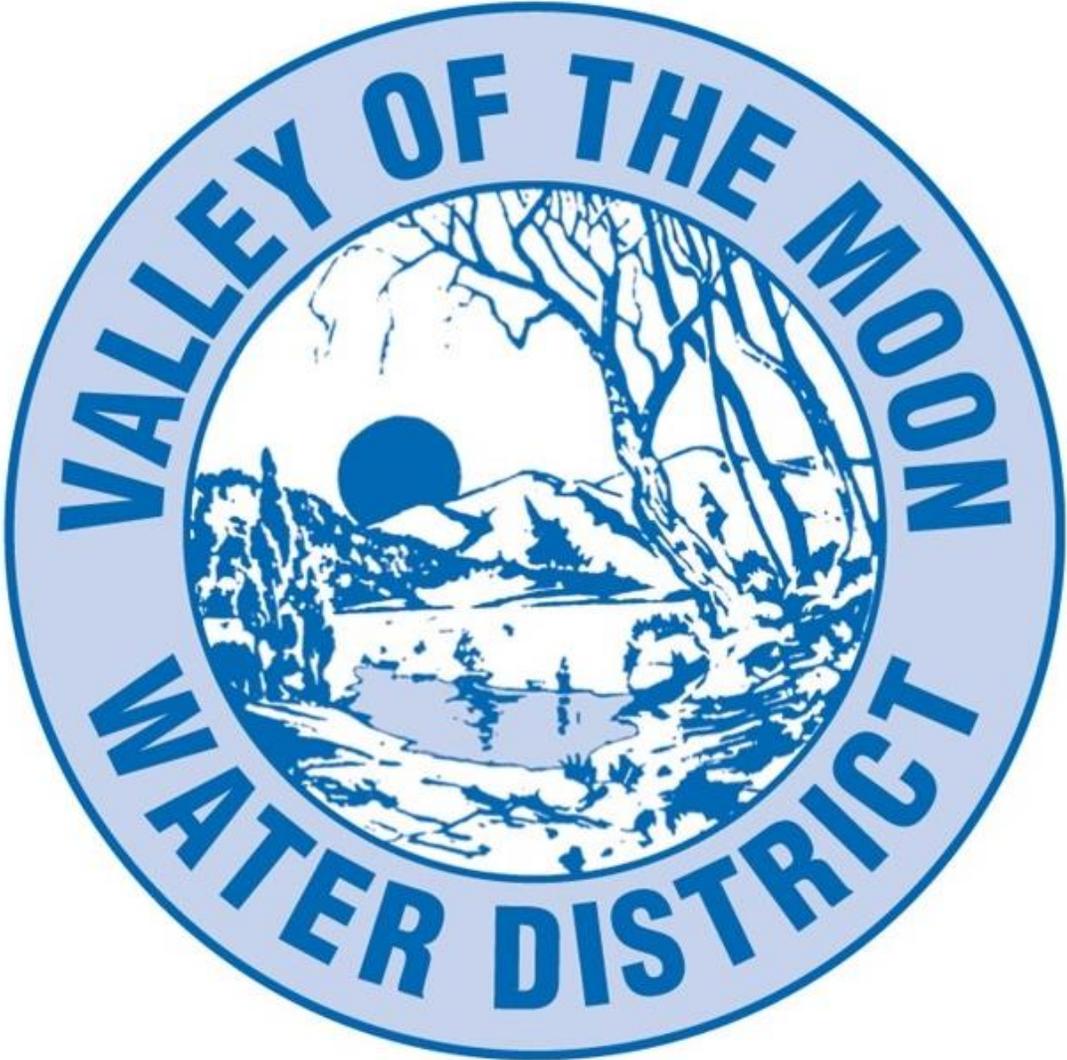


VALLEY OF THE MOON WATER DISTRICT CODES AND REGULATIONS



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SECTION 1 – GENERAL

The rules and regulations incorporated in this Code are hereby adopted establishing the terms and conditions under which water service will be supplied to the customers of the Valley of the Moon Water District.

SECTION 2 – APPLICATIONS AND PERMITS

2-1 EXISTING SERVICE

Application for water service through an existing service connection and meter shall be made on a form provided by the District and shall be signed by the party responsible for the payment of the bills who will be subject to the regulations of Section 4-4.

2-2 NEW SERVICES

The owner of each separate legal parcel of real property, or a duly authorized agent, desiring water service by the District shall make written application for said service on a form provided by the District specifying thereon the location of the property, the nature of the development to be served, the desired site and location of the service line, and address to which the bills are to be mailed. The application shall include a valid permit (grading, building, etc.) from the County of Sonoma.

In addition to the foregoing, any new service connections to a newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure must measure water supplied to each individual residential unit in compliance with Water Code section 537. The applicant for any such service connection shall, in addition to the information described above, also provide information demonstrating exemption from, or the means of achieving compliance with the requirement to measure water supplied to each individual residential unit under, Water Code section 537.

After completion of the application and payment of the current application fees, District shall review said application. After approval of the type and service requested, District shall inform the applicant of the required service connection fees and capacity charges, per the then current Schedule of Fees and Charges (Section 8), and the cost of required on/off site improvements, if any. Concurrent with the payment of all fees, charges, improvement costs, receipt of bonds, etc. mutual execution of the agreement shall occur and remain valid for one year. Failure to complete the project within one year will subject the applicant to additional fee increases per the then current Schedule of Fees and Charges (Section 8).

No water facilities shall be constructed prior to mutual execution of an agreement for services.

2-3 LAND USE APPROVAL REQUIRED

An application for service to unimproved land shall not be considered complete or valid, or processed to completion by the District, unless the applicant presents to the District satisfactory documentation from the County of Sonoma, the public entity with land use jurisdiction within the District's territorial boundaries, which demonstrates that the applicant has obtained either (a) a development permit from the County within the meaning of Sonoma County Zoning Regulations section 26-02-140, as such section currently exists and as amended from time to time, which permit consists generally of a discretionary permit or approval, including, but not limited to, a subdivision, use permit, precise development plan, lot line adjustment, variance, design review and zoning permit; or (b) a ministerial building permit not accompanied by any other type of discretionary review or approval. As used in this section 2-3, "unimproved land" means land on which no improvements exist or land which, although improved to a degree, is being further improved where such further improvement is the cause for augmented water service and requires a development permit or ministerial building permit from the County."

2-4 APPLICATIONS FROM HOUSING DEVELOPMENTS THAT INCLUDE AFFORDABLE HOUSING UNITS

The District shall grant priority for the provision of water services to new housing developments that help meet the Sonoma County's share of the regional housing need for lower income households as identified in the housing element of Sonoma County General Plan and any amendments to the housing element.

The District shall not deny or condition the approval of an application for services, or reduce the amount of the services applied for, if the proposed new development includes housing affordable to lower income households, unless the District makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the conditions listed below:

1. The District does not have “sufficient water supply” as defined in paragraph (2) of subdivision (a) of Government Code Section 66473.7, or is operating under a “water shortage emergency” as defined in Section 350 of the Water Code, or does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
2. The District is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.
3. The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the District, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to Government Code Section 66013.

SECTION 3 – INSTALLATION OF FACILITIES

3-1 SYSTEM IMPROVEMENTS

No main extension shall be constructed, or water service connection installed or any other applicable potable water system improvements built, unless applicant and District have executed an agreement per Section 2. All such agreements shall be approved by the Board of Directors, excluding single service lines 2” and under that can be executed at staff’s discretion.

3-2 SERVICE CONNECTIONS

- 3-2.1 **New Services:** Upon execution of the agreement and fees per Sections 2 & 8, the District will install, within forty (40) days, the service from the main to the meter, which generally will be located inside the curb line, if one is present, or in the public right of way just outside the boundary separating that right of way from the customer’s property. It is the applicant’s responsibility to install and maintain all facilities, including water lines and each submeter, as that term is defined in Water Code section 517, located downstream from the meter.
- 3-2.2 **Extensions of Service Connections:** No existing service connection shall be extended to serve additional residential, commercial, or industrial structures without obtaining the required Sonoma County building permit and payment of all applicable fees.
- 3-2.3 **Increasing Size of Service:** When the water demands of a customer exceed the capacity of the water service line or meter in use, a larger service line and/or meter will be installed and the customer shall pay all upsizing fees (service line, meter, additional capacity charges, etc.). Upon payment of fees, the upsized facilities will be installed by the District. Failure to pay the fees will result in a lien placed upon the customer’s residence or business, at which time the District will perform the upsized work. Also, see 8-2.20(b).
- 3-2.4 **Rearrangement of Service:** If an applicant, after installation by the District of the required service at the requested location, desires a change in the location or arrangement or size of meter or service pipes, the applicant must bear all costs of such changes per the Schedule of Fees and Charges.
- 3-2.5 **Billings for Service:** District shall render a separate billing for each service connection.
- 3-2.6 **Responsibility for Payment of Charges:** Any applicant for service or a successor in interest shall be directly liable for all charges for all service furnished through any connection or meter, provided that a subsequent tenant shall not, in the absence of special circumstances, be liable for nonpayment of charges by a previous tenant.

The District may, however, require that service to subsequent tenants be furnished on the account of the landlord or property owner, who shall be liable for charges not paid by a previous tenant.

- 3-2.7 **Damaging of District's Facilities:** If damage occurs to a meter or service pipe or other property of the District, the responsible party shall be required to pay the actual cost of repairing the damage, and if payment is not made promptly after proper notification, District will discontinue water service to service address of damaged facilities until the claim is paid plus applicable reconnection charges per Schedule of Fees and Charges.
- 3-2.8 **Low Pressure/Volume Agreement:** If the District determines there is a possibility of low pressure/volume in a service off District's mains due to elevation, size of main, or other circumstances, the applicant will be required to sign a low pressure/volume agreement before water service is provided by District
- 3-2.9 **Ordinance No. 1004:** Low pressure shall be defined as 30 psi for purposes of the requirement of a Low Pressure/Volume Agreement (Agreement). An Agreement is required to be executed by the title holder of the property at the time application for service is made, or such time as District staff determines that the pressure serving the property may drop to 30 psi. Maps indicating the known low pressure/volume areas in the District shall be used by staff to determine the Agreement requirement and are made a part of this section by reference. The maps will be periodically updated by staff to remain current and such updating will not require a modification to this code section. The Agreement shall be recorded, and automatically transfer to a new owner if title to the property changes.

3-3 WATER MAIN EXTENSIONS

An applicant for water service to individual units of multi-service development must install the required water main extensions and service connections and/or other storage or conveyance facilities as may be deemed necessary by District. Such an applicant must provide District with a set of plans for the project and when said plans have been approved by District, the applicant will be required to pay District an Agreement Preparation Fee per the Schedule of Fees and Charges.

Before work can begin on the water facilities for such a development, a water main extension agreement must be executed, and all required legal documents as outlined in said agreement must be provided to District. All work on the water facilities shall be constructed under District supervision and specifications. Upon completion of the work, the actual costs of engineering, inspection and overhead will be determined by District and charged to the applicant.

The formal acceptance by District of any facilities so installed and rendering of water service shall be contingent upon the receipt of all charges and the satisfaction of all conditions of the agreement.

- 3-3.1 **Ordinance No. 1002: Main Extension and Service for Individual Customers:** Upon payment of all applicable fees, a Main Extension Agreement will be executed for extension of the main, from the existing facilities across the applicant's complete property frontage. Installation of the main and service must be completed within the time determined by the District, and in accordance with the District's Standard Plans.

3-4 OWNERSHIP OF FACILITIES

All distribution, storage, and pumping facilities installed by the applicant for the District shall become District property upon acceptance by District staff and formal acceptance by a Resolution of the Board of Directors. Maintenance and repair of damaged or broken facilities prior to acceptance of such facilities by District shall remain the responsibility of the applicant. Formal acceptance of improvements installed by others shall not relieve the applicant from liability for damages because of a failure of such improvements due to faulty material, poor workmanship or negligence of applicant.

3-5 WATER MAIN EXTENSION AGREEMENTS

All water main extension agreements are subject to final approval of the District Board and shall be signed by the President and Secretary of the Board or such person designated to act on their behalf in their absence.

3-6 REIMBURSEMENT PROVISIONS

3-6.1 **Reimbursement for Over-sizing:** In order to promote orderly development of the District's water system, an applicant may be required to install or to finance the installation of on-site and/or off-site facilities with a capacity in excess of that required for applicant's development. In such case, the District will enter into a water main extension agreement for the purpose of refunding to the applicant costs incurred in connection with the over-sizing in accordance with the District's Water Master Plan. District will refund to applicant the difference in actual main size required for the applicant's installation of on-site and/or off-site water facilities based on the material costs between the actual main size required for the application and the actual main size as stated in the District's Water Master Plan.

3-6.2 **Reimbursement for Main Extension:** An applicant who extends a main or finances the extension of a main by the District shall be entitled to recover a portion of the cost from connection fees or capacity charges paid by future customers directly connecting to the extended mains. The water main extension agreement will include the time period during which the applicant shall be eligible to receive such reimbursement and the proportionate share of the original installation cost that may be refunded. This amount shall be the total cost of main installation and appurtenances minus the applicant's reasonable share of such installation. Applicant's reasonable share is typically determined by multiplying the frontage of the applicant's property times half the per foot cost of the main installation for 6" and 8" mains. Notwithstanding the foregoing, for installation of mains 10" and larger, applicant's reasonable share shall be limited to the front footage of his property times half the estimated cost per foot of a similar 8" main installation.

Included in the water main extension agreement shall be the period during which the refunds shall be made and that share of the original installation cost which shall be refunded to the applicant based on his total cost minus the prorata share of the facilities for applicant's development.

SECTION 4 – WATER SUPPLY AND RELATED SERVICES

4-1 DEPOSITS

The District has authority to require deposits under the following scenarios:

- Installation of hydrant water meter
- Temporary water service
- Two or more bounced checks in 24 months
- Two or more door tag notices in 12 months
- Other scenarios that require the District to protect itself from loss

4-2 DISCONTINUANCE OF SERVICE

4-2.1 Purpose

The purpose of this policy is to establish guidelines for residential water discontinuation for nonpayment of a delinquent account, including how account holders and/or occupants are notified of this policy, how they may obtain a payment arrangement or alternative payment schedule, how they may contest or appeal water charges, and how they may restore service after it has been discontinued for nonpayment.

This Policy provides for the adherence to Senate Bill No. 998 ("SB998"), Discontinuation of residential water service. SB998 was approved on September 28, 2018 and became effective February 1, 2020. SB998 outlines the requirements for discontinuation of residential water service for nonpayment of a delinquent account.

4-2.2 **Reasons for Disconnection**

- (a) The District reserves the right to disconnect any service line or other connection to its water distribution system and to discontinue water service for any of the following reasons:
- The District or a State or County health officer finds that there exists a condition hazardous to the health or safety of the customer or any water user of the District;
 - The customer fails to comply with any Regulation of the District;
 - The service is being furnished without a proper application or under a false or fraudulent application;
 - There is evidence of unlawful tampering or interference with the District's facilities by the customer;
 - If after investigation, the State Water Resources Control Board, the California Department of Water Resources, or the District finds that water furnished through the connection is being wasted or that the use or method of use of the water is unreasonable;
 - The customer fails, after request by the District, to remove any obstruction that prevents convenient reading of the customer's meter;
 - The customer fails to pay any bill for any rate or charge due to the District within 60 days after the bill date.

4-2.3 **Timing of Disconnection**

- (a) No advance notice need be given if the purpose of the disconnection is to remove or prevent a hazard to health or safety.
- (b) For residential customers not on an amortization agreement, no less than 7 days prior to disconnecting a service, the District shall give the customer advance notice via phone or mail of its intention to do so, of the reason therefor.
- (c) For residential customers that fail to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more or that do not pay their current bill while undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more, service may be discontinued no sooner than 7 business days after a final notice of intent to disconnect service is posted in a prominent and conspicuous location at the property.

4-2.4 **Disconnection Notice Languages**

The notice of discontinuation of residential service for nonpayment is available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in the District's service area. The District's written policy will be made available on the District's internet website.

4-2.5 **Notice of Disconnection**

- (a) The customer shall be offered the District's written policy (this Regulation) on discontinuation of residential service for nonpayment and options discussed to avert discontinuation of residential service for nonpayment, including, but not limited to: alternative payment schedules, a plan for deferred or reduced payments, procedures for requesting amortization of the unpaid balance, a telephone number for customers to contact to discuss options for averting discontinuation of residential service for nonpayment, and a formal mechanism for customers to petition for bill review and appeal.
- (b) Written notice of payment delinquency and impending discontinuation shall be mailed to the customer of the residence to which the residential service is provided. If the customer's address is not the address of the property to which residential service is provided, the notice shall also be sent to the address of the property to which residential service is provided, addressed to "Occupant." The notice shall include, but is not limited to, all of the following information in a clear and legible format:
- The customer's name and address.
 - The amount of the delinquency.

- The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.
 - A description of the process to apply for an extension of time to pay the delinquent charges.
 - A description of the procedure to petition for bill review and appeal.
 - A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges.
 - A description of how to request a reconnection should water service be turned off.
- (c) If unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, a good faith effort will be made to visit the residence and leave a notice of imminent discontinuation of residential service for nonpayment and the urban and community water system's policy for discontinuation of residential service for nonpayment.
- (d) If an adult at the residence appeals the water bill, via the District's available appeal form, residential service will not be discontinued while the appeal is pending.

4-2.6 **Limits to Disconnection**

Residential water service shall not be discontinued for nonpayment if **all** of the following conditions are met:

- (a) The customer, or a tenant of the customer, submits to the District, the certification of a "primary care provider," as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.
- (b) The customer demonstrates that he or she is financially unable to pay for residential service within the urban and community water system's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the urban and community water system's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares in writing, on a District provided form, that the household's annual income is less than 200 percent of the federal poverty level.
- (c) Customer is willing to enter into a plan for deferred or reduced payment, consistent with the written policies provided pursuant to subdivision (a) of Section 116906, with respect to all delinquent charges or an amortization agreement (not to exceed 12 months), alternative payment schedule.
- The District may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.
- (d) If Policy sections 4-2.5 (a) through 4-2.5 (c) are met, the District shall offer the customer one or more of the following options:
- Amortization of the unpaid balance.
 - Participation in an alternative payment schedule.
 - A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.
 - Temporary deferral of payment.
- (e) The District may choose best payment option that the customer will undertake and set parameters of that payment option.

4-2.7 **Reestablishment of Water Service**

- (a) When service has been discontinued due to nonpayment, the District will provide information on how to restore that service. The service will not be restored until all required delinquent charges and fees to reestablish service have been paid.
- (b) Residential customers that have a household annual income less than 200 percent of the federal poverty level (*any member of the household that is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual*

income is less than 200 percent of the federal poverty level), are automatically eligible for both of the following discounts:

- Pursuant to State Health and Safety Code (H&S Code) section 116914 (a) (1), the fee to reconnect during normal operating hours will be the lesser of \$50 (as may be adjusted annually pursuant to H&S Code section 116914 (a) (1)) or the actual cost of reconnection as set forth in District's cost allocation plan.
 - Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.
- Pursuant to H&S Code section 116914 (1) the fee to reconnect during the District's nonoperation hours, will be the lesser of \$150 (as may be adjusted annually pursuant to H&S Code section 116914 (a) (1)) or the actual cost of reconnection as set forth in the District's cost allocation plan.
 - Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

4-2.8 **Disconnection Involving Landlords and Tenants**

- When the District is notified prior to shutoff that a tenant legally occupies the residence, the District shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears at least 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.
 - Once notified of the relationship the District will give notice of termination at least seven days prior to the proposed termination
- The District will only make service available to the residential occupants when each residential occupant agrees to the terms and conditions of service and meets all other District requirements to establish water service.
- In a multi-family residential property, if one or more of the residential occupants are legally willing and able to assume responsibility for the subsequent charges to the account and agree to meet all other District requirements to establish water service or if there is a physical means legally available to the District of selectively terminating service to those residential occupants who have not met the requirements of the District's rules and tariffs, water service will be made available.
- In order for the amount due on the delinquent account to be waived, the occupant who becomes the customer must verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

4-2.9 **Disconnection Reporting**

- (a) Annually, a report showing the number of annual discontinuations of residential service for inability to pay will be posted to the District's website.
- (b) The Board will also receive the report.

4-3 **TERMINATION OF SERVICE**

- (a) When premises are vacated, the bi-monthly service charge shall continue to accrue until a new customer is assigned to the account, or the current customer pays the District for the permanent removal of the meter and service line. If a tenant vacates the premises, the landlord will be deemed to be the current customer unless and until a new tenant moves in.
- (b) The District reserves the right at any and all times to shut off water delivery for the purpose of maintenance, making repairs and alterations to its system. Wherever possible, advance notice of interruption of services will be given to all water users affected.

4-4 **BILLINGS**

- 4-4.1 **Bi-Monthly Charges:** Meters will normally be read every two months on approximately the same day of the month. A bill will be issued showing the date on which the meter was last read, the past and current meter readings, the amount of water used, the two month service charge, quantity charge, any billings in arrears, and any other applicable charges per the current Schedule of Fees and Charges.
- 4-4.2 **Mailing of Bills:** Water bills will be mailed to the customer at the mailing address provided to the District by the customer. Customers have an option to opt-out of paper bills and may sign up to receive e-bills.
- 4-4.3 **Period for Payment:** Bills for water service are due when rendered and will become delinquent twenty-one (21) days after date mailed. If payment is not made within the twenty-one (21) day period, the account will be considered delinquent and subject to Section 4-1.
- 4-4.4 **Returned Check:** If payment of deposit or for services rendered by the District is made by check by a customer and is later returned by the District's bank for any reason, a check return service charge will be assessed by District per Schedule of Fees and Charges. If, after proper notification by the District, payment of the deposit or services, including the returned check service charge, is not made in cash at the District office within twenty-four (24) hours, service is subject to termination.
- 4-4.5 **Disputed Bills:** Requests for investigation of disputed bills should be filed in writing with the District for consideration within forty-five (45) days of the billing date. If District determines that an investigation is warranted, customer's service will not be terminated until its completion and customer has been notified of District's decision. Customer will then be given an opportunity to pay the bill to avoid termination of service.
- 4-4.6 **Estimated Bills:** If a meter fails to register correctly, the bill will be based on an estimate of the amount of water used, which shall take into account the normal seasonal demand of such service, and any other factors that may assist the District in determining in its discretion an appropriate charge for water service.
- 4-4.7 **Method of Determining Closing Bills:** When a customer requests that an account be closed, the meter will be read and a "closing bill" prepared on the basis of water used during the billing period plus a pro-ration of the monthly service charge on the basis of service rendered.

4-5 METERS

- 4-5.1 **Ownership of Meters:** District is sole owner of any and all meters through which District serves water. Except as expressly stated, this Code, including the previous sentence, does not apply to a submeter, as that term is defined in Water Code section 517, which is installed to measure the quantity of water supplied to an individual residential dwelling unit located within a newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure. The term "meter" as used in this Code shall not be deemed to apply to any submeter downstream of the District's meter. No person other than a qualified District employee shall set, remove, turn on or off, or in any way tamper with any water meter within the District. Any such person doing so shall be subject to penalties as outlined in the Schedule of Fees and Charges.
- 4-5.2 **Meter Testing:** A customer questioning the accuracy of a meter may deposit with the District a meter test fee per current Schedule of Fees and Charges, after which the District will have the meter accurately tested. If the test shows the meter to be registering more than 2% in excess of the actual quantity of water passing through it, District will return the deposit, adjust the overcharge resulting from inaccuracy of the meter, and set another meter at the service, provided that such adjustment will be made to cover no more than a period of six (6) months immediately preceding the date of the test. If the meter proves to be accurate within 2%, the deposit will be retained by the District.

4-6 UNAUTHORIZED WATER USE

Theft of water and remedies shall be governed by California Penal Code Sections: 498, 592, 607, 624 and 625.

4-6.1 **Liability for Service:** Any party using water without having made application to the District for water service and without having paid the applicable charges shall be held liable for the service from and after the date of the last recorded meter reading. If proper application for service is not made upon notification to do so, and if accumulated charges for services are not paid within 48 hours, water service will be terminated immediately and all consumption will be considered theft of water subject to California Penal Code.

4-6.2 **Penalties for Unauthorized Water Use:** The District may collect from the responsible party penalties in addition to the applicable rates and/or estimated quantity charges as indicated in the Schedule of Fees and Charges for unauthorized water use.

4-7 ACCESS TO PREMISES

As a condition of continual water service, employees of the District shall be given access to customers' premises during regular working hours for the purpose of inspecting water facilities for compliance with the requirements of the District.

4-8 ACCEPTANCE OF WATER SERVICE PROVIDED

As a condition of new or continuing service by District, applicants and customers shall accept whatever water volume at whatever pressure may be available in accordance with the laws of the State of California. If an applicant or customer desires to limit the pressure furnished to the premises served, a proper pressure-reducing device should be installed at the sole expense of the applicant or customer. If an applicant or customer depends on a continuous supply of water, emergency storage should be provided by the applicant or customer at its sole expense.

District reserves the right to shut off water at any and all times for the purpose of making repairs, extensions, or alterations, and except in emergency conditions, due notice will be given to all customers affected.

4-9 RELOCATION OF DISTRICT'S FACILITIES

District will not bear the cost of any relocation or alteration of its facilities made necessary by improvements undertaken by any party other than the County of Sonoma. In instances where the District's rights are paramount to the County's right, the District will not bear the cost of any relocation or alteration of its facilities made necessary by improvements undertaken by the County. Any other party requesting relocation or alteration of facilities shall provide District the fees as shown in the Schedule of Fees and Charges, and shall furnish District with such plans, specifications, surveys, drawings, and time schedules related to the requested work necessary to accomplish a convenient and efficient relocation or alteration of District's facilities.

4-10 INTERRUPTIBLE SURPLUS WATER SERVICE

4-10.1 **Eligibility for Interruptible Surplus Water Service:** The District shall furnish Interruptible Surplus Water to individual customers for the following purposes only:

- (a) irrigation of land used for the commercial production of food or fiber;
- (b) replenishment of surface water supply reservoirs or recreational lakes;
- (c) replenishment of groundwater basins.

4-10.2 **Conditions Under Which Interruptible Surplus Water May Be Furnished:**

- (a) Interruptible Surplus Water shall be delivered only from a separate metered service connection. The minimum connection size shall be 3-inches in diameter.
- (b) Deliveries of Interruptible Surplus Water shall be interrupted at any time it is determined to be necessary in the sole opinion of the District in order to satisfy the demands of its non-interruptible service customers; or

for water system maintenance, repair, or planned or unplanned outages of any nature whatsoever including but not limited to a perceived, threatened or actual water shortage emergency.

- 4-10.3 **Incidental Use Served Through an Interruptible Surplus Water Connection:** The District may, at its sole discretion, serve water through an Interruptible Surplus Water Connection for purposes that would normally be classified as non-interruptible. Such service shall only be considered provided: no other reasonable source of potable water is available, private storage is built by the applicant to accommodate emergency needs during periods of service interruption, and said use is truly incidental. An example of an incidental use would be water for a farmhouse once served by a private well which becomes contaminated. Such uses shall require installation of separate meters and the District's normal rates (including the outside district water rate if applicable) and rates, fees, and charges (including connection fees and capacity charges) shall apply to the incidental use even though said incidental use is subject to interruption.

SECTION 5 – FIRE PROTECTION FACILITIES SERVICE AND SUPPLY

5-1 FIRE LINE SERVICE

The words "fire line service" as used in these regulations means a service to provide water to privately owned sprinkler systems, hydrants, or other firefighting appurtenances for protection against fire.

Applications for fire line service shall be made to the District on forms provided by the District.

The applicant or customer shall pay to the District in the manner provided by Section 3-2 of this Code, the applicable fees for installing the water lines to the fire protection facilities, without limitations, and the District reserves the right to install detector check valves and meters to list for unauthorized consumptions.

The customer shall pay to District a monthly service charge for fire line services, which charge shall vary with the size of the pipeline rendering such service per the current Schedule of Fees and Charges.

5-2 FIRE HYDRANTS

- 5-2.1 **Installation and Maintenance:** Installation will be performed by the District or the requesting party's contractor under agreement with the District at the expense of the requesting party. The District will maintain the interior components of fire hydrants within its service area and the Fire Departments/Authority will maintain the exterior paint in accordance with each respective agreement covering same.

- Valley of the Moon Fire District – Resolution No. 011108
- Glen Ellen Fire District – Resolution No. 011109
- City of Sonoma - Resolution No. 011110

- 5-2.2 **Water Supply Through Fire Hydrants:** If water supply service through fire hydrants is desired for purposes other than firefighting, the party requesting the service must first complete the District's agreement and pay all applicable fees and deposits for such service in accordance with the current Schedule of Fees and Charges (Section 8). District will give notice to the Fire Department or Fire Authority, which has jurisdiction over the area in which the hydrant is located. Distribution of such water service and control of same shall be solely that of the Water District.

SECTION 6 – CROSS CONNECTION CONTROL

6-1 GENERAL

Valley of the Moon Water District (District) furnishes potable water service under permits issued by the State of California Department of Water Resources. In order to comply with the terms of these

permits and all State regulations intended to protect the potable public water supply from contamination, an appropriate backflow preventer shall be installed at every service connection where one is required by regulations of the Department of Public Health set forth in Title 17 of the California Code of Regulations, sections 7583 through 7605. Some examples of State-mandated sites needing devices are: locations with an auxiliary water supply (such as a private well), locations handling pressurized fluids, locations served by recycled water, and locations with plumbing connections to non-potable piping.

This regulation supplements and does not supersede local plumbing regulations, codes or ordinances, or State regulations related to water supply.

6-2 Definitions

The following words or phrases shall, for the purpose of this Article, have the meanings respectively ascribed to them in this Section:

- A. **Air-Gap Separation:** The term “air-gap separation” means a physical break between a supply pipe and a receiving vessel. The airgap shall be at least double the diameter of the supply pipe measured vertically above the top 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 that have passed laboratory and field evaluation tests performed by a recognized testing organization that has demonstrated their competency to perform such tests to the Division of Drinking Water.
- 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; this shall include all water storage tanks or vessels of any kind with piping or pumps maintained for the purpose of fire suppression, irrigation or any other reason.
- E. **AWWA Standard:** The term “AWWA Standard” means an official standard developed and approved by the American Water Works Association (AWWA).
- F. **Division of Drinking Water (DDW):** The Division of the State Water Resources Control Board that regulates public drinking water systems.
- G. **Backflow:** The term “backflow” shall mean a flow condition, caused by a differential in pressure that causes the flow of water or other liquids, gasses, mixtures or substances into the distributing pipes of a potable water supply from any source or sources other than an approved water supply source. Back-siphonage and backpressure cause backflow.
- H. **Contamination:** The term “contamination” means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of water.
- I. **Cross-Connection:** The term “cross-connection” as used in these regulations means any unprotected actual or potential connection between a potable water system used to supply water for drinking and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.
- J. **Cross Connection Control Specialist:** An individual who holds a valid certificate as a cross-connection control specialist as issued by CA-NV Section AWWA, or equivalent organization as recognized by DDW and has been designated as the Valley of the Moon Water District’s Cross-Connection Control Specialist by the District.

- K. **Double Check Valve Assembly (“DCV”)**: The term “double check valve assembly” means an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.
- L. **Person**: The term “person” means an individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.
- M. **Premise**: The term “premise” means any and all areas on a customer’s property that are served or have the potential to be served by the public water system.
- N. **Public Water System**: The term “public water system” means the District’s water distribution, treatment, and storage system.
- O. **Recycled or Reclaimed Water**: The terms “recycled water” or “reclaimed water” means wastewater which as a result of treatment is suitable for uses other than potable use.
- P. **Reduced Pressure Principle Backflow Prevention Device**: The term “reduced pressure principle backflow prevention device” means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of 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, which will be the first fitting on the customer’s side of the meter unless the District determines otherwise with regard to a particular connection.
- 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.
- T. **Health Agency**: The term “health agency” means the Division of Drinking Water or another health agency to whom authority over drinking water has been delegated by the Division of Drinking Water.

6-3 WHERE BACKFLOW PROTECTION IS REQUIRED

1. Each service connection from the District water system for supplying water to the 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 District, and is approved by the Public Health agency having jurisdiction.
2. Each service connection from the District water system for supplying water to any premises on which any substances are handled in such fashion as may allow its entry into the public water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process water and waters originating from the public water system which has 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 health agency and the District; or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not cross-connections exist.
4. Each service connection from the District supplying a structure where there exists a fire sprinkler/fire suppression system.

6-4 TYPE OF BACKFLOW PREVENTER REQUIRED

The District shall determine the general type of preventer to be installed, giving consideration to the likelihood of backflow occurring, the type of contamination that may occur, and applicable State regulations. The general type of backflow preventers the District may require in decreasing order of protection are: Air Gap (AG), Reduced Pressure Principle device (RP) and double check valve (DCV). The District shall approve of the specific model of device prior to installation.

6-5 INSTALLATION

The manner and location of installation shall be in accordance with District standards and specifications, and shall be subject to District approval. Backflow prevention devices may be installed by the District or others at the discretion of the District. The District shall inspect all installations. Installation and inspection of all backflow devices shall be at the customer's expense.

6-6 INSPECTION AND TESTING OF BACKFLOW PREVENTERS

A certified inspection and performance test of all backflow preventers shall be performed annually or more often in those instances where successive inspections indicate repeated failure or on such other schedule deemed necessary by the District. Installed devices may be tested by the District or others at the sole discretion of the District. Inspection and testing will be at the customer's expense and, where the District deems appropriate, will be included as a "backflow prevention" fee on the regular water bill. Inspections will be conducted only by individuals certified by AWWA (American Water Works Association) as backflow prevention testers. A report of a certified inspection will be submitted to the District within 30 days of notice that an inspection is due.

6-7 ACCESS FOR INSPECTION

District personnel and representatives of any governmental health agency shall have the right of ingress to and egress from the customer's premises at all reasonable hours without prior notification for the purpose of investigating compliance with this regulation and State Water Boards' requirements.

6-8 REPAIRS OR REPLACEMENT OF BACKFLOW PREVENTION DEVICES

Backflow devices that fail a performance test will be repaired at the customer's expense and retested to ensure that the repairs have worked as intended. If the Device needs to be replaced, the District will notify the customer and the customer will have 45 days to replace the device. If a customer fails to replace the device within the 45-day notice period as required, District staff or representatives shall be entitled to replace the device and include the actual cost of the work on the customer's next water bill.

6-9 NONCOMPLIANCE

If a customer fails to comply with this regulation by failure to install, test or correct deficiencies or by removal, tampering with or modifying a backflow preventer, the District shall have the right to refuse or discontinue water service and, if it deems necessary, physically disconnect the customer's piping from the District's distribution system.

Any customer who willfully fails to install a backflow prevention device as required herein, or who willfully bypasses or alters such a device is guilty of a misdemeanor, and will be subject to prosecution and, upon conviction thereof, shall be punishable by a fine not exceeding \$500.00 or by

imprisonment, not exceeding 30 days, in the County jail or by both fine and imprisonment (California Health and Safety Code section 116820).

6-10 LIABILITY

The District shall not be liable for any injury to persons or damage to property that may result directly or indirectly from the installation, malfunction, testing, or repair of any backflow preventer.

6-11 ENFORCEMENT, REMEDIES

The remedies provided for or specified in this Article shall be cumulative and not exclusive, and shall be in addition to and do not supersede or limit any other civil or criminal remedies available to the District in the exercise of its powers.

SECTION 7 – MISCELLANEOUS

7-1 PLUMBERS DEPOSITS

A licensed plumber may deposit with District the amount shown in the Schedule of Fees and Charges a security bond as guarantee of payment for any damages done to District’s facilities during the course of said plumber’s work in making repairs to or installation of any water facilities within the District. Upon receipt of said security bond, District will waive the requirement that only a District employee can turn a District water meter/service on or off as to that plumber, but only during the period that the bond is in effect. In addition to the deposit, an agreement covering these stipulations must also be signed by the plumber, and the plumber’s signature must be notarized.

SECTION 8 – SCHEDULE OF FEES AND CHARGES

8-1 GENERAL

District charges are divided into two groups; rates and miscellaneous charges associated with providing water service and conducting the day-to-day business of the District; and, connection fees and capacity charges.

8.2 RATES AND MISCELLANEOUS CHARGES

Effective 7/1/2022 CPI 5.19%

8-2.1	Public Copies of District Documents	per page	(two-sided copies)
		\$ 0.18	\$ 0.36
8-2.2	Permit Application or Meter Right-Sizing Reclassification Petition Processing Fee	\$ 201.00	
	A. Onsite Water Audits	\$ 104.00	per hour
8-2.3	Project Inspection Fees	Actual cost to District	
8-2.4	Plan Review Fees	Actual cost to District	
8-2.5	Agreement Preparation Fee	\$ 525.00	
8-2.6	Meter Testing Fee -At the request of a customer: fee refunded if meter is faulty forfeited if meter is within 2% accuracy.	\$ 282.00	

8-2.7	Fire Flow Test (Calculation)	Actual cost to District		
8-2.8	Set Pressure Recorder	\$	249.00	
8-2.9	Start of Service	\$	26.00	
8-2.10	Construction Meter Deposit	\$	363.00	
	+ installation fee	\$	105.00	
	Water Rate/Service Charge		Reg. Rate	
8-2.11	Hydrant Meter Deposit	\$	1,916.00	
	+ installation fee	\$	152.00	
	+Water Rate commercial water rate per sec 8-2.18			
	+Bi-Monthly Service Charge (minimum 1-week charge \$73.88)	\$	591.00	
8-2.12	Returned Check Handling Fee	\$	41.00	
8-2.13	Unauthorized Turn on @ existing metered service location	\$	318.00	plus materials
	Lock replacement & locking device			
8-2.14	Unauthorized hook-up to unmetered service	\$	525.00	+ estimated water usage 1 1/2 x reg. rate
8-2.15	Unauthorized use of fire hydrant	\$	1,322.00	+ estimated water usage 1 1/2 x reg. rate
8-2.16	Notice Delivery/Customer Service/After Hours Fees			
	A. Notice Delivery Fee (includes: Cut off Notices, Backflow Test, Misc. Delivery)	\$	20.00	
	B. Failure to sign up	\$	82.00	
	C. Turn off due to Non-Payment of bill	\$	82.00	
	Low-income turn off due to Non-Payment of bill	\$	53.00	
	Low-income After-Hours reconnection fee for turn off due to Non-Payment of bill (includes turn off fee of \$51.00)	\$	160.00	
	D. After-Hours Service Charge (to be added to all other applicable charges)	\$	255.00	
	E. Unable to access meter	\$	20.00	

F. Meter tampering (i.e. damage to meter register, wires, (endpoints, etc.)	\$	104.00	plus materials
G. Customer service request for same issue (1st visit no charge)	\$	104.00	

8-2.17	H. Fire Hydrant Agreements		
	Valley of the Moon Fire District & Glen Ellen Fire		New agreement as of Dec. 11, 2001
	City of Sonoma		New agreement as of Feb. 6, 2002
			Effective 7/1/22

8-2.18	Commercial / Industrial / Multi-Family Residential 4+ Units / Institutional Uniform / Irrigation / Commodity Rate	\$	6.98	per 1000 gallons
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Single Family Residential & Multi-Family Residential 2- & 3-Units Tiered Rates - usage per billing period		<u>0-4</u>	<u>over 4</u>
per 1000 gallons	\$	4.58	\$ 7.73

8-2.19	Outside District Water Usage Rate	1.5 x water usage charge plus twice the monthly service charge	
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8-2.20	Service Charges (Effective 7/1/22)		
	<u>Bi-Monthly Charge</u>		

<u>Meter Size</u>	<u>Residential</u>	<u>Commercial and MFR (4+ units)</u>	<u>Institutional</u>	<u>Irrigation</u>	<u>Fireline</u>
5/8"	\$ 34.57	\$ 66.01	\$ 63.62	\$ 90.98	NA
3/4"	\$ 50.49	\$ 97.65	\$ 94.07	\$ 135.11	NA
1"	\$ 82.35	\$ 160.95	\$ 154.97	\$ 223.38	NA
1 1/2"	\$ 161.98	\$ 319.18	\$ 307.24	\$ 444.04	NA
2"	\$ 257.55	\$ 509.06	\$ 489.95	\$ 708.84	\$ 26.06
3"	NA	\$ 1,015.41	\$ 977.19	\$ 1,414.97	\$ 53.78
4"	NA	\$ 1,585.05	\$ 1,525.33	\$ 2,209.36	\$ 104.85
6"	NA	\$ 3,167.40	\$ 3,047.96	NA	\$ 236.17
8"	NA	NA	NA	NA	\$ 411.26
10"	NA	NA	NA	NA	\$ 615.54
12"	NA	NA	NA	NA	\$ 776.04

8-2.20(a) Resolution No. 180402 Effective July 1, 2018 residential water meters that are 1 1/2" or smaller and have a joint domestic and fire flow line, will have their Bi-Monthly Service Charge based on the sites two year, peak bi-monthly water demands. Peak bi-monthly demands at 30,000 gallons or less will be billed at the current 5/8" service charge, peak bi-monthly demands between 30,001 and 43,000 will be billed at the current 3/4" service charge, peak bi-monthly demands between 43,001 and 131,000 will be billed at the current 1" service charge.

8-2.20(b)

Meter Right-Sizing Charges:

Under the Meter Right-Sizing Charge, the fixed bi-monthly meter charges are based on the meter size that corresponds to the user's actual water usage based on the maximum throughput for each meter size, shown in the Meter Right-Sizing Table below, and the user's customer class. The appropriate charge shall be the actual use and meter size per the chart below, minus the regular service charge in section 8-2.20 above associated with the user's physical meter connection. These charges are a temporary additional charge in that, they only last until either (1) the correct size meter is installed (either at the request and with the payment of applicable fees by the customer or during the regular maintenance and capital replacement performed by the District); or (2) an annual audit shows that the customer's usage is reduced to levels appropriate for the size of the user's actual, physical meter connection.

The below chart outlines the maximum throughput that should be associated with each meter size in the peak billing cycle of a given year. An audit shall be performed each January and will evaluate usage data from the preceding calendar year (January through December). After the annual usage audit is performed, the Meter Right-Sizing Charge will be applied to any meter which exceeded the maximum water unit throughput assigned to their physical meter connection in any two billing cycles during that time, beginning July 1st of that year. The rate shall remain in effect for one year, until the next audit is performed in January and the new rates are put into effect in July. If the audit determines that only one billing cycle is above of the allowable range for the given meter size, it shall be considered an anomaly and the charges shall not be applied.

New customers only, (i.e. customers that take over an account that has an existing right-sizing charge in effect) shall have the right to petition to have the charge reduced or removed, provided they submit an application on a form provided by the District and pay any applicable fees. The application shall include:

- 1.) An onsite water audit (per fee above) substantiating that less water will be used, or
- 2.) A detailed irrigation plan (plan carried out before a change to the right-sizing charge is made); or
- 3.) Pass the historic peak period/s with appropriate/lower usage. The customer shall apply to the District to verify this, and the charge can fall off immediately rather than the regular cycle (i.e., instead of the charge coming off after the next audit/rate adjustment cycle)

Meter Right-Sizing Table:

Meter Size	Max Units (1,000 Gallons) per Billing Cycle
5/8 inch	29
¾ inch	44
1 inch	74
1 ½ inch	147
2 inch	235
3 inch	470
4 inch	735
6 inch	1,470

8-2.21

Backflow Prevention Charges by Size and Type

Size/Type	Bi-Monthly Charge	Notes	Annual Total
¾" and 1" in 4 HOAs*	\$4.50**	Testing and maintenance	\$27
All other ¾" and 1" (DC and RP)	\$5.00**	Testing and maintenance	\$30
All 1 ½" and 2" (DC and RP)	\$5.00***	Test only	\$30
3" and up DC and RP	\$5.84***	Test only	\$35

All DCDA's	\$13.34***	Test only	\$80
All AG inspections	\$8.34***	Inspection Only	\$50

*The four (4) qualifying HOAs in the District's service area are: Sonoma Greens, Temelec, Chantarelle, and Creekside Village.

**Charge includes testing, maintenance, and retesting of the device - NOT including parts. Any repair parts needed are charged to the customer via the regular water bill.

***Charge is for testing/inspection and retesting after repairs only. Any repairs needed are performed by the contractor and charged to the customer on a time and materials basis via the regular water bill. Please see a table of contractor hourly rates below:

Regular hourly rate for repairs	1/4 hour extension	1/2 hour extension	Business hours service fee (call out)	After hours service (hourly)
\$ 100.00	\$ 25.00	\$ 50.00	\$ 150.00	\$ 150.00

Most repairs will fall into the ¼ hour or ½ hour category, especially for smaller devices. Repair parts are charged in addition to these rates and vary depending on make and model of the device.

8-2.22 If a backflow prevention device fails the test and is in need of replacement, the customer will have the choice to perform the work or have the work performed by a contractor of their choosing. Alternatively, the customer may request that the District coordinate the work per the below table. These costs are for replacement only, and not new installations. All new or replaced devices shall be tested upon installation and the passing results shall be presented to the District immediately:

Device Replacement Cost by Size	Cost
¾" RP	\$ 650.00
¾" DC	\$ 400.00
1" RP	\$ 675.00
1" DC	\$ 425.00
1 ½" RP	\$ 1,400.00
1 ½" DC	\$ 1,000.00
2" RP	\$ 1,500.00
2" DC	\$ 1,100.00
3" RP	\$ 3,750.00
3" DC	\$ 3,250.00
4" RP	\$ 4,250.00
4" DC	\$ 4,200.00
4" DCDA	\$ 4,800.00
6" RP	\$ 7,500.00
6" DC	\$ 6,200.00
6" DCDA	\$ 6,500.00
8" DCDA	\$ 10,000.00
10" DCDA	\$ 14,300.00

8-2.23 Resolution No. 200601 Mandates the use of AMI Meters and prohibits opt outs.

8-2.24 Interruptible Surplus Water Rates: Volumetric is per the Irrigation Rate in Section 8-2.18 and the Service Charge is per Section 8-2.20.

6 inch	\$724,070	50	1,470,000	1,000
8 inch	\$1,158,511	80	2,352,000	1,600

*Note, if at any time a customer's use exceeds the estimate used in determining the capacity charge, the District may require that the customer pay an additional capacity charge at the rate then in effect for each Unit of Capacity of such excess.

The Board may from time to time make determinations for properties affected by natural disasters as declared by the County, State or the Federal Government and affirmed by Board Resolution, whether single-family residential unit(s) requiring a 1" meter that otherwise as determined by the General Manager or designee using current AWWA Standards for determining Capacity and Meter Sizing could be met through a 5/8-inch meter but are required by building code, local fire protection District or fire department to have a fire suppression system.

8-3.3 (b) Commercial, Institutional and Industrial Customers the Capacity Charge is as follows:

Meter Size	Capacity Fee per Meter	Equivalent 5/8" Meter Factor	Max Gallons per Billing	AWWA Max Flow in GPM
5/8 inch	\$14,481	1	29,400	20
¾ inch	\$21,722	1.5	44,100	30
1 inch	\$36,203	2.5	73,500	50
1 ½ inch	\$72,406	5	147,000	100
2 inch	\$115,852	8	235,200	160
3 inch	\$231,702	16	470,400	320
4 inch	\$362,035	25	735,000	500
6 inch	\$724,070	50	1,470,000	1,000
8 inch	\$1,158,511	80	2,352,000	1,600

In the event the required design fire flow for a given application exceeds 1,000 gallons per minute, the capacity charge shall be increased by \$842 per 100 gallons per minute of such excess. In cases where only fire service is applied for, applicant shall pay a capacity charge of \$842 per 100 gallons per minute of fire flow required.

8-4 ESCALATION OF CHARGES

To account for devaluation of the dollar, the amount of the fees and charges set forth in Section 8 above shall be adjusted as follows:

To account for inflation, escalation of charges are authorized and incorporated in the values shown in the Section as follows:

1. Applicable to Section 8-2 Charges: On July 1 of each year, charges contained in Section 8-2 shall be escalated in proportion to the annual increase in the Consumer Price Index (CPI) published by the State of California, Department of Industrial Relations, Division of labor and Statistics and Research and calculated for the City of San Francisco, Oakland and San Jose, all urban customers. Resulting values shall be rounded to the nearest whole dollar. Said escalation shall not be applied to Items 18, 19, 20, 21, 22 and 23.
2. Applicable to Section 8-3 Charges: On July 1 of each year commencing with July 1, 2010, charges contained in Section 8-3 shall be escalated in proportion to the annual increase in the Engineering News Record Construction Cost Index (CCI) reported for each March in the Engineering News Record magazine for the City of San Francisco. Resulting values shall be rounded to the nearest whole dollar.

SECTION 9 – PROPERTY-SIDE LEAKS

Customers are responsible for the water service piping and fittings attached to the water system beginning at the meter nut on the customer's side of the meter. All leaks in the customer's water service piping and fittings are the customer's responsibility and must be repaired by the customer solely at their expense.

A "property-side leak" is any loss of water due to deterioration or disconnection of the customer's water service piping, fittings or equipment, whether known or unknown to the customer, and said loss emanates from the first meter nut on the customers side of the meter serving the customers property.

No adjustment or credit will be applied to the water bill for property-side leaks, damage, deterioration or other factors beyond the control of the District, except as indicated under "Adjustment of Billing".

SECTION 10 – ADJUSTMENT OF BILLING

The General Manager or another person delegated the responsibility for adjusting water billings, may adjust the water usage portion (excluding service charge), on a customer's bill when the following requirements are met:

1. Customer shall notify District, in writing, of water loss from a property side leak within thirty days from the billing date for the period in which the water loss occurred. The water loss adjustment shall be limited to one adjustment in a thirty-six-month period per customer, and the adjustment shall be made for a single billing period only.
2. The District determines that there is a property side leak and the approximate rate of leakage by observing conditions at the property and meter operation.
3. There must be evidence that excessive use of water was not due to the customer's willful or neglectful acts, or failure of due diligence on the part of the customer.
4. The District determines that the bill is excessive in that it does not truly reflect the amount of water that has been beneficially used by the customer.
5. The District shall require repair bills or other appropriate documentation substantiating the repair of the property side leak prior to approving a claim for adjustment.
6. Customer shall submit a District leak adjustment form and appropriate documentation.
7. The District must be satisfied that the leak problems that resulted in a request for an adjustment have been properly repaired or resolved. District will dispatch a representative to the property or check available AMI electronic data to verify no further leaks exist. A determination of whether an adjustment is granted shall be made by the General Manager or their designee, and shall be final. In making the determination, the District will consider all circumstances surrounding the request.

The adjustment shall be calculated as follows:

The customer's average bill will be calculated based on usage over the immediately preceding three-year period using the same three billing periods from each year or when AMI electronic data is available. If such records of usage do not exist, the District will average available water usage history. Any usage during the period in question, which is over the calculated average, will be considered to be caused by the leak and called "overage".

Bill Adjustment = Overage x (Rate of District's Tier 2 water per 1,000 gallons - Rate of District's Tier 1 water per 1,000 gallons)

In the event of an emergency scenario (fire, earthquake, etc.) where excessive water use occurred through no fault of the customer, the District may grant an adjustment of the water bill.

SECTION 11 – PUBLIC ACCESS TO DISTRICT RECORDS AND APPLICABLE CHARGES

It is the policy of Valley of the Moon Water District to provide the public with access to all District records, excepting only those that are exempt from disclosure by law.

It is also the policy of the Board that access to records not disrupt the normal course of business, and that all photocopy costs will be charged at the rate specified in Section 8-2.1 and shall be borne by person(s) requesting such review or copies.

The Public Records Act provides that all reasonable efforts shall be made to disclose to the public all records pertain to public business that are not exempt from disclosure. The Act allows up to ten (10) days to determine whether records responsive to the request exist and are subject to disclosure. The District encourages the avoidance of casual or indiscriminate demands to explore public records, which can lead to interruption of District business at a cost to the ratepayers, keeping in mind that records are stored under several systems of filing and can require considerable amounts of staff time to locate and copy. Maintaining the integrity of District records is important.

All persons seeking access to records of the District must do so in writing, stating as concisely as possible the records sought for review. All requests will be reviewed by the General Manager for assignment to a staff member. Person(s) requesting information will be notified when the records have been assembled. Original records will not be allowed to leave District premises and the reviewer will not be permitted to separate or re-arrange the records. Records must be reviewed within five (5) working days of such notice, unless other prior arrangements have been made with District staff. At the end of five (5) working days, or the agreed period, records will be returned to their original location(s), unless prior arrangements have been made.

Copies will be furnished, upon request, at a charge set forth in Schedule of Fees and Charges.

Records or copies will be provided as soon as reasonably possible during regular business hours.

Copies of agendas and minutes of all regular, special and committee meetings will be provided at no charge. 72 hours prior to a Board meeting a full packet of Board meeting materials is available in the District office foyer or via the website (www.vomwd.org).

SECTION 12 – WATER WASTE PROHIBITIONS

- 1) Purpose. The purpose of this Section is to promote water conservation and the efficient use of potable water furnished by the Valley of the Moon Water District by eliminating intentional or unintentional water waste when a reasonable alternative solution is available, and by prohibiting use of equipment that is wasteful.
- 2) Nonessential Uses. No customer of the Valley of the Moon Water District shall use or permit the use of potable water from the Valley of the Moon Water District for residential, commercial, institutional, industrial, agricultural, or other purpose for the following nonessential uses:
 - a. Irrigating ornamental turf with potable water on public street medians;
 - b. The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
 - c. The escape of water through breaks or leaks within the customer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Valley of the Moon Water District, is a reasonable time within which to correct such break or leak or, at a minimum, to stop the flow of water from such break or leak;
 - d. Irrigation in a manner or to an extent that allows excessive runoff of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his water system under control at all

times, to know the manner and extent of his water use and any runoff, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.

- e. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle.
 - f. Water for non-recycling decorative water fountains.
 - g. Water for single pass evaporative cooling systems for air conditioning in all connections installed after June 6, 2000 unless required for health or safety reasons.
 - h. Water for new non-recirculating conveyor car wash systems.
 - i. Water for new non-recirculating industrial clothes wash systems.
 - j. Irrigating outdoors during and within 48 hours following measurable rainfall.
 - k. Restaurants serving water except upon customer request.
 - l. Hotels and motels not offering and promoting an opt-out program for towel and linen service.
- 3) Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the Valley of the Moon Water District for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from recycled or reclaimed wastewater, gray water or rainwater utilization system is also exempt.

Variances. Any customer of the Valley of the Moon Water District may make written application for a variance. Said application shall describe in detail why applicant believes a variance is justified.

- i. The General Manager of the District may grant variances for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
 - ii. The decision of the General Manager of the District may be appealed to the Board of Directors by submitting a written appeal to the District within fifteen (15) calendar days of the date of the decision. Upon granting any appeal, the Board of Directors may impose any conditions it determines to be just and proper. Variances granted by the Board of Directors shall be prepared in writing and the Board of Directors may require the variance be recorded at applicant's expense.
- 4) Enforcement and Fees. Depending on the extent of the water waste the District may, after written notification to customer and a reasonable time to correct the violation as determined by the District in its sole discretion, take some or all of the following actions. Penalties, fees and charges noted below shall be established by resolution of the District. The penalties listed in Sections E3, E4 and E5 below will be applied only during acute emergencies as determined and publicly announced by the General Manager, and/or a Stage 2 or equivalent water shortage condition declared by the Board.
- i. Written notice to the customer of the water waste violation including a specified period of time to correct the violation.
 - ii. Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected may be left on the premises, with a copy of the notice sent by certified mail to the customer.

- iii. The District may install a flow-restricting device on the service line.
- iv. The District may levy a water waste penalty to the customer.

District Action	Administrative Penalty
Hang door tag notifying customer of water waste issue	No Penalty
Issue 1 st letter to customer notifying them of water waste issue (14 days to comply)	No Penalty
Courtesy call to customer to discuss resolution of water waste issue	No Penalty
Issue 2 nd letter and/or hang 2 nd door tag for same water waste issue (7 days to comply)	\$25
Issue 3 rd letter and/or hang 3 rd door tag for same water waste issue (7 days to comply)	\$50
Install flow restrictor if domestic water or turn off if dedicated irrigation meter	\$125
Continued water waste with a flow restrictor in place	\$250

- 5) The District may terminate water service and bill the customer the charge for termination of water service. Except in cases of extreme emergency as determined by the General Manager of the District in his or her sole discretion, service shall not be reinstated until verified by the District that the violation has been corrected and all charges and penalties have been paid.

SECTION 13 – DIRECTORS’ COMPENSATION AND REIMBURSEMENT

- 1) Each Director shall receive compensation in a standard amount not to exceed one-hundred-eighty-eight (\$188) dollars per day for attendance at meetings of the Board, or for each day’s service rendered as a Director with prior approval of the Board. Said standard amount shall be escalated annually on each July 1st (beginning on July 1, 2020) based upon the change in the San Francisco Bay Area Consumers Price Index for the prior twelve (12) month period as reported for the month of February, but by no greater than five (5%) percent per year pursuant to California Water Code section 20200 *et seq.* Compensation for meetings and other activities shall not exceed a total of six (6) days in any calendar month. Furthermore, compensation shall be provided for no more than one meeting or activity per day. Any Director shall have the option to decline compensation provided for in this Ordinance.
- 2) For purposes of this Ordinance, the determination of whether a Director’s activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Examples of compensable service rendered by a Director include, but are not limited to, attendance at regular or special Board meetings or committee/subcommittee meetings; attendance at workshops/seminars relevant to District activities; and attendance at meetings with other public entities where District interests are subject to consideration.
- 3) When a Director is authorized by prior approval of the Board to attend a meeting out of the immediate area (beyond Sonoma County), the Director may request reimbursement of actual and necessary expenses for travel, meals, lodging, and meeting registration, as applicable, along with the standard amount for each day of service.

4) Actual and necessary expenses shall be in accordance with IRS Publication 463 guidelines, except that lodging for conferences or an organized educational activity shall not exceed the maximum group rate published by the conference or activity sponsor. All such expenses shall be documented with receipts and attached to the submitted reimbursement voucher.

a) Procedure: Compensation for meetings of the Board of Directors, including special meetings, will be presented on the first disbursement list of the month following the month of attendance.

b) Compensation for attendance at committee/subcommittee meetings or other meetings attended on behalf of the Board of Directors will only be authorized after that Board member has submitted a voucher with justification to the General Manager or designee

c) Voucher Format:

I attended the [describe meeting and purpose of attendance] on [date] and wish to be compensated as provided under the Board compensation policy.

/signature/ /date/

Vouchers must be submitted no later than six (6) calendar days prior to month end for inclusion in the next month's disbursement package and may be submitted electronically (email/facsimile).