

ORDINANCE NO. 2008-01

AN ORDINANCE OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT PRESCRIBING RULES AND REGULATIONS GOVERNING WATER SERVICE DURING A WATER SHORTAGE

WHEREAS, California Constitution article X, section 2 provides that because of conditions prevailing in the state of California (the "State"), the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code sections 350 and 31020, and Section 4.15.010 of Chapter 4.15 of the Rio Linda/Elverta Community Water District Policy Manual, the Board of Directors (the "Board") of the Rio Linda/Elverta Community Water District (the "District") is authorized to declare (i) a water shortage when it determines that it will or may not be able to meet all of the water demands of its customers; and (ii) a water shortage emergency when it determines that the District will not be able to or cannot meet the ordinary demands and requirements of water consumers without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection, and as more fully set forth in this Ordinance (a "Water Shortage"); and

WHEREAS, on September 10, 2007, by Resolution 2007-05, the Board declared that a water capacity shortage exists in the District; and

WHEREAS, on November 19, 2007, the State Department of Public Health issued Compliance Order 01-09-07-CO-004, requiring the District to implement a water rationing plan by April 1, 2008; and

WHEREAS, the District hereby finds and determines that a water capacity shortage continues to exist; and declares a Water Conservation Stage 2. It is necessary for the District to adopt and implement drought response measures and a water conservation and regulatory program to regulate the water consumption activities of within the District and ensure that the water delivered in the District is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including

human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, pursuant to California Water Code sections 375, 31020, 31026-31028, the District is authorized to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a water conservation and regulatory program to: (i) prohibit the wastage of District water or the use of District water during such period; (ii) prohibit use of water during such periods for specific uses which the District may from time to time find nonessential; and (iii) reduce and restrict the quantity of water used by those persons within the District for the purpose of conserving the water supplies of the District; and

WHEREAS, the District hereby finds and determines that pursuant to the provisions of this Ordinance and Chapter 4.15 of the District Policy Manual the District shall: (i) implement drought response and water conservation measures; (ii) regulate the water consumption activities of persons within the District for the purposes of conserving and protecting the District's water supplies, reducing the quantity of water consumed, and deterring and preventing the waste or unreasonable use or unreasonable method of use of valuable water resources; and (iii) establish and collect regulatory fees as set forth herein to accomplish these purposes and recover the costs of the District's water conservation and regulatory program; and

WHEREAS, the Board of Directors hereby finds and determines that it is desirable to codify the rules and regulations governing its actions, and the actions of persons within the District during declared water shortages, the current Water Shortage, and any future Water Shortage.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Rio Linda/Elverta Community Water District as follows:

Section 1. Recitals. The District hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. Declaration of Policy.

(a) The Board finds and determines that during periods of drought, water shortages, and Water Shortage Emergencies the general welfare requires that the District maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public welfare.

(b) This Ordinance establishes water conservation and drought response measures and regulations to be implemented during declared water conservation stages.

(c) This ordinance establishes five stages of water conservation and drought response measures to be implemented by the District, with increasing restrictions on water use in response to worsening drought conditions and decreasing water supplies.

Section 3. Definitions. For the purposes of this Ordinance, the following words, terms, and phrases shall have the following meanings:

(a) "Greywater" means household wastewater other than toilet waste.

(b) "Person" means any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the City, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

(c) "Property owner" means the record owner of real property based on the County Assessor's records.

(d) "Water customer" or "customer" means a person who, according to the District's records, receives water service to a parcel of property.

Section 4. Application.

(a) The provisions of this Ordinance shall apply to all persons and property served by the District wherever situated.

(b) Nothing in this Ordinance is intended to affect or limit the ability of the District to respond to an emergency, including an emergency that affects the ability of the District to supply water.

Section 5. Water Conservation.

(a) It is unlawful for any person to make, cause, or use or permit the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provisions of this Ordinance, or in an amount in excess of that use permitted by the following water conservation stages which are in effect pursuant to action taken by the Board in accordance with this Ordinance.

(b) It is unlawful at any time for any person to waste water or to use it unreasonably. Unreasonable uses of water shall include, but are not limited to, the following practices:

(1) allowing water to leave the customer's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;

(2) failing to repair a water leak; and

(3) using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards.

(c) A water conservation stage shall be determined by the Board in accordance with the provisions of this Ordinance and shall remain in full force and effect until otherwise determined or discontinued by the Board. The provisions of sections 4.14.010 through 4.14.2 of Chapter 4.14 of the District Policy Manual are hereby incorporated by reference into this Ordinance and are applicable during any water conservation stage.

(d) During Water Conservation Stage 1, the water conservation and drought response measures are voluntary and will be enforced through local and regional public education and awareness measures by the District.

(e) During Water Conservation Stages 2 through 5, the water conservation and drought response measures are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies as specified in this Ordinance and the District Policy Manual.

Section 6. Water Conservation Stage 1. – Normal Water Supply.

Water Conservation Stage 1 is also referred to as a "Normal Water Supply" and applies during periods when the District is able to meet all of the water demands of its customers. Water is a limited natural resource and must be used efficiently and economically to meet the health and safety needs of the community. All normal water efficiency programs and water conservation regulations of the District will be in full force and effect during Water Conservation Stage 1. All water conservation measures and elements of Water Conservation Stage 2 shall apply on a voluntary basis during Water Conservation Stage 1.

Section 7. Water Conservation Stage 2. - Water Warning.

(a) Water Conservation Stage 2 is also referred to as a "Water Warning" and applies during periods when a reasonable probability exists that the

District will not be able to meet all of the water demands of its customers. Water Conservation Stage 2 may be caused by, but is not limited to, any or all of the following circumstances or events: (i) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking customers to reduce water use; (ii) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination); (iii) alternative water supplies are unavailable; and (iv) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the Sacramento Groundwater Authority, Sacramento County, or some other regulatory body.

(b) The objective of the measures undertaken in Water Conservation Stage 2 is to reduce water system consumption within the District by fifteen percent.

(c) Except as otherwise provided herein, all water conservation and drought response measures of Water Conservation Stage 1 shall be in full force and effect during Water Conservation Stage 2. Upon declaration of a Water Conservation Stage 2 by the Board, implementation by the District and publication of notice, the following water conservation and drought response measures shall apply:

(1) The District shall determine the total amount of water delivered to the property of each District customer in the prior fiscal year (the "Base Year Consumption Amount"). Water customers shall reduce their water consumption by fifteen percent from the Base Year Consumption Amount for the duration of Water Conservation Stage 2. Provided, however, the Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue Water Conservation Stage 2 for more than twelve months.

(2) Lawns and/or ground covers may be watered and landscaping/pastures may be irrigated, including construction meter irrigation, only during the following designated hours and designated days:

(A) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with odd number street addresses only on Saturdays, Mondays, and Wednesdays;

(B) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with even number street addresses only on Sundays, Tuesdays, and Thursdays; and

(C) watering lawns and/or ground cover and irrigating landscaping/pastures is prohibited on Fridays and on any day of the week from 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.

(3) All irrigation timers shall be adjusted to comply with the provisions of Section 7(c)(2) hereof.

(4) Notwithstanding the provisions of Section 7(c)(2) herein, the use of greywater to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Provided, however, greywater may only be used in accordance with Health Department regulations.

(5) All open hoses shall be equipped with automatic, positive shut-off nozzles.

(6) All swimming pools, spas, ponds, and fountains shall be equipped with recirculating pumps.

(7) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District.

(8) No person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.

(9) No person shall allow water to leave his or her property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.

(10) Water customers shall read their water meters at least once each month to monitor their water consumption.

(11) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle for quick rinses. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

(12) Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of District.

(13) All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.

(14) Construction operations receiving water from a construction meter or water truck shall not use water unnecessarily for any purpose other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation hours set forth in Section 7(c)(2)(A) and (C) hereof.

Section 8. Water Conservation Stage 3. - Water Shortage.

(a) Water Conservation Stage 3 is also referred to as a "Water Shortage" and applies during periods when the District will not be able to meet all of the water demands of its customers. Water Conservation Stage 3 may be caused by, but is not limited to, any or all of the following circumstances or events: (i) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking customers to reduce water use; (ii) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination); (iii) alternative water supplies are unavailable; and (iv) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the Sacramento Groundwater Authority, Sacramento County, or some regulatory body.

(b) The objective of the measures undertaken in Water Conservation Stage 3 is to reduce water system consumption within the District by twenty percent.

(c) Except as otherwise provided herein, all water conservation and drought response measures of Water Conservation Stages 1 and 2 shall be in full force and effect during Water Conservation Stage 3. Upon declaration of a Water Conservation Stage 3 by the Board, implementation by the District and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by twenty percent from the Base Year Consumption Amount for the duration of Water Conservation Stage 3. Provided, however, the Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue Water Conservation Stage 3 for more than twelve months.

(2) Lawns and/or ground cover may be watered and landscaping/pastures may be irrigated, including construction meter irrigation, only during the following designated hours and designated days:

(A) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with odd number street addresses only on Saturdays and Wednesdays;

(B) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with even number street addresses only on Sundays and Thursdays; and

(C) watering lawns and/or ground cover and irrigating landscaping/pastures is prohibited on Mondays and Fridays and on any day of the week from 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.

(3) Notwithstanding the provisions of Section 8(d)(2) herein, the use of greywater to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Provided, however, greywater may only be used in accordance with Health Department regulations.

(4) Irrigation timers shall be adjusted to comply with the provisions of Section 8(d)(2) hereof.

(5) Customers shall read their water meters at least once each week to monitor their water consumption.

(6) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only during the hours of 9:00 a.m. to 6:00 p.m. on Saturdays, Sundays, and Mondays with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle for quick rinses. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by an amount determined by the Board. Further, such washings are exempt from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

(7) The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds, streams, and artificial lakes is prohibited.

(8) The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage.

(9) The number of new construction meters shall not exceed the existing number of currently authorized meters. A new meter shall be issued only when an old meter is returned. Construction projects requiring water from a construction meter or a water truck shall not use water unnecessarily for any purposes other than those required by regulatory agencies. Construction projects requiring water for new landscapes shall adhere to the designated days and times as set forth in Section 8(d)(2)(A) and (C) hereof. Further, construction projects necessary to maintain the health, safety, and welfare of the public are exempt from these regulations.

Section 9. Water Conservation Stage 4. - Water Crisis.

(a) Water Conservation Stage 4 is also referred to as a "Water Crisis" and applies during periods when the District will not be able to meet all of the water demands of its customers. Water Conservation Stage 4 may be caused by, but is not limited to, any or all of the following circumstances or events: (i) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking customers to reduce water use; (ii) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination); (iii) alternative water supplies are unavailable; (iv) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the Sacramento Groundwater Authority, Sacramento County, or some regulatory body; and (v) a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State or District water facilities.

(b) The objective of the measures undertaken in Water Conservation Stage 4 is to reduce water consumption within the District by forty percent.

(c) Except as otherwise provided herein, all water conservation and drought response measures of Water Conservation Stages 1, 2, and 3 shall be in full force and effect during Water Conservation Stage 4. Upon declaration of a Water Conservation Stage 4 by the Board, implementation by the District and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by forty percent from the Base Year Consumption Amount for the duration of Water Conservation Stage 4. Provided, however, the Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue Water Conservation Stage 4 for more than twelve months.

(2) Irrigation of landscaping and pastures shall be limited to supporting minimal survival of trees and shrubs. Landscaping and/or pastures may be irrigated, including construction meter irrigation, only during the following designated hours and designated days:

(A) properties with odd number street addresses may irrigate landscaping and pastures only on Saturdays;

(B) properties with even number street addresses may irrigate landscaping and pastures only on Sundays; and

(C) irrigating landscaping and pastures is prohibited on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays and on any day of the week from 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.

(3) Notwithstanding the provisions of Section 9(e)(2) herein, the use of greywater to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Provided, however, greywater may only be used in accordance with Health Department regulations.

(4) All outdoor watering and irrigation of lawns and ground covers is prohibited with the exception of plant materials classified and determined by the District General Manager to be rare, exceptionally valuable, or essential to the well being of the public at large or rare animals, and as otherwise provided in Section 9(e)(3).

(5) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash. Commercial car washes shall only use partially reclaimed or recycled water for washing automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment. Further, such washings are exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

(6) The filling, refilling, or adding of water to swimming pools, spas, ponds, streams, and artificial lakes is prohibited.

(7) The operation of any ornamental fountain, pond, or similar structure is prohibited except for short periods of time to prevent damage.

(8) The use of water for cooling mists is prohibited.

(9) The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by an amount determined by the Board.

(10) No new construction meters will be issued. Construction water shall not be used for earth work, road construction purposes, dust control, compaction, or trenching jetting. Construction projects necessary to maintaining the health, safety, and welfare of the public are exempt from these regulations.

(11) Except as to property for which a building permit has been heretofore issued, no new building permit(s) shall be provided, except in the following circumstances:

(A) for projects necessary to protect the public's health, safety, and welfare;

(B) when using reclaimed water;

(C) when the recipient of the building permit can demonstrate that no net increase in water use will occur; or

(D) where the recipient of the building permit provides a conservation offset. For purposes of this Section, "conservation offset" shall mean the implementation of proven conservation techniques which, when installed, will result in a reduction equal to demand of the proposed use. A conservation offset may be effected by paying a fee established by the District in an amount necessary to cover the cost of implementing such conservation techniques. The fee will be based on the conservation offset required for an equivalent dwelling unit. Such fee shall apply to residential as well as commercial and industrial buildings, and may be adjusted from time to time as determined by the District.

Section 10. Water Conservation Stage 5. – Water Shortage Emergency.

(a) Water Conservation Stage 5 is also referred to as a Water Shortage Emergency and applies during periods when the District will not be able to meet all of the water demands of its customers. Water Conservation Stage 5 may be caused by, but is not limited to, any or all of the following circumstances or events: (i) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking customers to reduce water use; (ii) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination); (iii) alternative water supplies are unavailable; (iv) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the Sacramento Groundwater Authority, Sacramento County, or some regulatory body; and (v) a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State or District water facilities and the District cannot meet all of the water demands of its customers.

(b) The objective of the measures undertaken in Water Conservation Stage 5 is to reduce water consumption by fifty percent.

(c) Except as otherwise provided herein, all water conservation and drought response measures of Water Conservation Stages 1, 2, 3, and 4 shall be in full force and effect during Water Conservation Stage 5. Upon declaration of a Water Conservation Stage 5 by the Board, implementation by the District and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by fifty percent from the Base Year Consumption Amount for the duration of Water Conservation Stage 5. Provided, however, the Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue Water Conservation Stage 5 for more than twelve months.

(2) All outdoor watering and irrigation of lawns and ground cover, and landscaping and pastures is prohibited with the exception of the use of greywater to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Provided, however, greywater may only be used in accordance with Health Department regulations.

(3) The District shall not allow any new connections to the water system during Water Conservation Stage 5.

Section 11. Mandatory Conservation Phase Implementation. The District General Manager, or his or her designee, shall monitor the projected supply and demand for water by its customers on a daily basis during periods of a water shortage or drought and shall recommend to the Board the extent of the conservation required through the implementation and/or termination of particular water conservation stages to prudently plan and supply water to its customers. Thereafter, the Board may order the implementation or termination of the appropriate water conservation stage. The declaration of any stage beyond Water Conservation Stage 1 shall be made by public announcement and shall be published a minimum of one (1) time for three (3) consecutive days in a daily newspaper of general circulation. Such declaration and notice shall provide the extent, terms, and conditions respecting the use and consumption of water in accordance with the applicable water conservation stage as provided in this Ordinance. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given each and every person supplied water within the District. The water conservation stage designated shall become effective immediately upon announcement.

Section 12. Enforcement

(a) It shall be unlawful for any person to violate the provisions of this Ordinance. Violations of these provisions shall be a misdemeanor subject to imprisonment in the county jail for not more than 30 days or by fine not to exceed \$1,000, or by both as provided in California Water Code sections 377 and 31029, Section 4.14.250B of Chapter 4.14 of the District's Policy Manual, and as set forth in this Ordinance. The District can alternatively seek injunctive relief in the Superior Court or pursue any other remedy at law to enforce the provisions of this Ordinance. In addition to any other remedies which the District may have for the enforcement of this Ordinance, service of water may be discontinued or appropriately limited to any customer who uses water in violation of any provision of this Ordinance and as set forth in this Ordinance.

(b) Each day that a violation of this Ordinance occurs is a separate offense.

(c) For the first violation of any provision of this Ordinance, within two weeks of the violation:

(1) the District shall send a District water conservation specialist or provide written notice to the property where the violation occurred to advise the person responsible for the violation of: (A) the water conservation stage then in effect and the provisions of this Ordinance relating thereto; (B) water conservation and drought response measures that are required and may be implemented pursuant to this Ordinance; (C) possible consequences of future violations of this Ordinance, including discontinuance of water service; and (D) penalties that may be imposed for the specific violation and any future violations of this Ordinance; and

(2) if the District Manager deems it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any person who violates any term or provision of this Ordinance.

(d) For a second or any subsequent violation of this Ordinance, within two weeks of the violation:

(1) the District shall send a District water conservation specialist or provide written notice of violation to the property where the violation occurred to notify the person at the property of: (A) the water conservation stage then in effect and the provisions of this Ordinance relating thereto; (B) the water conservation and drought response measures that are required and may be implemented by such person; and (C) possible consequences which may occur in the event of any future violations of this Ordinance;

(2) if the District Manager deems it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any person who violates any term or provisions of this Ordinance;

(3) if the District Manager deems it to be appropriate, the District may discontinue water service at the location where the violation occurred;

(4) if a flow restrictor is installed at the property where the violation occurred, the District shall impose a penalty for the installation and removal of any flow restrictor installed by the District to restrict the amount of water delivered to a person who has violated this Ordinance; and

(5) if water service is discontinued at the property where the violation occurred, the District shall impose a reconnection penalty, as fixed from time to time by the Board, if the person requests to reconnect the property to the water system;

(6) the District shall impose any other penalties, as fixed from time to time by the Board, for a violation of this Ordinance or in accordance with California Water Code sections 377 and 31029, and Section 4.14.25 of Chapter 4.14 of the District Policy Manual.

(e) The District may, after one written notice of violation pursuant to this Section 12, order that a special meter reading or readings be made in order to ascertain whether wasteful or unreasonable use of water is occurring. The District may impose a meter reading fee for each meter reading it conducts pursuant to this Ordinance.

(f) In order to recover the costs of this water conservation regulatory program, the Board may, from time to time, fix and impose fees for:

(1) any visits of a water conservation specialist or other District staff for time incurred or for meter reading, follow-up visits, or the installation of a flow restrictor device;

(2) enforcing any term or provision of this Ordinance;

(3) reinitiating service at the property where service has been discontinued pursuant to this Ordinance; and

(4) processing any fees necessary to carry out the provisions of this ordinance.

(g) The District hereby adopts the schedule of fees and penalties set forth in Exhibit A to this Ordinance, attached hereto and by this reference incorporated herein, for violations of this Ordinance. Such penalties and fees may be fixed and amended from time to time by resolution of the Board

(h) The failure of any person with an interest in the property to receive any notice served in accordance with this Ordinance shall not affect the validity of any proceedings taken under this Ordinance. The notice requirements in this Section do not apply to initial notices of violation which may be sent by regular mail. Service of a notice of violation by regular mail is effective on the date of mailing.

(i) All remedies provided herein shall be cumulative and not exclusive.

Section 13. Variations. Consideration of written applications for variations regarding the regulations and restrictions on water use set forth in this Ordinance may be made by the District.

(a) Written applications for variations shall be accepted, and may be granted or denied, by the General Manager (the "Approving Authority"), at his or her sole discretion, or by his or her designee at his or her sole discretion. The application shall be in a form prescribed by the District and shall be accompanied by a non-refundable processing fee in an amount as determined by the Board.

(b) The grounds for granting or conditionally granting a variance are:

(1) due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a person using District water or to property upon which District water is used, that is disproportionate to the impacts to other District water users generally or to similar property or classes of water users; or

(2) failure to grant a variance would adversely affect the health, sanitation, fire protection, or safety of the applicant or the public.

(c) The application for a variance shall be accompanied, as appropriate, with photographs, maps, drawings, and other information substantiating the applicant's request, including a statement of the applicant.

(d) An application for a variance shall be denied unless the Approving Authority finds, based on the information provided in the application, supporting documentation, or such other additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

(1) That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

(2) That because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on (A) the property or use that exceeds that customers generally, or (B) the applicant's health that exceeds customers generally.

(3) That the authorization of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this Ordinance and will not be detrimental to the public interest.

(4) That the condition or situation of (A) the subject property or the intended use of the property for which the variance is sought is not common, recurrent, or general in nature, or (B) the applicant's health or safety is not common, recurrent, or general in nature.

(e) The denial or grant of a variance shall be acted upon within fifteen (15) days of the submittal of the complete application, including any photographs, maps, drawings, and other information substantiating the applicant's request and the statement of the applicant. The application may be approved, conditionally approved, or denied. The decision of the Approving Authority shall be prepared in writing, include terms and conditions, if any, and promptly sent to the applicant.

(f) The denial of a request for a variance may be appealed in writing to the District General Manager. An appeal shall be made in accordance with the following procedures:

(1) The person appealing the denial of the variance (“appellant”) shall complete and submit in writing a form provided by the District for such purpose and shall state in such form the grounds for his or her appeal. All appeals shall be submitted to the District Secretary within thirty (30) calendar days of the date of the notice of the denial of the request for a variance.

(2) The General Manager, or his or her designee, shall review the appeal and any related information provided, and, if necessary, cause an investigation and report to be made concerning the request for a variance. The General Manager, or his or her designee, shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the appellant. If the General Manager, or his or her designee, grants the appeal and determines that the request for a variance shall be granted, then within fifteen (15) calendar days of such determination the General Manager, or his or her designee, shall give written notice thereof.

(3) The decision of the General Manager, or his or her designee, may be appealed by the appellant to the Board of Directors. Such appeal must be submitted in writing and filed with the District Secretary within fifteen (15) calendar days of the date of decision of the General Manager, or his or her designee. The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board meeting; provided, however, the Board of Directors shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled Board of Directors meeting, then the hearing shall be held at the following regularly scheduled Board of Directors meeting. A notice of the hearing shall be mailed to the appellant at least ten (10) calendar days before the date fixed for the hearing. The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive. Notice of the determination by the Board of Directors shall be mailed to the appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the variance, if any, granted to the appellant. If the appeal is denied, the appellant shall comply with all terms and conditions of this Ordinance and the applicable water conservation stage then in effect.

(4) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

Section 14. Conflicting Provisions. If provisions of this Ordinance are in conflict with each other, the District Policy Manual, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

Section 15. Severability. If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or

invalid, the invalidity of the remaining portions of sections of this Ordinance shall not be affected, it being the intent of the Board in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

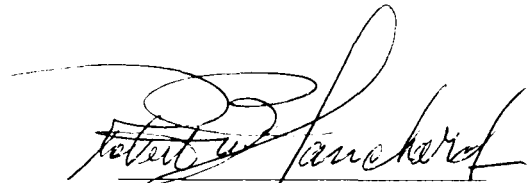
APPROVED AND ADOPTED by the Board of Directors of the Rio Linda/Elverta Community Water District on this 14th day of April, 2008.

AYES, in favor hereof: Blanchard; Morris; Harris; Arbios

NOES: None

ABSTAIN: Paine

ABSENT: None



Robert Blanchard, President
Board of Directors

Attest

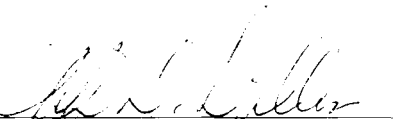

Board Secretary

EXHIBIT A
SERVICE FEES AND PENALTIES

<u>Description of Fee or Charge</u>	<u>Code Section*</u>	
Service Turn-off/Turn-on by District due to violation of Policy or Nonpayment during regular billing cycle	§4.07.810 §4.31.220 (C)	\$40.00
Turn-off Notice Tag	§4.31.250 §4.31.285	\$25.00
Customer Requested Temporary Turn-off/Turn-on	§4.07.840	\$30.00 (\$15.00 each), One-time Fee waiver for Installation of Gate Valve
Turn-off & Turn-on for Meter Tampering	§4.07.830	\$60.00
Removal of Meter & Reinstall due to Tampering	§4.07.830	\$85.00
Additional Charge for Service after Business Hours	§4.07.840 §4.09.210 (2)	\$30.00
Penalty for Violation Conservation Policy (Third Violation)	§4.14.250 B-3	\$75.00
Service Termination for Conservation Violation (fourth, or more)	§4.14.250 B-4	\$125.00 plus \$30.00 Turn-on Fee when service is reinstated

ORDINANCE NO. 2008-02

**AN ORDINANCE OF THE RIO LINDA/ELVERTA
COMMUNITY WATER DISTRICT BOARD OF
DIRECTORS ADOPTING MODIFICATIONS TO FEES
AND CHARGES FOR FIRE PROTECTION, WATER
SERVICE CONNECTION, WATER HYDRANT USAGE,
REPRODUCTION AND OTHER MISCELLANEOUS
SERVICES**

WHEREAS, the Board of Directors of the Rio Linda/Elverta Community Water District ("District") finds it necessary to adopt modifications to existing regulations, fees and charges relative to the provision of various services and development related activities of the District; and

WHEREAS, the District undertook a master planning effort to identify water system improvements to correct existing deficiencies and to serve future growth, and prepared a Capital Improvement Program (CIP) showing the estimated costs of the recommended improvements; and

WHEREAS, the District caused to be prepared a Rio Linda/Elverta Community Water District Long-Range Financial Plan and Water Rate/Capacity Charge Study by Reed Consulting Group Final Report dated May 22, 2002 that recommended adjustments to water rate schedules and calculated capacity charges for new development based on the Master Plan; and

WHEREAS, the Board of Directors now finds it necessary to adopt the recommended adjustments to existing fees and charges to reflect the District's actual cost incurred to provide such services and development-related activities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Rio Linda/Elverta Community Water District as follows:

Section 1. Title 4, Water System Regulations, establishing the policies of the District that govern the operation, use, fees and services of the water system is hereby modified in accordance with this Ordinance 2008-02 and Exhibits 1-5 hereto, effective November 1, 2008.

Section 2. Any provision of any ordinance, resolution, fee, charge and/or other policy of the District in conflict with this Ordinance 2008-02 is hereby superseded by the provisions herein. If any existing fees, charges and/or regulations in effect on the date of adoption of this ordinance are not in conflict herewith, said existing fees, charges and/or regulations shall remain in effect.

Section 3. The General Manager is hereby authorized and directed to enforce all the

provisions of these regulations. The General Manager shall have the power to render interpretations of these regulations and establish rules and supplemental regulations in order to clarify the application of its provisions.

ADOPTED on this 13th day of October 2008, by the following vote:

AYES, in favor hereof:

NOES:


ABSTAIN:

ABSENT:

A large, stylized handwritten signature in black ink, appearing to read "Robert Blanchard". The signature is written over a horizontal line.

Robert Blanchard, President
Board of Directors

ATTEST:

A handwritten signature in black ink, appearing to read "Cheryl D. Dillon". The signature is written over a horizontal line.

Secretary/Clerk of the Board

EXHIBIT 1

Fire Protection Facilities Fees

PRIVATE FIRE HYDRANTS	SPRINKLER SYSTEM LINES
8 INCH (MINIMUM) - \$61,230.00	1 inch (minimum) - \$1,910.00
10 INCH - \$88,015.00	1½ inch - \$3,825.00
12 INCH - \$126,280.00	2 inch - \$6,125.00
GREATER THAN 12 INCH – The fees shall be relative to the charges above and increase in proportion to the size of the pipe. The fee shall be approved through an agreement with the Board of Directors.	3 inch - \$11,480
	4 inch - \$19,130.00
Penalty for Unauthorized Use of Fire Lines	6 inch - \$38,270.00
	8 inch - \$61,225.00
Use of fire lines for purposes other than fire suppression, system testing or system repair shall constitute unauthorized use. Such unauthorized use shall be subject to a \$90.00 fee. Any subsequent violations shall be subject to a \$140.00 Fee and the water shall be turned-off until brought into compliance.	Greater than 8 inch – The fees shall be relative to the charges above and increase in proportion to the size of the pipe. The fee shall be approved through an agreement with the Board of Directors.
Fire Protection Facilities Flat Rate Charge	\$10.00 per diameter inch -- Bi-monthly

The fees above shall be for dedicated fire service only. No other use is allowed on these water lines. In the event the private fire protection facilities are used for other purposes, the normal "Water Service Capacity" fee shall apply. Applicants shall be required to install meters and/or detector check valves and backflow devices to the satisfaction of the General Manager on all fire protection facilities. Minimum pipe sizes as indicated above shall be enforced.

Installation of Fire Protection Facilities shall be in accordance with Chapter 4.21 of the Water System Regulations as amended by **Resolution No. 2002-01-01**.

The fees in this "EXHIBIT 1" shall increase by three percent (3%) rounded to the nearest increment of five dollars (\$10.00) each January 1 beginning January 1, 2010.

**EXHIBIT 2
WATER SERVICE CONNECTION CHARGES**

When a water service connection, as defined in §4.07.013 of the Water System Regulations, is proposed for installation, the District shall require payment in advance. The connection charges as required under §4.07.012(2) of the Water System Regulations shall be as follows:

<u>Full Service Installation</u>	
1" Service with 5/8x3/4" Meter Outside Roadway with Main on Customer Side of Street.....	\$3,400.00
1" Service with 5/8 x 3/4" Meter requiring street crossing using Boring Machine.....	\$4,700.00
1" Service with 5/8 x 3/4" Meter in Improved Roadway.....	\$5,500.00
Additional Cost for 1" Meter.....	\$100.00
Additional Cost for 1½" Meter.....	\$700.00
Additional Cost for 2" Meter.....	\$1,000.00
Larger than 2" Meter.....	Time and Materials
<u>Meter Installation where Meter-setter & service-line is already installed</u>	
5/8 x 3/4" Meter.....	\$400.00
1" Meter.....	\$500.00
1½" Meter	\$600.00
2" or Larger Meter.....	Time and Materials

The above fees shall be in addition to those charged in "Exhibit 1 WATER SERVICE CAPACITY FEES" of ordinance 2007-01.

Exhibit 3

WATER HYDRANT USE FEES

Use of water from District hydrants as provided under **§4.21.140** of the Water System Regulations shall be in accordance with the following fees and charges:

Hydrant Use Fees	
Hydrant Permit	\$100.00
Hydrant Meter Monthly Use Fee.....	\$40.00 per month with a one (1) month minimum
Hydrant Water Use Charge.....	\$1.00 per 100 cubic feet
Hydrant Meter Refundable Deposit.....	\$1,000.00
Unauthorized Hydrant.....	\$200.00 per day, plus estimated water use charge

The fee provisions of **§4.07.320** of the Water System Regulations are hereby repealed and superceded.

The General Manager may waive the use of a hydrant meter upon hydrant permit application if it is determined that the use of water is estimated to be less than 1000 cubic feet and the time period for use does not extend beyond fourteen (14) days. A District hydrant meter is also not required for governmental agencies billed on an annual, or other periodic, basis as approved by the General Manager. The General Manager may also waive the Hydrant Meter Deposit for nonprofit and governmental organizations using the meter for a period of less than five (5) days. Any organization receiving a deposit waiver shall sign a statement indicating that they will pay for the repair or replacement of any damaged or lost meters. All other charges shall be applicable.

EXHIBIT 4

REPRODUCTION CHARGES

The following fees shall be charged according to the type of document requested and may be required to be paid in advance:

Standard Copies	Charge
<ul style="list-style-type: none"> • 8½" x 11" 	\$0.10 per Page, Two-sided - \$0.10 per Side, Color - \$1.00 per Page
<ul style="list-style-type: none"> • 8½" x 14" 	\$0.15 per Page, Two-sided - \$0.15 per Side, Color - \$1.50 per Page
<ul style="list-style-type: none"> • 11" x 17" 	\$0.25 per Page, Two-sided - \$0.25 per Side, Color - \$2.00 per Page
Maps/Plans	Charge
<ul style="list-style-type: none"> • 24" x 18" 	Reproduction Costs
<ul style="list-style-type: none"> • 24" x 36" 	Reproduction Costs
<ul style="list-style-type: none"> • Larger than 24" x 36" 	Reproduction Costs
<ul style="list-style-type: none"> • Color Reproductions 	Reproduction Costs
Reports	Charge
<ul style="list-style-type: none"> • Master Plan 	\$100.00
<ul style="list-style-type: none"> • Standard Specifications 	\$100.00
<ul style="list-style-type: none"> • Bound Reports: 	
Small < 30 Pages	Reproduction Costs
Medium 31 – 75 Pages	Reproduction Costs
Large > 75 Pages	Reproduction Costs
<ul style="list-style-type: none"> • Other Reports 	Reproduction Costs
Miscellaneous	Charges
<ul style="list-style-type: none"> • CD'S DVD'S 	\$15.00 per CD/DVD
<ul style="list-style-type: none"> • Audio/Video Tapes 	Reproduction Costs

Documents Available at No Charge:

The District will make available, only at the District office, copies of certain documents at no charge. The District reserves the right to limit quantities and establish conditions on the availability of documents offered at no charge. The following documents will be made available:

<u>Document Name</u>	<u>Quantity Available</u>	<u>Restrictions</u>
Meeting Agendas	No limit	One per person
Board Packets	10	First come, first served. Day of meeting only.
Annual Budget	10	First come, first served. Day of Public Hearing only.
Draft Annual Budget	10	First come, first served. Day of meeting only.
Public documents created or received within the previous sixty (60) days	One (1) only to authorized representatives of media organizations	The General Manager shall determine what public documents will be made available to media representatives at no charge based on the nature of the documents requested.
Customer Billing Information	One copy, once per year	Limited to the requesting customers' history, duplicate bill and other account information including mailing

Mailed Documents:

At the request of the applicant the District will mail documents. The cost of the mailing shall be at the expense of the applicant as follows:

- Regular and Special Meeting Notices - \$12.00 annually, or \$1.00 per meeting if not requested annually
- All other documents – Actual cost of postage; Minimum Fee - \$1.00

EXHIBIT 5
SERVICE FEES AND CHARGES

The water service charges identified in §4.31.210(B) of the Water System Regulations shall be modified as follows:

<u>Description of Fee or Charge</u>	<u>Code Section*</u>	<u>Fee or Charge Rate</u>
Service Application – Existing Connection	§4.07.710	\$50.00 per location up to two meters when requested at the same time by the same customer; \$10.00 each additional meter.
Service Application – New Service Installation Required	§4.07.710 §4.07.015	\$100.00 per location with \$30.00 credited toward Service Application, if Service is initiated within 180 Days. Commercial, Industrial and Residential projects over Four (4) units will be charged on a Time & Material Basis.
Service Turn-off/Turn-on by District due to violation of Policy or Nonpayment during regular billing cycle	§4.07.810 §4.31.220 (C)	\$50.00
Turn-off Notice Tag	§4.31.250 §4.31.285	\$40.00
Customer Requested Temporary Turn-off/Turn-on	§4.07.840	\$40.00 (\$20.00 each), One-time Fee waiver for Installation of Gate Valve
Turn-off & Turn-on for Meter Tampering	§4.07.830	\$100.00
Removal of Meter & Reinstall due to Tampering	§4.07.830	\$200.00
Additional Charge for Service after Business Hours	§4.07.840 §4.09.210 (2)	\$50.00
<u>Description of Fee or Charge</u>	<u>Code Section*</u>	<u>Fee or Charge Rate</u>
Backflow Program and Annual Testing	§4.09.230	\$15.00 Bi-monthly; Replacement of Device at owners' expense. Time and Material for District Installations.

Penalty for Violation Conservation Policy (Third Violation)	§4.14.250 B-3	\$75.00
Service Termination for Conservation Violation (fourth, or more)	§4.14.250 B-4	\$125.00 plus \$30.00 Turn-on Fee when service is reinstated
Water Service Account Deposit	§4.07.710 §4.31.220	\$100.00. Waived on showing of Good Credit
Late Charge	§4.31.230 §4.31.280	The Greater of \$15.00 or 10% of the Bill
Basic Water Sample Lab Test – Private well, sample provided	Misc. Charge	\$60.00
Basic Water Sample Lab Test – private well, District samples	Misc. Charge	\$125.00
Basic Water Sample Lab Test – District water customer	Misc. Charge	\$45.00
Specialized Water Sample Lab Test	Misc. Charge	Time and Materials, plus 10% markup of Lab Fee
Service Turn-off/Turn-on for nonpayment (out of billing cycle)	§4.31.285	\$50.00
Property Lien Fee for recording uncollected charge	§4.31.290 §4.31.295	\$75.00
Return Check (NSF) Fee	§4.31.295	\$25.00
Turnoff Notice for Returned Check	§4.31.295	\$30.00
Referral to Collection Agency	§4.31.295	50% of Balance Due
Removal of Meter including Re-installation	§4.31.295	\$200.00
Meter Test Charge	§4.31.310	\$50.00, Fee Waived if > 2% fast (includes meter removal/reinstallation)
<u>Description of Fee or Charge</u>	<u>Code Section*</u>	<u>Fee or Charge Rate</u>
Meter Re-reads	§4.31.320	\$20.00 per Re-read (each request subject to charge), waived if original read is wrong.
Plan Check, Testing, Inspection and	Code	Charge Rate

Other Service Fees	Section*	
District Staff and/or Contracted Engineering, Inspection, Legal and other Administrative & Professional Services when provided on a cost estimated basis. Equipment, equipment rental and materials not covered by fees in this ordinance.	§4.07.030 & Resolution No. 3-94	Time & Materials, plus 5% surcharge on contract work. Rental equipment and materials, actual cost, plus a 10% surcharge. Backhoe - \$95.00 per hour, Dump Truck - \$70.00 per hour, Pickup Truck - \$75.00 per hour, plus \$0.50 per mile driven.
Fire Hydrant Flow Test & Letter	§4.21.110	\$200.00
District Personnel Services		Time & Material Labor Rate
Management and Supervisory Personnel	§4.07.030 Time & Material Work	\$150.00 per hour
Field Personnel	§4.07.030 Time & Material Work	\$60.00 per hour, \$90.00 per hour after-hours/overtime
Clerical Personnel	§4.07.030 Time & Material Work	\$70.00 per hour, \$105.00 per hour after-hours/overtime
Contractors, Engineers and other professional, technical, legal and administrative providers hired by the District	§4.07.030 Time & Material Work	Time & Materials, plus a 5% fee for District Administration and overhead

* Reflects Code Section in Title 4 "Water System Regulations"

ORDINANCE NO. 2008-03

AN ORDINANCE OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT ADOPTING INCREASED USAGE RATES FOR WATER SERVICE

WHEREAS, the Board of Directors of the Rio Linda/Elverta Community Water District ("District") finds it necessary to adopt increases to existing usage rates for water service within the District; and

WHEREAS, the District caused to be prepared a *Rio Linda/Elverta Community Water District Long-Range Financial Plan and Water Rate/Capacity Charge Study – Final Report* dated May 22, 2002 by Reed Consulting Group that recommended adjustments to water rate schedules and calculated capacity charges for new development based on the *Water Master Plan*; and

WHEREAS, the Rio Linda/Elverta Community Water District undertook a master planning effort to identify water system improvements to correct existing deficiencies and to serve future growth and prepared a *Water Master Plan Capital Improvement Program (CIP)* and a *Water Master Plan – 2003 Revision* showing the estimated costs of the recommended improvements to be undertaken by the District; and

WHEREAS, the Board of Directors adopted the *2008/2009 Fiscal Year Budget* on August 21, 2008 indicating the projected revenues and expenditures for the fiscal year; and

WHEREAS, the basis for the Board of Directors' findings is contained in the following documents: *Rio Linda/Elverta Community Water District Long-Range Financial Plan and Water Rate/Capacity Charge Study – Final Report* dated May 22, 2002 by Reed Consulting Group, the *Water Maser Plan Capital Improvement Program*, the *Water Master Plan – 2003 Revision*, and the *2008/2009 Fiscal Year Budget*; and

WHEREAS, the Board of Directors held public workshops on the need to increase usage rates for water service on June 23, 2008 and September 8, 2008, and conducted a noticed public hearing on September 29, 2008.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Rio Linda/Elverta Community Water District as follows:

Section 1. Purpose. The purpose of this ordinance is to increase usage rates for water service as necessitated by increases in the cost of providing water-related services including, but not limited to, maintenance, professional and specialized services, materials, supplies, utilities, fixed assets, operations and improvements to the water supply system. In addition, the District needs additional funds to finance capital improvement projects identified in the *Water Master Plan – 2003 Revision*.

Section 2. Findings. The Board of Directors finds and determines as follows:

- The increased water-related service rates implemented by this ordinance have been fixed in an amount sufficient to pay the operating expenses of the District to provide for the repair and replacement of certain water system facilities, to pay the principal and interest on existing water revenue bonds, and to provide additional revenue for reserves, existing bond payment coverage ratio requirements and the future financing of certain capital improvements identified in the *Water Master Plan – 2003 Revision*. The

increased water rates and charges are reasonably related to, and do not exceed, the District's cost of providing water-related services.

- The revenues derived from the water rates and charges do not exceed the funds required to provide water-related services, and are not used for any other purpose than the provision of water service.
- The amount of the usage rates for water service imposed on each water service customer does not exceed the proportional cost of the water service actually delivered or made available to every identified parcel of real property and/or customer within the District's service boundary.
- The District conducted a duly noticed public hearing on September 29, 2008 concerning the proposed rate increase at which the public had the opportunity to speak to the Board of Directors regarding the proposed increase.
- The following documents form the basis of the above findings: the *Rio Linda/Elverta Community Water District Long-Range Financial Plan and Water Rate/Capacity Charge Study – Final Report* dated May 22, 2002 by Reed Consulting Group; the *Rio Linda / Elverta Community Water District Water Master Plan – Final Report, November 2000* by Camp Dresser & McKee; the *Water Master Plan – 2003 Revision*, adopted August 18, 2003; the staff report entitled *Workshop – Water Rates, Operating Costs, Capital Improvements and other District Costs* dated November 5, 2003 and the *2008/2009 Fiscal Year Budget* adopted on August 21, 2008.

Section 3. The usage rates for water service shall be established in accordance with the provisions of Exhibits 1, 2, 3, 4 and 5 attached hereto and incorporated herein.

Section 4. Any provision of any ordinance, resolution, fee, charge and/or other policy of the District in conflict with this Ordinance 2008-03 is hereby superseded by the provisions herein. If any existing fees, charges and/or regulations in effect on the date of adoption of this ordinance are not in conflict herewith, said existing fees, charges and/or regulations shall remain in effect

Section 5. The General Manager is hereby authorized and directed to enforce all the provisions of these regulations. The General Manager shall have the power to render interpretations of these regulations and establish rules and supplemental regulations in order to clarify the application of its provisions.

ADOPTED on this 13th day of October 2008, after a noticed public hearing, by the following vote:

AYES, in favor hereof:

NOES:

ABSTAIN:

ABSENT:



Robert Blanchard, President
Board of Directors

ATTEST:



Secretary/Clerk of the Board

EXHIBIT 1

The following sections of the District's *Water System Regulations* shall be repealed and replaced in their entirety effective for all bills rendered by the District on, or after, November 1, 2008:

4.31.210 Service Charges.

A. Water Service Charges

The following Base Rate Charges shall include from 0 to 600 cubic feet of water bimonthly, or in the event the customer is billed on a monthly basis, from 0 to 300 cubic feet of water monthly:

Meter Size in Inches	Bi-monthly Base Rate Charge	Monthly Base Rate Charge
5/8	\$39.00	\$19.50
3/4	\$47.00	\$23.50
1	\$71.00	\$35.50
1.5	\$137.00	\$68.50
2	\$219.00	\$109.50
3	\$411.00	\$205.50
4	\$685.00	\$342.50

In addition to the above Base Rate Charge the following Usage Rate Charges shall apply for each 100 cubic feet of water used based on the quantities indicated, meter size and billing frequency:

Bimonthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	601 – 2600	2601 – 15,600	15,601+
¾ to 1½	601 – 5800	5801 – 44,800	44,801+
2 to 4	601 – 55,200	55,201 – 286,000	286,001+
Rate:	\$0.58 per 100 c.f.	\$0.73 per 100 c.f.	\$0.92 per 100 c.f.

Monthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	301 – 1300	1301 – 7,800	7,801+
¾ to 1½	301 – 2900	2901 – 22,400	22,401+
2 to 4	301 – 27,600	27,601 – 143,000	143,001+
Rate:	\$0.58 per 100 c.f.	\$0.73 per 100 c.f.	\$0.92 per 100 c.f.

EXHIBIT 2

The following sections of the District’s *Water System Regulations* shall be repealed and replaced in their entirety effective for all bills rendered by the District on, or after, January 1, 2010:

4.31.210 Service Charges.

A. Water Service Charges

The following Base Rate Charges shall include from 0 to 600 cubic feet of water bimonthly, or in the event the customer is billed on a monthly basis, from 0 to 300 cubic feet of water monthly:

Meter Size in Inches	Bi-monthly Base Rate Charge	Monthly Base Rate Charge
5/8	\$44.00	\$22.00
3/4	\$52.00	\$26.00
1	\$79.00	\$39.50
1.5	\$152.00	\$76.00
2	\$244.00	\$122.00
3	\$457.00	\$228.50
4	\$761.00	\$380.50

In addition to the above Base Rate Charge the following Usage Rate Charges shall apply for each 100 cubic feet of water used based on the quantities indicated, meter size and billing frequency:

Bimonthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	601 – 2600	2601 – 15,600	15,601+
¾ to 1½	601 – 5800	5801 – 44,800	44,801+
2 to 4	601 – 55,200	55,201 – 286,000	286,001+
Rate:	\$0.65 per 100 c.f.	\$0.81 per 100 c.f.	\$1.02 per 100 c.f.

Monthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	301 – 1300	1301 – 7,800	7,801+
¾ to 1½	301 – 2900	2901 – 22,400	22,401+
2 to 4	301 – 27,600	27,601 – 143,000	143,001+
Rate:	\$0.65 per 100 c.f.	\$0.81 per 100 c.f.	\$1.02 per 100 c.f.

EXHIBIT 3

The following sections of the District's *Water System Regulations* shall be repealed and replaced in their entirety effective for all bills rendered by the District on, or after, January 1, 2011:

4.31.210 Service Charges.

A. Water Service Charges

The following Base Rate Charges shall include from 0 to 600 cubic feet of water bimonthly, or in the event the customer is billed on a monthly basis, from 0 to 300 cubic feet of water monthly:

Meter Size in Inches	Bi-monthly Base Rate Charge	Monthly Base Rate Charge
5/8	\$46.00	\$23.00
3/4	\$56.00	\$28.00
1	\$84.00	\$42.00
1.5	\$162.00	\$81.00
2	\$260.00	\$130.00
3	\$487.00	\$243.50
4	\$812.00	\$406.00

In addition to the above Base Rate Charge the following Usage Rate Charges shall apply for each 100 cubic feet of water used based on the quantities indicated, meter size and billing frequency:

Bimonthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	601 – 2600	2601 – 15,600	15,601+
3/4 to 1 1/2	601 – 5800	5801 – 44,800	44,801+
2 to 4	601 – 55,200	55,201 – 286,000	286,001+
Rate:	\$0.69 per 100 c.f.	\$0.86 per 100 c.f.	\$1.09 per 100 c.f.

Monthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	301 – 1300	1301 – 7,800	7,801+
3/4 to 1 1/2	301 – 2900	2901 – 22,400	22,401+
2 to 4	301 – 27,600	27,601 – 143,000	143,001+
Rate:	\$0.69 per 100 c.f.	\$0.86 per 100 c.f.	\$1.09 per 100 c.f.

EXHIBIT 4

The following sections of the District's *Water System Regulations* shall be repealed and replaced in their entirety effective for all bills rendered by the District on, or after, January 1, 2012:

4.31.210 Service Charges.

A. Water Service Charges

The following Base Rate Charges shall include from 0 to 600 cubic feet of water bimonthly, or in the event the customer is billed on a monthly basis, from 0 to 300 cubic feet of water monthly:

Meter Size in Inches	Bi-monthly Base Rate Charge	Monthly Base Rate Charge
5/8	\$48.00	\$24.00
3/4	\$57.00	\$28.50
1	\$87.00	\$43.50
1.5	\$167.00	\$83.50
2	\$268.00	\$134.00
3	\$502.00	\$251.00
4	\$837.00	\$418.50

In addition to the above Base Rate Charge the following Usage Rate Charges shall apply for each 100 cubic feet of water used based on the quantities indicated, meter size and billing frequency:

Bimonthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	601 – 2600	2601 – 15,600	15,601+
¾ to 1½	601 – 5800	5801 – 44,800	44,801+
2 to 4	601 – 55,200	55,201 – 286,000	286,001+
Rate:	\$0.71 per 100 c.f.	\$0.89 per 100 c.f.	\$1.12 per 100 c.f.

Monthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	301 – 1300	1301 – 7,800	7,801+
¾ to 1½	301 – 2900	2901 – 22,400	22,401+
2 to 4	301 – 27,600	27,601 – 143,000	143,001+
Rate:	\$0.71 per 100 c.f.	\$0.89 per 100 c.f.	\$1.12 per 100 c.f.

EXHIBIT 5

The following sections of the District's *Water System Regulations* shall be repealed and replaced in their entirety effective for all bills rendered by the District on, or after, January 1, 2013:

4.31.210 Service Charges.

A. Water Service Charges

The following Base Rate Charges shall include from 0 to 600 cubic feet of water bimonthly, or in the event the customer is billed on a monthly basis, from 0 to 300 cubic feet of water monthly:

Meter Size in Inches	Bi-monthly Base Rate Charge	Monthly Base Rate Charge
5/8	\$49.00	\$24.50
3/4	\$59.00	\$29.50
1	\$89.00	\$44.50
1.5	\$172.00	\$86.00
2	\$274.00	\$137.00
3	\$515.00	\$257.50
4	\$858.00	\$429.00

In addition to the above Base Rate Charge the following Usage Rate Charges shall apply for each 100 cubic feet of water used based on the quantities indicated, meter size and billing frequency:

Bimonthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	601 – 2600	2601 – 15,600	15,601+
3/4 to 1 1/2	601 – 5800	5801 – 44,800	44,801+
2 to 4	601 – 55,200	55,201 – 286,000	286,001+
Rate:	\$0.73 per 100 c.f.	\$0.91 per 100 c.f.	\$1.15 per 100 c.f.

Monthly Usage Rates

<u>Meter Size in Inches</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
5/8	301 – 1300	1301 – 7,800	7,801+
3/4 to 1 1/2	301 – 2900	2901 – 22,400	22,401+
2 to 4	301 – 27,600	27,601 – 143,000	143,001+
Rate:	\$0.73 per 100 c.f.	\$0.91 per 100 c.f.	\$1.15 per 100 c.f.