for its project prior to the Lead Agency's disapproval of the project after normal evaluation and processing.

15271. Early Activities Related to Thermal Power Plants [omitted]

15272. Olympic Games

CEQA does not apply to activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, Olympic Games under the authority of the International Olympic Committee, except for the construction of facilities necessary for such Olympic Games. If the facilities are required by the International Olympic Committee as a condition of being awarded the Olympic Games, the Lead Agency need not discuss the "no project" alternative in an EIR with respect to those facilities.

15273. 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 remain subject to CEQA. The District, in granting the rate increase, shall act either as the Lead Agency if no other agency has prepared environmental documents for the capital project or as a Responsible Agency if another agency has already complied with CEQA as the Lead Agency.

(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.

15274. Family Day Care Homes [omitted]

15275. Specified Mass Transit Projects [omitted]

15276. Transportation Improvement and Congestion Management Programs [omitted]

15277. Projects Located Outside California

CEQA does not apply to any project or portion thereof located outside of California which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969 or pursuant to a law of that state requiring preparation of a document containing essentially the same points of analysis as in an Environmental Impact Statement prepared under the National Environmental Policy Act of 1969. Any emissions or discharges that would have a significant effect on the environment in the State of California are subject to CEQA where a California public agency has authority over the emissions or discharges.

15278. Application of Coatings [omitted]

15279. Housing for Agricultural Employees [omitted]

15280. Lower-income Housing Projects

(a) CEQA does not apply to any development project which consists of the construction, conversion, or use of residential housing consisting of not more than 100 units in an urbanized area, provided that it is either:

(1) Affordable to lower-income households, as defined in Section 50079.5 of the Health and Safety Code, and the developer provides sufficient legal commitments to the appropriate local agency to ensure that the housing units will continue to be available to lower income households for a period of at least 15 years; or

(2) Affordable to low and moderate-income households, as defined in paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code, at monthly housing costs determined pursuant to paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code.

(b) The development must also meet all the following criteria:

(1) It is consistent with the local jurisdiction's general plan as it existed on the date the project application was deemed complete.

(2) It is consistent with the local zoning as it existed on the date the project application was deemed complete, unless the zoning is inconsistent with the general plan because the city, county, or city and county has not rezoned the property to bring it into consistency with the general plan.

(3) Its site has been previously developed or is currently developed with urban uses, or the immediately contiguous properties surrounding the site are or have been previously developed with urban uses.

(4) Its site is not more than two acres in area.

(5) Its site is, or can be, adequately served by utilities.

(6) Its site has no value as wildlife habitat.

(7) It will not involve the demolition of, or any substantial adverse change in, any district, landmark, object, building, structure, site, area, or place that is listed, or determined to be eligible for listing in the California Register of Historical Resources.

(8) Its site is not included on any list of hazardous waste or other facilities and sites compiled pursuant to Section 65962.5 of the Government Code, and the site has been subject to an assessment by a California registered environmental assessor to determine both the presence of hazardous contaminants, if any, and the potential for exposure of site occupants to significant health hazards from nearby properties and activities.

(c) For purposes of this section, "urbanized area" means an area that has a population density of at least 1000 persons per square mile.

(d) If hazardous contaminants are found on the site, they must be removed or any significant effects mitigated to a level of insignificance in order to apply this exemption. If a potential for exposure to significant health hazards from nearby properties and activities is found to exist, the effects of the potential exposure must be mitigated to a level of insignificance in order to apply this exemption. Any removal or mitigation to insignificance must be completed prior to any residential occupancy of the project.

(e) This section does not apply if there is a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable other projects in the vicinity.

15281. Air Quality Permits [omitted]

15282. Other Statutory Exemptions

The following is a list of existing statutory exemptions. Each subsection summarizes statutory exemptions found in the California Code. Lead Agencies are not to rely on the language contained in the summaries below but must rely on the actual statutory language that creates the exemption. This list is intended to assist Lead Agencies in finding them, but not as a substitute for them. This section is merely a reference tool.

(a) The notification of discovery of Native American burial sites as set forth in Section 5097.98(c) of the Public Resources Code .

(b) Specified prison facilities as set forth in Sections 21080.01, 21080.02, 21080.03 and 21080.07 of the Public Resources Code.

(c) The lease or purchase of the rail right-of-way used for the San Francisco Peninsula commute service between San Francisco and San Jose as set forth in Section 21080.05 of the Public Resources Code.

(d) Any activity or approval necessary for or incidental to project funding or authorization for the expenditure of funds for the project, by the Rural Economic Development Infrastructure Panel as set forth in Section 21080.08 of the Public Resources Code.

(e) The construction of housing or neighborhood commercial facilities in an urbanized area pursuant to the provisions of Section 21080.7 of the Public Resources Code.

(f) The conversion of an existing rental mobilehome park to a resident initiated subdivision, cooperative, or condominium for mobilehomes as set forth in Section 21080.8 of the Public Resources Code.

(g) Settlements of title and boundary problems by the State Lands Commission and to exchanges or leases in connection with those settlements as set forth in Section 21080.11 of the Public Resources Code.

(h) Any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation as set forth in Section 21080.13 of the Public Resources Code.

(i) The adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

(j) The closing of any public school or the transfer of students from that public school to another school in which kindergarten or any grades 1 through 12 is maintained as set forth in 21080.18 of the Public Resources Code.

(k) A project for restriping streets or highways to relieve traffic congestion as set forth in Section 21080.19 of the Public Resources Code.

(l) The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length.

(m) The activities and approvals by a local government necessary for the preparation of general plan amendments pursuant to Public Resources Code §29763 as set forth in Section 21080.22 of the Public Resources Code. Section 29763 of the Public Resources Code refers to local government amendments made for consistency with the Delta Protection Commission's regional plan.

(n) Minor alterations to utilities made for the purposes of complying with Sections 4026.7 and 4026.8 of the Health and Safety Code as set forth in Section 21080.26 of the Public Resources Code.

(o) The adoption of an ordinance exempting a city or county from the provisions of the Solar Shade Control Act as set forth in Section 25985 of the Public Resources Code.

(p) The acquisition of land by the Department of Transportation if received or acquired within a statewide or regional priority corridor designated pursuant to Section 65081.3 of the Government Code as set forth in Section 33911 of the Public Resources Code.

(q) The adoption or amendment of a nondisposal facility element as set forth in Section 41735 of the Public Resources Code.

(r) Cooperative agreements for the development of Solid Waste Management Facilities on Indian country as set forth in Section 44203(g) of the Public Resources Code.

(s) Determinations made regarding a city or county's regional housing needs as set forth in Section 65584 of the Government Code.

(t) Any action necessary to bring a general plan or relevant mandatory element of the general plan into compliance pursuant to a court order as set forth in Section 65759 of the Government Code.

(u) Industrial Development Authority activities as set forth in Section 91543 of the Government Code.

(v) Temporary changes in the point of diversion, place of use, of purpose of use due to a transfer or exchange of water or water rights as set forth in Section 1729 of the Water Code.

(w) The preparation and adoption of Urban Water Management Plans pursuant to the provisions of Section 10652 of the Water Code.

15283. Housing Needs Allocation [omitted]

15284. Pipelines

(a) CEQA does not apply to any project consisting of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing hazardous or volatile liquid pipeline or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline.

(b) To qualify for this exemption, the diameter of the affected pipeline must not be increased and the project must be located outside the boundaries of an oil refinery. The project must also meet all of the following criteria:

(1) The affected section of pipeline is less than eight miles in length and actual construction and excavation activities are not undertaken over a length of more than one-half mile at a time.

(2) The affected section of pipeline is not less than eight miles distance from any section of pipeline that had been subject to this exemption in the previous 12 months.

(3) The project is not solely for the purpose of excavating soil that is contaminated by hazardous materials.

(4) To the extent not otherwise required by law, the person undertaking the project has, in advance of undertaking the project, prepared a plan that will result in notification of the appropriate agencies so that they may take action, if necessary, to provide for the emergency evacuation of members of the public who may be located in close proximity to the project, and those agencies, including but not limited to the local fire department, police, sheriff, and California Highway Patrol as appropriate, have reviewed and agreed to that plan.

(5) Project activities take place within an existing right-of-way and that right-of-way will be restored to its pre-project condition upon completion of the project.

(6) The project applicant will comply with all conditions otherwise authorized by law, imposed by the city or county as part of any local agency permit process, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Public Resources Code Section 5810, et seq.), the California Endangered Species Act (Fish and Game Code Section 2050, et seq.), other applicable state laws, and all applicable federal laws.

(c) When the Lead Agency determines that a project meets all of the criteria of subdivisions (a) and (b), the party undertaking the project shall do all of the following:

(1) Notify in writing all responsible and trustee agencies, as well as any public agency with environmental, public health protection, or emergency response authority, of the lead agency's invocation of this exemption.

(2) Mail notice of the project to the last known name and address of all organizations and individuals who have previously requested such notice and notify the public in the affected area by at least one of the following procedures:

(A) Publication at least one time in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(B) Posting of notice on and off site in the area where the project is to be located.

(C) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

The notice shall include a brief description of the proposed project and its location, and the date, time, and place of any public meetings or

hearings on the proposed project. This notice may be combined with the public notice required under other law, as applicable, but shall meet the preceding minimum requirements.

(3) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.

(4) Immediately inform the Lead Agency if any soil contaminated with hazardous materials is discovered.

(5) Comply with all conditions otherwise authorized by law, imposed by the city or county as part of any local agency permit process, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Public Resources Code Section 5810, et seq.), the California Endangered Species Act (Fish and Game Code Section 2050, et seq.), other applicable state laws, and all applicable federal laws.

(d) For purposes of this section, "pipeline" is used as defined in subdivision (a) of Government Code Section 51010.5. This definition includes every intrastate pipeline used for the transportation of hazardous liquid substances or highly volatile liquid substances, including a common carrier pipeline, and all piping containing those substances located within a refined products bulk loading facility which is owned by a common carrier and is served by a pipeline of that common carrier, and the common carrier owns and serves by pipeline at least five such facilities in California.

15285. Transit Agency Responses to Revenue Shortfalls [omitted]

ARTICLE 19 – CATEGORICAL EXEMPTIONS

15300. Categorical Exemptions

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

15300.1. Relation to Ministerial Projects

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which the District exercises only ministerial authority. Since ministerial projects are already exempt, categorical exemptions should be applied only where a project is not ministerial under the District's ordinances and regulations. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.

15300.2. Exceptions

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, 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.

(b) Cumulative Impact. 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) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted Negative Declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

15300.3. Revisions to List of Categorical Exemptions

The District may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

15300.4. Application By Public Agencies

The District shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. The District may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the

time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

(2) 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the general plan and

(B) The area in which the project is located is not environmentally sensitive.

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;

(g) New copy on existing on and off-premise signs;

(h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides , as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);

(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;

(j) Fish stocking by the California Department of Fish and Game;

(k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;

(l) Demolition and removal of individual small structures listed in this subsection:

(1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.

(2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.

(3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.

(4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

(m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.

(n) Conversion of a single family residence to office use.

(o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

(p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

15302. Replacement or Reconstruction

Class 2 consists of 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, including but not limited to:

(a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

(c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

(d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

(b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

15304. Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.

(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

(c) Filling of earth into previously excavated land with material compatible with the natural features of the site;

(d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;

(f) Minor trenching and backfilling where the surface is restored;

(g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;

(h) The creation of bicycle lanes on existing rights-of-way.

(i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

15305. Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;

(b) Issuance of minor encroachment permits;

(c) Reversion to acreage in accordance with the Subdivision Map Act.

15306. Information Collection

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

15307. Actions by Regulatory Agencies for Protection of Natural Resources

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

15308. Actions by Regulatory Agencies for Protection of the Environment

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

15309. Inspections

Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

15310. Loans – Class 10 [omitted]

15311. Accessory Structures

Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(a) On-premise signs;

(b) Small parking lots;

(c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

15312. Surplus Government Property Sales

Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

(a) The property does not have significant values for wildlife habitat or other environmental purposes, and

(b) Any of the following conditions exist:

(1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or

(2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these Guidelines; or

(3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

15313. Acquisition of Lands for Wildlife Conservation Purposes

Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including (a) preservation of fish and wildlife habitat, (b) establishing ecological reserves under Fish and Game Code Section 1580, and (c) preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

15314. Minor Additions to Schools – Class 14 [omitted]

15315. Minor Land Divisions

Class 15 consists of the 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.

15316. Transfer of Ownership of Land in Order to Create Parks

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

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

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

15317. Open Space Contracts or Easements

Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.

15318. Designation of Wilderness Areas

Class 18 consists of the designation of wilderness areas under the California Wilderness System.

15319. Annexations of Existing Facilities and Lots for Exempt Facilities

Class 19 consists of only the following annexations:

(a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive; provided, however, that

the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

15320. Changes in Organization of Local Agencies

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include, but are not limited to:

(a) Establishment of a subsidiary district;

(b) Consolidation of two or more districts having identical powers;

(c) Merger with a city of a district lying entirely within the boundaries of the city.

15321. Enforcement Actions by Regulatory Agencies

Class 21 consists of:

(a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

(1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;

(2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.

(b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction;

(c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

15322. Educational or Training Programs Involving No Physical Changes

Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures.

15323. Normal Operations of Facilities for Public Gatherings

Class 23 consists of the 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. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

15324. Regulations of Working Conditions

Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

(a) Employee wages,

(b) Hours of work, or

(c) Working conditions where there will be no demonstrable physical changes outside the place of work.

15325. Transfers of Ownership of Interest In Land to Preserve Existing Natural Conditions and Historical Resources

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

(a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.

(b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.

(c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.

(d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.

(e) Acquisition, sale, or other transfer to preserve historical resources.

(f) Acquisition, sale, or other transfer to preserve open space or lands for park purposes.

15326. Acquisition of Housing for Housing Assistance Programs – Class 26 [omitted]

15327. Leasing New Facilities

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

(1) Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;

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

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

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

(b) Examples of Class 27 include, but are not limited to:

(1) Leasing of administrative offices in newly constructed office space;

(2) Leasing of client service offices in newly constructed retail space;

(3) Leasing of administrative and/or client service offices in newly constructed industrial parks.

15328. Small Hydroelectric Projects at Existing Facilities

Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

(a) The capacity of the generating facilities is 5 megawatts or less;

(b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:

(1) Rate and volume of flow;

(2) Temperature;

(3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life; and

(4) Timing of release.

(c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;

(d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;

(e) There will be no significant upstream or downstream passage of fish affected by the project;

(f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure;

(g) The project will not cause violations of applicable state or federal water quality standards;

(h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and

(i) Construction will not occur in the vicinity of any endangered, rare, or threatened species.

15329. Cogeneration Projects at Existing Facilities

Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

(a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:

(1) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county, and

(2) Comply with all applicable state, federal, and local air quality laws.

(b) At commercial and institutional facilities, the installation of cogeneration facilities will be exempt if the installation will:

(1) Meet all the criteria described in subsection (a);

(2) Result in no noticeable increase in noise to nearby residential structures;

(3) Be contiguous to other commercial or institutional structures.

15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing $1 million or less.

(a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile

organic compounds as defined in Health and Safety Code Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.

(b) Examples of such minor cleanup actions include but are not limited to:

(1) Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;

(2) Maintenance or stabilization of berms, dikes, or surface impoundments;

(3) Construction or maintenance or interim of temporary surface caps;

(4) Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;

(5) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;

(6) Application of dust suppressants or dust binders to surface soils;

(7) Controls for surface water run-on and run-off that meets seismic safety standards;

(8) Pumping of leaking ponds into an enclosed container;

(9) Construction of interim or emergency ground water treatment systems;

(10) Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

15331. Historical Resource Restoration/Rehabilitation

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

ARTICLE 20 - DEFINITIONS

15350. General

The definitions contained in this article apply to terms used throughout the Guidelines unless a term is otherwise defined in a particular section.

15351. Applicant

"Applicant" means a person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance.

15352. Approval

(a) "Approval" means the decision by the District or another public agency which commits the District or other agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.

(b) With private projects, approval occurs upon the earliest commitment to issue or the issuance by the District or other public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

15353. CEQA

"CEQA" means the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq.

15354. Categorical Exemption

"Categorical exemption" means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

15355. Cumulative Impacts

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

15356. Decision-Making Body

"Decision-making body" means any person or group of people within the District permitted by law to approve or disapprove the project at issue. The decision-making body for the District will usually be the District's Board of Directors.

15357. Discretionary Project

"Discretionary project" means a project which requires the exercise of judgment or deliberation when the District or it decision-making body decides to approve or disapprove a particular activity, as distinguished from situations where the District or decision-making body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

15358. Effects

"Effects" and "impacts" as used in these Guidelines are synonymous.

(a) Effects include:

(1) Direct or primary effects which are caused by the project and occur at the same time and place.

(2) Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.

(b) Effects analyzed under CEQA must be related to a physical change.

15359. Emergency

"Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

15360. Environment

"Environment" means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions.

15361. Environmental Documents

"Environmental documents" means Initial Studies, Negative Declarations, draft and final EIRs, documents prepared as substitutes for EIRs and Negative Declarations under a program certified pursuant to Public Resources Code Section 21080.5, and documents prepared under NEPA and used by a state or local agency in the place of an Initial Study, Negative Declaration, or an EIR.

15362. EIR - Environmental Impact Report

"EIR" or "Environmental Impact Report" means a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The contents of an EIR are discussed in Article 9, commencing with Section 15120 of these Guidelines. The term "EIR" may mean either a draft or a final EIR depending on the context.

(a) Draft EIR means an EIR containing the information specified in Sections 15122 through 15131.

(b) Final EIR means an EIR containing the information contained in the draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the Lead Agency to the comments received. The final EIR is discussed in detail in Section 15132.

15363. EIS - Environmental Impact Statement

"EIS" or "Environmental Impact Statement" means an environmental impact document prepared pursuant to the National Environmental Policy Act (NEPA). NEPA uses the term EIS in the place of the term EIR which is used in CEQA.

15364. Feasible

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

15365. Initial Study

"Initial Study" means a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR. Use of the Initial Study is discussed in Article 5, commencing with Section 15060.

15366. Jurisdiction by Law

(a) "Jurisdiction by law" means the authority of the District:

(1) To grant a permit or other entitlement for use;

(2) To provide funding for the project in question; or

(3) To exercise authority over resources which may be affected by the project.

(b) A city or county will have jurisdiction by law with respect to a project when the city or county having primary jurisdiction over the area involved is:

(1) The site of the project;

(2) The area in which the major environmental effects will occur; and/or

(3) The area in which reside those citizens most directly concerned by any such environmental effects.

(c) Where an agency having jurisdiction by law must exercise discretionary authority over a project in order for the project to proceed, it is also a Responsible Agency, see Section 15381, or the Lead Agency, see Section 15367.

15367. Lead Agency

"Lead Agency" means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared. Criteria for determining which agency will be the Lead Agency for a project are contained in Section 15051.

15368. Local Agency

"Local agency" means any public agency other than a state agency, board, or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

15369. Ministerial

"Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.

15369.5. Mitigated Negative Declaration

"Mitigated Negative Declaration" means a Negative Declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but: (1)

revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

15370. Mitigation

"Mitigation" includes:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

15371. Negative Declaration

"Negative Declaration" means a written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR. The contents of a Negative Declaration are described in Section 15071.

15372. Notice of Completion

"Notice of Completion" means a brief notice filed with OPR by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review. The contents of this notice are explained in Section 15085.

15373. Notice of Determination

"Notice of Determination" means a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA. The contents of this notice are explained in Sections 15075 and 15094.

15374. Notice of Exemption

"Notice of Exemption" means a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. Such a notice may also be filed by an applicant where such a determination has

been made by a public agency which must approve the project. The contents of this notice are explained in Section 15062.

15375. Notice of Preparation

"Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. The District may develop its own format for this notice. The contents of this notice are described in Section 15082.

15376. Person

"Person" includes any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, city, county, city and county, town, the state, and any of the agencies or political subdivisions of such entities.

15377. Private Project

A "private project" means a project which will be carried out by a person other than a governmental agency, but the project will need a discretionary approval from one or more governmental agencies for:

(a) A contract or financial assistance, or

(b) A lease, permit, license, certificate, or other entitlement for use.

15378. Project

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

(1) An activity directly undertaken by any public agency, including, but not limited to, public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local general plans or elements thereof pursuant to Government Code Sections 65100-65700.

(2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

(b) Project does not include:

(1) Proposals for legislation to be enacted by the State Legislature;

(2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered above);

(3) The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative.

(4) The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

(5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

(c) The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

(d) Where the Lead Agency could describe the project as either the adoption of a particular regulation under subsection (a)(1) or as a development proposal which will be subject to several governmental approvals under subsections (a)(2) or (a)(3), the Lead Agency shall describe the project as the development proposal for the purpose of environmental analysis. This approach will implement the Lead Agency principle as described in Article 4.

15379. Public Agency

"Public agency" includes any state agency, board, or commission and any local or regional agency, as defined in these Guidelines. It does not include the courts of the state. This term does not include agencies of the federal government.

15380. Endangered, Rare or Threatened Species

(a) "Species" as used in this section means a species or subspecies of animal or plant or a variety of plant.

(b) A species of animal or plant is:

(1) "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or

(2) "Rare" when either:

(A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant

portion of its range that it may become endangered if its environment worsens; or

(B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act.

(c) A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

(1) Sections 670.2 or 670.5, Title 14, California Code of Regulations; or

(2) Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.

(d) A species not included in any listing identified in subsection (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subsection (b).

(e) This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by:

(1) The Director of Food and Agriculture with regard to economic pests; or

(2) The Director of Health Services with regard to health risks.

15381. Responsible Agency

"Responsible Agency" means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

15382. Significant Effect on the Environment

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

15383. State Agency

"State agency" means a governmental agency in the executive branch of the State Government or an entity which operates under the direction and control of an agency in the executive branch of State Government and is funded primarily by the State Treasury.

15384. Substantial Evidence

(a) "Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the Lead Agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

(b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

15385. Tiering

"Tiering" refers to the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:

(a) From a general plan, policy, or program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR;

(b) From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the Lead Agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

15386. Trustee Agency

"Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies include:

(a) The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department;

(b) The State Lands Commission with regard to state owned "sovereign" lands such as the beds of navigable waters and state school lands;

(c) The State Department of Parks and Recreation with regard to units of the State Park System;

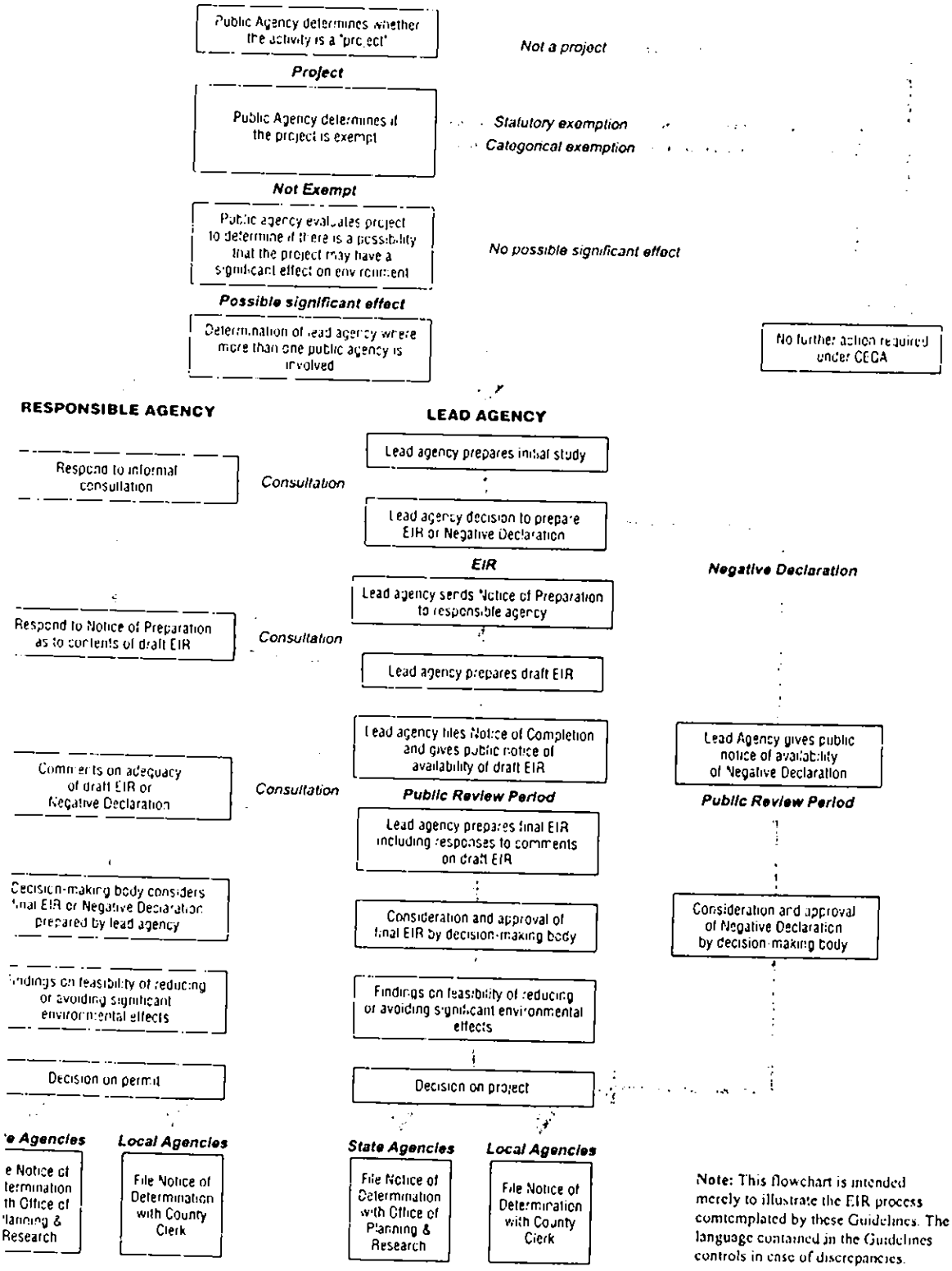
(d) The University of California with regard to sites within the Natural Land and Water Reserves System.

15387. Urbanized Area

"Urbanized area" means a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. A Lead Agency shall determine whether a particular area meets the criteria in this section either by examining the area or by referring to a map prepared by the U.S. Bureau of the Census which designates the area as urbanized. Maps of the designated urbanized areas can be found in the California EIR Monitor of February 7, 1979. The maps are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The maps are sold in sets only as Stock Number 0301-3466. Use of the term "urbanized area" in Section 15182 is limited to areas mapped and designated as urbanized by the U.S. Bureau of the Census.

Appendix A

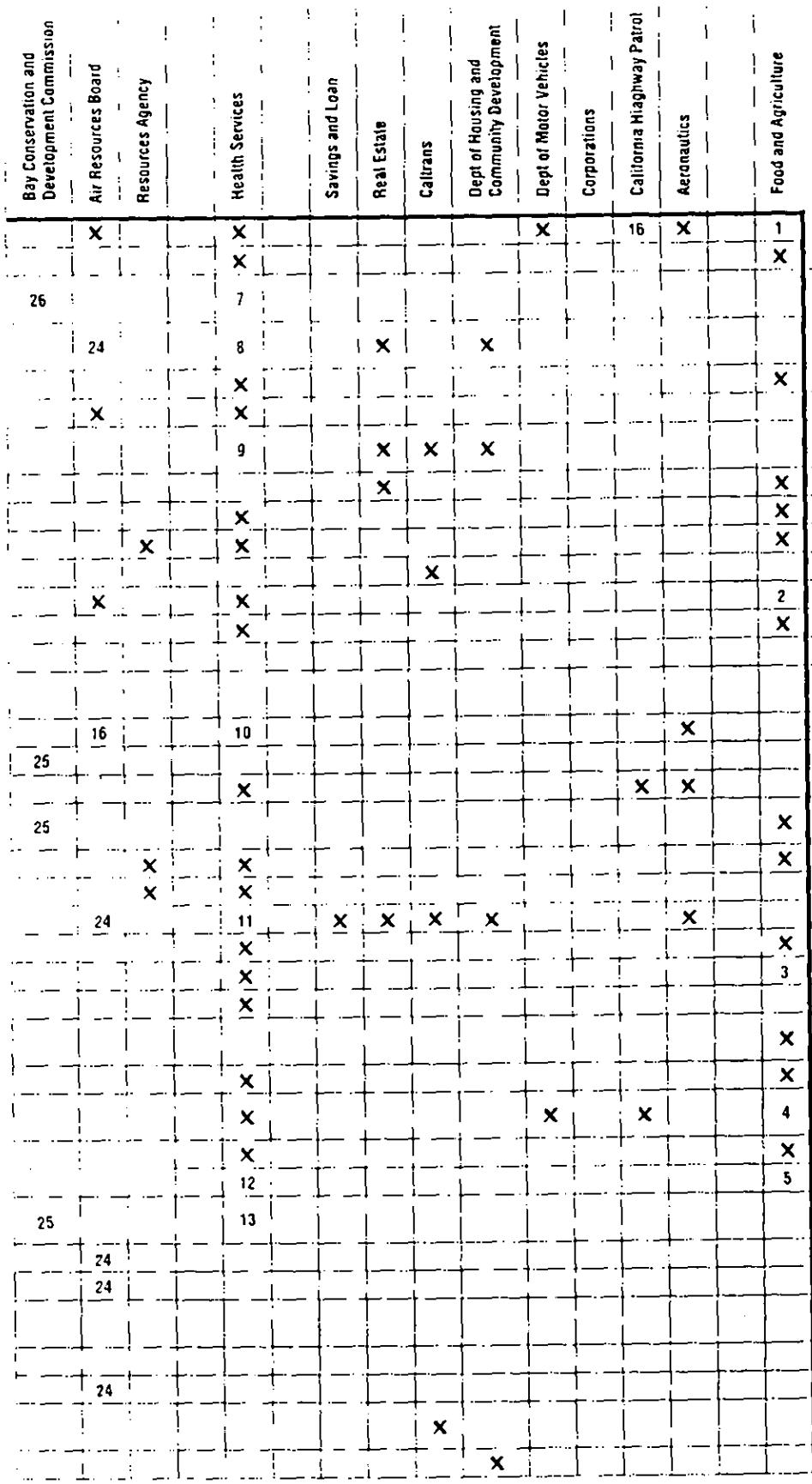
CEQA PROCESS FLOW CHART



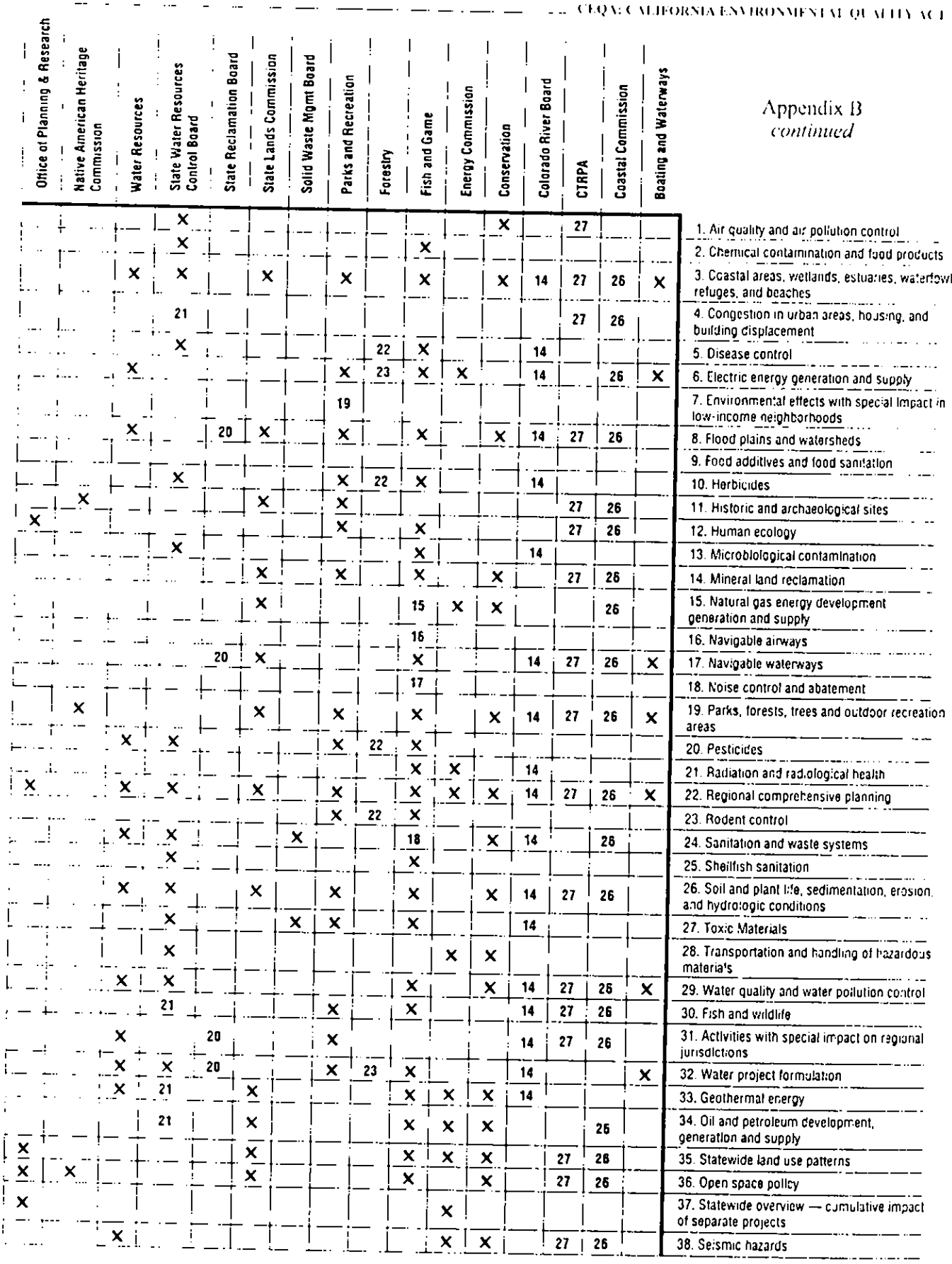
Note: This flowchart is intended merely to illustrate the EIR process contemplated by these Guidelines. The language contained in the Guidelines controls in case of discrepancies.

Appendix B

STATUTORY AUTHORITY OF STATE DEPARTMENTS



Appendix B
continued



Appendix B Footnotes

1. **Food and Agriculture** - Effects on plants and animals.
2. **Food and Agriculture** - Protection of food and fiber.
3. **Food and Agriculture** - Agricultural, dairy and feed lot Systems.
4. **Food and Agriculture** - As pertains to transportation, handling, storage and decontamination of pesticides.
5. **Food and Agriculture** - Pesticide effects, predatory animal control, bird control.
6. **California Highway Patrol** - Enforcement of motor vehicle regulations.
7. **Health Services - Beach sanitation,** water pollution, solid waste and mosquito control.
8. **Health Services** - Pertains to health component.
9. **Health Services** - Most if these are strongly related to health.
10. **Health Services** - Pertains to noise.
11. **Health Services** - Pertains to personal and environmental health components.
12. **Health Services** - As it may pertain to human health hazards.
13. **Health Services** - Pertains to comprehensive health planning.
14. **Colorado River Board** - As pertains to the Colorado, New and Alamo Rivers.
15. **Fish and Game** - As field development and distribution systems may affect fish and wildlife.
16. **Fish and Game** - As may affect migrating and resident wildlife.
17. **Fish and Game** - As excessive noise may affect wildlife.
18. Fish and Game - As water quality may affect fish and wildlife.
19. **Parks and Recreation - In impacted** areas only.
20. **Reclamation Board** - In areas of Board's jurisdiction only — the Sacramento-San Joaquin Valley.
21. **State Water Resources Control Board** - As may pertain to water quality.
22. **Forestry** - With respect to forest land.
23. **Forestry** - (6) and (32) - As related to fire protection or State (fire protection) responsibility land.
24. **Air Resources Board** - (4), (22), (32), (33), and (36) - As may pertain to residential, commercial, industrial or transportation growth.
25. **San Francisco Bay Conservation and Development Commission** - (3), (17), (19), and (30) - With respect to San Francisco Bay, Suisun Bay and adjacent shore areas.
26. **California Coastal Commission** - (3), (4), (6), (8), (11), (12), (14), (15), (17), (19), (22), (23), (26), (29), (30), (31), (34), (35), and (36) - With respect to effects within the California Coastal Zone.
27. **California Tahoe Regional Planning Agency** - With respect to effects in theTahoe Basin.
28. **Native American Heritage Commission** - With respect to places of special religious or social significance to Native Americans including archaeological sites, cemeteries, and places of worship.

NOTE: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21080.3, 21080.4, 21104, and 21153, Public Resources Code

Notice of Completion & Environmental Document Transmittal

Appendix C

For U.S. Mail: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH#

Project Title:

Lead Agency: Contact Person:

Street Address: Phone:

City: Zip: County:

Project Location:

County: City/Nearest Community:

Cross Streets

Assessor's Parcel No.: Section: Twp. Range: Base:

Within 2 miles: State Hwy #: Waterways:

Airports: Railways: Schools:

Document Type:

CEQA:
- ☐ NOP
- ☐ Early Cons
- ☐ Neg Dec
- ☐ Mit Neg Dec
- ☐ Draft EIR
- ☐ Supplement to EIR
- ☐ Subsequent EIR
- ☐ Other:

NEPA:
- ☐ NOI
- ☐ EA
- ☐ Draft EIS
- ☐ FONSI

Other:
- ☐ Joint Document
- ☐ Final Document
- ☐ Other:

Local Action Type:
- ☐ General Plan Update
- ☐ General Plan Amendment
- ☐ General Plan Element
- ☐ Community Plan
- ☐ Specific Plan
- ☐ Master Plan
- ☐ Planned Unit Development
- ☐ Site Plan
- ☐ Rezone
- ☐ Prezone
- ☐ Use Permit
- ☐ Land Division (Subdivision, etc.)
- ☐ Annexation
- ☐ Redevelopment
- ☐ Coastal Permit
- ☐ Other

Development Type:
- ☐ Residential: *Units* *Acres*
- ☐ Office: *Sq ft.* *Acres* *Employees*
- ☐ Commercial: *Sq ft.* *Acres* *Employees*
- ☐ Industrial: *Sq ft.* *Acres* *Employees*
- ☐ Educational
- ☐ Recreational
- ☐ Water Facilities: *Type* *MGD*
- ☐ Transportation: *Type*
- ☐ Mining: *Mineral*
- ☐ Power: *Type* *MW*
- ☐ Waste Treatment: *Type* *MGD*
- ☐ Hazardous Waste: *Type*
- ☐ Other:

Total Acres: (approx.)

Project Issues That May Have A Significant Or Potentially Significant Impact:
- ☐ Aesthetic/Visual
- ☐ Agricultural Land
- ☐ Air Quality
- ☐ Archeological/Historical
- ☐ Biological Resources
- ☐ Coastal Zone
- ☐ Drainage/Absorption
- ☐ Economic/Jobs
- ☐ Fiscal
- ☐ Flood Plain/Flooding
- ☐ Forest Land/Fire Hazard
- ☐ Geologic/Seismic
- ☐ Minerals
- ☐ Noise
- ☐ Population/Housing Balance
- ☐ Public Services/Facilities
- ☐ Recreation/Parks
- ☐ Schools/Universities
- ☐ Septic Systems
- ☐ Sewer Capacity
- ☐ Soil Erosion/Compaction/Grading
- ☐ Solid Waste
- ☐ Toxic/Hazardous
- ☐ Traffic/Circulation
- ☐ Vegetation
- ☐ Water Quality
- ☐ Water Supply/Groundwater
- ☐ Wetland/Riparian
- ☐ Growth Inducement
- ☐ Land Use
- ☐ Cumulative Effects
- ☐ Other

Present Land Use/Zoning/General Plan Designation:

Project Description: *(please use a separate page if necessary)*

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist
continued *Appendix C*

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below.

___	Air Resources Board	___	Office of Emergency Services
___	Boating & Waterways, Department of	___	Office of Historic Preservation
___	California Highway Patrol	___	Parks & Recreation
___	Caltrans District # ___	___	Pesticide Regulation, Department of
___	Caltrans Division of Aeronautics	___	Public Utilities Commission
___	Caltrans Planning	___	Reclamation Board
___	Coachella Valley Mountains Conservancy	___	Regional WQCB # ___
___	Coastal Commission	___	Resources Agency
___	Colorado River Board	___	S.F. Bay Conservation & Development Commission
___	Conservation, Department of	___	San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy
___	Corrections, Department of	___	San Joaquin River Conservancy
___	Delta Protection Commission	___	Santa Monica Mountains Conservancy
___	Education, Department of	___	State Lands Commission
	Office of Public School Construction	___	SWRCB: Clean Water Grants
___	Energy Commission	___	SWRCB: Water Quality
___	Fish & Game Region # ___	___	SWRCB: Water Rights
___	Food & Agriculture, Department of	___	Tahoe Regional Planning Agency
___	Forestry & Fire Protection	___	Toxic Substances Control, Department of
___	General Services, Department of	___	Water Resources, Department of
___	Health Services, Department of		
___	Housing & Community Development		
___	Integrated Waste Management Board	___	Other:
___	Native American Heritage Commission	___	Other:

Local Public Review Period (to be filled in by lead agency)

Starting Date ___ Ending Date ___

Lead Agency (Complete if applicable):

Consulting Firm: ___

Address: ___

City State Zip: ___

Contact: ___

Phone (___) ___

Applicant: ___

Address: ___

City/State/Zip: ___

Phone: (___) ___

Signature of Lead Agency Representative ___ Date: ___

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.

Notice of Determination

Appendix D

TO: ☐ Office of Planning and Research

For U. S. Mail
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address
1400 Tenth Street
Sacramento, CA 95814

FROM: Public Agency:
Address:

Contact:
Phone:

Lead Agency (if different from above):

☐ County Clerk
County of:
Address:

———Address:———

———Contact:———
———Phone:

SUBJECT: ***Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title

Project Location (include county)

Project Description

This is to advise that the _____ has approved the above described
(☐ Lead Agency or ☐ Responsible Agency)
project on _____ and has made the following determinations regarding the above described project:
(Date)

1. The project [☐ will ☐ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☐ was not] adopted for this project.
6. Findings [☐ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at: _____

Signature (Public Agency)_____ *Title*_____
Date:_____

Date Received for filing at OPR

Revised 2004

Authority cited: Sections 21083 and 21087, Public Resources Code.
Reference: Sections 21000-21174, Public Resources Code.

Notice of Exemption

Appendix E

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☐ County Clerk
County of _____

From: (Public Agency) _____

_____
(Address)

_____

Project Title: _____

Project Location - Specific: _____

_____

Project Location - City: _____ **Project Location - County:** _____

Description of Nature, Purpose, and Beneficiaries of Project:

_____

_____

_____

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (*check one*)

☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☐ Categorical Exemption. State type and section number:
☐ Statutory Exemptions. State code number:

Reasons why project is exempt: _____

_____

_____

Lead Agency
Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: _____

☐ Signed by Lead Agency Date received for filing at OPR:

☐ Signed by Applicant

Revised October 1989

Appendix F
ENERGY CONSERVATION

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

(1) decreasing overall per capita energy consumption,
(2) decreasing reliance on natural gas and oil, and
(3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

II. EIR Contents

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.

A. Project Description may include the following items:
   1. Energy consuming equipment and processes which will be used during construction, operation, and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
   2. Total energy requirements of the project by fuel type and end use.
   3. Energy conservation equipment and design features.
   4. Initial and life-cycle energy costs or supplies.
   5. Total estimated daily trips to be generated by the project and the additional energy consumed per trip by mode.

B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

C. Environmental Impacts may include:
   1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
   2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
   3. The effects of the project on peak and base period demands for electricity and other forms of energy.
   4. The degree to which the project complies with existing energy standards.
   5. The effects of the project on energy resources.
   6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

D. Mitigation Measures may include:
   1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
   2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy.
   3. The potential for reducing peak energy demand.
   4. Alternate fuels (particularly renewable ones) or energy systems.
   5. Energy conservation which could result from recycling efforts.

E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.

I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.

APPENDIX G

Environmental Checklist Form

1 Project title _____

2 Lead agency name and address

_____
_____
_____

3 Contact person and phone number _____

4 Project location: _____

5 Project sponsor's name and address:

_____
_____
_____

6 General plan designation:_____ 7. Zoning: _____

8 Description of project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

_____
_____
_____
_____

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

_____
_____
_____
_____

10 Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement)

_____
_____
_____
_____

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning

☐ Mineral Resources ☐ Noise ☐ Population / Housing

☐ Public Services ☐ Recreation ☐ Transportation/Traffic

☐ Utilities / Service Systems ☐ Mandatory Findings of Significance

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Signature Date

_____ _____

Printed name For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose

sensitive receptors to pollutants, based on a project-specific screening analysis)

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required

4) "Negative Declaration Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used Identify and state where they are available for review

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question, and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance

SAMPLE QUESTION

Issues

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☐
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☐
IV BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

VII HAZARDS AND HAZARDOUS MATERIALS --

Would the project.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

VIII HYDROLOGY AND WATER QUALITY -- Would the project

a) Violate any water quality standards or waste discharge requirements?

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e g , the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☐
f) Otherwise substantially degrade water quality?	☐	☐	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐
IX LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☐	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐

X MINERAL RESOURCES -- Would the project

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XI NOISE --

Would the project result in

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XII POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIII PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios response times or other performance objectives for any of the public services

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

XIV RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XV TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☐

XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐

Appendix H

ENVIRONMENTAL INFORMATION FORM

(To be Completed by Applicant)

Date Filed _____

General Information

1. Name and address of developer or project sponsor: _____
2. Address of project: _____

   Assessor's Block and Lot Number: _____
3. Name, address, and telephone number of person to be contacted concerning this project:

   _____

   _____
4. Indicate number of the permit application for the project to which this form pertains: _____
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

   _____
6. Existing zoning district:: _____
7. Proposed use of site (Project for which this form is filed): _____

   _____

Project Description

8. Site size.
9. Square footage.
10. Number of floors of construction.
11. Amount of off-street parking provided
12. Attach plans.
13. Proposed scheduling
14. Associated projects
15. Anticipated incremental development.
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
18. If industrial, indicate type, estimated employment per shift, and loading facilities.

19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project

20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

		Yes	No
21.	Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	☐	☐
22.	Change in scenic views or vistas from existing residential areas or public lands or roads.	☐	☐
23.	Change in pattern, scale or character of general area of project.	☐	☐
24.	Significant amounts of solid waste or litter.	☐	☐
25.	Change in dust, ash, smoke, fumes or odors in vicinity.	☐	☐
26.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	☐	☐
27.	Substantial change in existing noise or vibration levels in the vicinity.	☐	☐
28.	Site on filled land or on slope of 10 percent or more	☐	☐
29.	Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	☐	☐
30.	Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	☐	☐
31.	Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc).	☐	☐
32.	Relationship to a larger project or series of projects.	☐	☐

Environmental Setting

33 Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or polaroid photos will be accepted.

34 Describe the surrounding properties, including information on plant~ and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc). Attach photographs of the vicinity Snapshots or polaroid photos will be accepted.

Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and in formation presented are true and correct to the best of my knowledge and belief

Date _____ Signature _____

For _____

Appendix I

NOTICE OF PREPARATION

To: _____ From: _____

_____ _____

(Address) (Address)

_____ _____

Subject: **Notice of Preparation of a Draft Environmental Impact Report**

_____ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☐ is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to _____ at the address shown above. We will need the name for a contact person in your agency.

Project Title: _____

Project Applicant, if any: _____

Date _____ Signature _____

Title _____

Telephone _____

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

APPENDIX J
Examples of Tiering EIR's

FIRST TIER EIR (15152)

- project encompasses separate but related projects such as general plan, zoning, development
- later tiers move from general to specific analysis of projects

Later Project EIR

- later project is consistent with general plan or zoning
- initial study must examine significant effects not covered in prior EIR
- later EIR must state lead agency is using tiering concept and must comply with section 15152

STAGED EIR (15167)

- one large project will require a number of discretionary approvals from govt. agencies and one of those approvals will occur more than two years before construction commences

Supplement to the Staged EIR

- supplements to the staged EIR are prepared for later government agency approvals on the same overall project if information available at the time of that later approval would permit consideration of additional environmental impacts, mitigation measures or reasonable alternatives

---

PROGRAM EIR (15168)

- series of actions or activities that can be characterized as one large project and are related either:
- geographically
- as logical parts of a chain of activities
- in connection with rules, regulations, plans or other general criteria governing a continuing program
- as individual activities carried out under common authority (statutory or regulatory) and having similar environmental effects which can be mitigated in similar ways

Subsequent Project EIR

- only if subsequent activity has effects not examined in the previously certified program EIR will additional environmental documentation be required (if subsequent activity has no new effects, that activity is covered by the program EIR)

MASTER EIR (15175)

- alternative to project, staged, or program EIR
- can be used for:
  - general plan (or gen. plan element, amendment, or update)
  - redevelopment plan projects (public or private)
  - project consisting of phases of smaller individual projects
  - other activities described in 15175
- after five years from initial certification, adopting authority must review the Master EIR and prepare subsequent or supplemental EIR if substantial changes have occurred with respect to circumstances under which the original Master EIR was adopted
- no new EIR is required for subsequent projects within the scope of the Master EIR which cause no additional significant effect

Focused EIR (15177)

- a subsequent, Focused EIR is required only where:
  - substantial new/additional information shows adverse environmental effects not examined in Master EIR or more significant than described in EIR, or
  - substantial new/additional information shows mitigation measures previously determined to be infeasible are now feasible and will avoid/reduce the significant effects to a level of insignificance

---

SPECIAL SITUATIONS / EIRs

Multiple-family residential development / residential and commercial or retail mixed-use development (PRC 21158.5 and Guideline §15179.5)

- project is multiple-family residential development up to 100 units or is a residential and commercial or retail mixed-use development of not more than 100,000 square feet
- if project complies with procedures in section 21158.5, only a focused EIR need be prepared, notwithstanding the fact that the project wasn't identified in the Master EIR

Redevelopment Project (15180)

- all public and private activities or undertakings in furtherance of a redevelopment plan (public or private) constitute a single project
- the redevelopment plan EIR is treated as a program EIR

- no subsequent EIR is required for individual components of the redevelopment plan unless substantial changes or substantial new information triggers a subsequent EIR or supplement to an EIR pursuant to (sections 15162 or 15163)

Housing/neighborhood commercial facilities (15181)

- a project involving construction of housing or neighborhood commercial facilities in an urbanized area
- a prior EIR for a specific plan, local coastal program, or port master plan may be used as the EIR for such a project (no new EIR need be prepared) provided section 15181 procedures are complied with

Projects Consistent with Community Plan, General Plan, or Zoning (15183)

- a project which is consistent with a community plan adopted as part of a general plan or zoning ordinance or a general plan of a local agency and where there was an EIR certified for the zoning action or master plan
- the EIR for the residential project need only examine certain significant environmental effects, as outlined in section 15183

Regulations on Pollution Control Equipment (PRC section 21159)

- section 21159 requires environmental analysis of reasonably foreseeable methods of compliance at the time of adoption of rule or regulation requiring the installation of pollution control equipment
- an EIR prepared at the time of adoption of the rule or regulation is deemed to satisfy the requirement of section 21159

Installation of Pollution Control Equipment (PRC section 21159.1)

- a focused EIR is permitted where project 1) consists solely of installation of pollution control equipment; 2) is required by rule or regulation adopted by the State Air Resources Board, an air pollution control district or air quality management district, the State Water Resources Control Board, a California regional water quality control board, the Dept. of Toxic Substances Control, or the California Integrated Waste Management Board; and 3) meets the procedural requirements outlined in section 21159.1

Appendix K

CRITERIA FOR SHORTENED CLEARINGHOUSE REVIEW

Under exceptional circumstances, and when requested in writing by the lead agency, the State Clearinghouse in the Office of Planning and Research (OPR) may shorten the usual review periods for proposed negative declarations, mitigated negative declarations and draft EIRs submitted to the Clearinghouse. A request must be made by the decision-making body of the lead agency, or by a properly authorized representative of the decision-making body.

A shortened review period may be granted when any of the following circumstances exist:

(1) The lead agency is operating under an extension of the one-year period for completion of an EIR and would not otherwise be able to complete the EIR within the extended period.

(2) The public project applicant is under severe time constraints with regard to obtaining financing or exercising options which cannot be met without shortening the review period.

(3) The document is a supplement to a draft EIR or proposed negative declaration or mitigated negative declaration previously submitted to the State Clearinghouse.

(4) The health and safety of the community would be at risk unless the project is approved expeditiously.

(5) The document is a revised draft EIR, or proposed negative declaration or mitigated negative declaration, where changes in the document are primarily the result of comments from agencies and the public.

Shortened review cannot be provided to a draft EIR or proposed negative declaration or mitigated negative declaration which has already begun the usual review process. Prior to requesting shortened review, the lead agency should have already issued a notice of preparation and received comments from applicable State agencies, in the case of an EIR, or consulted with applicable State agencies, in the case of a proposed negative declaration or mitigated negative declaration.

No shortened review period shall be granted unless the lead agency has contacted and obtained prior approval for a shortened review from the applicable state responsible and trustee agencies. No shortened review shall be granted for any project which is of statewide, regional, or areawide significance, as defined in Section 15206 of the guidelines.

Notice of Completion of Draft EIR

Appendix L

Project Title

Project Location – Specific

Project Location – City

Project Location – County

Description of Nature, Purpose, and Beneficiaries of Project

Lead Agency

Division

Address Where Copy of EIR is Available

Review Period

Contact Person

Area Code

Phone

Extension

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21092, 21152, and 21153, Public Resources Code.

APPENDIX M

BID PROCUREMENT AND CHANGE ORDER POLICY

APPENDIX M

BID PROCUREMENT AND CHANGE ORDER POLICY

I. Work Costing More Than $25,000

a. Except as otherwise provided in this statement of policy, all contracts for any improvement, job, construction project or unit of work (herein referred to as work), and all acquisitions of material or equipment, estimated to cost or to have a value when completed in excess of Twenty-Five Thousand Dollars ($25,000), shall be let to the lowest responsible bidder in the manner hereinafter provided.

b. The Board shall first determine whether the contract shall be let or the acquisition made, as a single unit for the whole of the work or acquisition, or whether it shall be divided into severable convenient parts.

c. The Contract documents shall be prepared utilizing the District's standard forms, with such modification as may be appropriate for the particular work or unit of work, or the acquisition of materials or equipment. In the case of work to be performed for the District, the documents to be prepared shall ordinarily include the Notice Inviting Bids, Instructions to Bidders, the Proposal for submission by the bidder, the Information Required of Bidder, setting forth the equipment and material source and other required information, Contractor's Licensing Statement, List of Subcontractors, Bid Security Form, Agreement, Faithful Performance Bond, Payment Bond, Non-Collusion Affidavit, Notice to Proceed, General Provisions, Special Provisions, and Plans and Specifications.

d. Unless otherwise required by the provisions of the Public Contract Code, the District may advertise in the F. W. Dodge Green Sheet, the Construction Market Data and

similar publications, inviting sealed proposals for furnishing labor for or materials or supplies for use or incorporation in, the proposed work or unit of work, or for providing materials or equipment. To the extent applicable to a specific work or acquisition, the notice calling for bids shall contain the information specified in Section 20564 of the Public Contract Code. In the event that the construction of works is to be paid for with the proceeds of the sale of bonds or a limited assessment, the District shall give said notice by publication once a week for three (3) successive weeks in a newspaper of general circulation published in the District as specified in Section 20563 of the Public Contracts Code.

e. All bids shall be presented under sealed cover on forms furnished by the District, and, in the case of a bid to perform work for the District, it shall be accompanied by one of the following forms of bidder's security: (1) cash, (2) a cashier's check made payable to the District, (3) a certified check made payable to the District, or (4) a bidder's bond executed by an admitted surety insurer made payable to the District.

f. At the time and place appointed and set forth in the Notice Inviting Bids, the bids shall be opened in public.

g. The District shall assign a five (5) percent contract bid reduction to a bidder which is a "Local Contractor or Vendor," as defined in (n)(1).

h. The Board may reject any and all proposals or bids should it deem it to be for the public good, or may award the contract for the work or unit of work, or materials or equipment, to the lowest responsible bidder at the prices named or specified in the bid or proposal subject however to Paragraph i.

i. Once all bids have been opened, the bids of those bidders which are "Local Contractors or Vendors" shall be reduced by five percent (5%) for purposes of determining the lowest responsible bidder. If the bid of a Local Contractor or Vendor, after applying the contract

bid reduction provided for in Paragraph g, is then the lowest responsible bid , that Local Contractor or Vendor shall be awarded the contract at the amount of its bid without regard to any contract bid reduction, subject to the remaining provisions of this policy.

j. The District or its agents may refuse to award a contract under Section i to a Local Contractor or Vendor if it makes a determination that the products purchased or work provided by a bidder cannot be provided within a timely manner for the performance of the contract or a determination the Local Contractor or Vendor cannot meet specified quality performance standards or experience requirements.

k. If any federal or state statute or regulation precludes the granting of federal or state assistance or reduces the amount of that assistance for a particular public works project because of a preference awarded according to the terms of this policy, this policy shall not apply insofar as its application would preclude or reduce federal or state assistance for that work.

l. In the case of work to be performed for the District, the District shall require the successful bidder or bidders to file with the Board good and sufficient bonds, to be approved by the Board, conditioned upon the faithful performance of the contract and upon payment of all claims for labor and materials in connection therewith.

m. In the case of work to be performed from the District, the District shall require the successful bidder or bidders to carry public liability and property damage insurance, workers' compensation insurance, and other insurance, in the amounts and under the terms stipulated in the Contract documents.

n. The following terms shall have the following meanings:

1) "Local Contractor or Vendor" means a contractor or vendor whose principal place of business as reflected in official records is located in the area shown on the Local Contractor and Vendor Boundary Map attached hereto.

Those claiming to be Local Contractors and Vendors shall submit proof of their principal place of business with their bid.

2) "Lowest Responsible Bidder" shall mean a person who submits the lowest monetary bid, taking into account the contract bid reduction provided for in paragraph g, and which responds to the terms upon which bids were requested, and who has the capacity, integrity and ability to perform the particular requirements of the contract. Factors which may be considered in determining the "lowest responsible bidder" include, but are not limited to, all of the following:

a) The contractor's prior record of performance on other public works projects, if any, including timely completion of performance, quality of work, and completion of projects within project budget or bid amount submitted.

b) The contractor's involvement in any ongoing litigation or contract disputes with the awarding authority which could impair satisfactory performance on the contract to be awarded.

c) The contractor's history of noncompliance with occupational safety and health requirements, labor statutes and regulations, and other local, state, and federal laws.

II. Work or Acquisitions Costing More Than $3,000, But Not More than $25,000

All contracts for any work or unit of work, and all acquisitions of materials or equipment, estimated to cost or to have a value when completed in excess of Three Thousand Dollars ($3,000), but not more than Twenty-Five Thousand Dollars ($25,000), shall be reviewed by a Committee of the Board, and shall be submitted for formal competitive bids in accordance with this statement of policy only if the Committee shall so recommend and the Board shall concur by

a majority vote. In the event no formal competitive bids are solicited, the Board may also give local contractors and vendors a preference.

III. Work or Acquisitions Costing Less Than $3,000

All contracts for any work or unit of work, and all acquisitions of materials or equipment, estimated to cost or to have a value when completed that is less than Three Thousand Dollars ($3,000), may be authorized by the District's General Manager without compliance with any formal competitive bidding procedure or prior Board approval, and in any such case he may authorize the work or unit of work or acquire the materials or equipment, by informal bidding or quotations or by purchase on the open market without advertising. The District's General Manager may give local contractors and vendors a preference.

IV. Change Order Policy

All change orders occurring during the performance of a contract shall be reported to the Board. Change order amounts which are Three Thousand Dollars ($3,000) or less or which are ten percent (10%) or less of the original contract amount up to a maximum amount of Twenty-Five Thousand Dollars ($25,000) may be authorized by the District's General Manager; however, change order amounts greater than Three Thousand Dollars ($3,000) and greater than ten percent (10%) of the original contract amount up to a maximum change order amount of Twenty-Five Thousand Dollars ($25,000) shall be approved by the Bid Committee of the Board. The Board shall by a majority vote approve all change order amounts in excess of Twenty-Five Thousand Dollars ($25,000). In the case of contracts with unit prices, if the number of units of significant bid items increases by twenty percent (20%) or more, Board approval must be obtained.

V. Exceptions to Statement of Policy

The policy specified in this statement shall not apply in the following cases or circumstances:

(1) A contract for the acquisition or disposal of any real property.

(2) A contract for the leasing of any personal property or the acquisition of personal property other than materials and equipment for use in construction activities.

(3) A contract for the purchase of water or water rights.

(4) A contract for the repair of District equipment.

(5) A contract for legal, engineering and other professional services.

(6) A contract for the performance of work or acquisition of materials or equipment deemed by the Board to be of urgent necessity for the preservation of life, health or property, or in order to continue to provided water to the District's existing customers, and such action is authorized by a two-thirds vote of the District's Board.

(7) The repair, alteration, addition, or the making of improvements, by force account.

(8) Work related to and in furtherance of the purposes of the District, or materials or equipment acquired for such purposes, where such work is to be performed or such materials or equipment are to be acquired, for the account of other persons or entities, an example of such work or acquisition being the construction of a water transmission line or the installation of meters or other facilities for a developer and done at the developer's expense.

(9) A contract for the performance of work or acquisition of materials in instances where work and materials are regularly and periodically required and work and materials are repairs or replacements of prior works or materials relating to the following:

(a) Asphalt and concrete patching;

(b) Janitorial supplies;

(c) Office supplies;

(d) Aggregate (sand, base and similar materials);

(e) Cold mix asphalt;

(f) Data mailers;

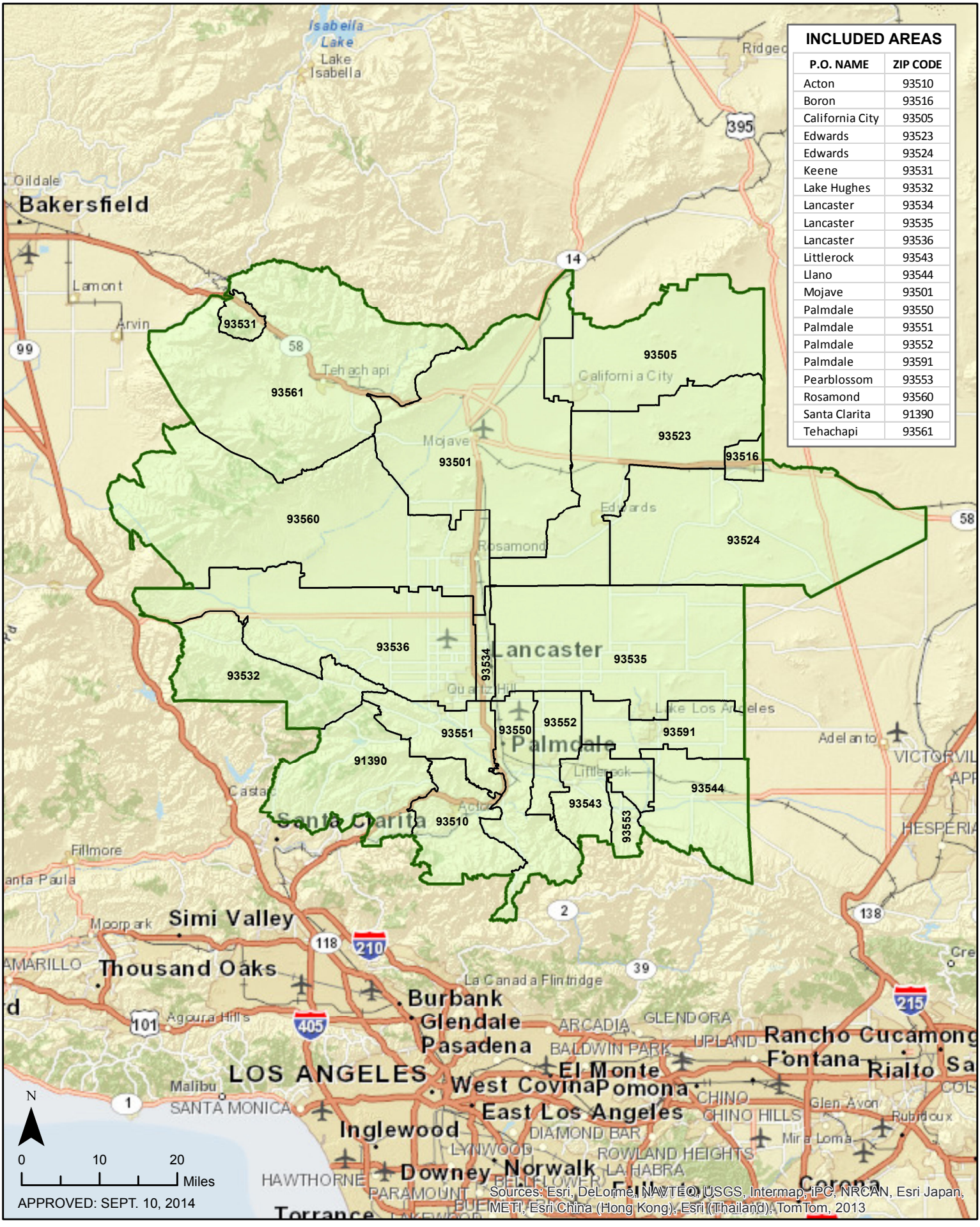
(g) Water meters.

VI. Scope of Statement of Policy

This statement of policy establishes the manner of calling for bids and letting contracts for the performance of work for the District or the acquisition of materials or equipment. However, notwithstanding this statement, all contracts for work and all contracts for acquisition of materials and equipment, may be made or entered into upon such terms and conditions and in such manner as the Board may determine is in the best interest of the District.

BID PROCUREMENT POLICY APPROVED AND ADOPTED AT A REGULAR BOARD MEETING OF THE PALMDALE WATER DISTRICT BOARD OF DIRECTORS HELD April 19, 1990

Revised 1-14-92
Revised 9-15-92
Revised 4-25-94
Revised 11-10-97



PALMDALE WATER DISTRICT RULES AND REGULATIONS APPENDIX "M"

LOCAL CONTRACTOR AND VENDOR BOUNDARY MAP

APPENDIX N

INSTALLATION CHARGES
FOR SINGLE SERVICE CONNECTION

METER SIZE	CHARGE
¾”	$ 2,700.00 Flat
1”	$ 3,000.00 Flat
1.5”	$ 3,400.00 Flat
2”	$ 3,700.00 Flat

Effective July 1, 2008

APPENDIX N.1

METER DOWNSIZING PROGRAM

PALMDALE WATER DISTRICT

2029 East Avenue Q • Palmdale, California 93550 • Telephone (661) 947-4111
Fax (661) 947-8604
www.palmdalewater.org

Board of Directors

JEFF A. STORM
Division 1

GORDON G. DEXTER
Division 2

LINDA J. GODIN
Division 3

RAUL FIGUEROA
Division 4

STEVE R. CORDOVA
Division 5

LAGERLOF, SENECAL, GOSNEY & KRUSE LLP
Attorneys

ACWA

METER EXCHANGE APPLICATION

NAME:_____

SERVICE ADDRESS:_____

_____

MAILING ADDRESS:_____

_____

PHONE NUMBER WORK:(___)_____ HOME:(___)_____

ACCOUNT NUMBER:_____

I understand that a reduction in meter size might create a loss of water volume and/or pressure. I acknowledge that the Palmdale Water District is not responsible for problems associated with a loss of volume or pressure which may result from installing a smaller meter on my property. Current costs to perform said exchange are listed below.

Please check applicable box:

☐	1" to 5/8"	$240.00
☐	2" to 1-1/2"	$579.00

Signature:_____ Date:_____

For Office Use Only:

Lot Size:_____ Pressure:_____
General Manager or Principal Engineer: _____
Billing:_____ Facilities:_____
Comments:_____
_____
_____

APPENDIX O

WASTE OF WATER POLICY AND EMERGENCY WATER CONSERVATION RESTRICTIONS

APPENDIX O

WASTE OF WATER POLICY

Palmdale Water District is engaged in the production, transmission, storage and distribution of water to its Consumers in accordance with California law.

California law prohibits the waste or unreasonable use of water and requires that the District take all appropriate actions to prevent such waste and unreasonable use of this finite resource.

Despite its conservation efforts, including its campaign to encourage conservation by Consumers, the District has been made aware of Consumers activities including (1) over-irrigation, (2) misuse of water in cleaning of paved surfaces, and (3) waste resulting from inefficient and leaking plumbing fixtures, all of which result in runoff or waste of water.

In order to prevent continued waste and unreasonable use of water and to protect its limited available water supply, the District adopts the following policy:

1. Upon notification or observation of waste or misuse of water, the District shall:

   (a) Make a photographic record of such activity;

   (b) Provide notice to the Consumer in writing or by means of a doortag; and

   (c) Log the warning on the Consumer's service record.

2. In the event of a second offense, the District shall:

   (a) Assess a surcharge of $50.00 upon the Consumer for each offense occurring after the warning has been given;

   (b) Give notice to the Consumer in writing that if such waste or misuse continues or occurs again, the Consumer will be subject to disconnection of service.

3. Upon a third offense, the District shall:

   (a) Give written notice to the Consumer that disconnection of the service will occur within five (5) working days of the date of the notice;

   (b) Disconnect the Consumer's service; and

   (c) Charge the Consumer a disconnection charge for waste or misuse of water as set forth in Appendix D, and a turn-on fee as set forth in Appendix D if service is later restored. Service will be restored only when the Consumer has provided evidence satisfactory to the District that waste and unreasonable use of water will no longer occur.

The District recognizes that there may be mitigating or intervening circumstances that bear upon a Consumer's apparent misuse of water. Upon receipt of any notice regarding purported misuse or waste of water, the Consumer shall have five (5) working days within which to file a written request for reconsideration with the General Manager. If the Consumer is not satisfied with the General Manager's decision, the Consumer shall have fifteen (15) days after the General Manager's decision within which to file a written appeal with the Board. The Board shall conduct a hearing on the appeal at the next Board meeting immediately following the appeal. The Board's decision following such hearing shall be final and conclusive.

ADOPTED BY THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AT A REGULAR MEETING HELD JULY 9, 2001.

PALMDALE WATER DISTRICT
RESOLUTION NO. 15-9

RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT DECLARING CONTINUED EMERGENCY WATER CONSERVATION RESTRICTIONS AND REAFFIRMING STATE WATER RESOURCES CONTROL BOARD REGULATIONS FOR THE PURPOSE OF ACHIEVING THE MANDATORY PRESCRIBED 32% REDUCTION IN POTABLE WATER USE

WHEREAS, Palmdale Water District ("District") is a water district empowered to provide water service within District boundaries; and

WHEREAS, due to inadequate snowfall and rainfall, opposition to the development and construction of water supply facilities, and legal restrictions on the flow of State Water Project water to Southern California, California in general, and the Antelope Valley, in particular, is experiencing shortages in water supplies; and

WHEREAS, the State Water Project allocation for 2015 has been established at a critically low 20% and deliveries have, therefore, been drastically curtailed in response to the inadequacy of water supplies; and

WHEREAS, groundwater supplies which provide a supplemental source of water to the District, are limited in nature, being subjected to increased demands, and now subject to legal rulings arising from a groundwater basin adjudication action that further limit the District groundwater supplies; and

WHEREAS, conservation of water by all District consumers that have not already conserved will help relieve the problems caused by the shortage in water supplies; and

WHEREAS, the District has attempted, through its public information program, to advise and alert the consumers to the serious nature of the water supply situation. Customers have made significant progress in water use efficiency from pre-2009 by exceeding the State required 20% reduction by the year 2020 under SBX 7-7, but the District has not experienced any significant reduction in consumer demand compared to 2013; and

WHEREAS, on January 17, 2014, Governor Edmund G. Brown Jr. issued a Proclamation January 17, 2014 declaring a State of Emergency to exist in California due to severe drought conditions; and

WHEREAS, on April 25, 2014, Governor Edmund G. Brown Jr. further issued an Executive Order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water; and

WHEREAS, on April 1, 2015, Governor Edmund G. Brown Jr. further issued an Executive Order to re-affirm the orders and provisions contained in the January 17, 2014 Proclamation, the April 25 Proclamation, and Executive Orders B-26-14 and B-28-14 and mandated further restrictions and programs for the purpose of achieving a statewide reduction in potable water use through February 28, 2016; and

WHEREAS, on May 5, 2015, The State Water Resource Control Board adopted Resolution 2015-0032, prescribing mandatory 32% conservation for Palmdale Water District from June 1, 2015-February 28, 2016 compared to the same months in 2013; and further affirmed the restrictions and programs specified in Executive Order B-29-15; and

WHEREAS, the District adopted Resolution No. 14-9 on May 14, 2014 urging heightened water conservation by customers in response to drought and the April 25, 2014 Governor's Proclamation; and

WHEREAS, Water Code Section 1058.5 grants the State Water Resources Control Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation;" and

WHEREAS, on July 15, 2014, the State Water Resources Control Board adopted emergency water conservation regulations prohibiting all individuals from engaging in certain water use practices and would require mandatory conservation-related actions of public water suppliers during the current drought emergency; and

WHEREAS, following the making of findings as required by law, the District has the power and authority to adopt mandatory water conservation measures within its boundaries pursuant to Part 5 of the Irrigation District Law, codified at Division 11 of the California Water Code; and

WHEREAS, the District is required to comply with State law, including regulations adopted by the State Water Resources Control Board (SWRCB), codified at Title 23 of the California Code of Regulations and is authorized pursuant thereto to implement its requirements; and

WHEREAS the District now desires to comply with the SWRCB emergency water conservation regulations and to implement the Stage 3 Water Shortage Emergency Plan contained in the District's 2010 Urban Water Management Plan, including mandatory water rationing which measures shall be implemented.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: Findings: The Board of Directors of the District hereby finds and declares as follows:

1) On July 15, 2014, the State Water Resources Control Board issued mandatory Emergency Water Conservation Regulations prohibiting all individuals from engaging in certain water use practices and requiring the District to implement its mandatory water conservation measures.

2) The State Water Project water available to the District is a critically low (20%) allocation.

3) Continued production of water from the groundwater basin without proportionate recharge of the basin through stream runoff, rainfall, and snow melt could result in irreparable damage to the storage capacity of the basin aquifers and impair the long-term water delivery capability of the District.

4) Voluntary water conservation measures have not resulted in the recommended 25% reduction in consumption.

5) At present, without supplemental supplies, the anticipated water available to the District is insufficient to meet anticipated demands.

6) Should existing drought conditions continue, or should the District lose its water production capacity, there may be insufficient water available for human consumption, sanitation and fire protection.

Section 2: Declaration of Stage 3 Water Shortage Emergency: The Board of Directors of the District, in accordance with the foregoing findings, hereby determines and declares the existence of an emergency condition of water shortage within its service area and further determines and declares that the regulations and restrictions on delivery of water and consumption of water within its service area as hereinafter set forth are necessary, in the sound discretion of the Board of Directors of the District, to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

Section 3: Authorization to Implement Restrictions on Water Consumption: The Board of Directors of the District hereby authorizes the General Manager of the District to take specific steps to meet water conservation goals, regulations, and restrictions on water consumption as hereinafter set forth.

Section 4: Conservation Goal and Authorized Actions. The conservation goal of the District and the State Water Board is a reduction in water use of thirty-two percent (32%) when compared against usage in 2013, which goal is mandatory through February 28, 2016. The General Manager is authorized to implement Action 1 Paragraphs 1 through 13 of this Resolution to meet said conservation goal.

Action 1. Mandatory Water Conservation Regulations. The General Manager shall take all steps necessary to advise the District's customers of the following mandatory regulations and to enforce them in accordance with the District's existing Waste of Water Policy:

1. There shall be no hose washing of sidewalks, walkways, buildings, walls, patios, driveways, parking areas or other paved surfaces, or walls, except to eliminate conditions dangerous to public health or safety or when required as surface preparation for the application of architectural coating or painting.

2. Washing of motor vehicles, trailers, boats and other types of equipment shall be done only with a hand-held nozzle for quick rinses, except that washing may be done with reclaimed wastewater or by a commercial car wash using recycled water.

3. No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a closed recycling system.

4. No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless expressly requested and shall display a notice to that effect.

5. All water users shall repair all leaks from indoor and outdoor plumbing fixtures within one week of discovery.

6. No lawn, landscape, or other turf area shall be watered more often than two (2) days per week nor during the hours between 10:00 a.m. and 6:00 p.m. Water days will be set as follows: Wednesdays and Saturdays only.

7. Irrigation with potable water of ornamental turf on public street medians is prohibited.

8. Irrigation with potable water outside of newly constructed homes and buildings not delivered by drip or microspray is prohibited.

Under Stage 3 exemption 6b. is revoked.

Exemptions:

a. No watering hour restrictions during the months of November, December, January, February, and March. Watering can occur between the hours of 6:00 a.m. and 6:00 p.m.

b. ~~The District will allow an exemption from the watering schedule if an ET based controller is installed and operating. *The ET Controller Exemption Form* must be completed and the installation verified by a licensed landscape architect or PWD staff.~~

9. No water users shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering. If cited, random acts of vandalism will be considered in any appeal.

10. No water shall be applied to outdoor landscapes during and within 48 hours of measurable rainfall.

11. The owner and manager of every hotel, motel, inn, guest house, bed and breakfast facility, and short-term commercial lodging shall post a notice of such shortage and any necessary compliance measures.

12. Commercial nurseries, golf courses, parks, school yards, and other public open space, and landscaped areas shall be prohibited from watering lawn, landscaping, and other turf areas no more than two (2) days a week (Wednesdays and Saturdays) and between the hours of 6:00 a.m. and 6:00 p.m. except that there shall be no restriction on watering utilizing reclaimed water or where public use requires a modified and approved watering schedule.

    Under Stage 3 exemption 6c is revoked.

    Exemptions:

    a. Athletic field watering can occur between the hours of 6:00 p.m. and 10:00 a.m. the following morning.

    b. No watering hour restrictions during the months of November, December, January, February, and March. Watering can occur between the hours of 6:00 a.m. and 6:00 p.m.

    c. ~~The District will allow an exemption from the watering schedule if an ET based controller is installed and operating. *The ET Controller Exemption Form* must be completed and the installation verified by a licensed landscape architect or PWD staff.~~

    d. Watering schedules must be adhered to at all times. The District requires advance written notice of any maintenance activities requiring water use between the hours of 6:00 a.m. and 6:00 p.m.

13. The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety, and welfare. Ongoing water system improvement projects are also exempt

under this section and may continue to use construction meters in accordance with standard District policy.

Action 2: Mandatory Water Rationing: Upon specific authorization by the Board of Directors, the General Manager shall implement a phased water rationing to protect the water supply of the District and to guarantee adequate supply for domestic use, sanitation, and fire protection as follows:

1. Stage 3: Water Rationing: An over thirty percent (30%) reduction in water deliveries to all District customers.

Action 3: Adoption of Drought Surcharge: Upon specific authorization by the Board of Directors, the General Manager shall implement a phased drought surcharge to cover costs due to lost revenue during mandatory water cutbacks.

1. Stage 1: Drought Surcharge: A 45 cent surcharge on all non-essential usage tiers (Tiers 2-6). This will be effective on water use as of June 1, 2015.

Section 5: Duration of Water Emergency: The regulations, restrictions, and actions set forth herein shall take full force and effect immediately upon authorization by the Board of Directors and shall remain in full force and effect through February 28, 2016 or until otherwise directed by the SWRCB.

Section 6: Appeal: Decisions made by the District under the regulations set forth in this Resolution may be appealed by consumers in accordance with the procedure set forth in the District Rules and Regulations.

Section 7: Violation: A violation of the regulations and restrictions set forth herein will result in progressive warnings, fines, or result in the discontinuance of service to consumers willfully violating the conservation measures set forth herein or such other penalty or restriction as may be allowed by law. The Stage 3 fines under Water Shortage Emergency Plan (2010 UWMP) will be set as follows:

1. First violation will result in a documented warning.
2. Second violation will result in fine of $50.
3. Third violation will result in a fine of $500.
4. Fourth violation will result in discontinuance of service with a $1,000 water waste fine to reconnect service.

Section 8: Severability: If any portion of this Resolution is found to be unconstitutional or invalid, the District hereby declares that it would have enacted the remainder of this Resolution regardless of the absence of any such valid part.

Section 9: Effective Date: This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Board of Directors finds that the provisions of this Resolution are exempt from the provisions of the California Environmental Quality Act as an action to mitigate emergency conditions and as a rate setting measure pursuant to Public Resources Code §21080(b)(4) and (8).

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on May 27, 2015.

President, Board of Directors
Palmdale Water District

Secretary, Board of Directors
Palmdale Water District

APPROVED AS TO FORM:

Aleshire & Wynder, LLP
District Legal Counsel

PALMDALE WATER DISTRICT
RESOLUTION NO. 14-12

RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT DECLARING EMERGENCY WATER CONSERVATION RESTRICTIONS AND ADOPTING STATE WATER RESOURCE CONTROL BOARD REGULATIONS ON THE DELIVERY AND CONSUMPTION OF WATER FOR PUBLIC USE

WHEREAS, Palmdale Water District ("District") is a water district empowered to provide water service within District boundaries; and

WHEREAS, due to inadequate snowfall and rainfall, opposition to the development and construction of water supply facilities and legal restrictions on the flow of State Water Project water to Southern California, California in general, and the Antelope Valley in particular, is experiencing shortages in water supplies; and

WHEREAS, the State Water Project allocation for 2014 has been established at a historically low 5% and deliveries have therefore been drastically curtailed in response to the inadequacy of water supplies; and

WHEREAS, groundwater supplies which provide a supplemental source of water to the District are limited in nature, being subjected to increased demands and now subject to legal challenges arising from a groundwater basin adjudication action that could further limit the District groundwater supplies; and

WHEREAS, conservation of water by all District consumers that have not already conserved will help relieve the problems caused by the shortage in water supplies; and

WHEREAS, the District has attempted through its public information program to advise and alert the consumers to the serious nature of the water supply situation. Customers have made significant progress in water use efficiency from pre-2009 by exceeding the State required 20% reduction by the year 2020 under SBX 7-7 but the District has not experienced any significant reduction in consumer demand compared to 2013; and

WHEREAS, on January 17, 2014, Governor Edmund G. Brown Jr. issued Proclamation January 17, 2014 declaring a State of Emergency to exist in California due to severe drought conditions; and

WHEREAS, on April 25, 2014, Governor Edmund G. Brown Jr. further issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water; and

WHEREAS, the District adopted Resolution 14-9 on May 14, 2014 urging heightened water conservation by customers in response to drought and the April 25, 2014 Governor's Proclamation; and

WHEREAS, Water Code section 1058.5 grants the State Water Resources Control Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation;" and

WHEREAS, on July 15, 2014 the State Water Resources Control Board adopted emergency water conservation regulations prohibiting all individuals from engaging in certain water use practices and would require mandatory conservation-related actions of public water suppliers during the current drought emergency; and

WHEREAS, following the making of findings as required by law, the District has the power and authority to adopt mandatory water conservation measures within its boundaries pursuant to Part 5 of the Irrigation District Law, codified at Division 11 of the California Water Code; and

WHEREAS, the District is required to comply with State law, including regulations adopted by the State Water Resources Control Board (SWRCB), codified at Title 23 of the California Code of Regulations and is authorized pursuant thereto to implement its requirements;

WHEREAS the District now desires to comply with the SWRCB emergency water conservation regulations and to implement the Stage 1 Water Shortage Emergency Plan contained in the Districts 2010 Urban Water Management Plan, including mandatory water rationing which measures shall be implemented.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: Findings: The Board of Directors of the District hereby finds and declares as follows:

1) On July 15, 2014 the State Water Resources Control Board issued mandatory Emergency Water Conservation Regulations prohibiting all individuals from engaging in certain water use practices and requiring the District to implement its mandatory water conservation measures.

2) The State Water Project water available to the District has been reduced to a (5%), allocation with no guarantee that the District will receive emergency water deliveries.

3) Continued production of water from the groundwater basin without proportionate recharge of the basin through stream runoff, rainfall and snow melt, could result in irreparable damage to the storage capacity of the basin aquifers and impair the long-term water delivery capability of the District;

4) Voluntary water conservation measures have not resulted in the recommended 20% reduction in consumption;

5) At present, without supplemental supplies, the anticipated water available to the District is insufficient to meet anticipated demands;

6) Should existing drought conditions continue, or should the District lose its water production capacity, there may be insufficient water available for human consumption, sanitation and fire protection;

Section 2: Declaration of Stage 1 Water Shortage Emergency: The Board of Directors of the District, in accordance with the foregoing findings, hereby determines and declares the existence of an emergency condition of water shortage within its service area, and further determines and declares that the regulations and restrictions on delivery of water and consumption of water within its service area as hereinafter set forth are necessary, in the sound discretion of the Board of Directors of the District, to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

Section 3: Authorization to Implement Restrictions on Water Consumption: The Board of Directors of the District hereby authorizes the General Manager of the District to take specific steps to meet water conservation goals, regulations and restrictions on water consumption as hereinafter set forth.

Section 4: Conservation Goal and Authorized Actions. The conservation goal of the District and the State Water Board is a reduction in water use of twenty percent (20%), which goal is subject to adjustment from time to time based upon demands, supplies, and conservation. The General Manager is authorized to implement Action 1, Paragraphs 1 through 10 of this resolution to meet said conservation goal.

Action 1. Mandatory Water Conservation Regulations. The General Manager shall take all steps necessary to advise the District's customers of the following mandatory regulations and to enforce them in accordance the District's existing Waste of Water Policy:

1. There shall be no hose washing of sidewalks, walkways, buildings, walls, patios, driveways, parking areas or other paved surfaces, or walls, except to eliminate conditions dangerous to public health or safety or when required as surface preparation for the application of architectural coating or painting.

2. Washing of motor vehicles, trailers, boats and other types of equipment shall be done only with a hand-held nozzle for quick rinses, except that washing may be done with reclaimed wastewater or by a commercial car wash using recycled water.

3. No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a closed recycling system.

4. No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered or sale, shall serve drinking water to any customer unless expressly requested and shall display a notice to that effect.

5. All water users shall promptly repair all leaks from indoor and outdoor plumbing fixtures.

6. No lawn, landscape, or other turf area shall be watered more often than three (3) days per week and no more often than every other day nor during the hours between 10:00 a.m. and 4:00 p.m. Water days will be set as follows: addresses ending in an even number starting on Monday, and; addresses ending in an odd number starting on Tuesday.

   Exemptions:

   a. No watering **hour restrictions** during the months of November, December, January, February, and March. Watering can occur between the hours of 6:00 a.m. and 6:00 p.m.

   b. The District will allow an exemption from the watering schedule if an ET based controller is installed and operating. *The ET Controller Exemption Form* must be completed and the installation verified by a licensed landscape architect or PWD staff.

7. No water users shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering. If cited, random acts of vandalism will be considered in any appeal.

8. The owner and manager of every hotel, motel, inn, guest house, bed and breakfast facility, and short-term commercial lodging shall post a notice of such shortage and any necessary compliance measures.

9. Commercial nurseries, golf courses, parks, school yards, and other public open space, and landscaped areas shall be prohibited from watering lawn, landscaping, and other turf areas more often than five days per week and between the hours of 6:00 a.m. and 6:00 p.m., except that there shall be no restriction on watering utilizing reclaimed water or where public use requires a modified and approved watering schedule.

Exemptions:

a. Athletic field watering can occur between the hours of 6:00 p.m. and 10:00 a.m. the following morning.

b. No watering hour restrictions during the months of November, December, January, February, and March. Watering can occur between the hours of 6:00 a.m. and 6:00 p.m.

c. The District will allow an exemption from the watering schedule if an ET based controller is installed and operating. *The ET Controller Exemption Form* must be completed and the installation verified by a licensed landscape architect or PWD staff.

d. Watering schedules must be adhered to at all times. The District requires advance written notice of any maintenance activities requiring water use between the hours of 6:00 a.m. and 6:00 p.m.

10. The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety, and welfare. Ongoing water system improvement projects are also exempt under this section and may continue to use construction meters in accordance with standard District policy.

Action 2: Mandatory Water Rationing: Upon specific authorization by the Board of Directors, the General Manager shall implement a phased water rationing to protect the water supply of the District and to guarantee adequate supply for domestic use, sanitation, and fire protection, as follows:

1. Stage 1: Water Rationing: A twenty percent (20%) reduction in water deliveries to all District customers.

2. Stage 2: Water Rationing: A thirty percent (30%) reduction in water deliveries to all District customers.

3. Stage 3: Water Rationing: A forty percent (40%) reduction in water deliveries to all District customers.

Section 5: Duration of Water Emergency: The regulations, restrictions, and actions set forth herein shall take full force and effect on August 1, 2014 upon authorization by the Board of Directors and shall remain in full force and effect for 270 days or until otherwise directed by the SWRCB.

Section 6: Appeal: Decisions made by the District under the regulations set forth in this Resolution may be appealed by consumers in accordance with the procedure set forth in the District Rules and Regulations.

Section 7: Violation: A violation of the regulations and restrictions set forth herein will result in progressive warnings, fines, or result in the discontinuance of service to consumers willfully violating the conservation measures set forth herein or such other penalty or restriction as may be allowed by law.

Section 8: Severability: If any portion of this Resolution is found to be unconstitutional or invalid, the District hereby declares that it would have enacted the remainder of this Resolution regardless of the absence of any such valid part.

Section 9: Effective Date: This Resolution shall take effect August 1, 2014.

BE IT FURTHER RESOLVED, that the Board of Directors finds that the provisions of this Resolution are exempt from the provisions of the California Environmental Quality Act as an action to mitigate emergency conditions and as a rate setting measure pursuant to Public Resources Code §21080(b)(4) and (8); and

PASSED AND ADOPTED at a special meeting of the Board of Directors of Palmdale Water District held on July 23, 2014.

Robert E. Alvarado, Vice President
Palmdale Water District

Joe Estes, Secretary
Palmdale Water District

RESOLUTION NO. 14-9
BOARD OF DIRECTORS OF THE
PALMDALE WATER DISTRICT
URGING HEIGHTENED WATER CONSERVATION BY CUSTOMERS IN RESPONSE TO DROUGHT

WHEREAS, California is experiencing one of the most severe droughts on record; and

WHEREAS, the 2014 water year has been one of the driest in decades and follows two consecutive dry years throughout the State; and

WHEREAS, even after recent rain and snowfall, the state's major reservoirs remain well below average levels for the date, and the statewide snowpack is less than a third of normal with little time remaining to recover in 2014; and

WHEREAS, many areas of the State will face water shortages this year; and

WHEREAS, the State Water Project (Project) has announced an initial allocation of 5%, then zero, and then 5% again for its customers in 2014 making this year the lowest-ever allocations for its contractors, creating a real possibility that 25 million Californians and nearly a million acres of farmland will receive little water from the Project this year; and

WHEREAS, Governor Brown declared a drought state of emergency on January 17, 2014 and called on all Californians to do their part to reduce their water use; and

WHEREAS, though local water supply conditions vary around the State, California is nevertheless in a statewide drought, and it is critical that all residents do what they can to use water wisely to maximize supplies and protect water reserves in case next year is dry too; and

WHEREAS, Palmdale Water District has made significant investments in local programs and projects to improve water supply reliability, including supplemental water supply contracts, local water storage projects, water conservation, water recycling and other strategies to stretch supplies, and will continue to do so; and

WHEREAS, Palmdale Water District customers have made significant progress in water use efficiency by exceeding a 26% reduction in water use compared to pre-2009 water use levels, therefore, exceeding the state required 20% reduction by the year 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Palmdale Water District recognizes that California is in a statewide drought, and there is a critical need for all Californians to use water wisely on an ongoing basis and heighten their conservation efforts now as the State continues to face drought conditions.

BE IT FURTHER RESOLVED, that the Board of Directors thanks its customers for their ongoing water use efficiency efforts and asks that they re-double those efforts wherever possible this year in response to the drought.

I certify that this is a true copy of Resolution No. 14-9 as passed by the Board of Directors of the Palmdale Water District at its meeting on May 14, 2014 in Palmdale, California.

Date: May 14, 2014

Board President

Board Secretary

PALMDALE WATER DISTRICT
RESOLUTION NO. 09-19

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE PALMDALE WATER DISTRICT
DECLARING WATER CONSERVATION REGULATIONS

WHEREAS, Palmdale Water District ("District") is a water district empowered to provide water service for domestic, sanitation and fire protection uses; and

WHEREAS, due to persistent inadequate rainfall, California is suffering from a chronic and continuing water shortage which impacts the water supply available to the District's service area; and

WHEREAS, precipitation remains substantially below normal locally, particularly in the watersheds of the sources of water supply serving Southern California and many communities in the state are suffering water shortages; and

WHEREAS, the District relies on rainfall and water supply from the State Water Project to meet its water needs; and

WHEREAS, State Water Project deliveries to the District have been reduced in response to the continuing arid conditions and could be exacerbated further by legal restrictions on the flow of State Water Project water through the Bay-Delta; and

WHEREAS, these arid conditions and reduced supplies from the State Water Project have led to a greater reliance on groundwater to meet the needs of District customers with the corresponding depletion of groundwater supplies in the District's service area; and

WHEREAS, the District's ability to rely upon and entitlement to utilize groundwater will be subject to court decisions in the basin adjudication action now pending in the court system; and

WHEREAS, following due public notice, the conduct of a public hearing and the making of findings as required by law, the District has the power and authority to adopt mandatory water conservation measures within its boundaries; and

WHEREAS, by Resolution No. 09-04 adopted by the District on March 11, 2009, a water shortage emergency was declared; and

WHEREAS, the District's new water budget allocation based rate has reduced water demand; and

WHEREAS, the District amends the mandatory water conservation measures in Resolution No. 09-04.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: Findings: The Board of Directors of the District hereby finds and declares as follows:

1) The State Water Project water available to the District has been reduced with no guarantee that the District will receive emergency water deliveries.

2) Continued production of water from the groundwater basin without proportionate recharge of the basin through artificial recharging, stream runoff, rainfall and snow melt could impair the long-term water delivery capability of the District.

3) There are potential scenarios of reduced imported water supply availability combined with peak local demands that could result in insufficient water for human consumption, sanitation and fire prevention. The District is working to reduce the likelihood of such a scenario by reducing existing water demands through rates and conservation, increasing groundwater production capability, and by developing new supply sources such as recycled water.

Section 2: Authorization to Implement Restrictions on Water Consumption: The Board of Directors of the District hereby authorizes the General Manager of the District to take specific steps to meet water conservation goals and ensure adequate water supply for human consumption, sanitation, and fire protection, and to implement the regulations and restrictions on water consumption as hereinafter set forth.

Section 3: Conservation Goal and Authorized Actions. The initial conservation goal of the District is a reduction in water use of ten percent (10%), which goal is subject to adjustment from time to time based upon demands, supplies, and conservation, with an ultimate conservation goal of a reduction in water use of 20% by 2020. The General Manager is authorized to implement this resolution to meet said conservation and water supply goals.

Action 1. Mandatory Water Conservation Regulations. The General Manager shall take all steps necessary to advise the District's customers of the following mandatory regulations and to enforce them in accordance the District's existing Waste of Water Policy:

1. There shall be no hose washing of sidewalks, walkways, buildings, walls, patios, driveways, parking areas or other paved surfaces, or walls, except to eliminate conditions dangerous to public health or safety or when required as surface preparation for the application of architectural coating or painting.

2. Washing of motor vehicles, trailers, boats and other types of equipment shall be done only with a hand-held nozzle for quick rinses, except that washing may be done with reclaimed wastewater or by a commercial car wash using recycled water.

3. No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a closed recycling system.

4. No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless expressly requested.

5. All water users shall promptly repair all leaks from indoor and outdoor plumbing fixtures.

6. Irrigation of landscaping is not to occur between 10:00 a.m. and 8:00 p.m. April to October. The District will allow an exemption from the watering schedule if an ET based controller is installed and operating.

7. No water users shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering. If cited, random acts of vandalism will be considered in any appeal.

8. The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety, and welfare. The use of construction meters in accordance with standard District policy is permitted.

Section 4: Appeal: Decisions made by the District under the regulations set forth in this Resolution may be appealed by consumers in accordance with the procedure set forth in the District Rules and Regulations.

Section 5: Violation: A violation of the regulations and restrictions set forth herein may result in a fine and/or result in the discontinuance of service to consumers willfully violating the conservation measures set forth herein or such other penalty or restriction as may be allowed by law.

Section 6: Severability: If any portion of this Resolution is found to be unconstitutional or invalid, the District hereby declares that it would have enacted the remainder of this Resolution regardless of the absence of any such valid part.

Section 7: Effective Date: This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Board of Directors finds that the provisions of this Resolution are exempt from the provisions of the California Environmental Quality Act as an action to mitigate emergency conditions and as a rate setting measure pursuant to Public Resources Code §21080(b)(4); and

BE IT FURTHER RESOLVED, that this resolution supersedes and replaces Resolution No. 09-04 adopted by the District on March 11, 2009, which resolution is hereby rescinded and of no further force or effect.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on December 9, 2009.

Gordon Dexter, President, Board of Directors
Palmdale Water District

Raul Figueroa, Secretary, Board of Directors
Palmdale Water District

APPENDIX O.1

WATER CONSERVATION
REBATE PROGRAM APPLICATIONS

PALMDALE WATER DISTRICT

WATER SAVING REBATE APPLICATION FORM

INSTRUCTIONS

1. Purchase and install a qualified high efficiency water-saving device. All devices from the *www.socalwatersmart.com* Qualifying Products Lists are eligible for the rebate.
2. Read, complete, and sign the application form.
3. Please mail the completed application form, ***original receipt,*** and a copy of your water bill to:

PALMDALE WATER DISTRICT
ATTN: CONSERVATION REBATES
2029 EAST AVENUE Q
PALMDALE, CA 93550

PROGRAM TERMS AND CONDITIONS

1. Program funding is on a first-come first served basis until funds are depleted.
2. Only customers of Palmdale Water District (PWD) are eligible for the rebate.
3. The water saving device must be purchased by a current and eligible PWD customer, and installed at the customer's address location within PWD's service area.
4. Only devices listed on the *www.socalwatersmart.com* Qualifying Products Lists are eligible for the rebate.
5. The original and dated receipt must be provided with the application. Duplicate or copies will not be accepted.
6. For devices purchased online, a print out of the final invoice and the original packing or delivery slip must be provided.
7. The application must be received by PWD within 90 days of the original purchase date.
8. The rebate amount may not exceed the cost of the device purchased. Rebate amounts do not apply to sales tax and installation costs.
9. Rebate credits will be applied to the customers PWD account for the service address identified below.
10. A representative of PWD must be permitted to inspect the property to verify quantity and proper installation if it is deemed necessary and applicable.
11. The application must meet all requirements, otherwise it will be rejected and mailed back to the customer.
12. The customer must sign the agreement before the rebate can be issued.
13. PWD, may at any time, modify, suspend, or terminate this program without prior notice.

ACCOUNT INFORMATION

CUSTOMER ACCOUNT NUMBER:_____

ACCOUNT HOLDER NAME:_____

☐ OWNER ☐ TENANT

SERVICE ADDRESS: _____

MAILING ADDRESS (IF DIFFERENT FROM ABOVE):_____

PHONE NUMBER:_____ EMAIL: _____

REBATE TYPE

☐ High Efficiency Toilet ($60.00)
☐ High Efficiency Clothes Washer ($100.00)
☐ High Efficiency Urinal (0.5 gpf-$250) (0.125 gpf-$300)
☐ MP Rotators ($4.00 per nozzle)

☐ Weather-Based Irrigation Controller * ($150.00)

*All controller systems must be installed with the proper weather sensor equipment according to manufacturer specifications. Add-on devices qualify only if packaged and sold as a combined unit with an approved controller on the Qualifying Product List.

Manufacturer:_____ Model:_____
Number of Units:_____ Date Purchased:_____
Date Installed:_____

SIGNATURE

I have read, understand, and agree to the terms and conditions of the program as stated above.

Applicants Signature:_____Date:_____

OFFICE USE ONLY: **Approved:** _____ **Amount: $**_____ **Date:** _____ **Rep's initial:** _____

PALMDALE WATER DISTRICT

SOLICITUD DE INCENTIVO POR ARTICULOS DE BAJO CONSUMO DE AGUA

INSTRUCCTIONES

1. Compre e instale artículos de eficiencia alta en el ahorro de agua. Unicamente los artículos enlistados en *www.socalwatersmart.com* son elegibles para un incentivo.
2. Lea, llene y firme esta solicitud de incentivo.
3. Una vez que tenga la solicitud completa, mándela junto con ***el recibo original*** del artículo que compró y una copia de su factura de agua, a nuestra dirección:

PALMDALE WATER DISTRICT
ATTN: CONSERVATION REBATES
2029 EAST AVENUE Q
PALMDALE, CA 93550

TERMINOS Y CONDICIONES DEL PROGRAMA

1. El financiamiento de este programa es otorgado a nuestros clientes en el orden que recibimos las solicitudes y hasta que los fondos se agoten.
2. Sólo los clientes de Palmdale Water District son elegibles para participar.
3. El artículo de eficiencia alta debe ser comprado por un cliente elegible de PWD e instalado en el domicilio del mismo, dentro del area de servicio de PWD.
4. Sólo los artículos enlistados en *www.socalwatersmart.com* son elegibles para un incentivo.
5. El recibo original con fecha debe ser anexado a la solicitud, no se aceptan copias.
6. Si el artículo fué comprado en línea, puede presentar la factura final impresa junto con la boleta de entrega original.
7. La solicitud debe ser presentada dentro de los 90 días a partir de la fecha de la compra.
8. El importe del incentivo no puede ser mayor que el costo del artículo comprado. El incentivo no se aplica a los gastos de insta lación ó a los impuestos de venta.
9. El incentivo será aplicado a la cuenta del cliente de PWD escrita a continuación.
10. Si se considera necesario, se le permitirá a un representante de PWD, ir a la propiedad a revisar la cantidad e instalación adecuada de los artículos de eficiencia alta en su hogar.
11. La solicitud tiene que reunir todos los requisitos de lo contrario será negada y regresada por correo al cliente.
12. La solicitud tiene que ser firmada antes que el incentivo sea aplicado a la cuenta.
13. PWD en cualquier momento podría modificar, suspender ó terminar con este programa sín previo aviso.

INFORMACION DE LA CUENTA

NUMERO DE CUENTA:_____

NOMBRE EN LA CUENTA:_____

☐ DUEÑO ☐ INQUILINO

DIRECCION DEL SERVICIO:_____

DIRECCION PARA RECIBIR CORRESPONDENCIA (Si es diferente a la anterior):_____

TELEFONOS:_____ EMAIL: _____

TIPO DE REBAJA

☐ Inodoro de eficiencia alta ($60.00)
☐ Lavadora de ropa de eficiencia alta ($100.00)
☐ Urinarios de efciciencia alta (0.5 gpf-$250),(0.125 gpf-$300)
☐ Rociadores giratorios de jardín ($4.00 por pieza)

Manufacturero:_____
Número de unidades:_____
Fecha de instalación:_____

☐ Controladores de Sistema de riego basados en el clima * (150.00)

* Todos los sistemas de controladores deben ser instalados con el equipo de sensor adecuado de acuerdo a las especificaciones del manufacturero. Equipos añadidos califican, sólo si son vendidos como unidades compatibles con un equipo de controladores y estan enlistados como equipos compatibles.

Modelo:_____
Fecha de la compra:_____

FIRMA

He leído, entendido y estoy de acuerdo con los términos y condiciones del programa arriba descrito.

Firma del solicitante:_____ Fecha:_____

OFFICE USE ONLY: **Approved:** _____ **Amount: $**_____ **Date:** _____ **Rep's initial:** _____

Palmdale Water District

CASH FOR GRASS PROGRAM

☐ RESIDENTIAL
☐ COMMERCIAL

1. Customer Information/ Site Address

CUSTOMER NAME ☐ OWNER ☐ TENANT

SITE ADDRESS

CITY, ZIP PHONE

MAILING ADDRESS CITY, ZIP

PWD WATER ACCOUNT NUMBER EMAIL

CONTACT NAME (IF DIFFERENT FROM CUSTOMER)

CONTACT E-MAIL CONTACT PHONE NUMBER (IF DIFFERENT)

Contact Relationship to Account Holder ☐ Property owner ☐ Tenant ☐ Contractor/Landscaper

Site Type: ☐ Single-Family Home ☐ Apartment/Multi-Family Home ☐ Business/Commercial

2. Instructions, Program Terms and Conditions

The Palmdale Water District (PWD) is offering property owners a cash rebate to remove grass in the front yard and replace it with water-wise landscaping. You must be a customer of Palmdale Water District to qualify. Depending on the condition of the grass, a rebate amount of $.50 to $2.00 per square foot will be determined. You must have living grass and a minimum of 400 square feet of lawn to remove. **DO NOT REMOVE** any grass until PWD has conducted an inspection.

INSTRUCTIONS:

1. Read, complete, sign and initial the application form.
2. Mail the original completed application to:

   Palmdale Water District
   Cash for Grass Program
   2029 East Avenue Q
   Palmdale, CA 93550

3. Once PWD receives the application, a representative will visit and conduct a property inspection to take pictures and measure. No appointments are nesscessary unless the property is gated or locked off from access. The District will determine, based on the condition of the grass, the dollar amount to be rebated per square foot, and the square footage measurement. *(All decisions are final).* An acknowlegement/approval letter will be sent to you by mail. Please sign and return the letter within 10 business days to continue participating in the Cash for Grass program.
4. Submit a sketch of the proposed design of the new landscape and the plant coverage worksheet within 30 days from receiving your approval letter. Once received, the PWD will approve or make recomendations that will satisfy the program requirements. You will receive a phone call letting you know our determination. The design must include drought tolerant plants covering 60 percent of the total converted square footage area. *A landscape design of all rock is unacceptable.* Replacement material used must be permeable to air and water.
5. Once your plan is approved, you have 6 months to complete your project. If the project is not completed within 6 months, your application and the pre-approval shall be revoked, and a new application must be submitted unless you notify PWD.
6. Once your project is completed, contact the District for a final post-inspection. A fee of $30.00 will be charged and deducted from the final rebate check if the District is required to provide additional inspections.

See Reverse Side

UNDER REVISION

PROGRAM TERMS AND CONDITIONS

1. To qualify for the Cash for Grass Program, you must have grass and remove a minimum of 400 square feet.
2. Approval must be obtained prior to removing grass and beginning the landscape conversion project. Projects that have been started, or are already completed prior to approval, are NOT eligible.
3. Program funding is limited. Applications will be processed on a first-come first served basis while funding is available.
4. Only customers of PWD are eligible to participate in the Cash for Grass Program.
5. Property owners must sign the Cash for Grass application and initial that they have read and understand the program conditions.
6. All plants must be on the City of Palmdale's approved list or from the booklet "Plants for the California High Desert."
7. Replacement surfaces must be permeable to water and air.
8. Existing irrigation systems must be capped off or modified to eliminate spray irrigation.
9. Participants must keep water wise landscape in place for 5 years.
10. 60% of the total square footage of lawn removed must be replaced with and include drought tolerant plants. Existing plants or trees may be considered as part of the 60% plant coverage.
11. Rebate checks are issued to the name of the property owner only.
12. One final inspection will be provided, additional inspections due to non-compliance or incomplete renovations will be charged at a rate of $30.00 per each additional inspection.
13. PWD may at any time, modify, suspend, or terminate this program without prior notice.

Palmdale Water District enforces only the conditions of the Cash for Grass Program agreement. The applicant is responsible for complying with all laws, policies, codes and covenants that may apply. Quality and appearance of the conversion is the responsibility of the applicant. By participating in the Cash for Grass Program, you agree to allow Palmdale Water District to track your water use and conduct post site inspections for the duration of the five year period. Pictures of the before and after conversion may be used at the discretion of Palmdale Water District for social media, publicity and educational purposes.

3. Please initial that you have read and understand the program conditions: _____

4. Applicant Signature: Date:

UNDER REVISION

Instructions for Completing the Plant Coverage Worksheet

Cash for Grass Program

Fill out the Plant Coverage Worksheet on the reverse side and return to PWD with your landscape design plan.

As part of the criteria for the Cash for Grass Program, the customer must list existing plants and trees that will be kept in the landscape and new plants or trees that are brought into the landscape. All new plants and trees must be water wise and on the City of Palmdale's approved plant list or in the booklet "Plants for the California High Desert."

1. List the names of the plants for your conversion in column (A) (EXISTING AND NEW PLANTS).

2. Calculate the plant coverage value (square footage) for each plant in your new landscape and enter that into column (B).

3. List the quantity of each plant to be included in your landscape conversion in column (C).

4. Multiply column (B) by column (C) to get the total plant coverage for each plant and enter in column (D).

5. Add the plant coverages in column (D) and place in (E) below.

6. Enter the square footage of grass you plan to remove in (F) below.

7. Divide the Grand Total Plant Coverage (E) by the square footage you plan to convert (F) and multiply that value by 100 to get the total plant coverage (G) for your landscape plan.

Sample:

	(A) Plant Name	(B) Plant Coverage Value			(C) Quantity		(D) Total Plant Coverage
1	Trailing Lantana	28	ft^2	x	3	(=)	84 ft^2
2	Chilean Mesquite	530	ft^2	x	2	(=)	1060 ft^2
3	Green Desert Spoon	28	ft^2	x	3	(=)	84 ft^2
4	Red Bird of Paradise	28	ft^2	x	1	(=)	28 ft^2
5	Red Yucca	7	ft^2	x	3	(=)	21 ft^2
6	Compact Texas Ranger	20	ft^2	x	4	(=)	80 ft^2
7	Ocotillo	28	ft	x	1	(=)	28 ft^2

(E) Total Plant Coverage Values (Square feet) (=) 1385 ft^2

(F) Turf Conversion Area (grass to be removed) (=) 1012 ft^2

G) Plant Coverage [(E/F) x (100)] (=) 136%

(1385/1012 = 1.36 x 100 =136 %)
(E) (F) (G)

Divide the total plant coverage value (E) by the Turf Conversion area (F) and multiply by 100 equals percent of plants back into the landscape. 136% which is over the 60% that is required.

UNDER REVISION

4. Plant List Conversion Sheet

NAME: _____

ADDRESS: _____

(A) Plant Name	(B) Plant Coverage Value (Square footage of plant)		C) Quantity		(D) Total Plant Coverage Values (Total square footage of plants)
1_____	_____ ft^2	X	_____	=	_____ ft^2
2_____	_____ ft^2	X	_____	=	_____ ft^2
3_____	_____ ft^2	X	_____	=	_____ ft^2
4_____	_____ ft^2	X	_____	=	_____ ft^2
5_____	_____ ft^2	X	_____	=	_____ ft^2
6_____	_____ ft^2	X	_____	=	_____ ft^2
7_____	_____ ft^2	X	_____	=	_____ ft^2
8_____	_____ ft^2	X	_____	=	_____ ft^2
9_____	_____ ft^2	X	_____	=	_____ ft^2
10_____	_____ ft^2	X	_____	=	_____ ft^2
11_____	_____ ft^2	X	_____	=	_____ ft^2
12_____	_____ ft^2	X	_____	=	_____ ft^2
13_____	_____ ft^2	X	_____	=	_____ ft^2
14_____	_____ ft^2	X	_____	=	_____ ft^2
15_____	_____ ft^2	X	_____	=	_____ ft^2
16_____	_____ ft^2	X	_____	=	_____ ft^2
17_____	_____ ft^2	X	_____	=	_____ ft^2
18_____	_____ ft^2	X	_____	=	_____ ft^2
19_____	_____ ft^2	X	_____	=	_____ ft^2
20_____	_____ ft^2	X	_____	=	_____ ft^2

Total of all plant square footages (E), divide that number by the square foot area you are renovating (F), multiply that number by 100 to get the total plant coverage area. The plant coverage area should be 60% or more.

(E) Total Plant Coverage values = _____ ft^2

(F) Customer Turf Conversion Area =_____ ft^2

(G) Plant Coverage [(E/F) x (100)]=_____%

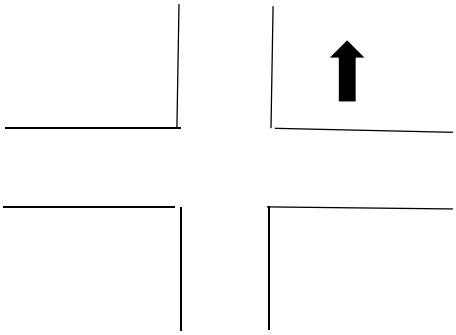
UNDER REVISION

APPENDIX P

CONSTRUCTION METER APPLICATION

Palmdale Water District

Application for Construction Meter



Date: _____

Applicant Name: _____

Company Name: _____

Business/Contractor License#: _____

Tax ID/SS # _____

Address: _____

_____

Phone Number(s): _____

Project Name or Description: _____

Hydrant Location: _____
W.S.M. No.: _____

Email: _____

For District Use Only

Account #: _____

Meter #: _____

Size/Type: _____

Setup Date/Reading: _____

Completed By: _____

Pickup Date/ Reading: _____

Completed By: _____

Meter Installation Fee: $250
Meter Deposit (refundable): $750

Water Use Deposit (TBD):$_____

Total Advance Payment: _____

Processed By: _____

The undersigned hereby applies for Construction Meter Service commencing on _____, 20_____. The minimum monthly service charge for said service is based on the current charge for a 3" meter plus the commodity cost at the current Tier 5 rate. The service may be discontinued on 24-hour written notice by either applicant or Palmdale Water District. Applicant hereby agrees that Palmdale Water District will not be responsible for damage to persons, equipment, or property caused by defects of applicant's piping, which will be hereafter connected to the discharge side of the meter or by the occurrence of either high or low pressure or escape of water by leakage from said downstream piping while the meter is in service.

The applicant agrees that the maximum rate of flow to be used on this project will not exceed 250 gallons per minute.

Applicant further agrees to use this construction meter only during normal Palmdale Water District working hours which are 7:00 a.m. to 5:00 p.m. and excludes weekends and holidays.

Applicant understands that the meter under this application is to be used only at the above location determined by Palmdale Water District, and water is to be used exclusively for the job indicated under this application and entirely within the Palmdale Water District's boundaries.

Applicant herby certifies that he fully understands that the construction meter to be issued under this application is to be used for underground utility construction, dust control, finish grade earthwork, and other uses as approved by Palmdale Water District. The meter is only to be used in conjunction with a tilt-up tank or stand pipe providing air gap backflow protection unless otherwise authorized in writing by Palmdale Water District.

Any violation of these conditions and/or any act deemed to be construed as unauthorized use of water shall be subject to a $1,000.00 fine imposed per incidence.

Applicant accepts full responsibility for maintaining the construction meter in good repair and operating condition during the period of use and understands that in the event the meter is lost or is inoperable when it is retrieved, the District will use that part of the applicable deposit required to either replace or repair the meter as the case may be and then refund any remaining portion of said deposit.

_____ **Date:** _____

Authorized Signature (Applicant)

APPENDIX Q

EMPLOYER-EMPLOYEE RELATION, PROCEDURES, RULES AND POLICIES

APPENDIX Q

RESOLUTION NO. 91-14

**RESOLUTION OF
PALMDALE WATER DISTRICT
TO ESTABLISH EMPLOYER-EMPLOYEE RELATIONS,
PROCEDURES, RULES AND POLICIES**

The Board of Directors of the Palmdale Water District ("District"), hereby takes the action and adopts the following Resolution:

PURPOSE OF RESOLUTION

1. (a) The purpose of this Resolution is to implement Title 1, Division 4, Chapter 10, of the Government Code of the State of California (Sections 3500, et seq.), also known as the "Meyers-Milias-Brown Act," to promote full communication between the District and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the District and employee organizations.

(b) Nothing in this Resolution shall be construed to restrict any District rights with respect to matters of general managerial policy, including but not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or other legitimate reasons; maintain the efficiency of District operations; determine the methods, means and personnel by which District operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

DEFINITION OF TERMS

2. The following terms are defined:

(a) "Appropriate unit" means a unit of employees established under Paragraphs 11 and 12 of this Resolution.

(b) "Board" means the Board of Directors of District.

(c) "Confidential employee" means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information contributing significantly to the development of management positions.

(d) "Days" means calendar days.

(e) "District" means the Palmdale Water District.

(f) "Employee" means any person regularly employed on a full-time basis in a permanent position by the District, except those persons elected by popular vote.

(g) "Employee organization" means any organization which includes employees of the District and which has as one of its primary purposes representing those employees in their employment relations with District.

(h) "Employee Relations Officer" means the District's principal representative in all matters of employer-employee relations designated under Paragraphs 13 and 14, or his duly authorized representative.

(i) "Employer-employee relations" means the relationship between the District and its employees and their employee organization, or, when used in a general sense, the relationship between the District management and employees or employee organizations.

(j) "Impasse" means (1) a deadlock in the discussions between a recognized employee organization and the District over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter; or (2) any unresolved complaint by a recognized employee organization, advanced in good faith, concerning a decision of the Employee Relations Officer made under Paragraphs 7 through 14 of this Resolution.

(k) "Management" means:

(1) The following District employees:

Engineer-Manager
Assistant Engineer-Manager
Office Manager
Assistant Office Manager
Executive Secretary
Facilities Superintendent
Assistant Superintendent
Water Construction Supervisor
Water Maintenance Supervisor
Production Superintendent
Water Treatment Supervisor
Water Service Supervisor

or;

(2) Any employee having significant responsibilities for formulating or administering District policies or programs; or

(3) Any employee having authority to affect decisions of the District with respect to hiring, transferring, suspending, laying off, recalling, promoting, discharging, assigning, rewarding, or disciplining other employees, or having the responsibility to direct them, or to adjust their grievances.

(l) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of District and a recognized employee organization through interpretation, suggestion and advice.

(m) "Meet and confer in good faith" means that District, or its representative, and representatives of a recognized employee organization, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinion, and proposals, and to endeavor to reach agreement on matters within the scope of representation, including wages, hours, and other terms and conditions of employment. The term "meet and confer in good faith" does not require either party to agree to a proposal or make a concession.

(n) "Professional employee" means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction; including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers and various types of physical, chemical and biological scientists.

(o) "Recognized employee organization" means an employee organization that represents employees of District, and has attained that status pursuant to the procedures for recognition specified by this Resolution.

(p) "Resolution" means, unless the context indicates otherwise, this Resolution of the District.

(q) "Scope of representation" means all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours and other terms and conditions of employment.

EMPLOYEE RIGHTS

3. Employees of the District shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the District. No employee shall be

interfered with, intimidated, restrained, coerced or discriminated against because of his exercise of these rights.

MEET AND CONFER IN GOOD FAITH

4. The District, through its representatives, shall meet and confer in good faith with representatives of formally recognized employee organizations regarding matters within the scope of representation.

5. The District shall not be required to meet and confer in good faith on any subject preempted by Federal or State law or by the Water Code of California, nor shall it be required to meet and confer in good faith on Employee Rights, as defined in Paragraph 3. Proposed amendments to this Resolution, and all rights confirmed to the District under Paragraph 1 or otherwise reserved by the District, are excluded from the scope of meeting and conferring in good faith.

ADVANCE NOTICE

6. Reasonable written notice shall be given to each recognized employee organization affected by any rule, Resolution (except this Resolution), or regulation directly relating to matters within the scope of representation proposed to be adopted as amended by the Board and each shall be given the opportunity to meet with such body prior to adoption.

PETITION FOR RECOGNITION

7. (a) An employee organization that seeks formal recognition for purposes of meeting and conferring in good faith as the recognized employee organization of an appropriate unit shall file a petition with the Employee Relations Officer containing the following information and documentation:

(1) Name and address of the employee organization.

(2) Names and titles of its officers.

(3) Names of employee organization representatives who are authorized to act on behalf of the employer organization.

(4) A statement that the employee organization has as one of its primary purposes representing employees in their employment relations with the District.

(5) A statement whether the employee organization is a chapter or local of or affiliated directly or indirectly in any manner with a regional, state, national or international organization and, if so, the name and address of each such regional, state, national or international organization.

(6) Certified copies of the employee organization's constitution and bylaws.

(7) A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purpose.

(8) A statement that the employee organization recognizes that the provisions of Section 923 of the Labor Code are not applicable to the District employees.

(9) A statement that the employee organization has no restriction on membership based on race, color, creed, sex, national origin, religion, medical condition, or age.

(10) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of employees in the appropriate unit.

(11) A statement that the employee organization has in its possession written proof, dated within six months of the date upon which the petition is filed, to establish that employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with District. Such written proof shall be submitted for confirmation to the Employee Relations Officer.

(12) A request that the Employee Relations Officer recognize the employee organization as the majority representative of the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation.

(b) All changes in the information filed with the District by a recognized Employee Organization of items (1) through (12) of Paragraph 7(a) shall be submitted in writing to the Employee Relations Officer within 14 days of such change.

8. The petition, including all accompanying documents, shall be verified, under oath, by the Executive Officer and Secretary of the petitioning organization, that the statements are true.

9. No employee may be represented by more than one recognized employee organization for purposes of this Resolution. An employee shall not be prohibited from appearing in his own behalf in his employment relations with the District.

FORMAL RECOGNITION AS THE RECOGNIZED EMPLOYEE ORGANIZATION

10. (a) (1) An employee organization that seeks formal recognition as the recognized employee organization of an appropriate unit shall file a petition for recognition with the Employee Relations Officer containing all of the information set forth in Paragraph 7(a), accompanied by written proof that at least 30% of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the District. Upon receipt of the petition for recognition, the Employee Relations Officer shall determine:

(i) Whether there has been compliance with the requirements of the petition for recognition under Paragraph 7 (a); and

(ii) Whether the proposed unit is an appropriate unit.

If an affirmative determination is made by the Employee Relations Officer on the preceding two matters, he shall give written notice of such request for formal recognition to the employees in the unit and shall take no action on the request for 30 days thereafter. If either of the preceding matters are not affirmatively determined, the Employee Relations Officer shall inform the employee organization of the negative determination.

(2) Within 30 days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unity (one which corresponds with respect to some but not all of the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least 30% and otherwise in the same form and manner as set forth in Paragraph 7. If the challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall hold a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the criterion in Paragraphs 11 and 12.

(3) If the written proof submitted by the employee organization for the unit found to be appropriate establishes that it represents more than 50% of the employees in such unit, the Employee Relations Office may, in his discretion, grant formal recognition to such employee organization without a secret ballot election.

(4) When an employee organization for the unit found to be appropriate submits written proof, dated within six months of the date upon which its petition for recognition was filed, that it represents at least 30% of the employees in such unit, and it does not qualify for or has not been granted recognition under Paragraph 10 (a)(3) above, the Employee Relations Officer shall arrange for a secret ballot election to be conducted by District or another agreed-upon neutral third party. All challenging organizations who have submitted written proof that they represent at least 10% of the employees in the unit found to be appropriate, and have submitted a petition for recognition as required by Paragraph 7, shall be included on the ballot. The choice of "No Organization" shall also be included on the ballot. Employees entitled to vote in the election shall be those persons regularly employed on a full-time basis in permanent positions within the unit who were so employed during the pay period immediately prior to the date which is 15 days before the election, including those who did not work during such period because of illness, vacation or authorized leaves of absence, and who are so employed by the District in the same unit on the date of the election. An employee organization shall be granted formal recognition following an election or run-off election if that employee organization has received the vote of a numerical majority of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast. The rules governing an initial election shall also apply to a run-off election.

(5) There shall be no more than one valid election in a 12-month period within the same unit.

(b) Decertification of Established Unit

(1) A petition for decertification alleging that an employee organization granted formal recognition is no longer the recognized employee organization in an appropriate unit may be filed with the Employee Relations Officer. Petitions for decertification may be filed by an employee, a group of employees or their representative, or any employee organization. The petition, including all accompanying documents, shall be verified, under oath, by the person signing it, that its contents are true. It may be accompanied by a petition for recognition by a challenging organization. The petition for decertification shall contain the following information:

(i) the name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

(ii) the name of the formally recognized employee organization.

(iii) an allegation that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit; and

(iv) written proof that at least 30% of the employees in the unit do not desire to be represented by the formally recognized employee organization. Such written proof shall be dated within six months of the date upon which the petition is filed and shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.

(2) Following verification of the petition, accompanying documents and proof, the Employee Relations Officer shall arrange for a secret ballot election to determine if the formally recognized employee organization shall retain its recognition rights. The formally recognized employee organization shall be decertified if a majority of those casting valid ballots vote for decertification.

(3) If the written proof submitted by the formally recognized employee organization establishes that more than 50% of the employees in the unit do not desire to be represented by the formally recognized employee organization, the Employee Relations Officer may, in his discretion, grant decertification to such employee organization without a secret ballot election.

(4) There shall be no more than one valid decertification election in the same unit in any 12-month period.

(5) If a recognized employee organization voluntarily disbands or withdraws from continuing to represent employees in the District, it shall, through its authorized representative, notify the Employee Relations Officer in writing of such action, and the District shall thereafter be relieved of any meet and confer obligations with that employee organization under paragraphs 4 and 5, above.

(c) Modification of Established Unit. A petition for modification of an established unit may be filed by an employee organization with the Employee Relations Officer. The petition for modification shall contain all of the information set forth in Paragraph 7(a) along with a statement of all relevant facts in support of the proposed modified unit. The petition for modification shall be accompanied by written proof, dated within six months of the date upon which the petition for modification was filed, that at least 50% of the employees within the proposed modified unit have designated the employee organization to represent them in their employment relations with the District. The Employee Relations Officer shall hold a hearing on the petition for modification, at which time all affected employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units as between the existing unit and the proposed unit. If the Employee Relations Officer determines that

the proposed modified unit is the appropriate unit, using the criterion set forth in Paragraphs 11 and 12, then the procedures set forth in Paragraph 10(a) shall be implemented for determining formal recognition rights in such unit.

(d) Duration Of Formal Recognition. When an employee organization has been formally recognized, such recognition shall remain in effect from the date thereof and thereafter until such time as the Employee Relations Officer shall determine, on the basis of a secret ballot election conducted under these rules, that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit or until such time as the unit may be modified, or until the employee organization gives written notice that it has voluntarily disbanded or withdraws from representation, as provided in Paragraph 10(b)(5).

(e) Cost of Election Proceedings. The cost of an election proceeding shall be borne equally by the employee organizations whose names appear on the ballot.

APPROPRIATE UNIT

11. The Employee Relations Officer, after reviewing the petition filed by an employee organization seeking formal recognition as majority representative, shall determine whether the proposed unit is an appropriate unit. The principal criterion in making this determination is whether there is a community of interest among the employees. The following factors, among others, are to be considered in making such determination:

(a) Which unit will assure employees the fullest freedom in the exercise of rights set forth under this Resolution.

(b) The history of employee relations: (i) in the unit; (ii) among other employees of District; and (iii) in similar public employment.

(c) The effect of the unit on the efficient operation of District and sound employer-employee relations.

(d) The extent to which employees have common skills, working conditions, job duties or similar educational requirements.

(e) The effect on the existing classification structure of dividing a single classification among two or more units; provided, however, no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized.

12. In the establishment of appropriate units (1) professional employees shall not be denied the right to be represented separately from non-professional employees; and (2) management and confidential

employees who are included in the same unit with non-management or non-confidential employees may not represent such employees on matters within the scope of representation. A separate unit may be established for management and confidential employees.

DESIGNATION OF DISTRICT EMPLOYEE RELATIONS OFFICER

13. The Board hereby designates the General Manager of the District as the Employee Relations Officer. He shall be the District's principal representative in all matters of employer-employee relations, with authority to meet and confer in good faith on matters within the scope of representation, including wages, hours and other terms and conditions of employment.

14. The Employee Relations Officer is authorized to delegate the duties and responsibilities specified in Paragraph 13.

RESOLUTION OF IMPASSES

15. (a) Impasse procedures may be invoked only after the possibility of settlement by meeting and conferring under Paragraphs 4 and 5 have been exhausted. Any party may initiate the impasse procedure by filing with the other party or parties affected a written request for an impasse meeting, together with a statement of its position on all disputed issues. If the party or parties requesting the impasse meeting have complied with the preceding sentence, an impasse meeting shall then be scheduled by the Employee Relations Officer forthwith after the date of filing of the written request for such meeting, with written notice to all parties affected. The purpose of such impasse meeting is to permit a review of the position of all parties in an effort to reach agreement on the disputed issues.

(b) If the disputed issues are not resolved under Paragraph 15(a), and if the parties agree, the dispute may then be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues. The mediator shall be selected by the mutual consent of the parties. If the parties do not agree, then each party shall appoint a person as a mediator, and the two persons so selected shall appoint an additional mediator.

(c) If the parties fail to agree to submit to mediation, or fail to resolve the impasse through mediation within 15 days after the mediator commenced meeting with the parties, the Board may take such action regarding the impasse issues as it in its discretion deems appropriate in the public interest. Any action by the Board on the impasse issues shall be final and binding.

16. (a) If there is one mediator, all fees and expenses shall be payable one-half by the District and one-half by the recognized employee organization.

(b) If there are three mediators, the District shall pay for the fees and expenses of its appointee, and the recognized employee organization shall pay for the fees and expenses of its appointee. The fees and expenses of the third mediator selected by the appointed mediators shall be payable equally by the District and the recognized employee organization.

MEMORANDUM OF UNDERSTANDING

17. If agreement is reached by the representatives of District and a recognized employee organization, they shall jointly prepare a written memorandum of such understanding, which shall not be binding on the parties until it is presented to and approved by formal action of the Board.

RULES AND REGULATIONS

18. The Board may adopt such rules and regulations necessary or convenient to implement the provisions of this Resolution.

CONSTRUCTION

19. Nothing in this Resolution shall be construed to deny any person or employee the rights granted by Federal and State laws and the Water Code of California.

20. The rights, powers and authority of the Board in all matters, including the right to maintain any legal action, shall not be modified or restricted by this Resolution.

21. Nothing contained in this Resolution shall abrogate any written agreement between any employee organization and District in effect on the effective date of this Resolution. All such agreements shall continue in effect for the duration of the term specified therein unless modified or rescinded by mutual agreement of the parties.

22. The provisions of this Resolution are not intended to conflict with the provisions of the Meyers-Milias-Brown Act.

23. As used in this Resolution, the masculine, feminine or neuter gender, and the singular or plural number, shall each include the others whenever the context so indicates.

SEVERABILITY

24. If any provision of this Resolution, or the application of any provision to any person or circumstance, shall be held invalid, the remainder of this Resolution, or the application of any provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

ADOPTION

25. This Resolution is adopted and effective this 12th day of November, 1991.

Leslie O. Carter

ATTEST:

John M. Sidwell
Secretary

APPENDIX R

DEFENSE AND INDEMNIFICATION OF OFFICERS, DIRECTORS, AND EMPLOYEES AGAINST CLAIMS

Revised 4/12/93

RESOLUTION NO. 93-4

RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AUTHORIZING DEFENSE AND INDEMNIFICATION OF OFFICERS, DIRECTORS AND EMPLOYEES AGAINST CLAIMS

WHEREAS, Palmdale Water District is a public entity, claims against which are governed and controlled by Division 3.6 of the Government Code of the State of California, Sections 810 et seq.;

WHEREAS, employees, officers and directors of Palmdale Water District are not vicariously liable for injuries caused by acts or omissions of Palmdale Water District pursuant to Section 820.9 of the Government Code of the State of California, but said statute does not exonerate employees, officers or directors from liability for injury caused by their own wrongful conduct.

WHEREAS, from time to time as claims are made against Palmdale Water District, claims are or may also be made by claimants against employees or former employees, officers or former officers of Palmdale Water District or members or former members of its Board of Directors;

WHEREAS, exposure to claims, suits and related costs and expenses, may be a significant deterrent to qualified persons accepting employment with Palmdale Water District or seeking election or accepting appointment to office or to the Board of Directors of Palmdale Water District;

WHEREAS, under certain terms and conditions specified in Section 825 of the Government Code of the State of California, the Palmdale Water District can defend and pay any judgment, compromise or settlement of claims or actions against it and/or any employee, officer or director or former employee, officer or director based upon acts and/or omissions occurring within such employee's, officer's or director's scope of employment; and

WHEREAS, it is in the best interests of Palmdale Water District to adopt an express policy concerning defense and indemnity of its employees, former employees, officers or former officers and members or former members of its Board of Directors to the fullest extent permitted by law,

NOW THEREFORE BE IT RESOLVED, that Palmdale Water District shall pay all costs of defending any employee, former employee, officer or former officer, director or former director against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment or official actions as an officer or a member of the Board of Directors, provided request therefor is made in writing delivered to Palmdale Water District not less than ten days before the day of trial of said claim or action;

FURTHER RESOLVED, provided said such employee, former employee, officer, former officer, director, or former director reasonably cooperates in good faith in the defense of

said claim or action, Palmdale Water District shall pay any judgment based thereon or any compromise or settlement of such claim or action for and on behalf of such employees, former employees, officers, former officers, directors or former directors;

FURTHER RESOLVED, that when Palmdale Water District conducts the defense of an employee, former employee, officer, former officer, director or former director with such person's reasonable good faith cooperation, Palmdale Water District shall pay any judgment based thereon or any compromise or settlement of the claim or action, unless Palmdale Water District and such employee, former employee, director or former director have entered into an agreement by which Palmdale Water District reserves its rights not to pay such judgment, compromise or settlement until it is established that the alleged injury arose out of an act or omission occurring within the scope of such employees' or former employees' employment or the official acts of such directors or former directors;

FURTHER RESOLVED, that in claims or actions against employees, former employees, officers, former officers, directors or former directors where Palmdale Water District conducts the defense, Palmdale Water District also shall pay such part of any judgment, compromise or settlement which is for punitive or exemplary damages if the Board of Directors of Palmdale Water District, acting in its sole discretion, finds all of the following:

1. That the judgment compromise or settlement is based upon an act or omission of an employee, former employee, director or former director acting within the course and scope of his or her employment or in the performance of his or her official duties as an officer, former officer, director or former director of Palmdale Water District;

2. At the time of the act or omission giving rise to the liability, the employee or former employee, officer or former officer, director or former director acted, or failed to act, in good faith, without actual malice and in the apparent best interests of Palmdale Water District; and

3. Payment of the judgment, compromise or settlement, including such amount as is specified for punitive or exemplary damages, would be in the best interests of Palmdale Water District.

PASSED and ADOPTED this 20th day of April, 1993

Leslie G. Carter
President

Attest:

Secretary

PALMDALE\INDEMNIF.R1

APPENDIX S

APPLICATIONS FOR WATER SERVICE

Single Family Residence Water Service Application

2029 East Avenue Q Palmdale, CA 93550 Phone (661) 947-4111 Fax (661) 947-8604 www.palmdalewater.org

Service Address:

Owner Name:

Date of Birth

Social Security/Tax ID #:

Drivers License #:

Requested Service Date:

Home Phone#:

Cell Phone#:

I agree to receive information via text: Yes ☐ No ☐

Work or Office Phone#:

Email:

Mailing Address:

The applicant agrees to comply with the District's Rules and Regulations (available for review upon request or at www.palmdalewater.org)

Signature:

On the first visit to activate service, the District can assist you in determining if you have an isolation valve. However, someone must be present at the time. Would you like this assistance? ☐ ***YES*** ☐ ***NO***

Deposit / Credit Check Authorization

A deposit of $200 is required when applying for water service. However, by signing below you hereby authorize the District to inquire into your credit history for a $10.00 charge to determine if a deposit is required

I hereby authorize Palmdale Water District to run a credit inquiry: YES☐ NO☐

Previous Address:

Signature:

Do not attempt to turn on your Water Service Yourself:
If a consumer is found to be responsible for any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. Also, owners requesting service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the owner's property.

If this property is to be a rental, you have the option to request a courtesy copy for your tenant and submit the Tenant Limited Account Access Authorization.

For District Use Only
Processed by:_____ Date:_____ Account #:_____
(Initials)

SINGLE FAMILY RESIDENCE
OWNERS OF PROPERTY MUST APPLY FOR WATER SERVICE

Requirements to process your application

1. Complete and sign the application.
2. Provide proof of ownership documentation (final settlement statement, deed of trust or water letter from escrow).
3. Owner's government issued ID.
4. If a Property Management Company is applying for service, a copy of the management agreement is needed.
5. If the owner of the property is a company, a copy of articles of incorporation listing owners and authorized signers is needed (only those authorized may sign on behalf of the company).

Once you have all necessary documents and a fully completed, application you can:

1. Turn in all documents in person at our office located at 2029 E Avenue Q, Palmdale CA, 93550. (Open Monday through Thursday 8:00 AM to 6:00 PM; **for same day service, applications must be processed by 4:30 PM).
2. Send documents via fax to 661-947-8604; this process may take up to 2 business days.

To avoid delays, please complete, sign the application and provide all required documentation.

Application fees:

- Account setup charge is **$25.00**
- Deposit of **$200.00** (refundable upon meeting District criteria).
- Credit Inquiry charge is **$10.00**

Palmdale Water District offers the option of running a check on your credit history in lieu of the deposit requirement to determine credit worthiness in which case the initial deposit may be waived. CREDIT WORTHINESS - As established by the District's Rules and Regulations as follows:

- At least two (2) years of established credit history through a credit reporting agency.
- Under the Negative column, Public and Collection columns must show zero (0).
- Under the Payment History column, the credit report must not show any late payments.

If you would like the District to run a credit inquiry, please fill out the bottom section on the attached Application form. If the credit inquiry determines a deposit is needed, based on the District's Rules and Regulations, a representative will contact you to advise you of such. Credit inquiries are unavailable to Multifamily or Commercial properties or for business applicants.

We ask that an adult be present at the time of service turn-on (if water is off at the meter). Customers who request activation of service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the customer's property.

****Do not attempt to turn on your Water Service Yourself!**

If a consumer is found to be responsible to any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. If responsibility for damage is not known, charges will be made to the current property owner.

PALMDALE WATER DISTRICT

2029 East Avenue Q • Palmdale, California 93550 • Telephone (661) 947-4111
Fax (661) 947-8604
www.palmdalewater.org

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ALESHIRE & WYNDER LLP
Attorneys

ACWA

Authorization for Tenant's Limited Account Access

Tenant Information:

Rental property address: _____

Name: _____ Water Account Number: _____

Cell Phone Number: _____ Home number: _____

Email: _____ Last 4 digits of social security number: _____

Tenants mailing address (If different than rental address):

_____

Please select from the following list the items you are requesting/approving:

Would you like your tenant to receive a courtesy copy of the bill? ____yes ____no

From the following list, please select the item(s) you are allowing your tenant to have access to:

Please note that all miscellaneous charge waivers and account payment arrangements will be considered in accordance with PWD policies and procedures.

____ Waiver of late fee and door tag fee.

____ Authorization to make payment extensions and/or special payment arrangements on account.

____ Please inform me when any of the approved arrangements are made.

By signing this form, I further understand that as the property owner(s), I remain responsible for any and all outstanding balances on the water service account at the above address. Residential water service requires services to be provided on account of the property owner.

I_____, hereby certify I am the owner on record of the property listed above.

Property Owner Signature: _____ Date: _____

==========Detach this section if a copy of this form is given to tenant==========

Owner Information:

Name: _____ E-mail: _____

Owner's address: _____

Cell #: _____ Home #: _____

Last four digits of Social Security/Tax ID: _____ Driver's License #: _____

SOLICITUD PARA SERVICIO RESIDENCIAL

2029 East Avenue Q Palmdale, CA 93550 Teléfono (661) 947-4111 Fax (661) 947-8604 www.palmdalewater.org

Dirección del servicio:

Nombre del dueño:

Fecha de nacimiento:

Número de seguro social:

Número de licencia de conducir:

Fecha para abrir la cuenta:

Teléfono de casa:

Teléfono celular:

Doy mi autorización para recibir mensajes de texto: Si ☐ No ☐

Teléfono de oficina ó trabajo:

Correo electrónico:

Dirección para recibir correspondencia:

El solicitante está de acuerdo en cumplir sus obligaciones conforme a las reglas y regulaciones del Distrito, disponibles para su revisión en el momento que lo solicite y también en www.palmdalewater.org

Firma:

En la primer visita, al momento de activar el servicio, podemos ayudarle a buscar la llave de paso, si su propiedad cuenta con una. Pedimos que una persona adulta se encuentre en casa. Por favor háganos saber si necesita que el técnico le asista en encontrar la llave de paso. ***Si*** ☐ ***No*** ☐

Depósito/Autorización para revisar el crédito

Se require un depósito de $200.00 para cuentas residenciales, si el cliente lo solicita podemos revisar el historial de su crédito, el cual tiene un costo de $10.00. El resultado de la revisión del crédito debe mostrar por lo menos dos años con crédito establecido y (0) cero bajo las columnas de negativos, públicos y colecciones. Si desea que su crédito sea revisado por favor complete la siguiente información:

Autorizo al Distrito de Palmdale Water para que revise mi crédito: Si ☐ **No** ☐

Dirección anterior:

Firma:

NO TRATE DE ABRIR EL SERVICIO USTED MISMO:

Recuerde que el medidor es propiedad privada de Palmdale Water District y si encontramos que el equipo ha sido dañado tendremos que cobrar el costo por las reparaciones necesarias.

NOTA: Si esta propiedad va a ser arrendada, tiene la opción de solicitar una copia de cortesía de la factura para el inquilino y llenar la **forma de autorización y accesso limitado a la cuenta.** Esta forma se puede obtener en persona, por teléfono ó visitando nuestra página web.

For District Use Only

Processed by:_____ Date:_____ Account #:_____

(Initials)

SERVICIO RESIDENCIAL
SOLO EL PROPIETARIO LEGAL PUEDE SOLICITAR SERVICIO

Requisitos para procesar su solicitud de servicio.

1. Llenar y firmar la solicitud.
2. Proveer documentación que compruebe ser dueño de la propiedad (cierre de escrow ó statement final de escrow ó título de la propiedad).
3. Identificación gubernamental del dueño.
4. Si la persona que llenó la solicitud es el administrador de la propiedad necesitamos copia del contrato de gestación de la propiedad.
5. Si el dueño de la propiedad es una compañía, necesitamos copia de los artículos de incorporación de la compañía con nombres y firmas autorizadas. (Sólo los nombres autorizados pueden firmar en nombre de la compañía.)

Una vez que tiene la solicitud completa y la documentación requerida puede:

1. Presentarse en persona en nuestra oficina ubicada en el 2029 E Avenue Q, Palmdale Ca. 93550. De Lunes a Jueves de 8:00 AM a 6:00 PM. (Para abrir el servicio el mismo día la solicitud debe ser procesada antes de las 4:30 pm)
2. Mandarla vía fax 661-947-8604, este proceso podría durar hasta 2 dias hábiles.

PARA EVITAR RETRASOS EN EL PROCESO FAVOR DE MANDAR SU SOLICITUD COMPLETA, FIRMADA Y CON LA DOCUMENTACION NECESARIA.

Costos de procesamiento:

- El costo por procesar la solicitud es de **$25.00**
- Depósito inicial **$200.00** (reembolsables si la cuenta cumple los requisitos.)
- El costo por la revision del crédito es de **$10.00**

El Distrito del agua de Palmdale brinda la opción de revisar el historial de crédito del cliente, con el fin de determinar la solvencia del crédito. El cliente puede ser exento del pago del depósito inical siempre y cuando reuna los siguientes requisitos:

- Por lo menos dos (2) años de crédito establecido reportado a las agencias de crédito.
- Mostrar cero (0) bajo las columnas de negativos, públicos ó colecciones.
- Bajo la columna de historia de pagos el reporte de crédito debe que los pagos se hayan hecho a tiempo.

Si gusta que el Distrito revise su crédito favor de llenar y firmar la porción de la solicitud (página anterior) donde nos dá la autorización para hacerlo. Si después de revisar su crédito y de acuerdo a las regulaciones del Distrito tiene que pagar depósito un representante se comunicará con usted. No podemos revisar historiales de crédito cuando se procesan solicitudes comerciales, multifamiliares ó solicitudes submitidas bajo el nombre de una compañía.

Pedimos que un adulto esté en la propiedad en el momento de activar el servicio (Si el medidor está cerrado). Los propietarios ó solicitantes son responsables por daños causados al activar el agua relacionados a tomas ó llaves abiertas ó defectuosas instaladas en la propiedad.

****NO TRATE DE ABRIR USTED MISMO EL SERVICIO,** recuerde que el medidor es propiedad privada de Palmdale Water District y si encontramos que el equipo ha sido dañado tendremos que cobrar el costo por las reparaciones necesarias.

PALMDALE WATER DISTRICT

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ACWA

Autorización para inquilinos a tener acceso limitado a la cuenta

Información del inquilino:

Dirección de la propiedad rentada: _____

Nombre: _____Número de cuenta: _____

Teléfono celular: _____Teléfono de casa: _____

Correo electrónico: _____Ultimos 4 números del seguro social: _____

Dirección para recibir correspondencia (Si es diferente a la dirección de servicio):

_____

Por favor seleccione de la siguiente lista las opciones que está solicitando ó aprobando:

Quiere que el inquilino reciba una copia de cortesía de la factura? ____Sí ____no

____ Perdón de cargos moratorios y cargo de nota de desconexión.

____ Autorización para hacer extensiones y/o arreglos del pago en la cuenta.

____ Por favor notifíqueme cuando un arreglo de pago ha sido aprobado y hecho.

Por favor tome en cuenta que todos los cargos misceláneos, perdones y arrreglos de pago se hacen de acuerdo a las políticas y procedimientos de PWD.

Al firmar esta forma, yo entiendo que como propietario(s), yo continuo siendo responsable por el balance en la cuenta del servico del agua correspondiente a la dirección anteriormente mencionada. El servicio residencial de agua, se proveé a través de cuentas establecidas bajo el nombre del dueño de la propiedad.

Yo, _____, certifico por este medio que soy el dueño de la propiedad descrita anteriormente.
Firma del dueño de la propiedad: _____ Fecha: _____

==========Desprenda esta porción si una copia de esta forma es entregada al inquilino==========

Información del dueño:

Nombre: _____Correo electrónico: _____

Dirrección del dueño para recibir correspondencia: _____

Teléfono celular:_____Teléfono de casa:_____

Ultimos 4 números del seguro social/Tax ID: _____ Licencia de conducir#: _____

Multi-Family Residence Water Service Application

2029 East Avenue Q Palmdale, CA 93550 Phone (661) 947-4111 Fax (661) 947-8604 www.palmdalewater.org

Service Address:

Owner Name:

Social Security/Tax ID #:

Drivers License #:
(For Individual Applicants)

Requested Service Date:

Number of Units:

Property Manager:

Home Phone#:

Cell Phone#:

I agree to receive information via text: Yes ☐ No ☐

Work or Office Phone#:

Email:

Mailing Address:

The applicant agrees to comply with the District's Rules and Regulations (available for review upon request or at www.palmdalewater.org).

Signature:

On the first visit to activate service, the District can assist you in determining if you have an isolation valve. However someone must be present at the time. Would you like this assistance? YES ☐ NO ☐

Deposit -- A deposit of $100.00 per unit is required

Deposit Amount:

Do not attempt to turn on your Water Service Yourself!
If a consumer is found to be responsible to any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. Also, owners requesting service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the owner's property.

Note: If this property is to be a rental, you have the option to request a courtesy copy for your tenant and submit the **Tenant Limited Account Access Authorization.**

For District Use Only
Processed by:_____ Date:_____ Account #:_____
(Initials)

MULTI FAMILY RESIDENCE
OWNERS OF PROPERTY MUST APPLY FOR WATER SERVICE

Requirements to process your application:

1. Complete and sign the application.
2. Provide proof of ownership documentation (final settlement statement, deed of trust, or water letter from escrow).
3. Owner's government issued ID.
4. If a Property Management Company is applying for service, a copy of the management agreement is needed.
5. If the owner of the property is a company, a copy of articles of incorporation listing owners and authorized signers is needed (only those authorized may sign on behalf of the company).

Once you have all necessary documents and a fully completed application you can:

1. Turn in all documents in person at our office located at 2029 E Avenue Q, Palmdale CA, 93550 (open Monday through Thursday 8:00 AM to 6:00 PM; **for same day service, applications must be processed by 4:30 PM).
2. Send documents via fax to 661-947-8604; this process may take up to 2 business days.

To avoid delays, please complete, sign the application and provide all required documentation.

Application charges:

- Account setup charge is **$25.00.**
- An initial deposit of **$100.00** per unit is required.

We ask that an adult be present at the time of service turn-on (if water is off at the meter). Customers who request activation of service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the customer's property.

****Do not attempt to turn on your Water Service Yourself!**

If a consumer is found to be responsible to any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. If responsibility for damage is not known, charges will be made to the current property owner.

SOLICITUD PARA SERVICIO MULTIFAMILIAR

2029 East Avenue Q Palmdale, CA 93550 Teléfono (661) 947-4111 Fax (661) 947-8604
www.palmdalewater.org

El Distrito del agua de Palmdale se reserva el derecho de pedirle que compruebe ser propietario legal y de identidad.

Información de la cuenta

Dirección del servicio:	
Nombre del dueño:	
Número de seguro social ó TIN:	
Número de licencia de conducir:	
Fecha para abrir la cuenta:	
Número de unidades:	
Gerente de la propiedad :	
Teléfono de casa:	
Teléfono celular:	

Doy mi autorización para recibir mensajes de texto: Sí ☐ No ☐

Teléfono de oficina ó trabajo:	
Correo electrónico:	
Dirección para recibir correspondencia:	

El solicitante está de acuerdo en cumplir con sus obligaciones de acuerdo a las reglas y regulaciones del Distrito.(Disponibles para su revisión en el momento que lo solicite).

Firma:

Depósito -- Se requiere un depósito de $100.00 por unidad

Cantidad de depósito:

****NO TRATE DE ABRIR USTED MISMO EL SERVICIO**

Recuerde que el medidor es propiedad privada de Palmdale Water District y si encontramos que el equipo ha sido dañado tendremos que cobrar el costo por las reparaciones necesarias.

For District Use Only

Processed by:_____ (Initials) Date:_____ Account #:_____

SOLICITUD PARA SERVICIO MULTIFAMILIAR

SOLO EL PROPIETARIO LEGAL PUEDE SOLICITAR SERVICIO

Requisitos para procesar su solicitud de servicio:

1. Llenar y firmar la solicitud.
2. Proveer documentación que compruebe ser dueño de la propiedad (cierre de escrow ó statement final de escrow ó título de la propiedad).
3. Identificación gubernamental del dueño.
4. Si la persona que llenó la solicitud es el administrador de la propiedad necesitamos copia del contrato de gestación de la propiedad.
5. Si el dueño de la propiedad es una compañía, necesitamos copia de los artículos de incorporación de la compañía con nombres y firmas autorizadas. Sólo los nombres enlistados pueden firmar en representación de la compañía.

Una vez que tiene la solicitud completa y la documentación requerida puede:

1. Presentarse en persona en nuestra oficina ubicada en el 2029 E Avenue Q, Palmdale Ca. 93550. De Lunes a Jueves de 8:00 AM a 6:00 PM. (Para abrir el servicio el mismo día la solicitud debe ser procesada antes de las 4:30 pm)
2. Mandarla vía fax 661-947-8604, este proceso podría durar hasta 2 dias hábiles.

PARA EVITAR RETRASOS EN EL PROCESO FAVOR DE MANDAR SU SOLICITUD COMPLETA, FIRMADA Y CON LA DOCUMENTACION NECESARIA.

Costos de procesamiento:

- El costo por procesar la solicitude es de **$25.00**
- Depósito inicial de **$100.00** por cada unidad en la propiedad.

Pedimos que un adulto esté en la propiedad en el momento de activar el servicio (si el medidor está cerrado). Los propietarios ó solicitantes son responsables por daños causados al activar el agua relacionados a tomas ó llaves abiertas ó defectuosas instaladas en la propiedad.

****NO TRATE DE ABRIR USTED MISMO EL SERVICIO,** recuerde que el medidor es propiedad privada de Palmdale Water District y si encontramos que el equipo ha sido dañado tendremos que cobrar el costo por las reparaciones necesarias.

Commercial / Industrial / Irrigation Water Service Application

2029 East Avenue Q Palmdale, CA 93550 Phone (661) 947-4111 Fax (661) 947-8604. www.palmdalewater.org

Palmdale Water District reserves the right to request Proof of Ownership and Proof of Identity.

Account Information

Business/Owner Name:

Tax I.D./ S.S. #:

Service Address:

Requested Service Date:

Contact Information

Name:

Office #:

Cell #:

I agree to receive information via text: Yes ☐ No ☐

E-mail Address:

Mailing Address:

Deposit

Accounts applied for require a deposit. The amount is determined by District staff with the minimum start of $300.00.

Previous Address:

Signature:

Do not attempt to turn on your Water Service Yourself!

If a consumer is found to be responsible to any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. Also, owners requesting service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the owner's property.

The applicant agrees to comply with the District's Rules and Regulations (available for review upon request).

COMMERCIAL/INDUSTRIAL/IRRIGATION WATER SERVICE APPLICATION

Requirements to process your application

1. Complete and sign the application.
2. Provide proof of ownership documentation (final settlement statement, deed of trust or water letter from escrow).
3. Owner's government issued ID.
4. If a Property Management Company is applying for service, a copy of the management agreement is needed.
5. If the owner of the property is a company, a copy of articles of incorporation listing owners and authorized signers is needed (only those authorized may sign on behalf of the company).

Once you have all necessary documents and a fully completed, application you can:

1. Turn in all documents in person at our office located at 2029 E Avenue Q, Palmdale CA, 93550. (Open Monday through Thursday 8:00 AM to 6:00 PM; **for same day service, applications must be processed by 4:30 PM).
2. Send documents via fax to 661-947-8604; this process may take up to 2 business days.

To avoid delays, please complete, sign the application and provide all required documentation.

Application fees:

- **Account setup charge is $25.00**
- **Deposit of $300.00**
  The Palmdale Water District requires a deposit for commercial Property. The deposit is applied to the account final charges at the closing of the account, and any deposit credit is refunded in a form of check payable to the account holder's name.

Do not attempt to turn on your Water Service Yourself!

Note: If a customer is found to be responsible to any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. If responsibility for damage is not known, charges will be made to the current property owner.

Water Service Application for Realtors

2029 East Avenue Q Palmdale, CA 93550 Phone (661) 947-4111 Fax (661) 947-8604. www.palmdalewater.org
Office Hours: Monday - Thursday 8:00 a.m. to 6:00 p.m.

A copy of the Listing Agreement or Assignment must be provided with the application.

The District reserves the right to request additional documentation for verification of ownership and applicant authority on behalf of businesses.

Account Information

Agent Name (If Applicable):

Company Name:

Drivers License #:

Social Security/Tax ID #:

Service Address:

Requested Service Date:

Contact Information

Phone Office #:

Phone Cell #:

I agree to receive information via text: Yes ☐ No ☐

E-mail Address:

Mailing Address:

Deposit/Credit Check Authorization

The deposit amount is $200.00 or $100.00 per unit for Multi-Family. A credit check is available upon request for a fee of $10.00 to determine if a deposit may be waived.

By signing below, the applicant for the above referenced property requests the District to leave the water service off but unlocked so that his agent, contractor or appointee can maintain the property (fixing leaks, etc.) by turning the water service on/off at the District-owned angle stop. The applicant agrees that if the District-owned angle stop is damaged or it is determined to be inoperable after being unlocked by the District, the applicant accepts the responsibility and liability to reimburse the District the costs to repair or replace the damaged District-owned angle stop. It is also agreed that Palmdale Water District shall not be responsible for damage to persons or property caused by failure or defects of pipes, high or low pressure, by escape or leakage due to conditions on said premises existing at or after unlocking the service, and applicant will hold Palmdale Water District harmless therefrom.

_____ _____

Signature **Date**

The applicant agrees to comply with the District's Rules and Regulations (available for review upon request).

REALTORS (SINGLE, MULTI-FAMILY AND COMMERCIAL ACCOUNTS)

Requirements to process your application

1. Complete and sign the application.
2. Provide proof of ownership documentation (final settlement statement, deed of trust or water letter from escrow).
3. Applicant's government issued ID.
4. Copy of the listing and/or assignment agreement.

Once you have all necessary documents and a fully completed application, you can:

1. Turn in all documents in person at our office located at 2029 E Avenue Q, Palmdale CA, 93550. (Open Monday through Thursday 8:00 AM to 6:00 PM; **for same day service, applications must be processed by 4:30 PM).
2. Send documents via fax to 661-947-8604; this process may take up to 2 business days.

To avoid delays, please complete, sign the application and provide all required documentation.

Application fees:

- Account setup charge is **$25.00**
- Deposit of **$200.00** for single family residences(refundable upon meeting District criteria)
- Deposit of **$100.00** per unit for Multi-family dwelling
- Deposit of **$300.00** for Commercial,Industrial, and Irrigation Accounts
- Credit Inquiry charge is **$10.00**

Multi-Family, Commercial, Industrial, and Irrigation accounts are required to pay deposit.
Palmdale Water District offers the option of running a check on your credit history in lieu of the deposit requirement to determine credit worthiness in which case the initial deposit may be waived.
CREDIT WORTHINESS - As established by the District's Rules and Regulations as follows:

- At least two (2) years of established credit history through a credit reporting agency.
- Under the Negative column, Public and Collection columns must show zero (0).
- Under the Payment History column, the credit report must not show any late payments.

The option to verify credit is only offered to agents applying for single family residence water service. We are unable to run credit inquiries on business or company names.

If you would like the District to run a credit inquiry, please fill out the bottom section on the attached Application form. If the credit inquiry determines a deposit is needed, based on the District's Rules and Regulations, a representative will contact you to advise you of such.
Credit inquiries are unavailable to Multifamily or Commercial properties or for business applicants.

We ask that an adult be present at the time of service turn-on (if water is off at the meter). Customers who request activation of service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the customer's property.

****Do not attempt to turn on your Water Service Yourself!**
If a consumer is found to be responsible to any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. If responsibility for damage is not known, charges will be made to the current property owner.

Developer Water Service Application

2029 East Avenue Q Palmdale, CA 93550 Phone (661) 947-4111 Fax (661) 947-8604 www.palmdalewater.org

Office Hours: Monday - Thursday 8:00 a.m. to 6:00 p.m.

Palmdale Water District reserves the right to request Proof of Ownership and Proof of Identity.

Account Information

Developer Name:

Tax ID #:

Service Address:

Requested Service Date:

Contact Information

Phone Cell #:

I agree to receive information via text: Yes ☐ No ☐

Phone Work #:

E-mail Address:

Mailing Address:

Deposit

A deposit of $200 is required when applying for water service per each residential home. The deposit is not assessed if the developer prior to the start of a residential project applies for all the services within the project area.

For non-residential developments the deposit will be calculated by District staff.

Signature:

Do not attempt to turn on your Water Service Yourself!

If a consumer is found to be responsible to any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. Also, owners requesting service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the owner's property.

The applicant agrees to comply with the District's Rules and Regulations (available for review upon request).

DEVELOPER WATER SERVICE ACCOUNT

Step 1 – Application Form
The developer of the property must complete the Water Service Application form (attached) for all water service accounts. An account setup charge of **$25.00 is due** at the time the application is made.

Step 2 - Establishment of Credit

The Palmdale Water District requires a deposit in the amount of $200.00 for each single family residence upon which service is being activated. The only time the District does not assess the $200 deposit for each single family residence is when the developer submits it plans to engineering, pays the various fees needed and then signs up for all the tract lots planned on being developed.

For non-residential development, the deposit will be calculated by District staff.

Developers Requirement to install water meters

When landscaping is being put in at the single family residence, the water meter needs to be installed. If property is landscaped and developer fails to install the water meter as required a $1,000 fine is assessed to the developer. It is important that the developer notify the District once the water meter is installed so that water usage can be billed every month. Otherwise once we determine that the meter was installed, the entire water consumption at that time will be billed to the developer which can result in a much higher bill due to the rate structure.

Please note: You can fax your service request documents however we do not offer same day service on faxes as it can take up to 2 business days to process.

Issues that can delay or cause your application from being processed include the following:

- Incomplete or missing information on water service application.
- Inability to provide proof of ownership upon request.

Customers who request activation of service shall be responsible for damage resulting from such activation due to open or faulty piping and/or fixtures on the customer's property.

Do not attempt to turn on your Water Service Yourself!
Note: If a customer is found to be responsible to any damage done to District property, such damages shall be reimbursed to the District at cost plus administrative overhead. If responsibility for damage is not known, charges will be made to the current property owner.

File=DEVELOPER_111222

Water Service Application for Clean and Show

Temporary Service

2029 East Avenue Q Palmdale, CA 93550 Phone (661) 947-4111 Fax (661) 947-8604 www.palmdalewater.org

Office Hours: Monday - Thursday 8:00 a.m. to 6:00 p.m.

For same day service, applications need to be processed by 4:30 p.m.

Palmdale Water District reserves the right to request Proof of Ownership and Proof of Identity.

Account Information

Name (If Applicable):

Company (If Applicable):

Drivers License #:

Social Security/Tax ID #:

Service Address:

Requested Service Date:

Contact Information

Office Phone #:

Cell Phone #:

I agree to receive information via text: Yes ☐ No ☐

E-mail Address:

Mailing Address:

Non-refundable fee of $85.00 is due at time application is processed.

Service to be provided to an existing water service for a maximum of five (5) working days to facilitate cleaning and showing of property for sale or rent. This service is not to be used for maintenance requiring high volumes of water. Allowed usage of water will be five (5) units of water or less. Each unit is equivalent to 748 gallons of water. Any water usage in excess of 5 units will be charged at the District rates and billed directly to the user. It is agreed that Palmdale Water District shall not be responsible for damage to persons or property caused by failure or defects of pipes, high or low pressure, by escape or leakage due to conditions on said premises existing at or after turning service on, and applicant will hold Palmdale water District harmless therefrom. The undersigned also agrees to comply with the District's Rules and Regulations.

_____ _____

Signature **Date**

The applicant agrees to comply with the District's Rules and Regulations (available for review upon request).

TURN OFF SERVICE REQUEST FORM

Complete this form, print and sign it, then either mail or fax it to the Palmdale Water District's Customer Care Department.

All requests require a minimum one day's notice (excluding weekends and holidays).

Water Service Address: _____ Account Number: _____

Requested disconnection date (mm/dd/yyyy):_____

Customer's Information

Account Holder Name: _____

Last 4 digits of Social Security or Tax ID Number: _____

E-mail Address: _____

Cell Phone Number: _____ Office Phone Number: _____

Please provide your forwarding address for final bill and/or deposit refund

Mailing Address:_____

City:_____State:_____Zip Code:_____

Customer Signature:_____

TO SUBMIT THIS FORM:

Mail to: Palmdale Water District
2029 East Avenue Q
Palmdale, Ca. 93550

Fax to: (661) 947-8604

Note: You can also request to turn off service by calling our Customer Care Department: 661-947-4111 option 2

Office Hours: Monday – Thursday 8:00 a.m. to 6:00 p.m.

This request must be received prior to 4:30 p.m. for next day service (excluding weekends and holidays). If you have questions, please call Customer Care Service at (661) 947-4111 option 2

FORMA PARA SOLICITAR EL CIERRE DE SERVICIO

Complete, imprima y firme esta solicitud y mándela por correo ó vía fax a Palmdale Water District departamento de atención al cliente.

Todas las solicitudes de cierre de servicio necesitan ser recibidas mínimo con un día de anticipación (excepto fines de semana y días festivos).

Dirección del servicio: _____ Número de cuenta: _____

Fecha para desconectar el servicio (mm/dd/yyyy):_____

Información del dueño de la cuenta

Nombre del dueño de la cuenta: _____

Ultimos 4 dígitos del seguro social ó Tax ID : _____

Dirección de correo electrónico: _____

Teléfono celular: _____ Teléfono de oficina: _____

Necesitamos su nueva dirección para recibir correspondecia con el fin de mandarle su factura final y/o posible reembolso de su depósito

Dirección para mandar correspondencia:_____

Ciudad:_____ Estado:_____ Código postal:_____

Firma del cliente:_____

MANDE ESTA SOLICITUD A:

Por correo: Palmdale Water District
2029 East Avenue Q
Palmdale, Ca. 93550

Fax: (661) 947-8604

Nota:También puede solicitar el cierre de servicio llamando al departamento de atención al cliente 661-947-4111 opción 8.

Horas de oficina: De Lunes a Jueves de 8:00 a.m. a 6:00 p.m.

Esta solicitud tiene que ser recibida antes de las 4:30 pm para realizarla al siguiente dia hábil
Si tiene alguna duda llámenos al departamento de atención al cliente (661) 947-4111 opción 8

APPENDIX T

FACILITY TOUR POLICY

The District owns and operates a number of different types of facilities in order to obtain, treat, and distribute water to its customers. These include the main office and maintenance yard, Water Conservation Garden Park (future), Palmdale Water Treatment Plant, Wind Turbine, Hydroelectric Turbine, Palmdale Dam and Reservoir, and the Littlerock Dam and Reservoir Recreation Area. The District also recognizes the importance of allowing these facilities to be available under certain conditions for public and educational tours. This policy establishes the conditions and requirements for various types of tours.

The security of the District's facilities and safety of those involved on a tour are very important. Therefore, tours will not be conducted during periods of "High (Orange)" Security Levels or above as established by the Department of Homeland Security, during construction activities at facilities, or during adverse weather conditions. Otherwise, tours may be scheduled by the District as demand exists and staffing allows.

The District will require all groups to provide liability waivers from or insurance coverage for tour participants as determined necessary. A description of the different types of tours offered and the rules for each are as follows:

Grade School Age Students and Youth Organizations

These tours will provide general information about the facilities and may include lunch trips to Littlerock Dam and Reservoir. Rules for these tours are as follows:

- The District may assist with school transportation costs to the extent provided in the approved budget;
- Only one tour with a maximum of sixty (60) students/ youth will be conducted per day;
- A ratio of one adult to ten (10) students/youth is requested. No tour will be conducted if the ratio is less than one adult to fifteen (15) students/youth;
- Adults included in the tour will be required to provide photo identification and sign an attendance sheet;
- Student/youth behavior and any necessary discipline will remain the responsibility of teachers and/or any accompanying adults;
- Disruptive behavior or failure to follow instructions may result in cancellation of the tour;
- No recording devices, video or still cameras of any kind will be permitted.

High School and College Age Students and Youth Organizations

These tours will provide more detailed information about the facilities. The focus will be on using mathematics, chemistry, and other sciences in a practical manner. Rules for these tours are as follows:

- Only one tour with a maximum of twenty (20) students/ youth will be conducted per day;

- A ratio of one adult to ten (10) students/youth is requested. No tour will be conducted if the ratio is less than one adult to twenty (20) students/youth;
- Students/youth will be required to sign an attendance sheet;
- Adults, including students eighteen years old and older, will be required to provide photo identification and sign an attendance sheet;
- Unless otherwise approved by the General Manager, all attendees will leave their private vehicles at an offsite location;
- Student/youth behavior and any necessary discipline will remain the responsibility of teachers and/or any accompanying adults;
- Disruptive behavior or failure to follow instructions may result in cancellation of the tour;
- No recording devices, video or still cameras of any kind will be permitted.

Agencies, Governments, Vendors, Trade Associations, and Others

The subject of these tours will vary as to the interest of the group requesting the tour. Rules for these tours are as follows:

- Tour attendees will be required to provide photo identification, a second form of identification and sign an attendance sheet;
- Unless otherwise approved by the General Manager, all attendees will leave their private vehicles at an offsite location;
- No recording devices, video or still cameras of any kind will be permitted.

ADOPTED BY THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT
AT A REGULAR MEETING HELD APRIL 26, 2004

APPENDIX U

INVITATION TO BID
SALE TERMS AND CONDITIONS

"Appendix U"
Invitation To Bid

Item description (this item may need repair and/or may be incomplete):

Year:	Miles/Hours:
Make:	Engine:
Model:	Transmission:
Serial No.:	Item No.:

Known attributes/deficiencies:

(The absence of reported deficiencies does not mean that deficiencies do not exist)

All available information regarding this item has been disclosed above. Any additional information should be obtained through your personal inspection of the above item prior to bidding on the item. Inspection available at the following place and times:

Palmdale Water District
2029 E. Ave. 'Q'
Palmdale, CA 93550

Bids may be submitted at Palmdale Water District office during normal office hours. Bids must be received no later than:

Bids shall be opened in public at the following place and time:

Palmdale Water District
2029 E. Ave. 'Q'
Palmdale, CA 93550

By bidding on this item, you are agreeing to the following terms and conditions:

- All property listed in the invitation to bid is offered for sale "AS-IS, WHERE IS". Palmdale Water District makes no warranty, expressed or implied, as to kind, condition, character, or quality of any of the property, or it's fitness for any use or purpose.
- Failure to inspect property shall not constitute grounds for a claim for full or partial refund or for withdrawal of a bid after the close of bidding.
- All sales are subject to the General Sale Terms and Conditions, available at the District Office.

Bidder:

Name: _____ Phone: _____

Address: _____ _____

City: _____ State: ___ Zip: ___

Item:

Item # _____

Serial # _____

Bid Amount: _____

"Appendix U"
General Sale Terms and Conditions

1. Inspection.

Property will be available for inspection at the time and place specified on the invitation to bid. All Bidders are urged to inspect the property prior to submitting a bid!

2. Bidding.

All bids shall be presented on forms provided by the District, under seal, in an envelope provided by the District. Bids must be received at the District office by the time and date indicated on the Invitation to Bid. Bids may NOT be withdrawn after the close of bidding without penalty. Any Bidder that withdraws their bid after the closing of bids will result in the disqualification of all bids by that bidder. The District shall only consider the highest bid of a Bidder submitting multiple bids on an item.

3. Payment.

Purchaser agrees to pay for property awarded him/her in accordance with the price quoted in his/her bid. Full payment must be received by the District within 10 calendar days of bid award. Payment shall be by cash or certified check. Certified checks shall be made payable to:

Palmdale Water District
2029 E. Ave. 'Q'
Palmdale, CA 93550

Any required transfer fees shall be paid by the Purchaser.

4. Title.

Title to property sold will be transferred to the Purchaser when full and final payment is received by the District. Receipt of payment of the sale price, including any applicable fees, and delivery of keys, if applicable, to the Purchaser or their designated representative constitutes delivery and possession of the property. The District rejects any liability once a Purchaser takes possession of the property.

5. Delivery, Loading, and Removal of Property.

Unless otherwise provided in the invitation, the Purchaser shall be entitled to obtain the property upon full payment therefore with delivery being made only from the exact place where the property is located, during normal business hours of the District.

Loading assistance will NOT be provided by the District. The Purchaser will make all arrangements and perform all work necessary at his/her expense to effect removal of the property. All work necessary to effect removal of the property shall be in compliance with all federal, state and local laws, rules and regulations.

Purchaser shall remove all property awarded Purchaser within 10 calendar days of bid award. If, at the sole discretion of the District, additional time should be allowed for removal, such determination shall be reduced to writing, and such additional time as specified shall be allowed. If the Purchaser is permitted to remove the property the property after the expiration

of time originally allowed for removal, the District, without limiting any other rights which it may have, may require the Purchaser to pay a reasonable storage charge prior to removal of the property.
The Purchaser shall reimburse the District for any damage to District property caused during removal operations by the Purchaser or his/her authorized representative.
Property purchased will be released only to the Purchaser or his/her authorized representative. The authorized representative must furnish written authorization from the Purchaser to the District before any delivery or release will be made.
Property described or located in or on boxes, crates, skids, or containers of any kind is NOT warranted as packaged suitable for shipment.
Segregation, culling, or selection of property for the purpose of effecting partial or incremental removals will not be permitted except as specifically authorized and prescribed by the District.

6. Default.

If, after the award, the Purchaser breaches the General Sale Terms and Conditions by failure to make full and final payment within the time allowed by the contract or by failure to remove the property as required by the General Sale Terms and Conditions, the Purchaser shall lose all right, title, and interest which he/she might otherwise have acquired in and to such property as to which a default has occurred.
If the property was awarded on a "per lot" basis and the Purchaser removes a portion of the lot but fails to remove the balance, no portion of the purchase price will be refunded.
If the Purchaser otherwise fails in the performance of his/her obligation, the District may exercise such rights and may pursue such remedies as are provided by law or under contract.
Purchaser agrees that in the event he/she fails to pay for the property or remove same within the prescribed period of time, any and all bids Purchaser has or may submit may be rejected.

7. Setoff of Refunds.

Bidder or Purchaser agrees that the District may use all or a portion of any bid deposit or refund due him/her to satisfy, in whole or in part, any debts out of prior transactions with the District.

8. Limitation on Districts Liability.

The measure of the Districts liability in any case where liability of the District to the Purchaser has been established shall not exceed refund of such portion of the purchase price as the District may have received.

9. Oral Statements and Modifications.

Any oral statement or representation by any representative of the District, changing or supplementing the Invitation or contract or any Condition thereof, is unauthorized and shall confer no right upon the Bidder or Purchaser.

10. Claims Liability.

Bidder or Purchaser agrees to save the District harmless from any and all actions, claims, demands, judgments, liabilities, costs, and attorneys' fees arising out of, claimed

on account of, or in any manner predicated upon loss of or damage to property and injuries, illness or disabilities to or death of any and al persons whatsoever, including members of the general public, or to the property of any legal or political entity including any State, local and interstate bodies, in any manner caused by or contributed to by the Bidder or Purchaser, its agents, servants, or any person subject to its control while in, upon or about the sale site and/or the site on which the property is located, or while the property is in the possession of or subject to the control of the Bidder or Purchaser, its agents, servants or employees after the property has been removed from District control.

11. Acceptance or Rejection Of Bids.

The District reserves the right to reject any and all bids should it deem it to be for the public good, or may award the surplus personal property to the highest Bidder at the price specified on the bid.

12. Eligibility of Bidders.

The bidder warrants that he/she is not under 18 years of age.

13. Requirements to Comply With Applicable Laws and Regulations.

It is the Bidder's responsibility to ascertain and comply with all applicable Federal, State, local laws, rules and regulations pertaining to the registration, licensing, handling, possession, transportation, transfer, export, processing, manufacture, sale, use or disposal of the property listed in the Invitation.

APPENDIX V

GUIDELINES FOR DIRECTOR COMPENSATED MEETINGS AND ACTIVITIES

AND

DIRECTOR MEETING REPORT FORM

Palmdale Water District
Guidelines for Director Compensated Meetings and Activities

Organization/Affiliation	Meeting, Event, or Function	Critieria	Director Fee	Expenses
Palmdale Water District	Business Functions: Board meetings, Committee meetings, Appointed Position meetings (i.e. AVSWCA, Plant 42 ERAB), and General Manager initiated meetings.	All meetings and functions sponsored or conducted by the District; all Board-approved chair, member, and alternate committee and liaison assignments as provided; legislative meetings and trips for District related business.	X	X
	Internal District Activities: Staff meetings, Employee Lunches, Employee Appreciation Events, and Christmas Lunch/Dinner, etc.		-	-
	Water Awareness Activities: Landscape Workshops, Blue Ribbon Water Week, Water Awareness Month Activity, etc.	Director compensation only if scheduled to work a booth or some aspect of the event.	X	X
Antelope Valley water purveyors	Public Board and committee meetings of AVEK, LCID, QHWD, RCSD, LACWW District 40, and mutual water companies.	All meetings in this category can be claimed for compensation during the first year of a new director's term. All meetings and functions sponsored or conducted by these organizations where business with PWD is directly referenced as an agenda item can be claimed for compensation by all directors.	X	X
Areas Served by the District	Meetings of the Palmdale City Council, Palmdale Planning Commission, Los Angeles County Regional Planning, and Los Angeles County Board of Supervisors.	All meetings in this category can be claimed for compensation during the first year of a new director's term. All meetings and functions sponsored or conducted by these organizations where business with PWD is directly referenced as an agenda item can be claimed for compensation by all directors.	X	X
Antelope Valley Integrated Regional Water Management Group	Monthly meetings scheduled through completion of Plan.	Meetings will be compensated for one director per month unless an Ad-Hoc Committee is formed for this issue. Both assigned directors would then be eligible for attendance compensation.	X	X
Association of California Water Agencies (ACWA)	ACWA Spring and Fall Conferences (including ACWA/JPIA meetings), Federal and State Legislative Conferences, Region 8 meetings, ACWA-appointed committee meetings, Public Water Agency Group meetings, and other ACWA-sponsored events.	All meetings, functions, and tours, sponsored or conducted by this organization and confirmed in advance by PWD Board action.	X	X
California Special Districts' Association (CSDA)	Annual Conference, educational functions, legislative meetings, CSDA-appointed committee meetings, and other CSDA-sponsored events.	All meetings, functions, and tours, sponsored or conducted by this organization and confirmed in advance by PWD Board action.	X	X
Water Education Foundation	Annual briefings and water-related tours.	All meetings, functions, and tours, sponsored or conducted by this organization and confirmed in advance by PWD Board action.	X	X
Director Training Programs	CSDA Governance Academy and Special District Institute Certificate of Completion.	All new directors are encouraged to complete one or both of these programs in their first two years on the Board in addition to any legally required training.	X	X
Palmdale Chamber of Commerce	Annual dinner, monthly business meetings, business mixers, monthly luncheons, Christmas Parade, and other special events.	Attendance not compensable unless speaking on behalf of the District.	-	X
Other Antelope Valley Non-Governmental Organizations	Meetings of the A.V. Board of Trade, A.V. Building Industry Association, Palmdale Sheriff Boosters, Chambers of Commerce, etc.	Attendance not compensable unless speaking on behalf of the District.	-	X
Other Antelope Valley Governmental Organizations	Meeting of the Sanitation Districts of Los Angeles County Districts 14 and 20, Lahontan Regional Water Quality Control Board (Southern California), Lancaster City Council, town councils, etc.	Attendance not compensable unless speaking on behalf of the District.	-	X
Other Community Events	Antelope Valley Fair, Home & Garden Show, Palmdale Fall Festival, Palmdale Thursday Nights at the Square, Summer Concerts, Poppy Festival, etc.	Attendance not compensable unless speaking on behalf of the District, scheduled to work a booth on behalf of the District, or otherwise act as a formal representative of the District.	-	-

Approved by Palmdale Water District Board of Directors on July 11, 2007

DIRECTOR MEETING REPORT FORM

NAME:_____ **DATE:**_____

NAME OF ORGANIZATION/MEETING:

LOCATION/DATE OF MEETING:

GENERAL SUBJECT MATTER OF MEETING:

KEY POINT(S) RELATING TO PWD OPERATIONS AND/OR POLICIES:

LIST OF NEW CONTACT(S) AND HOW THEY CAN BENEFIT PWD:

APPENDIX W

RECORD-RETENTION POLICY

RESOLUTION OF THE BOARD OF DIRECTORS
OF PALMDALE WATER DISTRICT
AMENDING AND RESTATING ITS RECORD RETENTION POLICY
AND RECORD RETENTION SCHEDULE FOR THE DISTRICT
AND APPROVING DESTRUCTION OF RECORDS
IN ACCORDANCE THEREWITH

RESOLUTION NO. 12-10

WHEREAS, at its meeting on November 21, 2005, the Board of Directors of Palmdale Water District ("District") adopted Resolution No. 05-10 to adopt a Record Retention Policy and establish a Record Retention Schedule to establish an orderly procedure for the storage, reproduction and possible destruction of District records on a continuing basis, and to provide for the protection of records vital to the District in the event of a disaster; and

WHEREAS, from time to time since the adoption of Resolution No. 05-10, District staff has identified additional categories of documents that should be reflected in the Record Retention Schedule and identified additional issues that should be addressed in the Record Retention Policy; and

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of Palmdale Water District hereby approves and adopts the Amended and Restated Record Retention Policy, and Record Retention Schedule attached thereto, all as set forth in Exhibit "A".

BE IT FURTHER RESOLVED that District records that are no longer required for District operations and which do not need to be retained as required by law, are hereby authorized to be destroyed in accordance with appropriate statutory provisions and the Record Retention Policy.

BE IT FURTHER RESOLVED, that the authorization for destruction of records shall be prepared by the appropriate Department Head, and reviewed and approved by the General Manager.

BE IT FURTHER RESOLVED, that the General Manager and legal counsel shall review the Amended and Restated Record Retention Policy and Record Retention Schedule periodically and present any recommended revisions to the Board of Directors as may be deemed necessary to keep the retention information current and efficiently maintained.

BE IT FURTHER RESOLVED, that the General Manager and staff are hereby authorized and directed to take such other actions as may be necessary or appropriate to implement and carry out the purposes of this resolution.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on July 25, 2012.

Gordon Dexter, President of
the Board of Directors of the
PALMDALE WATER DISTRICT

ATTEST:

Robert Alvarado, Secretary of
the Board of Directors of the
PALMDALE WATER DISTRICT

PALMDALE WATER DISTRICT
AMENDED AND RESTATED
RECORD RETENTION POLICY

In order to establish guidelines for the retention of Palmdale Water District ("District") records and to identify those records which are no longer required for or important to District operations, and are therefore appropriate for destruction, the following guidelines are established for the retention of District records:

Different types of District records and a recommended retention period for those records are set forth on the attachment to this Policy. Although every effort has been made to provide a thorough list of the different types of District records, the attached list is not all-inclusive, and there may be records which do not fall within one of the listed categories. In such case, the General Manager of the District is authorized to make a determination as to the appropriate retention period for that particular record.

Each record on the attached list shall be maintained in District records for the period indicated. In some instances, circumstances may exist which justify maintenance of a particular record for a longer period of time. The period of retention begins at the end of the fiscal year during which the record was created, not from the date of the record itself.

Certain records are identified on the attachment as "Permanent Records" which shall be retained permanently in District records. Some Permanent Records should be retained in their original form, including minute books, resolutions and ordinances; records relating to the District's formation, and formation of any improvement or assessment districts; water distribution system design, installation and repair records; well records; deeds, easements and other real property records; insurance policies; annual and audited financial reports; and court judgments and settlement agreements. Other permanent records may be photographed, microfilmed or reproduced on optical disk or other medium to facilitate their retention as required by this Policy.

In normal operations of the District, duplicate records are often created. Unless the Board of Directors provides otherwise, the General Manager may authorize the destruction of any duplicate record so long as the original or a permanent photographic reproduction or optical disk copy of the record is created and maintained in accordance with this Policy.

In accordance with *Government Code §60201,* the District may utilize alternative storage methods for those records which are not required to be maintained in their original form. Upon Board authorization, District records may be photographed, micro-photographed, reproduced by electronic video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, produced on film or any other reliable medium which does not permit additions, deletions or changes to the original document. This preservation must comply with minimum standards or guidelines recommended by the American National Standards Institute or the Association for Information of Image Management for recording of permanent records or non-permanent records.

Such reproductions shall be maintained in conveniently-accessible files with provision being made by the District for preserving, examining and using files. The reproductions can be certified, and such certified reproductions shall be deemed to be original public records for all purposes pursuant to *Government Code §60203*. Certification of the record must comply with standards approved by the California Attorney General, including a statement of identity, description and disposition or location of the records reproduced and the date, reason and authorization for such reproduction.

The General Manager shall oversee the process for destruction of District records in accordance with the guidelines attached to this Policy. Records (whether originals or reproductions) can be destroyed by the District unless it is determined that a compelling reason then exists to continue retention of the document. Alternatively, those records which are maintained in their original form during the retention period could, upon expiration of the retention period be converted to microfilm or other photographic reproduction for so long as circumstances reasonably dictate.

Immediately prior to destruction, the General Manager shall make a determination that no reason then exists to preserve the record. Where warranted or necessary to protect District confidential or financial information, or to protect an individual's privacy, documents may be destroyed through a confidential shredding process.

The following list of records with suggested retention periods is comprised primarily of records commonly found in the general business community, and is not intended as an exhaustive listing of all District records. Except as noted, the figures represent the number of years for retaining the records. The periods begin at the end of the fiscal year during which the record was created, not from the date of the record. The retention period for items supporting tax returns begins on the filing date of the return or its due date, whichever is later.

"P" = permanently; "AT" = after termination; "AD"= after disposal of the underlying asset; "AE" = after election; "AEG"= after end of grant; "AM" = after meeting; "AR" = after revision.

Accident reports (settled)	7
Agendas; meeting notices	2
Audits (see also Financial Reports)	P
Bank deposit slips	3
Bank reconciliations	3
Bank statements	7
Billing records	2
Bills of lading	5
Board meeting packets	30 days
Bonds (records of issuance)	P
Budgets and related updates	3
Check register	10
Checks paid by customers	3
Checks (paid and canceled)	7 AD
Contracts:	
Employee	7 AT
Vendor/consultant	7
For acquisition, operation, maintenance of land, water systems; water entitlement; water rights	P
Correspondence:	
Accounting	7
Credit and collection	7
General	3
Personnel	7 AT
Cost accounting records	5
Deposit slip copies	3
Depreciation schedules	7 AD
Developer agreements	P
District Formation records	P
Easements	P
Election records	4 AE
Environmental review documents:	
EIRs. negative declarations, notices of exemption, notices of determination	P
Environmental review: correspondence	3
Equipment leases (after expiration)	7
Equipment repair records	3
Expense reimbursement records	3
Financial reports:	
Audited	P
Annual	P
Interim	3
Fixed asset records	7 AD
FPPC records (Forms 700)	7 AT
Garnishments	3 AT
Grant applications (successful)	5 AEG
Grant funding records	5 AEG
Insurance policies	P
Inventory records	7 AD
Invoices (not including water bills)	7
Labor records:	
Applications (employees)	7 AT
Applications (non-hirees)	2
Contracts	7 AT
Daily time reports	5
Disability claims	7 AT
Earnings records	7
Employee manual	2 AR
Employee service records	7 AT
Interview documents (employees)	7 AT
Interview documents (non-hirees)	2
Pay checks	7
Personnel files	7 AT
Salary and wage changes	7 AT
Salary receipts	7 AT
Time cards, tickets and clock records	5
Training records	7
Unemployment claims	7 AT
Withholding certificates	7 AT
Worker's compensation reports	10
Leases	7 AT
Ledgers and journals:	
Accounts payable ledger	7
Accounts receivable ledger	7
Cash journal	10
Customer ledger	7
General journal	10
General ledger	P
Journal entries-year-end	P
Payroll journal	10
Plant ledger	P
Purchase journal	10
Licenses-Certifications (employees)	1 AT
Litigation files (resolved):	5
Judgments, Orders, Settlement Agreements	P
Maintenance records:	
Building	7
Machinery	7
Meter History	7
Meter Complaint Inquiries	7
Minute books, Resolutions, Ordinances	P
Mortgages	7 AT
Notes (canceled)	7
NPDES permits	P
Oaths of office	6 AT
Options	7 AT
Ordinances	P
Pension records	P
Petty cash records	3
Plant acquisition records	7 AD

Real estate development records:	
Design, Engineering, Construction	10
As-builts w/ District approval	P
Planning documents	3 AR
Policies and procedures	3 AR
Property records:	
Appraisals	P
Damage reports	7
Deeds, Easements, Licenses	P
Depreciation	7 AD
Plans and specifications	P
Purchases	P
Reconveyances	P
Sales	P
Taxes	10
Public Records Act requests	2
Purchase order copies	3
Purchase invoices	7
Rates and charges	3 AR
Receiving reports	3
Remittance statements	3
Resolutions	P
Rules and Regulations	P
Software license agreements and documentation (after expiration)	3
Staff reports	2
Surety bonds	3 AT
Tapes–audio and video of Board mtgs.	½ AM
Tax records	10
Tax returns (copies)	20
Travel records (employees)	3
Vehicle records	2 AD
Water bills and related reports	7
Water distribution system design, installation and repair records	P
Water quality tests – bacteriological	5
Water quality tests – other	12
Water quality reports	12
Water quality violations	3
Well records	P

APPENDIX X

FIXED ASSET CAPITALIZATION AND INVENTORY CONTROL POLICY

APPENDIX X

PALMDALE WATER DISTRICT
Fixed Asset Capitalization and Inventory Control Policy

PURPOSE
The purpose of this policy is to ensure adequate control and appropriate use of the Palmdale Water District's (District) fixed assets. The procedures are intended to define fixed assets and to establish guidelines for budgeting, purchasing, using, financial reporting, logging, inventorying, and depreciating of fixed assets. This policy does not apply to infrastructure assets.

POLICY
It is the policy of the District that fixed assets be used for appropriate District purposes and be properly accounted for and secured. It is the responsibility of the Finance and Services Department to ensure fixed assets will be tagged, inventoried on a regular basis, and accounted for by asset category. It is the responsibility of Department Heads to ensure that proper budgeting and purchasing guidelines are followed, that fixed assets are adequately controlled and used for appropriate District purposes, and to secure such fixed assets.

SCOPE
All Departments are subject to the provisions of this policy.

OBJECTIVES
The District's fixed asset capitalization policy stems from two (2) major objectives:

1) Accounting and Financial Reporting - To accurately account for and report fixed assets in financial reports issued to external reporting agencies; granting agencies and the public.

2) Safeguard - The District has a fiduciary responsibility to establish systems and procedures to protect its assets from loss or theft.

In meeting the two (2) objectives noted above, the District has established a **Capitalization Policy and an Inventory Control Policy**, providing specific guidance to determine which fixed assets are subject to separate accounting and reporting (i.e. Capitalization) and safeguarding, respectively.

The District is responsible for, and has established, systems and procedures through which both objectives are met. These systems and procedures are used to identify, process, control, track and report Districts fixed assets.

Capitalization Policy (Accounting and Financial Reporting)
In general all fixed assets, including land, buildings, machinery and equipment, with an original cost of $5,000 or more, will be subject to accounting and reporting (capitalization). All costs associated with the purchase or construction should be considered, including ancillary costs such as freight and transportation charges, site preparation expenditures, professional fees, and legal claims directly attributable to asset acquisition. Specific capitalization requirements are described below:

- The capitalization threshold is applied to **individual units** of fixed assets. For example, ten desks purchased through a single purchase order, each costing $1,000, will not qualify for capitalization even though the total ($10,000) exceeds the threshold of $5,000.

- For purposes of capitalization, the threshold will generally not be applied to **components** of fixed assets. For example, a keyboard, monitor and central processing unit, purchased as components of a computer system, will not be evaluated individually against the capitalization threshold. The entire computer system will be treated as a single fixed asset provided the entire system meets the $5,000 threshold.

- **Repairs** to existing fixed assets will generally not be subject to capitalization unless it extends the useful life of the asset. In this case, it represents an improvement and is subject to the requirements described below:

- **Improvements** to existing fixed assets will be presumed (by definition) to extend the useful life of the related fixed asset and, therefore, will be subject to capitalization only if the cost of the improvement meets the $5,000 threshold. In theory, an improvement to a fixed asset that had an original cost of less than $5,000, but now exceeds the threshold as a result of the improvement, should be combined as a single asset as the total cost (original cost plus the cost of the improvement) and capitalized.

- **Capital projects** will be capitalized as **Construction-In-Process** until completed. Costs to be capitalized include direct costs, labor and materials, as well as ancillary costs and any construction period interest costs as required by GASB Statement No. 34.

Inventory Control Policy (Safeguarding)

The District is responsible for safeguarding its fixed assets from theft or loss; however, management does recognize and acknowledge its responsibility to establish and maintain systems and procedures that enable employees to properly safeguard the District's assets.

In general, inventory control is applied only to *movable* fixed assets (generally these falling into the "General Plant Asset" category), and not to land, buildings, or other *immovable* fixed assets. The District's ***Moveable Fixed Assets*** will be accounted for and inventoried at least once per fiscal year.

TAGGING

The purpose for tagging assets is to provide an efficient mechanism for inventorying fixed assets. The tag should be placed in an inconspicuous, but accessible place on the asset, for example, on the back of a computer component or the inside leg of a chair.

Why Tag An Asset

A. To provide accountability for the assets, ensuring the asset assigned to a Department is controlled and accounted for by a specific department.
B. To help determine asset replacement cost and life.

C. To provide the District's outside auditors with a mechanism to verify that the District is in control of fixed assets and to provide an accurate record of the District's capital expenditures.

Should the Asset Be Tagged?

A. Yes, if cost of asset is greater than $5,000and useful life is greater than one year.
B. Yes, if it is physically possible/practical to tag and meets the dollar and life guidelines.
C. Yes, if it is an asset that is handled frequently, has a high cost, and/or is likely to be stolen.
D. Yes, if the asset needs to be controlled due to high incidence of theft/misplacement/ borrowing.
E. Generally no, if the asset cost is less than $5,000. However, the Department Head and/or Finance may choose to tag items that cost less than the $5,000.
F. No, if the asset will be used up within one year.

Who is Responsible for Tagging the Asset?
The Finance and Services Department, with assistance from the Departments, will be responsible for tagging fixed assets.

PURCHASING FIXED ASSETS

1. Fill out Requisition Request Sheet with a Purchase Order.
2. The requested asset should have already been included in the current year's budget. Verify this, by reviewing your specific program.
3. If asset is not in the budget, you must contact Finance and Services Department to determine appropriate action.

DEPRECIATION

Fixed assets will be depreciated using the following guidelines:
Each fixed asset will be added to one of the following Asset Classes. The Asset Classes are assigned the following depreciable lives in years.

Asset Class	Class Description	Depreciable Life
LAND	Land	N/A
BUILDINGS	Buildings	50
CAP_EQUIP	Capitalized Equipment	10
COMPUTERS	Computers and related items	3
EQUIPMENT	Equipment (Shop, Plant, SCADA)	5
FURNITURE	Furniture and Fixtures	7-10
INFRASTRUCTURE	Pipelines, Storage Tanks, Boosters, Vaults, Hydrants	40
OFFICE_EQUIP	Office Equipment	3
VEHICLES	Cars, Trucks, Tractors, Trailers	5-10
WELLS	Water Wells	50

Computer Software. Computer software is not capitalized because of its short useful life and the high annual maintenance and upgrade costs.

APPENDIX Y

AGREEMENT FOR ACQUISITION AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS

APPENDIX Y

PALMDALE WATER DISTRICT
AGREEMENT FOR ACQUISITION AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS
TRACT NO. _____

THIS AGREEMENT is entered into as of the ___ day of _____, 2008, by and between PALMDALE WATER DISTRICT, an Irrigation District organized and existing under the provisions of Division 11 of the Water Code of the State of California, ("District") and _____, ("Developer").

RECITALS:

A. District is engaged in the production, transmission and distribution of water within its service area.

B. Developer is developing a parcel of real property, commonly identified as Tract No. _____ ("Development") within the District's service area, as shown on Tract Map No. _____ on file in the office of the District and incorporated herein by reference.

C. Developer desires to secure water service to the Development from the District and the District is willing to provide such service on the terms and conditions set forth in this Agreement.

D. Developer has provided to the District the plans for water system improvements for the Development ("Facilities") and Developer has granted to the District the easements required for the operation and maintenance of the improvements. Said plans and specifications include, where applicable, off-site facilities necessary to serve the Development.

E. On _____ the District approved said plans designated as Water System Improvements, Tract _____, which plans and specifications ("Plans") are attached as Exhibit 1.

F. Developer intends to construct the Facilities in accordance with the approved Plans, which Facilities will be connected to the District's system.

AGREEMENTS

1. Construction of Facilities. Within _____ days from the date of this Agreement, Developer shall secure all required permits and commence construction of the Facilities or cause their construction to be commenced in accordance with the Plans and pursuant to the provisions of this Agreement.

District reserves the right to approve all materials used in construction of the Facilities. All work shall be done to the satisfaction of the District and in a good and workmanlike manner.

By entering into this Agreement, Developer represents and warrants that it is familiar with the District's current *Standard Specifications for Water Distribution System Construction.*

2. Qualifications of Contractor and Subcontractors. All work shall be performed by contractors approved by District and possessing that class of contractor's license issued pursuant to Division 3, Chapter 9, of the Business and Professions Code required for construction of the Facilities. Developer proposes to enter into a contract with a licensed general contractor ("Contractor") for construction of the Facilities. Developer shall secure from Contractor the following information for review and approval by the District:

(a) Information regarding its experience, financial condition and business referenced to be set forth on Exhibit 2. Contractor shall have at least five years experience in performing similar work.

(b) The Contractor's Licensing Statement in the form attached as Exhibit 3.

(c) The names and addresses of subcontractors, if any who will perform work under the contract between Developer and the Contractor or who will specially fabricate and install a portion of the work to be set forth on the form attached as Exhibit 4. The Construction contract shall provide that subcontractors may not be substituted without District's prior approval. Contractor may not subcontract for more than 40% of the work to be performed under its contract with Developer.

3. Inspection of Facilities. District shall at all times have access to the Development during construction of the Facilities and shall be provided with every opportunity for ascertaining full knowledge respecting the progress, workmanship, and character of the materials and equipment used and employed in construction of the Facilities. Contractor shall give at least 48 hours notice to District in advance of any work being performed on a Saturday, Sunday or Holiday designated by District, or for more than eight hours in a work day. Contractor shall give at least 24 hours notice to the District in advance of back filling or otherwise covering any part of the Facilities constructed so that the District may, if desired, inspect such work before it is concealed. The observation, if any, by District of the construction of the Facilities shall not relieve Developer or Contractor of any of their obligations under this Agreement. Defective work shall be made good, and materials and equipment furnished and work performed which is not in accordance with the approved Plans, and District's current *Standard Specifications for Water Distribution System Construction*, may be rejected notwithstanding the fact that such materials, equipment and work have been previously inspected by District.

4. Agreement to be Binding on Contractor. Developer shall have a written agreement with Contractor, which agreement shall incorporate by reference the terms and conditions of this Agreement. The form of agreement between Contractor and Developer is attached as Exhibit 5 and made a part hereof. Developer shall furnish Contractor with a copy of this Agreement and shall cause Contractor to acknowledge his agreement to be bound by the terms and conditions of this Agreement by signing the form attached as Exhibit 5. A fully executed copy of the agreement between Developer and Contractor shall be delivered to District prior to commencement of work.

5. Bonds.

(a) Prior to Contractor's commencement of work, Developer shall furnish and deliver to District a bond with a responsible corporate surety or corporate sureties acceptable to District conditioned upon the faithful performance of Contractor of all covenants and stipulations of this Agreement, and of Contractor's agreement with Developer. Said bond shall be on the mandatory form attached hereto as Exhibit 6, and shall be an amount that is not less than 100% of the total amount payable under Contractor's agreement with Developer for the construction of the Facilities.

(b) Prior to commencement of work, Developer shall also furnish a payment bond. Said payment bond shall be in a sum not less than 100% of the total amount payable under Contractor's agreement with Developer for the construction of the Facilities, and shall be on the mandatory form attached hereto as Exhibit 7.

(c) The surety or sureties on all bonds furnished must be satisfactory to the District. If during the course of construction any of the sureties in the sole discretion of the District are or become insufficient, District may require additional sufficient sureties which the Contractor shall furnish to the satisfaction of the District within fifteen (15) days after written notice thereof.

(d) Notwithstanding the foregoing, if Developer has entered into an agreement with Los Angeles County obligating Developer to provide bonds which include 100% coverage for the Facilities, in lieu of providing the bonds as specified herein, Developer may have District named as an additional obligee on those bonds provided to the County. District shall be entitled to approve the form and content of said bonds and the additional obligee endorsement.

6. Insurance Requirements of Developer.

(a) Prior to the commencement of work, Developer shall cause Contractor to forward to the District a policy or certificate of protective liability insurance in which the District shall be named as additional insured with Contractor. The policy shall insure the District and its directors, officers, employees, agents, consultants and volunteers as additional named insureds as well as the Contractor, its employees and its subcontractors and each of their employees, and their heirs, agents, and employees, while acting within the scope of their duties, against all claims arising out of or in connection with the work to be performed and shall remain in full force and effect until the work is accepted by the District.

(b) The District, its directors, officers, employees, agents, consultants and volunteers are to be covered as insureds with respect to the following: liability arising out of activities performed by or on behalf of the Contractor, products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded the additional insureds.

(c) Developer shall require, in its agreement with Contractor, that the above-referenced insurance policy (or policies) shall be furnished at Contractor's expense, in a form and with insurance companies authorized to do business and have an agent for service of process in California and have an "A-" policyholder's rating and a financial rating of at least Class VII in accordance with the most recent AM Best's Insurance Guide, or if AM Best's is no longer published, comparable ratings from a service acceptable to District. Such insurance, in addition

to the multiple additional named insured endorsements set forth above, shall be broad form commercial general liability insurance in the amounts set forth below, and shall contain additional endorsements as follows: (i) providing blanket contractual liability coverage for Contractor's indemnification obligations to District and others pursuant to this Agreement and the agreement between the Developer and Contractor; (ii) providing coverage for explosion, collapse, underground excavation and removal of lateral support; (iii) providing that the insurance may not be canceled or reduced until 30 days after the District and its Engineer have actually received written notice of such cancellation or reduction; (iv) providing "cross liability" or "severability of interest" coverage for all insureds under the policy or policies; and (v) providing that any other insurance maintained by District, the Engineer or any other named insured is excess insurance, and not contributing insurance with the insurance required herein. The amount of coverage shall be no less than the following:

(1) General bodily injury and property damage -- $2,000,000 per occurrence.

(2) Automobile bodily injury and property damage --$2,000,000 per occurrence, including owned, non-owned and hired autos, and providing coverage for loading and unloading.

(d) The Contractor shall also be required to provide and maintain Builder's Risk Insurance covering all risks of direct physical loss, damage or destruction to the work in the minimum amount of the dollar value of the Facilities. Such insurance shall include explosion, collapse, underground excavation and removal of lateral support. The District shall be named as an additional insured on any such policy.

(e) The evidence of insurance required to be provided to the District shall include original copies of the ISO CG 2010 (or insurer's equivalent) signed by the insurer's representative and certificate(s) of insurance (Accord Form 25-S or equivalent) reflecting the existence of the required insurance. If required by the District, Developer shall furnish a complete copy of the policy or policies, and all endorsements thereto. Commercial general liability insurance must include District's and Contractor's Protective Coverage, Products - Completed Operations Coverage, Premises - Operations Coverage, and must provide for coverage of District's facilities during the course of construction.

(f) Developer shall insure that the Contractor is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and that contractor will comply with such provisions before commencing the performance of the work under the agreement with developer. Developer shall insure that the contractor and sub-contractors will keep workers' compensation insurance for their employees in the effect during all work covered or contemplated by this Agreement.

7. Schedules and Notice. Developer shall provide District with a schedule for construction of the Facilities and shall keep District advised of the schedule and progress of work. No work shall be performed unless (a) there has been a pre-construction meeting with representatives of District, Developer and Contractor in attendance; (b) District has been given written notice of the name and telephone number of Contractor's job superintendent who shall be Contractor's representative at the job site and shall have authority to act on behalf of Contractor, and the name and telephone number of Contractor's alternate in the event the job superintendent

is unavailable; and (c) District has been give at least five (5) business days written notice of the commencement of work. Construction of the Facilities shall be completed in accordance with the Schedule of Facilities Construction, Exhibit 8.

8. Inspection, Contract Administration and Connection Fees. Upon execution of this Agreement, Developer shall pay the inspection fee and all related connection fees. Should the prevailing charges be increased subsequent to the execution of this Agreement and prior to water service being provided to the Development, the Developer shall pay the difference between the amounts set forth below and the current amounts as a condition of receiving service.

9. Payment for Work. All work related to the development and construction of the Facilities is for the convenience of and at the request of Developer, who shall be solely responsible for all costs and expenses in connection therewith. District shall not be responsible to Contractor or its subcontractors, suppliers or materialmen for such work. Developer shall not permit any claim to be enforced against the Facilities, however it may arise. Regardless of the merits of any claim, Developer shall, within five (5) business days of the assertion thereof, cause said claim to be discharged or provide a bond releasing such claim, in a form satisfactory to District.

10. No Agency. Neither Developer nor Contractor are the agents or representative of District. Neither has any authority to in any way commit or bind District.

11. Indemnification. To the fullest extent permitted by law, Contractor and Developer shall jointly and severally indemnify and hold harmless District, its directors, officers, agents, employees, consultants and volunteers from and against all claims, damages, losses, expenses, and other costs, including, but not limited to, costs of defense and attorneys' fees, arising out of or resulting from or in connection with the construction of the Facilities or the Development, both on and off the job site, provided that any such liability (1) is attributable to personal injury, bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, and (2) is caused in whole or in part by an act or omission of Developer, Contractor, any subcontractor, any supplier, anyone directly or indirectly employed by any of them or anyone for whose acts or omissions any of them may be liable, regardless of whether or not it is caused in part by any act or omission (active, passive, or comparative negligence included), of a party indemnified hereunder. The obligation hereunder shall not be abridged, reduced or discharged by the maintenance of insurance by the Contractor or Developer. Developer and Contractor shall also jointly and severally indemnify and hold harmless District, and its consultants, and each of their directors, officers, employees, agents, consultants and volunteers from and against all losses, expenses, damages (including damages to the Development or Facilities), attorneys' fees, and other costs, including all costs of defense, which any of them may incur with respect to the failure, neglect, or refusal of Developer or Contractor to faithfully perform the work and/or any of either of their obligations under this Agreement or under the agreement between Developer and Contractor.

12. Compliance with Laws. The agreement between Developer and Contractor shall require that: (a) Contractor shall conduct its operations so as to avoid injury or damage to any person or property, and to minimize any obstruction and inconvenience to the public; (b) Contractor shall comply with all applicable laws or regulations relating to the work including safety measures applicable in particular operations or kinds of work; (c) Contractor shall provide and maintain such fences, barriers, directional signs, lights, and flag men as are necessary to give

adequate warning to the public at all times of any dangerous conditions to be encountered as the result of the construction work and to give directions to the public; and (d) Contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during construction of the Facilities.

13. One Year Guarantee. Developer and Contractor jointly and severally guarantee all work against defects in workmanship or materials for a period of one year after District's acceptance of the Facilities. Developer and Contractor, or either of them, shall repair or remove and replace any and all such work, together with any other work which may be displaced in so doing, that is found to be defective in workmanship and/or materials within said one year period, without expense whatsoever to District. In the event of a failure to comply with the above-mentioned conditions within seven (7) business days after being notified in writing, District shall be entitled to have the defects remedied and the work repaired or replaced at the expense of Contractor and Developer. Developer and Contractor agree to pay all such expenses immediately on demand therefor by District. The performance bond and the payment bond shall continue in full force and effect for the guarantee period. Additionally, Developer and Contractor shall provide the District with any manufacturer warranties that may be applicable to materials or equipment included in the Facilities.

14. Maintenance and Repair of Facilities. Developer shall protect and maintain the Facilities through completion of the Development. In the event all or any part of the Facilities are damaged or destroyed, Developer shall repair or replace said Facilities without cost to District.

15. Donation and Acceptance of Facilities. Upon completion of construction, all Facilities shall be donated by the Developer to the District free and clear of all liens, claims and encumbrances and shall become the property of District upon acceptance of the Facilities for operation, maintenance, and repair by the District. District may require Developer to provide a deed, bill of sale, or other instrument of conveyance, conveying the Facilities from the Developer to the District.

16. Water Quality. District makes no guarantees regarding the quality of water to be supplied to the Development. In addition, Developer acknowledges that District's water supply may be a varying blend from local wells and State Project Water. Due to variable system demands and circumstances beyond District's control, the percentage of water supplied concurrently from each source fluctuates from time to time which may result in a change, more or less, in certain minerals and chemical concentrations of District's water supply. Developer acknowledges that it may be the nature of water to be corrosive, and it may have corrosive effects on certain water facilities, i.e., pipes, valves, materials, appliances and appurtenances. Developer further acknowledges that certain materials utilized for the conveyance of water may be more susceptible than others to corrosion and its related effects. The selection and installation of all piping, valves, materials, appliances, fittings and appurtenances required to receive and convey water from the discharge outlet of the meter to serve a particular lot, home, building, structure or parcel of land, within a subdivision or otherwise, is the sole responsibility of Developer. Any and all piping, valves, materials, appliances, fittings and appurtenances connected to the discharge outlet of the meter shall be designated as "on-site". District submits reports on the mineral and chemical analysis of water samples to the State of California Department of Public Health. Said reports are available to Developer upon request. Should Developer require any additional information or further mineral and chemical water analysis

reports, Developer shall bear the expenses of such reports. Developer assumes responsibility for obtaining copies of District mineral and chemical water analysis reports for evaluation of potential corrosive tendencies and possible adverse effects to on-site water facilities. In selecting piping, valves, materials, appliances, fittings and appurtenances to be used for receipt of water from the discharge outlet of the meter, Developer shall consider the mineral and chemical content, and potential corrosive effects of any blend and/or percentage thereof, of water which may be supplied by District. Developer further acknowledges and agrees to indemnify and hold harmless District, and its officers, agents and employees from any and all adverse effects or damages that result from corrosion of on-site facilities, and in particular within any residence, commercial building or industrial building caused by Developer.

17. Flow Requirements. It is Developer's responsibility to ascertain fire flow requirements for the Development. District neither guarantees nor agrees to supply water in any specific quantities or pressures for fire flow, domestic use or for any other purpose whatsoever, and no such obligation shall be implied.

18. Construction Water. Developer and/or Contractor shall pay for the use of construction water in accordance with District's rules and regulations.

19. Irrigation Water. Should the Development require irrigation water, Developer shall apply for service in accordance with District rules and regulations. District reserves the right to limit irrigation water and to deny the use of water for irrigation purposes except during the off peak hours between 10:00 p.m. and 3:00 a.m. Developer shall cause its landscaping to be planted over a reasonable period of time so that portions of the landscaping will be watered in sequence rather than all at one time. District will not be liable for any losses or damages to the landscaping due to the lack of water.

Developer shall provide District with an accurate estimate of the amount of water required for irrigation including irrigation of slopes, green belts, parkways and open space. The estimate shall include the daily water demand. Developer shall also provide District with a written statement showing the types of sprinklers and controllers it proposes to use. Developer's irrigation system shall include sensors for moisture, temperature and wind, and devices which will turn off water when there is adequate moisture in the ground, when the temperature is excessively warm and when there is excessive wind. When Developer provides District with its estimated irrigation needs, Developer's report shall include the period commencing with initial planting through the period when the landscaping is established.

20. Rules and Regulations of Water District. Developer shall comply with all applicable District rules and regulations.

21. Notice to Purchasers. Developer shall give written notification to the purchasers of its lots and the purchasers of its homes of the location of District's easements and Facilities on or adjacent to their property so that said purchasers will not interfere with access to the Facilities (for example by installing interfering walls, fences, gates or shrubbery).

22. Street Plans, Surveys, As-Built Drawings, Compaction Tests and Bacteriological Tests. Not less than fifteen (15) days prior to commencement of construction, Developer shall provide to District and Contractor the final approved tract map and a complete set of final approved plans and profile drawings for the Facilities which are prepared, approved and signed

by a registered civil engineer and approved and signed by all applicable regulatory agencies. Prior to commencement of construction, Developer shall provide accurate field staking, i.e., cut stakes, field stakes and final grade stakes based on final approved street plans. Developer shall provide District with compaction tests in accordance with County, City and District requirements. Upon completion of construction, Developer shall provide District with legible as-built drawings showing all water facilities; said as-built drawings shall include a written narrative statement which clearly describes all modifications, changes or deviations from the approved plans. Upon completion of construction, Developer shall provide District with a minimum of two (2) consecutive bacteriological test results on all water facilities, the samples for which are collected in accordance with all applicable standards and regulations. Samples for bacteriological analysis shall be submitted to a laboratory approved by Water District. Samples shall be taken at least twenty-four (24) hours apart from one another. Should any tests fail or not be acceptable Developer shall take additional samples at such sampling points in accordance with all standards and regulations and the requirements of District and all regulatory agencies. Developer understands and agrees that water service cannot be provided to Developer's project unless and until all Facilities are completed in accordance with plans and specifications, transferred to District and accepted in writing by District.

23. Attorneys' Fees. In any action, at law or in equity, including an action for declaratory relief, seeking to interpret or enforce the terms of this Agreement, the prevailing party shall be entitled to recover a reasonable amount as attorneys' fees and costs incurred in prosecuting or defending such action, including a dispute submitted to arbitration, in addition to any other relief to which such party is entitled.

24. Not Assignable. The rights and obligations of Developer and Contractor under this Agreement shall not be assignable without the prior written consent of District, which shall not be unreasonably withheld.

25. Entire Agreement. This Agreement constitutes the entire Agreement of the parties with respect to the subject matter, and no amendment, modification or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof and duly approved and executed by each of the parties.

26. Choice of Law. This Agreement, and the application or interpretation hereof, shall be governed exclusively by its terms and by the laws of the State of California. Venue for all purposes shall be deemed to lie within Los Angeles County, California, and any action to enforce this Agreement or for any remedies, damages, or other relief shall only be brought in either the State courts of the State of California in and for the County of Los Angeles or in the United States District Court, Central District of California.

27. CEQA Indemnification. Developer hereby agrees to indemnify, defend and hold harmless the District from all claims, liabilities, causes of action, liens, expenses, or damages of any type, including reasonable attorneys' fees and expenses, incurred by the District arising from any claim, action or proceeding under the California Environmental Quality Act (California Public Resources Code §21000, et seq.) or from any challenges to this Agreement or the District's right and authority to enter into this Agreement. With respect to any claim for which the District has requested indemnification under this Section, Developer shall assume the defense of any related litigation, arbitration or other proceeding, provided that the District may at its election and expense, participate in such defense. At Developer's reasonable request, the District

will cooperate with developer in the preparation of any defense to any such claim, and Developer will reimburse the District for any reasonable expenses incurred in connection with such request.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

"DISTRICT"	**"DEVELOPER"**
By: _____	By: _____

APPENDIX Z

VEHICLE AND MOTORIZED EQUIPMENT POLICY AND PROCEDURE

PALMDALE WATER DISTRICT VEHICLE AND MOTORIZED EQUIPMENT REPLACEMENT POLICY AND PROCEDURE

Replacement Policy – Definition and Philosophy

Replacement of vehicles and motorized equipment shall be seen as an opportunity to reduce the size of the fleet, reduce fuel consumption, reduce exhaust emissions, improve efficiency and enhance safety by utilizing best available and most cost effective technologies when selecting replacement vehicles and motorized equipment.

The Senior Equipment Mechanic is responsible for evaluating vehicle and motorized equipment condition and determining the replacement of vehicles and motorized equipment, including the development of replacement criteria for each class of vehicle or motorized equipment and a five-year replacement plan.

All vehicles and motorized equipment acquired and maintained by Palmdale Water District are targeted for replacement according to a replacement policy guideline developed by Facilities Shop. The guideline is based on actual experience of the fleet and is used as a basis for developing financial policy and planning future departmental transportation requirements. The schedule is based on age and/or mileage guidelines and earmarks replacement funding needed for annual budgets.

In actual practice, Facilities Shop will dispose of a vehicle or piece of motorized equipment any time it cannot be maintained in a safe operating condition or it becomes economical to replace the vehicle or motorized equipment. As vehicles and motorized equipment reach target miles, hours or age for replacement, they receive a technical and cost evaluation. If the evaluation indicates the vehicle or motorized equipment would be economical to retain for an additional period of time, the vehicle or motorized equipment is retained and a new replacement target is established for re-evaluation.

The Senior Equipment Mechanic is responsible for downsizing the fleet when appropriate, and determining downsizing objectives. Vehicle downsizing is part of an overall evaluation of customer vehicle needs in each situation that a vehicle is due to be replaced, or an addition to the fleet is requested.

The Senior Equipment Mechanic reviews and approves all specifications for all purchases of vehicles and motorized equipment. The Senior Equipment Mechanic is also responsible for identifying opportunities to standardize the fleet since it is integral to the Shop's ability to repair, stock parts, and maintain vehicles and motorized equipment in an economical and efficient manner.

Vehicle Replacement (Cycling) Criteria

The Senior Equipment Mechanic is responsible for disposing of surplus vehicles promptly after replacement in accordance with District Policy 12.07 SALE OF DISTRICT PERSONAL PROPERTY.

The targeted replacement guidelines are as follows:

Automobiles	80,000 miles	or	5 years		
Pickup, van, mid-size	80,000 miles	or	5 years		
Pickup, van, full-size	80,000 miles	or	5 years		
Utility Vehicle (3/4, 1 ton truck, cab/chassis, etc.)	80,000 miles	or	7 years		
Medium duty truck (dump truck, water truck, etc.)	100,000 mi.	or	10,000 hrs.	or	10 years
Heavy duty truck (3 axle, crane, etc.)	500,000 mi.	or	15,000 hrs.	or	10 years
Trailers	10 years				
Heavy equipment (tractors, backhoes,etc.)	10 years				
Small equipment (portable generators, pumps, etc.)	Annual evaluation				

The targeted replacement guideline is not a mandatory retirement schedule but is intended as guidance to conduct an annual review of the vehicle or motorized equipment to determine cost effective replacement.

The Senior Equipment Mechanic will perform a periodic review of the Vehicle Replacement Criteria and recommend changes to the Facilities Committee.

Vehicle Acquisition

The Senior Equipment Mechanic is responsible for conducting life cycle cost analysis to determine the most efficient purchase of vehicles and motorized equipment including consideration of purchase, operating costs and resale value. In addition, the Senior Equipment Mechanic is responsible to conduct a needs analysis so that departmental requirements such as size, two-door or four-door,

powertrain, operating costs and resale value considerations are included in the selection decision.

Discussions should take place with the customer department and end user to determine any new vehicle or equipment requirements, such as anticipated driving conditions, carrying capacity, storage needs, fuel economy, and special equipment.

The Senior Equipment Mechanic is responsible for acquiring all Palmdale Water District vehicles and motorized equipment by any method which is beneficial to the Palmdale Water District with the approval of the Finance Manager.

Palmdale Water District vehicles and motorized equipment are normally purchased through the State bid process whenever possible. Since it is the goal of the Department to also purchase the vehicle or motorized equipment best suited to the application, State bid recommendations are reviewed for applicability to the intended use.

Vehicles and motorized equipment not acquired through the State bid process are purchased through the Palmdale Water District bid process. All vehicles and motorized equipment to be purchased under either process are reviewed by the Facilities Committee. Suitability and appropriateness for the job intended, balanced by cost are the primary objectives of the review. Compatibility with the rest of the fleet is also a consideration.

It is the goal of the Facilities Shop to select the proper vehicle or motorized equipment for the intended use balancing purchase price, fuel economy, emissions requirements, operation and maintenance costs and the efficiencies resultant from developing a standardized fleet. Once the replacement cycle is complete, the retired vehicle is declared surplus and prepared for disposal.

Additions to the Fleet

Additions to the vehicle and heavy equipment fleet are requested by Palmdale Water District Department Heads and evaluated by the General Manager and the Senior Equipment Mechanic during the budget process. Additions authorized by the General Manager must be approved by the Facilities Committee. Additions are defined as any increase in the total number of fleet vehicles and heavy equipment. Replaced vehicles and heavy equipment not declared surplus and disposed of may be considered as additions to the fleet and require authorization.

APPENDIX AA

PALMDALE LAKE BOATING RESTRICTIONS

PALMDALE WATER DISTRICT
RESOLUTION NO. 09-02

RESOLUTION OF THE BOARD OF DIRECTORS
OF PALMDALE WATER DISTRICT
RESTRICTING OUTSIDE BOATS FROM ENTERING PALMDALE LAKE

WHEREAS, Palmdale Water District ("the District") is the Owner/Operator of Palmdale Lake and Palmdale Lake is a source for drinking water ("Source Water") that the District is obligated to protect from contamination; and

WHEREAS, the District, as a public agency that operates a water supply system, is required under California Fish and Game Code §2301, §2302 (AB 2065), Title 14 CCR §671 (Fish and Game Code §2118) to cooperate with the Department of Fish and Game to implement measures either to avoid infestation or to control or eradicate any infestation that may occur; and

WHEREAS, this Board has determined that it is in the best interest of this District to prevent invasive species (quagga/zebra mussel) infestation of Palmdale Lake.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Palmdale Water District hereby authorizes and approves the adoption of Policies and Procedures for Boat Access Restrictions at Palmdale Lake, Vessel Inspection, Tamper-proof Tag and Lake Monitoring Program as it may be amended from time to time to Prevent Invasive Species Contamination.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on January 28, 2009.

President, Board of Directors
Palmdale Water District

ATTEST:

Secretary, Board of Directors
Palmdale Water District

APPENDIX BB

PALMDALE WATER DISTRICT SPEAKER REQUEST FORM

Palmdale Water District Speaker Request Form

Name of Organization/Company

Website

First Name

Last Name

Title

Address

City, State, Zip

Phone

Fax

Email

Requested Event Date/Time *(First Choice)*

Requested Event Date/Time *(Second Choice)*

Event Type

Location name

Location Address

Location Phone

Requested Topics *(Please Circle)* **:**

PWD Overview	Infrastructure Planning/Projects
Water Rates	PWD Strategic Plan
Water Supply	Palmdale Recycled Water Authority
Water Quality	Use of Renewable Resources
Water Conservation	Ground Water Banking
Water Efficient Landscaping	

Other (Please Specify):

APPENDIX CC

CLAIMS PRESENTED AGAINST PALMDALE WATER DISTRICT

PALMDALE WATER DISTRICT
RESOLUTION NO. 14-14

A RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT ADDING ARTICLE 19 TO THE PALMDALE WATER DISTRICT RULES AND REGULATIONS TO ADOPT A PRESENTATION PROTOCOL FOR CLAIMS PRESENTED AGAINST THE PALMDALE WATER DISTRICT

WHEREAS, the doctrine of "sovereign immunity" provides that, with certain exceptions created by statute or constitutional law, a public agency is immune from liability for its actions that cause injury to person or property; and

WHEREAS, Government Tort Claims Act (Government Code §§ 810 *et seq.*) (the "Act") establishes the statutory protocol for the presentations of liability claims to a public agency for consideration and possible action, whether those claims sound in tort, contract, other form of liability; and

WHEREAS, the Act establishes the procedural rules pursuant to which a claimant may seek a damage award from a public agency, including procedural rules requiring the filing of an administrative claim within an applicable six-month or one-year statute of limitations as prerequisites to the filing of a civil action against the public agency; and

WHEREAS, the procedural requirements provide public agencies the opportunity to timely investigate claims, to reduce litigation expenses and potential judgments, and to limit liability by barring certain claims; and

WHEREAS, Section 905 of the Act exempts certain damage claims from the prerequisite administrative claim presentation requirements, including, but not limited to, claims by the state or other local public entity against a public agency; and

WHEREAS, Section 935 of the Act provides that claims that are excluded from the prerequisite administrative claim presentation requirements under Section 905, and that are not governed by other statutes or regulations expressly related thereto, may be covered by a public agency's charter, ordinance, or regulation that requires the filing of an administrative claim prior to the filing of a civil action against the public agency; and

WHEREAS, Section 22727 of the Water Code provides that all claims for money or damages against irrigation water districts are governed by the Act; and

WHEREAS, Article XIII, Section 32, of the California Constitution sets forth what is commonly known as a "pay first, litigate later" doctrine, which requires a taxpayer to pay a tax, fee, fine, or assessment before commencing a court action to challenge the collection thereof, and said doctrine is made applicable to all types of government, including water districts (*Water Replenishment Dist. of Southern Calif. v. City of Cerritos, et al.* (2013) 220 Cal.App.4th 1450, 1466-67); and

WHEREAS, the California Court of Appeals has stated that the "pay first, litigate later" doctrine only applies when a public agency has a "pay first, litigate later" provision in its policies and practices (*City of Anaheim v. Superior Ct.* (2009) 179 Cal.App.4th 825); and

WHEREAS, board of directors of the Palmdale Water District desires to enact a claims presentation procedure and a "pay first, litigate later" requirement, which will benefit the District and its customers by imposing a more uniform procedure for the filing of claims against the District, streamline the process to reduce the District's time and expense in responding to such claims, and ensure the District's revenue remains stable pending litigation to ensure services continue to be provided to the District's customers.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: The above recitals are all true and correct and are hereby adopted as findings.

Section 2: Article 19 entitled "Claims Presented Against The District" is hereby added to the Palmdale Water District Rules and Regulations to read in full as follows:

"ARTICLE 19: CLAIMS PRESENTED AGAINST THE DISTRICT

19.01 AUTHORITY.

This regulation is enacted pursuant to Section 935 of the California Government Code.

19.02 CLAIMS REQUIRED.

All claims against the District for money or damages that are excluded by Government Code § 905 and that are not otherwise governed by the Government Claims Act, California Government Code §§ 900 *et seq.*, or another state law (hereinafter in this resolution, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this Chapter.

19.03 FORM OF CLAIM.

All claims shall be made in writing and verified by the claimant or by the guardian, conservator, executor, or administrator of claimant. In addition, all claims shall contain the information required by California Government Code §§ 910 through 915.4. The foregoing reference to Government Code §§ 910 through 915.4 shall not be construed to authorize a class claim, and no claim may be filed on behalf of a class of persons unless verified by every member of that class.

19.04 DELIVERY OF CLAIMS AND ADMINISTRATION.

All documents setting forth claims or demands against the District must be delivered to the District Office, located at 2029 East Avenue Q, Palmdale, California 93550, to the attention of the General Manager. The General Manager, or designee, shall audit each demand and

investigate each claim for damages and shall cause the same to be promptly presented to the Board of Directors with a recommendation as to the action which should be taken. Notwithstanding the foregoing, the General Manager may delegate to a third-party administrator the general administration of claims under the continued supervision of the General Manager.

19.05 CLAIM PREREQUISITE TO SUIT.

In accordance with California Government Code §§ 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the District prior to the filing of any action on such claims, and no such action may be maintained by a person who has not complied with the requirements contained in this resolution.

19.06 ACTIONS FOR PAYMENT OF TAXES, FEES OR FINES; PAYMENT REQUIRED PRIOR TO COMMENCEMENT OF LEGAL ACTION.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the District or an officer thereof to prevent or enjoin the collection of taxes, fees, or fines sought to be collected pursuant to any provision, resolution, or ordinance of the District for the payment of all taxes, fees, or fines. Payment of all taxes, fees, or fines, interest, and penalties shall be required as a condition precedent to seeking judicial review of the validity or application of any such tax, fees, or fines.

19.07 SUIT.

Any action brought against the District upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the District shall conform with the requirements of Section 950-951 of the California Government Code.

19.08 WARRANT FOR PAYMENT.

If a claim or demand against the District is presented to the Board of Directors and allowed and ordered paid by it, the General Manager shall draw a warrant upon the Finance Director for the amount allowed, which warrant shall be countersigned by the General Manager. The warrant shall also specify for what purpose it is drawn and out of what fund it is to be paid.

If the warrant statement referred to shows sufficient available funds in the treasury legally applicable to the payment of the same, and in case of a written contract that the condition under which the money would become due has been performed, the General Manager shall cause a warrant to be drawn thereon, in the same manner as provided for the payment of other claims and demands.

19.09 SPECIAL CLAIMS PROCEDURES.

Notwithstanding the general provisions of Section 19.02 with respect to claims, pursuant to the authority contained in Section 935 of the California Government Code, the following claims procedures are established for those claims against the District for money or damages not now governed by state or local laws:

A. Employee Claims. Notwithstanding the exceptions contained in Section 905 of the California Government Code, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, or vacation pay, sick leave pay, and any other expenses or allowances claimed due from the District, when a procedure for processing such claims is not otherwise provided by state or local laws shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the California Government Code relating to the prohibition of suit in the absence of presentation of claims and action thereon by the Board of Directors.

B. Contract and Other Claims. In addition to the requirements of this resolution, and notwithstanding the exemptions set forth in Section 905 of the California Government Code, all claims against the District for damages or money, when procedure for processing such claims is not otherwise provided by state or local laws, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the California Government Code relating to the prohibition of suit in the absence of presentation of claims and action thereon by the Board of Directors."

Section 3: Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being expressly declared that this resolution and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 4: Construction. This resolution is to be interpreted liberally and applied consistent with the interpretation and application of Article XIII, Section 32 of the California Constitution and Revenue and Tax Code Section 6931.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on Aug. 27, 2014.

Kathy Mac Laren, President
Palmdale Water District

Robert Alvarado, Vice President
Palmdale Water District for
Joe Estes, Secretary
Palmdale Water District

APPENDIX DD

BOARD MEETINGS: RULES OF PROCEDURE

PALMDALE WATER DISTRICT
RESOLUTION NO. 14-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT ADDING APPENDIX DD TITLED "BOARD MEETINGS: RULES OF PROCEDURE" TO THE PALMDALE WATER DISTRICT RULES AND REGULATIONS

WHEREAS, members of the Board of Directors have, in partnership with District staff, consultants, and the General Counsel, developed revisions to the Palmdale Water District Rules and Regulations; and

WHEREAS, the Board of Directors of the Palmdale Water District desires to facilitate the business of the Board of Directors and to ensure an opportunity for Directors to contribute and participate in conducting the business of the District; and

WHEREAS, the Board of Directors of the Palmdale Water District desires to facilitate public comment at Board meetings; and

WHEREAS, the Board of Directors of the Palmdale Water District desires to conduct orderly meetings; and

WHEREAS, the Board of Directors of the Palmdale Water District desires to provide for a process under which the Board can censure Directors who have seriously violated a law or the district Rules and Procedures; and

WHEREAS, the Board of Directors of the Palmdale Water District desires to enact rules of procedure which guide the Board in its public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: The above recitals are all true and correct and are hereby adopted as findings.

Section 2: Appendix DD titled "Board Meetings: Rules of Procedure" is hereby added to the Palmdale Water District Rules and Regulations to read in full as follows:

"APPENDIX DD

BOARD MEETINGS: RULES OF PROCEDURE

The Board has approved the Rules of Procedure herein as its rules of order applicable to all public Board meetings. Any procedure not addressed herein shall be governed by the Robert's Rules of Order. Failure to follow these Rules of Procedure or the Robert's Rules of Order shall not render void any action taken by the Board of the District.

I. GENERAL PRINCIPLES

- The purpose of the Rules of Order is to facilitate the business of the Board of Directors for the District and to ensure an equal opportunity for all Directors to contribute and participate in conducting the business of the District. The Rules are intended to assist, not inhibit, the meeting and discussion of the Directors.

- A meeting can deal with only one matter at a time. The various kinds of motions have therefore been assigned an order of precedence.

- All Directors have equal rights, privileges and obligations. The Chair's main responsibility is to use the authority of the Chair to ensure that all people attending a meeting are treated equally—for example, not to permit a vocal few to dominate the debates.

- A majority vote decides an issue. Parliamentary rules enable a meeting to determine the will of the majority of the Directors attending a meeting.

- The rights of the minority must be protected at all times. Although the ultimate decision rests with a majority, all Directors have such basic rights as the right to be heard and the right to oppose.

- Every matter presented for decision should be discussed fully. The right of every Director to speak on any issue is as important as each Director's right to vote. The Rules ensure order in the discussion, without Directors speaking over each other. The lack of order interferes with the public's right to clear information.

- Every Director has the right to understand the meaning of any question presented to a meeting, and to know what effect a decision will have. A Director always has the right to request information on any motion he or she does not thoroughly understand. Moreover, all meetings must be characterized by fairness and by good faith. Parliamentary strategy is the art of using procedure legitimately to support or defeat a proposal.

- Orderly meetings are most likely to occur when Directors, staff, and other presenters are provided with information regarding the meeting sufficiently in advance to prepare for discussion at a meeting. Advance preparation by Directors, staff, and other presenters ensures all questions and concerns are fully addressed in an orderly manner at public meetings.

II. DEFINITIONS

"Board" means the Board of Directors of the Palmdale Water District.

"Director" means a member of the Board.

"District" means the Palmdale Water District.

"Chair" or "Chairperson" means the Director who is leading the Board's meeting.

"Majority of the Board" means a majority of the Directors at the Board's meeting.

"Item" means a motion or other subject which is to be considered by the Board.

III. RULES OF ORDER

A. Order of Meetings

Meetings shall commence at the time specified in the public agenda, or as soon thereafter as is reasonably possible, and shall continue until all matters listed as items on the published agenda have been completed or until other disposition of uncompleted items has been approved by a majority of the Board.

The Chair shall conduct the meeting in the order of the published meeting agenda, unless a majority of the Board approves hearing an item out of order, continuing an item to another meeting, or removing the item from the agenda.

Hearing on any item may be continued or re-continued to any subsequent meeting by majority vote of the Board on a motion to continue the item.

The Board has adopted the following as the preferred order of business and should be followed for the Board agendas:

Sample Order of Agenda/Business

- Pledge of Allegiance
- Roll Call
- Adoption of Agenda
- Public comments for non-agenda items
- Presentations
- Consent Calendar (including public comment)
    - Approval of Minutes
    - Payment of Bills
- Action Calendar (including public comment)
- Information Items
- Reports of Directors
    - Meetings/General Report
    - Standing Committee/Assignment Reports

- Report of General Manager
- Report of Attorney
- Public comments on closed session agenda matters
- Closed session
- Public report of any action taken in closed session.
- Directors' requests for future agenda items
- Adjournment

B. Order of Discussion of Each Item on the Agenda

The Chair shall read the description of each matter listed as an agenda item.

1. Presentations to the Board on Agenda Item

The Chair will open the presentations portion on the item, which may consist of presentations to the Board by District staff, consultants, or other persons designated by the General Manager. Directors may ask questions of each presenter, upon recognition by the Chair.

Upon completion of any presentation and any questions by Directors, the Chair shall open the item for public hearing.

2. Public Discussion on Matters Before the Board

Upon opening the public hearing and before any motion is adopted related to the merits of the matter on the agenda, the Chair shall open the public comment period. The Chair shall call members of the public who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the Chair and upon being recognized by the Chair, the person may speak or present evidence relevant to the matter being heard. No person shall be permitted during his or her public comment to speak about matters that are not germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed as set forth in these rules.

No person may speak without first being recognized by the Chair, who will call speakers who have filled out a "Speaker Request Card." Each person will be limited to three minutes and shall not be interrupted by Directors until the end of the three-minute period. Time limits shall be uniformly applied to all members of the public and adhered to as strictly as possible to avoid allegations of unfair treatment. The Chair may upon majority vote remove any member of the public disrupting the meeting in the manner described at Section IV. A of these Rules.

Directors who wish to ask questions of the speakers or each other, during the public hearing portion may do so but only after the end of the public speaker's three-minute period and upon being recognized by the Chair. Directors shall limit their questions to clarifications of facts presented by the member of the public.

Any member of the public may submit in advance to the Board written material related to any matter being heard by the Board. Such written material shall be submitted to the General Manager, who shall provide copies to the Board as soon as reasonably practical before the meeting. The Secretary shall retain all such material as part of the record of the meeting.

If public hearing applies to a quasi-judicial matter, even though limits can be placed on speakers, good practice dictates that the affected party (applicant, appellant, individual having license revoked, etc.) be given a reasonable opportunity to present his/her case to avoid a denial of due process. Quasi-judicial proceedings are evidence gathering procedures which require the Board decision to be based on substantial evidence in the record. Legislative proceedings are not dependent upon evidence presented and the Board can exercise a much broader range of discretion.

3. Consideration of Question by Board

After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the Chair shall close the public comment portion of the hearing and shall begin the deliberation of the matter by the Board. No member of the public shall be allowed, without consent of the Chair, to speak further on the question during the period of deliberation.

Directors may speak on each item, including posing questions to staff and other Directors, but may do so only upon being recognized by the Chair. The Chair shall recognize each Director desiring to speak on a matter in an orderly manner and allow only one Director or person to speak at a time. Directors wishing to respond to comments by any other Director must do so only at the time he or she is recognized by the Chair to speak. The Chair shall not permit disorderly debate.

At the conclusion of Board discussion, and upon appropriate motion having been made and seconded, the Board shall vote to either continue the matter or vote on the matter.

C. Action of the Board

All actions of the Board, including the approval of resolutions or ordinances, require a motion by any Director and approval of a majority of the Board.

1. Motion Procedure

Business is accomplished in meetings by means of debating motions. The word "motion" refers to a formal proposal by two Directors (the mover and seconder) that the Board take certain action.

Any Director may make a motion and any other Director may second the motion. When a motion has been made and seconded, the matter is open for discussion by the Board. Normally, a Director may speak only once on the same question, except for the mover of the main motion, who has the privilege of "closing" the debate (that is, of speaking last). If an important part of a Director's speech has been misinterpreted by a later speaker, it is in order for the Director to speak again to clarify the point, but no new material should be introduced. If two or more people want to speak at the same time, the Chair should call first upon the one who has not yet spoken.

If the Director who made the motion that is being discussed claims the floor and has already spoken on the question, he/she is entitled to be recognized before other Directors.

The mover of a motion may not speak against his or her own motion, although the mover may vote against it. The mover need not speak at all, but when speaking, it must be in favor of the motion. If, during the debate, the mover changes his or her mind, he or she can inform the meeting of the fact by asking the meeting's permission to withdraw the motion.

2. Determining Results of a Vote

Motions must pass by a majority affirmative vote of the Board. Abstentions shall not count as affirmative votes.

Motions and resolutions may be adopted on voice and/or mechanical vote: roll call shall be taken if requested by any Director. Ordinances shall be adopted on roll call vote.

When motions or resolutions are adopted on voice vote, the Chair shall solicit the vote of Directors and cast his/her vote last.

3. Types of Motions

a. <u>Main Motion</u>

A main motion is a motion that brings business before a meeting. Because a meeting can consider only one subject at a time, a main motion can be made only when no other motion is pending. A main motion ranks lowest in the order of precedence.

When a main motion has been stated by one Director, seconded by another Director, and repeated for the meeting by the Chair, the meeting cannot consider any other business until that motion has been disposed of, or until some other motion of higher precedence has been proposed, seconded and accepted by the Chair.

A main motion must not interrupt another speaker, requires a seconder, is debatable, is lowest in rank or precedence, can be amended, cannot be applied to any other motion, may be reconsidered, and requires a majority vote.

When a motion has been made by a Director and seconded by another, it becomes the property of the meeting. The mover and seconder cannot withdraw the motion unless the meeting agrees. Usually the Chair will ask if the meeting objects to the motion's being withdrawn. If no one objects, the Chair will announce: "The motion is withdrawn."

b. Secondary Motions

Secondary motions consist of subsidiary motions, privileged motions, and incidental motions. Secondary motions are ones that are in order when a main motion is being debated; ones that assist a meeting to deal with the main motion.

A secondary motion thus takes precedence over a main motion; a main motion takes precedence over nothing, yielding to all secondary motions. When a secondary motion is placed before a meeting, it becomes the immediately pending question; the main motion remains pending while the Board deals with the secondary motion.

The main motion, the subsidiary motions, and the privileged motions fall into a definite order of precedence, which gives a particular rank to each. The main motion—which does not take precedence over anything—ranks lowest. Each of the other motions has its proper position in the rank order, taking precedence over the motions that rank below and yielding to those that rank above it.

i. Subsidiary Motions

Subsidiary motions assist a meeting in treating or disposing of a main motion (and sometimes other motions). Once the main motion is properly placed on the floor, subsidiary motions may be employed in addressing the main motion. The subsidiary motions are listed below in descending order of rank. Each of the motions takes precedence over the main motion and any or all of the motions listed before it.

Subsidiary motions are appropriate and may be made by any Director at any appropriate time during the discussion of the main motion.

Subsidiary Motions include:

- Table (To Temporarily Suspend Consideration of an Issue)

  The motion must not interrupt another speaker, must be seconded, is not debatable, is not amendable, may not be reconsidered, and requires a majority vote.

  In order to bring the matter back before the Board, a Director must move that the matter be "taken from the table", seconded and passed by a majority.

A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Board. Otherwise the motion that was tabled dies, although it can be raised later as a new motion.

- Previous Question (To Vote Immediately)

  Any Director may move to immediately bring the question being debated by the Board to a vote, suspending any further debate.

  The motion may not interrupt a speaker, must be seconded. A majority vote is required for passage

- Continue to Another Meeting

  Any Director may move to continue the item to another meeting. This motion continues the pending main motion to a future date or time as determined by the Board at the time the motion is passed.

  A motion to postpone to a definite time may not interrupt another speaker, must be seconded, is debatable only as to the propriety or advisability of continuing the motion, can be amended, can be reconsidered, and requires a majority vote.

- Commit or Refer

  Any Director may move that the matter being discussed should be referred to a committee, commission or staff for further study. The motion may contain directions for the committee, commission or staff, as well as, a date upon which the matter will be returned to the Board's agenda.

  The motion must be seconded and requires a majority vote for passage. If no date is set for returning the item to the Board agenda, any Director may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required.

- Amend

  An amendment is a motion to change, to add words to, or to omit words from, an original motion. The change is usually to clarify or improve the wording of the original motion and must be germane to that motion.

  Any Director may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion

rather than amending the existing motion is out of order and may be so declared by the Chair.

A motion to amend must be seconded and requires a majority vote for passage.

- Postpone Indefinitely

  Any Director may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter.

  The motion must be seconded and requires a majority vote for passage.

ii. Incidental Motions

These motions are incidental to the motions or matters out of which they arise. Because they arise incidentally out of the immediately pending business, they must be decided immediately, before business can proceed. Most incidental motions are not debatable.

Incidental motions do not have an order or precedence. An incidental motion is in order only when it is legitimately incidental to another pending motion or when it is legitimately incidental in some other way to business at hand. It then takes precedence over any other motions that are pending—that is, it must be decided immediately.

- Point of Order

  This motion permits a Director to draw the Chair's attention to what he/she believes to be an error in procedure or a lack of decorum in debate. The Director will rise and say: "I rise to a point of order," or simply "Point of order." The Chair shall recognize the Director, who will then state the point of order. The Chair is required to make an immediate ruling on the question involved. The Chair will usually give his/her reasons for making the ruling. If the ruling is thought to be wrong, the Chair can be challenged.

  A point of order can interrupt another speaker, does not require a seconder, is not debatable, is not amendable, and cannot be reconsidered.

- Objection to the Consideration of a Question

  If a Director believes that it would be harmful for a meeting even to discuss a main motion, he/she can raise an objection to the consideration of the question; provided debate on the main motion has not begun or any subsidiary motion has not been stated.

The motion can be made when another Director has been assigned the floor, but only if debate has not begun or a subsidiary motion has not been accepted by the Chair. A Director rises, even if another has been assigned the floor, and without waiting to be recognized, says, "Mr. Chair [or Madame Chair], I object to the consideration of the question (or resolution or motion, etc.)."

The motion does not need a seconder, is not debatable, and is not amendable.

The Chair responds, "The consideration of the question is objected to. Shall the question be considered?"

The motion can be reconsidered, but only if the objection has been sustained.

- Division of Question

  Any Director may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. This motion may also be applied to complex ordinances or resolutions.

  The motion requires a second and a majority vote for passage.

- Requests and Inquiries

  a) Parliamentary Inquiry—a request for the Chair's opinion (not a ruling) on a matter of parliamentary procedure as it relates to the business at hand.

  b) Point of Information—a question about facts affecting the business at hand, directed to the Chair or, through the Chair, to a Director.

  c) Request to Read Papers.

  d) Request to be Excused from a Duty.

  e) Request for Any Other Privilege.

  The first two types of inquiry are responded to by the Chair, or by a Director at the direction of the Chair; the other requests can be granted only by majority vote.

iii. Privileged Motions

Unlike either subsidiary or incidental motions, privileged motions do not relate to the pending business, but have to do with special matters of immediate and overriding importance that, without debate, should be allowed to interrupt the consideration of anything else.

The privileged motions are listed below in descending order of rank. Each of the succeeding motions takes precedence over the main motion, any subsidiary motions, and any or all of the privileged motions listed before it.

- Fix Time to Which to Adjourn

  This is the highest-ranking of all motions. Under certain conditions while business is pending, a meeting—before adjourning or postponing the business—may wish to fix a date, an hour, and sometimes the place, for another meeting or for another meeting before the next regular meeting. A motion to fix the time to which to adjourn can be made even while a matter is pending, unless another meeting is already scheduled for the same or the next day.

  The motion may not interrupt a speaker, must be seconded, is not debatable, is amendable (for example, to change the time and/or place of the next meeting), can be reconsidered, and requires a majority vote.

- Adjourn

  Any Director may move to adjourn at any time, even if there is business pending.

  The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

- Recess

  A Director can propose a short intermission in a meeting, even while business is pending, by moving to recess for a specified length of time.

  The motion may not interrupt another speaker, must be seconded, is not debatable, can be amended (for example, to change the length of the recess), cannot be reconsidered, and requires a majority vote.

- Question or Point of Privilege

  Any Director, at any time during the meeting, may make a request of the Chair to accommodate the needs of the Board or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the Chair.

- Orders of the Day

  Any Director may demand that the agenda be followed in the order stated therein.

  No second is required and the Chair must comply unless the Board, by majority vote, sets aside the orders of the day.

- Challenging a Ruling of the Chair

  Any ruling of the Chair can be challenged, but such appeals must be made immediately after the ruling. If debate has progressed, a challenge is not in order.

  When a Director wishes to appeal from the decision of the Chair, the Director speaks as soon as the decision is made, even if another has the floor, and without waiting to be recognized by the Chair, says, "Mr. Chair [or Madame Chair], I appeal from the decision of the Chair." The Chair should state clearly the decision being questioned, and if necessary the reasons for the decision, and then state the question this way: "The question is, 'Shall the decision of the Chair be sustained?" If two Directors (mover and seconder) appeal a decision of the Chair, the effect is to open the decision to a vote.

  Such a motion is in order when another speaker has the floor, but it must be made at the time of the Chair's ruling and before debate progresses. The motion must be seconded, is not amendable, but can be reconsidered. A majority or tie vote sustains the decision of the Chair, on the principle that the Chair's decision stands until reversed by a majority of the meeting. The Chair can vote on this motion.

iv. Motions that Bring a Question Again Before the Assembly

- Rescind

  The Board may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

- Reconsider

  Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Board may reconsider any vote taken at the same session to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote.

  The motion to reconsider must be made by a Director who voted on the prevailing side, must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting

- Discharge a Committee (From Further Consideration)

  If a question has been referred, or a task assigned, to a committee that has not yet made its final report, and if a meeting wants to take the matter out of the committee's hands (either so that the meeting itself can deal with the matter or so that the matter can be dropped), such action can be proposed by means of a motion to discharge the committee from further consideration of a topic or subject.

  Such a motion cannot interrupt another speaker, must be seconded, is debatable (including the question that is in the hands of the committee), and is amendable. Because the motion would change action already taken by the meeting, it requires a majority vote.

  A negative vote on this motion can be reconsidered, but not an affirmative one.

c. Motion Procedure Guidelines for Common Motions

What you want to do:	Language:	May You Interrupt the Speaker?	Do You Need A Second?	Is It Debatable?	Can It Be Amended?	What Vote Is Needed?	Can It Be Reconsidered ?
Introduce Business	"I move that..."	No	Yes	Yes	Yes	Majority	Yes
Continue Discussion	"I move to continue this item until (date)"	No	Yes	Yes	Yes	Majority	Yes
Amend a Motion	"I move to amend the motion by ..."	No	Yes	Yes	Yes	Majority	Yes
Adjourn Meeting	"I move that we adjourn"	No	Yes	No	No	Majority	No
Give Closer Study of An Item	"I move to refer the matter to a subcommittee"	No	Yes	Yes	Yes	Majority	Yes
Request Information	"Point of information"	Yes	No	No	No	No Vote	No
End Debate & Amendment	"I call for the question" "I move the previous question"	No	Yes	No	No	2/3	No
Reconsider a Hasty Action	"I move to reconsider the vote on ..."	Yes	Yes		No	Majority	No
Temporarily Suspend Considering an Issue	"I move to table the motion"	No	Yes	No	No	Majority	No
Take up a Matter Previously Tabled	"I move to take from the table..."	No	Yes	No	No	Majority	No
Postpone Indefinitely							

Avoid Considering an Improper Matter	"I object to consideration of this motion"	Yes	No	No	No	2/3	
Protest Breach of Rules or Conduct	"I rise to a point of order"	Yes	No	No	No	No Vote	No

VOTING	Chair restates the motion
	ELECTRONIC: "Please cast your vote"
	VOICE: "All those in favor...; those opposed...; motion carries/is rejected"
	ROLL CALL: "Boardmember (in seniority order), Vice Chair, Chair; motion carries/is rejected"
	GENERAL CONSENT: (Various Options) "Please cast your vote" or "Without objection, motion is adopted"

IV. ENFORCEMENT OF RULES OF ORDER

A. Disruption by Members of the Public

If any meeting is willfully interrupted by a person or persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by removal of the disruptive individuals, of if any member of the public uses profanity or threats to direct his/her comments to the Board, a Director, staff, or any member of the public, the Chair, with the concurrence of a majority of the Directors present, may order the meeting room cleared and continue with the meeting. Members of the press or other news media may remain unless they participated in creating the disruption. In the event the Board meeting room is cleared, the Board cannot consider anything not on the agenda. *Government Code* section 54957.9.

B. Censure of Directors

Censure is a formal Resolution of the Board reprimanding one of its own Directors for specified conduct, generally a serious violation of law or of District Rules and Regulations where the violation of policy is considered to be a serious offense. Censure should not follow an occasional error in judgment, which occurs in good faith and is unintentional. Censure carries no fine or suspension of the rights of the member as an elected official, but a censure is an expression of the Board's disapproval of a Director's conduct.

Any Director may submit, in writing, a complaint and request for a censure hearing concerning an alleged violation of law or serious violation of Board policies by another Director. The complaint shall be submitted to the President, or if the complaint is about the President, to the Vice President.

Prior to any formal action by the Board to censure a Director, the Director against whom censure is sought is entitled to due process of law, which requires notice and the opportunity to be heard and to refute the evidence against him or her, by means of a censure hearing. The complaint shall contain specific factual allegations and any supporting evidence of specific conduct alleged to violate existing law or District Rules and Regulations. The President or Vice President, within 15 business days, shall review

the complaint and either (1) issue an advisory opinion to the Board; or (2) conduct further investigation and/or a hearing on the matter.

Upon completion of its review of the complaint and any additional investigation the President or Vice President shall determine if, considering all the facts and evidence, there are reasonable grounds to believe or not believe that the alleged violation of law or serious violation of District Rules and Regulations occurred. The President or Vice President shall make a written report to the Board stating the specific law or policy alleged to have been violated, and summarizing the complaint, evidence, and the results of any additional investigation. The President or Vice President shall also make a recommendation to the Board that the complaint is supported by sufficient evidence of a violation of law or serious violation of District Rules and Regulations to warrant a censure hearing, or, alternatively, that the complaint is not supported by sufficient evidence of a violation of law or serious violation of District Rules and Regulations to warrant a Board censure hearing.

If the President or Vice President determines that the allegations are supported and a censure hearing is warranted, the matter shall be set for a public censure hearing before the Board; if the President or Vice President concludes that the allegations are not supported and a censure hearing is not warranted, the President or Vice President's recommendation will be forwarded to the Board and no further action taken, unless the Board directs, by a majority consensus of the Board during a Board meeting, the matter to be placed on its agenda for further consideration. In either case, a copy of the final report shall be provided to the accused Director at the same time it is provided to the Board.

If a public hearing is set before the Board, it shall be far enough in advance to give the accused Director subject to censure adequate time to review the allegations and evidence against him or her and prepare a defense, but no longer than 15 days from the date of the President or Vice President's recommendation.

At the hearing, the Director shall be given an opportunity to make an opening statement, closing statement, and to question his or her accusers. The hearing shall not be a formal adversarial hearing and the Rules of Evidence shall not apply to the proceeding. An accused Director may choose to be represented and to designate his or her representative to speak on his or her behalf.

A Board decision to censure requires the adoption of a Resolution making findings, based on substantial evidence that the Director has engaged in conduct that constitutes a violation of law or a serious violation of District Rules and Regulations. The Resolution must be affirmed by at least three affirmative votes of the Board. The accused Director shall not participate in the Board's deliberations after the public hearing is closed or in any vote by the Board on the proposed censure."

Section 3: Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being expressly declared that this resolution and each section, subsection,

paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on November 12, 2014.

Kathy Mac Laren, President
Palmdale Water District

Joe Estes, Secretary
Palmdale Water District

APPENDIX EE

AMENDMENT OF ARTICLE 4
"BOARD OF DIRECTORS"

PALMDALE WATER DISTRICT
RESOLUTION NO. 15-7

A RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AMENDING THE PALMDALE WATER DISTRICT RULES AND REGULATIONS AS THEY RELATE TO THE BOARD OF DIRECTORS, INCLUDING AMENDMENT OF ARTICLE IV TITLED "BOARD OF DIRECTORS," DELETION OF ARTICLE 12, SECTION 12.12 TITLED "COMMUNITY REQUEST FOR SPEAKERS AND/OR PRESENTATIONS;" DELETION OF ARTICLE 17 TITLED "RESPONSIBILITIES AND AUTHORITY OF THE BOARD AND GENERAL MANAGER," AND ADDITION OF APPENDIX EE

WHEREAS, members of the Board of Directors have, in partnership with District staff, consultants, and the General Counsel, developed revisions to the Palmdale Water District Rules and Regulations in order to increase transparency and efficiency in District governance; and

WHEREAS, the Board of Directors recognizes the importance of consistent and clearly codified noticing requirements for meetings; and

WHEREAS, the Board of Directors desires to create clear procedures for the adoption of ordinances; and

WHEREAS, the Board of Directors desires to clearly set forth the duties and responsibilities of each Director; and

WHEREAS, the Board of Directors desires to clearly set forth the division of responsibilities of the Board of Directors and the General Manager;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: The above recitals are all true and correct and are hereby adopted as findings.

Section 2: Article IV of the Palmdale Water District Rules and Regulations titled "Board of Directors" is hereby amended as set forth in the attached document titled "Rules and Regulations, Article IV March 11, 2015."

Section 3: Appendix EE is hereby added to the Rules and Regulations to establish a form certificate of recognition from the Board of Directors and the District;

Section 4: Article 12, Section 12.12 of the Palmdale Water District Rules and Regulations titled "Community Request for Speakers and/or Presentations" is hereby deleted.

Section 5: Article 17 of the Palmdale Water District Rules and Regulations titled "Responsibilities and Authority of the Board and General Manager" is hereby deleted.

Section 6: Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being expressly declared that this resolution and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on March 11, 2015.

Kathy Mac Laren, President
Palmdale Water District

Joe Estes, Secretary
Palmdale Water District

ARTICLE 4: BOARD OF DIRECTORS (BoD) (Revised 2-11-09)

4.01 NUMBER OF DIRECTORS

The number of Directors shall be five (5) members elected at large from the District, each to be a resident and voter of one of the five voting Districts. (Water Code, §§ 21550, 21551.)

4.02 VOTING DISTRICTS

There shall be five (5) voting divisions with the boundaries as established by the Board of Directors to equalize, as best as possible, the number of registered voters in each voting division. These boundaries shall be adjusted with approval of the Board when deemed necessary. Resolution 09-06 and the PWD Boundary and Elective Division Map are attached hereto as Appendix A. (Water Code, § 21605.)

4.03 MEETINGS OF THE BOARD (Revised 1-13-10)

4.03.1 REGULAR MEETINGS OF THE BOARD

(a) Regular meetings of the Board are held on the second and fourth Wednesday of each calendar month at 7:00 p.m. or the time and dates set on the agenda when necessary. If the regular meeting falls on a holiday, the meeting time will be re-scheduled before or after that date as the Board directs.

(b) The District shall comply with all public noticing requirements of the Ralph M. Brown Act, codified at Sections 54954.5 through 54957.10. Additionally, the District shall specifically comply with the following noticing provisions at least 72 hours before the time of the meeting:

(i) The District shall provide notice by electronic mail, in the form of a final agenda, to a local newspaper of general circulation, radio or television station requesting such notice in writing.

(ii) The District shall post the agenda at the District Offices in a location visible and freely accessible to members of the public, and on the District's Internet Website, www.palmdalewater.org.

(iii) The District shall mail, by U.S. mail and electronic mail, copies of the agenda or agenda packets requested by any person pursuant to Government Code, Section 54954.1.

(iv) The General Manager shall ensure electronic mail delivery and personal delivery of the agenda and agenda packets to each member of the Board.

4.03.2 SPECIAL MEETINGS OF THE BOARD

Special meetings of the Board shall be held at a time and place as may be designated by the presiding officer or by a 3/5ths majority of the members of the Board. Special meetings shall comply with the requirements of Government Code, Section 54956 and 54956.5. Upon direction by the presiding officer, or a 3/5 majority, the General Manager shall ensure electronic mail delivery and personal delivery of the agenda to all members of the Board at least 24 hours prior to such special meeting. The General Manager shall also ensure delivery to all members of the Board of all documents that will be included in the agenda packet as soon as reasonably practical.

4.03.3 EMERGENCY MEETINGS OF THE BOARD

(a) In case of an emergency or dire emergency involving matters upon which prompt action is necessary due to disruption or threatened disruption of public facilities, or activity that severely impairs public health, safety, or both, an emergency meeting of the Board may be held at a time and place as may be designated by the presiding officer without complying with the 24 hour prior notice requirement. The Board of Directors designates the General Manager with the discretion to determine the existence of an emergency for purposes of this Section. The General Manager shall ensure telephonic notice one hour in

advance of the meeting to all members of the Board, all media who has requested notice of meetings in writing, followed by written confirmation through electronic mail.

(b) In the event of an emergency, the General Manager may be required to take certain actions before a special meeting of the Board may be held. Accordingly, the Board of Directors has authorized the General Manager to hire such additional personnel, equipment and contractors as deemed necessary to make repairs, alteration and modifications to the District's facilities that are required when emergencies occur. (Motion approved February 13, 1962; Resolution, dated February 20, 1969.)

4.03.4 QUORUM

The quorum consists of three Board Members. A quorum must be present for the Board to take action on any matter. A 3/5 Board majority is required for any action by the Board, except for a motion to adjourn or a motion to adjourn for a stated time.

4.03.5 BOARD MEETINGS: RULES OF PROCEDURE

The conduct of the meetings of the Board of Directors, Board committees, and and Board workshops, is governed by the Rules of Procedure attached hereto as Appendix DD. In the event a question of procedure is not addressed by the District Rules of Procedure, Robert's Rules of Order shall apply. Failure to comply with any portion of the District Rules of Procedure or the Robert's Rules of Order shall not render any action by the Board void.

4.04 BOARD ACTION

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

4.04.1 ORDINANCES

Where an ordinance is required by statute, but the procedure for such ordinance is not specified, the Board shall adopt the ordinance as follows:

1. The ordinance shall be noticed as an agenda item for two consecutive Board meetings.
2. The ordinance shall be introduced and read at two consecutive regular Board meetings, unless a motion is made and passed by a majority of the Board to waive the full reading of the ordinance. The ordinance may then be passed.
3. The ordinance shall become effective thirty (30) days after adoption and shall be published, within ten (10) days after its adoption, at least once for one week in a newspaper of general circulation within the boundaries of the district.

4.05 OFFICERS OF THE BOARD

The officers of the Board shall be:

President, Vice President, Treasurer and Secretary.

Officers shall be elected by a 3/5 majority vote of the Board. The Board shall reorganize every two years, following an election, unless by a 3/5 majority vote the Board approves a reorganization at any other time.

4.06 DUTIES AND OBLIGATIONS OF THE OFFICERS OF THE BOARD

Other than the duties and obligations specified herein, Officers have no rights or authority different from any other Director. In addition to such duties and obligations imposed by law or by action of the Board of Directors, the duties of each Officer of the District are as follows:

4.06.1 PRESIDENT

Preside over and conduct all meetings of the Board, including maintaining the order pursuant to the Rules of Procedure adopted by the Board and attached hereto as Appendix DD, to ensure constructive and democratic meetings and help, not hinder, the business and discussion of the Board. Carry out the resolutions and orders of the Board. Exercise other powers and perform other duties as prescribed by the Board in these Rules and Regulations and by other actions of the Board. Approve Board meeting agendas. Form or disband standing and ad hoc committees. Appoint committee members and the Chair of said committees. Sign all agreements to which the District is a party. Write and/or sign correspondence on behalf of the Board and PWD. In the event of an early vacancy in the office of the Presidency, the Vice President shall become the President.

4.06.2 VICE PRESIDENT

Exercise the duties of the President in the absence of, when the President stands down, or when the President is unable to continue in his/her duties due to any other reason. In the event of an early vacancy in the position of Vice-President, the Board shall elect a new Vice-President in accordance with Section 4.04.

4.06.3 TREASURER

Sign financial instruments as required and serve as the Finance Committee Chair. The Treasurer acts on behalf of the President in the event the President and Vice President are unable to do so. In the event of an early vacancy in the position of Vice-President, the Board shall elect a new Vice-President in accordance with Section 4.04.

4.06.4 SECRETARY

Certify or attest to the actions taken by the Board. Sign the minutes of the Board meeting following their approval. In the absence of the Secretary from any meeting at which the Board approved meeting minutes, the Vice President, if

present, shall sign the meeting minutes. In the event of an early vacancy in the position of Vice-President, the Board shall elect a new Vice-President in accordance with Section 4.04.

4.07 DUTIES AND OBLIGATIONS OF ALL DIRECTORS

4.07.1 RULES OF CONDUCT

The Board of Directors shall at all times conduct itself in accordance with all applicable Federal laws, State laws, Local laws, and the District's Rules and Regulations. Any violations by any Director of these Rules and Regulations, including this Article IV, may be addressed by the Board in the manner provided at the Rules of Procedure, attached hereto as Appendix DD at Section IV.B.

4.07.2 PARTICIPATION IN OFFICIAL BUSINESS OF THE DISTRICT

Directors shall attend all regular and special meetings of the Board, including committee meetings, and other functions as approved in advance by the Board of Directors, including those listed in Appendix V. In the event a Director is unable to attend a meeting, or other official business of the District, the Director shall notify the President and General Manager with as much advance notice as reasonably practical, or as soon thereafter as reasonably practical. Failure to attend four consecutive regular meetings of the Board, without the prior approval of the Board, will result in loss of committee assignments. The Board shall excuse absences by approving such absences pursuant to the Consent Calendar at the next regular Board meeting.

4.07.3 DIRECTOR COMPENSATION **(Revised 12-11-09)**

(a) The District has set director compensation as provided herein, pursuant to Water Code, Section 20200, *et seq.* and Government Code, Section 53232, *et seq.* The Board of Directors shall be compensated for attendance at regular and special meetings of the Board, including committee meetings, and other functions as approved in advance by the Board of Directors, at a rate of

$150.00 per day up to the maximum number of days per month and the maximum annual compensation allowable by law. In addition, Directors shall be entitled to compensation for a day of service in attendance at all meetings and occurrences listed and as indicated in Appendix V, as the Board of Directors has determined those meetings and occurrences constitute performance of official duties rendered as members of the Board. Each Director shall submit, on a form provided by PWD and signed by the Director, the number of days of attendance for which compensation shall be made. Email or FAX submittal of the form shall be acceptable with signature to follow. Compensation for purely social functions is not allowable.

(b) Requests for compensation and expense reimbursement relating to any meeting or event not listed in Appendix V shall not be approved, unless the Board determines that the meeting constitutes one of the following:

(i) A conference or organized educational activity conducted in compliance with Government Code Section 54952.2, including, but not limited to, required ethics training pursuant to Government Code Section 53234, *et seq.*

(ii) A meeting or event attended at the formal request of the Board, including an event to recognize, any employee of the District, or members of the public.

(iii) A meeting or event necessary to further communications with representatives of regional, state and national government on District functions.

(iv) A meeting or event of regional, state and national organizations whose activities affect the District's interests.

4.07.4 DIRECTOR EXPENSES

The District has set the reimbursement for director expenses as provided herein, pursuant to Water Code, Section 20200, *et seq.* and Government Code, Section 53232, *et seq.* Directors shall be compensated for actual, reasonable and necessary expenses incurred for participating in activities approved in advance by the Board of Directors or as allowed as indicated in Appendix V attached hereto, and that further the goals and interests of the District.

Directors shall exercise prudence in all expenditures. Requests for reimbursement must be accompanied by receipts and documentation and shall be submitted on a form provided by the District and signed by the Director. Email or FAX submittal of the form shall be acceptable with signature to follow.

All requests for reimbursement shall be submitted monthly to the General Manager after the expenses were incurred or expenditures made. The General Manager shall ensure prompt payment of the reimbursable expenses and all questions regarding payment of reimbursable expenses to the staff shall be directed to the General Manager. The Finance Committee shall periodically review Director's expense reports and shall prepare such reports and documents as may be required under Government Code Section 53065.5 and Government Code 53232.3.

This policy is intended to result in no personal gain or loss to a Director and no reimbursement shall be allowed for transportation, lodging, meals or incidental expenses of family members or guests of a Director traveling with the Director to an authorized event.

4.07.5 REPORTS TO GOVERNING BOARD

At the regular meeting of the Board following any meeting, conference, educational activity or other authorized event for which compensation for a day of services or reimbursement of expenses is requested, the Director attending the event shall give a brief report on the meeting or event. If more than one Director

of the District attended the same meeting, a joint report may be made. Reports may be written or oral.

4.08 SPEAKING ENGAGEMENTS AND/OR PRESENTATIONS BY DIRECTORS

The District recognizes the importance of interaction with the community it serves and encourages opportunities for interaction that provides the most accurate information available. This often takes the form of speaking and giving presentations to community and other groups on behalf of the District. Community groups, whether formal or informal, are likely to focus on particular areas of the District's operations and policies. These include topics such as water rates and structure, water quality, state and local water conditions, water conservation and efficiency, and business and infrastructure planning.

The District therefore establishes these rules to ensure the community's needs are met and that the District is accurately represented. Members of the Board of Directors shall not make any presentation on behalf of the District, without the prior approval of the Board, as provided herein. Presentations made on behalf of the District, and therefore governed by these rules, include any speaking engagement or public presentation at any event to any group, entity, or association, related to any matter that relates to the business of the District, unless the Director makes the disclaimers required in these rules.

(a) Speaking Engagements and/or Presentations Made Pursuant to Requests From the Public

1. All requests from any person other than a Director or District Staff for a speaking engagement or presentation by any Director shall be submitted to the District office with as much notice as possible before the event (Form attached as Appendix BB of Rules and Regulations);

2. Topic appropriate District staff will be assigned to prepare, or update, information for the presentation, and attend the presentation;
3. The General Manager shall inform all Directors of the public request;
4. The President shall determine whether the topic in the request relates to any matter within the purview of any standing committee. If so, the President shall refer the request to that committee to allow that committee to respond and designate a speaker, if approved.
5. If the topic or issue in the request does not relate to any matter within the purview of any standing committee, the President shall recommend to the Board of Directors whether to respond, approve, or disapprove a request. The Board shall approve the request by 3/5 majority vote and also approve a speaker by 3/5 majority vote.

(b) Speaking Engagements and/or Presentations Made Pursuant to Requests From Directors:

1. Directors must request prior approval from the Board before making any presentations on behalf of the District. Directors may request approval to speak on behalf of the District by submitting an approval request to the President, and notifying the General Manager of that request, with as much notice as possible before the event (Form attached as Appendix BB of Rules and Regulations).
2. Topic appropriate District staff will be assigned to prepare, or update, information for the presentation, and attend the presentation;

3. The President shall determine whether the topic or issue in the request relates to any matter within the purview of any standing committee. If so, the President shall refer the request to that committee to allow that committee to respond. If the committee does not approve the request, the Board may then consider and approve the request by a 3/5 majority vote.

(c) Speaking Engagement and/or Presentations by Directors On Their Own Behalf

1. Nothing herein prohibits or forbids a Director from making public presentations on his/her own behalf, so long as the Director clearly states orally at the beginning of that presentation, in any written or electronic material published in connection with that presentation, and in any written or electronic material distributed at the presentation, that the presentation is from the individual Director, not the District. The disclosure statement by the individual Director shall be substantially in the form provided herein:

", I make this presentation/speech on my own behalf as an individual, and not on behalf of the Palmdale Water District or its Board."

Any disclosure statement made in good faith that informs the public that the Director is not purporting to act "on behalf" of the District or its Board shall be deemed to in compliance with this Section.

2. If a Director makes a presentation/speech on his own behalf pursuant to this Subsection, the Director may not distribute any official District material at such presentation that has not otherwise been made generally available to the public by the District, may not use the District's Logo, or allow the use of the Logo, in any material published, distributed, or displayed in connection with that presentation/speech. A Director may distribute his/her business card in which he/she is identified as a Director of the District and may allow for the publication of his/her business card in any material published, distributed, or displayed in connection with that presentation/speech, so long as:

   A. The business card is published by itself and without any revisions or additional content; or

   B. In the event the business card is published with any additional content, then the publication shall also include a disclosure statement providing that:

      "the Director sponsors/supports the [event/group/association] as an individual, and not on behalf of the Palmdale Water District or its Board."

      Any disclosure statement made in good faith that informs the public that the Director is not purporting to act "on behalf" of the District or its Board shall be deemed to in compliance with this Section.

4.09 PUBLIC STATEMENTS ON BEHALF OF THE DISTRICT

The District is not represented by any one individual director and is instead represented by action of the Board (through a 3/5 majority). Therefore, public statements can only be made on behalf of the District as authorized by the Board. The Board designates the President, General Manager, and Public Information Officers as the persons authorized to make public statements on behalf of the District. Any other public statements shall not be attributable to the District or the Board.

4.10 PRESENTATION OF AWARDS AND RECOGNITIONS

(a) The District recognizes the importance of interaction with the community it serves and encourages opportunities for recognition of individuals, organizations, businesses, agencies or associations who share in the mission and strategic vision of the District to provide water within its service area. Accordingly, the Board authorizes and encourages its individual Directors, subject to the approval by the Outreach Committee, to recognize such efforts that are consistent with the Irrigation District Law, under which the District is formed, to "furnish sufficient water in the district for any beneficial use." (Water Code 22075.)

(b) The awards and recognitions authorized herein shall be in the form of a Certificate of Appreciation or Certificate of Recognition, collectively attached hereto in Appendix EE, recognizing the recipient's efforts in water conservation and efficiency, water resource management, water education, interagency cooperation, and other areas that relate to the District's purpose.

(c) The awards and recognitions authorized herein shall not be given in connection with any personal matters, political campaigns of the Director or others, or any legislative matters.

4.11 USE OF DISTRICT PROPERTY AND EQUIPMENT

A Director can be assigned selected District equipment for use on District business. A Director shall not use or permit the use of District equipment, telephones, materials or property for personal gain or profit, including for use in connection with any campaign or election. Each Director must protect and properly use any District asset within his or her own control, including information recorded on paper or in electronic form. A Director shall not request a District employee to perform services for their personal gain or profit, including in connection with any campaign or election. Requests for assistance in connection with the official business of the District are not considered requests made for a Director's personal gain or profit.

4.12 USE OF DISTRICT MATERIAL CONTAINING DISTRICT SEAL/LOGO BY DIRECTORS

(a) Purpose of the Seal/Logo. The District has adopted the following seal, also referred to as its "logo," as the official seal of the Palmdale Water District, pursuant to the Irrigation District Law (Water Code, § 21404):



The seal has been adopted for purposes of identifying official communications, actions, and positions of the District. Therefore, the Board has approved use of the seal by individual Directors as provided herein to maintain uniformity in the representation of the District.

(b) Use of District Seal/Logo. Material containing the District seal, including District letterhead, shall only be used by Directors for District business and may not be used for any personal matters including political campaign materials or in connection with any political events or activities. Use or

display of the District seal/logo at any political event or activity, whether it is in connection with District elections or unrelated elections, is not permitted. Any written or electronic communication or presentation by a Director that is not approved as District business herein or approved separately by Board action, shall not contain the District seal/logo.

(c) District Business. District business includes:

(i) Correspondence approved by the Board, such as communications to the Association of California Water Agencies and other governmental agencies, which shall thereafter be distributed to all Directors;

(ii) Distribution of any District promotional and informational material generally available to the public;

(iii) Distribution of official District material at events approved by the Board, including events listed at Appendix V;

(iv) Distribution of awards or recognitions on behalf of the District pursuant to Section 4.10;

(d) Publication or Reproduction of the District's Seal/Logo. Publication or reproduction of the District's seal/logo not expressly authorized in these Rules and Regulations must be approved by the Board in advance. The seal/logo is a trademark of the District. It cannot be used to imply endorsement of any event, position, or action of any other group, agency, association, or business, unless approved by the Board.

(e) Business Cards, Clothing and Other Items Distributed to Directors by the District. This Section does not apply to a Director's distribution of his/her business cards provided to the Director by the District, which identify the Director as an elected official of the District. This Section does apply, however, to the publication of a Director's business cards, which must also

comply with Section 4.08(c)(2). Additionally, this Section does not apply to the use of shirts or other items containing the District's Logo, which have been distributed to the Director by the District. Use of such items, however, is subject to the laws and regulations of the State.

4.12 CAMPAIGNING RESTRICTIONS

4.12.1 SOLICITING POLITICAL CONTRIBUTIONS

Directors are prohibited from soliciting, or permitting others to solicit on his/her behalf, political funds or contributions at District facilities for the benefit of his/her own campaign for any office or the campaign of any other person for any other office.

4.12.2 USE OF DISTRICT PROPERTY, EQUIPMENT OR FACILITIES FOR CAMPAIGNING

Directors shall not use, or permit any other person to use, the District's seal, trademark, stationery, or other indicia of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law. Directors shall not use, or permit any other person to use, District equipment, facilities, materials, or any other property for any solicitation for political contributions to any campaign.

4.13 WEBSITE AND SOCIAL MEDIA

The District has an interest in disseminating information useful to customers and others interested in the operations, goals, and objectives of the District. The District encourages the use of the internet, through its website or social media pages, to further the goals of the District, subject to the terms and conditions of the rules set forth herein. The use of such websites or social media pages by Directors, however, raises legal issues which are unique to government agencies. As such, these rules establish procedures for use of the website and social media by Directors.

4.13.1 DISTRICT WEBSITE

The District owns and maintains a website at www.palmdalewater.org for the purpose of conducting the official business of the District. The General Manager has the authority to manage the website, including the contents of the website, as part of the District's day-to-day operations. The General Manager, however, does not have the authority to post any material or content in connection with the political campaign of any Director of the District, in connection with the political campaign of any candidate for any other office, or in connection with his/her own performance evaluation.

4.13.2 DIRECTOR BIOGRAPHIES ON DISTRICT WEBSITE

Each Director shall submit to the General Manager a biography for publication on the District's website at www.palmdalewater.org. The biography of a Director shall be limited to the Director's own qualifications and experience, and shall not include language that in any way makes reference to other Directors or their qualifications, character or activities.

4.13.3 DIRECTORS' SOCIAL MEDIA COMMUNICATIONS POLICY

(a) Introduction/Purpose: In light of advances in information and communications technology, the Board has adopted this policy to ensure continued compliance with the Brown Act in connection with the District's social media and other electronic communications, including the District's Facebook and Twitter pages, while respecting a Director's right to express himself or herself on issues within the District's subject matter jurisdiction, and to enhance Directors' communications with their constituents.

(b) Creation and Maintenance of District Social Media Pages

1. The District Public Information Officer, under the supervision of the General Manager, shall create and maintain an official District Social Media Page, including the existing Facebook and Twitter

Palmdale Water District pages. The content posted on the District's Social Media Pages shall be consistent with the policy and direction provided by the Board for District matters.

2. Directors are not authorized to post content to any District social media page on behalf of the District. Only the District Public Information Officer shall post content to any District social media page on behalf of the District. Directors shall not create or maintain any social media page on behalf of the District, nor shall Directors create any social media page containing the seal or logo of the District.

(c) "Comments," "Likes," or "Sharing" on District Social Media Pages:

In order to avoid any violation of the still unclear applicability of the Ralph M. Brown Act to social media, Directors may not comment or "like" any post on the District Social Media Pages. Nothing herein prohibits a Director from "sharing" a District post to his/her own Social Media Page, or any other Social Media Page.

(d) Other Social Media Sites or Blogs, not maintained by the District:

The District is not responsible for the content, comments, "likes", or any other communication occurring on websites, blogs, or social media sites not maintained by the District. Nevertheless, Directors must exercise the same guidelines on non-District websites, blogs, or social media sites to avoid any implication of the Brown Act or other applicable laws.

4:14 RESPONSIBILITIES AND AUTHORITY OF THE BOARD AND GENERAL MANAGER

(a) The Board of Directors has the power and it shall be its duty to manage and conduct the business and affairs of the District. (Water Code, §21385.) To that end, the Board "shall: (a) Employ agents, officers, and employees as

required," and "(b) prescribe their duties and fix their salaries." (Water Code, §21185.) Accordingly, the Board employs a General Manager to carry out Board policies, direct District operations, and provide day-to-day supervision of District employees and control of District expenditures. However, the Board does not relinquish its obligation or authority to establish an organizational chart and fix salaries for positions in accordance with Water Code, Section 21185.

It is the judgment of the Board and the General Manager that clear delineation of their respective responsibilities and authority is essential to effective District management. Said authority and responsibilities are set out herein and in the General Manager Employment Agreement.

(b) Board communications to District staff shall be made through the office of the General Manager to ensure staff's time and resources are most efficient used and ensure compliance with budget restrictions.

Certificate of Recognition

This Honor Is Bestowed Upon

_____

In Recognition For Outstanding Achievement And Excellence in

_____

And Is Awarded This Certificate By the Board of Directors of the

Palmdale Water District

this_____ day of _____, _____

_____ _____ _____ _____ _____

EXHIBIT 2

APPENDIX FF

AMENDMENT OF ARTICLE 8 & ARTICLE 10
"DELINQUENT BILLS" AND "APPLICATION FOR SERVICE"

PALMDALE WATER DISTRICT
RESOLUTION NO. 15-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT AMENDING THE PALMDALE WATER DISTRICT RULES AND REGULATIONS AS THEY RELATE TO NOTICE GIVEN TO DELINQUENT CONSUMERS AND ACTUAL USERS, INCLUDING AMENDMENT OF ARTICLE 8, SECTION 8.04 (G) TITLED "DELINQUENT BILLS" AND AMENDMENT OF ARTICLE 10, SECTION 10.02 TITLED "APPLICATION FOR SERVICE"

WHEREAS, District staff and the General Counsel have developed revisions to the Palmdale Water District Rules and Regulations in order to comply with District Utility Services Law, codified at Government Code §60370, et seq., and the requirements of the newly effective AB 2747;

WHEREAS, the District Utility Services Law requires the District mail a 10-day notice of disconnection of water services;

WHEREAS, the District Utility Services Law requires that the District "make every good faith effort to inform the actual users of the services" in advance of disconnection of water serves, when the account is delinquent on a multiunit residential structure, park, or farm labor camp, and more recently "single family dwellings" as a result of AB2747. (Gov. Code §60371(a).);

WHEREAS, the staff has presented evidence to the Board that the District does not have the ability or resources to ascertain the identify or specific unit addresses of all "actual users" of the District's water service in multiunit residential structure, park, or farm labor camp;

WHEREAS, the District obtains from customers the address for property managers and landowners of multiunit residential structure, park, or farm labor camp;

WHEREAS, by requiring consumers to provide a property manager's address when the consumer allows actual users other than the consumer to use water provided by the District, the District will ensure notice to the actual users through the property manager;

WHEREAS, AB 2747 added the requirement that a utility service district also provide the notice in six languages;

WHEREAS, the District Utility Services Law requires the District to make a reasonable, good faith effort to contact by mail or in person an adult at the premises prior to disconnecting water service, or mail notice when such telephonic or personal notice cannot be accomplished. (Gov. Code §60373(b).);

WHEREAS, staff has presented evidence that the District does not have the required staffing to attempt personal contact or phone calls to an adult at each residence. In order to achieve contact with an adult at each consumer's residence, the District will instead mail a second notice to each consumer's address seven days before disconnection to ensure 48-hour notice prior to disconnection of water service; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: The above recitals are all true and correct and are hereby adopted as findings.

Section 2: Article 8, Section 8.04 (G) of the Palmdale Water District Rules and Regulations titled "Delinquent Bills" is hereby amended to read as follows:

G. Delinquent Bills: The following rules apply to Consumers whose bills remain unpaid after 25 days from the invoice date.

1. **Small Balance Accounts**. If any balance amounting to $10.00 or less remains unpaid, it shall be carried over and added to the next billing.

2. **Delinquent Balances**. If payment for a billing period is not made on or before the 25th day after the date of the invoice, a late charge will be assessed to the account as listed in Appendix D. The Consumer then has eight (8) days prior to issuance of a 48-Hour Mailed Disconnect Notice to settle the account. After receipt of the invoice and up to 2 days prior to the date set for disconnection, the Consumer may request an amortization payment plan pursuant to Article 8.04(J).

3. **Turn-Off Deadline**. Water service charges and late charges must be paid on or prior to 6:00 p.m. on the date specified on the 48-Hour Disconnect Notice.

4. **First Written Mailed Notice of Disconnection**. Upon assessment of a late charge on the account, no later than the 25th day after the date of the invoice and no less than 15 days before

the account is scheduled to be subject to disconnection, the District will mail notices to the Account Holder, *i.e.*, the person or entity responsible for the payment on the account, and to water users at the property address(es) served on the account (or to property managers, in the case of multi-unit properties), if that address is different from the Account Holder's mailing address, informing them of:

(1) The name and address of the Account Holder whose account is delinquent.

(2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment pursuant to Section 8.04(J) is required in order to avoid termination.

(4) The procedure by which the Account Holder may initiate a complaint or request an investigation pursuant to Section 8.04(H) concerning service or charges, except that if the bill for service contains a description of that procedure, the notice is not required to contain that information.

(5) The procedure by which the customer may request amortization of the unpaid charges, pursuant to Section 8.04(J).

(6) The procedure for the Account Holder to obtain information on the availability of financial assistance, including the District's Rate Assistance Program, or any private, local, state, or federal sources, if applicable.

(7) The telephone number of a representative of the District who can provide additional information or institute arrangements for payment pursuant to Section 8.04(J).

(8) Notice to the "Water User" in English, Spanish, Chinese, Tagalog, Vietnamese and Korean as follows:

NOTICE TO ALL PROPERTY OWNERS, LANDOWNERS, AND PROPERTY MANAGERS THIS NOTICE OF TERMINATION MUST BE PROVIDED TO TENANTS/RESIDENTS

WATER SERVICE TO BE TURNED OFF IN 10 DAYS

Date of Mailing:
Date of TurnOff:
Service Property Address:

TO THE WATER USER:

Water service to this address is scheduled to be discontinued in 10 days for non-payment. To avoid the loss of water service, you must contact your landlord, property manager or property owner regarding payment of the water bill.

Please call a customer service representative at (XXX) XXX-XXXX to learn how to continue water service at your address; receive an estimated monthly cost of water service, and obtain the address of the local office where you can speak to a customer care representative in person.

5. **Second Written Mailed Disconnection Notice**. At least seven days prior to actual disconnection, the District shall mail a

second notice to the account holder to ensure the Consumer receives notice at least 48 hours before disconnection. This second mailed notice shall include:

(1) The Account Holder's name and address

(2) The amount of delinquency

(3) The date by which payment must be made or arrangements for payment pursuant to Section 8.04(J) is required in order to avoid termination.

(4) The procedure for the Account Holder to obtain information on the availability of financial assistance, including private, local state, or federal sources if applicable.

(5) The telephone number of the District representative who can provide additional information or institute arrangements for payment pursuant to Section 8.04(J).

6. **Waiver of Second Mailed Notice to Public Agencies**. Because of usual sound financial base and variations in warrant payment procedures, public agencies will not be sent a 48-Hour Delinquent Notice for delinquent payment of current accounts.

7. **Notification of Rejected Payment Disposition**. Upon receipt of a rejected payment taken as remittance of water service or other charges, the District will consider the account not paid. The District will make a reasonable, good-faith effort to notify the Consumer of the rejected payment. Water service will be disconnected if the amount of the rejected payment, the rejected payment charge, and a deposit if required, are not paid within 48

hours of the date of notice. All amounts paid must be cash or certified funds.

In the event a consumer's payment is rejected for any reason and the rejected payment was tendered for water service disconnected for non-payment, and as a result the District restores the service, the District may again promptly disconnect service without providing further notice. No additional notices will be given in the case of a rejected payment tendered for payment of water charges that were subject to discontinuance.

8. **Rejected Payment-Issued to Restore Service**. Any Consumer whose payment is rejected for any reason and the payment was submitted to restore service turned off for non-payment, will be required to pay, for one year, cash or certified funds to have service restored if turned off again within this time period for non-payment.

Section 3: Article 10, Section 10.02 of the Palmdale Water District Rules and Regulations titled "Application For Service" is hereby amended to read as follows:

10.02: APPLICATION FOR SERVICE

Each applicant is required to contact the District office to apply for service. In most cases, this must be the Owner of the property. Residential/Multi-Family, Commercial/Industrial/Irrigation, and Realtor Applications are attached hereto as Appendix S. The District may request the following information, depending upon the type of service, either in application form or verbally by a customer service representative:

A. Contents:

1. Date applicant obtained ownership of property/requested date of activation.

2. Location and address of premises to be served, including the mailing address of a property manager of any multiunit residential structure, mobilehome park, or farm labor camp where the owner, manager or employer is the customer of record.

3. Applicant's Information.

4. Contact Information, including mobile telephone number, if the Consumer approves such method of communication from the District.

5. Agreement to assume any outstanding water charges for property where service is requested.

6. Agreement to abide by District Rules and Regulations.

7. Such other information and/or supporting documents as the District may reasonably require.

B. **Purpose:** The application is merely a written/verbal request for service and does not bind the applicant to take service for a period of time longer than that upon which the minimum charge is based; neither does it bind the District to serve, except under reasonable conditions and upon the approval of the Manager.

Section 3: Severability. If any section, subsection, paragraph, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution, it being expressly declared that this resolution and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on May 27, 2015.

Kathy Mac Laren, President
Palmdale Water District

Joe Estes, Secretary
Palmdale Water District

Approved As To Form:

Patty Quilizapa
General Counsel