



RANCHO MURIETA COMMUNITY SERVICES DISTRICT

15160 JACKSON ROAD
RANCHO MURIETA, CALIFORNIA 95683
916-354-3700
FAX – 916-354-2082

AGENDA

*“Your Independent Local Government Agency Providing
Water, Wastewater, Drainage, Security, and Solid Waste Services”*

REGULAR BOARD MEETING

February 15, 2023

4:00 p.m. Closed Session/Open Session 5:00 p.m.
Rancho Murieta, CA 95683

BOARD MEMBERS

Tim Maybee	President
Martin Pohll	Vice President
Linda Butler	Director
Randy Jenco	Director
Stephen Booth	Director

STAFF

Michael Fritschi	Interim General Manager
Paula O’Keefe	Director of Administration
Andrew Ramos	District General Counsel
Amelia Wilder	District Secretary
Kelly Benitez	Security Supervisor
Travis Bohannon	Interim Director of Operations

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

February 15, 2023

REGULAR BOARD MEETING

Call to Order

Closed Session 4:00 p.m./Open Session 5:00 p.m.

Note that this meeting will be held in-person at the address set forth above, and not via videoconference. In order to comply with the State's COVID-related Guidance for the use of face coverings, it is strongly recommended that all persons, regardless of vaccination status, continue to mask while in indoor public settings and businesses.

All persons present at District meetings will place their cellular devices in silent and/or vibrate mode (no ringing of any kind). During meetings, these devices will be used only for emergency purposes and, if used, the party called/calling will exit the meeting room for conversation. Other electronic and internet enabled devices are to be used in the "silent" mode. Under no circumstances will recording devices or problems associated with them be permitted to interrupt or delay District meetings.

AGENDA

ESTIMATED RUNNING TIME 5:00

1. CALL TO ORDER - Determination of Quorum –President Maybee **(Roll Call)**

2. CONSIDER ADOPTION OF AGENDA **(Motion)**

The Board will discuss items on this agenda, and may take action on those items, including informational items and continued items. No action or discussion will be undertaken on any item not appearing on the agenda, except that (1) directors or staff may briefly respond to statements made or questions posed during public comments on non-agenda items, (2) directors or staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities, (3) a director may request staff to report back to the Board at a subsequent meeting concerning any matter or request staff to place a matter on a future Board meeting agenda, and (4) the Board may add an item to the agenda by a two-thirds vote determining that there is a need to take immediate action and that the need for action came to the District's attention after posting the agenda.

*The running times listed on this agenda are only estimates and may be discussed earlier or later than shown. At the discretion of the Board, an item may be moved on the agenda and or taken out of order. **TIMED ITEMS** as specifically noted, such as Hearings or Formal Presentations of community-wide interest, will not be taken up earlier than listed.*

3. CLOSED SESSION

- A. Conference with legal counsel concerning significant exposure to litigation pursuant to Gov. Code 54956.9(d)(2) and (e)(1) (one case) and potential initiation of litigation pursuant to Gov. Code 54956.9(d)(4) (one case)
- B. Closed session regarding appointment of the General Manager (Gov. Code, § 54957.)

4. OPEN SESSION/REPORT ACTION FROM CLOSED SESSION

5. CONSENT CALENDAR **(Motion) (Roll Call Vote)** (5 min.) All items in this agenda item will be approved as one motion if they are not excluded from the motion adopting the consent calendar.

- A. Approval of Board Meeting and Committee Meeting Minutes
 - 1. *December 21, 2022 Regular Board Meeting Minutes*
 - 2. *January 18, 2023 Board Meeting Minutes*
 - 3. *February 7, 2023 Improvements Committee Meeting Minutes*
 - 4. *February 9, 2023 Communications and Technology Committee Meeting*
 - 5. *February 9, 2023 Security Committee Meeting Minutes*
- B. Approval of Bills Paid Listing January, 2023
- C. Continuation of Repairs to Lake 11 and Continue the Contracting Emergency Declaration
- D. Continuation of Repairs to Rio Oso and Continue the Contracting Emergency Declaration

6. STAFF REPORTS (Receive and File)

- A. General Manager's Report
- B. Administration/Financial Report
- C. Security Report
- D. Utilities Report

7. REVIEW DISTRICT MEETING DATES/TIMES FOR MARCH 2023

- A. Communications – March 2, 2023 at 8:30 a.m.
- B. Security – March 2, 2023 at 10:00 a.m.
- C. Improvements – March 7, 2023 at 8:00 a.m.
- D. Finance – March 7, 2023 at 10:00 a.m.
- E. Regular Board Meeting – March 15, 2023 - Open Session at 5:00 p.m.

8. CORRESPONDENCE

9. COMMENTS FROM THE PUBLIC

Members of the public may comment on any item of interest within the subject matter jurisdiction of the District and any item specifically agendaized. Members of the public wishing to address a specific agendaized item are encouraged to offer their public comment during consideration of that item. With certain exceptions, the Board may not discuss or take action on items that are not on the agenda.

If you wish to address the Board at this time or at the time of an agendaized item, as a courtesy, please state your name and address. Speakers presenting individual opinions shall have 3 minutes to speak. Speakers presenting opinions of groups or organizations shall have 5 minutes per group.

10. RECEIVE UPDATE FROM MARTIN POHLL ON THE GENERAL MANAGER TRANSITION AD HOC COMMITTEE (Receive and File)

11. INTRODUCE ORDINANCE O2023-01 AMENDING DISTRICT CODE CHAPTERS 14, 15, 16, 21 AND 31 REGARDING REFUND REQUESTS AND COLLECTION OF DELINQUENCIES
(Discussion/Action) (Motion) **(Roll Call Vote)**

12. ADOPTION OF ORDINANCE O2023-02 AMENDING DISTRICT CODE CHAPTER 3 CONFLICT OF INTEREST (Discussion/Action) (Motion) **(Roll Call Vote)**

13. ADOPTION OF RESOLUTION R2023-03 APPROVING CHANGES TO MEMORANDUM OF UNDERSTANDING WITH OE3 (Discussion/Action) (Motion) **(Roll Call Vote)**

14. DISCUSS COMMUNITY COMMUNICATION ON INTEGRATED WATER MASTER PLAN
(Discussion)

15. DISCUSSION FOR 2023-24 BUDGET DEVELOPMENT PROCESS (Discussion/Action)
(Motion) **(Roll Call Vote)**

16. DIRECTOR COMMENTS/SUGGESTIONS

In accordance with Government Code 54954.2(a), directors and staff may make brief announcements or brief reports of their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda.

17. ADJOURNMENT (Motion)

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 24 hours prior to a special meeting, will be made available for public inspection in the District offices during normal business hours. If, however, the document is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting.

In compliance with federal and state laws concerning disabilities, if you are an individual with a disability and you need a disability-related modification or accommodation to participate in this meeting or need assistance to participate in this meeting, please contact the District Office at 916-354-3700 or awilder@rmcsd.com. Requests must be made as soon as possible.

Note: This agenda is posted pursuant to the provisions of the Government Code commencing at Section 54950. The date of this posting is February 10, 2023. Posting locations are: 1) District Office; 2) Rancho Murieta Post Office; 3) Rancho Murieta Association; 4) Murieta Village Association.



RANCHO MURIETA COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

December 21, 2022

Closed Session 4:00 p.m./Open Session 5:00 p.m.

1. CALL TO ORDER/ROLL CALL

President Maybee called the Regular Board Meeting of the Board of Directors of Rancho Murieta Community Services District to order at 4:00 p.m. in the District meeting room, 15160 Jackson Road, Rancho Murieta. Director's present at the District office were Tim Maybee, Randy Jenco, Linda Butler Martin Pohll and Stephen Booth. Also present at the District office were Michael Fritschi, Interim General Manager; Travis Bohannon, Interim Director of Operations; Kelly Benitez, Security Supervisor; Andrew Ramos, District General Counsel; and Amelia Wilder, District Secretary.

2. CONSIDER ADOPTION OF AGENDA

Motion/Maybee to adopt the Agenda. Second/Jenco. Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: None.

3. BOARD RECEIPT OF COUNTY CERTIFICATE OF ELECTION APPOINTING DIRECTORS MAYBEE, JENCO, AND BUTLER

The Certificate of Election appointments was received.

4. ADMINISTER OATH OF OFFICE

The Board Secretary administered the Oath of Office to Tim Maybee, Randy Jenco and Linda Butler.

5. ELECTION OF BOARD OFFICERS

District Secretary called for nominations for Board President. Director Pohll nominated Director Maybee. Director Butler seconded the nomination.

Roll Call Vote for Director Maybee to be elected President of the Rancho Murieta Community Services District Board of Directors. Roll Call Vote: Ayes: Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: Maybee.

President Maybee announced that Director Jenco had reached his term limit for the office of Vice President, and could not hold the office for the next term. Director Jenco nominated Director Pohll. Director Pohll seconded the nomination.

Roll Call Vote for Director Pohll to be elected Vice President of the Rancho Murieta Community Services District Board of Directors. Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: None.

6. BOARD ADJOURNED TO CLOSED SESSION TO DISCUSS THE FOLLOWING ITEMS:

- A. Closed session for public employee performance evaluation of Interim General Manager
- B. Closed session to consider process for public employee appointment of General Manager

7. OPEN SESSION/REPORT ACTION FROM CLOSED SESSION

Director Maybee reported that direction was given to the Board President, no decisions were made.

8. CONSENT CALENDAR

Motion/Maybee to approve Consent Calendar. Second/Pohll. Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll. Noes: None. Absent: None. Abstain: Booth.

9. RECEIVE BUDGET TO ACTUAL REPORT

Vanessa Burke, Financial Consultant with the PUN Group, presented the Draft Budget to Actual Report.

10. CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH ADKINS ENGINEERING/MADDAUS WATER MANAGEMENT FOR THE INTEGRATED WATER MASTER PLAN IN THE AMOUNT OF \$295,000

Lisa Maddaus, Maddaus Water Management, gave a presentation on the bid that her company and Adkins Engineering submitted to complete the Integrated Water Master Plan. There was public and Board discussion about possible scenarios, and it was decided that the report should be completed, with the addition of public meetings to keep the community informed of the progress after a draft report has been produced. **Motion/Jenco to approve the Professional Services Agreement with Adkins Engineering/Maddaus Water Management for the Integrated Water Master Plan in the amount to \$291,031. Second/Pohll. Roll Call Vote: Ayes: Maybee, Jenco, Pohll, Booth. Noes: Butler. Absent: None. Abstain: None.**

11. STAFF REPORTS

Under Agenda Item 8A, Mr. Fritschi gave a summary of activities during the previous month, highlighting the following topics:

- Water and Drought Relief
- Chesbro Survey Results
- Development
- Measure R final results
- Revision of Existing Fee Schedule Formats
- Sourcewell Purchasing
- Developer Billings
- Outreach/Advocacy
 - RMA/RMCC Collaboration
- General Staffing Update
- Conference/Education Opportunities

Under Agenda Item 8B, Mr. Fritschi gave the Board the Administration/Finance Report in Ms. O'Keefe's absence. He highlighted the following topics:

- Tyler Technologies Implementation
- Procurement and Contracts
- Reserve Fund Balances
- Interfund Borrowing
- Utility Billing
- Aging Report

Under Agenda Item 8C, Kelly Benitez, Security Supervisor, began his presentation with a letter that he received from a resident praising Gate Officer Karen Hessler. He continued with his update to the Board with a summary of August’s activities in the Security Department, including:

- Operations Update
- Rancho Murieta Association Activity
- Incidents of Note
- RMA Violation Report
- Gate Entries Denied Reports
- Cases by Breakdown Report

Under Agenda Item 7D, Travis Bohannon, Interim Director of Operations, gave a summary of the utility update, including:

- Water Treatment Facility
- Water Consumption
- Raw Water Storage & Delivery
- Wastewater Facility
- Utility Crew Report
- Infrastructure
 - SB 170 Funded Projects
 - Water Treatment Facility
 - Lift Stations
- Development

12. REVIEW DISTRICT MEETING DATES/TIMES FOR JANUARY 2023

This item was taken after # 15, Committee Appointments. Director Jenco asked that the Improvements Committee meeting be changed to an afternoon the week of 1/9/2023.

13. CORRESPONDENCE

Director Maybee acknowledged the correspondence in the Board Packet.

14. COMMENTS FROM THE PUBLIC

Jay Hannum commented on his interactions with Michael Fritschi, and his appreciation for Mr. Fritschi’s work at the District.

Mike Martel commented on his desire for public meetings on the Integrated Water Master Plan.

15. CONSIDER COMMITTEE APPOINTMENTS

President Maybee appointed Director Booth to the Communications and Technology Committee. The Committee Assignments for 2023 are as follows:

President.....	Tim Maybee
Vice President.....	Martin Pohll
Communications & Technology.....	Linda Butler & Stephen Booth
Finance.....	Martin Pohll & Stephen Booth
Improvements.....	Randy Jenco & Martin Pohll
Join Security.....	Tim Maybee
Personnel.....	Randy Jenco & Tim Maybee

Parks.....Linda Butler with Randy Jenco as alternate
Security.....Tim Maybee
Regional Water Authority.....Michael Fritschi with Tim Maybee as alternate

16. RECEIVE UPDATE FROM MARTIN POHLL ON THE GENERAL MANAGER TRANSITION AD HOC COMMITTEE

Director Pohll Updated the Board on the progress of the Ad Hoc Committee.

17. RECEIVE UPDATE ON RIO OSO LIFT STATION AND CONSIDER ACTION TO CONTINUE THE CONTRACTING EMERGENCY DECLARATION BY A 3/4^{THS} VOTE

Motion/Maybee to continue the contracting emergency on Rio Oso Lift Station. **Second/Pohll**. Roll Call Vote: Ayes: Maybee, Jenco, Pohll, Booth. Noes: None. Absent: Butler. Abstain: None.

18. RECEIVE UPDATE ON REPAIRS TO LAKE 11 AND CONSIDER ACTION TO CONTINUE THE CONTRACTING EMERGENCY DECLARATION BY A 3/4^{THS} VOTE

Motion/Maybee to continue the contracting emergency on Lake 11. **Second/Pohll**. Roll Call Vote: Ayes: Maybee, Jenco, Pohll, Booth. Noes: None. Absent: Butler. Abstain: None.

19. DIRECTOR COMMENTS/SUGGESTIONS

Director Jenco welcomed Director Booth
Director Maybee thanked Staff for their work preparing for upcoming storms.

20. ADJOURNMENT

Motion/Maybee to adjourn at 8:33 p.m. **Second/Pohll**. Roll Call Vote: Ayes: Maybee, Jenco, Pohll, Booth. Noes: None. Absent: Butler. Abstain: None.

Respectfully submitted,

Amelia Wilder
District Secretary



RANCHO MURIETA COMMUNITY SERVICES DISTRICT REGULAR BOARD MEETING MINUTES

January 18, 2023

Closed Session 3:30 p.m./Open Session 5:00 p.m.

1. CALL TO ORDER/ROLL CALL

President Maybee called the Regular Board Meeting of the Board of Directors of Rancho Murieta Community Services District to order at 4:00 p.m. in the District meeting room, 15160 Jackson Road, Rancho Murieta. Director's present at the District office were Tim Maybee, Randy Jenco, Linda Butler Martin Pohll and Stephen Booth. Also present at the District office were Michael Fritschi, Interim General Manager; Paula O'Keefe, Director of Administration, Travis Bohannon, Interim Director of Operations; Kelly Benitez, Security Supervisor; Richard Shanahan, District General Counsel; and Amelia Wilder, District Secretary.

2. CONSIDER ADOPTION OF AGENDA

Motion/Maybee to adopt the Agenda. Second/Booth. Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: None.

3. STAFF RECOGNITION FOR EMERGENCY RESPONSE TO NEW YEAR'S EVE STORM

Michael Fritschi reported on the events during the storm December 31, 2022. The staff that was present during the event was recognized for their dedication.

4. BOARD ADJOURNED TO CLOSED SESSION TO DISCUSS THE FOLLOWING ITEMS:

- A. *Conference with legal counsel concerning significant exposure to litigation pursuant to Gov. Code 54956.9(d)(2) and (e)(1) (one case) and potential initiation of litigation pursuant to Gov. Code 54956.9(d)(4) (one case)*
- B. *Closed session for public employee performance evaluation of Interim General Manager*

5. OPEN SESSION/REPORT ACTION FROM CLOSED SESSION

Director Maybee reported that no decisions were made.

6. CONSENT CALENDAR

Motion/Maybee to approve Consent Calendar. Second/Butler. Director Booth moved that item 6A2 December 22, 2022 Regular Board Meeting Minutes be removed from Consent Calendar, wishing to review item #10. Direction was given to Staff to send the audio of the meeting to the Board for review, and add these minutes to the February 15, 2023 Consent Calendar. **Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: None.**

7. STAFF REPORTS

Under Agenda Item 8A, Mr. Fritschi gave a summary of activities during the previous month, highlighting the following topics:

- Water and Drought Relief
 - Integrated Water Master Plan
- Development
 - Developer Billing

- Murieta Gardens Property Tax Analysis
- Security
 - Safety Center Update
- Administration
 - General Staffing Update
 - FEMA Disaster Relief
 - PRA Requests
- Conference/Education Opportunities

Under Agenda Item 8B, Paula O’Keefe, Director of Administration, gave the Board the Administration/Finance Report. She highlighted the following topics:

- Accounting Updates
- Tyler Technologies Implementation
- Procurement and Contracts
- Reserve Fund Balances
- Interfund Borrowing
- Utility Billing
- Aging Report

Under Agenda Item 8C, Kelly Benitez, Security Supervisor, began his presentation with a letter that he received from a resident praising Gate Officer Karen Hessler. He continued with his update to the Board with a summary of August’s activities in the Security Department, including:

- Operations Update
- Rancho Murieta Association Activity
- Vehicle Cameras
- Incidents of Note
- RMA Violation Report
- Gate Entries Denied Reports
- Cases by Breakdown Report

Under Agenda Item 7D, Travis Bohannon, Interim Director of Operations, gave a summary of the utility update, including:

- Water Treatment Facility
- Storm Event
- Water Consumption
- Raw Water Storage & Delivery
- Wastewater Facility
- Utility Crew Report
- Infrastructure
 - SB 170 Funded Projects
 - Water Treatment Facility
 - Lift Stations
- Emergency Projects
 - Rio Oso

- Lake 11
- Development

Director Butler added an item to discuss the Communications Committee Report. The Board was informed that the Communications Committee would be assisting in the facilitation of the communications related to the integrated water master plan.

8. REVIEW DISTRICT MEETING DATES/TIMES FOR JANUARY 2023

Staff received instruction to reschedule the Communications & Technology and Security Committee meetings to February 9, 2023.

9. CORRESPONDENCE

Director Maybee acknowledged the correspondence in the Board Packet.

10. COMMENTS FROM THE PUBLIC

John Sullivan commented that he would like to see the Board participate in a Planning Session rather than a Goals Workshop. He also thanked Mr. Shanahan for his service to the District.

Angela Simeone and Kevin Lewis commented on the security cameras that have been placed on the outskirts of Murieta Gardens. They were concerned that the privacy of residents may be compromised with the placement of the cameras. Mr. Fritschi and Director Maybee let them know that we want the Murieta Gardens HOA to be happy with the cameras, and we will wait until after their next Board Meeting to hear where they would like them placed, if they want them at all.

Mike Martel thanked Mr. Shanahan. He continued with a suggestion that the Security Center be placed at a commercial location.

11. APPROVE RESOLUTION R2023-01 RECOGNIZING RICHARD SHANAHAN, DISTRICT LEGAL COUNSEL, FOR HIS EIGHT YEARS OF SERVICE TO THE DISTRICT

President Maybee thanked Richard Shanahan for his years of service as the District's legal counsel. **Motion/Booth** to adopt Richard Shanahan, District Legal Counsel, for his eight years of service to the District. **Second/Pohll. Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: None.** Director Maybee then presented Mr. Shanahan with Resolution R2023-01.

12. AUTHORIZE GENERAL MANAGER TO EXECUTE CONTRACT WITH STAPLES CONSTRUCTION COMPANY, INC. FOR SAFETY CENTER REPAIRS IN THE AMOUNT OF \$89,218 (CIP# 23-19-03); AND AMEND FY 2022-23 BUDGET AND APPROPRIATE FUNDS

Mr. Benitez presented the proposal to replace the windows and repair the Safety Center. There was discussion about having the Security Center in the Commercial area. **Motion/Pohll** to authorize General Manager to Execute Contract with Staples Construction Company, Inc. for Safety Center Repairs in the amount of \$89,218 (Cip# 23-19-03); and amend FY 2022-23 Budget and Appropriate Funds. **Second/Butler. Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: None.**

13. RECEIVE UPDATE FROM MARTIN POHLL ON THE GENERAL MANAGER TRANSITION AD HOC COMMITTEE

Director Pohll Updated the Board on the progress of the Ad Hoc Committee.

14. INTRODUCE ORDINANCE O2023-01 AMENDING DISTRICT CODE CHAPTERS 14, 15, 16, 21 AND 31 REGARDING REFUND REQUESTS AND COLLECTION OF DELINQUENCIES

Ms. O'Keefe gave a brief description of the Ordinance. **Motion/Pohll** to introduce Ordinance O2023-01 amending District Code Chapters 14, 15, 16, 21 and 32. There was a discussion about the content of the Ordinance, and it was determined that it needed to be returned to Legal Counsel to add more definitive language concerning the past billing for rate adjustments. This item was pulled from the agenda, and will be added to the February 15, 2023 Board Meeting Agenda.

15. INTRODUCE ORDINANCE O2023-02 AMENDING DISTRICT CODE CHAPTER 3 CONFLICT OF INTEREST

Mr. Fritsch informed the Board about the changes to the Code. **Motion/Pohll** to introduce Ordinance O2023-02 amending District Code Chapter 3 Conflict of Interest. **Second/Booth. Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: None.**

16. DIRECTOR COMMENTS/SUGGESTIONS

Director Pohll thanked Staff again for their efforts.

Director Butler clarified the communications for Integrated Water Master Plan.

Director Jenco discussed Goals vs Planning leaning toward the idea of having a planning session to get to the Goals.

Director Maybee mentioned that the Goals are dependent on the Budget. He thanked Staff.

17. ADJOURNMENT

Motion/Butler to adjourn at 7:05 p.m. **Second/Pohll. Roll Call Vote: Ayes: Maybee, Jenco, Butler, Pohll, Booth. Noes: None. Absent: None. Abstain: None.**

Respectfully submitted,

Amelia Wilder
District Secretary

MEMORANDUM

Date: February 8, 2023
To: Board of Directors
From: Improvements Committee Staff
Subject: February 7, 2023, Improvements Committee Meeting Minutes

1. CALL TO ORDER

Director Jenco called the meeting to order at 8:00 a.m. Present were Director Jenco and Director Pohll. Present from District staff were Michael Fritschi, Interim General Manager; Paula O'Keefe, Director of Administration; Travis Bohannon, Interim Director of Operations; and Kelly Benitez, Security Supervisor and Amelia Wilder, District Secretary.

2. PUBLIC COMMENT

None.

3. MONTHLY UPDATE

Travis Bohannon, Interim Director of Operations, gave a summary of the Utilities Department Update with a discussion on the following topics:

- SB 170 Projects
 - Water Treatment Facility Sodium Hypochlorite Conversion
 - Recycled Water Disinfection Project
 - Granlees Safety Improvements
- Storm Clean Up
- Water
- Sewer
 - Wastewater Facility
 - Lift Station Projects
- Drainage
 - Lake 11 Project
- Site Development Update

4. Discuss Sed Basin Contract with TNT

Mr. Bohannon discussed the recent RFP that was issued to rehabilitate the Water Treatment Plant Sed Basin. One bid was received, from TNT. This was an informational item, as it was a previously approved CIP Project #23-09-01, and the bid for \$39,874 was within the General Managers spending authority.

5. DIRECTOR AND STAFF COMMENTS/SUGGESTIONS

Director Pohll asked about the status of the transfer of the Wooden Bridge. Staff reported that the title report has been received and the matter is with Legal Counsel to prepare the transfer documents. Staff hopes to have this as an agenda item at the March Improvements Committee meeting.

6. ADJOURNMENT

The meeting was adjourned at 8:25 a.m.

MEMORANDUM

Date: February 10, 2023
To: Board of Directors
From: Communication & Technology Committee Staff
Subject: February 9, 2023, Special Communication & Technology Committee Meeting Minutes

1. CALL TO ORDER

Director Butler called the meeting to order at 8:30 a.m. Present were Director Butler and Director Booth. Present from District staff were Michael Fritschi, Interim General Manager; Travis Bohannon, Interim Director of Operations; Kelly Benitez, Security Supervisor; and Amelia Wilder, District Secretary.

2. COMMENTS FROM THE PUBLIC

None.

3. MONTHLY WEBSITE AND SOCIAL MEDIA UPDATE AND FAQ'S

Amelia Wilder, District Secretary, gave an update of the statistics related to the number of visits per page to Facebook and RMCS.com.

The order of the Agenda was changed, and #5 was heard before #4.

4. COMMUNICATIONS WITH THE COMMUNITY CONCERNING INTEGRATED WATER MASTER PLAN

Michael Fritschi, Interim General, updated the Committee on the kick off meeting Staff had with Adkins Engineering and Maddaus Water Management. He noted that he is contacting companies to receive bids for facilitation on the series of public meetings requested. The tentative date for the first (townhall) meeting is mid-March. The topics of the meetings were discussed. There will tentatively be a total of (4) meetings to disseminate project information and to receive feedback from the community. Ways to communicate the meetings to the public were discussed.

5. DISCUSS PIPELINE

Director Butler reviewed the history of the Pipeline. There was a discussion about the content. The Directors would like to help writing articles. Approximately 735 residents receive their bill electronically and therefore do not receive a paper copy of the Pipeline. It would cost approximately \$220 a month to mail the Pipeline to these residents. Mr. Fritschi instructed Staff to mail the Pipeline to them.

6. DIRECTOR AND STAFF COMMENTS

Mr. Fritschi thanked the Board for their direction on the Integrated Water Master Plan communications.

7. Adjournment

The meeting was adjourned at 9:39 a.m.

MEMORANDUM

Date: February 10, 2023
To: Board of Directors
From: Security Committee Staff
Subject: February 9, 2023 Special Security Committee Meeting Minutes

1. CALL TO ORDER

Director Maybee called the meeting to order at 10:00 a.m. Present was Director Maybee. Present from District staff were Michael Fritschi, Interim General Manager; Paula O'Keefe, Director of Administration; Travis Bohannon, Interim Director of Operations; Kelly Benitez, Security Supervisor; and Amelia Wilder, District Secretary.

2. COMMENTS FROM THE PUBLIC

None.

3. MONTHLY UPDATES

Kelly Benitez, Security Supervisor gave the Operations Updates, touching on the following topics:

- Operations Update
- New Patrol Vehicle
- Safety Center
- Motorola Batteries for radios
- Garden Association Cameras
- Number of calls inside and outside of gates
- Ballistic Vests

Mr. Benitez discussed the Department's desire to purchase ballistic vests for Security Patrol. Paula O'Keefe, Director of Administration, reported that she had been in contact with OE3, who will waive the meet and confer. Staff would like to take a Resolution to the Board at the February 15, 2023 meeting. ***This item will be on the February 15, 2023 Board Agenda.***

4. DISCUSS BALLISTIC VESTS

This item was discussed during item #3.

5. DISCUSSION OF STAFF SAFETY

Ms. O'Keefe discussed recent interactions with the public at the front counter, stating that there have been instances of hostility. She is getting bids to transform the front counter into a safer space, with safety glass and two separate work areas. This will also include repositioning the cameras. The Committee approved the changes.

6. DIRECTOR & STAFF COMMENTS

Director Maybee mentioned that a greater understanding of the Budget is needed.

7. ADJOURNMENT

The meeting adjourned at 10:57 a.m.

MEMORANDUM

Date: February 9, 2023
To: Board of Directors
From: Paula O'Keefe, Director of Administration
Subject: Approval of Check Register and Payroll Cash Requirements, January 2023

Enclosed are the Check Register Report for January 2023, Payroll Cash Requirements reports dated January 6, 2023 and January 20, 2023.

Reviewed by:



Michael Fritschi
General Manager

RANCHO MURIETA CSD
 VENDOR CHECK REGISTER REPORT
 Payables Management

Ranges: From: To: From: To:
 Check Number First Last Check Date 1/1/2023 1/31/2023
 Vendor ID First Last Checkbook ID First Last
 Vendor Name First Last

Sorted By: Check Date

Voided Checks

Check Number	Check Date	Vendor	Checkbook ID	Amount
0010685	1/4/2023	Clark Pest Control	CSD CHECKING	\$739.00
0010710	1/4/2023	ABA Protection Inc.	CSD CHECKING	\$6,101.27
0010711	1/4/2023	ABS Direct	CSD CHECKING	\$2,906.25
0010712	1/4/2023	A Leap Ahead IT	CSD CHECKING	\$8,795.03
0010713	1/4/2023	Applications By Design, Inc.	CSD CHECKING	\$3,730.00
0010714	1/4/2023	Aramark Uniform & Career Apparel, LLC	CSD CHECKING	\$191.69
0010715	1/4/2023	Compressed Air Services	CSD CHECKING	\$2,669.15
0010716	1/4/2023	Daily Journal Corporation	CSD CHECKING	\$1,269.90
0010717	1/4/2023	Ditch Witch West	CSD CHECKING	\$5,513.26
0010718	1/4/2023	Hach Company	CSD CHECKING	\$7,131.33
0010719	1/4/2023	Jorgensen Company	CSD CHECKING	\$680.00
0010720	1/4/2023	Leland Hazeltine	CSD CHECKING	\$10,000.00
0010721	1/4/2023	North State Electrical Contractors, Inc.	CSD CHECKING	\$3,560.66
0010722	1/4/2023	Operating Engineers Local Union No. 3	CSD CHECKING	\$1,063.44
0010723	1/4/2023	Pace Supply Corp	CSD CHECKING	\$10,191.24
0010724	1/4/2023	Prodigy Electric	CSD CHECKING	\$6,057.48
0010725	1/4/2023	Rancho Murieta Association	CSD CHECKING	\$26,370.00
0010726	1/4/2023	Robert Half	CSD CHECKING	\$1,360.00
0010727	1/4/2023	Streamline	CSD CHECKING	\$300.00
0010728	1/4/2023	Thatcher Company	CSD CHECKING	\$2,723.00
0010729	1/4/2023	Thatcher Company of California, Inc	CSD CHECKING	\$2,723.00
0010730	1/4/2023	United Rentals Northwest, Inc.	CSD CHECKING	\$34.84
0010731	1/4/2023	Walker's Office Supplies, Inc	CSD CHECKING	\$108.87
0010732	1/4/2023	Watchdogs Surveillance	CSD CHECKING	\$265.08
0010733	1/4/2023	Xylem Water Solutions U.S.A., Inc.	CSD CHECKING	\$1,803.74
0010734	1/5/2023	James Colas	CSD CHECKING	\$150.83
0010735	1/5/2023	California Laboratory Services	CSD CHECKING	\$1,765.00
0010736	1/5/2023	Rancho Murieta Properties LLC	CSD CHECKING	\$6,414.85
0010737	1/5/2023	State Water Resources Control Board	CSD CHECKING	\$58,003.44
0010738	1/11/2023	A Leap Ahead IT	CSD CHECKING	\$621.50
0010739	1/11/2023	Aqua-Metric Sales Company	CSD CHECKING	\$846.54
0010740	1/11/2023	Aramark Uniform & Career Apparel, LLC	CSD CHECKING	\$775.24
0010741	1/11/2023	Bartkiewicz, Kronick & Shanahan	CSD CHECKING	\$2,068.66
0010742	1/11/2023	Brower Mechanical, Inc	CSD CHECKING	\$691.00
0010743	1/11/2023	California CAD Solutions inc.	CSD CHECKING	\$6,150.00
0010744	1/11/2023	Caltronics	CSD CHECKING	\$120.18
0010745	1/11/2023	California Waste Recovery Systems	CSD CHECKING	\$227,128.66
0010746	1/11/2023	Concentra DBA Occupational Health Centers	CSD CHECKING	\$141.00
0010747	1/11/2023	County of Sacramento	CSD CHECKING	\$664.00
0010748	1/11/2023	Domino Solar LTD	CSD CHECKING	\$13,570.52
0010749	1/11/2023	Folsom Lake Ford, Inc.	CSD CHECKING	\$8,998.69
0010750	1/11/2023	Greenfield Communications	CSD CHECKING	\$448.99
0010751	1/11/2023	Hach Company	CSD CHECKING	\$3,979.25
0010752	1/11/2023	HDR Engineering, Inc	CSD CHECKING	\$9,791.81
0010753	1/11/2023	Hunt & Sons, Inc	CSD CHECKING	\$10,942.66
0010754	1/11/2023	Kirby's Pump & Mechanical	CSD CHECKING	\$37,800.00
0010755	1/11/2023	Legal Shield	CSD CHECKING	\$101.70
0010756	1/11/2023	Mobile Mini Solutions	CSD CHECKING	\$309.43
0010757	1/11/2023	NBS	CSD CHECKING	\$1,855.78
0010758	1/11/2023	Pace Supply Corp	CSD CHECKING	\$2,951.69
0010759	1/11/2023	Pitney Bowes	CSD CHECKING	\$31.99
0010760	1/11/2023	Pitney Bowes	CSD CHECKING	\$506.70
0010761	1/11/2023	Public Agency Retirement Services	CSD CHECKING	\$504.08
0010762	1/11/2023	Rancho Murieta Association	CSD CHECKING	\$712.86
0010763	1/11/2023	Robert Half	CSD CHECKING	\$10,200.00
0010764	1/11/2023	Romo Landscaping	CSD CHECKING	\$385.00
0010765	1/11/2023	Sacramento County Sheriff's Office	CSD CHECKING	\$42.00
0010766	1/11/2023	Sierra Office Supplies	CSD CHECKING	\$203.65

RANCHO MURIETA CSD
VENDOR CHECK REGISTER REPORT
Payables Management

Voided Checks

Check Number	Check Date	Vendor	Checkbook ID	Amount
0010767	1/11/2023	S. M. U. D.	CSD CHECKING	\$15,446.71
0010768	1/11/2023	State of California	CSD CHECKING	\$32.00
0010769	1/11/2023	Thatcher Company	CSD CHECKING	\$4,169.00
0010770	1/11/2023	Tyler Technologies, INC	CSD CHECKING	\$1,984.00
0010771	1/11/2023	USA Blue Book	CSD CHECKING	\$880.21
0010772	1/11/2023	Wagner & Bonsignore Consulting Civil Engine	CSD CHECKING	\$2,004.00
0010773	1/11/2023	Walker's Office Supplies, Inc	CSD CHECKING	\$2,303.37
0010774	1/11/2023	Watchdogs Surveillance	CSD CHECKING	\$379.64
0010775	1/11/2023	Corelogic Solutions, LLC	CSD CHECKING	\$225.10
0010776	1/23/2023	Apple One Employment Services	CSD CHECKING	\$7,200.00
0010777	1/23/2023	LUXURY CLEANING SERVICE	CSD CHECKING	\$2,000.00
0010778	1/27/2023	Adkins Consulting Engineering, LLP	CSD CHECKING	\$645.87
0010779	1/27/2023	Applications By Design, Inc.	CSD CHECKING	\$1,260.00
0010780	1/27/2023	Backflow Distributors Inc	CSD CHECKING	\$3,920.67
0010781	1/27/2023	Compressed Air Services	CSD CHECKING	\$455.00
0010782	1/27/2023	Dewberry Engineers Inc.	CSD CHECKING	\$4,342.50
0010783	1/27/2023	FIDELITY NATIONAL TITLE	CSD CHECKING	\$201.75
0010784	1/27/2023	Folsom Lake Ford, Inc.	CSD CHECKING	\$705.44
0010785	1/27/2023	Gustav Muehlenhaupt	CSD CHECKING	\$100.00
0010786	1/27/2023	Jessica Nunez	CSD CHECKING	\$100.00
0010787	1/27/2023	John Skurla	CSD CHECKING	\$100.00
0010788	1/27/2023	Joyce Houston	CSD CHECKING	\$190.44
0010789	1/27/2023	Kathleen Turner	CSD CHECKING	\$100.00
0010790	1/27/2023	KWA Safety & Hazmat Consultants, Inc.	CSD CHECKING	\$1,920.00
0010791	1/27/2023	Loewen Pump Maintenance	CSD CHECKING	\$1,800.00
0010792	1/27/2023	Nancy Miller	CSD CHECKING	\$100.00
0010793	1/27/2023	Ojo Technology	CSD CHECKING	\$22,005.79
0010794	1/27/2023	Old Republic Title	CSD CHECKING	\$81.68
0010795	1/27/2023	Old Republic Title	CSD CHECKING	\$400.00
0010796	1/27/2023	Operating Engineers Local Union No. 3	CSD CHECKING	\$1,085.52
0010797	1/27/2023	Public Agency Retirement Services	CSD CHECKING	\$487.78
0010798	1/27/2023	Stewart Title of Sacramento	CSD CHECKING	\$18.83
0010799	1/27/2023	Tree Tech Services	CSD CHECKING	\$350.00

Total Checks: 91

Total Amount of Checks: \$592,161.23


Approved

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/06/23: \$96,939.54

IMPORTANT COVID-19 INFORMATION: If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

TRANSACTION DETAIL

ELECTRONIC FUNDS TRANSFER - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
01/05/23	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxx751	Direct Deposit	Net Pay Allocations	74,952.87	74,952.87
01/05/23	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxx751	Readychex®	Check Amounts	197.10	197.10
01/05/23	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxx751	Garnishment	Employee Deductions	150.00	150.00
01/05/23	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxx947	Taxpay®	Employee Withholdings		
				Medicare	1,401.21	
				Fed Income Tax	9,993.19	
				CA Income Tax	3,408.57	
				CA Disability	861.64	
				Total Withholdings	15,664.61	
				Employer Liabilities		
				Medicare	1,401.23	
				CA Unemploy	4,478.44	
				CA Emp Train	95.29	
				Total Liabilities	5,974.96	21,639.57
				EFT FOR 01/05/23		96,939.54
				TOTAL EFT		96,939.54

REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		TOTAL
01/06/23	Refer to your records for account	Information	Payroll	Employee Deductions		
				6.75% PERSx	3,526.14	
				7% PERSx	1,969.93	
				AFLAC	430.71	
				AFLSTD	219.19	
				DCOMP	1,161.61	
				Deduction	73.76	
				HEALTH	2,814.26	
				LEGSHI	46.94	
				LIFE INS	8.52	

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/06/23: \$96,939.54

REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES (cont.) - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
01/06/23	Refer to your records for account	Information	Payroll	Employee Deductions (cont.)	
				PERSM Post Tax	282.72
				SURB	26.97
				Union dues	384.02
				Total Deductions	10,944.77
TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES					10,944.77

PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF - This information serves as a record of payment.

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	
01/11/23	Taxpay®	FED IT PMT Group	12,795.63
01/11/23	Taxpay®	CA IT PMT Group	4,270.21


 Approved

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/20/23: \$100,245.74

IMPORTANT COVID-19 INFORMATION: If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

TRANSACTION DETAIL

ELECTRONIC FUNDS TRANSFER - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
01/19/23	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxx751	Direct Deposit	Net Pay Allocations	77,734.57	77,734.57
01/19/23	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxx751	Garnishment	Employee Deductions	150.00	150.00
01/19/23	EL DORADO SAVINGS BANK,	xxxxxxxxxxxxx947	Taxpay®	Employee Withholdings		
				Medicare	1,480.63	
				Fed Income Tax	10,846.65	
				CA Income Tax	3,869.32	
				CA Disability	919.02	
				Total Withholdings	17,115.62	
				Employer Liabilities		
				Medicare	1,480.64	
				CA Unemploy	3,686.49	
				CA Emp Train	78.42	
				Total Liabilities	5,245.55	22,361.17
				EFT FOR 01/19/23		100,245.74
				TOTAL EFT		100,245.74

REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		<u>TOTAL</u>
01/20/23	Refer to your records for account	Information	Payroll	Employee Deductions		
				6.75% PERSx	3,497.88	
				7% PERSx	2,252.60	
				AFLAC	430.71	
				AFLSTD	219.19	
				DCOMP	2,377.61	
				Deduction	73.76	
				HEALTH	2,566.76	
				LEGSHI	46.94	
				LIFE INS	8.52	
				PERSM Post Tax	282.72	
				SURB	26.04	

CASH REQUIREMENTS

(Prior to Processing)

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/20/23: \$100,245.74

REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES (cont.) - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
01/20/23	Refer to your records for account information		Payroll	Employee Deductions (cont.)	
				Union dues	354.48
				Total Deductions	12,137.21
TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES					12,137.21

PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF - This information serves as a record of payment.

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	
01/25/23	Taxpay®	FED IT PMT Group	13,807.92
01/25/23	Taxpay®	CA IT PMT Group	4,788.34



Approved

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

INVESTMENT REPORT

January 31, 2023

CSD FUNDS

EL DORADO SAVINGS BANK

Savings	\$	2,876,333
Checking	\$	567,591
Payroll	\$	140,152
BANNER BANK EFT PAYMENTS ACCOUNT	\$	1,405,470

CSD OPERATING CAPITAL

TOTAL AVAILABLE CASH*	\$	4,989,546
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CSD INVESTMENT

LOCAL AGENCY INVESTMENT FUND (LAIF)	\$	8,418,654
CALIFORNIA ASSET MGMT PROGRAM (CAMP)	\$	654,225
TOTAL	\$	14,062,425

MELLO ROOS BOND

COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CFD)

BANK OF AMERICA	\$	118,827
WILMINGTON TRUST		
Bond Special Tax Fund	\$	223,671
Bond Redemption Account	\$	-
Bond Acq & Construction	\$	20,010
Bond Reserve Fund	\$	395,923
Bond Surplus	\$	215,488
Bond Admin Expense	\$	22,772
Bond Principal	\$	-
Bond Interest	\$	-
	\$	996,691

*Investments comply with the CSD adopted investment policy.

PREPARED BY: Paula O'Keefe

REVIEWED BY:  , District Treasurer

MEMORANDUM

Date: February 15, 2023
To: Board of Directors
From: Michael Fritschi, Interim General Manager
Subject: General Manager's Report

WATER & DROUGHT RELIEF

INTEGRATED WATER MASTER PLAN COMMUNICATIONS

The District had a project site visit and staff kick off meeting with Adkins/Maddaus the week of February 6th. The District also has contracted with Lucy Crocker to aid with the IWMP communications plan. The District is planning on hosting a series of 5 public communication opportunities including:

1. Townhall meeting (Tentatively set for 10 AM – 1 PM on March 18th) where discussions of what an IWMP is and what the District will be undertaking
2. Special Board Meeting to consider study metrics and assumptions to be used in the plan
3. Special Board Meeting to get a status update of the plan and to consider capital costs associated with the study metrics and assumptions made
4. Regular Board Meeting to receive and review the draft plan
5. Regular Board Meeting to accept the final draft plan

DEVELOPMENT

DEVELOPER BILLINGS

Progress has been made on bringing the Retreats North & East accounts up to date and staff will be initiating a meeting with K Hovnanian Homes soon to discuss the analysis. It is the District's goal to restore the process of providing monthly statements.

MURIETA GARDENS PROPERTY TAX ANALYSIS

The District is finishing up the analysis for the Murieta Gardens property tax restoration. Staff have set up a meeting with the representative of the Cosumnes River Land LLC to discuss the analysis and settle reparations. Moving forward, the Murieta Gardens parcels will be billed correctly for property tax.

ADMINISTRATION

GENERAL STAFFING UPDATE

The District has hired Chris Funakoshi for the open accounting position. The District is actively searching to fill the open Accounting Manager position.

FEMA DISASTER RELIEF

The District has submitted the Request for Public Assistance (RPA) form to the FEMA portal for costs related regarding damage and costs related to the New Years' Ever Storm by the deadline. Additional forms will be uploaded onto the portal as completed. The District will eventually be assigned a FEMA representative.

OUTREACH & REGIONAL COMMUNICATION

GM BOARD PRESIDENTS MEETING

- Discussed working together on cameras, GMs to get together to discuss possibilities of a common VLAN and how that would work with IT. *The District has since met with RMA and put into place immediate steps to increase bandwidth and laid the groundwork for identifying a way forward to implementing the common VLAN project.*
- Discussed Community Center, potentially an RMA and/or Country Club project.
- Discussed losses from storm insured and not insured. Provided FEMA information to RMA and Country Club
- Discussed reimbursing RMA for personnel and equipment used to record video of Community IWMP meetings. *The District will be purchasing an "OWL" to video record IWMP meetings.*

CONFERENCE/EDUCATION OPPORTUNITIES

CSDA LEADERSHIP CONFERENCE

California Special Districts Association (CSDA) offering Leadership Academy Conference February 26-March 1 (La Quinta) and October 22-25 (Santa Rosa).

PFAS WORKSHOP

Mr. Bohannon attended a 5-hour training on Per- and polyfluoroalkyl substances (PFAS). PFAS are a group of emerging contaminants causing regulatory and public health concerns around the world. As toxic PFAS continue to be identified, there is a growing need for treatment solutions to remove PFAS from sensitive water bodies. Training covered groundwater investigation and modeling, water treatment capabilities, bench-scale testing capabilities, emerging contaminants knowledge and risk communication for practitioners ready to address the challenges of PFAS.

MEMORANDUM

Date: February 13, 2023
To: Board of Directors
From: Paula O’Keefe, Director of Administration
Subject: Administration / Financial Update

The February Finance Committee meeting was canceled.

The following is the summary of the February 2022 monthly Board Financial Report. The following are highlights from various internal financial reports. Please feel free to call me before the Board meeting regarding any questions you may have relating to these reports.

Accounting Updates

District staff, along with PUN Group staff have begun preparing reporting for submission to Richardson CPAs to begin the FY21 audit. Richardson CPAs has confirmed availability to begin review and testing March 5. Barring any unforeseen delays with Richardson CPAs, the FY21 audit will be completed in draft form for the April Finance Committee review. As noted in previous discussions, staff will begin preparation for the FY22 audit and expect to conclude the draft audit by September 1, 2023, while concurrently preparing FY23 and finalizing data for the Tyler ERP Pro Core Financial implementation. District staff expect to wrap up FY23 audit immediately after FY22 conclusion.

Tyler Technologies Implementation

The Tyler project team provided staff with a finalized schedule for Utility Billing Module implementation. System testing, updating and validating data and process training will begin the first week of February to conclude with a “go live” date of April 1, 2023. Staff have been working with the configuration team to ensure accuracy of collections and reporting for all utility billing charges and revenue codes.

Monthly Budget to Actuals

The PUN Group has provided staff training on the monthly budget to actuals and expect to have updated information for both mid-year updates and year end projections at the March Finance Committee.

Procurement and Contracts

The District recently contracted with the following vendor:

- Solitude:
Monthly Pond Maintenance (\$27,300)
Bi-Monthly Water Testing (\$23,400)

Interfund Borrowing

The following are the updated totals for the repayment of the interfund borrowing as of January 31, 2023.

	<i>Fiscal Yr Beg Balance</i>	<i>Prior Month Ending Balance</i>	<i>Monthly Payment</i>	<i>YTD YTD Repayment</i>	<i>Period End Balance</i>
<i>Inter-fund Borrowing</i>	<i>7/1/2022</i>				<i>01/31/2023</i>
WTP Construction Loan from Sewer	444,774	362,573	11,763	93,963	350,811
WTP Construction Loan from WSA	148,264	120,864	3,921	31,321	116,943
Total Inter-fund Borrowing	593,038	483,437	15,683	125,285	467,754

Utility Billing

The District continues to work with residents each month to prevent water shutoffs. District staff continue to enter into new payment installment agreements to resolve outstanding payments and bring these accounts current and in good standing, however there are still residents who are not current on their bills. The District has locked off three residents and continues to work through the most egregious outstanding balances. Currently the district has 24 residents who are 90 days past due. We appreciate the residents who have been proactive in contacting us and working with us to bring their accounts current.

We encourage residents to work with the District to prevent additional late fee assessments and highly encourage all residents with past-due balances to contact the District immediately to rectify their account status. If entering into a payment plan, you are required to pay your monthly balance (including past due balance) in full or it will void the terms of the payment plan agreement. This means the account is now due and payable immediately and District staff will initiate the 10-day shut off notification. The District has encountered several residents who entered into payment agreements and subsequently voided them after nonpayment, however those residents brought their accounts current immediately in order to prevent utility shut offs.

Account Corrections/Refunds

District staff continue to review accounts and are working to ensure all accounts are being charged correctly. As previously reported, the analysis of the trash resulted in several residences that either were owed a refund or owed the District additional dollars to cover misapplied flat charges. When the ordinance changes to add language allowing refunds and collections is approved, impacted residents will begin to receive letters notifying them of any corrections to their billing.

District staff recently found an error in the FY 2022-23 Ordinance for Drainage and will be issuing refunds in the amount of \$12.81 to all Gardens residents who were impacted. The Ordinance erroneously separated the Murieta Gardens from the Metered developed residential drainage amount and will charge the amount cited in the Ordinance for the remainder of the fiscal year. The correct amount will be assessed beginning the FY 2023-24.

Aging Report

The total amount due to the District for outstanding 60 and 90 day past due balances is \$60,09.67. There are 101 residents who are 60 days past due and 45 residents 90 days past due. Staff will resume water shutoffs this month and encourage all residents to bring their accounts current to avoid shutoff.

Reserve Funds Balance Sheet

Staff will not be presenting a reserve fund sheet for the month of February. The PUN Group are wrapping up the fund balance totals and will have updated reserve amounts at the March Board meeting.

MEMORANDUM

Date: February 15, 2023
To: Board of Directors
From: Kelly Benitez, Security Supervisor
Subject: Security Update Report for the Month of January

OPERATIONS UPDATES

The Department is currently working on the following projects:

- Currently we have 8 full-time and 1 part-time, gate officer and 3 patrol officers.
- 1 Pt Gate officer position and 3 patrol officer positions vacant – (Hard Hire Freeze).
- Utilizing only 1 ABA contract security officer for gate relief.
- Patrol shifts 90 able to cover 56. Board-directed hires freeze, and no overtime can fill in patrol shifts.
- Safety Center Repairs contracts signed work submitted.
- Toyota Truck in process/supply-demand issues.
- Ballistic Vests
- Motorola battery replacement

Rancho Murieta Association activity:

We continue to work with the RMA Leadership on a regular focus to improve our level of service and have positive contact with residents. The following list is the current focus of our meetings.

- General non-arch rules enforcement (see Violation Summary Report): continued to attend RMA Compliance meetings.
- Spoke with the Director of Compliance (Chris Smith) about stop signs.
- Vandalism suspect identified collaborated with RMA.

Garden Association Meeting:

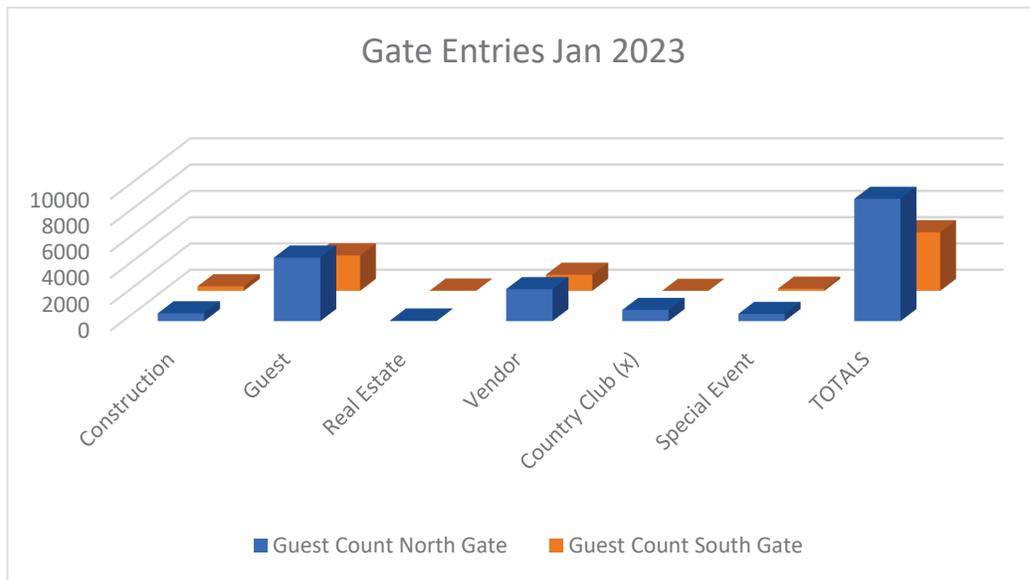
- Held community meeting/Safety Center
- Camera/community feedback

Gate Entries by Type

January 1 – 30, 2023

Pass Type	Guest Count North Gate	Guest Count South Gate	Count by Pass Type
Construction	346	169	515
Guest	4,706	2,662	7,368
Real Estate	34	20	54
Vendor	2,594	1,246	3,840
Country Club (x)	372	1	373
Special Event	49	0	49
TOTALS	8,101	4,098	12,199

Prior Month Totals: 11,044 4,942 15,986



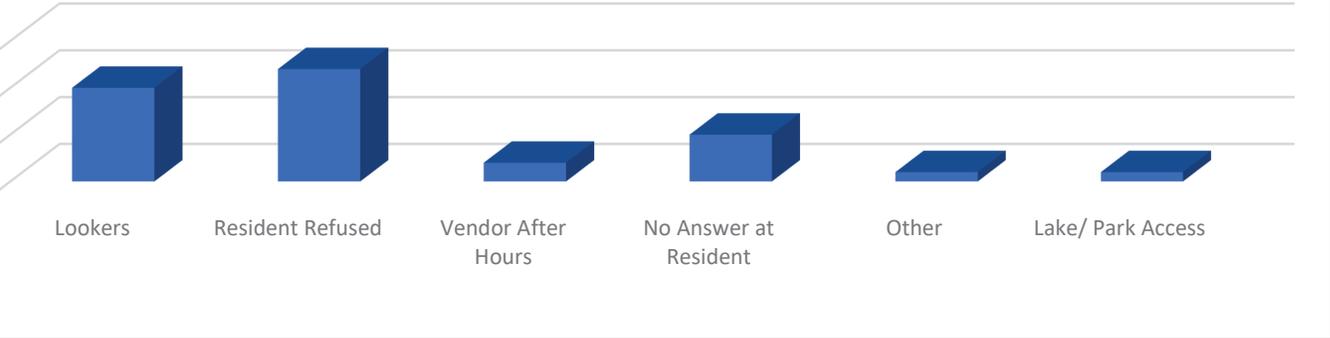
Gate Entries Denied

January 1-30, 2023

	Lookers	Resident Refused	Vendor After Hours	No Answer at Resident	Other	Lake/ Park Access	TOTAL
All Gates	10	12	2	5	1	1	31

Prior Month Totals: 10 1 17 6 1 1 37

Gate Entries Denied January 2023





Rancho Murieta CSD Security

15160 Jackson Rd
Rancho Murieta, CA 95662

Cases - Breakdown by Type

ABANDONED DISABLED VEH	2
ALARM	7
ANIMAL COMPLAINT	17
ASSIST OTHER AGENCY	1
BURGLARY	1
CITATION	33
DISTURBANCE	1
ESCORT	2
EXTRA PATROL	26
FOLLOW UP	4
JUVENILE DELIQUENCY	4
LOST/FOUND PROPERTY	2
MISCELLANEOUS	13
OPEN DOOR	1
PARKING	2
REFUSED ENTRY	31
RESIDENT COMPLAINT	9
RMA RULE VIOLATION	6
SPEEDING COMPLAINT	2
SUSPICIOUS PERSON	3
SUSPICIOUS VEHICLE	2
TRAFFIC ENFORCEMENT	15
VANDALISM	3
VEHICLE ACCIDENT	10
WATER LEAK	3

WEATHER RELATED	21
WELFARE CHECK	3
Total	224



INCIDENTS OF NOTE
January 1-31st

On 01/14/2023 at 1700 hours, at the Southgate CSD security was interviewing a resident from the Garden Community regarding an aggressive doorbell ditching incident. As the resident departed the Southgate, she collided with both gates' arms and the magnetic box structure. A@D Gates responded and repaired the gate for a total cost of **\$269.24**. The resident stated she would pay out of pocket for the damages to CSD.

On 01/20/2023 at approximately 1810 hours, CSD while on routine patrol observed the Largo left turn gate and the sensor was damaged at the Northgate. The officer reviewed the cameras at the Northgate and discovered a Toyota minivan had entered the turn lane and collided with the gate. The owner of the minivan admitted to hitting the gate and turned over his insurance information. The cost to repair the gate was **\$448.73**. CSD will be attempting to reach out to the resident for payment.

On 01/24/2023 at 1100 hours, a CSD Gate officer reported that an unknown maintenance employee, driving a green golf cart had collided with the Southgate visitor arm. The employee drove through the closed arms and damaged the base and arm. The employee then stopped his golf cart for approximately 2 minutes, however, he never exited the vehicle or approached the gate officer. The employee for an unknown reason then fled the area in his golf cart. The incident was caught on our video camera system. RMA compliance officers identified the person of interest as a Country Club employee. The GM at the country club investigated and verified it was a probationary employee who was terminated. The cost to fix the Southgate was \$1,048.

On 01/25/2023 at 0640 hours, at the Southgate, an RMA maintenance worker reported to our CSD Gate Officer that he accidentally collided with our gate officer's vehicle while driving a street sweeper. CSD patrol officer responded and began an investigation. RMA staff was contacted and fully cooperated with our investigation and provided all insurance information for our CSD employee. The estimated cost to repair the vehicle truck is still pending.

MEMORANDUM

Date: February 9, 2023
To: Board of Directors
From: Travis Bohannon – Interim Operations Director
Subject: Operations Report

WATER

Water Treatment Facility

Water Treatment Facility #1 is currently offline for annual cleaning and maintenance. Plant 2 is in operation and is currently producing potable water at a rate of 720,000 gallons a day.

Water Consumption

As of January 31, 2023, cumulative potable water production for the current year is 19.67 million gallons. That is currently 3.81 million gallons (16.2%) **less** than the same use period in 2022 and million gallons (7.6%) **less** than 2020.

Raw Water Storage & Delivery

As of February 8, 2023, the total water currently stored between Clementia, Chesbro, and Calero totaled 3691 acre-ft (1202.7 MG).

As of February 8, 2023, we have pumped about 528 acre-ft (172 MG) from Cosumnes River this pumping season. We have turned the 2-125 hp pumps back on at Granlees pump station to start filling our lakes again.

Table 1. Current water and wastewater storage comparison from 2022 - 2023

	January 2023		January 2022		difference from 2021 acre -ft	%diff
	mgal	acre-ft	mgal	acre-ft		
Clementia Storage	301.43	925.2	301.43	925.2	0	0
Chesbro Storage	320.9	985.0	319.6	980.9	4.1	1.0%
Calero Storage	610.1	1872.6	644.5	1978.2	-105.6	-5.3%
Total of all Raw Water Reservoirs	1232.4	3782.8	1265.53	3884.3	-101.5	-2.6%
Wastewater Storage Reservoir available for production	98.9	303.7	95.7	293.9	9.8	3.2%

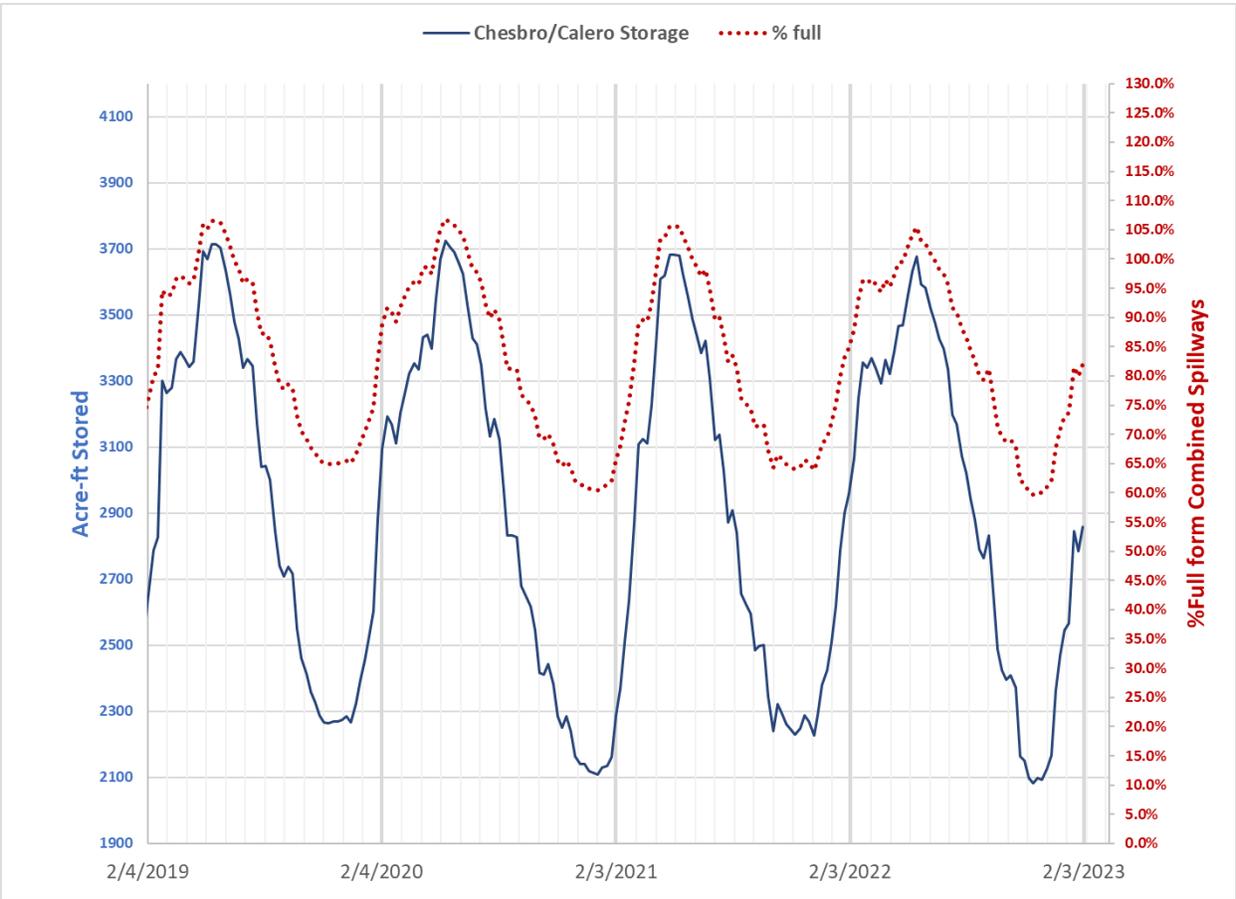


Figure 1. Five-year Chesbro / Calero Storage Curves

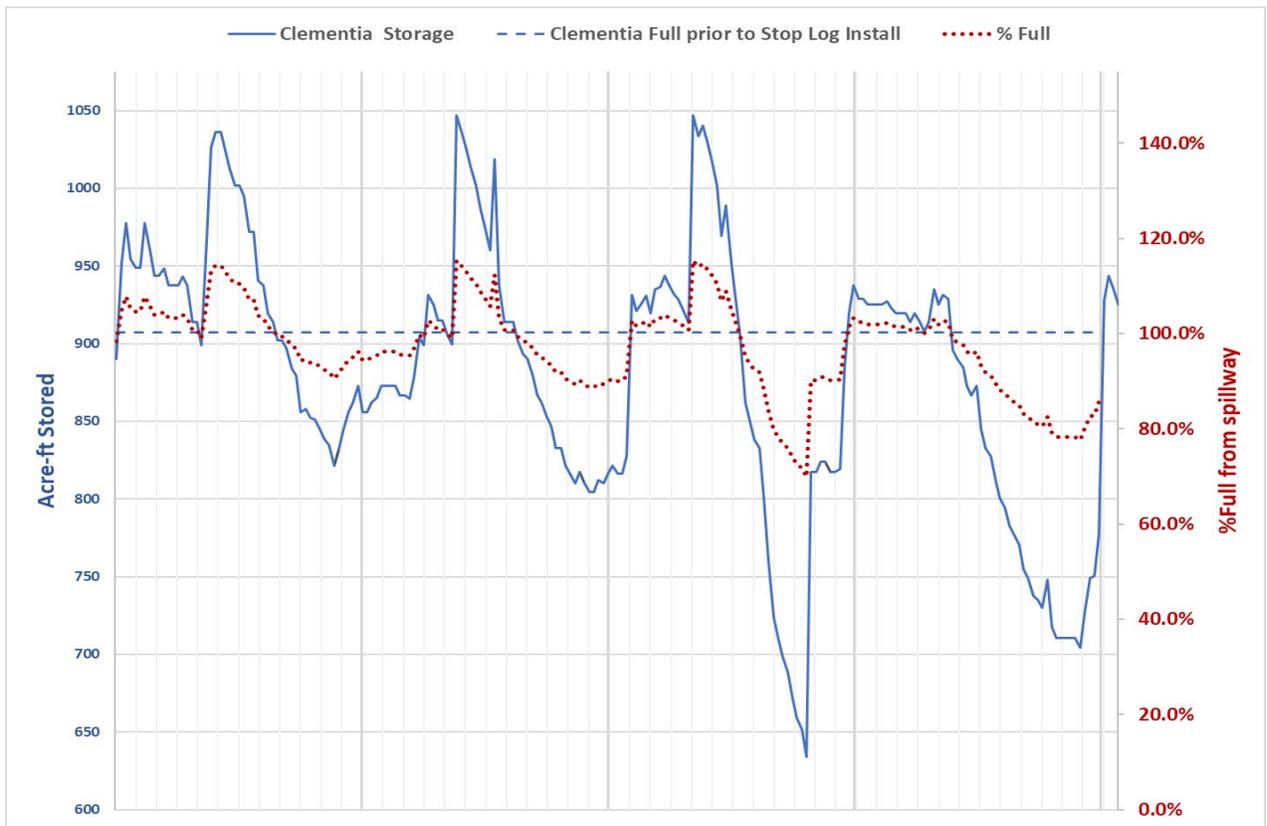


Figure 2. Four-year Clementia Storage Curves

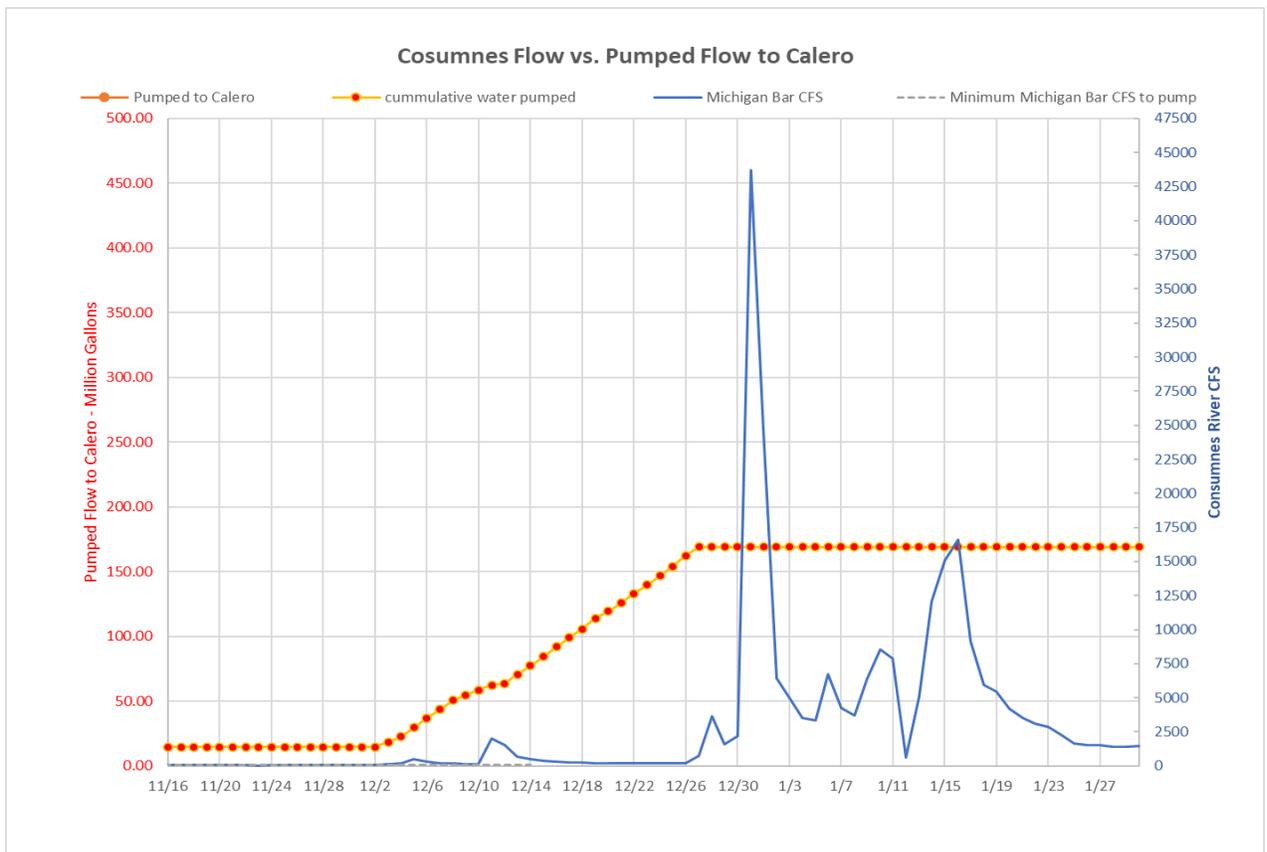


Figure 3. Cosumnes River Flow vs Gallons pumped to Calero

Figure 3 is a graph that shows the flow in the Cosumnes River in CFS and the cumulative water pumped for the current pumping season. The blue line indicates the flow in the Cosumnes River. The dotted yellow line shows the amount of water pumped to date for the current pumping season.

SEWER

Wastewater Facility

The wastewater facility is off for the season.

The district has an RFP out for the bid process for the WWRP drying bed panel replacement CIP project. The results will be brought back to the improvements committee next month.

UTILITY

Utility Crew Report January 2023

- 1) We had twelve utility star work orders completed. Utility Star work orders are for final reads, rebates, meter swaps request, issues with homeowner water usage concerns and are doing water shut offs once again.
- 2) We had 10 field markings for 811 USA locations completed.
- 3) We had three homeowner calls for water related issues; two homeowners called for water related problems for high usage. One homeowner had a water leak, and it was their responsibility to fix.
- 4) We had two water leaks in the month of January with the water leaks service line being replaced.
- 5) No valves exercised, and zero gallons of water flushed through fire hydrants and or a blow-off in the month of January.
- 6) No water meters were replaced in January.
- 7) 17 Smart points/ MXU's were replaced in January.
- 8) We had no sewer issues in the month of January.
- 9) Utilities staff jetted/cleaned 3,625 feet of sewer main line in Rancho Murieta South as preventative maintenance.
- 10) Drainage was inspected several times throughout January to check for any obstructions. All obstructions were cleared.

INFRASTRUCTURE

SB 170 Funded Projects – An update of the SB 170 funded projects are as follows:

Water Treatment Facility Sodium Hypochlorite Conversion – No update since last month, HDR is working on the 100% design and is expected to be completed in the early spring.

History: HDR has completed the design to the 60% level Design. The 60% design provided an AACE Class 2 construction cost range of \$520,000 - \$660,000 (not including design costs). The district had previously envisioned \$892,500 to complete the project, with \$352,000 allocated from the SB 170 funding. Adding in the \$238,300 design fees would bring the range of estimated total cost of the project to \$758,300 - \$898,300.

Recycled Water Disinfection Project – Dewberry has provided a preliminary report to the district. District staff have been reviewing and provided comments and questions back to Dewberry for answers.

Granlees Safety Improvements – The District Engineer has been awarded the design contract and will be submitting a project schedule at a project kick off meeting scheduled for February 9th.

History: The District has received the preliminary engineering report (PER) for the Granlees safety improvements. The report has been reviewed and the district provided comments to HDR. The preliminary engineering report provided an AACE Class 5 construction cost range of \$300,000 - \$720,000 (not including design costs). The district had previously envisioned \$945,000 to complete the project, with \$170,000 allocated from the SB 170 funding.

The district performed a condition assessment in the forebay structure. This procedure required isolating the structure and utilizing RMCSO equipment to clean out accumulated debris. The condition assessment will be referenced during the design phase for any potentially needed structural repairs.

Lake 11 Update: The contractor is currently working on the lid to the storm drain. There have been several changes to what is going to be attached to the lid for safety. Due to recent discussion regarding aesthetics of the storm drain overflow, the district will be evaluating if the lid to the storm drain will be sufficiently safe to not have to put a fence around the structure.

Rio Oso Update: No changes since last month's update. We are still waiting for the VFD's to arrive and for Tesco to configure the programming for the PLC.

Lift Stations

Task orders for rehab of 3B, Alameda & Starter Shack are currently being worked on by the district engineer.

History: Staff met with the District Engineer and will be reviewing and approving a design task order approval for various upcoming lift station rehabilitation projects:

Lift 3B - Pumps have been delivered and are ready for installation once the design and bid information are completed.

Alameda & Starter Shack Stations – The District is planning on working with the District Engineer on replacing these antiquated stations with prefabricated package stations. This work will be designed and completed this fiscal year.

Cantova & FAA Stations – The District has contracted with the District Engineer for electrical engineering related to generator sizing and design. The district will also evaluate options for proper maintenance access to the FAA lift station.

DEVELOPMENT

Riverview: The contractor requested a punch list walkthrough. Staff completed the punch list and returned it to the contractor. The contractor is currently working on fixing the items on the punch list.

Retreats: A punch list has been created and reviewed with contractors and is currently in the process of being completed.

Circle K/Shell: The contractor is working on getting their fire service installation approved by the Fire Marshall. The contractor is continuing construction on the Circle K building.

Murieta Gardens Lot 2 (Tractor Supply): Contractor has completed most all main structures including patio walkways and driveways. Contractor continues working on the building amenities including landscape and other portions of the project. Their goal is to be opening mid-February.

Murieta Gardens Pet Hospital (Lot 12): Construction is on hold currently due to a misinterpretation on plans pertaining to a water main and retaining wall placement. Their engineer is reviewing the issue at this time and will notify district upon completion of review.

Miscellaneous Items:

Calero / Chesbro Lake: The fishing club here in Rancho Murieta made a request in January to be able to introduce a new species of fish into Chesbro and Calero lakes. I spoke with Jim Monical, who is the president of the fishing club, and he stated he wanted to introduce the Sacramento Blackfish into the lakes.

I contacted Fish and Wildlife and explained to them what was being requested and if it was ok to do this. I received a response back from a Skylar Burson giving his full support for the idea.

I am bringing this to the board in the spirit of full disclosure and to make sure the board takes no exception with this action.

Calero Lake: Rod Hart from RMA contacted me on 2/7/23 and asked if the district had any issues with RMA building a boat ramp in Calero Lake. The ramp would be built over on the Northeast side of the dam.

The boat ramp would be beneficial to prevent body contact in the lake. Where the residents currently launch boats in Calero Lake, they have to physically go into the water to release the boat from the trailer, which is contradictory to the districts "No body contact" rule. This will not cost the District any money. I spoke with Rod Hart and he stated he would be looking at doing this in mid-September.

I am bringing this to the board to see if approval is needed or if there are any questions or concerns.

Rancho Murieta Community Services District

March 2023

Board/Committee Meeting Schedule

March 2, 2023

Special Communications/Technology	8:30 a.m.
Special Security	10:00 a.m.

March 7, 2023

Personnel	Canceled
Improvements	8:00 a.m.
Finance	Canceled

March 15, 2023

Regular Board Meeting - Open Session @ 5:00 p.m.



All meetings will be held in person at the District Office: 15160 Jackson Rd.

MEMORANDUM

Date: February 10, 2023
To: Board of Directors
From: Paula O'Keefe, Director of Administration
Subject: Introduce Ordinance O2023-01 Updates to Chapter 14, Chapter 15, Chapter 16, Chapter 21 and Chapter 31 to include Refunds/Collections

Recommendation

Staff request the Board waive the first reading of Ordinance O2023-01 changes to Water, Sewer, Drainage, Security and Solid Waste Codes to include language identifying the ability to collect past due balances and refund customers.

Background

After the District began the Tyler Technologies ERP project, District staff began evaluating and identifying errors within the Utility Billing system. As has been reported over several months to both the Finance Committee and the Board, staff have been unable to resolve these concerns with rate payers due to the lack of clarity within District Code.

Staff are introducing corrections to Water, Sewer, Drainage, Solid Waste and Security Codes to clarify the legal obligations of the District to resolve billing errors for ratepayers. These corrections to District Code are in line with the one-year statute of limitations for a Government for refunds and the four-year statute of limitations for special tax refunds. Revenue and Tax Code section 5151 requires payment of 3% interest for special tax refunds and language is included within Drainage and Security updates to reflect compliance. Additionally, the District will have three years to pursue delinquencies, which includes recalculations initiated by the District as well as past due balances.

Staff brought the first reading to the Board in January and are bringing it back with the corrections to the language requested by the Board.

The proposed changes are as follows:

Chapter 14, section 9.01 is amended as follows:

9.01 Collection of Charges for Water and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 14, section 9.11 is amended as follows:

9.11 Adjustment of Bills

The District staff or General Manager may adjust or grant credits from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer provided, however, that the customer request must

be filed no later than one year from the date of the disputed bill and all parties affected shall have a right to appeal the District staff or General Manager's determination to the Board of Directors within fifteen (15) days after receipt of the General Manager's written decision. The decision of the Board of Directors thereon, shall be final and binding on all parties.

Chapter 15, section 7.05 is amended as follows:

Chapter 7.05 Collection of Charges for Sewer and Other Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 15, section 7.14 is amended as follows:

Chapter 7.14 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

Chapter 16, section 9.01 is amended as follows:

9.01 Collection of Charges for Drainage and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 16, section 9.10 is amended as follows:

Chapter 9.10 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

Chapter 21, section 7.03 is amended to add the following to the end of the existing text:

e. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 21, section 7.08 is added as follows:

Chapter 7.08 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

Chapter 31, section 4.03.b is amended as follows:

b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 4.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 31, section 4.0.h is added as follows:

h. Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

The District requests the Board waive the first reading of the ordinance change and move these to the February Board meeting for adoption. Once codified, District staff will work with the billing printer to update policies located on the utility bill and reach out to impacted customers to resolve past due balances, recalculations and billing error corrections.

MEMORANDUM

Date: February 10, 2023
To: Board of Directors
From: Paula O'Keefe, Director of Administration
Subject: Introduce Ordinance O2023-01 Updates to Chapter 14, Chapter 15, Chapter 16, Chapter 21 and Chapter 31 to include Refunds/Collections

Recommendation

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Background

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Staff are introducing corrections to Water, Sewer, Drainage, Solid Waste and Security Codes to clarify the legal obligations of the District to resolve billing errors for ratepayers. These corrections to District Code are in line with the one-year statute of limitations for a Government for refunds and the four-year statute of limitations for special tax refunds. Revenue and Tax Code section 5151 requires payment of 3% interest for special tax refunds and language is included within Drainage and Security updates to reflect compliance. Additionally, the District will have three years to pursue delinquencies, which includes recalculations initiated by the District as well as past due balances.

Staff brought the first reading to the Board in January and are bringing it back with the corrections to the language requested by the Board.

The proposed changes are as follows:

Chapter 14, section 9.01 is amended as follows:

9.01 Collection of Charges for Water and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 14, section 9.11 is amended as follows:

9.11 Adjustment of Bills

The District staff or General Manager may adjust or grant credits from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer provided, however, that the customer request must

be filed no later than one year from the date of the disputed bill and all parties affected shall have a right to appeal the District staff or General Manager's determination to the Board of Directors within fifteen (15) days after receipt of the General Manager's written decision. The decision of the Board of Directors thereon, shall be final and binding on all parties.

Chapter 15, section 7.05 is amended as follows:

Chapter 7.05 Collection of Charges for Sewer and Other Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 15, section 7.14 is amended as follows:

Chapter 7.14 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

Chapter 16, section 9.01 is amended as follows:

9.01 Collection of Charges for Drainage and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 16, section 9.10 is amended as follows:

Chapter 9.10 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

Chapter 21, section 7.03 is amended to add the following to the end of the existing text:

e. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 21, section 7.08 is added as follows:

Chapter 7.08 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

Chapter 31, section 4.03.b is amended as follows:

b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 4.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 31, section 4.0.h is added as follows:

h. Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

The District requests the Board waive the first reading of the ordinance change and move these to the February Board meeting for adoption. Once codified, District staff will work with the billing printer to update policies located on the utility bill and reach out to impacted customers to resolve past due balances, recalculations and billing error corrections.

ORDINANCE NO. O2023-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT AMENDING DISTRICT CODE CHAPTERS 14, 15, 16, 21, AND 31 REGARDING REFUND REQUESTS AND COLLECTION OF DELINQUENCIES

The Board of Directors of the Rancho Murieta Community Services District hereby ordains as follows:

SECTION 1. PURPOSE AND AUTHORITY. The purpose of this ordinance is to amend the District Code chapters concerning water, sewer, drainage, security, and solid waste service to clarify the timelines for customers refunds requests and the District's collection of delinquencies. This ordinance is adopted pursuant to Government Code section 61060 and other applicable law.

SECTION 2. CODE AMENDMENT

Chapter 14, section 9.01 is amended as follows:

9.01 Collection of Charges for Water and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 14, section 9.11 is amended as follows:

9.11 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

Chapter 15, section 7.05 is amended as follows:

Chapter 7.05 Collection of Charges for Sewer and Other Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 15, section 7.14 is amended as follows:

Chapter 7.14 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service ~~adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer;~~ provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

Chapter 16, section 9.01 is amended as follows:

9.01 Collection of Charges for Drainage and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 16, section 9.10 is amended as follows:

Chapter 9.10 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service ~~adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer;~~ provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

Chapter 21, section 7.03 is amended to add the following to the end of the existing text:

e. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 21, section 7.08 is added as follows:

Chapter 7.08 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

Chapter 31, section 4.03.b is amended as follows:

b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 4.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

Chapter 31, section 4.0.h is added as follows:

h. Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect 30 days after its final passage.

SECTION 4. SEVERABILITY. If any section or provision of this ordinance or the application of it to any person, transaction or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect the other provisions of this ordinance that can be given effect without the invalid or unenforceable provision, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. PUBLICATION. The District Secretary is directed to publish this ordinance once in a newspaper of general circulation published in the District within 15 days after the adoption of the ordinance.

INTRODUCED by the Board of Directors on the 15th day of February 2023.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District at a regular meeting on the 15th day of March 2023 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Maybee
President, Board of Directors

Attest:

Amelia Wilder, District Secretary

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE

CHAPTER 14

THE WATER CODE

INSTALLATION, CONNECTION AND USE OF THE DISTRICT
WATER SYSTEM



Amended ~~February 15~~ March 15, 2023
By Ordinance 2023-01

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DISTRICT CODE

CHAPTER 14

POLICES REGULATING THE INSTALLATION, CONNECTION AND USE OF THE DISTRICT WATER SYSTEM

SECTION 1.00 General Provisions

1.01 Title

This Chapter shall be known as the “Water Code” and may be cited as such.

1.02 Scope of Service

The provision of this Chapter shall apply to water supply and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of public water mains, reservoirs, distribution system, pumping equipment and facilities, pressure reducing station connections and services, and all system appurtenances; the issuance of permits and the collection of fees therefore; fees to pay for the costs of checking plans, inspecting construction, and making record plans of the facilities permitted hereunder; providing penalties for violation of any of the provisions hereof, and all other necessary or related matters.

SECTION 2.00 Definitions

For the purpose of this Chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise.

2.01 Applicant

Applicant shall mean the owner or the agent of the owner of the property for which water service is being requested.

2.02 Board

Board shall mean the Board of Directors of the Rancho Murieta Community Services District.

2.03 Business Service

Business Service shall mean the provision of water for use in connection with commercial premises devoted primarily to operations for profit including offices, stores, markets, apartments, hotels, motels, automobile trailer parks, or courts, service stations and the like.

2.04 Customer

Customer shall mean the owner or agent of the owner of the property receiving water service.

2.05 Distribution System

Distribution System shall mean the system of the pipelines and other appurtenances by which the District conveys water to its customers.

2.06 District

District shall mean the Rancho Murieta Community Services District.

2.07 Flat Rate Service

Flat Rate Service shall mean the provision of water in unmeasured quantities for a fixed periodic charge.

2.08 Industrial Service

Industrial Service shall mean the provision of water to industrial premises where the water is used primarily in manufacturing or processing activities.

2.09 Main or Water Mains

Mains or Water Mains shall mean the portion of the distribution system, which is located in streets, highways, public ways or easements, which are used to supply water to the District's customers.

2.10 General Manager

General Manager shall mean the General Manager of the Rancho Murieta Community Services District.

2.11 Metered Service

Metered Service shall mean the provision of water in measured quantities for a charge based on the quantity of water supplied.

2.12 Metered Service Connection

Metered Service Connection shall mean the portion of the distribution system by which water is conveyed from the water main to the premises, including the tap, meter, meter box, pipe, corporation stop, curb stop or shut-off valve.

2.13 Multiple Dwelling

Multiple Dwelling shall mean premises with two or more dwellings for persons independently occupying such dwellings. (Amended by Ordinance 85-1)

2.14 Permits

Permits shall mean the District's written approval or authorization for an action. A permit may only be issued by the District upon the completion of the appropriate District application form for the action sought, payment of all applicable fees and charges, and compliance with all applicable District ordinances, rules and regulations, as well as local, state and federal law.

2.15 Premises

Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single enterprise, apartment or dwelling.

2.16 Private Water Line

Private Water Line shall mean the portion of the distribution system located on the customer's side of the service connection.

2.17 Residential Service

Residential Service shall mean the provision of water for household purposes, including water used on the premises for sprinkling lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple family dwellings.

2.18 Service Connection

Service Connection generally means the pipe, valves and other facilities by which water is conveyed from the water main to the premises, and includes the tap, corporation stop, curb stop or shut-off valve, and may include meter and/or service box depending on the type of service.

2.19 Un-Metered Service Connection

Un-Metered Service Connection shall mean the portion of the distribution system by which water is conveyed from the water main to the premises, including tap, pipe, corporation stop, curb stop or shut-off valve.

2.20 Water Conservation or Water Use Efficiency

Water use that results in a water savings or lower demand due to (a) change that increases efficiency for the same productivity (e.g., update to more efficient models of plumbing fixtures or appliance upgrades to perform the same function) or (b) change in use of the appliance or fixture that results in reduced demand (e.g., customer behavioral change). (Amended by Ordinance 2011-04)

2.21 Water Facilities

Water Facilities shall mean all reservoirs, wells, sources of supply, storage, treatment, transmission, distribution, and pumping facilities, service connections and any other appurtenance.

2.22 Wasteful Uses of Water

Generally means customer water use that is not going to beneficial and reasonable uses. For example, excessive water runoff, leaky fixtures, etc. as defined in Section 11.01.

SECTION 3.00 GENERAL POLICIES

3.01 General Policy of Operating System

The District shall operate and maintain the water system in an efficient and economical manner and supply water of acceptable quality as fairly and equitably as possible. The charges to be made for service shall be set at rates necessary to enable the District to recover all costs of supplying water including, but not limited to, the costs for the following: (amended by Ordinance 2011-04)

- a. Purchasing, pumping, treating, storing, transmitting and distributing water;
- b. Customer Service and Water Conservation;
- c. Administration;
- d. Overhead;
- e. Debt service;
- f. Charges and assessments in-lieu of taxes;
- g. Replacement reserves;
- h. All other necessary and appropriate expenses.

3.02 District's Responsibility for Distribution System

The District shall be responsible for operating, maintaining, and replacing all portions of the distribution system, which are owned by the District. The District shall not be responsible for operating, maintaining or replacing that portion of the distribution system not owned by the District. The installation of a District measuring device upon private property or within a portion of the distribution system not owned by the District shall not create an obligation on the part of the District for operation, maintenance or replacement of any works or facilities not owned by the District. District responsibility for maintenance of service extends only to the water meter and the responsibility beyond the water meter is the property owners. If the water service is connected to a private line, the District's responsibility stops at the valve on the District's main.

3.03 Unauthorized Use of District Water

No person shall supply water to any person or to any premises except as authorized by District permit or as approved in writing by the District.

3.04 District Ownership and Control

The portion of the distribution system, including the water main, service connection, and/or meter, which is located in the public way or in easements, shall be under the exclusive control of the District and owned, managed, and operated under the direction of the General Manager.

3.05 Private Water Lines

The customer shall be responsible for the proper operation and maintenance of the customer's private water line and for any damages to the distribution system or loss of water resulting from the customer's private water line.

3.06 Access to District-Owned Property

The District shall have access, at all reasonable hours, to meter service connections and other property owned by the District, whether located on or off the customer's premises, for the purposes of inspection, installation, repair, maintenance, operation, turn on, turn off, or removal of the District's property.

3.07 Unsafe Apparatus, Detrimental or Damaging Conditions

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliance, equipment or otherwise is found to be detrimental or damaging to the District or its customers, the service may be shut off without notice, provided that the District shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

3.08 Fraudulent Use of Service

When the District has discovered that a customer has obtained water service by fraudulent means or has diverted the water service for unauthorized use; the service to that customer may be discontinued in the manner set forth in Section 13.00 herein. The District shall not be required to restore service until the customer has complied with all rules and requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual or estimated costs to the District incurred by reason of the fraudulent use.

3.09 Inspection of Customer-Owned Property

A customer's private water line shall be open for inspection at all reasonable times to a representative of the District. However, except in cases of emergency, before a District representative enters a

customer's premises for the purpose of inspecting non-District owned facilities, the District shall obtain the occupant's consent or the District shall give 24-hour advance notice, in writing, to the occupant of the District's intention to enter and inspect the customer's private water line.

3.10 Interference with District Employees

Except as provided in Section 3.09 hereof, it shall be unlawful for any person to interfere, seek or cause to interfere with the inspection, installation, removal, maintenance, or other lawful activity by the General Manager or the General Manager's authorized representative, of any part of the distribution system owned by the District.

3.11 Obstructions Prohibited

No person shall place or cause to be placed on any water line easement any wires, fences, trees, buildings, or other structures, either temporary or permanent, or any refuse, rubbish, debris or other objects which may impede or otherwise interfere with the ready access by the District to any portion of the distribution system owned by the District, unless otherwise authorized by Board action. Any such obstruction, upon the written request of the General Manager, shall immediately be removed by the violator at no expense to the District or shall be removed by the District at violator's expense, and shall not be replaced. *(Amended by Ordinance 2011-04)*

3.12 Continuity of Service

The District shall not be liable for any interruptions, shortage, or insufficiency of water supply or for pressure at the customer's point of connection, or for any loss or damages occasioned thereby.

3.13 Street Work

- a. When a person who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower, or otherwise affect any portion of the distribution system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person's intention to perform such construction and immediate notice upon exposure or contact with such system.
- b. At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's distribution system, which is necessitated by the street construction. Prior to the District performing the construction on its distribution system, the person requiring the street construction shall pay to the District a reasonable deposit in an amount not to exceed the estimated cost of the District's construction. When the District completes its construction, the District shall refund that portion, if any, of the deposit which exceeds the actual costs of construction and the person requiring the construction shall pay the amount, if any, by which the actual costs of construction exceeds the deposit.
- c. The person performing the street construction shall be liable for any damage to the District's distribution system resulting from the street construction or from the person's construction on the District's distribution system.

3.14 Contractors Hired by the District

Portions of this Chapter may be waived by the General Manager for persons hired by the District to construct any part of the District's distribution system. *(Amended by Ordinance 2011-04)*

3.15 Delegation of Authority

The General Manager shall have the authority to delegate the performance of any of the General Manager's responsibilities to any District employee or independent contractor.

3.16 Standards

All procedures, design, work, materials, capacities, facilities and other improvements shall be based on the applicable provisions of the latest revisions of State and Local regulations and generally accepted standards of water works practice insofar as deemed appropriate by the District considering the conditions and where not in conflict with District standards. Such regulations and standards are included in, but not necessarily limited to, the following references (*Amended by Ordinance 2011-04*):

Waterworks Standards of the California Department of Health Services Titles 17 and 22 of the California Administrative Code

California Safe Drinking Water Act

California State Building Code (Cal Green) Title 24

California Model Water Efficient Landscape Ordinance (Assembly Bill 1881, Laird)

Uniform Plumbing Code (National)

Uniform Fire Code

American Water Works Association

United States Environmental Protection Agency's (USEPA) WaterSense Program

3.17 Lake/Reservoir Use Regulations:

(Added by Ordinance 92-3) (Amended by Ordinance O2018-01)

- a. Wastes Prohibited into Lakes/Reservoirs: No person shall discharge or cause to be discharged any of the following wastes in any of the lakes/reservoirs:
 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive solid, liquid or gas.
 2. Any waste containing toxic or poisonous solids, liquids or gases.
 3. Any waste having a pH lower than 5.5 or having any other corrosive properties.
 4. Any waste such as, but not limited to: rubbish, ashes, shavings, metals, glass, lawn clippings, leaves, plastics, woods, garbage, pet waste, sewage, etc.
 5. Any waste such as insecticides, pesticides, fertilizers weed killers, etc.
 6. Any material or substance without prior District approval, including highly turbid water, a measured value of >100 NTU or as Determined by District.

- b. Activities Prohibited in Lakes/Reservoirs. The following activities are either prohibited or restricted as described on or in the lakes/reservoirs as follows:
 - 1. Fishing with live bait (all lakes/reservoirs).
 - 2. Boating with any motor other than an electric (all lakes/reservoirs).
 - 3. Swimming or wading by humans and domestic animals (except Clementia Reservoir).
 - 4. Any introduction of invasive or non-native species.
- c. Responsibility

It is the responsibility of the users of the lakes/reservoirs to comply with the requirements as set forth in this section.
- d. Enforcement

Enforcement of this Section will be performed by the District's General Manager in accordance with the provisions of Section 13.00 of this Chapter.

SECTION 4.00 Connection to and Construction of Potable Water Facilities

4.01 In General

Nothing in this Chapter shall be construed as preventing or limiting the right of the District to require or undertake the preparation of engineering, economic, environmental, or financing evaluation from any person requesting water service from the District, which service necessitates the installation of water facilities and thereafter to require the construction of such facilities as a condition of service, all without cost to the District.

4.02 Requirement of Meters

Following the effective date of this Chapter, every connection made to the District distribution system or service connection shall provide for and include a meter. The meter shall be supplied, approved and/or installed by the District prior to the time the owner connects to the District's distribution system.

4.03 Installation of Potable Water Service Connections and Meters

- a. Whenever practicable, the service connection from the water main to the customer's property line shall be installed at the time the main is constructed.
- b. Main line extensions, service connections and meters shall be installed only after the District's issuance of a permit and after payment by the customer of all District fees and charges.
- c. Main line extensions, service connections and/or meters shall be installed, at the District's option, either by the District or by persons hired by the District or under the supervision of District employees.
- d. When main line extensions, service connections or meters are not installed by the District, the main line extension, service connection or meter shall be installed only by bonded contractors licensed to perform such installation.
- e. When the District determines that any installation shall be performed by the District or person hired by the District, the applicant shall pay in advance an amount of funds equal to the approximate costs of construction and other necessary expenses. Upon completion of construction, the District shall refund the excess, if any, of any funds paid by the applicant

or, if applicable, the applicant shall pay the amount, if any, by which the actual costs exceeded the applicant's deposit.

4.04 Size or Service Connection and Meters

- a. The size of the service connection shall be approved by the District in advance. Except when otherwise specifically approved by the District, the maximum size for a single-family service connection shall be one inch. *(Amended by Ordinance 85-1)*
- b. The size of the meter serving a premise shall be approved by the District in advance of service. The standard size water meter serving a mobile village lot and townhouse lot shall be 3/4-inch meter or larger, for all other residential lots, it shall be 1 inch or larger meter, to be able to supply necessary fire flows. *(Amended by Ordinance 2011-04)*

4.05 Installation of Private Water Line

The customer shall, at the customer's own expense, install according to District standards, the customer's private water line. The private water line shall remain the sole property of the customer.

4.06 Financial Responsibility for Installation of Water Facilities

An applicant who installs or causes to be installed, any part of the District's water facilities, shall be financially liable for the costs of installation and all incidents thereof.

4.07 Relocation of Water Facilities at Customer's Request

Upon a customer's written request, water facilities may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's distribution system. The cost of the relocation shall be borne by the customer and shall be payable in advance to the District. The cost of the relocation shall include the applicable costs and fees for all construction (if the construction is performed by persons hired by the District), design, installation, inspection, administration, overhead, and any other necessary related expenses. *(Amended by Ordinance 85-1)*

4.08 Relocation of Service Connection at District's Request

Where a service connection is relocated for the convenience or protection of the District, the relocation shall be at the expense of the District provided such relocation is not made necessary by the customer.

4.09 Change of Meter at Customer's Request

- a. A customer may apply in writing to the District to change the size of an installed meter.
- b. If the existing service connection is adequate to service the proposed change in meter size and the District determines that the change is necessary or advisable, the District shall authorize the change. Before the meter is changed, the customer shall pay all applicable fees and charges to the District.
- c. If the existing service connection is inadequate to serve the proposed meter change, the service connection shall be changed at the customer's expense. Before the meter and service connection are changed, the customer shall pay all applicable fees and charges to the District.

4.10 Separate Service Connection

Separate premises, whether owned by the same or different persons, shall not be supplied with water through the same service connection.

4.11 Division of Presently Serviced Premises

When premises currently serviced by the District's distribution system are divided into two or more premises, unless otherwise agreed to by the District, the existing meter and service connection shall be considered to belong to the premise which the meter or service connection most directly enters and the new premises shall require the installation of additional meter(s) and service connection(s) and payment of all applicable fees and charges. *(Amended by Ordinance 85-1)*

4.12 Plans *(Amended by Ordinance 2011-04)*

- a. Each application for a permit, for which installation of water facilities is necessary, shall be accompanied by three (3) sets of plans and specifications for the installation.
- b. The plans shall be the exclusive property of the District.
- c. The General Manager or Engineer shall determine the adequacy of the proposed water facilities as to size, type and quality of materials, and as to the location of facilities to serve the proposed development, including off-tract pipelines and other appurtenances.
- d. The General Manager or Engineer shall certify in writing whether the plans and specifications submitted conform to District standards.

4.13 Easements and Rights-of-Way

- a. Any applicant who installs, or proposes to install, water facilities shall furnish the District all necessary easements and rights-of-way for such facilities and the subsequent operation and maintenance thereof.
- b. If the applicant cannot finish the necessary easements and rights-of-way, the District may, at its sole option, acquire such easements and right-of-way, subsequent to the applicant's payment to the District of all funds necessary to cover the District's cost of such acquisition.
- c. Until the necessary easements and rights-of-way have been properly executed and recorded, the District shall not approve any plans for water facilities to be constructed by one person across the property of another person. The District shall not accept for public use any such water facilities and no person shall place such facilities into use.

4.14 Performance Bond

The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the water facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the portion of the water facilities constructed by the applicant for a period of one year following the District's written acceptance of the work. *(Amended by Ordinance 85-1)*

4.15 Liability

The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising during or stemming from, the performance of any work by an applicant. The applicant shall be answerable for, defend, indemnify and hold harmless, the District and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and

interest, incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss, which may develop there from. *(Amended by Ordinance 2011-04)*

4.16 Dedication Requirements

An Offer of Dedication of the water facilities excluding any private water lines shall be included in any application for a permit. The District shall not accept for dedication any portion of the water facilities, which are not constructed in conformity with the requirements of the main line extension agreement, if any, and of this Chapter. *(Amended by Ordinance 85-1)*

4.17 As-Built Plan

Two (2) sets of blue-line prints and one (1) set of reproducible drawings delineating as-built water lines and appurtenances shall be filed with the District, prior to and as a condition of, the District's approval and acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed.

4.18 Inspection of Construction

- a. The District shall have the right to inspect all work on the water distribution system during and subsequent to its construction. When construction is completed, the work must be inspected and approved, in writing, by the District before the newly constructed facilities may be connected to the District's distribution system. No construction shall be covered at any time unless it has been inspected and approved by the District. No facilities shall be connected to the District's system unless the District has performed tests indicating the new construction is satisfactory and the facilities have been cleaned of any debris accumulated from construction operations. *(Amended by Ordinance 90-3)*
- b. The applicant shall give the District at least forty-eight (48) hours advance notice, Saturdays, Sundays and holidays excluded, of when it wishes the District to perform an inspection. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and identify the deficiencies in the project. *(Amended by Ordinance 90-3)*

4.19 Certificate of Final Inspection and Completion

When the District determines that a work done; under the permit and main line extension agreement, if any, has been constructed according to and meets the requirements of all applicable provisions of this Chapter, the agreement, and other District rules and regulations, and when any fees have been paid, the General Manager, subject to any procedure which may be adopted by the Board, shall authorize the issuance of the Certificate of Final Inspection and Completion. *(Amended by Ordinance 85-1)*

4.20 Ownership Upon Dedication

When the Certificate of Final Inspection and Completion is issued, the District shall accept the Offer of Dedication and authorize the connection of the new water facilities. Upon connection to the District's distribution system, the new water facilities, excluding private water lines, shall become the exclusive property of the District.

4.21 Testing of Backflow Devices

Pursuant to County Ordinance, certain categories of District customers are required to install, maintain and test annually backflow devices. District personnel are certified to perform the annual testing and, upon the customer's request, will do so on a time-and-materials- basis charged to the customer and collectible as any other District fee. *(Added by Ordinance 89-1)*

SECTION 5.00 Main Line Extensions

5.01 Water Main Extension

Any person requesting water service from the District, which necessitates an extension of the District's main line, shall apply to the District for a main line extension agreement on the forms prescribed by the District.

5.02 Formation of an Assessment District

At the District's sole discretion, the District may utilize any statutory or other procedure concerning assessment districts to finance the construction of the main line extension, metered service connections and related appurtenances.

5.03 Size of New Main Line

The District may require the installation of a main line larger than that necessary to adequately serve the applicant's property. When the District requires the installation of a larger main line, the District shall either:

- a. Pay the difference in cost, as determined by the District, between the size necessary to service the applicant's construction and the larger main line;
- b. Perform the installation itself, subsequent to the receipt from the applicant of a sum sufficient to cover the cost of installation, and other necessary expenses, of the main line required by the applicant;
- c. Require the applicant to construct the larger line subject to reimbursement as hereinafter provided.
- d. A combination of the foregoing.

5.04 Reimbursement for Extension

When an applicant enters into a main line extension agreement with the District, which requires the installation of a main line larger than that necessary to adequately serve the applicant's property, the agreement shall provide for a refund to the applicant as follows: *(Amended by Ordinance 89-2)*

- a. Within the limits specified herein, when the mainline extension has been installed at the applicant's sole expense, the applicant shall be eligible for reimbursement of applicant's cost based upon the applicant's and other customer's pro rata use, as determined by the District, of the extension. *(Amended by Ordinance 89-2)*
- b. The District shall levy on all customers connecting into the extension financed by applicant; a fee determined by the District and based on the connecting customer's pro rata use of the extension and the actual cost of the extension. *(Amended by Ordinance 89-2)*

- c. Within ninety (90) days of the District's receipt of any money pursuant to Section 5.04(b), the District shall pay such money to the applicant. *(Amended by Ordinance 89-2)*

5.05 Pre-Existing Main Line Extension Agreements

Notwithstanding any section of this Chapter, all main line extension agreements, on or before adoption of this water code, shall be governed by the rules under which the pre-existing main line extension agreements were made at the time of execution of that particular agreement.

SECTION 6.00 Permits and Fees

6.01 Permit Required

No persons, other than those specifically excluded by this Chapter, shall uncover or cause to be uncovered, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect to or cause to be connected to, any public water main or other portion of the distribution system or services owned by the District without first obtaining a permit from the District, paying the applicable fees, and complying with all other applicable provisions of this Chapter.

6.02 Application for Permit

Any person legally entitled to apply for and receive a permit shall make application for a permit on forms provided by the District for that purpose. Any applicant shall describe the proposed construction and location, ownership, occupancy, and use of the premises in connection therewith. The General Manager may require, in addition to the information specified, any additional information from the applicant, which will enable the General Manager to determine that the proposed connection complies with the provisions of this Chapter.

6.03 Unauthorized Usage of Permit

- a. Upon prior written approval of the District, a person to whom a permit has been issued may transfer such permit to another person solely for the same use and premise for which the permit was issued, subject to all terms and conditions under which the permit was issued. The transferee shall meet all requirements of the District relating to the transfer.
- b. Usage of permit for a premise other than the premises for which the permit was issued shall be unauthorized usage and shall render the permit void and invalid.
- c. A person engaging in an unauthorized use of the permit shall apply to the District for an appropriate permit. If the District issues the permit, the applicant shall pay the appropriate current fees and charges.

6.04 Persons Excluded from This Section

The provisions of this Section 6.00 may be waived by the General Manager for contractors constructing water facilities or improvements under contract with the District, or under contract awarded by the District under proceedings pursuant to any of the special procedure statutes of the State providing for the construction of water facilities and assessing of the expenses thereof against the lands benefited thereby. *(Amended by Ordinance 2011-04)*

6.05 Plan Checking

No permit shall be issued until the District has checked and approved the plans in accordance with the applicable provisions of this Chapter. *(Amended by Ordinance 85-1)*

6.06 Payment of Fees and Charges

No permit shall be issued until all fees and charges in connection therewith are paid to the District.

6.07 Applicant's Agreement to Comply with Code

The applicant's signature on an application for a permit or the applicant's acceptance of any permit shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the District's Water Code, with all other rules and regulations of the District, and with the plans and specifications the applicant has filed, together with such corrections or modifications, if any, as may be permitted or required by the District in writing. This agreement shall be binding upon the applicant and the applicant's successors in interest and may be altered only by the District in writing upon the applicant's written request.

6.08 Time Limits on Permits

If work under permit is not commenced within six (6) months from the date of issuance of such permit or if, after commencing, the work is discontinued for a period of one (1) year, the permit shall become void and no further work shall be undertaken until a new permit shall have been secured and a new fee paid therefore at applicable rates then in effect. *(Amended by Ordinance 2011-04)*

SECTION 7.00 Potable and Untreated Water Rates and Charges

(Amended by Ordinance 2012-01)

7.01 Water Service When Service Connection is Adequate

Where an existing and adequate service connection and/or meter are properly connected to the District's distribution system, and which is or has been legally servicing the premises or for which a District connection permit has been issued, an applicant for water service from the District shall be entitled to such service after the applicant submits an appropriate application to the District, and complies with all other District regulations. However, if the applicant is delinquent in any bills to the District, the applicant shall pay such bills in full, prior to receiving District water service.

7.02 Water Service When Service Connection Is Inadequate

Where the installation or enlargement of a main line, service connection or meter is necessary prior to the District's supplying service to an applicant, the applicant shall submit a connection permit application to the District for service. If the District has sufficient water supply and system capacity to supply water, the District shall accept the application. The District shall furnish the water service subsequent to the applicant's construction, or payment for the construction, of the necessary portions of the distribution system; the applicant's payment of all fees to the District, the applicant's compliance with all District rules and regulations; and the applicant's payment in full of all delinquent charges, if any, owed to the District.

7.03 Installation Fees

When the District installs a service connection or meter, the District shall collect a fee from an applicant prior to the installation of service connection and meters except for service under 8.02 for temporary water service. The installation of all service connections or meters shall be on the basis of actual average costs, labor and parts for the particular type of installation as determined from time to time by the General Manager and/or Board of Directors of the District. *(Amended by Ordinance 90-1)*

7.04 Community Facility Fee

The District shall collect from all applicants for water service under Section 7.02, a community facilities fee to ensure the continued availability of the facilities for water service through periodic system

expansion and replacement. The community facilities fee shall be paid as specified in the Community Facilities Fee Code.

7.05 Rates for Metered Service

a. General metered service shall be as follows: *(Amended by Ordinance 2021-01)*

Basic Service Charge	\$38.73/mo
Reserve Contribution	<u>\$14.00/mo</u>
Total Basic Service Charge	\$52.73/mo

Usage charge per cubic foot:

Basic volumetric rate per cubic foot \$ 0.0217/cu. ft.

Debt service charge \$ 6.00
(applied to metered connections active prior to July 1, 2014)

b. Metered service to residential lots at Murieta Village shall be as follows: *(Amended by Ordinance 2021-01)*

Basic Service Charge	\$38.73/mo
Reserve Contribution	<u>\$14.00/mo</u>
Total Basic Service Charge	\$52.73/mo

Usage charge per cubic foot:

Basic volumetric rate per cubic foot \$ 0.0217/cu. ft.

Debt service charge \$ 6.00
(applied to metered connections active prior to July 1, 2014)

c. Non-Residential metered service shall be as follows: *(Amended by Ordinance 2021-01)*

Monthly Charges

Basic service charge for non-residential metered service shall be calculated on number of meters and an EDU basis for each customer multiplied by the basic service charge reflected in Section 7.05 a. above.

Usage charge per cubic foot:

Basic volumetric rate per cubic foot \$ 0.0217/cu. ft.

d. Zero Usage Billing

Residential and non-residential meters are billed based on actual water usage each month. In the event the water meter read is zero usage, the account will have an estimated usage charge equal to the usage as in the same month in the prior year. This usage amount will be billed at the current volumetric rate per cubic foot.

7.06 Is hereby deleted and shall remain vacant. *(Amended by Ordinance 93-1)*

7.07 Service from Fire Hydrants

Service hereunder is for water obtained from a fire hydrant for construction water or for other purposes (filling swimming pools). The applicant for such service shall pay under one of the following schedules: *(Amended by Ordinance 2011-01)*

- a. For metered use:
 - 1. A refundable deposit of \$1,000 for a fire hydrant meter to cover any repairs required to the meter resulting from use by the applicant.
 - 2. A flat charge of the current year's residential metered lot rate per month, for each month or fraction of a month that the applicant has the service.
 - 3. A consumption charge based on usage rate on a per 100 cubic feet basis.
 - 4. A minimum billing in any month shall not be less than \$50.00.
- b. For load counts: *(Amended by Ordinance 2011-01)*
 - 1. A water truck load count or bulk water usage for other purposes shall be tallied and water charged at the current usage rate on a per 100 cubic feet.
 - 2. Billings under one application in any one month shall be not less than \$50.00.

7.08 Water Standby or Availability Charge

The District shall fix, on or before the first day of July in each calendar year, and will annually collect a water standby or availability charge not to exceed ten dollars (\$10.00) per year for each acre of land, or ten dollars (\$10.00) per year for each parcel of land of less than an acre within the District to which water is made available for any purpose by the District, whether the water is actually used or not. The District may establish schedules varying the charges depending upon factors such as the use to which the land is put, the cost of transporting the water to the land and the amount of water used by the land. *(Amended by Ordinance 2011-04)*

7.09 Fees for Line Extension Applications and Plan Review

Fees for line extension applications, plan reviews, and construction inspection shall be as established by the General Manager, based upon the reasonable costs of providing the service. *(Amended by Ordinance 88-8)*

7.10 Rates for Use of Untreated Water

(Amended by Ordinance 88-8) The charge for untreated water shall be the sum of each of the following four categories of charges, as applicable:

- a. For use of untreated water pumped from storage in Calero Reservoir \$38.16 per acre-foot.
- b. For water delivered by the District to its customers by means of the Cosumnes Irrigation Association Canal: *(Amended by Ordinance 2012-01)*

Base rate (Includes 375,000 cu ft.)	\$197.48/ month
Volumetric rate (After first 375,000 cu ft.)	\$ 0.44/100 cu ft.

- c. Water delivered from Bass Lake (*Amended by Ordinance 2012-01*)
\$324.84 per month
- d. Water delivered from Laguna Joaquin:
Volumetric rate \$ 0.11/100 cu ft.

7.11 Inspection Fees

- a. A fee based upon costs, labor and parts shall be paid to the District for issuing a permit and inspecting each water line. The amount of this fee shall be determined, from time to time, by the General Manager and/or Board of Directors of the District. (*Amended by Ordinance 90-3*)
- b. Inspection charges shall be paid prior to connection to the District’s distribution systems. (*Amended by Ordinance 90-3*)

SECTION 8.00 Special Types of Potable or Untreated Water Service

(*Amended by Ordinance 2011-04*)

8.01 Water Service Outside District

- a. The District may provide or allow water service to persons outside its boundaries when the Board finds that such service shall not adversely affect the water service within the District and that a surplus supply of water and water facility capacity exists. (*Amended by Ordinance 85-1*)
- b. In the event that, because of increased usage or other causes, service outside the District becomes adverse to the District’s interest or the interest of District customers located within the District or surplus water and/or pipeline capacity is no longer available for such outside use, the District may discontinue or disconnect the service outside the District 120 days after the District gives written notice to the person or premises receiving the water that such outside service is to be terminated.
- c. Except as set forth in this Section, the rules and regulations of the District shall apply to all customers outside the District.
- d. Rates and charges to all customers outside the District shall be one hundred fifty percent (150%) of the applicable rate and charges for customers within the District, as set forth in Section 7.00. No Capital Improvement Connection Fee (CICF) shall be charged for water service outside the District.
- e. Prior to receiving service, a customer outside the District shall deposit an amount equal to three (3) months of the District’s applicable rates for water service.
- f. The supply of water to persons outside the District shall not create a vested right with the person outside the District to continue to receive water service from the District for any credit or refund for improvements made to receive such water service.

8.02 Temporary Potable or Untreated Water Service

Before temporary service is supplied through a fire hydrant or other connection, the applicant shall obtain a permit or other written approval from the District. (*Amended by Ordinance 2011-04*)

- a. The applicant for temporary water service shall pay the charges set forth in Section 7.07.

- b. Temporary service may be interrupted for fire, testing or other conditions deemed necessary by the District.

SECTION 9.00 Collection of Potable or Untreated Water Rates and Enforcement Provisions (*Amended by Ordinance 2011-04*)

9.01 Collection of Charges for Water and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

~~9.01 Collection of Charges for Water and Other Services~~

~~The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.~~

9.02 Billing

All water service accounts shall be billed monthly.

- a. Flat rate accounts shall be billed during the service period (approximately thirty (30) days) for which the bill is rendered.
- b. Metered accounts shall be billed in arrears; meters shall be read as nearly as possible at regular intervals.

9.03 Persons Billed

- a. The District shall bill the property owner directly for all water services provided the owner's premises. (*Amended by Ordinance 90-6*)
- b. The property owner shall be liable for payments of all District charges. (*Amended by Ordinance 90-6*)

9.04 Due Date

Bills for water service are due and payable when mailed. (*Amended by Ordinance 87-6*)

9.05 Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District Office by the 25th day of the month following the month in which the bill was mailed. (*Amended by Ordinance 98-3*)

9.06 Delinquencies – Basic Penalty

- a. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.

- b. After levying the basic penalty provided in Section 9.06(a), the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges, and penalties for collection on the County property tax roll as set forth in Section 9.09. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill. *(Amended by Ordinance O2019-03)*

9.07 Payment of Part of Delinquency

Monies paid where any portion of an account is delinquent, shall first be credited to the delinquent portion of the bill and then to current billing.

9.08 Liens

Unpaid water service charges imposed by this Chapter, when the charges are recorded, shall constitute a lien upon the parcel of real property to which the water service was supplied. The District shall include a statement on its bills to the effect that any water service charges and penalties thereon remaining unpaid shall, when recorded constitute a lien on the parcel to which the water service was supplied. The District may, from time to time, compile lists of such delinquent charges and record them with the County Recorder as liens, provided that the District shall first have given notice to the customer.

9.09 Collection of Delinquent Charges with Taxes

All rates, charges, penalties and interest, which remain delinquent, may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.

9.10 Meter Testing

The District may test meters at any time and shall test a meter upon the written request of a customer who first deposits twenty-five dollars (\$25.00) with the District. Testing will be in accordance with AWWA Standards, Manual of Practice, M6 for cold water service meters. If the test indicates the meter is registering within five percent (5%) of 100% accuracy, the testing fee shall be retained by the District to cover its cost of testing. If the test indicates the meter is more than five percent (5%) in error, the testing fee shall be refunded to the customer and the District shall repair or replace the meter at its discretion. If the meter error is in the District's favor, a supplemental bill may be rendered to the customer equal to the difference between the customer's average bill for comparable service and the customer's actual bills for the preceding two billing cycles. *(Amended by Ordinance 2011-04)*

9.11 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

9.11 Adjustment of Bills

The District staff or General Manager may adjust or grant credits from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer provided, however, that the customer request must be filed no later than one year from the date of the disputed bill and all parties affected shall have a right to appeal the District staff or General Manager's determination to the Board of Directors within fifteen (15) days after receipt of the General Manager's written decision. The decision of the Board of Directors thereon, shall be final and binding on all parties.

SECTION 10.00 Water Use Efficiency (Amended by Ordinance 2011-04)

10.01 Definitions

As used in Section 10.00, the following terms shall have the specified meanings.

a. Dwelling Unit

Dwelling unit shall mean any structure intended for human habitation or use, either transient or permanent.

b. Pressure Reducing Valve

Pressure reducing valve shall mean a valve device, which regulates water pressure to structures and is designated to permit the pressure for use within that structure.

c. Public Use

Public use shall mean all commercial or industrial establishments, including restaurants, bars, public buildings, comfort stations, schools, gymnasiums, or other places to which the public has access or which are frequented by the public with or without special permission or invitation, and installation where both free and pay fixtures are installed so that the fixtures' use is similarly unrestricted.

d. Self-Closing Valve

Self-closing valve shall mean a valve device designed to close by spring or by water pressure when left unattended.

e. Water Efficient Aerator

Water efficient aerator shall be USEPA WaterSense labeled product and mean an aerator equipped to limit water flow to a maximum of 1.5 gallons per minute (gpm) or less for residential buildings. (Amended by Ordinance 2011-04)

f. Water Efficient Showerhead

Water efficient showerhead shall be USEPA WaterSense labeled product and mean a water efficient showerhead (with one showerhead per shower stall) equipped to limit water flow to a maximum of 2.0 gpm or less for residential buildings. (Amended by Ordinance 2011-04)

g. High Efficiency or Ultra Low Flow Toilet

High efficiency toilet shall be USEPA WaterSense labeled product and mean a tank type toilet or water closet designed to function with a maximum rated flush volume of 1.28 gallons per flush or less. An ultra-low flow toilet is rated at 1.6 gallons per flush per the California State Building Codes. (Amended by Ordinance 2011-04)

h. Weather Based Irrigation Controller

An irrigation controller that has automated watering schedules using climate or soil moisture sensing capability in accordance with requirements of the California Building Standards CalGreen Code. *(Amended by Ordinance 2011-04)*

10.02 Water Waste

No person shall cause or permit any water furnished to the person's premises by the District to run to waste as defined in Section 11.01. The District may, pursuant to the requirements of Section 13.00, disconnect the District's service to any premises and/or customer for the customer's failure to comply with this Section. The District may inspect or install test meters in un-metered service to determine compliance.

10.03 Conservation Devices Required on New or Remodeled Dwelling Units

All new dwelling units that require a Sacramento County Building permit that are connected to the District distribution system, after the effective date of this Chapter, shall be constructed pursuant to the California State Building Codes otherwise known as the "CalGreen Code" and be USEPA WaterSense labeled homes. For any remodeled units that require a Sacramento County Building permit that are connected to the District distribution system, after the effective date of this Chapter, shall be constructed pursuant to the California State Building Codes otherwise known as the "CalGreen Code" and any replaced or remodeled fixtures shall be District-approved water efficient equipment, plumbing fixtures and appliances and be USEPA WaterSense labeled products. Pressure reducing valves shall be installed on new dwelling units where District approved improvement plans call for such installation in accordance with District Standards. *(Amended by Ordinance 2011-04)*

10.04 Conservation Devices Required on New or Remodel Public Users

All new public users or users remodeling facilities that require a Sacramento County building permit and are connected to the District distribution system after the effective date of this Chapter, shall be equipped with District-approved water efficient equipment, plumbing fixtures and appliances pursuant to the California State Building Codes otherwise known as the "CalGreen Code" and be USEPA WaterSense labeled products. Pressure reducing valves shall be installed on new public use facilities where District approved improvement plans call for such installation in accordance with District Standards. *(Amended by Ordinance 2011-04)*

10.05 Water Efficient Landscape Requirements

Landscape design, installation, maintenance, and management can and should be water efficient. All new or modifications to existing landscape areas subject to Homeowner Association review or County permit approvals are required to comply with the California Water Conservation Landscaping Act of 2006 (Assembly Bill 1881, Laird) and Model Water Efficient Landscape Ordinance effective January 1, 2010 or, when adopted, the least as effective as Sacramento County Water Efficient Landscape Requirements (Chapter 14.10). The District allows the use of all types of water efficient plant materials, including artificial turf. Allowable water efficient plant materials are identified on the District approved plant list. The District prohibits any plants considered invasive to the local waterways, such as invasive plants listed by the California Invasive Plant Council. *(Amended by Ordinance 2011-04)*

10.06 Air Conditioning and Refrigeration Devices

All new or replacement air conditioning and refrigeration systems using water from the District distribution system or discharging to the District sewer system, installed after the effective date of this Chapter, shall be equipped with water conservation devices of sufficient capacity to limit makeup

water to a maximum 0.2 GPM per ton of rated capacity under full loading at a maximum summer temperature of 105 degrees Fahrenheit. *(Amended by Ordinance 2011-04)*

10.07 Evaporative Coolers

Evaporative coolers installed after the effective date of this Chapter shall be equipped with a re-circulating pump. The makeup supply line shall be equipped with an inlet valve, which shall open according to manufacturer specifications. Makeup water shall be used intermittently, and not continuously, as required due to discharge that shall occur only on an as needed basis to remove high total dissolved solids (TDS) levels on the order of more than 2,000 parts per million (ppm). *(Amended by Ordinance 2011-04)*

10.08 Swimming and Wading Pools

All swimming or wading pools installed after the effective date of this Chapter, which have a capacity of over two thousand gallons of water, and which use water from the District distribution system or which discharge water into the District sewer system, shall be equipped with re-circulating systems and approved filters. Pool covers are recommended but not required.

SECTION 11.00 Water Waste

11.01 Wasteful Use of Water

Any of the following acts or omissions, whether intentional, unintentional, willful or negligent, shall constitute the wasteful use of water *(Amended by Ordinance 2011-04)*:

- a. Water flowing away from a property caused by excessive application(s) of water beyond reasonable or practical irrigation rates, duration of application, or other than incidental applications to impervious surfaces.
- b. Causing or permitting an amount of water to discharge, flow, run to waste into or flood any gutter, sanitary sewer, water course or storm drain, or to any adjacent lot, from any tap, hose, faucet, pipe, sprinkler, or nozzle. In the case of irrigation, "discharge," "flow" or "run to waste" means that water is applied to the point that the earth intended to be irrigated has been saturated with water so that additional applied water then flows over the earth. In the case of washing, "discharge," "flow" or "run to waste " means that water in excess of that necessary is applied to wash, wet or clean the dirty or dusty object, such as an automobile, sidewalk, or parking area.
- c. Allowing water fixtures or heating or cooling devices to leak or discharge water.
- d. Maintaining ponds, waterways, decorative basins or swimming pools without water recirculation devices or with known leaks, both seen and unseen.
- e. Discharging water from, and refilling, swimming pools, decorative basins or ponds in excess of the frequency reasonably necessary to maintain the health, maintenance or structural considerations of the pool, basin or pond, as determined by the General Manager.
- f. Overfilling of any pond, pool or fountain which results in water discharging from the pond, pool or fountain.
- g. Continued operation of an irrigation system that applies water to an impervious surface or that is in disrepair.
- h. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure is applied.

- i. Irrigation of lawns or landscaping when it is raining.
- j. Irrigating lawns or landscaping between the hours of 10:00 a.m. and 10:00 p.m., with the exception of drip irrigation or hand watering, as otherwise authorized pursuant to this Section, unless a variance is granted by the General Manager. Exceptions are accepted for District approved weather based irrigation controllers.
- k. Using potable water from the District's water system for compaction, dust control or other construction purposes without first obtaining approval from the General Manager as provided in Section 7.07 and a meter from the District.
- l. Installing a single-pass cooling system, such as water cooled air compressor, in any property that is newly connected to the District water system. This does not apply to evaporative cooling systems.
- m. Installing a non-recirculating system in any new automatic car wash or new commercial laundry system or failure to utilize current best management practices for water conservation that are industry standards.

11.02 Determination of Wasteful Uses of Water

It shall be unlawful for any person to waste water as defined above in Section 11.01. Violations will be based on observation(s) and documentation of waste by District staff, including but not limited to evidence of a continually running water meter readings and/or physical inspection, and/or visual observation of the occurrence. Violations are subject to the enforcement and penalty provisions in Section 13.00. *(Amended by Ordinance 2011-04)*

11.03 Repair of Leaky Indoor or Outdoor Fixtures

It shall be unlawful for any person to maintain or allow on the person's premises leaky or faulty water fixtures or devices to which District water is supplied, so that District water is wasted thereby. Failure to repair or disconnect such leaky or faulty devices within seven (7) days after being notified in writing to do so by the District, shall be sufficient cause for the District to disconnect its water service for such premises, pursuant to the requirements of Section 13.00, until the repairs have been made. At the discretion of the District, the customer may be informed in writing that the leak must be repaired more quickly, in which case the customer shall repair the leak in the time specified by the General Manager. *(Amended by Ordinance 2011-04)*

SECTION 12.00 Drought Response

Determination of Drought

In determining the District's water system's Drought Stage, the General Manager shall determine whether that system's water supplies available for potable use are sufficient to meet the current customer demands on that system and shall consider, unless otherwise excluded by this section, all relevant factors. The General Manager shall consider, among other things *(Amended by Ordinance 2011-04)*:

- a. any variations in the reliability of the Lake Water or other supplemental supplies available to the District's water system, which may be indicated by Department of Water Resources monitoring data in the Cosumnes River watershed (such as snow survey, rainfall precipitation, previous year runoff pattern data);

- b. gauge monitoring that indicates below normal Cosumnes River flow conditions that may affect the District’s ability to pump water to the Lake/Reservoir System;
- c. availability of non-potable water to meet non-potable demands on the District’s water system; and
- d. the success, or lack thereof, of previous declarations of a less stringent Drought Stage in causing the water-use reductions sought by the District.
- e. the General Manager will select the necessary stage for response to the drought based on the provisions outlined in the District Board adopted Water Shortage Contingency Plan.
- f. The Board of Directors shall make the final drought declaration upon review of the General Manager’s drought determination.

SECTION 13.00 Enforcement, Disconnection and Restoration of Service

13.01 Enforcement

The General Manager shall enforce the provisions of this Chapter and, for such purposes, shall have the powers of a peace officer, if deputized or if authorized by law. Such power shall not be regarded as limitations on or otherwise affecting the powers and duties of the County Health Officer. *(Amended by Ordinance 2011-04)*

13.02 Violation of Chapter

In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento, or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation and the General Manager shall have the authority to issue penalties and/or disconnect the property served from the District distribution system, in the manner set forth herein. *(Amended by Ordinance 2011-04)*

13.03 Penalties

The goal of the provisions of this chapter are to achieve voluntary compliance from the customer, and the District will take reasonable measures to assure the customer has information available to promptly and efficiently address water use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required. Except as otherwise provided herein, violations of any provision of this chapter shall be addressed as follows *(Amended by Ordinance 2011-04)*:

Violation	Penalty
First	Personal or written notification of the violation
Second	Written notification and issuance of a notice to correct
Third	Issuance of an administrative penalty of \$100
Fourth	Issuance of a penalty of \$200
Fifth	Issuance of a penalty of \$500
Final	Disconnected water service and/or other penalties as provided in the notice of violation and as determined by the General Manager.

13.04 Penalties in Times of Water Shortage

In addition to any other penalties provided by this chapter, if a customer of the District water system violates any of the water use restrictions during a stage two, three, or four water shortage stage as set

forth in Water Shortage Contingency Plan, and such conditions are not corrected within five (5) days after the customer is given written notice, the District is authorized to bill the customer, as a penalty, at twice the metered rate during the time that the violation continues and the penalties specified in Section 13.03 above may be increased by up to 100%. *(Amended by Ordinance 2011-04)*

13.05 Appeal

There shall be no appeal of the water use restrictions identified in this Chapter or the Water Shortage Contingency Plan. Any appeal of other matters or decisions of District staff shall be appealable in writing to the General Manager within ten (10) days and if still unresolved a second appeal may be sent in writing to the District Board of Directors within ten (10) days of the General Manager's decision. *(Amended by Ordinance 2011-04)*

13.06 Variances

In unusual circumstances, application of this chapter may cause unnecessary hardships or results inconsistent with this chapter's purposes and intent. Therefore, variances to some of the requirements of this chapter may be appropriate as described below. *(Amended by Ordinance 2011-04)*

a. Authority to Grant Variances.

The General Manager may grant variances to water use restrictions provisions during a stage one, two, or three Drought Stage as specified in the Water Shortage Contingency Plan. During stage four drought, as specified in the Water Shortage Contingency Plan, any previously granted variances shall be suspended without notice, unless they are based on a critical health need as determined by a licensed medical professional, with such determination being provided to the General Manager.

b. Other Variances.

Customers who seek a variance from this chapter for any reason shall submit to the District a written request for variance, setting forth, in detail, the extraordinary circumstances that support the application. The General Manager may approve the application in his or her discretion; provided, that the variance allows the applicant to use only the minimum amount of water in addition to that allowed by this chapter that the General Manager reasonably believes is necessary to satisfy the circumstances that support the application. Any such variance shall terminate one (1) year after its issuance, subject to an application for its renewal.

13.07 Disconnection

As an alternative method of enforcing the provisions of this or any other Chapter, rule or regulation of the District, the General Manager shall have the authority to disconnect the customer from the District's distribution system, without liability to the District, in the following manner:

a. At least ten (10) days before the proposed disconnection of any service, a customer shall be provided with written notice of the procedure for the availability of an opportunity to discuss the reasons for the proposed disconnection of service.

b. After notice has been given as specified in subparagraph (a) and prior to disconnection of service, a customer shall have the opportunity to discuss the reason for the disconnection with an employee designated by the District who shall be empowered to review disputed bills, rectify errors and settle controversies pertaining to disconnection of service.

- c. No service shall be disconnected by reason of delinquency in payment of bills on any Saturday, Sunday, legal holiday, or any time during which the District's office is not open to the public.

13.08 Settling Disputes

The General Manager is hereby authorized to review disputes pertaining to any matters for which service may be disconnected and to adjust errors and settle disputes.

13.09 Public Nuisance and Abatement

During the period of disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, which shall authorize the District to bring proceedings for the abatement of the occupancy of the premises during the period of the disconnection. In such event, and as a condition of restoring service, the District shall be paid reasonable attorney's fees and costs arising from such action, plus any other necessary charges for or incurred in the restoration of service.

13.10 Restoration of Service

When service under this Chapter has been disconnected for any reason, the service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnecting and restoring the service, plus a seventy-five-dollar (\$75.00) restoration fee. *(Amended by Ordinance 85-1)*

13.11 Recovery of Costs

In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest and other costs of suit.

13.12 Means of Enforcement Only

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules, and regulations and not as a penalty.

13.13 Cumulative Remedies

All remedies set forth herein for the collection and enforcement of rates, charges, and penalties are cumulative and may be pursued alternatively, concurrently or consecutively.

13.14 Misdemeanor

A violation of any provision of this Chapter is a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of day that a violation of the Chapter continues, shall be deemed a separate offense hereunder and shall be punishable as such.

13.15 Fire and Other Emergencies

Nothing in this chapter limits or may be construed as limiting the availability of water for extinguishing fires, meeting the demands of any other similar emergency, or routine inspection and maintenance of fire hydrants. *(Amended by Ordinance 2011-04)*

SECTION 14.00 Severability

The Board hereby declares that it would have passed this Ordinance and thereby adopted this Chapter or any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the Ordinance of the application thereof to any person or circumstances is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application of such provisions to other persons or circumstances.

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RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE

CHAPTER 14

THE WATER CODE

INSTALLATION, CONNECTION AND USE OF THE DISTRICT
WATER SYSTEM



Amended March 15, 2023
By Ordinance 2023-01

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DISTRICT CODE

CHAPTER 14

POLICES REGULATING THE INSTALLATION, CONNECTION AND USE OF THE DISTRICT WATER SYSTEM

SECTION 1.00 General Provisions

1.01 Title

This Chapter shall be known as the “Water Code” and may be cited as such.

1.02 Scope of Service

The provision of this Chapter shall apply to water supply and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of public water mains, reservoirs, distribution system, pumping equipment and facilities, pressure reducing station connections and services, and all system appurtenances; the issuance of permits and the collection of fees therefore; fees to pay for the costs of checking plans, inspecting construction, and making record plans of the facilities permitted hereunder; providing penalties for violation of any of the provisions hereof, and all other necessary or related matters.

SECTION 2.00 Definitions

For the purpose of this Chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise.

2.01 Applicant

Applicant shall mean the owner or the agent of the owner of the property for which water service is being requested.

2.02 Board

Board shall mean the Board of Directors of the Rancho Murieta Community Services District.

2.03 Business Service

Business Service shall mean the provision of water for use in connection with commercial premises devoted primarily to operations for profit including offices, stores, markets, apartments, hotels, motels, automobile trailer parks, or courts, service stations and the like.

2.04 Customer

Customer shall mean the owner or agent of the owner of the property receiving water service.

2.05 Distribution System

Distribution System shall mean the system of the pipelines and other appurtenances by which the District conveys water to its customers.

2.06 District

District shall mean the Rancho Murieta Community Services District.

2.07 Flat Rate Service

Flat Rate Service shall mean the provision of water in unmeasured quantities for a fixed periodic charge.

2.08 Industrial Service

Industrial Service shall mean the provision of water to industrial premises where the water is used primarily in manufacturing or processing activities.

2.09 Main or Water Mains

Mains or Water Mains shall mean the portion of the distribution system, which is located in streets, highways, public ways or easements, which are used to supply water to the District's customers.

2.10 General Manager

General Manager shall mean the General Manager of the Rancho Murieta Community Services District.

2.11 Metered Service

Metered Service shall mean the provision of water in measured quantities for a charge based on the quantity of water supplied.

2.12 Metered Service Connection

Metered Service Connection shall mean the portion of the distribution system by which water is conveyed from the water main to the premises, including the tap, meter, meter box, pipe, corporation stop, curb stop or shut-off valve.

2.13 Multiple Dwelling

Multiple Dwelling shall mean premises with two or more dwellings for persons independently occupying such dwellings. (Amended by Ordinance 85-1)

2.14 Permits

Permits shall mean the District's written approval or authorization for an action. A permit may only be issued by the District upon the completion of the appropriate District application form for the action sought, payment of all applicable fees and charges, and compliance with all applicable District ordinances, rules and regulations, as well as local, state and federal law.

2.15 Premises

Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single enterprise, apartment or dwelling.

2.16 Private Water Line

Private Water Line shall mean the portion of the distribution system located on the customer's side of the service connection.

2.17 Residential Service

Residential Service shall mean the provision of water for household purposes, including water used on the premises for sprinkling lawns, gardens and shrubbery; washing vehicles; and other similar and customary purposes pertaining to single or multiple family dwellings.

2.18 Service Connection

Service Connection generally means the pipe, valves and other facilities by which water is conveyed from the water main to the premises, and includes the tap, corporation stop, curb stop or shut-off valve, and may include meter and/or service box depending on the type of service.

2.19 Un-Metered Service Connection

Un-Metered Service Connection shall mean the portion of the distribution system by which water is conveyed from the water main to the premises, including tap, pipe, corporation stop, curb stop or shut-off valve.

2.20 Water Conservation or Water Use Efficiency

Water use that results in a water savings or lower demand due to (a) change that increases efficiency for the same productivity (e.g., update to more efficient models of plumbing fixtures or appliance upgrades to perform the same function) or (b) change in use of the appliance or fixture that results in reduced demand (e.g., customer behavioral change). (Amended by Ordinance 2011-04)

2.21 Water Facilities

Water Facilities shall mean all reservoirs, wells, sources of supply, storage, treatment, transmission, distribution, and pumping facilities, service connections and any other appurtenance.

2.22 Wasteful Uses of Water

Generally means customer water use that is not going to beneficial and reasonable uses. For example, excessive water runoff, leaky fixtures, etc. as defined in Section 11.01.

SECTION 3.00 GENERAL POLICIES

3.01 General Policy of Operating System

The District shall operate and maintain the water system in an efficient and economical manner and supply water of acceptable quality as fairly and equitably as possible. The charges to be made for service shall be set at rates necessary to enable the District to recover all costs of supplying water including, but not limited to, the costs for the following: (amended by Ordinance 2011-04)

- a. Purchasing, pumping, treating, storing, transmitting and distributing water;
- b. Customer Service and Water Conservation;
- c. Administration;
- d. Overhead;
- e. Debt service;
- f. Charges and assessments in-lieu of taxes;
- g. Replacement reserves;
- h. All other necessary and appropriate expenses.

3.02 District's Responsibility for Distribution System

The District shall be responsible for operating, maintaining, and replacing all portions of the distribution system, which are owned by the District. The District shall not be responsible for operating, maintaining or replacing that portion of the distribution system not owned by the District. The installation of a District measuring device upon private property or within a portion of the distribution system not owned by the District shall not create an obligation on the part of the District for operation, maintenance or replacement of any works or facilities not owned by the District. District responsibility for maintenance of service extends only to the water meter and the responsibility beyond the water meter is the property owners. If the water service is connected to a private line, the District's responsibility stops at the valve on the District's main.

3.03 Unauthorized Use of District Water

No person shall supply water to any person or to any premises except as authorized by District permit or as approved in writing by the District.

3.04 District Ownership and Control

The portion of the distribution system, including the water main, service connection, and/or meter, which is located in the public way or in easements, shall be under the exclusive control of the District and owned, managed, and operated under the direction of the General Manager.

3.05 Private Water Lines

The customer shall be responsible for the proper operation and maintenance of the customer's private water line and for any damages to the distribution system or loss of water resulting from the customer's private water line.

3.06 Access to District-Owned Property

The District shall have access, at all reasonable hours, to meter service connections and other property owned by the District, whether located on or off the customer's premises, for the purposes of inspection, installation, repair, maintenance, operation, turn on, turn off, or removal of the District's property.

3.07 Unsafe Apparatus, Detrimental or Damaging Conditions

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliance, equipment or otherwise is found to be detrimental or damaging to the District or its customers, the service may be shut off without notice, provided that the District shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

3.08 Fraudulent Use of Service

When the District has discovered that a customer has obtained water service by fraudulent means or has diverted the water service for unauthorized use; the service to that customer may be discontinued in the manner set forth in Section 13.00 herein. The District shall not be required to restore service until the customer has complied with all rules and requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual or estimated costs to the District incurred by reason of the fraudulent use.

3.09 Inspection of Customer-Owned Property

A customer's private water line shall be open for inspection at all reasonable times to a representative of the District. However, except in cases of emergency, before a District representative enters a

customer's premises for the purpose of inspecting non-District owned facilities, the District shall obtain the occupant's consent or the District shall give 24-hour advance notice, in writing, to the occupant of the District's intention to enter and inspect the customer's private water line.

3.10 Interference with District Employees

Except as provided in Section 3.09 hereof, it shall be unlawful for any person to interfere, seek or cause to interfere with the inspection, installation, removal, maintenance, or other lawful activity by the General Manager or the General Manager's authorized representative, of any part of the distribution system owned by the District.

3.11 Obstructions Prohibited

No person shall place or cause to be placed on any water line easement any wires, fences, trees, buildings, or other structures, either temporary or permanent, or any refuse, rubbish, debris or other objects which may impede or otherwise interfere with the ready access by the District to any portion of the distribution system owned by the District, unless otherwise authorized by Board action. Any such obstruction, upon the written request of the General Manager, shall immediately be removed by the violator at no expense to the District or shall be removed by the District at violator's expense, and shall not be replaced. *(Amended by Ordinance 2011-04)*

3.12 Continuity of Service

The District shall not be liable for any interruptions, shortage, or insufficiency of water supply or for pressure at the customer's point of connection, or for any loss or damages occasioned thereby.

3.13 Street Work

- a. When a person who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower, or otherwise affect any portion of the distribution system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person's intention to perform such construction and immediate notice upon exposure or contact with such system.
- b. At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's distribution system, which is necessitated by the street construction. Prior to the District performing the construction on its distribution system, the person requiring the street construction shall pay to the District a reasonable deposit in an amount not to exceed the estimated cost of the District's construction. When the District completes its construction, the District shall refund that portion, if any, of the deposit which exceeds the actual costs of construction and the person requiring the construction shall pay the amount, if any, by which the actual costs of construction exceeds the deposit.
- c. The person performing the street construction shall be liable for any damage to the District's distribution system resulting from the street construction or from the person's construction on the District's distribution system.

3.14 Contractors Hired by the District

Portions of this Chapter may be waived by the General Manager for persons hired by the District to construct any part of the District's distribution system. *(Amended by Ordinance 2011-04)*

3.15 Delegation of Authority

The General Manager shall have the authority to delegate the performance of any of the General Manager's responsibilities to any District employee or independent contractor.

3.16 Standards

All procedures, design, work, materials, capacities, facilities and other improvements shall be based on the applicable provisions of the latest revisions of State and Local regulations and generally accepted standards of water works practice insofar as deemed appropriate by the District considering the conditions and where not in conflict with District standards. Such regulations and standards are included in, but not necessarily limited to, the following references (*Amended by Ordinance 2011-04*):

Waterworks Standards of the California Department of Health Services Titles 17 and 22 of the California Administrative Code

California Safe Drinking Water Act

California State Building Code (Cal Green) Title 24

California Model Water Efficient Landscape Ordinance (Assembly Bill 1881, Laird)

Uniform Plumbing Code (National)

Uniform Fire Code

American Water Works Association

United States Environmental Protection Agency's (USEPA) WaterSense Program

3.17 Lake/Reservoir Use Regulations:

(Added by Ordinance 92-3) (Amended by Ordinance O2018-01)

- a. Wastes Prohibited into Lakes/Reservoirs: No person shall discharge or cause to be discharged any of the following wastes in any of the lakes/reservoirs:
 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive solid, liquid or gas.
 2. Any waste containing toxic or poisonous solids, liquids or gases.
 3. Any waste having a pH lower than 5.5 or having any other corrosive properties.
 4. Any waste such as, but not limited to: rubbish, ashes, shavings, metals, glass, lawn clippings, leaves, plastics, woods, garbage, pet waste, sewage, etc.
 5. Any waste such as insecticides, pesticides, fertilizers weed killers, etc.
 6. Any material or substance without prior District approval, including highly turbid water, a measured value of >100 NTU or as Determined by District.

- b. Activities Prohibited in Lakes/Reservoirs. The following activities are either prohibited or restricted as described on or in the lakes/reservoirs as follows:
 - 1. Fishing with live bait (all lakes/reservoirs).
 - 2. Boating with any motor other than an electric (all lakes/reservoirs).
 - 3. Swimming or wading by humans and domestic animals (except Clementia Reservoir).
 - 4. Any introduction of invasive or non-native species.
- c. Responsibility

It is the responsibility of the users of the lakes/reservoirs to comply with the requirements as set forth in this section.
- d. Enforcement

Enforcement of this Section will be performed by the District's General Manager in accordance with the provisions of Section 13.00 of this Chapter.

SECTION 4.00 Connection to and Construction of Potable Water Facilities

4.01 In General

Nothing in this Chapter shall be construed as preventing or limiting the right of the District to require or undertake the preparation of engineering, economic, environmental, or financing evaluation from any person requesting water service from the District, which service necessitates the installation of water facilities and thereafter to require the construction of such facilities as a condition of service, all without cost to the District.

4.02 Requirement of Meters

Following the effective date of this Chapter, every connection made to the District distribution system or service connection shall provide for and include a meter. The meter shall be supplied, approved and/or installed by the District prior to the time the owner connects to the District's distribution system.

4.03 Installation of Potable Water Service Connections and Meters

- a. Whenever practicable, the service connection from the water main to the customer's property line shall be installed at the time the main is constructed.
- b. Main line extensions, service connections and meters shall be installed only after the District's issuance of a permit and after payment by the customer of all District fees and charges.
- c. Main line extensions, service connections and/or meters shall be installed, at the District's option, either by the District or by persons hired by the District or under the supervision of District employees.
- d. When main line extensions, service connections or meters are not installed by the District, the main line extension, service connection or meter shall be installed only by bonded contractors licensed to perform such installation.
- e. When the District determines that any installation shall be performed by the District or person hired by the District, the applicant shall pay in advance an amount of funds equal to the approximate costs of construction and other necessary expenses. Upon completion of construction, the District shall refund the excess, if any, of any funds paid by the applicant

or, if applicable, the applicant shall pay the amount, if any, by which the actual costs exceeded the applicant's deposit.

4.04 Size or Service Connection and Meters

- a. The size of the service connection shall be approved by the District in advance. Except when otherwise specifically approved by the District, the maximum size for a single-family service connection shall be one inch. *(Amended by Ordinance 85-1)*
- b. The size of the meter serving a premise shall be approved by the District in advance of service. The standard size water meter serving a mobile village lot and townhouse lot shall be 3/4-inch meter or larger, for all other residential lots, it shall be 1 inch or larger meter, to be able to supply necessary fire flows. *(Amended by Ordinance 2011-04)*

4.05 Installation of Private Water Line

The customer shall, at the customer's own expense, install according to District standards, the customer's private water line. The private water line shall remain the sole property of the customer.

4.06 Financial Responsibility for Installation of Water Facilities

An applicant who installs or causes to be installed, any part of the District's water facilities, shall be financially liable for the costs of installation and all incidents thereof.

4.07 Relocation of Water Facilities at Customer's Request

Upon a customer's written request, water facilities may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's distribution system. The cost of the relocation shall be borne by the customer and shall be payable in advance to the District. The cost of the relocation shall include the applicable costs and fees for all construction (if the construction is performed by persons hired by the District), design, installation, inspection, administration, overhead, and any other necessary related expenses. *(Amended by Ordinance 85-1)*

4.08 Relocation of Service Connection at District's Request

Where a service connection is relocated for the convenience or protection of the District, the relocation shall be at the expense of the District provided such relocation is not made necessary by the customer.

4.09 Change of Meter at Customer's Request

- a. A customer may apply in writing to the District to change the size of an installed meter.
- b. If the existing service connection is adequate to service the proposed change in meter size and the District determines that the change is necessary or advisable, the District shall authorize the change. Before the meter is changed, the customer shall pay all applicable fees and charges to the District.
- c. If the existing service connection is inadequate to serve the proposed meter change, the service connection shall be changed at the customer's expense. Before the meter and service connection are changed, the customer shall pay all applicable fees and charges to the District.

4.10 Separate Service Connection

Separate premises, whether owned by the same or different persons, shall not be supplied with water through the same service connection.

4.11 Division of Presently Serviced Premises

When premises currently serviced by the District's distribution system are divided into two or more premises, unless otherwise agreed to by the District, the existing meter and service connection shall be considered to belong to the premise which the meter or service connection most directly enters and the new premises shall require the installation of additional meter(s) and service connection(s) and payment of all applicable fees and charges. *(Amended by Ordinance 85-1)*

4.12 Plans *(Amended by Ordinance 2011-04)*

- a. Each application for a permit, for which installation of water facilities is necessary, shall be accompanied by three (3) sets of plans and specifications for the installation.
- b. The plans shall be the exclusive property of the District.
- c. The General Manager or Engineer shall determine the adequacy of the proposed water facilities as to size, type and quality of materials, and as to the location of facilities to serve the proposed development, including off-tract pipelines and other appurtenances.
- d. The General Manager or Engineer shall certify in writing whether the plans and specifications submitted conform to District standards.

4.13 Easements and Rights-of-Way

- a. Any applicant who installs, or proposes to install, water facilities shall furnish the District all necessary easements and rights-of-way for such facilities and the subsequent operation and maintenance thereof.
- b. If the applicant cannot finish the necessary easements and rights-of-way, the District may, at its sole option, acquire such easements and right-of-way, subsequent to the applicant's payment to the District of all funds necessary to cover the District's cost of such acquisition.
- c. Until the necessary easements and rights-of-way have been properly executed and recorded, the District shall not approve any plans for water facilities to be constructed by one person across the property of another person. The District shall not accept for public use any such water facilities and no person shall place such facilities into use.

4.14 Performance Bond

The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the water facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the portion of the water facilities constructed by the applicant for a period of one year following the District's written acceptance of the work. *(Amended by Ordinance 85-1)*

4.15 Liability

The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising during or stemming from, the performance of any work by an applicant. The applicant shall be answerable for, defend, indemnify and hold harmless, the District and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and

interest, incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss, which may develop there from. *(Amended by Ordinance 2011-04)*

4.16 Dedication Requirements

An Offer of Dedication of the water facilities excluding any private water lines shall be included in any application for a permit. The District shall not accept for dedication any portion of the water facilities, which are not constructed in conformity with the requirements of the main line extension agreement, if any, and of this Chapter. *(Amended by Ordinance 85-1)*

4.17 As-Built Plan

Two (2) sets of blue-line prints and one (1) set of reproducible drawings delineating as-built water lines and appurtenances shall be filed with the District, prior to and as a condition of, the District's approval and acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed.

4.18 Inspection of Construction

- a. The District shall have the right to inspect all work on the water distribution system during and subsequent to its construction. When construction is completed, the work must be inspected and approved, in writing, by the District before the newly constructed facilities may be connected to the District's distribution system. No construction shall be covered at any time unless it has been inspected and approved by the District. No facilities shall be connected to the District's system unless the District has performed tests indicating the new construction is satisfactory and the facilities have been cleaned of any debris accumulated from construction operations. *(Amended by Ordinance 90-3)*
- b. The applicant shall give the District at least forty-eight (48) hours advance notice, Saturdays, Sundays and holidays excluded, of when it wishes the District to perform an inspection. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and identify the deficiencies in the project. *(Amended by Ordinance 90-3)*

4.19 Certificate of Final Inspection and Completion

When the District determines that a work done; under the permit and main line extension agreement, if any, has been constructed according to and meets the requirements of all applicable provisions of this Chapter, the agreement, and other District rules and regulations, and when any fees have been paid, the General Manager, subject to any procedure which may be adopted by the Board, shall authorize the issuance of the Certificate of Final Inspection and Completion. *(Amended by Ordinance 85-1)*

4.20 Ownership Upon Dedication

When the Certificate of Final Inspection and Completion is issued, the District shall accept the Offer of Dedication and authorize the connection of the new water facilities. Upon connection to the District's distribution system, the new water facilities, excluding private water lines, shall become the exclusive property of the District.

4.21 Testing of Backflow Devices

Pursuant to County Ordinance, certain categories of District customers are required to install, maintain and test annually backflow devices. District personnel are certified to perform the annual testing and, upon the customer's request, will do so on a time-and-materials- basis charged to the customer and collectible as any other District fee. *(Added by Ordinance 89-1)*

SECTION 5.00 Main Line Extensions

5.01 Water Main Extension

Any person requesting water service from the District, which necessitates an extension of the District's main line, shall apply to the District for a main line extension agreement on the forms prescribed by the District.

5.02 Formation of an Assessment District

At the District's sole discretion, the District may utilize any statutory or other procedure concerning assessment districts to finance the construction of the main line extension, metered service connections and related appurtenances.

5.03 Size of New Main Line

The District may require the installation of a main line larger than that necessary to adequately serve the applicant's property. When the District requires the installation of a larger main line, the District shall either:

- a. Pay the difference in cost, as determined by the District, between the size necessary to service the applicant's construction and the larger main line;
- b. Perform the installation itself, subsequent to the receipt from the applicant of a sum sufficient to cover the cost of installation, and other necessary expenses, of the main line required by the applicant;
- c. Require the applicant to construct the larger line subject to reimbursement as hereinafter provided.
- d. A combination of the foregoing.

5.04 Reimbursement for Extension

When an applicant enters into a main line extension agreement with the District, which requires the installation of a main line larger than that necessary to adequately serve the applicant's property, the agreement shall provide for a refund to the applicant as follows: *(Amended by Ordinance 89-2)*

- a. Within the limits specified herein, when the mainline extension has been installed at the applicant's sole expense, the applicant shall be eligible for reimbursement of applicant's cost based upon the applicant's and other customer's pro rata use, as determined by the District, of the extension. *(Amended by Ordinance 89-2)*
- b. The District shall levy on all customers connecting into the extension financed by applicant; a fee determined by the District and based on the connecting customer's pro rata use of the extension and the actual cost of the extension. *(Amended by Ordinance 89-2)*

- c. Within ninety (90) days of the District's receipt of any money pursuant to Section 5.04(b), the District shall pay such money to the applicant. *(Amended by Ordinance 89-2)*

5.05 Pre-Existing Main Line Extension Agreements

Notwithstanding any section of this Chapter, all main line extension agreements, on or before adoption of this water code, shall be governed by the rules under which the pre-existing main line extension agreements were made at the time of execution of that particular agreement.

SECTION 6.00 Permits and Fees

6.01 Permit Required

No persons, other than those specifically excluded by this Chapter, shall uncover or cause to be uncovered, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect to or cause to be connected to, any public water main or other portion of the distribution system or services owned by the District without first obtaining a permit from the District, paying the applicable fees, and complying with all other applicable provisions of this Chapter.

6.02 Application for Permit

Any person legally entitled to apply for and receive a permit shall make application for a permit on forms provided by the District for that purpose. Any applicant shall describe the proposed construction and location, ownership, occupancy, and use of the premises in connection therewith. The General Manager may require, in addition to the information specified, any additional information from the applicant, which will enable the General Manager to determine that the proposed connection complies with the provisions of this Chapter.

6.03 Unauthorized Usage of Permit

- a. Upon prior written approval of the District, a person to whom a permit has been issued may transfer such permit to another person solely for the same use and premise for which the permit was issued, subject to all terms and conditions under which the permit was issued. The transferee shall meet all requirements of the District relating to the transfer.
- b. Usage of permit for a premise other than the premises for which the permit was issued shall be unauthorized usage and shall render the permit void and invalid.
- c. A person engaging in an unauthorized use of the permit shall apply to the District for an appropriate permit. If the District issues the permit, the applicant shall pay the appropriate current fees and charges.

6.04 Persons Excluded from This Section

The provisions of this Section 6.00 may be waived by the General Manager for contractors constructing water facilities or improvements under contract with the District, or under contract awarded by the District under proceedings pursuant to any of the special procedure statutes of the State providing for the construction of water facilities and assessing of the expenses thereof against the lands benefited thereby. *(Amended by Ordinance 2011-04)*

6.05 Plan Checking

No permit shall be issued until the District has checked and approved the plans in accordance with the applicable provisions of this Chapter. *(Amended by Ordinance 85-1)*

6.06 Payment of Fees and Charges

No permit shall be issued until all fees and charges in connection therewith are paid to the District.

6.07 Applicant's Agreement to Comply with Code

The applicant's signature on an application for a permit or the applicant's acceptance of any permit shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the District's Water Code, with all other rules and regulations of the District, and with the plans and specifications the applicant has filed, together with such corrections or modifications, if any, as may be permitted or required by the District in writing. This agreement shall be binding upon the applicant and the applicant's successors in interest and may be altered only by the District in writing upon the applicant's written request.

6.08 Time Limits on Permits

If work under permit is not commenced within six (6) months from the date of issuance of such permit or if, after commencing, the work is discontinued for a period of one (1) year, the permit shall become void and no further work shall be undertaken until a new permit shall have been secured and a new fee paid therefore at applicable rates then in effect. *(Amended by Ordinance 2011-04)*

SECTION 7.00 Potable and Untreated Water Rates and Charges

(Amended by Ordinance 2012-01)

7.01 Water Service When Service Connection is Adequate

Where an existing and adequate service connection and/or meter are properly connected to the District's distribution system, and which is or has been legally servicing the premises or for which a District connection permit has been issued, an applicant for water service from the District shall be entitled to such service after the applicant submits an appropriate application to the District, and complies with all other District regulations. However, if the applicant is delinquent in any bills to the District, the applicant shall pay such bills in full, prior to receiving District water service.

7.02 Water Service When Service Connection Is Inadequate

Where the installation or enlargement of a main line, service connection or meter is necessary prior to the District's supplying service to an applicant, the applicant shall submit a connection permit application to the District for service. If the District has sufficient water supply and system capacity to supply water, the District shall accept the application. The District shall furnish the water service subsequent to the applicant's construction, or payment for the construction, of the necessary portions of the distribution system; the applicant's payment of all fees to the District, the applicant's compliance with all District rules and regulations; and the applicant's payment in full of all delinquent charges, if any, owed to the District.

7.03 Installation Fees

When the District installs a service connection or meter, the District shall collect a fee from an applicant prior to the installation of service connection and meters except for service under 8.02 for temporary water service. The installation of all service connections or meters shall be on the basis of actual average costs, labor and parts for the particular type of installation as determined from time to time by the General Manager and/or Board of Directors of the District. *(Amended by Ordinance 90-1)*

7.04 Community Facility Fee

The District shall collect from all applicants for water service under Section 7.02, a community facilities fee to ensure the continued availability of the facilities for water service through periodic system

expansion and replacement. The community facilities fee shall be paid as specified in the Community Facilities Fee Code.

7.05 Rates for Metered Service

a. General metered service shall be as follows: *(Amended by Ordinance 2021-01)*

Basic Service Charge	\$38.73/mo
Reserve Contribution	<u>\$14.00/mo</u>
Total Basic Service Charge	\$52.73/mo

Usage charge per cubic foot:

Basic volumetric rate per cubic foot \$ 0.0217/cu. ft.

Debt service charge \$ 6.00
(applied to metered connections active prior to July 1, 2014)

b. Metered service to residential lots at Murieta Village shall be as follows: *(Amended by Ordinance 2021-01)*

Basic Service Charge	\$38.73/mo
Reserve Contribution	<u>\$14.00/mo</u>
Total Basic Service Charge	\$52.73/mo

Usage charge per cubic foot:

Basic volumetric rate per cubic foot \$ 0.0217/cu. ft.

Debt service charge \$ 6.00
(applied to metered connections active prior to July 1, 2014)

c. Non-Residential metered service shall be as follows: *(Amended by Ordinance 2021-01)*

Monthly Charges

Basic service charge for non-residential metered service shall be calculated on number of meters and an EDU basis for each customer multiplied by the basic service charge reflected in Section 7.05 a. above.

Usage charge per cubic foot:

Basic volumetric rate per cubic foot \$ 0.0217/cu. ft.

d. Zero Usage Billing

Residential and non-residential meters are billed based on actual water usage each month. In the event the water meter read is zero usage, the account will have an estimated usage charge equal to the usage as in the same month in the prior year. This usage amount will be billed at the current volumetric rate per cubic foot.

7.06 Is hereby deleted and shall remain vacant. *(Amended by Ordinance 93-1)*

7.07 Service from Fire Hydrants

Service hereunder is for water obtained from a fire hydrant for construction water or for other purposes (filling swimming pools). The applicant for such service shall pay under one of the following schedules: *(Amended by Ordinance 2011-01)*

- a. For metered use:
 - 1. A refundable deposit of \$1,000 for a fire hydrant meter to cover any repairs required to the meter resulting from use by the applicant.
 - 2. A flat charge of the current year's residential metered lot rate per month, for each month or fraction of a month that the applicant has the service.
 - 3. A consumption charge based on usage rate on a per 100 cubic feet basis.
 - 4. A minimum billing in any month shall not be less than \$50.00.
- b. For load counts: *(Amended by Ordinance 2011-01)*
 - 1. A water truck load count or bulk water usage for other purposes shall be tallied and water charged at the current usage rate on a per 100 cubic feet.
 - 2. Billings under one application in any one month shall be not less than \$50.00.

7.08 Water Standby or Availability Charge

The District shall fix, on or before the first day of July in each calendar year, and will annually collect a water standby or availability charge not to exceed ten dollars (\$10.00) per year for each acre of land, or ten dollars (\$10.00) per year for each parcel of land of less than an acre within the District to which water is made available for any purpose by the District, whether the water is actually used or not. The District may establish schedules varying the charges depending upon factors such as the use to which the land is put, the cost of transporting the water to the land and the amount of water used by the land. *(Amended by Ordinance 2011-04)*

7.09 Fees for Line Extension Applications and Plan Review

Fees for line extension applications, plan reviews, and construction inspection shall be as established by the General Manager, based upon the reasonable costs of providing the service. *(Amended by Ordinance 88-8)*

7.10 Rates for Use of Untreated Water

(Amended by Ordinance 88-8) The charge for untreated water shall be the sum of each of the following four categories of charges, as applicable:

- a. For use of untreated water pumped from storage in Calero Reservoir \$38.16 per acre-foot.
- b. For water delivered by the District to its customers by means of the Cosumnes Irrigation Association Canal: *(Amended by Ordinance 2012-01)*

Base rate (Includes 375,000 cu ft.)	\$197.48/ month
Volumetric rate (After first 375,000 cu ft.)	\$ 0.44/100 cu ft.

- c. Water delivered from Bass Lake (*Amended by Ordinance 2012-01*)
\$324.84 per month
- d. Water delivered from Laguna Joaquin:
Volumetric rate \$ 0.11/100 cu ft.

7.11 Inspection Fees

- a. A fee based upon costs, labor and parts shall be paid to the District for issuing a permit and inspecting each water line. The amount of this fee shall be determined, from time to time, by the General Manager and/or Board of Directors of the District. (*Amended by Ordinance 90-3*)
- b. Inspection charges shall be paid prior to connection to the District’s distribution systems. (*Amended by Ordinance 90-3*)

SECTION 8.00 Special Types of Potable or Untreated Water Service

(*Amended by Ordinance 2011-04*)

8.01 Water Service Outside District

- a. The District may provide or allow water service to persons outside its boundaries when the Board finds that such service shall not adversely affect the water service within the District and that a surplus supply of water and water facility capacity exists. (*Amended by Ordinance 85-1*)
- b. In the event that, because of increased usage or other causes, service outside the District becomes adverse to the District’s interest or the interest of District customers located within the District or surplus water and/or pipeline capacity is no longer available for such outside use, the District may discontinue or disconnect the service outside the District 120 days after the District gives written notice to the person or premises receiving the water that such outside service is to be terminated.
- c. Except as set forth in this Section, the rules and regulations of the District shall apply to all customers outside the District.
- d. Rates and charges to all customers outside the District shall be one hundred fifty percent (150%) of the applicable rate and charges for customers within the District, as set forth in Section 7.00. No Capital Improvement Connection Fee (CICF) shall be charged for water service outside the District.
- e. Prior to receiving service, a customer outside the District shall deposit an amount equal to three (3) months of the District’s applicable rates for water service.
- f. The supply of water to persons outside the District shall not create a vested right with the person outside the District to continue to receive water service from the District for any credit or refund for improvements made to receive such water service.

8.02 Temporary Potable or Untreated Water Service

Before temporary service is supplied through a fire hydrant or other connection, the applicant shall obtain a permit or other written approval from the District. (*Amended by Ordinance 2011-04*)

- a. The applicant for temporary water service shall pay the charges set forth in Section 7.07.

- b. Temporary service may be interrupted for fire, testing or other conditions deemed necessary by the District.

SECTION 9.00 Collection of Potable or Untreated Water Rates and Enforcement Provisions *(Amended by Ordinance 2011-04)*

9.01 Collection of Charges for Water and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

9.02 Billing

All water service accounts shall be billed monthly.

- a. Flat rate accounts shall be billed during the service period (approximately thirty (30) days) for which the bill is rendered.
- b. Metered accounts shall be billed in arrears; meters shall be read as nearly as possible at regular intervals.

9.03 Persons Billed

- a. The District shall bill the property owner directly for all water services provided the owner's premises. *(Amended by Ordinance 90-6)*
- b. The property owner shall be liable for payments of all District charges. *(Amended by Ordinance 90-6)*

9.04 Due Date

Bills for water service are due and payable when mailed. *(Amended by Ordinance 87-6)*

9.05 Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District Office by the 25th day of the month following the month in which the bill was mailed. *(Amended by Ordinance 98-3)*

9.06 Delinquencies – Basic Penalty

- a. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
- b. After levying the basic penalty provided in Section 9.06(a), the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges, and penalties for collection on the County property tax roll as set forth in Section 9.09. Monies paid when any portion of an account is delinquent shall first be credited to interest and

penalties, then to the delinquent portion of the bill, and then to the current portion of the bill. *(Amended by Ordinance O2019-03)*

9.07 Payment of Part of Delinquency

Monies paid where any portion of an account is delinquent, shall first be credited to the delinquent portion of the bill and then to current billing.

9.08 Liens

Unpaid water service charges imposed by this Chapter, when the charges are recorded, shall constitute a lien upon the parcel of real property to which the water service was supplied. The District shall include a statement on its bills to the effect that any water service charges and penalties thereon remaining unpaid shall, when recorded constitute a lien on the parcel to which the water service was supplied. The District may, from time to time, compile lists of such delinquent charges and record them with the County Recorder as liens, provided that the District shall first have given notice to the customer.

9.09 Collection of Delinquent Charges with Taxes

All rates, charges, penalties and interest, which remain delinquent, may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.

9.10 Meter Testing

The District may test meters at any time and shall test a meter upon the written request of a customer who first deposits twenty-five dollars (\$25.00) with the District. Testing will be in accordance with AWWA Standards, Manual of Practice, M6 for cold water service meters. If the test indicates the meter is registering within five percent (5%) of 100% accuracy, the testing fee shall be retained by the District to cover its cost of testing. If the test indicates the meter is more than five percent (5%) in error, the testing fee shall be refunded to the customer and the District shall repair or replace the meter at its discretion. If the meter error is in the District's favor, a supplemental bill may be rendered to the customer equal to the difference between the customer's average bill for comparable service and the customer's actual bills for the preceding two billing cycles. *(Amended by Ordinance 2011-04)*

9.11 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

SECTION 10.00 Water Use Efficiency *(Amended by Ordinance 2011-04)*

10.01 Definitions

As used in Section 10.00, the following terms shall have the specified meanings.

a. Dwelling Unit

Dwelling unit shall mean any structure intended for human habitation or use, either transient or permanent.

b. Pressure Reducing Valve

Pressure reducing valve shall mean a valve device, which regulates water pressure to structures and is designated to permit the pressure for use within that structure.

c. Public Use

Public use shall mean all commercial or industrial establishments, including restaurants, bars, public buildings, comfort stations, schools, gymnasiums, or other places to which the public has access or which are frequented by the public with or without special permission or invitation, and installation where both free and pay fixtures are installed so that the fixtures' use is similarly unrestricted.

d. Self-Closing Valve

Self-closing valve shall mean a valve device designed to close by spring or by water pressure when left unattended.

e. Water Efficient Aerator

Water efficient aerator shall be USEPA WaterSense labeled product and mean an aerator equipped to limit water flow to a maximum of 1.5 gallons per minute (gpm) or less for residential buildings. *(Amended by Ordinance 2011-04)*

f. Water Efficient Showerhead

Water efficient showerhead shall be USEPA WaterSense labeled product and mean a water efficient showerhead (with one showerhead per shower stall) equipped to limit water flow to a maximum of 2.0 gpm or less for residential buildings. *(Amended by Ordinance 2011-04)*

g. High Efficiency or Ultra Low Flow Toilet

High efficiency toilet shall be USEPA WaterSense labeled product and mean a tank type toilet or water closet designed to function with a maximum rated flush volume of 1.28 gallons per flush or less. An ultra-low flow toilet is rated at 1.6 gallons per flush per the California State Building Codes. *(Amended by Ordinance 2011-04)*

h. Weather Based Irrigation Controller

An irrigation controller that has automated watering schedules using climate or soil moisture sensing capability in accordance with requirements of the California Building Standards CalGreen Code. *(Amended by Ordinance 2011-04)*

10.02 Water Waste

No person shall cause or permit any water furnished to the person's premises by the District to run to waste as defined in Section 11.01. The District may, pursuant to the requirements of Section 13.00, disconnect the District's service to any premises and/or customer for the customer's failure to comply with this Section. The District may inspect or install test meters in un-metered service to determine compliance.

10.03 Conservation Devices Required on New or Remodeled Dwelling Units

All new dwelling units that require a Sacramento County Building permit that are connected to the District distribution system, after the effective date of this Chapter, shall be constructed pursuant to the California State Building Codes otherwise known as the “CalGreen Code” and be USEPA WaterSense labeled homes. For any remodeled units that require a Sacramento County Building permit that are connected to the District distribution system, after the effective date of this Chapter, shall be constructed pursuant to the California State Building Codes otherwise known as the “CalGreen Code” and any replaced or remodeled fixtures shall be District-approved water efficient equipment, plumbing fixtures and appliances and be USEPA WaterSense labeled products. Pressure reducing valves shall be installed on new dwelling units where District approved improvement plans call for such installation in accordance with District Standards. *(Amended by Ordinance 2011-04)*

10.04 Conservation Devices Required on New or Remodel Public Users

All new public users or users remodeling facilities that require a Sacramento County building permit and are connected to the District distribution system after the effective date of this Chapter, shall be equipped with District-approved water efficient equipment, plumbing fixtures and appliances pursuant to the California State Building Codes otherwise known as the “CalGreen Code” and be USEPA WaterSense labeled products. Pressure reducing valves shall be installed on new public use facilities where District approved improvement plans call for such installation in accordance with District Standards. *(Amended by Ordinance 2011-04)*

10.05 Water Efficient Landscape Requirements

Landscape design, installation, maintenance, and management can and should be water efficient. All new or modifications to existing landscape areas subject to Homeowner Association review or County permit approvals are required to comply with the California Water Conservation Landscaping Act of 2006 (Assembly Bill 1881, Laird) and Model Water Efficient Landscape Ordinance effective January 1, 2010 or, when adopted, the least as effective as Sacramento County Water Efficient Landscape Requirements (Chapter 14.10). The District allows the use of all types of water efficient plant materials, including artificial turf. Allowable water efficient plant materials are identified on the District approved plant list. The District prohibits any plants considered invasive to the local waterways, such as invasive plants listed by the California Invasive Plant Council. *(Amended by Ordinance 2011-04)*

10.06 Air Conditioning and Refrigeration Devices

All new or replacement air conditioning and refrigeration systems using water from the District distribution system or discharging to the District sewer system, installed after the effective date of this Chapter, shall be equipped with water conservation devices of sufficient capacity to limit makeup water to a maximum 0.2 GPM per ton of rated capacity under full loading at a maximum summer temperature of 105 degrees Fahrenheit. *(Amended by Ordinance 2011-04)*

10.07 Evaporative Coolers

Evaporative coolers installed after the effective date of this Chapter shall be equipped with a re-circulating pump. The makeup supply line shall be equipped with an inlet valve, which shall open according to manufacturer specifications. Makeup water shall be used intermittently, and not continuously, as required due to discharge that shall occur only on an as needed basis to remove high total dissolved solids (TDS) levels on the order of more than 2,000 parts per million (ppm). *(Amended by Ordinance 2011-04)*

10.08 Swimming and Wading Pools

All swimming or wading pools installed after the effective date of this Chapter, which have a capacity of over two thousand gallons of water, and which use water from the District distribution system or which discharge water into the District sewer system, shall be equipped with re-circulating systems and approved filters. Pool covers are recommended but not required.

SECTION 11.00 Water Waste

11.01 Wasteful Use of Water

Any of the following acts or omissions, whether intentional, unintentional, willful or negligent, shall constitute the wasteful use of water (*Amended by Ordinance 2011-04*):

- a. Water flowing away from a property caused by excessive application(s) of water beyond reasonable or practical irrigation rates, duration of application, or other than incidental applications to impervious surfaces.
- b. Causing or permitting an amount of water to discharge, flow, run to waste into or flood any gutter, sanitary sewer, water course or storm drain, or to any adjacent lot, from any tap, hose, faucet, pipe, sprinkler, or nozzle. In the case of irrigation, "discharge," "flow" or "run to waste" means that water is applied to the point that the earth intended to be irrigated has been saturated with water so that additional applied water then flows over the earth. In the case of washing, "discharge," "flow" or "run to waste" means that water in excess of that necessary is applied to wash, wet or clean the dirty or dusty object, such as an automobile, sidewalk, or parking area.
- c. Allowing water fixtures or heating or cooling devices to leak or discharge water.
- d. Maintaining ponds, waterways, decorative basins or swimming pools without water recirculation devices or with known leaks, both seen and unseen.
- e. Discharging water from, and refilling, swimming pools, decorative basins or ponds in excess of the frequency reasonably necessary to maintain the health, maintenance or structural considerations of the pool, basin or pond, as determined by the General Manager.
- f. Overfilling of any pond, pool or fountain which results in water discharging from the pond, pool or fountain.
- g. Continued operation of an irrigation system that applies water to an impervious surface or that is in disrepair.
- h. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure is applied.
- i. Irrigation of lawns or landscaping when it is raining.
- j. Irrigating lawns or landscaping between the hours of 10:00 a.m. and 10:00 p.m., with the exception of drip irrigation or hand watering, as otherwise authorized pursuant to this Section, unless a variance is granted by the General Manager. Exceptions are accepted for District approved weather based irrigation controllers.
- k. Using potable water from the District's water system for compaction, dust control or other construction purposes without first obtaining approval from the General Manager as provided in Section 7.07 and a meter from the District.

- l. Installing a single-pass cooling system, such as water cooled air compressor, in any property that is newly connected to the District water system. This does not apply to evaporative cooling systems.
- m. Installing a non-recirculating system in any new automatic car wash or new commercial laundry system or failure to utilize current best management practices for water conservation that are industry standards.

11.02 Determination of Wasteful Uses of Water

It shall be unlawful for any person to waste water as defined above in Section 11.01. Violations will be based on observation(s) and documentation of waste by District staff, including but not limited to evidence of a continually running water meter readings and/or physical inspection, and/or visual observation of the occurrence. Violations are subject to the enforcement and penalty provisions in Section 13.00. *(Amended by Ordinance 2011-04)*

11.03 Repair of Leaky Indoor or Outdoor Fixtures

It shall be unlawful for any person to maintain or allow on the person's premises leaky or faulty water fixtures or devices to which District water is supplied, so that District water is wasted thereby. Failure to repair or disconnect such leaky or faulty devices within seven (7) days after being notified in writing to do so by the District, shall be sufficient cause for the District to disconnect its water service for such premises, pursuant to the requirements of Section 13.00, until the repairs have been made. At the discretion of the District, the customer may be informed in writing that the leak must be repaired more quickly, in which case the customer shall repair the leak in the time specified by the General Manager. *(Amended by Ordinance 2011-04)*

SECTION 12.00 Drought Response

Determination of Drought

In determining the District's water system's Drought Stage, the General Manager shall determine whether that system's water supplies available for potable use are sufficient to meet the current customer demands on that system and shall consider, unless otherwise excluded by this section, all relevant factors. The General Manager shall consider, among other things *(Amended by Ordinance 2011-04)*:

- a. any variations in the reliability of the Lake Water or other supplemental supplies available to the District's water system, which may be indicated by Department of Water Resources monitoring data in the Cosumnes River watershed (such as snow survey, rainfall precipitation, previous year runoff pattern data);
- b. gauge monitoring that indicates below normal Cosumnes River flow conditions that may affect the District's ability to pump water to the Lake/Reservoir System;
- c. availability of non-potable water to meet non-potable demands on the District's water system; and
- d. the success, or lack thereof, of previous declarations of a less stringent Drought Stage in causing the water-use reductions sought by the District.
- e. the General Manager will select the necessary stage for response to the drought based on the provisions outlined in the District Board adopted Water Shortage Contingency Plan.

- f. The Board of Directors shall make the final drought declaration upon review of the General Manager’s drought determination.

SECTION 13.00 Enforcement, Disconnection and Restoration of Service

13.01 Enforcement

The General Manager shall enforce the provisions of this Chapter and, for such purposes, shall have the powers of a peace officer, if deputized or if authorized by law. Such power shall not be regarded as limitations on or otherwise affecting the powers and duties of the County Health Officer. *(Amended by Ordinance 2011-04)*

13.02 Violation of Chapter

In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento, or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation and the General Manager shall have the authority to issue penalties and/or disconnect the property served from the District distribution system, in the manner set forth herein. *(Amended by Ordinance 2011-04)*

13.03 Penalties

The goal of the provisions of this chapter are to achieve voluntary compliance from the customer, and the District will take reasonable measures to assure the customer has information available to promptly and efficiently address water use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required. Except as otherwise provided herein, violations of any provision of this chapter shall be addressed as follows *(Amended by Ordinance 2011-04)*:

Violation	Penalty
First	Personal or written notification of the violation
Second	Written notification and issuance of a notice to correct
Third	Issuance of an administrative penalty of \$100
Fourth	Issuance of a penalty of \$200
Fifth	Issuance of a penalty of \$500
Final	Disconnected water service and/or other penalties as provided in the notice of violation and as determined by the General Manager.

13.04 Penalties in Times of Water Shortage

In addition to any other penalties provided by this chapter, if a customer of the District water system violates any of the water use restrictions during a stage two, three, or four water shortage stage as set forth in Water Shortage Contingency Plan, and such conditions are not corrected within five (5) days after the customer is given written notice, the District is authorized to bill the customer, as a penalty, at twice the metered rate during the time that the violation continues and the penalties specified in Section 13.03 above may be increased by up to 100%. *(Amended by Ordinance 2011-04)*

13.05 Appeal

There shall be no appeal of the water use restrictions identified in this Chapter or the Water Shortage Contingency Plan. Any appeal of other matters or decisions of District staff shall be appealable in writing to the General Manager within ten (10) days and if still unresolved a second appeal may be sent

in writing to the District Board of Directors within ten (10) days of the General Manager's decision. *(Amended by Ordinance 2011-04)*

13.06 Variances

In unusual circumstances, application of this chapter may cause unnecessary hardships or results inconsistent with this chapter's purposes and intent. Therefore, variances to some of the requirements of this chapter may be appropriate as described below. *(Amended by Ordinance 2011-04)*

a. Authority to Grant Variances.

The General Manager may grant variances to water use restrictions provisions during a stage one, two, or three Drought Stage as specified in the Water Shortage Contingency Plan. During stage four drought, as specified in the Water Shortage Contingency Plan, any previously granted variances shall be suspended without notice, unless they are based on a critical health need as determined by a licensed medical professional, with such determination being provided to the General Manager.

b. Other Variances.

Customers who seek a variance from this chapter for any reason shall submit to the District a written request for variance, setting forth, in detail, the extraordinary circumstances that support the application. The General Manager may approve the application in his or her discretion; provided, that the variance allows the applicant to use only the minimum amount of water in addition to that allowed by this chapter that the General Manager reasonably believes is necessary to satisfy the circumstances that support the application. Any such variance shall terminate one (1) year after its issuance, subject to an application for its renewal.

13.07 Disconnection

As an alternative method of enforcing the provisions of this or any other Chapter, rule or regulation of the District, the General Manager shall have the authority to disconnect the customer from the District's distribution system, without liability to the District, in the following manner:

- a. At least ten (10) days before the proposed disconnection of any service, a customer shall be provided with written notice of the procedure for the availability of an opportunity to discuss the reasons for the proposed disconnection of service.
- b. After notice has been given as specified in subparagraph (a) and prior to disconnection of service, a customer shall have the opportunity to discuss the reason for the disconnection with an employee designated by the District who shall be empowered to review disputed bills, rectify errors and settle controversies pertaining to disconnection of service.
- c. No service shall be disconnected by reason of delinquency in payment of bills on any Saturday, Sunday, legal holiday, or any time during which the District's office is not open to the public.

13.08 Settling Disputes

The General Manager is hereby authorized to review disputes pertaining to any matters for which service may be disconnected and to adjust errors and settle disputes.

13.09 Public Nuisance and Abatement

During the period of disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, which shall authorize the District to bring proceedings for the abatement of the occupancy of the premises during the period of the disconnection. In such event, and as a condition of restoring service, the District shall be paid reasonable attorney's fees and costs arising from such action, plus any other necessary charges for or incurred in the restoration of service.

13.10 Restoration of Service

When service under this Chapter has been disconnected for any reason, the service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnecting and restoring the service, plus a seventy-five-dollar (\$75.00) restoration fee. *(Amended by Ordinance 85-1)*

13.11 Recovery of Costs

In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest and other costs of suit.

13.12 Means of Enforcement Only

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules, and regulations and not as a penalty.

13.13 Cumulative Remedies

All remedies set forth herein for the collection and enforcement of rates, charges, and penalties are cumulative and may be pursued alternatively, concurrently or consecutively.

13.14 Misdemeanor

A violation of any provision of this Chapter is a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of day that a violation of the Chapter continues, shall be deemed a separate offense hereunder and shall be punishable as such.

13.15 Fire and Other Emergencies

Nothing in this chapter limits or may be construed as limiting the availability of water for extinguishing fires, meeting the demands of any other similar emergency, or routine inspection and maintenance of fire hydrants. *(Amended by Ordinance 2011-04)*

SECTION 14.00 Severability

The Board hereby declares that it would have passed this Ordinance and thereby adopted this Chapter or any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the Ordinance of the application thereof to any person or circumstances is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application of such provisions to other persons or circumstances.

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE

CHAPTER 15

THE SEWER CODE

INSTALLATION, CONNECTION AND USE OF THE DISTRICT
WATER SANITARY SEWER SYSTEM



Amended ~~February 15~~ March 15, 2023
By Ordinance O2023-01

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**DISTRICT CODE
CHAPTER 15**

**POLICIES REGULATING THE INSTALLATION, CONNECTION AND USE OF THE DISTRICT
SANITARY SEWER SYSTEM**

SECTION 1.00 - General Provisions

1.01 Title

This Chapter shall be known as the "Sewer Code" and may be cited as such.

1.02 Scope of Service

The provisions of this Chapter shall apply to sanitary sewer facilities and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of public sanitary sewers, pumping equipment and facilities, treatment plants and facilities, connections and services, and all system appurtenances; the disposal of sewage and drainage of buildings; the issuance of permits and the collection of fees therefore; fees to pay for the costs of checking plans, inspecting construction, and making record plans of the facilities permitted hereunder; providing penalties for violation of any of the provisions hereof, and all other necessary or related matters.

SECTION 2.00 Definitions

2.01 Applicant

Applicant shall mean the owner, or the agent of the owner, of the property for which sanitary sewer service is being requested.

2.02 Board

Board shall mean the Board of Directors of Rancho Murieta Community Services District.

2.03 Building

Building shall mean any structure used for human habitation or a place of business, recreation or other purposes.

2.04 Collection System

Collection System shall mean all portions of the District sewer system, and related facilities, whether owned by the District and on publicly owned property or owned by the customer and on privately owned property. *(Amended by Ordinance 85-5)*

2.05 Contractor

Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

2.06 Customer

Customer shall mean the owner or agent of the owner of the property receiving sanitary sewer service.

2.07 District

District shall mean the Rancho Murieta Community Services District.

2.08 General Manager

General Manager shall mean the person appointed by the Board to the position of General Manager of the Rancho Murieta Community Services District.

2.09 Interceptor (aka grease trap)

Plumbing device designed to intercept most greases and solids from the customer's premises before they enter the District's sewer system.

2.10 Lateral or Lateral Sewer

Lateral or Lateral Sewer shall mean that portion of the collection system owned by the District, located in the street, public right-of-way, or District easement, and running between the main line and to the sewer stub to the customer's premises. *(Amended by Ordinance 2020-03.)*

2.11 Main Line

Main Line shall mean that portion of the collection system owned by the District, located in the street, other public right-of-way, or District easement and generally eight inches or more in diameter. *(Amended by Ordinance 85-5)*

2.12 Permits

Permits shall mean the District's written approval or authorization for a District customer to receive sewer service. *(Amended by Ordinance 85-5)*

2.14 Person

Person shall mean any human being, individual, firm, company, partnership, association, and/or private corporation. *(Amended by Ordinance 85-5)*

2.15 Premises

Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single enterprise, apartment or dwelling.

2.16 Private Sewer or Private Sewer Line

Private Sewer or Private Sewer Line shall mean that portion of the customer sewer service line owned by the customer and running from the end of the sewer service stub to the customer's premises receiving sewer service. *(Amended by Ordinance O2020-03)*

SECTION 3.00 – General Policies

3.01 General Policy of Operating System

The District shall operate and maintain the sewer system in an efficient and economical manner and supply sewer service as fairly and equitably as possible. The charges to be made for service shall be set at rates necessary to enable the District to recover all costs of supplying sewer service including, but not limited to, the costs for the following:

- a. Collecting, pumping, treating, storing sewage, and reusing wastewater;
- b. Customer service;
- c. Administration;
- d. Overhead;
- e. Debt service;
- f. In lieu taxes;
- g. Replacement and maintenance of facilities, and
- h. All other necessary and appropriate expenses.

3.02 Responsibility for Sewer System

- a. The customer served by the District's collection system shall be responsible for the installation, operation, maintenance, inspection, repair, and replacement, and costs thereof, of the private sewer line, and all other devices or safeguards required by this Chapter. The customer responsibility for the private sewer line includes keeping the line free from roots, grease deposits, and other solids, clearing stoppages or blockages, and repairing damage. The District's responsibility for operation, maintenance, inspection, repair, and replacement extends only from the sewer main to the end of the sewer service stub. The responsibility for the connection at and beyond the sewer stub is borne by the customer as depicted in the District Sewer Standard Drawings. The installation of a District device upon private property, or within a portion of the collection system not owned by the District, shall not obligate the District to operate, maintain, or replace devices, works or facilities not otherwise owned by the District. *(Amended by Ordinance O2020-03)*
- b. District shall be responsible for operation and maintenance of that portion of the collection system that is in a District-owned easement or right-of-way, but not including any portion of a private sewer line. *(Amended by Ordinance O2020-03)*
- c. The customer served by the District's collection system shall be responsible for and liable for all costs associated with the repair of any damage caused by the customer or its contractor or agent to the collection system, wherever located, including but not limited to sewer obstructions in or introduced from customer's private sewer. *(Amended by Ordinance O2020-03)*

3.03 Unauthorized Use of District Sewer Service

No person shall supply sewer service to any person, or to any premises, or extend sewer service within served premises, except with prior authorization by District permit or with prior approval in writing by the District. *(Amended by Ordinance O2020-03)*

3.04 Sewer Required

The owner of any existing building situated within the District and abutting on any street in which there is now located or may in the future be located a main line or lateral of the District, is hereby required at the owner's expense to connect the building directly with the District's collection system in accordance with the provisions of this Chapter within ninety (90) days after date of official notice to do so, provided that the main line or lateral is within two hundred (200) feet of the nearest point of the property. *(Amended by Ordinance 85-5)*

3.05 Access to and Inspection of the Collection System

- a. The District shall have access at all reasonable times to the collection system, whether located on or off the customer's premises, for the purpose of inspecting, installing, maintaining, operating, removing, or taking other necessary actions relating to the collection system. *(Amended by Ordinance 85-5)*
- b. Whenever reasonably possible, the District shall obtain the customer's consent or give twenty-four hours advance notice of the District's intent to enter and inspect a customer's private sewer line. *(Amended by Ordinance 85-5)*
- c. No person shall be allowed to interfere or otherwise hinder the District's inspection, installation, maintenance, operation, removal, or other lawful or necessary District activity regarding the collection system. *(Amended by Ordinance 85-5)*
- d. No person shall place on any sewer easement any obstruction, such as wires, fences, trees, or buildings, which may impede or otherwise interfere with the collection system owned by the District. Upon the District's written request, such obstruction shall be immediately removed by the violator at no cost to the District or at the Districts' option, shall be removed by the District at the violator's expense. *(Amended by Ordinance 85-5)*

3.06 Unsafe Apparatus or Damaging Conditions

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the customer's use of sewer service is found to be detrimental or damaging to the District or its customers, the District may discontinue sewer service without notice, provided that the District shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored. *(Amended by Ordinance 85-5)*

3.07 Fraudulent Use of Service

When the District has discovered that a customer has obtained sewer service by fraudulent means, or has diverted the sewer service for unauthorized use; the service to that customer may be discontinued in the manner set forth in Section 10.00 herein. The District shall not be required to restore service until the customer has complied with all rules and requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual or estimated costs to the District incurred by reason of the fraudulent use. *(Amended by Ordinance 85-5)*

3.08 Continuity of Service

The District shall not be liable for any interruption, or insufficiency of sewer service at the customer's point of connection, or for any loss or damages occasioned thereby. *(Amended by Ordinance 85-5)*

3.09 Contractors Hired by the District

The District may waive portions of this Chapter for persons hired by the District to construct any part of the District's collection system. *(Amended by Ordinance 85-5)*

3.10 Delegation of Authority

The General Manager shall have the authority to delegate the performance of any of the Manager's responsibilities to any District employee or independent contractor.

3.11. Compliance with California Plumbing Code

Applicants, contractors, and customers shall comply with applicable provisions of the California Plumbing Code, including the requirement to install and maintain a backflow prevention device when the building or premises contain a plumbing fixture installed on a floor level that is lower than the next upstream manhole cover of the District collection system.

SECTION 4.00 District Construction Requirements

(Amended by Ordinance 85-5)

4.01 Permit Required

No person, other than persons specifically excluded by this Code, shall construct, extend, or connect to any portion of the District's collection system without first obtaining a sewer permit from the District, paying all applicable fees as set forth in this Chapter and complying with the District Code and other applicable requirements. *(Amended by Ordinance 85-5)*

4.02 Time Limit on Permit

To maintain the continuing validity of a permit, the permittee shall commence work under a permit within six months of the date of the District's issuance of the permit and, once work is initiated, shall not discontinue work under the permit for a period of one year or more, unless all work pursuant to the permit is completed. If the permittee fails to commence work under the permit within six months of the permit's issuance or if the permittee discontinues work for a period of one year or more, without completing the project, the permit shall be void and no further work shall be done under the permit until the District issues a new permit and the applicant pays all applicable fees. *(Amended by Ordinance 85-5)*

4.03 District's Studies

The District shall have the right to require or undertake the preparation of engineering, economic, environmental, or financial evaluations, at the applicant's sole cost, of any request for District sewer service when such service may necessitate the installation of sewer facilities or additions to the District collection system. *(Amended by Ordinance 85-5)*

4.04 Plans

(Amended by Ordinance 85-5)

- a. Each application for a permit shall be accompanied by three sets of complete plans and specifications for the installation of any portion of the collection system. The plans shall comply with the District Code and all other applicable rules and regulations.
- b. The plans shall be the exclusive property of the District.
- c. The District shall determine the adequacy of the proposed sewer facilities as to the size, type, and quality of materials and as to the location of facilities to serve the proposed development, including off-tract sewer lines and other appurtenances. The District shall have the authority to require the applicant to submit revised plans consistent with District standards.
- d. When the District is satisfied that the work proposed by the plans is proper and the plans are sufficient; it shall authorize the issuance of a permit subsequent to the applicant's payment of all applicable fees, charges, and deposits.

4.05 Time for Installing Sewer Lines

Whenever practicable, the lateral shall be installed at the time of sewer main line is installed.
(Amended by Ordinance 85-5)

4.06 District Construction Standards

All work performed on installing any portion of the collection system and all acts, including design and construction, relating thereto shall comply with the District standard specifications. Copies of the standards are on file with the District office. *(Amended by Ordinance 85-5)*

4.07 Persons Authorized to Perform Work on District Collection System

- a. Only validly licensed contractors are authorized to perform work on the District's collection system, including connections thereto. All terms and conditions of the permit issued by the District to the applicant shall be binding on the applicant's contractor. *(Amended by Ordinance 85-5)*
- b. At the District's option, main line extensions and sewer laterals, and connections thereto, shall be performed either by the District or persons hired thereby or under the supervision of District employees by licensed contractors retained by the applicant. *(Amended by Ordinance 85-5)*
- c. When the District determines that any installation or connection shall be performed by the District, the applicant shall pay in advance an amount of funds as determined by the District to be equal to the approximate District cost of construction and other necessary expenses. Upon completion of construction, the District shall refund the excess, if any, of the funds paid by the applicant or, if applicable, the applicant shall pay the amount, if any, by which the actual cost exceeded the applicant's deposit. *(Amended by Ordinance 85-5)*

4.08 Separate Sewer Lines

- a. Separate premises, whether owned by the same or different persons, shall not be supplied with sewer service through the same sewer lateral or private sewer line. *(Amended by Ordinance 85-5)*
- b. When premises, currently served by the District's collection system, are divided into two or more premises, the existing lateral and private sewer line shall be considered to belong to the premises into which the lateral and private sewer line more/most directly enters. The new premises shall require the installation of a separate lateral and private sewer line, at the customer's expense, and the payment of all other applicable fees and charges. *(Amended by Ordinance 85-5)*

4.09 Customer Responsibility for Construction and Payment of Collection System

The customer shall be responsible, at the customer's own expense, for installing his/her private sewer line according to District standards. The customer shall also be financially responsible for the installation of any other portion of the District's collection system, which is necessary to serve the customer's property. *(Amended by Ordinance 85-5)*

4.10 Relocation of Sewer Lateral at Customer's Request

Upon a customer's written request, the customer's sewer lateral may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's sewer system. The cost of the relocation shall be borne by the customer and shall be paid in advance to the District. The cost of the relocation shall include all applicable costs and fees for construction (if

construction is performed by persons hired by the District), design, installation, inspections, administration, overhead, and any other necessary or related expenses. *(Amended by Ordinance 85-5)*

4.11 Relocation of Sewer Lateral at District's Request

Where a sewer lateral is relocated for the convenience or protection of the District, the relocation shall be at the expense of the District, provided such relocation is not made necessary by the customer. *(Amended by Ordinance 85-5)*

4.12 Connection to District Collection System

Connection of the sewer lateral into the main line shall be made in accordance with the District's standard specification and at the applicant's expense. The connection to the main line shall be made in the presence of a District inspector and under the inspector's supervision and direction. Any damage to the main line shall be repaired in conformance with District standard specifications at the applicant's sole cost. *(Amended by Ordinance 85-5)*

4.13 Inspection of Construction

- a. The District shall have the right to inspect all work on the collection system during and subsequent to its construction. When construction is completed; the work must be inspected and approved in writing by the Manager before the newly constructed facilities may be connected to the District's collection system. No construction shall be covered at any time unless it has been inspected and approved by the District. No facilities shall be connected to the District's lateral or main line unless the District has performed tests indicating the new construction is satisfactory and the facilities have been cleaned of all debris accumulated from construction operations. *(Amended by Ordinance 85-5)*
- b. The applicant shall give the District at least forty-eight (48) hours advance notice, Saturdays, Sundays and holidays excluded, of when it wished the District to perform an inspection. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and identify the deficiencies in the project. *(Amended by Ordinance 85-5)*

4.14 Final Approval of Construction

When the District determines that all work done under the permit and the main line extension agreement, if any, has been constructed according to and meets the requirements of all applicable provisions of this Code, the agreement, and any other District rules and regulations, and subsequent to the payment of all fees, the Manager shall authorize the issuance of a certificate of final inspection and completion. *(Amended by Ordinance 85-5)*

4.15 Easements

- a. If an easement is required for the extension of the main line or the making of connections, the applicant shall procure at its expense and have accepted by the Board a proper easement or grant of right-of-way having a minimum width of ten feet sufficient to allow the laying and maintenance of such extension or connection. *(Amended by Ordinance 85-5)*
- b. Any applicant who installs or proposes to install sewer facilities shall furnish the District all necessary easement and right-of-way for such facilities and the subsequent operation and maintenance thereof. *(Amended by Ordinance 85-5)*
- c. If the applicant cannot furnish the necessary easement and right-of-way the District may, at its sole option, acquire such easement and right-of-way, subject to the applicant's payment

to the District of all funds necessary to cover the District's cost of such acquisition.
(Amended by Ordinance 85-5)

- d. Until the necessary easement and right-of-way have been properly executed and recorded, the District shall not approve any plans for sewer facilities to be constructed by the person across the property of another person and the District shall not accept for public use any such sewer facilities and no person shall place such facilities into use. (Amended by Ordinance 85-5)

4.16 Dedication Requirement

An offer of dedication for the sewer facilities, excluding any private sewer lines shall be included in any application for a permit. The District shall not except for dedication any sewer facilities or improvements that are not constructed in conformance with requirements of the main line agreement, if any, this Code, and applicable law. Upon connection to the District's collection system and District written acceptance of the completed work, the newly constructed sewer lateral (up to the end of the sewer service stub at the first sewer cleanout) and main line shall become the District's property.

4.17 As-Builts

The applicant shall prepare and submit to the District two hardcopy sets of as-built plan prints and a set of reproducible drawings, in .pdf and .dwg format, delineating the as-built sewer mains, structures, ways, laterals, appurtenances, and all other portions of the collection system prior to, and as a condition of, District acceptance of completed construction work by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed with the District. (Amended by Ordinance O2020-03)

4.18 Liability

The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising during or stemming from the performance of any work by an applicant. The applicant shall be answerable for, indemnify and hold harmless, the District and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and interest, incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss, which may develop therefrom.

4.19 Performance Bond

The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the sewer facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the portion of the sewer facilities constructed by the applicant for a period of one-year following the District's written acceptance of the work.

4.20 Street Work

- a. When a person who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower or otherwise affect any portion of the sewer system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person's intention to

perform such construction and immediate notice upon exposure or contact with such systems.

- b. At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's sewer system, which is necessitated, by the street construction on its sewer system, the person requiring the street construction shall pay the District a reasonable deposit in an amount not to exceed the estimated cost of the District's construction. When the District completes its construction, the District shall refund that portion, if any, of the deposit which exceeds the actual costs of construction and the person requiring the construction shall pay the amount, if any, by which the actual costs of construction exceeds the deposit.
- c. The person performing the street construction shall be liable for any damage to the District's collection system resulting from the street construction or from the person's construction on the District's collection system.

SECTION 5.00 Main Line Extension

(Amended by Ordinance 85-5)

5.01 Sewer Main Extension

Any person desiring sewer service from the District that necessitates an extension of a District main line, construction of a new main, or any other off-premises sewer system improvement must apply in writing to the District for a main line extension agreement. The application shall require the same information as required for a sewer connection permit (section 6.02) in addition to such other information as may be required by the General Manager. The District shall have no obligation to provide sewer service to any new development project requiring a main line extension agreement until the District and applicant have entered into the main line extension agreement and the applicant has completed the improvements in accordance with the agreement. The main line extension agreement shall be in a form acceptable to the General Manager and shall set forth each party's respective obligations concerning the design, financing, and construction of the sewer system improvements by the developer, payment for District services and consultants by the applicant, dedication and transfer of land and rights of way, performance and maintenance guarantees, District inspection, testing and acceptance of improvements, and other terms and conditions the District finds necessary or appropriate in the public interest. A main line extension agreement must be approved by the Board. The main line extension agreement shall constitute the District sewer connection permit authorizing the construction of the sewer system improvements and the connection to the District collection system. The District will not approve a main line extension agreement unless it determines that the same criteria listed in section 6.02(A) are satisfied.

(Amended by Ordinance O2020-03)

5.02 Formation of an Assessment District

At the District's sole option, the District may utilize any statutory or other procedure concerning assessment districts to finance the construction of the main line extension, sewer laterals and related appurtenances.

5.03 Size of New Sewer Line

The District may require the installation of a sewer line larger than that necessary to adequately serve the applicant's property. When the District requires the installation of a larger sewer line, the District shall:

- a. Pay the difference in cost, as determined by the District, between the size necessary to serve the applicant's construction and the larger sewer line; or
- b. Perform the installation itself, subsequent to the receipt from the applicant of a sum sufficient to cover the cost of installation, and other necessary expenses, of the sewer line required by the applicant; or
- c. Require the applicant to construct the larger line subject to reimbursement as hereinafter provided; or
- d. Require a combination of the foregoing.

5.04 Reimbursement for Extensions

When an applicant enters into a main line extension agreement with the District, which requires the installation of a main line larger than that necessary to adequately serve the applicant's property, the agreement may provide for a reimbursement to the applicant as follows: *(Amended by Ordinance O2020-03)*

- a. Within the limits specified herein, when the main line extension has been installed at the applicant's sole expense, the applicant shall be eligible for reimbursement of applicant's cost based upon the applicant's and other customer's pro rata use, as determined by the District, of the extension. *(Amended by Ordinance 89-2)*
- b. The District shall levy on any customer connecting into the extension financed by applicant a fee determined by the District and based on the connecting customer's pro rata use of the extension and the actual cost of the extension. *(Amended by Ordinance 89-2)*
- c. Within 90 days of the District's receipt of any money pursuant to Section 5.04(b), the District shall pay such money to the applicant. *(Amended by Ordinance 89-2)*

SECTION 6.00 Permits and Fees

(Section Amended by Ordinance 85-5)

6.01 Application for Sewer Service When Service Connection is Adequate

Where an existing and adequate sewer lateral or private sewer line is properly connected to the District's collection system and the lateral or private sewer is or has been legally servicing the premises, the applicant of the premises to be served shall submit an application for sewer service upon a form provided by the District and in accordance with procedures established by the General Manager. The District will approve the application if it receives a complete service application for the premises, the applicant pays all applicable fees and charges, and the application and applicant comply with the requirements of this Chapter and applicable law. However, if the District determines that the existing lateral or private sewer is inadequately sized to accommodate the planned use of the premises, the

applicant must process an application for a permit for a larger or improve service pursuant to section 6.02. L (*Amended by Ordinance O2020-03*)

6.02 Application for Sewer Service When Connection is Required

- a. Sewer Connection Permit; Application. When the applicant desires sewer service for premises where a sewer service connection does not exist or where the existing connection is inadequate, then the service and connection require a District sewer connection application and approved permit. No person shall uncover, alter, disturb, construct, extend, or make a connection to the collection system without first obtaining a written sewer connection permit from the District and paying all applicable connection charges and other applicable fees and charges. Any person desiring a sewer connection permit must submit a written application to the District on a form as provided by the District and in accordance with procedures established by the General Manager. The application shall include the date of the application; name, address and telephone number of the property owner and, if different, developer or builder; description of premises proposed to be served; explanation of the proposed development project, including number and type of connections and units to be served; plans for the service connection and installation, together with a list of materials to be used; and, any other information as may be required by the General Manager. The application and all related documents and materials will become the property of the District and a public record. No sewer connection permit shall be issued, and no sewer service shall be provided, unless the General Manager determines that all of the following conditions are satisfied:
 1. The applicant has submitted a full and complete application.
 2. The premises to be served are within the District limits.
 3. The applicant has paid in full the applicable connection charges and all other applicable deposits, fees and charges.
 4. The premises to be served abuts an existing District sewer main in a street or right-of-way fronting the applicant's property of adequate size, condition, and capacity and the existing collection system is adequate to provide safe and reliable sewer service for the proposed use; or the applicant has entered into a sewer mainline extension agreement with the District to ensure the construction of such mains and other distribution system improvements as may be necessary or appropriate to serve the proposed use; or because of expansion or improvement planned and funded by the District or another developer, there will be adequate mains and sewer collection system improvements and capacity to serve the proposed use by the time of making the connection.
 5. The plans and list of materials comply with the requirements of this Chapter and applicable law, and the proposed size, type, quality and location of facilities and improvements are sufficient for the proposed use.
 6. The application complies with all other applicable District ordinances, resolutions, rules and regulations and applicable federal and state laws and regulations.
- b. Installation of Service Connection. Upon approval of the connection permit, the applicant may proceed with the installation in accordance with the terms of the permit. The service connection and related work must be installed by a qualified licensed contractor. The District, or its authorized representative, will inspect and test the construction work and materials used in the work. No construction will be covered unless it has been inspected and approved by the District. Upon completion of the work in accordance with the permit and this Chapter, the District will accept the completed work and the service connections (up to the end of the sewer service stub) will become District property and part of the District collection system.

- c. Rights-of-Way. Any applicant who installs a service connection must furnish to the District all necessary or appropriate easements and rights-of-way for the connection as determined by the District. If the applicant cannot furnish the easements and rights-of-way, the District may, at its sole option, acquire such easements and right-of-way if the applicant agrees to pay all acquisition-related costs and to deposit the estimated funds to cover the costs with the District. The District will not accept any completed service connection requiring an easement or right-of-way until a satisfactory easement or right-of-way to the District has been finalized, accepted, and recorded.
- d. Time Limit on Permit. If work under connection permit is not commenced within six (6) months from the date of issuance of such permit or if, after commencing work, the work is discontinued for a period of one year, the permit shall become void and no further work shall be undertaken until a new permit is applied for and approved.
- e. Permit Transfer. With the prior written approval of the District and the written approval of the new property owner, a sewer connection permit may be transferred to a new owner of the subject premises. A permit may not be transferred to any other premises.
- f. Where the installation or enlargement of the collection system and/or sewer lateral is necessary prior to the District's supplying sewer service to an applicant, the applicant shall submit an application for a permit to the District. If the applicant conveys and District review shows the District has sufficient sewer system capacity to supply service, and the applicant complies with all other District rules and regulations, the District shall accept the application. The District shall provide sewer service subsequent to the applicant's construction, or payment for the construction, of the necessary portions of the collection system; and the applicant's payment of all fees to the District; and the applicant's compliance with all District rules and regulations; and the applicant's payment in full of all charges, if any, owed to the District. *(Amended by Ordinance O2020-03)*

6.03 Application for Permit

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. Such person shall give a description of the character of the work proposed to be done and the location, ownership, occupancy, and use of the premises in connection therewith. The General Manager may require plans, specifications or drawings, studies and such other information as the Manager may deem necessary. *(Amended by Ordinance O2020-03)*

6.04 Compliance with Permit

After District's approval of the application, as evidenced by the District's issuance of a permit, the applicant shall make no change in the location of the collection facilities or other sewerage works, the grade, materials, or other details from those described in the plans on which the permit is based or as shown on the plans and specification for which the permit was issued, except with prior written permission of the General Manager.

6.05 Agreement

The applicant's signature on an application for any permit shall constitute an agreement to comply with all the provisions, terms and requirements of this Chapter, other parts of the District Code, and other rules and regulations of the District and with the plans and specifications the applicant has filed with its application, if any, together with such correction or modifications as may be made or permitted by the District, if any. This agreement shall be binding upon the applicant, and the applicant's successors, and may be altered only by the District upon written request for alteration from the applicant.

SECTION 7.00 Rates and Charges, and Collection Procedures

(Section Amended by Ordinance 85-5)

7.01 Installation Fees

- a. When the District installs a lateral, the District shall collect a deposit from an applicant prior to the installation of the lateral. Installing the lateral shall be on the basis of actual cost. If the actual cost of the installation is less than the deposit, the District shall refund the difference within sixty (60) days of completing the installation. If the actual cost of the installation is greater than the deposit, the applicant shall pay for the difference within thirty (30) days of receiving a bill therefore and prior to receiving sewer service.
- b. The amount of the fee shall be determined by the District General Manager based on an estimate of the cost of installing the lateral on a time and material basis, plus an additional administrative charge as determined by General Manager.

7.02 Community Facilities Fees

The District shall collect from all applicants for sewer service a community facilities fee to insure the continued availability of facilities for sewer service through periodic system expansion and replacement. The community facilities fee shall be paid as specified in the Community Facilities Fee Code. *(Amended by Ordinance 87-3)*

7.03 Rates and Charges for Service

The monthly service charge for each premise receiving sewer service from the District shall be: *(Amended by Ordinance 2021-01)*

a. Residential or other premises, each unit	
Base rate	\$46.26 per month
Reserve contribution	<u>\$ 14.00 per month</u>
Total monthly service charge	\$ 60.26 per month
Murieta Village, per unit	
Base rate	\$ 46.26 per month
Reserve contribution	<u>\$ 6.00 per month</u>
Total monthly service charge	\$ 60.26 per month

Non-Residential

Monthly service charge for non-residential sewer service shall be calculated on an EDU basis for each customer multiplied by the residential service charge.

(Minimum non-residential charge shall not be less than the charge for a residential unit.)

- b. For non-residential water metered accounts, the water consumption for the month of February shall be used to set the monthly sewer charge.
- c. For non-residential seasonal occupancy or uses of water metered accounts, the District will use a 12-month average of water usage to determine the monthly sewer charge.

7.04 Inspection Fee

- a. A fee based upon costs, labor, and parts shall be paid to the District for issuing a permit and inspecting each main line or lateral installation. The amount of this fee shall be determined from time to time by the General Manager and/or Board of Directors of the District; typically billed on time and materials of District staff and/or their contracted representative/s to the project or extensions deposit or billing. *(Amended by Ordinance O2020-03)*
- b. Inspection charges shall be paid prior to connection to the District's collection system.

7.05 Collection of Charges for Sewer and Other Services

Chapter 7.05 Collection of Charges for Sewer and Other Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

~~The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.~~

7.06 Billing

All sewer service accounts shall be billed monthly.

7.07 Persons Billed

- a. The District shall bill the property owner directly for all sewer services provided to the owner's premises. *(Amended Ordinance 90-6)*
- b. The property owner shall be liable for payment of all District charges. *(Amended Ordinance 90-6)*

7.08 Due Date

All bills are due and payable on the date they are issued by the District.

7.09 Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed. *(Amended by Ordinance 98-3)*

7.10 Delinquency Penalty

- a. A one-time basic penalty of ten percent (10%) of the delinquent charges shall be added to each delinquent bill for the first month the bill is delinquent.
- b. After levying the basic penalty provided in Section 7.10(a), the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges, and penalties for collection on the County property tax roll as set forth in Section 7.13. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the

delinquent portion of the bill, and then to the current portion of the bill. *(Amended by Ordinance O2019-03)*

7.11 Payment of Part of Delinquency

Monies paid where any portion of an account is delinquent shall first be credited to the delinquent portion of the bill and then to the current billing.

7.12 Liens

Unpaid sewer service charges imposed by this Chapter, when recorded, shall constitute a lien upon the parcel of real property to which the sewer service was supplied. The District shall include a statement on its bill to the effect that any sewer service charge and penalty thereon remaining unpaid shall, when recorded, constitute a lien on the parcel to which the sewer service was supplied. The District may from time to time compile lists of such delinquent charges and penalties and record them with the County Recorder as liens.

7.13 Collection of Delinquent Charges and Penalties with Taxes

All rates, charges, and penalties, which remain delinquent, may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.

7.14 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

~~The General Manager may adjust or grant rebates credits from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that the customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.~~

7.15 Sewer Standby of Availability Charge

The District may fix, on or before the first day of July in each calendar year and may annually collect a sewer standby or availability charge not to exceed ten dollars (\$10.00) per year for each acre of land, or ten dollars (\$ 10. 00) per year for each parcel of land of less than an acre within the District to which sewer service is made available for any purpose, whether the sewer service is actually used or not. The District may establish schedules varying the charges depending upon factors such as the use to which the land is put, the cost of transporting sewage from the land, and the amount of sewage discharge from the land. *(Amended by Ordinance 96-1)*

SECTION 8.00 Prohibited Use of Collection System

(Section Amended by Ordinance 85-5)

8.01 Drainage into Sanitary Sewers Prohibited

No leaders from roofs, surface drains for rainwater or storm sewers shall be connected to any sanitary sewer. No surface, storm water, artisan well flows, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

8.02 Wastes Prohibited in Public Sewer

No person shall discharge or cause to be discharged any of the following wastes to any part of the collection system.

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive solid, liquid or gas.
- b. Any waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process or pumping facilities, constitute a hazard to humans, or create a public nuisance. *(Amended by Ordinance O2020-03)*
- c. Any waste having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the District.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the collection system, such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable diapers, feathers, tar, plastics, wood, un-ground garbage, paper dishes, cups, containers, etc. either whole or ground by garbage grinders.

8.03 Types of Waste Which May be Prohibited

No person shall discharge or cause to be discharged the following described substances, materials, or wastes if it appears likely in the opinion of the General Manager that such wastes may harm the collection system, sewage treatment process or equipment, or can endanger personnel or property or create a public nuisance. In forming an opinion as the acceptability of these wastes, the General Manager shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers to which they discharge, sewer material, treatment process, treatment plant capacity and other pertinent factors. The substances so subject to prohibition include, but are not limited to: *(Amended by Ordinance O2020-03)*

- a. Any liquid or vapor having a temperature higher than 150F.
- b. Any water or waste, which may contain more than 100 milligrams per liter of fat, oil, or grease.
- c. Any garbage that is not biodegradable and has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the collection system, with no particle greater than one-half inch in any dimension.
- d. Any waters or wastes having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the District.
- e. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewage works.
- f. Any septic tank sludge or other digested sludge.

- g. Any wastes containing phenols or other taste or odor producing substances, in concentrations exceeding limits, which may be established by the Board.
- h. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits set by the Board in compliance with State or Federal regulations.
- i. Materials, which exert or cause:
 1. Unusual concentrations of inert suspended solid.
 2. Excessive discoloration.
 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
 4. Unusual volume of flow or slugs. As used herein, slug shall mean any discharge of water, sewage or waste, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hours concentration or flow during normal operation.
- j. Wastes containing substances, which are not amenable to treatment by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the Regional Water Quality Control Board, Central Valley Region.

8.04 Acceptance of Deleterious Wastes

If any wastes containing the characteristics listed in Section 8.03, which in the judgment of the General Manager, may have a deleterious effect upon the sewerage works, process, equipment, or receiving water, is to be discharged to the collection system, the General Manager may do one or more of the following:

- a. Require pretreatment to an acceptable condition prior to discharging to the collection system.
- b. Require control over the quantities and rates of discharge.
- c. Require payment, in an amount established by the Board to cover the added cost of handling and treating the wastes.

8.05 Pretreatment or Equalization of Flow

If the General Manager recommends pretreatment or equalization of flow, the design and installation of the plants and equipment shall be subject to the review and approval of the District and no construction of such facilities shall commence until District approval is obtained in writing.

8.06 Maintenance of Pretreatment Facilities

Where pretreatment facilities are provided for any waters or wastes, unless otherwise provided, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense and to the satisfaction of the District.

8.07 Interceptors Required

(This Section Amended by Ordinance O2020-03)

- a. 1. Grease, oil and sand interceptors shall be required, installed and maintained at the customer's expense when in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes, grease, or any objectionable waste, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used exclusively for residential purposes. All interceptors shall be of a type and capacity approved by the General Manager, or his/her designee, and shall be so located as to be readily and easily accessible for cleaning and inspection.
2. Monthly Fees: For those existing food preparation and cooking facilities where the costs of installation of a grease interceptor would be prohibitive, a charge to cover the costs for the District to handle grease from these facilities.

Fees will be charged with the regular billing cycle as follows:

Rancho Murieta Country Club	4.03
Rancho Murieta Lodge	.86
Rancho Murieta Country Store	2.30
Rancho Murieta Plaza	2.59
Rancho Murieta Village Clubhouse	1.73
Rancho Murieta Training Center	3.16

- b. 1. Notwithstanding Section 8.07(a), every restaurant, the Training Center, and every other District customer, excluding residential customers, whose premises are used for food preparation and cooking, shall have a sand, oil and grease interceptor installed in the manner and time specified herein.
2. A District customer, who is required to have an installed sand, oil and grease interceptor pursuant to Section 8.07(b) and who obtains a sewer permit from the District on or after this Ordinance's effective date, shall have an installed and operational interceptor approved by the District prior to connecting with the District's water or sewer system.
3. A District customer, who is required to have a sand, oil and grease interceptor pursuant to Section 8.07(b) and who had a sewer permit prior to this Ordinance's effective date, shall have an installed operational interceptor approved by the District within one hundred twenty (120) days of this Ordinance's effective date.
- c. All sand, oil and grease interceptors shall be designed and constructed according to the following specifications:
 1. Interceptors shall conform to the requirements of the Uniform Plumbing Code and this Ordinance.
 2. Interceptors shall be designed and constructed in accordance with District's standards, or as requested by District Engineer, and shall be approved by the District Engineer prior to connection with the District's sewer system.
 3. Interceptors shall be designed in accordance with the following criteria:
 - a. Size: Interceptor detention time shall be the greater of (1) total number of fixture units x 7.5 gpm/fixture unit; (2) dishwasher rated flow rate (gpm x 30 minutes).

Interceptors shall be at least 4'0" high and have a minimum freeboard of 12-inches below the soffit of the roof. Interior dimensions of the first compartment of an interceptor shall be a minimum of 2'6" wide and 4'0" long. Interior dimensions of the last compartment shall be 4'-0" long by a minimum of 2'6" wide. Compartment walls shall be the same height as the design water surface of the interceptor.

- b. Type: Exterior type interceptors shall be required. "Under the sink" models are not acceptable. All fixture drains, except floor drains from the kitchen area, shall be connected to the interceptor. All restrooms shall be plumbed separately and connected to the building sewer downstream of the interceptor.
- c. Location: Interceptors shall be located outside of the structure and as close as possible to the source of sand, oil or grease. Interceptors shall be located to facilitate the ease of maintenance and inspection. Interceptors placed in areas subject to vehicular traffic shall be designed for H₂O loadings. Interceptors shall be located near a hose bib. The final location shall be approved by the District prior to installation.
- d. Construction: Interceptors shall be constructed with reinforced concrete and shall contain at least two compartments. Each compartment shall have a 24-inch diameter gasketed airtight standard manhole frame and cover. Each manhole shall have a pre-cast concentric cone and pre-cast 30-inch diameter extension rings. Interceptors shall have a minimum cover of 24-inches below finish Grade. Manholes shall be located directly above inlet piping and interior compartment walls. Scum boards shall extend from the top of compartment walls to the base of the manhole extension rings. All interceptor piping and fittings shall be of ductile iron material. Piping and fittings shall be the same diameter as the building sewer line (4-inch diameter minimum). A two-way cleanout shall be provided on the interceptor outlet pipe. The outlet shall be at least 4-inches below the inlet elevation.
- e. The use of pre-approved precast interceptors or automatic mechanical grease removal systems may be allowed with the prior written approval of the District Engineer.
- d. No interceptor shall be approved by the District unless its design either conforms to the specifications herein or is, prior to installation, approved in writing by the District Manager or District Engineer.
- e. Failure to install and adequately maintain sand, oil and grease interceptor in the time and manner specified in this Section shall be grounds for termination of District water and/or sewer service according to applicable law.
- f. All customers with installed interceptors shall provide the District with an annual report of monthly interceptor and cleaning activity.
- g. The District has the right to periodically test and inspect any interceptor.
- h. All customers with installed interceptors shall add District-furnished bacteria to the interceptor as may be required by the District.

- i. Any person who improperly disposes sand, oil, grease or other objectionable waste into the District sewer system shall be liable for the cost of any damage caused thereby to the District system, including the costs of cleaning out the deposited material.

8.08 Maintenance of Interceptors

Unless otherwise provided, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. Records of maintenance or interceptors must be made available to District staff or their representatives as requested. *(Amended by Ordinance O2020-03)*

8.09 Control Manholes

When required by the General Manager, the owner of any property served by the District and carrying industrial wastes shall install suitable control manhole in the private sewer line to facilitate observation, sampling and measurement of wastes. Such manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

8.10 Measurements and Tests

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater" and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the main line to the point at which the lateral is connected.

8.11 Swimming Pools

It shall be unlawful for any person to discharge the contents of a swimming pool into a collection system without notification to and approval by District, at least twenty-four (24) hours in advance. *(Amended by Ordinance O2020-03)*

8.12 Special Agreements

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment thereof by the industrial concern and subject to such terms and conditions as may be required by the District.

8.13 In General

All applications for connections to the District collection system from industries of any sort shall be submitted to the District for evaluation and then to Board for consideration and approval before the permission is granted for said connection and use. The District shall have the power to regulate both the quantity and quality of any industrial waste, and monthly sewerage use charges. *(Amended by Ordinance O2020-03)*

The applicant shall install approved type screens to remove all solids retained on the mesh screen required by the State Board of Health.

The applicant shall install an approved flume and automatic recording device, all at the applicant's expense, when required by the District.

The District shall have the right at all times to the operation of the screening mechanism, the operation of the recording mechanism, and to make a record of the readings. *(Amended by Ordinance 92-3)*

8.14 Prohibited Uses *(This section Amended by Ordinance O2020-03)*

- a. Prohibited Connection or Contact with Domestic Water: Domestic water is defined as water for human consumption or recreation use. The following requirements are intended to prohibit reclaimed wastewater and domestic water interaction:
 1. No connection between the potable water supply and piping containing reclaimed or untreated wastewater shall be allowed.
 2. A backflow prevention assembly shall be required on all domestic water service connections in reclaimed wastewater use areas.
 3. Ten (10) foot horizontal and one-foot vertical separation between pipelines transporting reclaimed wastewater and domestic water shall be maintained at all times. Domestic water shall be above reclaimed wastewater wherever possible.
 4. Permanent labeling of reclaimed wastewater piping, valves, water controllers, etc. shall be required.
 5. Supplementing of reclaimed wastewater from any other water sources shall not be allowed except through an air gap or reduced pressure principle (RP) device.
 6. Irrigation or impoundment of reclaimed wastewater within 500 feet of a domestic well or 100 feet of an irrigation well shall not be allowed.
 7. Hose bib connections shall not be allowed on irrigation systems using reclaimed wastewater.
 8. Restrictive and secured water valves, outlets, quick couplers, and sprinkler heads that permit operation by authorized personnel only shall be required.
- b. Enforcement: Enforcement of the requirements of this Section will be performed by the District General Manager in accordance with the provisions of Section 11.00 of this Chapter.
- c. Pre-existing Conditions: Non-conforming physical conditions existing as of the effective date of this ordinance, which have the potential of creating a public hazard and/or nuisance shall be deemed to be a violation of this ordinance. The user shall be allowed a grace period of three (3) months from the effective date of this ordinance within which to correct the violation or to obtain a District approval to allow the non-conforming violation to remain. If approval is not granted or the non-conforming violation is not corrected within the grace period, the District may correct the violation at the user's sole cost.
- d. Variance: Notwithstanding Section 8.14(b) of this Ordinance, the District General Manager shall have the authority to extend the grace periods set forth in Section 8.14(b) and/or to authorize nonconforming violation to remain. The General Manager shall also have the

authority to allow a variance from the prescribed standards as set forth in this Section on a case by case basis when in the General Manager's judgment, the variance will not detract from the effectiveness of the warning or other protective measures required by this Section. A District customer has the right to appeal the General Manager's granting or denial of such a variance to the Board of Directors.

8.15 Recording Device

The applicant shall install an approved flume and automatic recording device, all at the company's expense, when required by the District.

8.16 Screening/Recording Mechanism

The District shall have the right at all times to check the operation of the screening mechanism, the operation of the recording mechanism and to make a record of the readings.

SECTION 9.00 Special Types of Sewer Service *(Amended by Ordinance O2020-03)*

9.01 Sewer Service Outside District

- a. The District may provide or allow sewer service to property outside its boundaries when the Board finds that such service shall not adversely affect the sewer service within the District, support of said service if fully funded by applicant, and that a surplus of sewer collection and treatment capacity exists. The District may provide sewer service to premises outside the District boundaries only if (1) the District and owner of the subject premises approve an extraterritorial service agreement on terms acceptable to the Board, (2) the Board finds that such service will not adversely affect the sewer service within the District, and (3) the extraterritorial service is authorized or approved by the Sacramento County Local Agency Formation Commission under Government Code section 56133 (or successor statute).
- b. In the event that, because of increased usage or other causes, service outside the District becomes adverse to the District's interest or the interest of District customers located within the District or surplus sewer and/or treatment capacity is no longer available for such outside use, the District may discontinue or disconnect the service outside the District 120 days after the District gives written notice to the person or premises receiving the sewer service that such outside service is to be terminated.
- c. Except as set forth in this Section, the rules and regulations of the District shall apply to all customers outside the District.
- d. Rates and charges to all customers outside the District shall be one hundred fifty percent (150%) of the applicable rate and charges for customers within the District, as set forth in Section 7.00. No Capital Improvement Connection Fee (CICF) shall be charged for sewer service outside the District.
- e. Prior to receiving service, a customer outside the District shall deposit an amount equal to three months of the District's applicable rates for sewer service.
- f. The supply of sewer service to persons or premises outside the District shall not create a vested right with the person or premise outside the District to continue to receive sewer service from the District nor any credit or refund for improvements made to receive such sewer service.

SECTION 10.00 Enforcement Disconnection and Restoration of Service *(Amended by Ordinance 85-5)*

10.01 Enforcement

The General Manager shall enforce the provisions of this Chapter and, for such purpose, shall have the powers of the peace officer, if deputized or if authorized by law. Such power shall not be regarded as limitations on or otherwise affecting the powers and duties of the County Health Officer.

10.02 Violation of Chapter

In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation within five (5) days after receipt of such notice, and the General Manager shall have the authority to disconnect the property served from the District Sewer System, in the manner set forth herein.

10.03 Public Nuisance

Continued habitation of any building or continued operation of any commercial or industrial facility in violation of the provisions of this or any other Chapter, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement for the occupancy of the residence, building, industrial, or commercial facility during the period of such violation.

10.04 Disconnection

As an alternative method of enforcing the provisions of this or any other Chapter, rule or regulation of the District, the General Manager shall have the authority to disconnect the customer from the District's collection system, through disconnection of water service, without liability to the District in the following manner:

- a. At least ten (10) business days before the proposed disconnection of any service, a customer shall be provided with written notice of the procedure for and the availability of an opportunity to discuss the reasons for the proposed disconnection of service.
- b. After notice has been given as specified in subparagraph (a) and prior to disconnection of service, a customer shall have the opportunity to discuss the reason for the disconnection with- an employee designated by the District who shall be empowered to review disputed bills, rectify errors, and settle controversies pertaining to disconnection of service.
- c. No service shall be disconnected by reason of delinquency in payment of bills on any Saturday, Sunday, legal holiday, or any time during which the District's office is not open to the public.

10.05 Settling Disputes

The General Manager is hereby authorized to review disputes pertaining to any matters for which service may be disconnected and to adjust errors and settle disputes pertaining to such matters.

10.06 Public Nuisance and Abatement

During the period of any disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, which shall authorize the District to bring proceedings for the abatement of the occupancy of the premises during the period of the disconnection. In such event, and

as a condition of restoring service, the District shall be paid reasonable attorney's fees and costs of suit arising from such action, plus any other necessary charges for or incurred in the restoration of service.

10.07 Restoration of Service

When service under this Chapter has been disconnected for any reason, the service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnection and restoring the service, plus a twenty-five-dollar (\$25) restoration fee.

10.08 Recovery of Costs

In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest and other costs of suit.

10.09 Means of Enforcement Only

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

10.10 Cumulative Remedies

All remedies set forth herein for the collection and enforcement of rates charges, and penalties are cumulative and may be pursued alternatively, concurrently, or consecutively.

10.11 Misdemeanor

A violation of any provision of this Chapter is a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of a day that a violation of the Chapter continues, shall be deemed as separate offense hereunder and shall be punishable as such.

10.12 Penalties

The goal of the provisions of this chapter are to achieve voluntary compliance from the customer, and the District will take reasonable measures to assure the customer has information available to promptly and efficiently address sewer use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate further action may be required. Except as otherwise provided herein, violations of any provision of this chapter shall be generally addressed as follows. *(Amended by Ordinance 2020-03):*

Violation	Penalty
First	Personal or written notification of the violation
Second	Written notification and issuance of a notice to correct
Third	Issuance of an administrative penalty of \$100
Fourth	Issuance of a penalty of \$200
Fifth	Issuance of a penalty of \$500
Final	Disconnected water service and/or other penalties as provided in the notice of violation and as determined by the General Manager.

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE

CHAPTER 15

THE SEWER CODE

INSTALLATION, CONNECTION AND USE OF THE DISTRICT
WATER SANITARY SEWER SYSTEM



Amended March 15, 2023
By Ordinance O2023-01

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**DISTRICT CODE
CHAPTER 15**

**POLICIES REGULATING THE INSTALLATION, CONNECTION AND USE OF THE DISTRICT
SANITARY SEWER SYSTEM**

SECTION 1.00 - General Provisions

1.01 Title

This Chapter shall be known as the "Sewer Code" and may be cited as such.

1.02 Scope of Service

The provisions of this Chapter shall apply to sanitary sewer facilities and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of public sanitary sewers, pumping equipment and facilities, treatment plants and facilities, connections and services, and all system appurtenances; the disposal of sewage and drainage of buildings; the issuance of permits and the collection of fees therefore; fees to pay for the costs of checking plans, inspecting construction, and making record plans of the facilities permitted hereunder; providing penalties for violation of any of the provisions hereof, and all other necessary or related matters.

SECTION 2.00 Definitions

2.01 Applicant

Applicant shall mean the owner, or the agent of the owner, of the property for which sanitary sewer service is being requested.

2.02 Board

Board shall mean the Board of Directors of Rancho Murieta Community Services District.

2.03 Building

Building shall mean any structure used for human habitation or a place of business, recreation or other purposes.

2.04 Collection System

Collection System shall mean all portions of the District sewer system, and related facilities, whether owned by the District and on publicly owned property or owned by the customer and on privately owned property. *(Amended by Ordinance 85-5)*

2.05 Contractor

Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit.

2.06 Customer

Customer shall mean the owner or agent of the owner of the property receiving sanitary sewer service.

2.07 District

District shall mean the Rancho Murieta Community Services District.

2.08 General Manager

General Manager shall mean the person appointed by the Board to the position of General Manager of the Rancho Murieta Community Services District.

2.09 Interceptor (aka grease trap)

Plumbing device designed to intercept most greases and solids from the customer's premises before they enter the District's sewer system.

2.10 Lateral or Lateral Sewer

Lateral or Lateral Sewer shall mean that portion of the collection system owned by the District, located in the street, public right-of-way, or District easement, and running between the main line and to the sewer stub to the customer's premises. *(Amended by Ordinance 2020-03.)*

2.11 Main Line

Main Line shall mean that portion of the collection system owned by the District, located in the street, other public right-of-way, or District easement and generally eight inches or more in diameter. *(Amended by Ordinance 85-5)*

2.12 Permits

Permits shall mean the District's written approval or authorization for a District customer to receive sewer service. *(Amended by Ordinance 85-5)*

2.14 Person

Person shall mean any human being, individual, firm, company, partnership, association, and/or private corporation. *(Amended by Ordinance 85-5)*

2.15 Premises

Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for service. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single enterprise, apartment or dwelling.

2.16 Private Sewer or Private Sewer Line

Private Sewer or Private Sewer Line shall mean that portion of the customer sewer service line owned by the customer and running from the end of the sewer service stub to the customer's premises receiving sewer service. *(Amended by Ordinance O2020-03)*

SECTION 3.00 – General Policies

3.01 General Policy of Operating System

The District shall operate and maintain the sewer system in an efficient and economical manner and supply sewer service as fairly and equitably as possible. The charges to be made for service shall be set at rates necessary to enable the District to recover all costs of supplying sewer service including, but not limited to, the costs for the following:

- a. Collecting, pumping, treating, storing sewage, and reusing wastewater;
- b. Customer service;
- c. Administration;
- d. Overhead;
- e. Debt service;
- f. In lieu taxes;
- g. Replacement and maintenance of facilities, and
- h. All other necessary and appropriate expenses.

3.02 Responsibility for Sewer System

- a. The customer served by the District's collection system shall be responsible for the installation, operation, maintenance, inspection, repair, and replacement, and costs thereof, of the private sewer line, and all other devices or safeguards required by this Chapter. The customer responsibility for the private sewer line includes keeping the line free from roots, grease deposits, and other solids, clearing stoppages or blockages, and repairing damage. The District's responsibility for operation, maintenance, inspection, repair, and replacement extends only from the sewer main to the end of the sewer service stub. The responsibility for the connection at and beyond the sewer stub is borne by the customer as depicted in the District Sewer Standard Drawings. The installation of a District device upon private property, or within a portion of the collection system not owned by the District, shall not obligate the District to operate, maintain, or replace devices, works or facilities not otherwise owned by the District. *(Amended by Ordinance O2020-03)*
- b. District shall be responsible for operation and maintenance of that portion of the collection system that is in a District-owned easement or right-of-way, but not including any portion of a private sewer line. *(Amended by Ordinance O2020-03)*
- c. The customer served by the District's collection system shall be responsible for and liable for all costs associated with the repair of any damage caused by the customer or its contractor or agent to the collection system, wherever located, including but not limited to sewer obstructions in or introduced from customer's private sewer. *(Amended by Ordinance O2020-03)*

3.03 Unauthorized Use of District Sewer Service

No person shall supply sewer service to any person, or to any premises, or extend sewer service within served premises, except with prior authorization by District permit or with prior approval in writing by the District. *(Amended by Ordinance O2020-03)*

3.04 Sewer Required

The owner of any existing building situated within the District and abutting on any street in which there is now located or may in the future be located a main line or lateral of the District, is hereby required at the owner's expense to connect the building directly with the District's collection system in accordance with the provisions of this Chapter within ninety (90) days after date of official notice to do so, provided that the main line or lateral is within two hundred (200) feet of the nearest point of the property. *(Amended by Ordinance 85-5)*

3.05 Access to and Inspection of the Collection System

- a. The District shall have access at all reasonable times to the collection system, whether located on or off the customer's premises, for the purpose of inspecting, installing, maintaining, operating, removing, or taking other necessary actions relating to the collection system. *(Amended by Ordinance 85-5)*
- b. Whenever reasonably possible, the District shall obtain the customer's consent or give twenty-four hours advance notice of the District's intent to enter and inspect a customer's private sewer line. *(Amended by Ordinance 85-5)*
- c. No person shall be allowed to interfere or otherwise hinder the District's inspection, installation, maintenance, operation, removal, or other lawful or necessary District activity regarding the collection system. *(Amended by Ordinance 85-5)*
- d. No person shall place on any sewer easement any obstruction, such as wires, fences, trees, or buildings, which may impede or otherwise interfere with the collection system owned by the District. Upon the District's written request, such obstruction shall be immediately removed by the violator at no cost to the District or at the Districts' option, shall be removed by the District at the violator's expense. *(Amended by Ordinance 85-5)*

3.06 Unsafe Apparatus or Damaging Conditions

If an unsafe or hazardous condition is found to exist on the customer's premises, or if the customer's use of sewer service is found to be detrimental or damaging to the District or its customers, the District may discontinue sewer service without notice, provided that the District shall notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored. *(Amended by Ordinance 85-5)*

3.07 Fraudulent Use of Service

When the District has discovered that a customer has obtained sewer service by fraudulent means, or has diverted the sewer service for unauthorized use; the service to that customer may be discontinued in the manner set forth in Section 10.00 herein. The District shall not be required to restore service until the customer has complied with all rules and requirements of the District and the District has been reimbursed for the full amount of the service rendered and the actual or estimated costs to the District incurred by reason of the fraudulent use. *(Amended by Ordinance 85-5)*

3.08 Continuity of Service

The District shall not be liable for any interruption, or insufficiency of sewer service at the customer's point of connection, or for any loss or damages occasioned thereby. *(Amended by Ordinance 85-5)*

3.09 Contractors Hired by the District

The District may waive portions of this Chapter for persons hired by the District to construct any part of the District's collection system. *(Amended by Ordinance 85-5)*

3.10 Delegation of Authority

The General Manager shall have the authority to delegate the performance of any of the Manager's responsibilities to any District employee or independent contractor.

3.11. Compliance with California Plumbing Code

Applicants, contractors, and customers shall comply with applicable provisions of the California Plumbing Code, including the requirement to install and maintain a backflow prevention device when the building or premises contain a plumbing fixture installed on a floor level that is lower than the next upstream manhole cover of the District collection system.

SECTION 4.00 District Construction Requirements

(Amended by Ordinance 85-5)

4.01 Permit Required

No person, other than persons specifically excluded by this Code, shall construct, extend, or connect to any portion of the District's collection system without first obtaining a sewer permit from the District, paying all applicable fees as set forth in this Chapter and complying with the District Code and other applicable requirements. *(Amended by Ordinance 85-5)*

4.02 Time Limit on Permit

To maintain the continuing validity of a permit, the permittee shall commence work under a permit within six months of the date of the District's issuance of the permit and, once work is initiated, shall not discontinue work under the permit for a period of one year or more, unless all work pursuant to the permit is completed. If the permittee fails to commence work under the permit within six months of the permit's issuance or if the permittee discontinues work for a period of one year or more, without completing the project, the permit shall be void and no further work shall be done under the permit until the District issues a new permit and the applicant pays all applicable fees. *(Amended by Ordinance 85-5)*

4.03 District's Studies

The District shall have the right to require or undertake the preparation of engineering, economic, environmental, or financial evaluations, at the applicant's sole cost, of any request for District sewer service when such service may necessitate the installation of sewer facilities or additions to the District collection system. *(Amended by Ordinance 85-5)*

4.04 Plans

(Amended by Ordinance 85-5)

- a. Each application for a permit shall be accompanied by three sets of complete plans and specifications for the installation of any portion of the collection system. The plans shall comply with the District Code and all other applicable rules and regulations.
- b. The plans shall be the exclusive property of the District.
- c. The District shall determine the adequacy of the proposed sewer facilities as to the size, type, and quality of materials and as to the location of facilities to serve the proposed development, including off-tract sewer lines and other appurtenances. The District shall have the authority to require the applicant to submit revised plans consistent with District standards.
- d. When the District is satisfied that the work proposed by the plans is proper and the plans are sufficient; it shall authorize the issuance of a permit subsequent to the applicant's payment of all applicable fees, charges, and deposits.

4.05 Time for Installing Sewer Lines

Whenever practicable, the lateral shall be installed at the time of sewer main line is installed.
(Amended by Ordinance 85-5)

4.06 District Construction Standards

All work performed on installing any portion of the collection system and all acts, including design and construction, relating thereto shall comply with the District standard specifications. Copies of the standards are on file with the District office. *(Amended by Ordinance 85-5)*

4.07 Persons Authorized to Perform Work on District Collection System

- a. Only validly licensed contractors are authorized to perform work on the District's collection system, including connections thereto. All terms and conditions of the permit issued by the District to the applicant shall be binding on the applicant's contractor. *(Amended by Ordinance 85-5)*
- b. At the District's option, main line extensions and sewer laterals, and connections thereto, shall be performed either by the District or persons hired thereby or under the supervision of District employees by licensed contractors retained by the applicant. *(Amended by Ordinance 85-5)*
- c. When the District determines that any installation or connection shall be performed by the District, the applicant shall pay in advance an amount of funds as determined by the District to be equal to the approximate District cost of construction and other necessary expenses. Upon completion of construction, the District shall refund the excess, if any, of the funds paid by the applicant or, if applicable, the applicant shall pay the amount, if any, by which the actual cost exceeded the applicant's deposit. *(Amended by Ordinance 85-5)*

4.08 Separate Sewer Lines

- a. Separate premises, whether owned by the same or different persons, shall not be supplied with sewer service through the same sewer lateral or private sewer line. *(Amended by Ordinance 85-5)*
- b. When premises, currently served by the District's collection system, are divided into two or more premises, the existing lateral and private sewer line shall be considered to belong to the premises into which the lateral and private sewer line more/most directly enters. The new premises shall require the installation of a separate lateral and private sewer line, at the customer's expense, and the payment of all other applicable fees and charges. *(Amended by Ordinance 85-5)*

4.09 Customer Responsibility for Construction and Payment of Collection System

The customer shall be responsible, at the customer's own expense, for installing his/her private sewer line according to District standards. The customer shall also be financially responsible for the installation of any other portion of the District's collection system, which is necessary to serve the customer's property. *(Amended by Ordinance 85-5)*

4.10 Relocation of Sewer Lateral at Customer's Request

Upon a customer's written request, the customer's sewer lateral may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's sewer system. The cost of the relocation shall be borne by the customer and shall be paid in advance to the District. The cost of the relocation shall include all applicable costs and fees for construction (if

construction is performed by persons hired by the District), design, installation, inspections, administration, overhead, and any other necessary or related expenses. *(Amended by Ordinance 85-5)*

4.11 Relocation of Sewer Lateral at District's Request

Where a sewer lateral is relocated for the convenience or protection of the District, the relocation shall be at the expense of the District, provided such relocation is not made necessary by the customer. *(Amended by Ordinance 85-5)*

4.12 Connection to District Collection System

Connection of the sewer lateral into the main line shall be made in accordance with the District's standard specification and at the applicant's expense. The connection to the main line shall be made in the presence of a District inspector and under the inspector's supervision and direction. Any damage to the main line shall be repaired in conformance with District standard specifications at the applicant's sole cost. *(Amended by Ordinance 85-5)*

4.13 Inspection of Construction

- a. The District shall have the right to inspect all work on the collection system during and subsequent to its construction. When construction is completed; the work must be inspected and approved in writing by the Manager before the newly constructed facilities may be connected to the District's collection system. No construction shall be covered at any time unless it has been inspected and approved by the District. No facilities shall be connected to the District's lateral or main line unless the District has performed tests indicating the new construction is satisfactory and the facilities have been cleaned of all debris accumulated from construction operations. *(Amended by Ordinance 85-5)*
- b. The applicant shall give the District at least forty-eight (48) hours advance notice, Saturdays, Sundays and holidays excluded, of when it wished the District to perform an inspection. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and identify the deficiencies in the project. *(Amended by Ordinance 85-5)*

4.14 Final Approval of Construction

When the District determines that all work done under the permit and the main line extension agreement, if any, has been constructed according to and meets the requirements of all applicable provisions of this Code, the agreement, and any other District rules and regulations, and subsequent to the payment of all fees, the Manager shall authorize the issuance of a certificate of final inspection and completion. *(Amended by Ordinance 85-5)*

4.15 Easements

- a. If an easement is required for the extension of the main line or the making of connections, the applicant shall procure at its expense and have accepted by the Board a proper easement or grant of right-of-way having a minimum width of ten feet sufficient to allow the laying and maintenance of such extension or connection. *(Amended by Ordinance 85-5)*
- b. Any applicant who installs or proposes to install sewer facilities shall furnish the District all necessary easement and right-of-way for such facilities and the subsequent operation and maintenance thereof. *(Amended by Ordinance 85-5)*
- c. If the applicant cannot furnish the necessary easement and right-of-way the District may, at its sole option, acquire such easement and right-of-way, subject to the applicant's payment

to the District of all funds necessary to cover the District's cost of such acquisition.
(Amended by Ordinance 85-5)

- d. Until the necessary easement and right-of-way have been properly executed and recorded, the District shall not approve any plans for sewer facilities to be constructed by the person across the property of another person and the District shall not accept for public use any such sewer facilities and no person shall place such facilities into use. (Amended by Ordinance 85-5)

4.16 Dedication Requirement

An offer of dedication for the sewer facilities, excluding any private sewer lines shall be included in any application for a permit. The District shall not except for dedication any sewer facilities or improvements that are not constructed in conformance with requirements of the main line agreement, if any, this Code, and applicable law. Upon connection to the District's collection system and District written acceptance of the completed work, the newly constructed sewer lateral (up to the end of the sewer service stub at the first sewer cleanout) and main line shall become the District's property.

4.17 As-Builts

The applicant shall prepare and submit to the District two hardcopy sets of as-built plan prints and a set of reproducible drawings, in .pdf and .dwg format, delineating the as-built sewer mains, structures, ways, laterals, appurtenances, and all other portions of the collection system prior to, and as a condition of, District acceptance of completed construction work by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed with the District. (Amended by Ordinance O2020-03)

4.18 Liability

The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising during or stemming from the performance of any work by an applicant. The applicant shall be answerable for, indemnify and hold harmless, the District and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and interest, incurred in defending the same or in seeking to enforce this provision. The applicant shall be solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss, which may develop therefrom.

4.19 Performance Bond

The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the sewer facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the portion of the sewer facilities constructed by the applicant for a period of one-year following the District's written acceptance of the work.

4.20 Street Work

- a. When a person who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower or otherwise affect any portion of the sewer system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person's intention to

perform such construction and immediate notice upon exposure or contact with such systems.

- b. At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's sewer system, which is necessitated, by the street construction on its sewer system, the person requiring the street construction shall pay the District a reasonable deposit in an amount not to exceed the estimated cost of the District's construction. When the District completes its construction, the District shall refund that portion, if any, of the deposit which exceeds the actual costs of construction and the person requiring the construction shall pay the amount, if any, by which the actual costs of construction exceeds the deposit.
- c. The person performing the street construction shall be liable for any damage to the District's collection system resulting from the street construction or from the person's construction on the District's collection system.

SECTION 5.00 Main Line Extension

(Amended by Ordinance 85-5)

5.01 Sewer Main Extension

Any person desiring sewer service from the District that necessitates an extension of a District main line, construction of a new main, or any other off-premises sewer system improvement must apply in writing to the District for a main line extension agreement. The application shall require the same information as required for a sewer connection permit (section 6.02) in addition to such other information as may be required by the General Manager. The District shall have no obligation to provide sewer service to any new development project requiring a main line extension agreement until the District and applicant have entered into the main line extension agreement and the applicant has completed the improvements in accordance with the agreement. The main line extension agreement shall be in a form acceptable to the General Manager and shall set forth each party's respective obligations concerning the design, financing, and construction of the sewer system improvements by the developer, payment for District services and consultants by the applicant, dedication and transfer of land and rights of way, performance and maintenance guarantees, District inspection, testing and acceptance of improvements, and other terms and conditions the District finds necessary or appropriate in the public interest. A main line extension agreement must be approved by the Board. The main line extension agreement shall constitute the District sewer connection permit authorizing the construction of the sewer system improvements and the connection to the District collection system. The District will not approve a main line extension agreement unless it determines that the same criteria listed in section 6.02(A) are satisfied.

(Amended by Ordinance O2020-03)

5.02 Formation of an Assessment District

At the District's sole option, the District may utilize any statutory or other procedure concerning assessment districts to finance the construction of the main line extension, sewer laterals and related appurtenances.

5.03 Size of New Sewer Line

The District may require the installation of a sewer line larger than that necessary to adequately serve the applicant's property. When the District requires the installation of a larger sewer line, the District shall:

- a. Pay the difference in cost, as determined by the District, between the size necessary to serve the applicant's construction and the larger sewer line; or
- b. Perform the installation itself, subsequent to the receipt from the applicant of a sum sufficient to cover the cost of installation, and other necessary expenses, of the sewer line required by the applicant; or
- c. Require the applicant to construct the larger line subject to reimbursement as hereinafter provided; or
- d. Require a combination of the foregoing.

5.04 Reimbursement for Extensions

When an applicant enters into a main line extension agreement with the District, which requires the installation of a main line larger than that necessary to adequately serve the applicant's property, the agreement may provide for a reimbursement to the applicant as follows: *(Amended by Ordinance O2020-03)*

- a. Within the limits specified herein, when the main line extension has been installed at the applicant's sole expense, the applicant shall be eligible for reimbursement of applicant's cost based upon the applicant's and other customer's pro rata use, as determined by the District, of the extension. *(Amended by Ordinance 89-2)*
- b. The District shall levy on any customer connecting into the extension financed by applicant a fee determined by the District and based on the connecting customer's pro rata use of the extension and the actual cost of the extension. *(Amended by Ordinance 89-2)*
- c. Within 90 days of the District's receipt of any money pursuant to Section 5.04(b), the District shall pay such money to the applicant. *(Amended by Ordinance 89-2)*

SECTION 6.00 Permits and Fees

(Section Amended by Ordinance 85-5)

6.01 Application for Sewer Service When Service Connection is Adequate

Where an existing and adequate sewer lateral or private sewer line is properly connected to the District's collection system and the lateral or private sewer is or has been legally servicing the premises, the applicant of the premises to be served shall submit an application for sewer service upon a form provided by the District and in accordance with procedures established by the General Manager. The District will approve the application if it receives a complete service application for the premises, the applicant pays all applicable fees and charges, and the application and applicant comply with the requirements of this Chapter and applicable law. However, if the District determines that the existing lateral or private sewer is inadequately sized to accommodate the planned use of the premises, the

applicant must process an application for a permit for a larger or improve service pursuant to section 6.02. L (*Amended by Ordinance O2020-03*)

6.02 Application for Sewer Service When Connection is Required

- a. Sewer Connection Permit; Application. When the applicant desires sewer service for premises where a sewer service connection does not exist or where the existing connection is inadequate, then the service and connection require a District sewer connection application and approved permit. No person shall uncover, alter, disturb, construct, extend, or make a connection to the collection system without first obtaining a written sewer connection permit from the District and paying all applicable connection charges and other applicable fees and charges. Any person desiring a sewer connection permit must submit a written application to the District on a form as provided by the District and in accordance with procedures established by the General Manager. The application shall include the date of the application; name, address and telephone number of the property owner and, if different, developer or builder; description of premises proposed to be served; explanation of the proposed development project, including number and type of connections and units to be served; plans for the service connection and installation, together with a list of materials to be used; and, any other information as may be required by the General Manager. The application and all related documents and materials will become the property of the District and a public record. No sewer connection permit shall be issued, and no sewer service shall be provided, unless the General Manager determines that all of the following conditions are satisfied:
 1. The applicant has submitted a full and complete application.
 2. The premises to be served are within the District limits.
 3. The applicant has paid in full the applicable connection charges and all other applicable deposits, fees and charges.
 4. The premises to be served abuts an existing District sewer main in a street or right-of-way fronting the applicant's property of adequate size, condition, and capacity and the existing collection system is adequate to provide safe and reliable sewer service for the proposed use; or the applicant has entered into a sewer mainline extension agreement with the District to ensure the construction of such mains and other distribution system improvements as may be necessary or appropriate to serve the proposed use; or because of expansion or improvement planned and funded by the District or another developer, there will be adequate mains and sewer collection system improvements and capacity to serve the proposed use by the time of making the connection.
 5. The plans and list of materials comply with the requirements of this Chapter and applicable law, and the proposed size, type, quality and location of facilities and improvements are sufficient for the proposed use.
 6. The application complies with all other applicable District ordinances, resolutions, rules and regulations and applicable federal and state laws and regulations.
- b. Installation of Service Connection. Upon approval of the connection permit, the applicant may proceed with the installation in accordance with the terms of the permit. The service connection and related work must be installed by a qualified licensed contractor. The District, or its authorized representative, will inspect and test the construction work and materials used in the work. No construction will be covered unless it has been inspected and approved by the District. Upon completion of the work in accordance with the permit and this Chapter, the District will accept the completed work and the service connections (up to the end of the sewer service stub) will become District property and part of the District collection system.

- c. Rights-of-Way. Any applicant who installs a service connection must furnish to the District all necessary or appropriate easements and rights-of-way for the connection as determined by the District. If the applicant cannot furnish the easements and rights-of-way, the District may, at its sole option, acquire such easements and right-of-way if the applicant agrees to pay all acquisition-related costs and to deposit the estimated funds to cover the costs with the District. The District will not accept any completed service connection requiring an easement or right-of-way until a satisfactory easement or right-of-way to the District has been finalized, accepted, and recorded.
- d. Time Limit on Permit. If work under connection permit is not commenced within six (6) months from the date of issuance of such permit or if, after commencing work, the work is discontinued for a period of one year, the permit shall become void and no further work shall be undertaken until a new permit is applied for and approved.
- e. Permit Transfer. With the prior written approval of the District and the written approval of the new property owner, a sewer connection permit may be transferred to a new owner of the subject premises. A permit may not be transferred to any other premises.
- f. Where the installation or enlargement of the collection system and/or sewer lateral is necessary prior to the District's supplying sewer service to an applicant, the applicant shall submit an application for a permit to the District. If the applicant conveys and District review shows the District has sufficient sewer system capacity to supply service, and the applicant complies with all other District rules and regulations, the District shall accept the application. The District shall provide sewer service subsequent to the applicant's construction, or payment for the construction, of the necessary portions of the collection system; and the applicant's payment of all fees to the District; and the applicant's compliance with all District rules and regulations; and the applicant's payment in full of all charges, if any, owed to the District. *(Amended by Ordinance O2020-03)*

6.03 Application for Permit

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. Such person shall give a description of the character of the work proposed to be done and the location, ownership, occupancy, and use of the premises in connection therewith. The General Manager may require plans, specifications or drawings, studies and such other information as the Manager may deem necessary. *(Amended by Ordinance O2020-03)*

6.04 Compliance with Permit

After District's approval of the application, as evidenced by the District's issuance of a permit, the applicant shall make no change in the location of the collection facilities or other sewerage works, the grade, materials, or other details from those described in the plans on which the permit is based or as shown on the plans and specification for which the permit was issued, except with prior written permission of the General Manager.

6.05 Agreement

The applicant's signature on an application for any permit shall constitute an agreement to comply with all the provisions, terms and requirements of this Chapter, other parts of the District Code, and other rules and regulations of the District and with the plans and specifications the applicant has filed with its application, if any, together with such correction or modifications as may be made or permitted by the District, if any. This agreement shall be binding upon the applicant, and the applicant's successors, and may be altered only by the District upon written request for alteration from the applicant.

SECTION 7.00 Rates and Charges, and Collection Procedures

(Section Amended by Ordinance 85-5)

7.01 Installation Fees

- a. When the District installs a lateral, the District shall collect a deposit from an applicant prior to the installation of the lateral. Installing the lateral shall be on the basis of actual cost. If the actual cost of the installation is less than the deposit, the District shall refund the difference within sixty (60) days of completing the installation. If the actual cost of the installation is greater than the deposit, the applicant shall pay for the difference within thirty (30) days of receiving a bill therefore and prior to receiving sewer service.
- b. The amount of the fee shall be determined by the District General Manager based on an estimate of the cost of installing the lateral on a time and material basis, plus an additional administrative charge as determined by General Manager.

7.02 Community Facilities Fees

The District shall collect from all applicants for sewer service a community facilities fee to insure the continued availability of facilities for sewer service through periodic system expansion and replacement. The community facilities fee shall be paid as specified in the Community Facilities Fee Code. *(Amended by Ordinance 87-3)*

7.03 Rates and Charges for Service

The monthly service charge for each premise receiving sewer service from the District shall be: *(Amended by Ordinance 2021-01)*

a. Residential or other premises, each unit	
Base rate	\$46.26 per month
Reserve contribution	<u>\$ 14.00 per month</u>
Total monthly service charge	\$ 60.26 per month
Murieta Village, per unit	
Base rate	\$ 46.26 per month
Reserve contribution	<u>\$ 6.00 per month</u>
Total monthly service charge	\$ 60.26 per month

Non-Residential

Monthly service charge for non-residential sewer service shall be calculated on an EDU basis for each customer multiplied by the residential service charge.

(Minimum non-residential charge shall not be less than the charge for a residential unit.)

- b. For non-residential water metered accounts, the water consumption for the month of February shall be used to set the monthly sewer charge.
- c. For non-residential seasonal occupancy or uses of water metered accounts, the District will use a 12-month average of water usage to determine the monthly sewer charge.

7.04 Inspection Fee

- a. A fee based upon costs, labor, and parts shall be paid to the District for issuing a permit and inspecting each main line or lateral installation. The amount of this fee shall be determined from time to time by the General Manager and/or Board of Directors of the District; typically billed on time and materials of District staff and/or their contracted representative/s to the project or extensions deposit or billing. *(Amended by Ordinance O2020-03)*
- b. Inspection charges shall be paid prior to connection to the District's collection system.

7.05 Collection of Charges for Sewer and Other Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

7.06 Billing

All sewer service accounts shall be billed monthly.

7.07 Persons Billed

- a. The District shall bill the property owner directly for all sewer services provided to the owner's premises. *(Amended Ordinance 90-6)*
- b. The property owner shall be liable for payment of all District charges. *(Amended Ordinance 90-6)*

7.08 Due Date

All bills are due and payable on the date they are issued by the District.

7.09 Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed. *(Amended by Ordinance 98-3)*

7.10 Delinquency Penalty

- a. A one-time basic penalty of ten percent (10%) of the delinquent charges shall be added to each delinquent bill for the first month the bill is delinquent.
- b. After levying the basic penalty provided in Section 7.10(a), the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges, and penalties for collection on the County property tax roll as set forth in Section 7.13. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill. *(Amended by Ordinance O2019-03)*

7.11 Payment of Part of Delinquency

Monies paid where any portion of an account is delinquent shall first be credited to the delinquent portion of the bill and then to the current billing.

7.12 Liens

Unpaid sewer service charges imposed by this Chapter, when recorded, shall constitute a lien upon the parcel of real property to which the sewer service was supplied. The District shall include a statement on its bill to the effect that any sewer service charge and penalty thereon remaining unpaid shall, when recorded, constitute a lien on the parcel to which the sewer service was supplied. The District may from time to time compile lists of such delinquent charges and penalties and record them with the County Recorder as liens.

7.13 Collection of Delinquent Charges and Penalties with Taxes

All rates, charges, and penalties, which remain delinquent, may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.

7.14 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to three years from the date of the erroneous bill for service; provided, however, that any customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties.

7.15 Sewer Standby of Availability Charge

The District may fix, on or before the first day of July in each calendar year and may annually collect a sewer standby or availability charge not to exceed ten dollars (\$10.00) per year for each acre of land, or ten dollars (\$ 10. 00) per year for each parcel of land of less than an acre within the District to which sewer service is made available for any purpose, whether the sewer service is actually used or not. The District may establish schedules varying the charges depending upon factors such as the use to which the land is put, the cost of transporting sewage from the land, and the amount of sewage discharge from the land. (Amended by Ordinance 96-1)

SECTION 8.00 Prohibited Use of Collection System

(Section Amended by Ordinance 85-5)

8.01 Drainage into Sanitary Sewers Prohibited

No leaders from roofs, surface drains for rainwater or storm sewers shall be connected to any sanitary sewer. No surface, storm water, artisan well flows, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

8.02 Wastes Prohibited in Public Sewer

No person shall discharge or cause to be discharged any of the following wastes to any part of the collection system.

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive solid, liquid or gas.
- b. Any waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process or pumping facilities, constitute a hazard to humans, or create a public nuisance. *(Amended by Ordinance O2020-03)*
- c. Any waste having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the District.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the collection system, such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable diapers, feathers, tar, plastics, wood, un-ground garbage, paper dishes, cups, containers, etc. either whole or ground by garbage grinders.

8.03 Types of Waste Which May be Prohibited

No person shall discharge or cause to be discharged the following described substances, materials, or wastes if it appears likely in the opinion of the General Manager that such wastes may harm the collection system, sewage treatment process or equipment, or can endanger personnel or property or create a public nuisance. In forming an opinion as the acceptability of these wastes, the General Manager shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers to which they discharge, sewer material, treatment process, treatment plant capacity and other pertinent factors. The substances so subject to prohibition include, but are not limited to: *(Amended by Ordinance O2020-03)*

- a. Any liquid or vapor having a temperature higher than 150F.
- b. Any water or waste, which may contain more than 100 milligrams per liter of fat, oil, or grease.
- c. Any garbage that is not biodegradable and has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the collection system, with no particle greater than one-half inch in any dimension.
- d. Any waters or wastes having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the District.
- e. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewage works.
- f. Any septic tank sludge or other digested sludge.
- g. Any wastes containing phenols or other taste or odor producing substances, in concentrations exceeding limits, which may be established by the Board.
- h. Any radioactive waste or isotopes of such half-life or concentration as may exceed limits set by the Board in compliance with State or Federal regulations.
- i. Materials, which exert or cause:
 - 1. Unusual concentrations of inert suspended solid.
 - 2. Excessive discoloration.

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
 4. Unusual volume of flow or slugs. As used herein, slug shall mean any discharge of water, sewage or waste, which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes or more than five (5) times the average twenty-four (24) hours concentration or flow during normal operation.
- j. Wastes containing substances, which are not amenable to treatment by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the Regional Water Quality Control Board, Central Valley Region.

8.04 Acceptance of Deleterious Wastes

If any wastes containing the characteristics listed in Section 8.03, which in the judgment of the General Manager, may have a deleterious effective upon the sewerage works, process, equipment, or receiving water, is to be discharged to the collection system, the General Manager may do one or more of the following:

- a. Require pretreatment to an acceptable condition prior to discharging to the collection system.
- b. Require control over the quantities and rates of discharge.
- c. Require payment, in an amount established by the Board to cover the added cost of handling and treating the wastes.

8.05 Pretreatment or Equalization of Flow

If the General Manager recommends pretreatment or equalization of flow, the design and installation of the plants and equipment shall be subject to the review and approval of the District and no construction of such facilities shall commence until District approval is obtained in writing.

8.06 Maintenance of Pretreatment Facilities

Where pretreatment facilities are provided for any waters or wastes, unless otherwise provided, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense and to the satisfaction of the District.

8.07 Interceptors Required

(This Section Amended by Ordinance O2020-03)

- a. 1. Grease, oil and sand interceptors shall be required, installed and maintained at the customer's expense when in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes, grease, or any objection able waste, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used exclusively for residential purposes. All interceptors shall be of a type and capacity approved by the General Manager, or his/her designee, and shall be so located as to be readily and easily accessible for cleaning and inspection.

2. Monthly Fees: For those existing food preparation and cooking facilities where the costs of installation of a grease interceptor would be prohibitive, a charge to cover the costs for the District to handle grease from these facilities.

Fees will be charged with the regular billing cycle as follows:

Rancho Murieta Country Club	4.03
Rancho Murieta Lodge	.86
Rancho Murieta Country Store	2.30
Rancho Murieta Plaza	2.59
Rancho Murieta Village Clubhouse	1.73
Rancho Murieta Training Center	3.16

- b. 1. Notwithstanding Section 8.07(a), every restaurant, the Training Center, and every other District customer, excluding residential customers, whose premises are used for food preparation and cooking, shall have a sand, oil and grease interceptor installed in the manner and time specified herein.
2. A District customer, who is required to have an installed sand, oil and grease interceptor pursuant to Section 8.07(b) and who obtains a sewer permit from the District on or after this Ordinance's effective date, shall have an installed and operational interceptor approved by the District prior to connecting with the District's water or sewer system.
3. A District customer, who is required to have a sand, oil and grease interceptor pursuant to Section 8.07(b) and who had a sewer permit prior to this Ordinance's effective date, shall have an installed operational interceptor approved by the District within one hundred twenty (120) days of this Ordinance's effective date.
- c. All sand, oil and grease interceptors shall be designed and constructed according to the following specifications:
 1. Interceptors shall conform to the requirements of the Uniform Plumbing Code and this Ordinance.
 2. Interceptors shall be designed and constructed in accordance with District's standards, or as requested by District Engineer, and shall be approved by the District Engineer prior to connection with the District's sewer system.
 3. Interceptors shall be designed in accordance with the following criteria:
 - a. Size: Interceptor detention time shall be the greater of (1) total number of fixture units x 7.5 gpm/fixture unit; (2) dishwasher rated flow rate (gpm x 30 minutes).

Interceptors shall be at least 4'0" high and have a minimum freeboard of 12-inches below the soffit of the roof. Interior dimensions of the first compartment of an interceptor shall be a minimum of 2'6" wide and 4'0" long. Interior dimensions of the last compartment shall be 4'-0" long by a minimum of 2'6" wide. Compartment walls shall be the same height as the design water surface of the interceptor.
 - b. Type: Exterior type interceptors shall be required. "Under the sink" models are not acceptable. All fixture drains, except floor drains from the kitchen area, shall

be connected to the interceptor. All restrooms shall be plumbed separately and connected to the building sewer downstream of the interceptor.

- c. Location: Interceptors shall be located outside of the structure and as close as possible to the source of sand, oil or grease. Interceptors shall be located to facilitate the ease of maintenance and inspection. Interceptors placed in areas subject to vehicular traffic shall be designed for H₂O loadings. Interceptors shall be located near a hose bib. The final location shall be approved by the District prior to installation.
- d. Construction: Interceptors shall be constructed with reinforced concrete and shall contain at least two compartments. Each compartment shall have a 24-inch diameter gasketed airtight standard manhole frame and cover. Each manhole shall have a pre-cast concentric cone and pre-cast 30-inch diameter extension rings. Interceptors shall have a minimum cover of 24-inches below finish Grade. Manholes shall be located directly above inlet piping and interior compartment walls. Scum boards shall extend from the top of compartment walls to the base of the manhole extension rings. All interceptor piping and fittings shall be of ductile iron material. Piping and fittings shall be the same diameter as the building sewer line (4-inch diameter minimum). A two-way cleanout shall be provided on the interceptor outlet pipe. The outlet shall be at least 4-inches below the inlet elevation.
- e. The use of pre-approved precast interceptors or automatic mechanical grease removal systems may be allowed with the prior written approval of the District Engineer.
- d. No interceptor shall be approved by the District unless its design either conforms to the specifications herein or is, prior to installation, approved in writing by the District Manager or District Engineer.
- e. Failure to install and adequately maintain sand, oil and grease interceptor in the time and manner specified in this Section shall be grounds for termination of District water and/or sewer service according to applicable law.
- f. All customers with installed interceptors shall provide the District with an annual report of monthly interceptor and cleaning activity.
- g. The District has the right to periodically test and inspect any interceptor.
- h. All customers with installed interceptors shall add District-furnished bacteria to the interceptor as may be required by the District.
- i. Any person who improperly disposes sand, oil, grease or other objectionable waste into the District sewer system shall be liable for the cost of any damage caused thereby to the District system, including the costs of cleaning out the deposited material.

8.08 Maintenance of Interceptors

Unless otherwise provided, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. Records of maintenance or

interceptors must be made available to District staff or their representatives as requested. *(Amended by Ordinance O2020-03)*

8.09 Control Manholes

When required by the General Manager, the owner of any property served by the District and carrying industrial wastes shall install suitable control manhole in the private sewer line to facilitate observation, sampling and measurement of wastes. Such manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

8.10 Measurements and Tests

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater" and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the main line to the point at which the lateral is connected.

8.11 Swimming Pools

It shall be unlawful for any person to discharge the contents of a swimming pool into a collection system without notification to and approval by District, at least twenty-four (24) hours in advance. *(Amended by Ordinance O2020-03)*

8.12 Special Agreements

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment thereof by the industrial concern and subject to such terms and conditions as may be required by the District.

8.13 In General

All applications for connections to the District collection system from industries of any sort shall be submitted to the District for evaluation and then to Board for consideration and approval before the permission is granted for said connection and use. The District shall have the power to regulate both the quantity and quality of any industrial waste, and monthly sewerage use charges. *(Amended by Ordinance O2020-03)*

The applicant shall install approved type screens to remove all solids retained on the mesh screen required by the State Board of Health.

The applicant shall install an approved flume and automatic recording device, all at the applicant's expense, when required by the District.

The District shall have the right at all times to the operation of the screening mechanism, the operation of the recording mechanism, and to make a record of the readings. *(Amended by Ordinance 92-3)*

8.14 Prohibited Uses (This section *Amended by Ordinance O2020-03*)

- a. Prohibited Connection or Contact with Domestic Water: Domestic water is defined as water for human consumption or recreation use. The following requirements are intended to prohibit reclaimed wastewater and domestic water interaction:
 1. No connection between the potable water supply and piping containing reclaimed or untreated wastewater shall be allowed.
 2. A backflow prevention assembly shall be required on all domestic water service connections in reclaimed wastewater use areas.
 3. Ten (10) foot horizontal and one-foot vertical separation between pipelines transporting reclaimed wastewater and domestic water shall be maintained at all times. Domestic water shall be above reclaimed wastewater wherever possible.
 4. Permanent labeling of reclaimed wastewater piping, valves, water controllers, etc. shall be required.
 5. Supplementing of reclaimed wastewater from any other water sources shall not be allowed except through an air gap or reduced pressure principle (RP) device.
 6. Irrigation or impoundment of reclaimed wastewater within 500 feet of a domestic well or 100 feet of an irrigation well shall not be allowed.
 7. Hose bib connections shall not be allowed on irrigation systems sing reclaimed wastewater.
 8. Restrictive and secured water valves, outlets, quick couplers, and sprinkler heads that permit operation by authorized personnel only shall be required.
- b. Enforcement: Enforcement of the requirements of this Section will be performed by the District General Manager in accordance with the provisions of Section 11.00 of this Chapter.
- c. Pre-existing Conditions: Non-conforming physical conditions existing as of the effective date of this ordinance, which have the potential of creating a public hazard and/or nuisance shall be deemed to be a violation of this ordinance. The user shall be allowed a grace period of three (3) months from the effective date of this ordinance within which to correct the violation or to obtain a District approval to allow the non-conforming violation to remain. If approval is not granted or the non-conforming violation is not corrected within the grace period, the District may correct the violation at the user's sole cost.
- d. Variance: Notwithstanding Section 8.14(b) of this Ordinance, the District General Manager shall have the authority to extend the grace periods set forth in Section 8.14(b) and/or to authorize nonconforming violation to remain. The General Manager shall also have the authority to allow a variance from the prescribed standards as set forth in this Section on a case by case basis when in the General Manager's judgment, the variance will not detract from the effectiveness of the warning or other protective measures required by this Section. A District customer has the right to appeal the General Manager's granting or denial of such a variance to the Board of Directors.

8.15 Recording Device

The applicant shall install an approved flume and automatic recording device, all at the company's expense, when required by the District.

8.16 Screening/Recording Mechanism

The District shall have the right at all times to check the operation of the screening mechanism, the operation of the recording mechanism and to make a record of the readings.

SECTION 9.00 Special Types of Sewer Service *(Amended by Ordinance O2020-03)*

9.01 Sewer Service Outside District

- a. The District may provide or allow sewer service to property outside its boundaries when the Board finds that such service shall not adversely affect the sewer service within the District, support of said service if fully funded by applicant, and that a surplus of sewer collection and treatment capacity exists. The District may provide sewer service to premises outside the District boundaries only if (1) the District and owner of the subject premises approve an extraterritorial service agreement on terms acceptable to the Board, (2) the Board finds that such service will not adversely affect the sewer service within the District, and (3) the extraterritorial service is authorized or approved by the Sacramento County Local Agency Formation Commission under Government Code section 56133 (or successor statute).
- b. In the event that, because of increased usage or other causes, service outside the District becomes adverse to the District's interest or the interest of District customers located within the District or surplus sewer and/or treatment capacity is no longer available for such outside use, the District may discontinue or disconnect the service outside the District 120 days after the District gives written notice to the person or premises receiving the sewer service that such outside service is to be terminated.
- c. Except as set forth in this Section, the rules and regulations of the District shall apply to all customers outside the District.
- d. Rates and charges to all customers outside the District shall be one hundred fifty percent (150%) of the applicable rate and charges for customers within the District, as set forth in Section 7.00. No Capital Improvement Connection Fee (CICF) shall be charged for sewer service outside the District.
- e. Prior to receiving service, a customer outside the District shall deposit an amount equal to three months of the District's applicable rates for sewer service.
- f. The supply of sewer service to persons or premises outside the District shall not create a vested right with the person or premise outside the District to continue to receive sewer service from the District nor any credit or refund for improvements made to receive such sewer service.

SECTION 10.00 Enforcement Disconnection and Restoration of Service *(Amended by Ordinance 85-5)*

10.01 Enforcement

The General Manager shall enforce the provisions of this Chapter and, for such purpose, shall have the powers of the peace officer, if deputized or if authorized by law. Such power shall not be regarded as limitations on or otherwise affecting the powers and duties of the County Health Officer.

10.02 Violation of Chapter

In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation within five (5) days after receipt of such notice, and the General Manager shall have the authority to disconnect the property served from the District Sewer System, in the manner set forth herein.

10.03 Public Nuisance

Continued habitation of any building or continued operation of any commercial or industrial facility in violation of the provisions of this or any other Chapter, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement for the occupancy of the residence, building, industrial, or commercial facility during the period of such violation.

10.04 Disconnection

As an alternative method of enforcing the provisions of this or any other Chapter, rule or regulation of the District, the General Manager shall have the authority to disconnect the customer from the District's collection system, through disconnection of water service, without liability to the District in the following manner:

- a. At least ten (10) business days before the proposed disconnection of any service, a customer shall be provided with written notice of the procedure for and the availability of an opportunity to discuss the reasons for the proposed disconnection of service.
- b. After notice has been given as specified in subparagraph (a) and prior to disconnection of service, a customer shall have the opportunity to discuss the reason for the disconnection with- an employee designated by the District who shall be empowered to review disputed bills, rectify errors, and settle controversies pertaining to disconnection of service.
- c. No service shall be disconnected by reason of delinquency in payment of bills on any Saturday, Sunday, legal holiday, or any time during which the District's office is not open to the public.

10.05 Settling Disputes

The General Manager is hereby authorized to review disputes pertaining to any matters for which service may be disconnected and to adjust errors and settle disputes pertaining to such matters.

10.06 Public Nuisance and Abatement

During the period of any disconnection, the habitation of such disconnected premises by human beings shall constitute a public nuisance, which shall authorize the District to bring proceedings for the abatement of the occupancy of the premises during the period of the disconnection. In such event, and as a condition of restoring service, the District shall be paid reasonable attorney's fees and costs of suit arising from such action, plus any other necessary charges for or incurred in the restoration of service.

10.07 Restoration of Service

When service under this Chapter has-been disconnected for any reason, the service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnection and restoring the service, plus a twenty-five-dollar (\$25) restoration fee.

10.08 Recovery of Costs

In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest and other costs of suit.

10.09 Means of Enforcement Only

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

10.10 Cumulative Remedies

All remedies set forth herein for the collection and enforcement of rates charges, and penalties are cumulative and may be pursued alternatively, concurrently, or consecutively.

10.11 Misdemeanor

A violation of any provision of this Chapter is a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of a day that a violation of the Chapter continues, shall be deemed as separate offense hereunder and shall be punishable as such.

10.12 Penalties

The goal of the provisions of this chapter are to achieve voluntary compliance from the customer, and the District will take reasonable measures to assure the customer has information available to promptly and efficiently address sewer use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate further action may be required. Except as otherwise provided herein, violations of any provision of this chapter shall be generally addressed as follows. (*Amended by Ordinance 2020-03*):

Violation	Penalty
First	Personal or written notification of the violation
Second	Written notification and issuance of a notice to correct
Third	Issuance of an administrative penalty of \$100
Fourth	Issuance of a penalty of \$200
Fifth	Issuance of a penalty of \$500
Final	Disconnected water service and/or other penalties as provided in the notice of violation and as determined by the General Manager.

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 16

THE DRAINAGE CODE

INSTALLATION AND USE OF THE
DISTRICT STORM DRAINAGE SYSTEM



Amended ~~February 15~~ March 15, 2023
By Ordinance 2023-01

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**DISTRICT CODE
CHAPTER 16**

**POLICIES AND REGULATIONS FOR THE INSTALLATION AND USE OF
THE DISTRICT STORM DRAINAGE SYSTEM**

SECTION 1.00 General Provisions

1.01 Title

This Chapter shall be known as the "Drainage Chapter" and may be cited as such.

1.02 Scope of Service

To receive all storm runoff water and convey it to areas that will accept it in such a manner so as to minimize the loss of life and property and to minimize inconvenience to the public that may result from flooding within or around the District.

1.03 Requirements for Service

The provisions of this ordinance shall apply to drainage and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of waterways, including drainage channels, ditches, pipes, manholes, lakes, and all system appurtenances; the issuance of permits and the collection of fees therefore; fees to pay for the cost of checking plans, inspecting construction, and making record plans of the drainage facilities permitted hereunder; providing penalties for violation of any of the provisions hereof and all other necessary or related matters.

1.04 Intent

The purpose of this Drainage ordinance is to set forth-certain rules and regulations by which the District will provide an effective and efficient storm drainage system so as to protect the life and property of and to minimize inconvenience to District residents. (Added Ordinance 88-6)

SECTION 2.00 Definitions

For the purposes of this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise.

2.01 Applicant

Applicant shall mean the owner, or the agent of the owner, of the property for which drainage service or other consideration is being requested.

2.02 Board

Board shall mean the Board of Directors of the Rancho Murieta Community Services District.

2.03 District

District shall mean the Rancho Murieta Community Services District.

2.04 District Engineer

District Engineer shall mean the District Engineer of Rancho Murieta Community Services District, acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties delegated to them.

2.05 District Drainage System

District Drainage System shall mean any drainage system that is owned, operated and/or maintained by the District within a District right-of-way or easement, excluding surface drainage of private streets and roads.

2.06 Drainage System

Drainage System shall mean the system of waterways, ditches, channels, pipes, lakes, and appurtenances, which collects and conveys storm water runoff to the point of discharge.

2.07 Flat Rate Service

Flat Rate Service shall mean the provision of the drainage service either directly or indirectly from the property owner's property to the point of discharge at a fixed periodic charge.

2.08 Floodplain

Floodplain shall mean the area adjoining a river, stream, or waterway, which is subject to periodic inundation by floodwaters.

2.09 Floodway

Floodway shall mean the main channel of a waterway, which is reasonably required to carry and discharge the storm flow.

2.10 Grading

Grading shall include the act or result of digging, excavating, transporting, spreading, depositing in an embankment or fill, compacting or settling, or shaping of surfaces and slopes in excavations and on embankments; back filling of trenches, pits, ditches, and other excavations or natural depressions; and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

2.11 Levee

Levee shall mean an elongated mound of dirt or earth paralleling and adjacent to the outer edges of a waterway.

2.12 General Manager

General Manager shall mean the General Manager of the Rancho Murieta Community Services District.

2.13 Permits

Permits shall mean the District's written approval or authorization for an action. A permit may only be issued by the District upon completion of the appropriate District application form for the action sought, payment of all applicable fees, charges, and compliance with applicable ordinances, rules and regulations, as well as local, state and federal laws.

2.14 Private Drainage Lines

Shall mean those lines owned by the property owner that is for his own use and no District funds were used to construct or maintain them.

2.15 Private Drainage System

Private Drainage System shall mean any drainage system on private land(s), including homeowner association common areas and streets, golf courses, and driving ranges, that solely provides drainage service from the private land(s) to the point of connection or discharge into a District drainage system.

2.16 Rubbish

Rubbish shall mean any substance, which is not readily soluble in water except naturally occurring grasses, weeds and riparian growth.

2.17 Structure

Structure shall mean anything constructed upon or attached permanently or temporarily to the land, or which has its foundation or means of support upon, under, or within the surface of the earth, including but not limited to any building, dam, wall, crib wall, bulkhead, pipe, conduit, pole, or fence.

2.18 Waterway

Waterway shall mean a river, stream, creek, watercourse, or channel, having a defined bed and banks, and includes any conduit or pipe in which water does or may flow. A waterway includes any property in which the District owns a fee simple interest or easement therein for drainage purposes. Whenever a waterway consists of an ordinary channel and in addition thereto, an overflow channel, the waterway shall be deemed to include all property lying between the banks of the overflow channel.

2.19 100-Year Flood

100 Year Flood shall mean a flood having a one percent (1%) statistical chance of being equaled or exceeded in any given year.

SECTION 3.00 General Policy

3.01 General Policy of Operating System

The District shall operate and maintain the drainage system in an efficient and economical manner and supply a drainage service of acceptable quality as fairly and equitably as possible. The charges to be made for this service shall be set at rates necessary to enable the District to recover all costs of supplying drainage service to the complete area of the District including, but not limited to, the costs for the following:

- a. Power costs
- b. Customer service
- c. Administration
- d. Operation and maintenance
- e. Overhead
- f. Debt service
- g. Charges and assessments in lieu of taxes
- h. Engineering and legal expenses

- i. All other necessary and appropriate expenses

3.02 District's Responsibility for System

The District shall be responsible for the operation and maintenance of the District drainage system, which shall include but not be limited to:

- a. Culverts
- b. Man-made channels
- c. Pipes
- d. Catch basins below the grate on private streets
- e. Manholes
- f. Channels
- g. Pump Stations
- h. Floodways of waterways
- i. All other appropriate facilities

3.03 Access to District Owned Property

The District shall have access to all District drainage facilities at any reasonable hour of the day or night to perform any duties that may be required to prevent damage or flooding.

3.04 Prohibited Obstructions

Without District approval no person shall cause any type of obstruction affecting any part of the drainage facilities. Any structure placed in, over, around, through, or under any drainage pipe, channel, ditch or lake must have the Rancho Murieta Community Services District's approval before any construction is allowed to begin. Upon written request by the Manager, any such obstruction will immediately be removed by the violator at no expense to the District or it will be removed by the District at the violator's expense and shall not be replaced.

3.05 Delegation of Authority

The General Manager shall have the authority to delegate the performance of any of the Manager's responsibilities to any District employee or independent contractor.

3.06 Street Work

- a. When a person who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower or otherwise affect any portion of the drainage system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person's intention to perform such construction and immediate notice upon exposure or contact with such system.
- b. At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's drainage system that is necessitated by the street construction. Prior to the District performing the construction on its drainage system, the person requiring the street construction shall pay the District a reasonable deposit, as

determined by the District, in an amount not to exceed the estimated cost of the District's construction. The costs shall include an administrative fee, which shall be ten per cent (10%) of the actual construction costs, up to a maximum of One Hundred Dollars (\$100). When the District completes its construction, the District shall refund that portion, if any, of the deposit, which exceeds the actual costs of construction and the person requiring the construction, shall pay the amount, if any, by which the actual costs of construction exceed the deposit.

- c. The person performing the street construction shall be liable for any damage to the District drainage system resulting from the street construction or from the person's construction on the District drainage system.

3.07 Standards

All procedures, design, work, materials, capacities, facilities and other improvements shall be based on the applicable provision of the latest revisions of State and Local regulations and generally accepted standards of drainage practice insofar as deemed appropriate by the District considering the conditions and where not in conflict with District Standards. Such regulations and standards are included in but not necessarily limited to the following references:

Sacramento County Drainage Improvement and Construction Standards
Uniform Plumbing Code
Uniform Building Code

3.08 District Ownership and Control

The portion of the drainage system, which is located in the District's right of way or in easements, shall be under the exclusive control of the District and owned, managed, and/or operated under the direction of the General Manager. (Amended by Ordinance 88-6)

3.09 Private Drainage Systems

The owner shall be responsible for the proper operation and maintenance of the owner's private drainage facilities and for any damages to the District's drainage system or loss of property resulting from such operation and maintenance.

3.10 Inspection of Privately Owned Drainage System

An owner's private drainage system shall be open for inspection at all reasonable times to a representative of the District. However, except in cases of emergency, before a District representative enters an owner's premises for the purpose of inspecting non-District owned facilities, the District shall obtain the owner's or occupant's consent, or the District shall give 24-hour advance notice, in writing, to the owner or occupant of the District's intention to enter and inspect the private drainage system.

3.11 Interference with District Employees

Except as provided in Section 3.10 hereof, it shall be unlawful for any persons to interfere, seek or cause to interfere with the inspection, installation, removal, maintenance, or other lawful activity by the General Manager or the General Manager's authorized representative, of any part of the drainage system owned by the District.

3.12 Contractors Hired by the District

Portions of this Chapter may be waived for persons hired by the District to construct any part of the District's drainage system.

3.13 Pre-existing Conditions

Non-conforming physical conditions existing as of the effective date of this Ordinance, which have the potential of creating a public hazard and/or nuisance, shall be deemed to be a violation of this Ordinance. The owner shall be allowed a grace period of three (3) months from the effective date of this ordinance within which to correct the violation or to obtain a District permit to allow the non-conforming violation to remain. If a permit is not issued or the non-conforming violation is not corrected within the grace period, the District may correct the violation at the owner's sole cost.

3.14 Variance

Notwithstanding Section 3.13 of this Ordinance, the District General Manager shall have the authority to extend the grace periods set forth in Section 3.13 and/or to authorize the nonconforming violation to remain. A District customer has the right to appeal the General Manager's granting or denial of a variance to the Board of Directors. (Added by Ordinance 88-6)

SECTION 4.00 Connection to and Construction of Drainage Facilities

4.01 In General

Nothing in this Chapter shall be construed as preventing or limiting the right of the District to require or undertake the preparation of engineering, economic, environmental or financing evaluations from any person requesting drainage service from the District, which service necessitates the installation of drainage facilities, and thereafter to require the construction of such facilities as a condition of service, all without cost to the District.

4.02 Financial Responsibility for Installation of Drainage Facilities

An applicant who installs or causes to be installed any part of the District drainage facilities shall be financially liable for the costs of the installation and all incidents thereof.

4.03 Relocation of Drainage Facilities at Owner's Request

Upon an owner's written request, drainage facilities may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's drainage system. The cost of the relocation shall be borne by the owner and shall be payable in advance to the District. The cost of the relocation shall include the applicable costs and fees for all construction (if the construction is performed by persons hired by the District), design, installation, inspection, administration, overhead, and any other necessary, related expenses.

4.04 District's Studies

The District shall have the right to require or undertake the preparation of engineering, economic, environmental, or financial evaluations, at the applicant's sole cost, of any request for District drainage service when such service may necessitate the installation of drainage facilities or additions to the District drainage system.

4.05 Plans

- a. Each application for a permit for which installation of drainage facilities is necessary shall be accompanied by four sets of plans and specifications for the installation.
- b. The submitted plans and specifications shall remain the exclusive property of the District.
- c. The General Manager shall determine the adequacy of the proposed drainage facilities as to size, type and quality of materials and as to the location of facilities to serve the proposed development including off-tract pipelines and other appurtenances. The District shall have the authority to require the applicant to submit revised plans consistent with District standards.
- d. When the District is satisfied that the work proposed by the plans is proper and the plans are sufficient, it shall authorize the issuance of a permit subsequent to the applicant's payment of all applicable fees, charges, and deposits. The General Manager shall certify in writing that the plans and specifications submitted conform to District standards.

4.06 Easements and Right-of-Ways

- a. Any applicant who installs or proposes to install District drainage facilities shall furnish the District all necessary easements and rights of-way for such facilities and the subsequent operation and maintenance thereof.
- b. If the applicant cannot furnish the necessary easements and right-of-ways, the District may, at its sole option, acquire such easements and right-of-ways, subsequent to the applicant's payment to the District of all funds necessary to cover the District's cost of such acquisition.
- c. Until the necessary easements and right-of-ways have been properly executed and recorded, the District shall not approve any plans for drainage facilities to be constructed across the property of another. The District shall not accept for District use any such drainage facilities and no person shall place into use any such facilities.
- d. If an easement is required for the extension of the drainage system or the making of connections, the applicant shall procure at its expense and have accepted by the Board a proper easement or grant of right-of-way having a minimum width of fifteen feet, sufficient to allow the laying and maintenance of such extension or connection.

4.07 Performance Bond

The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the drainage facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other reasonable sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work; guarantee the maintenance of the portion of the drainage facilities constructed by the applicant for a period of one year following the District's written acceptance of the work.

4.08 Liability

The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising, during, or stemming from the performance of any work by an applicant. The applicant shall be answerable for, indemnify and hold harmless, the District and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and interest incurred in defending the same or in seeking to enforce this provision. The applicant shall be

solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss, which may develop therefrom.

4.09 Dedication Requirements

An offer of dedication of the drainage facilities, excluding any private drainage lines, shall be included in any application for a permit. The District shall not accept for dedication any portion of the drainage facilities, which are not constructed in conformity with the requirements of the drainage facility agreement, if any, and of this Chapter.

4.10 As Built Plans

Two (2) sets of blue line prints and one set of reproducible drawings delineating as built drainage lines and appurtenances shall be filed with the District prior to, and as a condition of, the District's approval and acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed.

4.11 Inspection

- a. The District shall have the right to inspect all work during and subsequent to its construction. When the construction is completed, the work must be inspected and approved by the District before newly constructed drainage facilities may be connected to the District's drainage system.
- b. No construction shall be covered at any time unless it has been inspected and approved by the District. No facilities shall be connected to the District's drainage system unless the District has performed tests indicating the new construction is satisfactory and the facilities have been cleaned of all debris accumulated from construction operations.
- c. The applicant shall give the District at least forty-eight hours advance notice, Saturdays, Sundays, and holidays excluded, of when it wishes the District to perform an inspection. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and identify the deficiencies in the project.

4.12 Certificate of Final Inspection and Completion

When the District determines that all work done under the permit and drainage facility extension agreement, if any, has been constructed according to, and meets the requirements of all applicable provisions of this Chapter, the agreement and other District rules and regulations, and when all fees have been paid, the Manager, subject to any procedure, which may be adopted by the Board, shall authorize the issuance of a Certificate of Final Inspection and Completion.

4.13 Ownership Upon Dedication

When the Certificate of Final Inspection and Completion is issued, the District shall accept the Offer of Dedication and authorize the connection of the new drainage facilities. Upon connection to the District's drainage system, the new drainage facilities, excluding private drainage lines, shall become the exclusive property of the District.

4.14 Installation of Private Drainage System

The owner shall, at the owner's own expense, install according to District standards, the owner's private drainage system. The private drainage system shall remain the sole property of the owner.

4.15 District Construction Standards

All work performed on installing any portion of the drainage system and all acts, including design and construction relating thereto, shall comply with the District standard specifications. Copies of the standards are on file with the District office.

4.16 Persons Authorized to Perform Work on District Drainage System

- a. Only validly licensed contractors are authorized to perform work on the District's drainage system, including connections thereto. All terms and conditions of the permit issued by the District to the applicant shall be binding on the applicant's contractor.
- b. At the District's option, system extensions and connections thereto shall be performed either by the District or persons hired thereby or under the supervision of District employees by licensed contractors retained by the applicant.
- c. When the District determines that any installation or connection shall be performed by the District, the applicant shall pay, in advance, an amount of funds as determined by the District to be equal to the approximate District cost of construction and other necessary expenses. Upon completion of construction, the District shall refund the excess, if any, of the funds paid by the applicant or, if applicable, the applicant shall pay the amount, if any, by which the actual costs exceeded the applicant's deposit.

4.17 Connection to District Drainage System

Connection into the drainage system shall be made in accordance with the District's standard drawings and specifications and at the applicant's expense. The connection to the drainage system shall be made in the presence of a District inspector and under the inspector's supervision and direction. Any damage to the drainage system shall be repaired in conformance with District standard specifications at the applicant's sole cost.

SECTION 5.00 Drainage Facility Extensions

5.01 Drainage Facility Extension

Any person requesting drainage service from the District, which necessitates an extension of the District's drainage system, shall apply to the District for a drainage facility extension agreement on the forms prescribed by the District.

5.02 Formation of an Assessment District

At the District's sole option, the District may utilize any statutory or other procedures concerning assessment districts to finance construction of the drainage facility extension and related appurtenances.

SECTION 6.00 Permits and Fees

6.01 Permit Required

No persons other than those specifically permitted by this Chapter, shall uncover or cause to be uncovered, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect to or cause to be connected to, any District drainage facility or other portion of the

drainage system owned by the District without first obtaining a permit from the District, paying the applicable fees, and complying with all other applicable provisions of this Chapter.

6.02 Application for Permit

Any person legally entitled to apply for and receive a permit shall make application for a permit on forms provided by the District for that purpose. Any applicant shall describe the proposed construction and location, ownership, occupancy, and use of the premises in connection therewith. The General Manager may require, in addition to the information specified, any additional information from the applicant, which will enable the General Manager to determine that the proposed connection complies with the provisions of this Chapter.

6.03 Payment of Fees and Charges

No permit shall be issued until all fees and charges as established by the Board in connection therewith are paid to the District.

6.04 Applicant's Agreement to Comply with Code

The applicant's signature on an application for a permit or the applicant's acceptance of any permit shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the District's Drainage Code, with all other rules and regulations of the District, and with the plans and specifications the applicant has filed, together with such corrections or modifications, if any, as may be permitted or required by the District in writing. This agreement shall be binding upon the applicant and the applicant's successors in interest and may be altered only by the District in writing upon the applicant's written request.

6.05 Time Limits on Permits

If work under a permit is not commenced within six (6) months from the date of issuance of the permit or if, after commencing, the work be discontinued for a period of one (1) year, the permit shall become void and no further work shall be undertaken until a new permit shall have been secured and a new fee paid therefore at applicable rates then in effect.

6.06 Permit Consistency

The District shall not grant a permit if the permit will authorize work or activity, which is inconsistent with the Storm Drainage and Flood Control Master Plan, which has been adopted by the District.

6.07 Compliance with Permit

After the District's approval of the application, as evidenced by the District's issuance of a permit, the applicant shall make no change in the location of the drainage facilities, the grade, materials, or other details from those described in the plans on which the permit is based or as shown in the plans and specifications for which the permit was issued, except with the prior written permission of the General Manager.

6.08 Unauthorized Usage of Permit

- a. Upon prior written approval of the District, a person to whom a permit has been issued may transfer a permit to another person solely for the same use and premises for which the permit was issued, subject to all terms and conditions under which the permit was issued. The transferee shall meet all requirements of the District relating to the transfer.

- b. Usage of a permit for premises other than the premises for which the permit was issued shall be an unauthorized usage and shall render the permit void and invalid.
- c. A person engaging in an unauthorized usage of the permit shall apply to the District for an appropriate permit. If the District issues the permit, the applicant shall pay the appropriate current fees and charges.

6.09 Person's Excluded From this Section

The provisions of this Section 6.00 may be waived by the District for contractors constructing drainage facilities or improvements under contract with the District, or under contract awarded by the District under proceedings pursuant to any of the special procedure statutes of the State providing for the construction of drainage facilities and the assessing of the expenses thereof against the lands benefited thereby.

6.10 Plan Checking

No permit shall be issued until the District has checked and approved the plans in accordance with the applicable provisions of this Chapter.

6.11 Additional Permits

The District's issuance of a permit does not relieve the applicant from the responsibility to obtain all other local, state, or federal approvals or permits, including encroachment permits and rights of entries from private entities, prior to initiating the work. The applicant shall have sole responsibility for determining the necessity for compliance with the regulations of all other regulatory agencies.

SECTION 7.00 Rates and Charges

7.01 Drainage Charges

Drainage charges for operation and maintenance of the District's system shall be as set forth in Chapter 16A, Section 3.00. (Amended by Ordinance 2020-02)

SECTION 8.00 Prohibited Use of Drainage System

8.01 Protection of Waterways

Every person, firm, corporation, or public agency through whose property a waterway exists, shall keep the same free from rubbish and temporary or permanent obstacles which will prevent, change, or retard the flow of the water, unless a permit to alter such waterway has been obtained pursuant to the terms of this Chapter.

8.02 Wastes Prohibited into Drainage System

No person shall discharge or cause to be discharged any of the following wastes to any part of the drainage system:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive solid, liquid or gas.
- b. Any waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to constitute a hazard to humans, or create a public nuisance.

- c. Any waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the District or creating a hazard or public nuisance.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the drainage system, or other interference with the proper operation of the drainage system, such as, but not limited to, rubbish, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable diapers, feathers, tar, plastics, wood, un-ground garbage, paper dishes, cups, containers, etc.

8.03 Prohibition Against Certain Acts Without a Permit

It shall be unlawful for any person, firm, corporation, or public agency to do, or cause to be done, any of the following, without having first secured a permit from the District:

- a. Construct, place or maintain any structure, obstruction or fill which will retard or obstruct the flow of water within a waterway, upon a levee, or upon or between the banks of a waterway; or construct, place, or maintain any structure, obstruction or fill over, upon or within any property in which the District owns an easement or fee simple interest.
- b. Excavate upon a levee or a waterway.
- c. Deposit rubbish upon a levee or a waterway.
- d. Construct or place any outlet for discharging drainage waters to or within a waterway.
- e. Plant or install any object or plant any form of flora (other than grasses or annual crops) within a waterway.
- f. To trespass in any manner, whatsoever, including the driving of vehicles, on any property in which the District owns a fee simple interest or easement therein for drainage purposes.
- g. To construct or place any building, structure, or other improvement, or place any trailer, mobile home, or similar vehicle, on any land subject to flooding.
- h. Construct within the 100-year Floodplain any encroachment, fill, new construction, substantial improvements or other development, which increases the 100-year flood elevation.

8.04 Grading and Soil Erosion

No person shall cause or allow to be caused grading and soil erosion within the District, which results in the creation of an unlawful encroachment on other property, a public nuisance or hazard to vehicular traffic or to the safe operation of the drainage system. Excavation, grading, or the placement of fill material on or within any property so that dirt or debris may be washed, eroded, or moved from the property by natural or artificial means shall be prohibited.

Any grading or soil erosion activities that obstructs, impedes, or interferes with the natural flow of storm, flood, or surface waters, whether unconfined upon the surface of the land within land depressions or natural drainage ways, within unimproved channels or watercourses or within improved ditches, channels or conduits, shall be prohibited.

Grading activities within the District shall incorporate District approved temporary and permanent erosion control measures to minimize the potential for soil erosion that can result in encroachments, nuisances, and hazards.

The owner of the land on which the grading and soil erosion activities originate that result in an encroachment, nuisance, or hazard shall be responsible to abate the encroachment, nuisance, or hazard upon receipt of notice in writing from the District within the period specified in the notice. If the owner fails to abate the encroachment, nuisance, or hazard within the specified period, the District will undertake the abatement at the sole cost of the owner.

8.05 Surface Drainage

No person shall obstruct, impede or retard the flow of water across the surface of the land in such a way as to create a nuisance or hazard on any public or private lands.

SECTION 9.00 Collection of Rates and Enforcement Provisions

9.01 Collection of Charges for Drainage and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

~~The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.~~

9.02 Billing

All drainage service accounts may be billed monthly.

9.03 Persons Billed

The District shall bill the property owner directly for all drainage services provided to the owner's premises.

9.04 Due Date

Bills for drainage service are due and payable when mailed.

9.05 Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed. (Amended by Ordinance 98-3)

9.06 Delinquencies - Basic Penalty

a. A one-time basic penalty of ten percent (10%) shall be added to each delinquent bill for the first month the bill is delinquent. (Amended by Ordinance # 96-3)

- b. After levying the basic penalty provided in Section 9.06 (a), the District shall thereafter levy an additional penalty of one-half percent (.5%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties on the bills for taxes levied against the appropriate premises as set forth in Section 9.09. (Amended by Ordinance 96-3)

9.07 Payment of Part of Delinquency

Monies paid where any portion of an account is delinquent shall first be credited to the delinquent portion of the bill and then to the current billing.

9.08 Liens

Unpaid drainage service charges imposed by this Chapter, when recorded as a lien with Sacramento County, shall constitute a lien upon the parcel of real property to which the drainage service was supplied. The District shall include a statement on its bills to the effect that any drainage service charges and penalties thereon remaining unpaid shall, when recorded, constitute a lien on the parcel to which the drainage service was supplied. The District may from time to time compile lists of such delinquent charges and record them with the County Recorder as liens, provided that the District shall first have given notice to the customer.

9.09 Collection of Delinquent Charges with Taxes

All rates, charges, penalties and interest, which remain delinquent, may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.

9.10 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service-adjust or grant rebates from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

The General Manager may adjust or grant rebates refunds from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

SECTION 10.00 Enforcement, Disconnection and Restoration of Service

10.01 Enforcement

The General Manager shall enforce the provisions of this Chapter and, for such purpose, shall have the powers of a peace officer, if deputized or if authorized by law.

10.02 Violation of Chapter

In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation and the General Manager shall have the authority to disconnect any District service from the property served by District facilities, in the manner set forth herein.

10.03 Settling Disputes

The General Manager is hereby authorized to review disputes pertaining to any matters for which service may be disconnected and to adjust errors and settle disputes pertaining to such matters.

10.04 Restoration of Service

When service under this Chapter has been disconnected for any reason, the service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnecting and restoring the service, plus a twenty-five-dollar (\$25) restoration fee.

10.05 Recovery of Costs

In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest, and other costs of suit.

10.06 Means of Enforcement Only

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

10.07 Cumulative Remedies

All remedies set forth herein for the collection and enforcement of rates, charges, and penalties are cumulative and may be pursued alternatively, concurrently, or consecutively.

10.08 Misdemeanor

A violation of any provision of this Chapter is a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of a day that a violation of the Chapter continues, shall be deemed a separate offense hereunder and shall be punishable as such.

10.09 Waiver

Non-enforcement of any provisions of the Chapter by the District shall not constitute waiver by the District of any action, inaction, facility or similar matter, which is inconsistent with this Drainage Chapter. (Added by Ordinance 88-6)

SECTION 11.00 Severability

11.01 Severability

The Board hereby declares that it would have passed this ordinance and thereby adopted this Chapter, or any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the ordinance or the application thereof to any person or circumstance is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application of such provisions to other persons or circumstances.

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RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 16

THE DRAINAGE CODE

INSTALLATION AND USE OF THE
DISTRICT STORM DRAINAGE SYSTEM



Amended March 15, 2023
By Ordinance 2023-01

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**DISTRICT CODE
CHAPTER 16**

**POLICIES AND REGULATIONS FOR THE INSTALLATION AND USE OF
THE DISTRICT STORM DRAINAGE SYSTEM**

SECTION 1.00 General Provisions

1.01 Title

This Chapter shall be known as the "Drainage Chapter" and may be cited as such.

1.02 Scope of Service

To receive all storm runoff water and convey it to areas that will accept it in such a manner so as to minimize the loss of life and property and to minimize inconvenience to the public that may result from flooding within or around the District.

1.03 Requirements for Service

The provisions of this ordinance shall apply to drainage and service in, upon or affecting the territory of the Rancho Murieta Community Services District, and the design, construction, alteration, use, and maintenance of waterways, including drainage channels, ditches, pipes, manholes, lakes, and all system appurtenances; the issuance of permits and the collection of fees therefore; fees to pay for the cost of checking plans, inspecting construction, and making record plans of the drainage facilities permitted hereunder; providing penalties for violation of any of the provisions hereof and all other necessary or related matters.

1.04 Intent

The purpose of this Drainage ordinance is to set forth-certain rules and regulations by which the District will provide an effective and efficient storm drainage system so as to protect the life and property of and to minimize inconvenience to District residents. (Added Ordinance 88-6)

SECTION 2.00 Definitions

For the purposes of this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise.

2.01 Applicant

Applicant shall mean the owner, or the agent of the owner, of the property for which drainage service or other consideration is being requested.

2.02 Board

Board shall mean the Board of Directors of the Rancho Murieta Community Services District.

2.03 District

District shall mean the Rancho Murieta Community Services District.

2.04 District Engineer

District Engineer shall mean the District Engineer of Rancho Murieta Community Services District, acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties delegated to them.

2.05 District Drainage System

District Drainage System shall mean any drainage system that is owned, operated and/or maintained by the District within a District right-of-way or easement, excluding surface drainage of private streets and roads.

2.06 Drainage System

Drainage System shall mean the system of waterways, ditches, channels, pipes, lakes, and appurtenances, which collects and conveys storm water runoff to the point of discharge.

2.07 Flat Rate Service

Flat Rate Service shall mean the provision of the drainage service either directly or indirectly from the property owner's property to the point of discharge at a fixed periodic charge.

2.08 Floodplain

Floodplain shall mean the area adjoining a river, stream, or waterway, which is subject to periodic inundation by floodwaters.

2.09 Floodway

Floodway shall mean the main channel of a waterway, which is reasonably required to carry and discharge the storm flow.

2.10 Grading

Grading shall include the act or result of digging, excavating, transporting, spreading, depositing in an embankment or fill, compacting or settling, or shaping of surfaces and slopes in excavations and on embankments; back filling of trenches, pits, ditches, and other excavations or natural depressions; and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

2.11 Levee

Levee shall mean an elongated mound of dirt or earth paralleling and adjacent to the outer edges of a waterway.

2.12 General Manager

General Manager shall mean the General Manager of the Rancho Murieta Community Services District.

2.13 Permits

Permits shall mean the District's written approval or authorization for an action. A permit may only be issued by the District upon completion of the appropriate District application form for the action sought, payment of all applicable fees, charges, and compliance with applicable ordinances, rules and regulations, as well as local, state and federal laws.

2.14 Private Drainage Lines

Shall mean those lines owned by the property owner that is for his own use and no District funds were used to construct or maintain them.

2.15 Private Drainage System

Private Drainage System shall mean any drainage system on private land(s), including homeowner association common areas and streets, golf courses, and driving ranges, that solely provides drainage service from the private land(s) to the point of connection or discharge into a District drainage system.

2.16 Rubbish

Rubbish shall mean any substance, which is not readily soluble in water except naturally occurring grasses, weeds and riparian growth.

2.17 Structure

Structure shall mean anything constructed upon or attached permanently or temporarily to the land, or which has its foundation or means of support upon, under, or within the surface of the earth, including but not limited to any building, dam, wall, crib wall, bulkhead, pipe, conduit, pole, or fence.

2.18 Waterway

Waterway shall mean a river, stream, creek, watercourse, or channel, having a defined bed and banks, and includes any conduit or pipe in which water does or may flow. A waterway includes any property in which the District owns a fee simple interest or easement therein for drainage purposes. Whenever a waterway consists of an ordinary channel and in addition thereto, an overflow channel, the waterway shall be deemed to include all property lying between the banks of the overflow channel.

2.19 100-Year Flood

100 Year Flood shall mean a flood having a one percent (1%) statistical chance of being equaled or exceeded in any given year.

SECTION 3.00 General Policy

3.01 General Policy of Operating System

The District shall operate and maintain the drainage system in an efficient and economical manner and supply a drainage service of acceptable quality as fairly and equitably as possible. The charges to be made for this service shall be set at rates necessary to enable the District to recover all costs of supplying drainage service to the complete area of the District including, but not limited to, the costs for the following:

- a. Power costs
- b. Customer service
- c. Administration
- d. Operation and maintenance
- e. Overhead
- f. Debt service
- g. Charges and assessments in lieu of taxes
- h. Engineering and legal expenses

- i. All other necessary and appropriate expenses

3.02 District's Responsibility for System

The District shall be responsible for the operation and maintenance of the District drainage system, which shall include but not be limited to:

- a. Culverts
- b. Man-made channels
- c. Pipes
- d. Catch basins below the grate on private streets
- e. Manholes
- f. Channels
- g. Pump Stations
- h. Floodways of waterways
- i. All other appropriate facilities

3.03 Access to District Owned Property

The District shall have access to all District drainage facilities at any reasonable hour of the day or night to perform any duties that may be required to prevent damage or flooding.

3.04 Prohibited Obstructions

Without District approval no person shall cause any type of obstruction affecting any part of the drainage facilities. Any structure placed in, over, around, through, or under any drainage pipe, channel, ditch or lake must have the Rancho Murieta Community Services District's approval before any construction is allowed to begin. Upon written request by the Manager, any such obstruction will immediately be removed by the violator at no expense to the District or it will be removed by the District at the violator's expense and shall not be replaced.

3.05 Delegation of Authority

The General Manager shall have the authority to delegate the performance of any of the Manager's responsibilities to any District employee or independent contractor.

3.06 Street Work

- a. When a person who opens, grades, excavates, fills or does other street construction, deems it necessary to expose, remove, raise, lower or otherwise affect any portion of the drainage system owned by the District, the person performing such street construction shall give at least seven (7) days advance notice in writing to the District of the person's intention to perform such construction and immediate notice upon exposure or contact with such system.
- b. At its option, the District may elect to perform the removal, raising, lowering or other construction on the District's drainage system that is necessitated by the street construction. Prior to the District performing the construction on its drainage system, the person requiring the street construction shall pay the District a reasonable deposit, as

determined by the District, in an amount not to exceed the estimated cost of the District's construction. The costs shall include an administrative fee, which shall be ten per cent (10%) of the actual construction costs, up to a maximum of One Hundred Dollars (\$100). When the District completes its construction, the District shall refund that portion, if any, of the deposit, which exceeds the actual costs of construction and the person requiring the construction, shall pay the amount, if any, by which the actual costs of construction exceed the deposit.

- c. The person performing the street construction shall be liable for any damage to the District drainage system resulting from the street construction or from the person's construction on the District drainage system.

3.07 Standards

All procedures, design, work, materials, capacities, facilities and other improvements shall be based on the applicable provision of the latest revisions of State and Local regulations and generally accepted standards of drainage practice insofar as deemed appropriate by the District considering the conditions and where not in conflict with District Standards. Such regulations and standards are included in but not necessarily limited to the following references:

Sacramento County Drainage Improvement and Construction Standards
Uniform Plumbing Code
Uniform Building Code

3.08 District Ownership and Control

The portion of the drainage system, which is located in the District's right of way or in easements, shall be under the exclusive control of the District and owned, managed, and/or operated under the direction of the General Manager. (Amended by Ordinance 88-6)

3.09 Private Drainage Systems

The owner shall be responsible for the proper operation and maintenance of the owner's private drainage facilities and for any damages to the District's drainage system or loss of property resulting from such operation and maintenance.

3.10 Inspection of Privately Owned Drainage System

An owner's private drainage system shall be open for inspection at all reasonable times to a representative of the District. However, except in cases of emergency, before a District representative enters an owner's premises for the purpose of inspecting non-District owned facilities, the District shall obtain the owner's or occupant's consent, or the District shall give 24-hour advance notice, in writing, to the owner or occupant of the District's intention to enter and inspect the private drainage system.

3.11 Interference with District Employees

Except as provided in Section 3.10 hereof, it shall be unlawful for any persons to interfere, seek or cause to interfere with the inspection, installation, removal, maintenance, or other lawful activity by the General Manager or the General Manager's authorized representative, of any part of the drainage system owned by the District.

3.12 Contractors Hired by the District

Portions of this Chapter may be waived for persons hired by the District to construct any part of the District's drainage system.

3.13 Pre-existing Conditions

Non-conforming physical conditions existing as of the effective date of this Ordinance, which have the potential of creating a public hazard and/or nuisance, shall be deemed to be a violation of this Ordinance. The owner shall be allowed a grace period of three (3) months from the effective date of this ordinance within which to correct the violation or to obtain a District permit to allow the non-conforming violation to remain. If a permit is not issued or the non-conforming violation is not corrected within the grace period, the District may correct the violation at the owner's sole cost.

3.14 Variance

Notwithstanding Section 3.13 of this Ordinance, the District General Manager shall have the authority to extend the grace periods set forth in Section 3.13 and/or to authorize the nonconforming violation to remain. A District customer has the right to appeal the General Manager's granting or denial of a variance to the Board of Directors. (Added by Ordinance 88-6)

SECTION 4.00 Connection to and Construction of Drainage Facilities

4.01 In General

Nothing in this Chapter shall be construed as preventing or limiting the right of the District to require or undertake the preparation of engineering, economic, environmental or financing evaluations from any person requesting drainage service from the District, which service necessitates the installation of drainage facilities, and thereafter to require the construction of such facilities as a condition of service, all without cost to the District.

4.02 Financial Responsibility for Installation of Drainage Facilities

An applicant who installs or causes to be installed any part of the District drainage facilities shall be financially liable for the costs of the installation and all incidents thereof.

4.03 Relocation of Drainage Facilities at Owner's Request

Upon an owner's written request, drainage facilities may be relocated by the District, provided that the relocation, in the opinion of the General Manager, is not detrimental to the District's drainage system. The cost of the relocation shall be borne by the owner and shall be payable in advance to the District. The cost of the relocation shall include the applicable costs and fees for all construction (if the construction is performed by persons hired by the District), design, installation, inspection, administration, overhead, and any other necessary, related expenses.

4.04 District's Studies

The District shall have the right to require or undertake the preparation of engineering, economic, environmental, or financial evaluations, at the applicant's sole cost, of any request for District drainage service when such service may necessitate the installation of drainage facilities or additions to the District drainage system.

4.05 Plans

- a. Each application for a permit for which installation of drainage facilities is necessary shall be accompanied by four sets of plans and specifications for the installation.
- b. The submitted plans and specifications shall remain the exclusive property of the District.
- c. The General Manager shall determine the adequacy of the proposed drainage facilities as to size, type and quality of materials and as to the location of facilities to serve the proposed development including off-tract pipelines and other appurtenances. The District shall have the authority to require the applicant to submit revised plans consistent with District standards.
- d. When the District is satisfied that the work proposed by the plans is proper and the plans are sufficient, it shall authorize the issuance of a permit subsequent to the applicant's payment of all applicable fees, charges, and deposits. The General Manager shall certify in writing that the plans and specifications submitted conform to District standards.

4.06 Easements and Right-of-Ways

- a. Any applicant who installs or proposes to install District drainage facilities shall furnish the District all necessary easements and rights of-way for such facilities and the subsequent operation and maintenance thereof.
- b. If the applicant cannot furnish the necessary easements and right-of-ways, the District may, at its sole option, acquire such easements and right-of-ways, subsequent to the applicant's payment to the District of all funds necessary to cover the District's cost of such acquisition.
- c. Until the necessary easements and right-of-ways have been properly executed and recorded, the District shall not approve any plans for drainage facilities to be constructed across the property of another. The District shall not accept for District use any such drainage facilities and no person shall place into use any such facilities.
- d. If an easement is required for the extension of the drainage system or the making of connections, the applicant shall procure at its expense and have accepted by the Board a proper easement or grant of right-of-way having a minimum width of fifteen feet, sufficient to allow the laying and maintenance of such extension or connection.

4.07 Performance Bond

The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for the applicant's construction of the drainage facilities. The surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated cost of the work, or in such other reasonable sum as may be fixed by the District. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work; guarantee the maintenance of the portion of the drainage facilities constructed by the applicant for a period of one year following the District's written acceptance of the work.

4.08 Liability

The District and its officers, agents and employees shall not be liable for any injury or death of any person or damage to any property arising, during, or stemming from the performance of any work by an applicant. The applicant shall be answerable for, indemnify and hold harmless, the District and its officers, agents and employees, including all costs, expenses, attorney's fees and other fees and interest incurred in defending the same or in seeking to enforce this provision. The applicant shall be

solely liable for any defects in the performance of the applicant's work or for any failure, damage, injury, claim or loss, which may develop therefrom.

4.09 Dedication Requirements

An offer of dedication of the drainage facilities, excluding any private drainage lines, shall be included in any application for a permit. The District shall not accept for dedication any portion of the drainage facilities, which are not constructed in conformity with the requirements of the drainage facility agreement, if any, and of this Chapter.

4.10 As Built Plans

Two (2) sets of blue line prints and one set of reproducible drawings delineating as built drainage lines and appurtenances shall be filed with the District prior to, and as a condition of, the District's approval and acceptance of construction by an applicant. No certificate of final inspection shall be issued until such prints and drawings are filed.

4.11 Inspection

- a. The District shall have the right to inspect all work during and subsequent to its construction. When the construction is completed, the work must be inspected and approved by the District before newly constructed drainage facilities may be connected to the District's drainage system.
- b. No construction shall be covered at any time unless it has been inspected and approved by the District. No facilities shall be connected to the District's drainage system unless the District has performed tests indicating the new construction is satisfactory and the facilities have been cleaned of all debris accumulated from construction operations.
- c. The applicant shall give the District at least forty-eight hours advance notice, Saturdays, Sundays, and holidays excluded, of when it wishes the District to perform an inspection. If work is inspected and deemed inadequate, the District shall so notify the applicant in writing and identify the deficiencies in the project.

4.12 Certificate of Final Inspection and Completion

When the District determines that all work done under the permit and drainage facility extension agreement, if any, has been constructed according to, and meets the requirements of all applicable provisions of this Chapter, the agreement and other District rules and regulations, and when all fees have been paid, the Manager, subject to any procedure, which may be adopted by the Board, shall authorize the issuance of a Certificate of Final Inspection and Completion.

4.13 Ownership Upon Dedication

When the Certificate of Final Inspection and Completion is issued, the District shall accept the Offer of Dedication and authorize the connection of the new drainage facilities. Upon connection to the District's drainage system, the new drainage facilities, excluding private drainage lines, shall become the exclusive property of the District.

4.14 Installation of Private Drainage System

The owner shall, at the owner's own expense, install according to District standards, the owner's private drainage system. The private drainage system shall remain the sole property of the owner.

4.15 District Construction Standards

All work performed on installing any portion of the drainage system and all acts, including design and construction relating thereto, shall comply with the District standard specifications. Copies of the standards are on file with the District office.

4.16 Persons Authorized to Perform Work on District Drainage System

- a. Only validly licensed contractors are authorized to perform work on the District's drainage system, including connections thereto. All terms and conditions of the permit issued by the District to the applicant shall be binding on the applicant's contractor.
- b. At the District's option, system extensions and connections thereto shall be performed either by the District or persons hired thereby or under the supervision of District employees by licensed contractors retained by the applicant.
- c. When the District determines that any installation or connection shall be performed by the District, the applicant shall pay, in advance, an amount of funds as determined by the District to be equal to the approximate District cost of construction and other necessary expenses. Upon completion of construction, the District shall refund the excess, if any, of the funds paid by the applicant or, if applicable, the applicant shall pay the amount, if any, by which the actual costs exceeded the applicant's deposit.

4.17 Connection to District Drainage System

Connection into the drainage system shall be made in accordance with the District's standard drawings and specifications and at the applicant's expense. The connection to the drainage system shall be made in the presence of a District inspector and under the inspector's supervision and direction. Any damage to the drainage system shall be repaired in conformance with District standard specifications at the applicant's sole cost.

SECTION 5.00 Drainage Facility Extensions

5.01 Drainage Facility Extension

Any person requesting drainage service from the District, which necessitates an extension of the District's drainage system, shall apply to the District for a drainage facility extension agreement on the forms prescribed by the District.

5.02 Formation of an Assessment District

At the District's sole option, the District may utilize any statutory or other procedures concerning assessment districts to finance construction of the drainage facility extension and related appurtenances.

SECTION 6.00 Permits and Fees

6.01 Permit Required

No persons other than those specifically permitted by this Chapter, shall uncover or cause to be uncovered, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect to or cause to be connected to, any District drainage facility or other portion of the

drainage system owned by the District without first obtaining a permit from the District, paying the applicable fees, and complying with all other applicable provisions of this Chapter.

6.02 Application for Permit

Any person legally entitled to apply for and receive a permit shall make application for a permit on forms provided by the District for that purpose. Any applicant shall describe the proposed construction and location, ownership, occupancy, and use of the premises in connection therewith. The General Manager may require, in addition to the information specified, any additional information from the applicant, which will enable the General Manager to determine that the proposed connection complies with the provisions of this Chapter.

6.03 Payment of Fees and Charges

No permit shall be issued until all fees and charges as established by the Board in connection therewith are paid to the District.

6.04 Applicant's Agreement to Comply with Code

The applicant's signature on an application for a permit or the applicant's acceptance of any permit shall constitute an agreement by the applicant to comply with all the provisions, terms and requirements of the District's Drainage Code, with all other rules and regulations of the District, and with the plans and specifications the applicant has filed, together with such corrections or modifications, if any, as may be permitted or required by the District in writing. This agreement shall be binding upon the applicant and the applicant's successors in interest and may be altered only by the District in writing upon the applicant's written request.

6.05 Time Limits on Permits

If work under a permit is not commenced within six (6) months from the date of issuance of the permit or if, after commencing, the work be discontinued for a period of one (1) year, the permit shall become void and no further work shall be undertaken until a new permit shall have been secured and a new fee paid therefore at applicable rates then in effect.

6.06 Permit Consistency

The District shall not grant a permit if the permit will authorize work or activity, which is inconsistent with the Storm Drainage and Flood Control Master Plan, which has been adopted by the District.

6.07 Compliance with Permit

After the District's approval of the application, as evidenced by the District's issuance of a permit, the applicant shall make no change in the location of the drainage facilities, the grade, materials, or other details from those described in the plans on which the permit is based or as shown in the plans and specifications for which the permit was issued, except with the prior written permission of the General Manager.

6.08 Unauthorized Usage of Permit

- a. Upon prior written approval of the District, a person to whom a permit has been issued may transfer a permit to another person solely for the same use and premises for which the permit was issued, subject to all terms and conditions under which the permit was issued. The transferee shall meet all requirements of the District relating to the transfer.

- b. Usage of a permit for premises other than the premises for which the permit was issued shall be an unauthorized usage and shall render the permit void and invalid.
- c. A person engaging in an unauthorized usage of the permit shall apply to the District for an appropriate permit. If the District issues the permit, the applicant shall pay the appropriate current fees and charges.

6.09 Person's Excluded From this Section

The provisions of this Section 6.00 may be waived by the District for contractors constructing drainage facilities or improvements under contract with the District, or under contract awarded by the District under proceedings pursuant to any of the special procedure statutes of the State providing for the construction of drainage facilities and the assessing of the expenses thereof against the lands benefited thereby.

6.10 Plan Checking

No permit shall be issued until the District has checked and approved the plans in accordance with the applicable provisions of this Chapter.

6.11 Additional Permits

The District's issuance of a permit does not relieve the applicant from the responsibility to obtain all other local, state, or federal approvals or permits, including encroachment permits and rights of entries from private entities, prior to initiating the work. The applicant shall have sole responsibility for determining the necessity for compliance with the regulations of all other regulatory agencies.

SECTION 7.00 Rates and Charges

7.01 Drainage Charges

Drainage charges for operation and maintenance of the District's system shall be as set forth in Chapter 16A, Section 3.00. (Amended by Ordinance 2020-02)

SECTION 8.00 Prohibited Use of Drainage System

8.01 Protection of Waterways

Every person, firm, corporation, or public agency through whose property a waterway exists, shall keep the same free from rubbish and temporary or permanent obstacles which will prevent, change, or retard the flow of the water, unless a permit to alter such waterway has been obtained pursuant to the terms of this Chapter.

8.02 Wastes Prohibited into Drainage System

No person shall discharge or cause to be discharged any of the following wastes to any part of the drainage system:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive solid, liquid or gas.
- b. Any waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to constitute a hazard to humans, or create a public nuisance.

- c. Any waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the District or creating a hazard or public nuisance.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the drainage system, or other interference with the proper operation of the drainage system, such as, but not limited to, rubbish, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable diapers, feathers, tar, plastics, wood, un-ground garbage, paper dishes, cups, containers, etc.

8.03 Prohibition Against Certain Acts Without a Permit

It shall be unlawful for any person, firm, corporation, or public agency to do, or cause to be done, any of the following, without having first secured a permit from the District:

- a. Construct, place or maintain any structure, obstruction or fill which will retard or obstruct the flow of water within a waterway, upon a levee, or upon or between the banks of a waterway; or construct, place, or maintain any structure, obstruction or fill over, upon or within any property in which the District owns an easement or fee simple interest.
- b. Excavate upon a levee or a waterway.
- c. Deposit rubbish upon a levee or a waterway.
- d. Construct or place any outlet for discharging drainage waters to or within a waterway.
- e. Plant or install any object or plant any form of flora (other than grasses or annual crops) within a waterway.
- f. To trespass in any manner, whatsoever, including the driving of vehicles, on any property in which the District owns a fee simple interest or easement therein for drainage purposes.
- g. To construct or place any building, structure, or other improvement, or place any trailer, mobile home, or similar vehicle, on any land subject to flooding.
- h. Construct within the 100-year Floodplain any encroachment, fill, new construction, substantial improvements or other development, which increases the 100-year flood elevation.

8.04 Grading and Soil Erosion

No person shall cause or allow to be caused grading and soil erosion within the District, which results in the creation of an unlawful encroachment on other property, a public nuisance or hazard to vehicular traffic or to the safe operation of the drainage system. Excavation, grading, or the placement of fill material on or within any property so that dirt or debris may be washed, eroded, or moved from the property by natural or artificial means shall be prohibited.

Any grading or soil erosion activities that obstructs, impedes, or interferes with the natural flow of storm, flood, or surface waters, whether unconfined upon the surface of the land within land depressions or natural drainage ways, within unimproved channels or watercourses or within improved ditches, channels or conduits, shall be prohibited.

Grading activities within the District shall incorporate District approved temporary and permanent erosion control measures to minimize the potential for soil erosion that can result in encroachments, nuisances, and hazards.

The owner of the land on which the grading and soil erosion activities originate that result in an encroachment, nuisance, or hazard shall be responsible to abate the encroachment, nuisance, or hazard upon receipt of notice in writing from the District within the period specified in the notice. If the owner fails to abate the encroachment, nuisance, or hazard within the specified period, the District will undertake the abatement at the sole cost of the owner.

8.05 Surface Drainage

No person shall obstruct, impede or retard the flow of water across the surface of the land in such a way as to create a nuisance or hazard on any public or private lands.

SECTION 9.00 Collection of Rates and Enforcement Provisions

9.01 Collection of Charges for Drainage and Other Services

The periodic charges imposed by this Chapter may be collected together with charges for any other utility service supplied by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the service for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 9.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

9.02 Billing

All drainage service accounts may be billed monthly.

9.03 Persons Billed

The District shall bill the property owner directly for all drainage services provided to the owner's premises.

9.04 Due Date

Bills for drainage service are due and payable when mailed.

9.05 Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed. (Amended by Ordinance 98-3)

9.06 Delinquencies - Basic Penalty

- a. A one-time basic penalty of ten percent (10%) shall be added to each delinquent bill for the first month the bill is delinquent. (Amended by Ordinance # 96-3)
- b. After levying the basic penalty provided in Section 9.06 (a), the District shall thereafter levy an additional penalty of one-half percent (.5%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties on the bills for

taxes levied against the appropriate premises as set forth in Section 9.09. (Amended by Ordinance 96-3)

9.07 Payment of Part of Delinquency

Monies paid where any portion of an account is delinquent shall first be credited to the delinquent portion of the bill and then to the current billing.

9.08 Liens

Unpaid drainage service charges imposed by this Chapter, when recorded as a lien with Sacramento County, shall constitute a lien upon the parcel of real property to which the drainage service was supplied. The District shall include a statement on its bills to the effect that any drainage service charges and penalties thereon remaining unpaid shall, when recorded, constitute a lien on the parcel to which the drainage service was supplied. The District may from time to time compile lists of such delinquent charges and record them with the County Recorder as liens, provided that the District shall first have given notice to the customer.

9.09 Collection of Delinquent Charges with Taxes

All rates, charges, penalties and interest, which remain delinquent, may be collected in the same manner as the general taxes for the District for the forthcoming year, provided that the District shall first have given the customer notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector.

9.10 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.

SECTION 10.00 Enforcement, Disconnection and Restoration of Service

10.01 Enforcement

The General Manager shall enforce the provisions of this Chapter and, for such purpose, shall have the powers of a peace officer, if deputized or if authorized by law.

10.02 Violation of Chapter

In the event of a violation of any laws, ordinances, rules or regulations of the State of California, the County of Sacramento or the District, respecting the subject matter contained herein, the District shall notify in writing the person or persons causing, allowing, or committing such violation and the General Manager shall have the authority to disconnect any District service from the property served by District facilities, in the manner set forth herein.

10.03 Settling Disputes

The General Manager is hereby authorized to review disputes pertaining to any matters for which service may be disconnected and to adjust errors and settle disputes pertaining to such matters.

10.04 Restoration of Service

When service under this Chapter has been disconnected for any reason, the service shall not be restored until all unpaid sums are paid in full, plus all District expenses for disconnecting and restoring the service, plus a twenty-five-dollar (\$25) restoration fee.

10.05 Recovery of Costs

In the event that the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent fees and charges, the District shall be entitled to recover its reasonable attorney's fees, interest, and other costs of suit.

10.06 Means of Enforcement Only

The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

10.07 Cumulative Remedies

All remedies set forth herein for the collection and enforcement of rates, charges, and penalties are cumulative and may be pursued alternatively, concurrently, or consecutively.

10.08 Misdemeanor

A violation of any provision of this Chapter is a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500) or by imprisonment in the County Jail not to exceed six (6) months, or both. Each and every day, or part of a day that a violation of the Chapter continues, shall be deemed a separate offense hereunder and shall be punishable as such.

10.09 Waiver

Non-enforcement of any provisions of the Chapter by the District shall not constitute waiver by the District of any action, inaction, facility or similar matter, which is inconsistent with this Drainage Chapter. (Added by Ordinance 88-6)

SECTION 11.00 Severability

11.01 Severability

The Board hereby declares that it would have passed this ordinance and thereby adopted this Chapter, or any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared to be unconstitutional.

If any section, subsection, sentence, clause or phrase of the ordinance or the application thereof to any person or circumstance is for any reason held unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter or the application of such provisions to other persons or circumstances.

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 21

SECURITY SERVICES CODE

POLICES REGULATING THE PROVISION
OF AND TAXES FOR SECURITY
SERVICE BY THE DISTRICT



AMENDED ~~February 15~~ March 15, 2023
ORDINANCE O2023-01

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DISTRICT CODE

CHAPTER 21

POLICIES REGULATING THE PROVISION OF AND TAXES FOR SECURITY SERVICES BY THE DISTRICT

Section 1.00 General Provisions

1.01 Title

This Chapter shall be known as the "Security Services Code" and may be cited as such.

1.02 Applicability

This Chapter shall apply to security services in or affecting the territory of the Rancho Murieta Community Services District. The provisions of this Chapter define the type of security services provided by the District, the special tax levied to fund those services, the methods of collecting the special tax and other charges, penalties for violations of the provisions of this Chapter, and all other related matters concerning the provision of security services within Rancho Murieta Community Services District.

1.03 Implementation

The provisions of this Chapter shall be implemented by such policies and procedures as shall be developed from time to time by the Board and/or District staff at the direction of the Manager.

Section 2.00 Definitions

For the purposes of this Chapter, the following terms shall have the following meanings.

2.01 Board

Board shall mean the Board of Directors of the Rancho Murieta Community Services District.

2.02 Customer

Customer shall mean a District resident or property owner to whom District service is provided.

2.03 District

District shall mean the Rancho Murieta Community Services District.

2.04 District Property

District Property shall mean real property owned, leased or otherwise controlled by the District.

2.05 Manager

Manager shall mean the General Manager of the Rancho Murieta Community Services District.

2.06 Premises

Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for security services. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single commercial enterprise or residential unit.

2.07 Security Chief

Security Chief shall mean that person designated as the head of District Security Services.

2.08 Security Gate Officers

Security Gate Officers shall mean those individuals hired by the District to perform duties related to the control and monitoring of access to gated portions of the District, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.

2.09 Security Patrol Officers

Security Patrol Officers shall mean those persons, including the Security Chief and the Security Sergeant, hired by the District to provide patrol services, and other security services identified herein in accordance with District policies and procedures, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.

2.10 Security Sergeant

Security Sergeant shall mean that person hired by the District to participate in and supervise the activities of Security Gate Officers and Security Patrol Officers, and other security services identified herein in accordance with District policies and procedures, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.

2.11 Security Services

Security Services shall mean the security services provided by the District, as identified in Section 3.00 herein.

Section 3.00 Scope of Security Services

3.01 Authority and Scope of Security Services

Pursuant to Section 61100(j) of the Government Code and authorization of the Local Agency Formation Commission, the District provides Security Services necessary to protect lives and property within the boundaries of the District. Security Gate Officers and Security Patrol Officers are responsible for protecting lives and property by seeking to prevent an incident or offense from occurring in the District. In situations where prevention of an incident or offense is not possible, the function of Security Gate Officers or Security Patrol Officers is to observe and report the incident to a law enforcement agency, such as the Sacramento County Sheriff's Department, except as otherwise authorized by this Chapter. Security Gate Officers and Security Patrol Officers are not peace officers, and except in limited circumstances as authorized in this Chapter, are not responsible for any law enforcement activities, including but not limited to: chasing; apprehending or detaining suspected criminals; investigating criminal acts; or enforcing state or county laws, including traffic regulations.

3.02 Gate and Patrol Services

The District shall provide gate and patrol services, at such level or to such extent as the Board may authorize as part of the annual budget process, or from time to time as the Board deems appropriate. The gate and patrol services shall generally include:

- a. Operating and staffing security gates located at the entrances to the Rancho Murieta community on a year-round basis;

- b. Providing twenty-four-(24) hour a day mobile patrol of all area within the boundaries of the District;
- c. Operating a communication system to maintain contact with local law enforcement, fire and other emergency services as well as appropriate entities within the District; and
- d. Registering guests or invitees of District Customers and other visitors within the District, in cooperation with Rancho Murieta Association or other homeowners' associations within the District as appropriate.

3.03 Enforcement of District Rules and Ordinances

Pursuant to Government Code Section 61064(b), Security Patrol Officers may enforce the rules, regulations, and ordinances adopted by the Board and may issue citations for violation of any such rule, regulation or ordinance to be processed as an infraction in accordance with subdivision (d) of Section 17 of the Penal Code.

3.04 Enforcement of Covenants, Conditions and Restrictions

Pursuant to Government Code Section 61105(e), the District may enforce covenants, conditions and restrictions ("CC&Rs"), and hereby authorizes Security Patrol Officers to enforce those non-architectural CC&Rs related to the provision of Security Services adopted for each tract within the boundaries of the District.

The Manager and/or the Board is hereby authorized to establish rules, regulations and procedures in cooperation with any homeowner's association within the District boundaries, including but not limited to, the Rancho Murieta Association, for the enforcement of non-architectural CC&Rs which shall be published and made available to the Board and Customers, including amendments thereto.

3.05 Enforcement of State and County Law on District Property

Security Patrol Officers may make arrests in accordance with Penal Code Section 836.5, and/or issue citations for misdemeanor or infraction violations of state law, county ordinances, or district rules, regulations, or ordinances when such violation is committed on District Property and in the presence of the District Security Officer making the arrest or issuing the citation pursuant to Government Code Section 61064(c).

3.06 Contracting Authority

Subject to Board approval and appropriation of funds, the District may contract or enter into any joint or cooperative arrangement with Rancho Murieta Association or any other entity or person, including the Sacramento County Sheriff's Department, to provide security services to District Customers.

3.07 Violations of Chapter

Pursuant to Government Code section 61064(a), a violation of a provision of this Chapter is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both.

3.08 Penalty for Obstructing District Security Officer

Any person who willfully interferes with a Security Patrol Officer in the performance of his or her duties pursuant to Section 3.03 and/or 3.05 of this Code may be punished by a fine, not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, in accordance with the provisions of Section 148 of the Penal Code.

Section 4.00 Special Event Notification

Prior to conducting or holding any event or activity within the District which is reasonably expected to involve twenty (20) or more participants, spectators, or similar persons, excluding District Customers, the sponsor of such event or activity shall notify the District Security Chief ten (10) days in advance of such event or activity. If Security Services are needed for the event, the event sponsor may request such services as provided for in Section 6.04 of this Chapter.

Section 5.00 Special Tax for Security Services

5.01 Findings

The Board of Directors of the District hereby finds and declares that the District’s ability to continue to provide Security Services depends on the availability of funds to support these services. The Security Services are a portion of the public safety services related to real property and provide for the security and protection of the real property, property owners, and residents within the District. The special tax [referred to as the "Security Tax"] was approved by two-thirds vote of the District voters in 1998. (See District Ordinance No. 98-1.) The Security Tax provides for a special and secure funding source to continue to provide Security Services.

5.02 Authority

This special tax is levied under each of the following authorities:

Government Code Section 61121 which provides the District with the power to tax for the purpose of carrying out the operations of the District; and which authorizes the District to impose special taxes pursuant to Government Code Section 50075, et seq.; Government Code Section 50075 through Section 50077; Government Code Section 61060(n) which authorizes the District to perform all acts necessary to carry out fully the provisions of the Community Services District law; and Article XIII C of the California Constitution. This tax is based, to the extent practicable, upon the cost of providing security services to the properties within the District and is not an ad valorem property tax.

5.03 Security Tax

Property within the District shall be assessed a monthly security tax as follows. The maximum tax rates shown reflect annual adjustments, per Section 5.05:

		Monthly Special Tax Rates Fiscal Year 2020-21	Monthly Special Tax Rates Maximum Ceiling Rate Year 2020-21
Residential			
Inside Gates			
- Metered	Per Lot	\$ 30.32	30.32
- Unmetered	Per Lot	\$ 23.79	23.79
Outside Gate	Per Lot	\$ 7.31	7.31

Non-Residential - Per Building Sq. Ft.			
- Highway Retail		\$ 0.2734	0.2734
- Other Retail/Commercial	"	\$ 0.0294	0.0294
- Industrial/Warehouse/Lt Industrial	"	\$ 0.0643	0.0643
- Office	"	\$ 0.0155	0.0155
- Institutional	"	\$ 0.0155	0.0155
- Public Utility	"	\$ 0.0490	0.0490
- Equine Complex	"	\$ 0.0046	0.0046
- RMCC	"	\$ 0.0770	0.0770
- Airport	"	\$ 0.0196	0.0196
- Hotel/Ext. Stay	"	\$ 0.0294	0.0294

UNDEVELOPED PROPERTY

- Inside Gates	Per Acre	\$25.6524	25.6524
- Outside Gates	Per Acre	\$ 3.8226	3.8226

The Security Tax for property and/or units not identified herein shall be determined by the Board based upon the total actual cost of providing security services to that property or unit, not to exceed the maximum charge per lot, acre, or building square foot for property identified herein.

For the fiscal year beginning July 1, 1998, and annually thereafter, the District Board shall set the actual security tax for the applicable fiscal year. The actual security tax set by the Board shall not exceed the maximum tax rate set forth in this section as adjusted pursuant to section 5.05. If necessary, to meet expenses, the Board may adjust the actual tax rate during a fiscal year so long as the actual tax rate does not exceed the maximum allowable tax rate.

5.04 Collection

The Security Tax shall be collected with other monthly District taxes, fees and/or charges and shall be subject to the same penalties for non-payment as other monthly District taxes, fees, and/or charges.

5.05 Annual Adjustment

Commencing July 1, 1999 and each July 1st thereafter, the amounts specified in Section 5.03 shall be increased by two percent (2%) per year. The General Manager shall maintain a current schedule of maximum tax rates based on the yearly increase specified herein and shall make the same available to any interested party upon request.

5.06 Disposition of Revenue

Revenues collected under the provisions of this Chapter shall be deposited in a special fund called the Security Tax fund and shall be used only for the provision of security services within the District. Security services include:

- a. Operating the security gates located at the entrances of Rancho Murieta, 24 hours a day, 365 days a year, including but not limited to staffing these gates;
- b. Providing a 24 hour a day mobile patrol of the District and its boundaries;
- c. Operating a radio communication system to maintain contact with external police, fire, and other emergency services as well as the appropriate entities within the District;

- d. Providing assistance to other agencies providing first aid, fire-fighting, police and emergency services within the District;
- e. Monitoring, controlling and registering guests or invitees of District customers and other visitors within the District;
- f. Conducting such other activities as the Board in its discretion may authorize for the protection of District customers and their property; and
- g. Other incidental costs of providing the services listed above.

5.07 Effective Date

The Security Tax shall take effect July 1, 1998.

5.08 Appeals

Any taxpayer aggrieved by the amount of this tax shall file a written appeal with the General Manager stating the grounds for the appeal. The General Manager shall meet with the taxpayer; they may agree to a resolution of the appeal or set the matter for determination by the Board. The Board may adopt rules for the timing, filing and hearing of appeals under this Chapter.

5.09 Severability

If any sentence, clause, article, section, subsection, phrase or portion of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Chapter. The voters of the District hereby declare that they would have adopted the remainder of this Chapter, including each sentence, clause, article, section, subsection, phrase or portion of this Chapter, irrespective of the invalidity of any other sentence, clause, article, section, subsection, phrase or portion of this Chapter.

Section 6.00 Billing Procedures

6.01 General Billing Procedures

Except as otherwise specified herein, the Security Tax for District Security Services shall be collected together with, and not separately from the charges for other services and facilities rendered by the District to a Customer. All District special taxes and charges shall be billed on the same bill and collected as one item. Except as otherwise specified herein, the District shall bill directly each individual Customer receiving security service and such bill shall be due and payable upon receipt.

6.02 Composite Billing Procedures

The District may elect to send a composite bill for the Security Tax only to groups of customers when each of the following conditions are met:

- a. The owners of the property receiving services have formally organized by writing into a homeowners' association or similar group;
- b. The homeowners' association or similar group, through properly executed covenants, conditions, articles of incorporation, bylaws, or contract has the power to act as the sole agent for the owners or customers concerning the Security Tax in a manner which binds the individual owners or customers, and;
- c. The association or group enters into a written agreement with the District which provides, among

other matters, that:

1. The association or group shall be responsible for and guarantee payment of all such Security Taxes within the time required by the District's rules and regulations, regardless of whether any single owner or customer has paid the owners or customer's share of such charges to the association or group;
2. The District shall apply to and the association or group shall pay all delinquent, penalty and interest charges on the composite bill,
3. The District's bill or other notices to the association or group shall constitute a bill or other notice to each individual owner or customer, who shall agree that no other notice or bill to the individual owner or customer shall be necessary for, or a prerequisite to, the District's exercise of its powers to terminate service, place liens on the owner's property, or exercise any of the other legal remedies necessary to collect delinquent bills and charges; and
4. The bill shall consist of the sum of the total monthly Security Taxes for each owner or customer represented by the association or group, as well as Security Services to any common area or other unit represented by the association or group.

6.03 Bill Payment

Bills for the Security Tax are due and payable when mailed or delivered. A bill for services is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

6.04 Security Services for Special Events

The District may provide Security Services on a contractual or fee-for-service basis for any special event, as described in Section 4.00, or for any other activity within the District's boundaries which requires Security Services other than that routinely provided by the District.

6.05 Additional Fees and Charges

Additional fees and charges may be required as part of an agreement or contract for additional Security Services, such as pursuant to Section 6.04 above.

Section 7.00 Collection of Special Tax

7.01 Penalty for Late Payment

A one-time basic penalty of ten percent (10%) of the delinquent taxes shall be added to each delinquent bill for the first month the charge is delinquent. Thereafter, an additional penalty of one percent (1%) per month shall be added to all delinquent taxes and basic penalties remaining unpaid, until the District requests the County Auditor to include the amount of the delinquent taxes and penalties for collection on the County property tax roll as set forth in Section 7.03. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill. *(Amended by Ordinance O2019-03)*

7.02 Imposition of Lien

Delinquent special taxes and charges remaining unpaid after thirty (30) days may be recorded as a lien with the County in accordance with Section 61115 of the Government Code and, after recordation, shall constitute a lien upon all real property owned or thereafter acquired by the property owner in the County. The District shall include a statement to this effect on its bills to each property owner.

The District may compile lists of such delinquent charges and record them with the County Recorder as liens.

7.03 Process for Collection of Delinquent Charges

All special taxes, charges, penalties and interest which remain delinquent as of June 30th of each year may be collected in the same manner as the general taxes for the District for the forthcoming fiscal year, as follows:

- a. The District shall prepare a written report, which shall be filed by the District Secretary. The report shall describe each parcel of real property for which there are any delinquencies in any charges for services rendered to each premise during the preceding year, and the amount of the delinquency. The report of delinquent security service charges may be combined with the report of any other delinquent charges, as long as the report identifies the delinquent charges for each service for each premise.
- b. The District Secretary shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published at least once a week for two weeks. The District Secretary shall also mail written notice of the report's filing to each property owner whose property or premises is identified as being subject to delinquent charges setting forth individually each property and each of the services and charges due for that property.
- c. At the time stated in the notice, the Board shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter, the Board may adopt, revise, change, reduce, or modify any delinquency or overrule any or all objections thereto. The Board shall then make its determination on each delinquency identified in the report; the Board's determination shall be final.
- d. On or before August 10th of each year following the Board's hearing, the District Secretary shall file with the County Auditor a copy of the report, signed by the Secretary, stating the Board has adopted the report. The Secretary shall request the County Auditor to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.

e. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

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7.04 Attorneys' Fees

In the event the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent special taxes, charges or penalties, the District shall be entitled to recover its reasonable attorneys' fees, interest, court costs, and any other costs incurred by

the District in bringing such action.

7.05 Discontinuance of Service

As an alternative method of enforcing the provisions of this Chapter or of any other District ordinance, rule or regulation, the District shall have the authority pursuant to Government Code Section 61115 to discontinue any and all services provided by the District to a customer if all or part of any bill is not paid. Such discontinuance of service shall be in the following manner:

- a. At least ten days before the proposed discontinuance, the District shall provide written notice to the customer and the Property owner, if other than the customer, of the District's intent to discontinue service and the procedure for, and the availability of, an opportunity to discuss the reasons for the proposed discontinuance of service.
- b. Before discontinuing service, the customer or property owner shall have the opportunity to discuss the reason for the proposed Discontinuance with an employee designated by the Manager who shall be empowered to dispute bills, rectify any errors, and settle controversies pertaining to the review discontinuance of service.
- c. When service has been discontinued as provided in this section, the customer or property owner shall pay all unpaid special taxes, charges, including penalties and interest, plus all District expenses and charges for the discontinuance and restoration of service, prior to the restoration of the discontinued service.
- d. No service shall be discontinued on any Saturday, Sunday, legal holiday, or at any time during which the District's business offices are not open to the public.

7.06 Remedies Cumulative

All remedies set forth herein for the collection and enforcement of special taxes, charges, and penalties are cumulative and may be pursued alternatively or consecutively.

7.07 Declaration of Procedures

The District hereby declares the foregoing procedures are established as a means of enforcing the terms and conditions of the District's ordinances, rules and regulations and shall not be construed as penalties.

Chapter 7.08 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.
~~The General Manager may adjust or grant refunds from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer; provided, however, the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded~~

~~amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later.~~ (added February 15 March 15, 2023 by Ordinance O2023-01)

Section 8.00 Prohibited Activities on District Property

The following activities are prohibited on District Property pursuant to the authority provided in Section 3.05 of this Code and Government Code Sections 61060 and 61064.

8.01 Trespasses

No person shall enter upon District Property, except for the purpose of conducting District business, to attend publicly noticed District meetings, or as otherwise authorized by law or District staff.

8.02 Defacing Property

No person shall deface, damage or destroy District Property. The terms deface, damage and destroy as used in this Section shall include graffiti.

8.03 Loitering

No person shall loiter upon District Property. As used in this Section, the word "loiter" means entering and remaining on District Property under such circumstances that a reasonable person would conclude that the person who has entered and remained on such premises does not have a purpose legitimately connected with District or otherwise authorized allowed by law.

8.04 Use of Motor Vehicles:

- a. No person shall drive or operate a motor vehicle on District Property except to conduct District business, attend a publicly noticed District meeting or as otherwise authorized by law or District staff.
- b. No person shall park a motor vehicle on District Property except in areas specifically designated as parking areas. In no case shall any person park a motor vehicle on District Property in a manner that presents a hazard to the public.
- c. No person shall park or otherwise allow a motor vehicle to remain on District Property during hours that the District Property is closed without a permit from the District.
- d. No person shall abandon any motor vehicle on District Property.

8.05 Use of Skateboards

No person shall ride or propel a skateboard on District Property.

8.06 Animals

No person shall bring an animal onto District Property, except for the purpose of aiding or assisting persons with disabilities.

8.07 Disposal of Refuse

No person shall dump, deposit, or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or trash in or upon District Property, except that refuse which is incidental to the use of the facility which may be deposited into the receptacles as provided therefore.

8.08 Consumption of Alcoholic Beverages

No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of on or within District Property, unless otherwise

authorized by the Manager.

8.09 Firearms

No person shall bring a firearm onto District Property, except for law enforcement or District Security Officers.

8.10 Fireworks

No person shall possess or ignite any firecracker or fireworks on District Property, unless otherwise authorized by the Manager.

8.11 Use of Bridge

No person shall dive or jump from any bridge owned or authorized for use by the District, including, but not limited to, the Yellow Bridge and the Pedestrian Bridge.

Section 9.00 False Alarm Service Fee

9.01 False Alarm Fee

All persons operating an alarm system within the District shall pay a false alarm fee of \$100 per false alarm to reimburse the District for costs incurred by the District Security Department resulting from false alarms. Such fee shall apply to false alarms in excess of one false alarm per calendar month.

9.02 Collection

Fees for false alarms shall be collected in the same manner as set forth in Section 6.00 of this Chapter.

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 21

SECURITY SERVICES CODE

POLICES REGULATING THE PROVISION
OF AND TAXES FOR SECURITY
SERVICE BY THE DISTRICT



AMENDED March 15, 2023
ORDINANCE O2023-01

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DISTRICT CODE

CHAPTER 21

POLICIES REGULATING THE PROVISION OF AND TAXES FOR SECURITY SERVICES BY THE DISTRICT

Section 1.00 General Provisions

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For the purposes of this Chapter, the following terms shall have the following meanings.

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Premises shall mean a parcel of real estate, including any improvements thereon, which is determined by the District to be a single unit for purposes of receiving, using and paying for security services. In making this determination, the District shall take into consideration such factors as whether the unit could reasonably be subdivided and whether the unit is being used for a single commercial enterprise or residential unit.

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Security Chief shall mean that person designated as the head of District Security Services.

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Security Gate Officers shall mean those individuals hired by the District to perform duties related to the control and monitoring of access to gated portions of the District, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.

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Security Patrol Officers shall mean those persons, including the Security Chief and the Security Sergeant, hired by the District to provide patrol services, and other security services identified herein in accordance with District policies and procedures, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.

2.10 Security Sergeant

Security Sergeant shall mean that person hired by the District to participate in and supervise the activities of Security Gate Officers and Security Patrol Officers, and other security services identified herein in accordance with District policies and procedures, after receiving the appropriate training and certifications as determined by the Security Chief and Manager.

2.11 Security Services

Security Services shall mean the security services provided by the District, as identified in Section 3.00 herein.

Section 3.00 Scope of Security Services

3.01 Authority and Scope of Security Services

Pursuant to Section 61100(j) of the Government Code and authorization of the Local Agency Formation Commission, the District provides Security Services necessary to protect lives and property within the boundaries of the District. Security Gate Officers and Security Patrol Officers are responsible for protecting lives and property by seeking to prevent an incident or offense from occurring in the District. In situations where prevention of an incident or offense is not possible, the function of Security Gate Officers or Security Patrol Officers is to observe and report the incident to a law enforcement agency, such as the Sacramento County Sheriff's Department, except as otherwise authorized by this Chapter. Security Gate Officers and Security Patrol Officers are not peace officers, and except in limited circumstances as authorized in this Chapter, are not responsible for any law enforcement activities, including but not limited to: chasing; apprehending or detaining suspected criminals; investigating criminal acts; or enforcing state or county laws, including traffic regulations.

3.02 Gate and Patrol Services

The District shall provide gate and patrol services, at such level or to such extent as the Board may authorize as part of the annual budget process, or from time to time as the Board deems appropriate. The gate and patrol services shall generally include:

- a. Operating and staffing security gates located at the entrances to the Rancho Murieta community on a year-round basis;
- b. Providing twenty-four-(24) hour a day mobile patrol of all area within the boundaries of the District;

- c. Operating a communication system to maintain contact with local law enforcement, fire and other emergency services as well as appropriate entities within the District; and
- d. Registering guests or invitees of District Customers and other visitors within the District, in cooperation with Rancho Murieta Association or other homeowners' associations within the District as appropriate.

3.03 Enforcement of District Rules and Ordinances

Pursuant to Government Code Section 61064(b), Security Patrol Officers may enforce the rules, regulations, and ordinances adopted by the Board and may issue citations for violation of any such rule, regulation or ordinance to be processed as an infraction in accordance with subdivision (d) of Section 17 of the Penal Code.

3.04 Enforcement of Covenants, Conditions and Restrictions

Pursuant to Government Code Section 61105(e), the District may enforce covenants, conditions and restrictions ("CC&Rs"), and hereby authorizes Security Patrol Officers to enforce those non-architectural CC&Rs related to the provision of Security Services adopted for each tract within the boundaries of the District.

The Manager and/or the Board is hereby authorized to establish rules, regulations and procedures in cooperation with any homeowner's association within the District boundaries, including but not limited to, the Rancho Murieta Association, for the enforcement of non-architectural CC&Rs which shall be published and made available to the Board and Customers, including amendments thereto.

3.05 Enforcement of State and County Law on District Property

Security Patrol Officers may make arrests in accordance with Penal Code Section 836.5, and/or issue citations for misdemeanor or infraction violations of state law, county ordinances, or district rules, regulations, or ordinances when such violation is committed on District Property and in the presence of the District Security Officer making the arrest or issuing the citation pursuant to Government Code Section 61064(c).

3.06 Contracting Authority

Subject to Board approval and appropriation of funds, the District may contract or enter into any joint or cooperative arrangement with Rancho Murieta Association or any other entity or person, including the Sacramento County Sheriff's Department, to provide security services to District Customers.

3.07 Violations of Chapter

Pursuant to Government Code section 61064(a), a violation of a provision of this Chapter is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both.

3.08 Penalty for Obstructing District Security Officer

Any person who willfully interferes with a Security Patrol Officer in the performance of his or her duties pursuant to Section 3.03 and/or 3.05 of this Code may be punished by a fine, not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, in accordance with the provisions of Section 148 of the Penal Code.

Section 4.00 Special Event Notification

Prior to conducting or holding any event or activity within the District which is reasonably expected to involve twenty (20) or more participants, spectators, or similar persons, excluding District Customers, the sponsor of such event or activity shall notify the District Security Chief ten (10) days in advance of such event or activity. If Security Services are needed for the event, the event sponsor may request such services as provided for in Section 6.04 of this Chapter.

Section 5.00 Special Tax for Security Services

5.01 Findings

The Board of Directors of the District hereby finds and declares that the District’s ability to continue to provide Security Services depends on the availability of funds to support these services. The Security Services are a portion of the public safety services related to real property and provide for the security and protection of the real property, property owners, and residents within the District. The special tax [referred to as the "Security Tax"] was approved by two-thirds vote of the District voters in 1998. (See District Ordinance No. 98-1.) The Security Tax provides for a special and secure funding source to continue to provide Security Services.

5.02 Authority

This special tax is levied under each of the following authorities:

Government Code Section 61121 which provides the District with the power to tax for the purpose of carrying out the operations of the District; and which authorizes the District to impose special taxes pursuant to Government Code Section 50075, et seq.; Government Code Section 50075 through Section 50077; Government Code Section 61060(n) which authorizes the District to perform all acts necessary to carry out fully the provisions of the Community Services District law; and Article XIII C of the California Constitution. This tax is based, to the extent practicable, upon the cost of providing security services to the properties within the District and is not an ad valorem property tax.

5.03 Security Tax

Property within the District shall be assessed a monthly security tax as follows. The maximum tax rates shown reflect annual adjustments, per Section 5.05:

		Monthly Special Tax Rates Fiscal Year 2020-21	Monthly Special Tax Rates Maximum Ceiling Rate Year 2020-21
Residential			
Inside Gates			
- Metered	Per Lot	\$ 30.32	30.32
- Unmetered	Per Lot	\$ 23.79	23.79
Outside Gate	Per Lot	\$ 7.31	7.31
Non-Residential - Per Building Sq. Ft.			
- Highway Retail		\$ 0.2734	0.2734
- Other Retail/Commercial	"	\$ 0.0294	0.0294
- Industrial/Warehouse/Lt Industrial	"	\$ 0.0643	0.0643
- Office	"	\$ 0.0155	0.0155

- Institutional	“	\$ 0.0155	0.0155
- Public Utility	“	\$ 0.0490	0.0490
- Equine Complex	“	\$ 0.0046	0.0046
- RMCC	“	\$ 0.0770	0.0770
- Airport	“	\$ 0.0196	0.0196
- Hotel/Ext. Stay	“	\$ 0.0294	0.0294

UNDEVELOPED PROPERTY

- Inside Gates	Per Acre	\$25.6524	25.6524
- Outside Gates	Per Acre	\$ 3.8226	3.8226

The Security Tax for property and/or units not identified herein shall be determined by the Board based upon the total actual cost of providing security services to that property or unit, not to exceed the maximum charge per lot, acre, or building square foot for property identified herein.

For the fiscal year beginning July 1, 1998, and annually thereafter, the District Board shall set the actual security tax for the applicable fiscal year. The actual security tax set by the Board shall not exceed the maximum tax rate set forth in this section as adjusted pursuant to section 5.05. If necessary, to meet expenses, the Board may adjust the actual tax rate during a fiscal year so long as the actual tax rate does not exceed the maximum allowable tax rate.

5.04 Collection

The Security Tax shall be collected with other monthly District taxes, fees and/or charges and shall be subject to the same penalties for non-payment as other monthly District taxes, fees, and/or charges.

5.05 Annual Adjustment

Commencing July 1, 1999 and each July 1st thereafter, the amounts specified in Section 5.03 shall be increased by two percent (2%) per year. The General Manager shall maintain a current schedule of maximum tax rates based on the yearly increase specified herein and shall make the same available to any interested party upon request.

5.06 Disposition of Revenue

Revenues collected under the provisions of this Chapter shall be deposited in a special fund called the Security Tax fund and shall be used only for the provision of security services within the District. Security services include:

- a. Operating the security gates located at the entrances of Rancho Murieta, 24 hours a day, 365 days a year, including but not limited to staffing these gates;
- b. Providing a 24 hour a day mobile patrol of the District and its boundaries;
- c. Operating a radio communication system to maintain contact with external police, fire, and other emergency services as well as the appropriate entities within the District;
- d. Providing assistance to other agencies providing first aid, fire-fighting, police and emergency services within the District;
- e. Monitoring, controlling and registering guests or invitees of District customers and other visitors within the District;
- f. Conducting such other activities as the Board in its discretion may authorize for the protection of District customers and their property; and

g. Other incidental costs of providing the services listed above.

5.07 Effective Date

The Security Tax shall take effect July 1, 1998.

5.08 Appeals

Any taxpayer aggrieved by the amount of this tax shall file a written appeal with the General Manager stating the grounds for the appeal. The General Manager shall meet with the taxpayer; they may agree to a resolution of the appeal or set the matter for determination by the Board. The Board may adopt rules for the timing, filing and hearing of appeals under this Chapter.

5.09 Severability

If any sentence, clause, article, section, subsection, phrase or portion of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Chapter. The voters of the District hereby declare that they would have adopted the remainder of this Chapter, including each sentence, clause, article, section, subsection, phrase or portion of this Chapter, irrespective of the invalidity of any other sentence, clause, article, section, subsection, phrase or portion of this Chapter.

Section 6.00 Billing Procedures

6.01 General Billing Procedures

Except as otherwise specified herein, the Security Tax for District Security Services shall be collected together with, and not separately from the charges for other services and facilities rendered by the District to a Customer. All District special taxes and charges shall be billed on the same bill and collected as one item. Except as otherwise specified herein, the District shall bill directly each individual Customer receiving security service and such bill shall be due and payable upon receipt.

6.02 Composite Billing Procedures

The District may elect to send a composite bill for the Security Tax only to groups of customers when each of the following conditions are met:

- a. The owners of the property receiving services have formally organized by writing into a homeowners' association or similar group;
- b. The homeowners' association or similar group, through properly executed covenants, conditions, articles of incorporation, bylaws, or contract has the power to act as the sole agent for the owners or customers concerning the Security Tax in a manner which binds the individual owners or customers, and;
- c. The association or group enters into a written agreement with the District which provides, among other matters, that:
 1. The association or group shall be responsible for and guarantee payment of all such Security Taxes within the time required by the District's rules and regulations, regardless of whether any single owner or customer has paid the owners or customer's share of such charges to the association or group;
 2. The District shall apply to and the association or group shall pay all delinquent, penalty and interest charges on the composite bill,

3. The District's bill or other notices to the association or group shall constitute a bill or other notice to each individual owner or customer, who shall agree that no other notice or bill to the individual owner or customer shall be necessary for, or a prerequisite to, the Districts exercise of its powers to terminate service, place liens on the owner's property, or exercise any of the other legal remedies necessary to collect delinquent bills and charges; and
4. The bill shall consist of the sum of the total monthly Security Taxes for each owner or customer represented by the association or group, as well as Security Services to any common area or other unit represented by the association or group.

6.03 Bill Payment

Bills for the Security Tax are due and payable when mailed or delivered. A bill for services is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

6.04 Security Services for Special Events

The District may provide Security Services on a contractual or fee-for-service basis for any special event, as described in Section 4.00, or for any other activity within the District's boundaries which requires Security Services other than that routinely provided by the District.

6.05 Additional Fees and Charges

Additional fees and charges may be required as part of an agreement or contract for additional Security Services, such as pursuant to Section 6.04 above.

Section 7.00 Collection of Special Tax

7.01 Penalty for Late Payment

A one-time basic penalty of ten percent (10%) of the delinquent taxes shall be added to each delinquent bill for the first month the charge is delinquent. Thereafter, an additional penalty of one percent (1%) per month shall be added to all delinquent taxes and basic penalties remaining unpaid, until the District requests the County Auditor to include the amount of the delinquent taxes and penalties for collection on the County property tax roll as set forth in Section 7.03. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill. *(Amended by Ordinance O2019-03)*

7.02 Imposition of Lien

Delinquent special taxes and charges remaining unpaid after thirty (30) days may be recorded as a lien with the County in accordance with Section 61115 of the Government Code and, after recordation, shall constitute a lien upon all real property owned or thereafter acquired by the property owner in the County. The District shall include a statement to this effect on its bills to each property owner.

The District may compile lists of such delinquent charges and record them with the County Recorder as liens.

7.03 Process for Collection of Delinquent Charges

All special taxes, charges, penalties and interest which remain delinquent as of June 30th of each year

may be collected in the same manner as the general taxes for the District for the forthcoming fiscal year, as follows:

- a. The District shall prepare a written report, which shall be filed by the District Secretary. The report shall describe each parcel of real property for which there are any delinquencies in any charges for services rendered to each premise during the preceding year, and the amount of the delinquency. The report of delinquent security service charges may be combined with the report of any other delinquent charges, as long as the report identifies the delinquent charges for each service for each premise.
- b. The District Secretary shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published at least once a week for two weeks. The District Secretary shall also mail written notice of the report's filing to each property owner whose property or premises is identified as being subject to delinquent charges setting forth individually each property and each of the services and charges due for that property.
- c. At the time stated in the notice, the Board shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter, the Board may adopt, revise, change, reduce, or modify any delinquency or overrule any or all objections thereto. The Board shall then make its determination on each delinquency identified in the report; the Board's determination shall be final.
- d. On or before August 10th of each year following the Board's hearing, the District Secretary shall file with the County Auditor a copy of the report, signed by the Secretary, stating the Board has adopted the report. The Secretary shall request the County Auditor to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.
- e. The District may take the actions authorized by this Section 7.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

7.04 Attorneys' Fees

In the event the District is required to bring legal action to enforce any provision of this Chapter, including but not limited to the collection of delinquent special taxes, charges or penalties, the District shall be entitled to recover its reasonable attorneys' fees, interest, court costs, and any other costs incurred by the District in bringing such action.

7.05 Discontinuance of Service

As an alternative method of enforcing the provisions of this Chapter or of any other District ordinance, rule or regulation, the District shall have the authority pursuant to Government Code Section 61115 to discontinue any and all services provided by the District to a customer if all or part of any bill is not paid. Such discontinuance of service shall be in the following manner:

- a. At least ten days before the proposed discontinuance, the District shall provide written notice to the customer and the Property owner, if other than the customer, of the District's intent to discontinue service and the procedure for, and the availability of, an opportunity to discuss the reasons for the proposed discontinuance of service.
- b. Before discontinuing service, the customer or property owner shall have the opportunity to discuss the reason for the proposed Discontinuance with an employee designated by the

Manager who shall be empowered to dispute bills, rectify any errors, and settle controversies pertaining to the review discontinuance of service.

- c. When service has been discontinued as provided in this section, the customer or property owner shall pay all unpaid special taxes, charges, including penalties and interest, plus all District expenses and charges for the discontinuance and restoration of service, prior to the restoration of the discontinued service.
- d. No service shall be discontinued on any Saturday, Sunday, legal holiday, or at any time during which the District's business offices are not open to the public.

7.06 Remedies Cumulative

All remedies set forth herein for the collection and enforcement of special taxes, charges, and penalties are cumulative and may be pursued alternatively or consecutively.

7.07 Declaration of Procedures

The District hereby declares the foregoing procedures are established as a means of enforcing the terms and conditions of the District's ordinances, rules and regulations and shall not be construed as penalties.

7.08 Adjustment of Bills

At the request of a customer or at the General Manager's discretion, the General Manager may correct any erroneous bill provided for in this Chapter for up to four years from the date of the erroneous bill for service; provided, however, that the customer request must be filed no later than four years from the date of payment of the disputed bill and that all parties affected shall have a right to appeal the Manager's determination to the Board of Directors within fifteen (15) days of the date of the Manager's decision. The decision of the Board of Directors thereon shall be final and binding on all parties. The District shall pay interest on the refunded amount at a rate of 3% per year calculated from the payment of the disputed bill or the date of the refund claim, whichever is later. *(added March 15, 2023 by Ordinance O2023-01)*

Section 8.00 Prohibited Activities on District Property

The following activities are prohibited on District Property pursuant to the authority provided in Section 3.05 of this Code and Government Code Sections 61060 and 61064.

8.01 Trespasses

No person shall enter upon District Property, except for the purpose of conducting District business, to attend publicly noticed District meetings, or as otherwise authorized by law or District staff.

8.02 Defacing Property

No person shall deface, damage or destroy District Property. The terms deface, damage and destroy as used in this Section shall include graffiti.

8.03 Loitering

No person shall loiter upon District Property. As used in this Section, the word "loiter" means entering and remaining on District Property under such circumstances that a reasonable person would conclude that the person who has entered and remained on such premises does not have a purpose legitimately connected with District or otherwise authorized allowed by law.

8.04 Use of Motor Vehicles:

- a. No person shall drive or operate a motor vehicle on District Property except to conduct District business, attend a publicly noticed District meeting or as otherwise authorized by law or District staff.
- b. No person shall park a motor vehicle on District Property except in areas specifically designated as parking areas. In no case shall any person park a motor vehicle on District Property in a manner that presents a hazard to the public.
- c. No person shall park or otherwise allow a motor vehicle to remain on District Property during hours that the District Property is closed without a permit from the District.
- d. No person shall abandon any motor vehicle on District Property.

8.05 Use of Skateboards

No person shall ride or propel a skateboard on District Property.

8.06 Animals

No person shall bring an animal onto District Property, except for the purpose of aiding or assisting persons with disabilities.

8.07 Disposal of Refuse

No person shall dump, deposit, or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or trash in or upon District Property, except that refuse which is incidental to the use of the facility which may be deposited into the receptacles as provided therefore.

8.08 Consumption of Alcoholic Beverages

No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of on or within District Property, unless otherwise authorized by the Manager.

8.09 Firearms

No person shall bring a firearm onto District Property, except for law enforcement or District Security Officers.

8.10 Fireworks

No person shall possess or ignite any firecracker or fireworks on District Property, unless otherwise authorized by the Manager.

8.11 Use of Bridge

No person shall dive or jump from any bridge owned or authorized for use by the District, including, but not limited to, the Yellow Bridge and the Pedestrian Bridge.

Section 9.00 False Alarm Service Fee

9.01 False Alarm Fee

All persons operating an alarm system within the District shall pay a false alarm fee of \$100 per false alarm to reimburse the District for costs incurred by the District Security Department resulting from false alarms. Such fee shall apply to false alarms in excess of one false alarm per calendar month.

9.02**Collection**

Fees for false alarms shall be collected in the same manner as set forth in Section 6.00 of this Chapter.

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 31

SOLID WASTE COLLECTION AND DISPOSAL



Amended ~~February 15~~ March 15, 2023
Ordinance O2023-01

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DISTRICT CODE

CHAPTER 31

SOLID WASTE COLLECTION AND DISPOSAL

SECTION 1.00 Findings — Purpose of Provisions

The Board does find and determine that the storage, accumulation, collection and disposal of Solid Waste, and other discarded goods and material, is a service the District is authorized to provide, and is a matter of great public concern in that improper control of such matters can lead to air pollution, fire hazards, rat infestation, and other problems affecting the health, welfare and safety of the District. The Board declares that the regulations in Chapter 31 of this Code provided are designed to eliminate or alleviate such problems.

The Board further finds as follows:

- a. Reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern of the District by reason of the growing problem of Solid Waste disposal and its impact on our environment;
- b. Recycling conserves valuable material resources and energy, and promotes greater efficiency; and
- c. Recycling will reduce the overall amount of Solid Waste presently generated, and thus reduce storage, collection, transportation and disposal costs for residents of the District.

SECTION 2.00 Definitions

Whenever in Chapter 31 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

2.01 Bulky Waste or Large Items

Bulky Waste or Large Items shall mean materials including furniture, carpets, mattresses, clothing, tires, electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.

2.02 Board

Board shall mean the Board of the Rancho Murieta Community Services District.

2.03 Collection

Collection shall mean the operation of gathering together and transporting to the point of disposal of Solid Waste and other waste material.

2.04 Cart or Container

Cart or Container shall mean a receptacle constructed of metal, rubber, plastic or a combination thereof.

2.05 Contractor

Contractor shall mean the person entering into a contract with the District for the collection and disposal of Solid Waste.

2.06 County

County shall mean the County of Sacramento.

2.07 Department

Department shall mean the Sacramento County Department of Public Works acting by, through and under the authority of the Director of Public Works, unless the context indicates otherwise.

2.08 Disposal

Disposal shall mean the complete operation of treating and disposing of the accumulations of Solid Waste and the product or residue arising from such treatment.

2.09 District

District shall mean the Rancho Murieta Community Services District.

2.10 Excluded Waste

Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; Manure or Stable Matter; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; and refrigerators, ranges, water heaters, freezers and similar household appliances; boats and boat trailers; automobiles; automobile parts; internal combustion engines; lead-acid batteries; and those wastes under the control of the Nuclear Regulatory Commission.

2.11

Food Waste

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

2.12 Green Waste

Green Waste shall mean any vegetative matter resulting from normal yard and landscaping maintenance. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Christmas trees, and other forms of organic waste not more than five (5) feet in its longest dimension or with a diameter not more than six (6) inches or weights more than fifty (50) pounds and must be generated by and at the physical location wherein the Green Waste are collected.

2.12 Organic Waste

Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure and Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

2.13 Manure or Stable Matter

Manure or Stable Matter shall mean any waste matter normally accumulated in stables, or in livestock or poultry enclosures.

2.14 Recyclable Materials

Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.

2.15 Rubbish

Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

2.16 Solid Waste

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.

SECTION 3.00 Mandatory Service

3.01 Mandatory Service

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

3.02 Exceptions to Mandatory Service

A residential construction contractor, commercial gardener and those engaged in the business of cleaning residential properties and employees thereof, when collecting or transporting Solid Waste consisting of by-products of the services provided to a lawful disposal location.

SECTION 4.00 Exclusive Right of Collection

The District and its duly authorized agents, servants, and employees, or any Contractor with whom the District may at any time enter into a contract therefore, and the agents, servants, and employees of such contractor, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove Solid Waste from all premises in the District; and no person other than those above specified shall gather, collect or remove any Solid Waste, or convey or transport any Solid Waste in, along or over any public streets, alley or highway in the District, or take any Solid Waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container from any location where the same is placed by the owner thereof; provided, however, that nothing in this section contained shall be deemed to prohibit the occupant of any dwelling house from himself removing any Solid Waste accumulated on the premises occupied by him as a dwelling house and disposing of the same in a lawful manner, or to prohibit any person from gathering, collecting or removing from the premises occupied by him any Solid Waste.

4.01 Collection by District – Applicable Provisions

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

4.02 Collection by Independent Contractor

If the Board has the collection and disposal of Solid Waste collected by an independent contractor or contractors, the contract shall be made under such terms and conditions as may be prescribed by resolution and set forth in such contract.

4.03 Collection Rates and Billings

a. Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.

1. Gray Cart Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

2. Additional Gray Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

3. Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

4. Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

5. Sacramento County Surcharge \$ 2.00

b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 4.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

~~b. Collection of Charges for Collection Services~~

~~The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District~~

may take the actions authorized by this Section 4.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

c. Billing

All solid waste accounts shall be billed monthly.

d. Due Date

All bills are due and payable on the date they are issued by the District.

e. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

f. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

g. Collection of Delinquent Charges on County Tax Roll

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

h. Adjustment of Bills

The District staff or General Manager may adjust or grant credits from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer provided, however, the customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the District staff or General Manager's determination to the Board of Directors within fifteen (15) days after receipt of the General Manager's written decision. The decision of the Board of Directors thereon, shall be final and binding on all parties.
(Added by Ordinance 2023-01)

4.04 Collection Hours and Collection Days

Residential collection starts no earlier than 7:00 a.m. and terminates no later than 5:00 p.m. Residential collection may occur on Tuesdays, Wednesdays, or Thursdays.

4.05 Carts, Containers, and Lawn and Leaf Bags

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. Gray Rubbish Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.

b. Green Organic Waste Cart

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.

c. Blue Recycling Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

e. Lawn and Leaf Bags

During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.

4.06 Solid Waste Burning

No person shall burn any Solid Waste within the District without having first complied with all rules and regulations of the District, the county, the air pollution control district and the state.

4.07 Depositing in Streets

No person shall throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition in or upon any public street or highway in the District except as herein expressly authorized, nor throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition upon or below the surface of any premises in such a manner that the same is or may become a nuisance or endanger the public health.

SECTION 5.00 Recyclable Materials - Property Rights - Collection by Unauthorized Persons

5.01 Property Rights

From time of placement of Recyclable Materials at the curb or in recycling shelters for collection in accordance with the District's recycling program, such Recyclable Materials shall be and become the property of the District or its authorized agent. It shall be a violation of the ordinance codified in this section for any person unauthorized by the District to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

5.02 Violation

Violation of any provision of this Chapter shall constitute a misdemeanor punishable in the manner prescribed by the laws of the State.

5.03 Recyclable Material—Owner's Rights

Nothing in Chapter 31 shall limit the right of any person to donate, sell, or otherwise dispose of his or her Recyclable Materials.

SECTION 6.00 Construction and Demolition Refuse

6.01 Storage

No Solid Waste from building construction or demolition may be stored on site and in the open. All Solid Waste from construction and demolition shall be placed and contained in commercial type debris containers. Solid Waste, which may be transported by the wind shall be placed in suitable Containers daily and removed as necessary. Adequate storage capacity shall be provided to prevent littering of surrounding areas.

6.02 Disposal

Solid Waste from construction and demolition shall not be disposed in residential garbage, recycle or yard waste containers.

SECTION 7.00 Dumping Solid Waste

7.01 On Public Property

No person shall dispose of or dump upon any public or commonly owned property or street of the District or upon any property of another, except such property as may be provided and set apart for such use by the District, Solid Waste, Excluded Waste, or other waste of any kind or composition. The Board may enter into a contract for the collection and disposal of the Solid Waste, and may provide such rules for the regulation thereof as it may from time to time deem best and necessary.

7.02 On Private Property

No person shall dispose of or dump upon any private property within the District any Solid Waste, Excluded Waste or other waste of any kind or composition.

SECTION 8.00 SECTION 8.0

SECTION 8.00 Residential Solid Waste Collection Vehicles

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 2006/2023, and certificates of testing showing that the vehicles met the requirements of this section.

Mandatory Organic Waste Disposal Reduction

8.01 Purpose and Findings

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations

place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

8.02 Definitions

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

- a. “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- b. “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- c. “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- d. “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- e. “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- f. “Compliance Review” means a review of records by the District to determine compliance with this ordinance.
- g. “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

- h. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- i. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for composability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- j. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- k. "C&D" means construction and demolition debris.
- l. "Designee" means an entity that the District contracts with or otherwise arranges to carry out any of the District's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- m. "District Enforcement Official" means the District General Manager or authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- n. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- o. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- p. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in District's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.

- q. “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- r. “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- s. “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- t. “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 1. A food bank as defined in Section 113783 of the Health and Safety Code;
 2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- u. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- v. “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- w. “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- x. “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- y. “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

- z. “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- aa. “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- bb. “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- cc. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- dd. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- ee. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- ff. “Inspection” means a site visit where the District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- gg. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- hh. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts

center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

- ii. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- jj. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- kk. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- ll. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- mm. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- nn. “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- oo. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- pp. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- qq. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

- rr. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- ss. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- tt. “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- uu. “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- vv. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- ww. “Route Review” means a visual inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- xx. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- yy. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- zz. “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- aaa. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- bbb. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid,

semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
 2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
 3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- ccc. "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.
- ddd. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- eee. "Source Separated Blue Container Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- fff. "State" means the State of California.
- ggg. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- hhh. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Supermarket.
2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
3. Food Service Provider.
4. Food Distributor.
5. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

iii. “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

jjj. “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

8.03 Requirements for Single-Family Generators

Single-Family Organic Waste Generators shall comply with the following requirements:

- a. Shall subscribe to District’s Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.

- b. Shall participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

8.04 Requirements for Commercial Businesses

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- a. Subscribe to District's three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
 - 1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not

comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).
- f. To the extent practical through education, training, inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- h. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
- j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the requirements of this ordinance.
- k. *If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.*
- l. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

8.05 Waivers for Generators

- a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:
 1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
 2. Provide documentation that either:
 - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.
- b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

Commercial Business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
 2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR

Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

8.06 Requirements for Commercial Edible Food Generators

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- b. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- c. Commercial Edible Food Generators shall comply with the following requirements:
 1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 4. Allow District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (b) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

- (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- d. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

8.07 Requirements for Haulers

- a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
 - 1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
 - 2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - 3. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and District's C&D ordinance.
- b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

8.08 Self-Hauler Requirements

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- c. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:
 - 1. Delivery receipts and weight tickets from the entity accepting the waste.
 - 2. The amount of material in cubic yards or tons transported by the generator to each entity.
 - 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

8.09 Inspections and Investigations by District

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow District to enter the interior of a private residential property for Inspection.
- b. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records

Act as set forth in Government Code Section 6250 et seq.

- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.10 Enforcement

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement
 - 1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.
 - 2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
 - 3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
 - 4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party

responsible for paying for the collection services, depending upon available information

e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may

request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with District's procedures in the District's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance

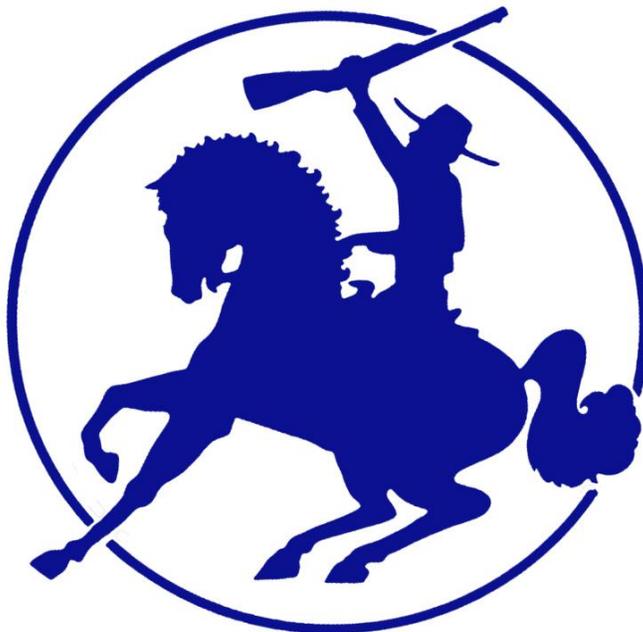
Beginning January 1, 2024, if the District determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.

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RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 31

SOLID WASTE COLLECTION AND DISPOSAL



Amended March 15, 2023
Ordinance O2023-01

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DISTRICT CODE

CHAPTER 31

SOLID WASTE COLLECTION AND DISPOSAL

SECTION 1.00 Findings — Purpose of Provisions

The Board does find and determine that the storage, accumulation, collection and disposal of Solid Waste, and other discarded goods and material, is a service the District is authorized to provide, and is a matter of great public concern in that improper control of such matters can lead to air pollution, fire hazards, rat infestation, and other problems affecting the health, welfare and safety of the District. The Board declares that the regulations in Chapter 31 of this Code provided are designed to eliminate or alleviate such problems.

The Board further finds as follows:

- a. Reduction of the amount of Solid Waste and conservation of recyclable materials is an important public concern of the District by reason of the growing problem of Solid Waste disposal and its impact on our environment;
- b. Recycling conserves valuable material resources and energy, and promotes greater efficiency; and
- c. Recycling will reduce the overall amount of Solid Waste presently generated, and thus reduce storage, collection, transportation and disposal costs for residents of the District.

SECTION 2.00 Definitions

Whenever in Chapter 31 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

2.01 Bulky Waste or Large Items

Bulky Waste or Large Items shall mean materials including furniture, carpets, mattresses, clothing, tires, electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; refrigerators, ranges, water heaters, freezers, and similar household appliances; or some combination of such items in a container the dimensions and weight of which container does not exceed four feet by four feet by two feet (4'x4'x2') and sixty (60) pounds, which are attributed to the normal activities of a residential dwelling. Bulky Waste or Large Items must be generated by and at the physical location wherein the large items are collected. Bulky Waste shall not include Excluded Waste.

2.02 Board

Board shall mean the Board of the Rancho Murieta Community Services District.

2.03 Collection

Collection shall mean the operation of gathering together and transporting to the point of disposal of Solid Waste and other waste material.

2.04 Cart or Container

Cart or Container shall mean a receptacle constructed of metal, rubber, plastic or a combination thereof.

2.05 Contractor

Contractor shall mean the person entering into a contract with the District for the collection and disposal of Solid Waste.

2.06 County

County shall mean the County of Sacramento.

2.07 Department

Department shall mean the Sacramento County Department of Public Works acting by, through and under the authority of the Director of Public Works, unless the context indicates otherwise.

2.08 Disposal

Disposal shall mean the complete operation of treating and disposing of the accumulations of Solid Waste and the product or residue arising from such treatment.

2.09 District

District shall mean the Rancho Murieta Community Services District.

2.10 Excluded Waste

Excluded Waste shall mean biohazardous or biomedical waste; hazardous waste sludge; Manure or Stable Matter; organic waste more than five (5) feet in length or with a diameter more than six (6) inches or a weight more than fifty (50) pounds; electronic equipment such as televisions, stereos, computers, monitors, VCR's and similar items; and refrigerators, ranges, water heaters, freezers and similar household appliances; boats and boat trailers; automobiles; automobile parts; internal combustion engines; lead-acid batteries; and those wastes under the control of the Nuclear Regulatory Commission.

2.11

Food Waste

Food Waste shall mean all putrescible waste, which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with, or results from the storage, preparation, cooking or handling of food materials. Food Waste must be generated by and at the physical location wherein the Food Waste is collected.

2.12 Green Waste

Green Waste shall mean any vegetative matter resulting from normal yard and landscaping maintenance. Green Waste includes plant debris, such as grass clippings, leaves, pruning, weeds, branches, brush, Christmas trees, and other forms of organic waste not more than five (5) feet in its longest dimension or with a diameter not more than six (6) inches or weights more than fifty (50) pounds and must be generated by and at the physical location wherein the Green Waste are collected.

2.12 Organic Waste

Organic Waste shall mean Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to Food Waste, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, Manure and Stable Matter, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).

2.13 Manure or Stable Matter

Manure or Stable Matter shall mean any waste matter normally accumulated in stables, or in livestock or poultry enclosures.

2.14 Recyclable Materials

Recyclable Materials shall mean those materials that are capable of being recycled and which would otherwise be processed or disposed of as Food Waste or Rubbish. Recyclable Materials include: newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, Kraft brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (not exceeding five (5) pounds in weight nor two (2) feet in any dimension for any single item); steel, including "tin" cans; bimetal containers; mixed plastics such as plastic bags, plastic film, plastic containers (1-7), and bottles including containers made of HDPE, LDPE, PET, or PVC; aseptic containers; and polystyrene.

2.15 Rubbish

Rubbish shall mean accumulation of refuse, paper, excelsior, rags, wooden boxes and containers, sweep-ups, and all other accumulations of a nature other than Food Waste, Organic Waste or Recyclable Materials. Rubbish must be generated by and at the physical location wherein the Rubbish is collected.

2.16 Solid Waste

Solid Waste shall mean Food Waste, Organic Waste, Large Items, Recyclable Materials, or Rubbish that is generated or accumulates in homes, hotels, restaurants, businesses, offices or government buildings. Solid Waste must be generated by and at the physical location wherein the Solid Waste is collected. Solid Waste shall not include Excluded Waste.

SECTION 3.00 Mandatory Service

3.01 Mandatory Service

Except as otherwise expressly provided by this Chapter, the owner, tenant, or occupant of every improved and occupied parcel (parcel with one or more residential buildings approved for occupancy) located within the District shall subscribe to Solid Waste Collection Service provided by the District.

3.02 Exceptions to Mandatory Service

A residential construction contractor, commercial gardener and those engaged in the business of cleaning residential properties and employees thereof, when collecting or transporting Solid Waste consisting of by-products of the services provided to a lawful disposal location.

SECTION 4.00 Exclusive Right of Collection

The District and its duly authorized agents, servants, and employees, or any Contractor with whom the District may at any time enter into a contract therefore, and the agents, servants, and employees of such contractor, while any such contract shall be in force, shall have the exclusive right to gather, collect and remove Solid Waste from all premises in the District; and no person other than those above specified shall gather, collect or remove any Solid Waste, or convey or transport any Solid Waste in, along or over any public streets, alley or highway in the District, or take any Solid Waste from any container in which the same may be placed for collection or removal, or interfere with or disturb any such container from any location where the same is placed by the owner thereof; provided, however, that nothing in this section contained shall be deemed to prohibit the occupant of any dwelling house from himself removing any Solid Waste accumulated on the premises occupied by him as a dwelling house and disposing of the same in a lawful manner, or to prohibit any person from gathering, collecting or removing from the premises occupied by him any Solid Waste.

4.01 Collection by District – Applicable Provisions

- a. The District may provide for the collection and disposal of Solid Waste from all premises in the District. When the District so acts, the following provisions shall be applicable. Such provisions may be made either by letting a contract for such collection and removal or otherwise. The District shall have charge and supervision of such collection and removal and shall prescribe and establish routes and days for the collection and removal of Solid Waste from the various parts of the District so as to conform to the provisions of this Chapter 31 of this Code and may change the same from time to time. When such routes or days of collection are established or changed, the District shall give notice thereof in such manner as the District deems best. Every person desiring to have the District collect and remove Solid Waste from any premises in the District shall place and keep the same in such containers as are required by this Chapter.
- b. When the collection of Solid Waste is desired, the containers shall be placed along the street curb in front of the premises from which the Solid Waste is to be removed or in such other location designated by the District. No person shall place any cart for or containing Solid Waste in any street or public highway of the District before 5:00 p.m. prior to the day of collection or allow any cart for Solid Waste placed by him or her in any such street or other collection location after 7:00 a.m. on the day following collection.
- c. When the collection of Large Item (Bulky) Waste is desired, residents may place Bulky Waste along the street curb in front of the premises from which the Large Item (Bulky) Waste is to be removed no earlier than 5:00 p.m. prior to the scheduled day of Bulky Waste collection.

4.02 Collection by Independent Contractor

If the Board has the collection and disposal of Solid Waste collected by an independent contractor or contractors, the contract shall be made under such terms and conditions as may be prescribed by resolution and set forth in such contract.

4.03 Collection Rates and Billings

a. Rates

The rates for collection of Solid Waste from premises in the District shall be those rates that the Board may determine and establish from time to time by ordinance. The Board may establish rates for residential collection without establishing rates for commercial or industrial collection.

1. Gray Cart Collection Services

38-gallon cart	\$ 23.42
64-gallon cart	\$ 27.82
96-gallon cart	\$ 44.97

2. Additional Gray Carts

38-gallon cart	\$ 9.72
64-gallon cart	\$ 12.61
96-gallon cart	\$ 27.69

3. Additional Recycling Cart (in excess of 1 recycled cart)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

4. Additional Green Waste Cart (in excess of 2 green waste carts)

38-gallon cart	N/A
64-gallon cart	\$ 6.91
96-gallon cart	\$ 6.91

5. Sacramento County Surcharge \$ 2.00

b. Collection of Charges for Collection Services

The rates and charges imposed by this Chapter may be collected together with charges for any other service provided by the District. If all or any part of the bill is not paid, the District may discontinue any or all of the services for which the bill is rendered in the manner herein provided. The District may take the actions authorized by this Section 4.00 or otherwise authorized by law to collect a delinquent bill for service for up to three years from the date of the delinquent bill for service.

c. Billing

All solid waste accounts shall be billed monthly.

d. Due Date

All bills are due and payable on the date they are issued by the District.

e. Delinquency

A bill for service is delinquent if not paid and received at the Rancho Murieta Community Services District office by the 25th day of the month following the month in which the bill was mailed.

f. Delinquency Penalty

1. A one-time basic penalty of ten percent (10%) of the delinquent service charges shall be added to each delinquent bill for the first month the bill is delinquent.
2. After levying the basic penalty provided in in the preceding subsection, the District shall thereafter levy an additional penalty of one percent (1%) per month to all delinquent charges and basic penalties remaining unpaid, until and unless the Board requests the County Auditor to include the amount of all delinquent rates, charges and penalties for collection on the County property tax roll as set forth in the succeeding subsection. Monies paid when any portion of an account is delinquent shall first be credited to interest and penalties, then to the delinquent portion of the bill, and then to the current portion of the bill.

g. Collection of Delinquent Charges on County Tax Roll

All rates, charges, penalties, and interest, which remain delinquent, may be collected on the County property tax roll in the same manner as property taxes in accordance with Government Code section 61115(b), provided that the District shall first have given the property owner notice and an opportunity to be heard as provided by law. After delinquent amounts have been turned over to the County Auditor for collection, no payment shall be received by the District on the delinquent amounts except as collected by the County Tax Collector. *(Added by Ordinance 2019-03)*

h. Adjustment of Bills

The District staff or General Manager may adjust or grant credits from the rates or fees provided in this Chapter in the event of a dispute relating to a charge to a customer provided, however, the customer request must be filed no later than one year from the date of the disputed bill and that all parties affected shall have a right to appeal the District staff or General Manager's determination to the Board of Directors within fifteen (15) days after receipt of the General Manager's written decision. The decision of the Board of Directors thereon, shall be final and binding on all parties.

(Added by Ordinance 2023-01)

4.04 Collection Hours and Collection Days

Residential collection starts no earlier than 7:00 a.m. and terminates no later than 5:00 p.m. Residential collection may occur on Tuesdays, Wednesdays, or Thursdays.

4.05 Carts, Containers, and Lawn and Leaf Bags

No person shall dump any Solid Waste nor deposit the same in anything except a cart for holding Solid Waste. Each cart shall be as follows:

a. Gray Rubbish Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) and not more than ninety-six (96) gallons, having a hinged tight-fitting lid and wheels, that is approved by the District and is labeled appropriately labeled as a garbage cart.

b. Green Organic Waste Cart

A heavy plastic receptacle with a rated capacity at least thirty-two (32) gallons and not exceeding ninety-six (96) gallons, having a hinged, tight fitting lid and wheels that are approved for such purpose by the District and is appropriately labeled as an organic waste cart. Organic Waste is further governed by Section 9 of this Code.

c. Blue Recycling Cart

A heavy plastic receptacle with a rated capacity of at least thirty-two (32) gallons and not more than ninety-six (96) gallons, having a hinged tight-fitting lid, and wheels that is approved for such purpose by the District and is appropriately labeled as a recycling cart.

d. Used Oil Container

A plain copoly container provided by the District or its designee for the accumulation of used oil that is at least four (4) quarts in capacity, leak-proof, has a screw-on lid and has a label designating it for use as a used oil container.

e. Lawn and Leaf Bags

During the four (4) month period beginning October 1 and ending January 31 and annually thereafter during the term of this Contract, Service Recipients may place unlimited amounts of leaves at the curb alongside their Organic Waste Cart as part of Green Waste Collection Service. The leaves shall be placed in paper lawn and leaf bags and closed in such a manner as to contain the leaves during Collection. Leaves must be generated by and at the Residential Service Unit wherein the leaves are collected. During this period, CONTRACTOR shall Collect and dispose of all leaves that are properly bagged and placed at the curb at no additional charge to the Service Recipient.

4.06 Solid Waste Burning

No person shall burn any Solid Waste within the District without having first complied with all rules and regulations of the District, the county, the air pollution control district and the state.

4.07 Depositing in Streets

No person shall throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition in or upon any public street or highway in the District except as herein expressly authorized, nor throw, place, scatter or deposit any Solid Waste, Excluded Waste, or other waste of any kind or composition upon or below the surface of any premises in such a manner that the same is or may become a nuisance or endanger the public health.

SECTION 5.00 Recyclable Materials - Property Rights - Collection by Unauthorized Persons

5.01 Property Rights

From time of placement of Recyclable Materials at the curb or in recycling shelters for collection in accordance with the District's recycling program, such Recyclable Materials shall be and become the property of the District or its authorized agent. It shall be a violation of the ordinance codified in this section for any person unauthorized by the District to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

5.02 Violation

Violation of any provision of this Chapter shall constitute a misdemeanor punishable in the manner prescribed by the laws of the State.

5.03 Recyclable Material—Owner's Rights

Nothing in Chapter 31 shall limit the right of any person to donate, sell, or otherwise dispose of his or her Recyclable Materials.

SECTION 6.00 Construction and Demolition Refuse

6.01 Storage

No Solid Waste from building construction or demolition may be stored on site and in the open. All Solid Waste from construction and demolition shall be placed and contained in commercial type debris containers. Solid Waste, which may be transported by the wind shall be placed in suitable Containers daily and removed as necessary. Adequate storage capacity shall be provided to prevent littering of surrounding areas.

6.02 Disposal

Solid Waste from construction and demolition shall not be disposed in residential garbage, recycle or yard waste containers.

SECTION 7.00 Dumping Solid Waste

7.01 On Public Property

No person shall dispose of or dump upon any public or commonly owned property or street of the District or upon any property of another, except such property as may be provided and set apart for such use by the District, Solid Waste, Excluded Waste, or other waste of any kind or composition. The Board may enter into a contract for the collection and disposal of the Solid Waste, and may provide such rules for the regulation thereof as it may from time to time deem best and necessary.

7.02 On Private Property

No person shall dispose of or dump upon any private property within the District any Solid Waste, Excluded Waste or other waste of any kind or composition.

SECTION 8.00 SECTION 8.0

SECTION 8.00 Residential Solid Waste Collection Vehicles

No person authorized to engage in residential Solid Waste collection service shall operate any truck-mounted Solid Waste

loading and/or compacting equipment or similar device in any manner so as to create any noise exceeding seventy-five (75) dBA, measured at a distance of twenty-five (25) feet measured at an elevation of five (5) feet above ground level using the "A" scale of the standard sound level meter at slow response from the equipment in an open. If requested by the District, residential collection vehicles are to be tested annually during the months of March and April, beginning March of 20062023, and certificates of testing showing that the vehicles met the requirements of this section.

Mandatory Organic Waste Disposal Reduction

8.01 Purpose and Findings

The District finds and declares:

- a. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- b. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- c. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.
- d. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.
- e. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by

requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

8.02 Definitions

In addition to those definitions provided in Section 1 of this Code, whenever in Section 9 of this Code, the following words or phrases are used; they shall have the meanings respectively ascribed to them in this section:

- a. "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- b. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on jurisdictions (and others).
- c. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- d. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.
- e. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Section 9.02 of this Code or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- f. "Compliance Review" means a review of records by the District to determine compliance with this ordinance.
- g. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- h. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- i. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for composability, or as otherwise described in 14 CCR Section

18984.1(a)(1)(A) or 18984.2(a)(1)(C).

- j. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- k. "C&D" means construction and demolition debris.
- l. "Designee" means an entity that the District contracts with or otherwise arranges to carry out any of the District's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- m. "District Enforcement Official" means the District General Manager or authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- n. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- o. "Enforcement Action" means an action of the District to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- p. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in District's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of household batteries and motor oil and filters in compliance with Sections 41500 and 41802 of the California Public Resources Code.
- q. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- r. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- s. "Food Recovery" means actions to collect and distribute food for human consumption that

otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

- t. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
1. A food bank as defined in Section 113783 of the Health and Safety Code;
 2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- u. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- v. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- w. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- x. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- y. "Food Waste" means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- z. "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- aa. "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

- bb. “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- cc. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- dd. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- ee. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- ff. “Inspection” means a site visit where the District reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- gg. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- hh. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

- ii. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- jj. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
- kk. “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- ll. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- mm. “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- nn. “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- oo. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- pp. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- qq. “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- rr. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- ss. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

- tt. “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- uu. “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- vv. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- ww. “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- xx. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- yy. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- zz. “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- aaa. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- bbb. “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
 2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
 3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- ccc. "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.
- ddd. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- eee. "Source Separated Blue Container Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- fff. "State" means the State of California.
- ggg. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- hhh. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
1. Supermarket.
 2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.
 3. Food Service Provider.

4. Food Distributor.
5. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

iii. “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site Food Facility and 200 or more rooms.
3. Health facility with an on-site Food Facility and 100 or more beds.
4. Large Venue.
5. Large Event.
6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

jjj. “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

8.03 Requirements for Single-Family Generators

Single-Family Organic Waste Generators shall comply with the following requirements:

- a. Shall subscribe to District’s Organic Waste collection services for all Organic Waste generated as described below in Section 9.03. District shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.
- b. Shall participate in the District’s Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the

Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

8.04 Requirements for Commercial Businesses

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- a. Subscribe to District's three container collection services and comply with requirements of those services as described below in Section 9.04, except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code. District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- b. Except Commercial Businesses that meet the Self-Hauler requirements in Section 9.07 of this Code, participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- c. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors conforming with this section for employees, contractors, tenants, and customers, consistent with District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- d. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal occurs. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
 1. A body or lid that conforms with the container colors provided through the collection service provided by District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or

containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

- e. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 9.04 pursuant to 14 CCR Section 18984.9(b).
- f. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.07.
- g. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- h. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- i. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
- j. Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 9.09 of this Code to confirm compliance with the requirements of this ordinance.
- k. *If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9.07 of this Code.*
- l. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- m. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 9.06.

8.05 Waivers for Generators

- a. De Minimis Waivers. District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste

requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection (a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
 2. Provide documentation that either:
 - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 3. Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 4. Provide written verification of eligibility for de minimis waiver every 5 years, if District has approved de minimis waiver.
- b. Physical Space Waivers. District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 9.04.

Commercial Business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
 2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 3. Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.
- c. Collection Frequency Waiver. District, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the District's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

8.06 Requirements for Commercial Edible Food Generators

- a. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 commencing January 1, 2023, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- b. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- c. Commercial Edible Food Generators shall comply with the following requirements:
 1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 4. Allow District's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (b) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (c) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

- d. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

8.07 Requirements for Haulers

- a. Exclusive franchise haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
 - 1. Through written notice to the District annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.
 - 2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - 3. Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and District's C&D ordinance.
- b. Exclusive franchise haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with District.

8.08 Self-Hauler Requirements

- a. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- b. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

- c. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:
 - 1. Delivery receipts and weight tickets from the entity accepting the waste.
 - 2. The amount of material in cubic yards or tons transported by the generator to each entity.
 - 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- d. A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in subsections (c) and (d).

8.09 Inspections and Investigations by District

- a. District representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow District to enter the interior of a private residential property for Inspection.
- b. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- c. Any records obtained by the District during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- d. District representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

- e. District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.10 Enforcement

- a. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- b. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.
- c. Enforcement pursuant to this ordinance may be undertaken by the District Enforcement Official, which may be the District General Manager or designee.
- d. Process for Enforcement
 - 1. District Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program. Section 9.09 establishes District's right to conduct Inspections and investigations.
 - 2. District may issue an official notification to notify regulated entities of its obligations under the ordinance.
 - 3. District shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
 - 4. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, District shall commence an action to impose penalties, via an administrative citation and fine. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information
- e. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

f. Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

g. Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 9.10 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

h. Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with District's procedures in the District's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

i. Education Period for Non-Compliance

Beginning January 1, 2023 and through December 31, 2023, Jurisdiction will conduct Inspections, Route

Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2023, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

j. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 9.10, as needed.

DRAFT

MEMORANDUM

Date: February 10, 2023
To: Board of Directors
From: Michael Fritschi, Interim General Manager
Subject: Consider Updated to District Code Chapter 3 Conflict of Interest

RECOMMENDED ACTION

Adopt Ordinance O2023-01 updating District Code Chapter 3 Conflict of Interest.

BACKGROUND

Chapter 3, Conflict of Interest Code was updated by Ordinance O2022-04 on October 19, 2022 to reflect changes made to the titles of existing positions (Security Supervisor, Director of Operations and Accounting Manager). The Ordinance and revised Code were submitted to Sacramento County, who reviewed it and noted that one additional update was needed. That update is noted in the Redlined version of the attached Chapter 3 Code.

This change necessitates an update of the Conflict of Interest Code so that the proper notification can be sent to Sacramento County.

SUMMARY

It is recommended that the Board adopt Ordinance O2023-02 updating the Conflict of Interest Code and waive the first reading.

ORDINANCE NO. O2023-02

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
AMENDING DISTRICT CODE CHAPTER 3 (CONFLICT OF INTEREST)**

The Board of Directors of the Rancho Murieta Community Services District hereby ordains as follows:

SECTION 1. PURPOSE AND AUTHORITY. The purpose of this ordinance is to make technical updates to the District Code relating to Conflict of Interest. This ordinance is adopted pursuant to Government Code section 87300 and the California Code of Regulations, Title 2, section 87300 and other applicable law.

SECTION 2. CODE AMENDMENTS

The first paragraph of Chapter 3 is amended as follows:

The Government Code Section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that designated officials disclose economic interest that might be foreseeably affected by the making or participation in the making of agency decision. This Conflict of Interest Code incorporates by reference the terms of Title 2, section 18730 of the California Code of Regulations and any amendments. The statements of economic interest required by this Conflict of Interest Code shall be filed with the District's secretary.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect 30 days after adoption.

SECTION 4. SEVERABILITY. If any section or provision of this ordinance or the application of it to any person, transaction or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect the other provisions of this ordinance that can be given effect without the invalid or unenforceable provision, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. PUBLICATION. The District Secretary is directed to publish this ordinance once in a newspaper of general circulation published in the District within 15 days after the adoption of the ordinance.

INTRODUCED by the Board of Directors on the 18th day of January, 2023.

PASSED AND ADOPTED by the Board of Directors of the Rancho Murieta Community Services District at a regular meeting on the 15th day of February, 2023 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Timothy E. Maybee
President, Board of Directors

Attest:

Amelia Wilder, District Secretary

DRAFT

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 3

CONFLICT OF INTEREST



Amended ~~October 19, 2022~~ February 15, 2023
By Ordinance O20232-014

DISTRICT CODE
CHAPTER 3
CONFLICT OF INTEREST CODE

The Government Code Section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that designated officials disclose economic interest that might be foreseeably affected by the making or participation in the making of agency decision. This Conflict of Interest Code incorporates by reference the terms of Title 2, section 18730 of the California Code of Regulations and any amendments. The statements of economic interest required by this Conflict of Interest Code shall be filed with the District's secretary.

~~The Government Code Section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that designated officials disclose economic interest that might be foreseeably affected by the making or participation in the making of agency decision.~~

DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

Designated Positions: The officer and employees listed below are designated as a person who is deemed to make or participate in the making of decisions that may have a material effect on financial interest. Persons holding designated positions listed below will disclose interests and investments in accordance with the corresponding disclosure categories as defined below:

<u>Designated Position</u>	<u>Disclosure Category</u>
Director of Administration	1
Accounting Manager	1
Director of Operations	1
Security Supervisor	1
District Engineer	1
District Legal Counsel	1
Consultants	1

Officials who manage public investments are deemed to be "statutory filers" within the meaning of Government Code Section 87200 and California Code of Regulations, Title 2, Section 18720 because they must file Statement of Economic Interest (FPPC Form 700) pursuant to the State Political Reform Act instead of the District's Conflict of Interest Code. The District's statutory filers are members of the Board of Directors, the District (General) Manager, and the District Treasurer. As a result, such persons are not designated in this Code and are listed here for information only.

Disclosure Categories: The District disclosure categories are defined as follows:

Category 1 - Full Disclosure: All persons in this disclosure category will disclose all interest in real property within two (2) miles of the District's boundaries, as well as investments, business positions, and sources of income, including gifts, loans and travel payments, from all sources.

Category 2 - Disclosure of all Interests Except Interests in Real Property: All persons in this disclosure category will disclose all investments, business positions and sources of income, including gifts, loans and travel payments from all sources.

Category 3 - Employees with Contracting Authority or Who Participate in Making Contracts: All investments, business positions and income, including gifts, loans and travel payments, in or from sources that provide goods, equipment, or services, including training or consulting services, of the type utilized by the District.

Consultant

Consultant means an individual who, pursuant to a contract with the District, either: (A) makes a governmental decision whether to: (1) approve a rate, rule or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend or revoke any permit. License, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to specifications of such a contract; (6) grant District approval to a plan, design report, study, or similar item; or (7) adopt or grant District approval of policies, standards or guidelines for the District for any subdivision thereof; or (B) serves in a staff capacity with the District in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, Section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code under Government Code Section 87302. (California Code of Regulations, Title 2, Section 18701(a) (2).)

A consultant serves in a staff capacity only if he or she has an on-going relationship with the District. A consultant who works on one project or a limited range of projects for the District is not deemed a consultant subject to the reporting requirements of this Code unless the project or projects extend over a substantial period of time, generally more than one (1) year. (See *Smith* Advice Letter, FPPC No. I-99-316; Travis Advice Letter, FPPC, No. A-96-053; Randolph Advice Letter, FPPC No. A-95-045.)

Consultants are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District's conflict of interest code, subject to the following limitation: The District Manager may determine in writing that a particular consultant, although a "consultant" and designated position" nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to comply with any or some of the disclosure requirements described in this section. The District Manager's written determination will include description of the consultant's duties, and based on that description, a statement of the extent of disclosure requirements. The written determination is public record and will be retained for public inspection in the same manner and location as the District's conflict of interest code as required by Government Code Section 81008.

New Position Added Without Code Revision

If the District creates a new position that requires disclosure under this Code without simultaneously amending the Code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file annual Form 700 disclosure of economic interest statements each year using the broadest disclosure category until the District amends the Code to designate the position and, if warranted, to authorize more narrow disclosure for the position.

**Regulations of the Fair Political Practices Commission
Title 2, Division 6, California Code of Regulations**

§ 18730. Provisions of Conflict of Interest Codes.

- a. Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

- b. The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

Section 3. Disclosure Categories

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

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Section 4. Statements of Economic Interests: Place of Filing

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

Section 5. Statements of Economic Interests: Time of Filing

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

- (1) File a written resignation with the appointing power; and
- (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

Section 8.1. Prohibition on Receipt of Gifts in Excess of \$460

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

Section 8.2. Loans to Public Officials

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been

elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

Section 8.4. Personal Loans

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

Section 9. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 9.5. Disqualification of State Officers and Employees

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

Section 10. Disclosure of Disqualifying Interest

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections

81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

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RANCHO MURIETA COMMUNITY SERVICES DISTRICT

DISTRICT CODE
CHAPTER 3

CONFLICT OF INTEREST



Amended February 15, 2023
By Ordinance O2023-01

DISTRICT CODE

CHAPTER 3

CONFLICT OF INTEREST CODE

The Government Code Section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that designated officials disclose economic interest that might be foreseeably affected by the making or participation in the making of agency decision. This Conflict of Interest Code incorporates by reference the terms of Title 2, section 18730 of the California Code of Regulations and any amendments. The statements of economic interest required by this Conflict of Interest Code shall be filed with the District's secretary.

DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

Designated Positions: The officer and employees listed below are designated as a person who is deemed to make or participate in the making of decisions that may have a material effect on financial interest. Persons holding designated positions listed below will disclose interests and investments in accordance with the corresponding disclosure categories as defined below:

<u>Designated Position</u>	<u>Disclosure Category</u>
Director of Administration	1
Accounting Manager	1
Director of Operations	1
Security Supervisor	1
District Engineer	1
District Legal Counsel	1
Consultants	1

Officials who manage public investments are deemed to be "statutory filers" within the meaning of Government Code Section 87200 and California Code of Regulations, Title 2, Section 18720 because they must file Statement of Economic Interest (FPPC Form 700) pursuant to the State Political Reform Act instead of the District's Conflict of Interest Code. The District's statutory filers are members of the Board of Directors, the District (General) Manager, and the District Treasurer. As a result, such persons are not designated in this Code and are listed here for information only.

Disclosure Categories: The District disclosure categories are defined as follows:

Category 1 - Full Disclosure: All persons in this disclosure category will disclose all interest in real property within two (2) miles of the District's boundaries, as well as investments, business positions, and sources of income, including gifts, loans and travel payments, from all sources.

Category 2 - Disclosure of all Interests Except Interests in Real Property: All persons in this disclosure category will disclose all investments, business positions and sources of income, including gifts, loans and travel payments from all sources.

Category 3 - Employees with Contracting Authority or Who Participate in Making Contracts: All investments, business positions and income, including gifts, loans and travel payments, in or from sources that provide goods, equipment, or services, including training or consulting services, of the type utilized by the District.

Consultant

Consultant means an individual who, pursuant to a contract with the District, either: (A) makes a governmental decision whether to: (1) approve a rate, rule or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to specifications of such a contract; (6) grant District approval to a plan, design report, study, or similar item; or (7) adopt or grant District approval of policies, standards or guidelines for the District for any subdivision thereof; or (B) serves in a staff capacity with the District in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, Section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code under Government Code Section 87302. (California Code of Regulations, Title 2, Section 18701(a) (2).)

A consultant serves in a staff capacity only if he or she has an on-going relationship with the District. A consultant who works on one project or a limited range of projects for the District is not deemed a consultant subject to the reporting requirements of this Code unless the project or projects extend over a substantial period of time, generally more than one (1) year. (See *Smith* Advice Letter, FPPC No. I-99-316; *Travis* Advice Letter, FPPC, No. A-96-053; *Randolph* Advice Letter, FPPC No. A-95-045.)

Consultants are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District's conflict of interest code, subject to the following limitation: The District Manager may determine in writing that a particular consultant, although a "consultant" and designated position" nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to comply with any or some of the disclosure requirements described in this section. The District Manager's written determination will include description of the consultant's duties, and based on that description, a statement of the extent of disclosure requirements. The written determination is public record and will be retained for public inspection in the same manner and location as the District's conflict of interest code as required by Government Code Section 81008.

New Position Added Without Code Revision

If the District creates a new position that requires disclosure under this Code without simultaneously amending the Code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file annual Form 700 disclosure of economic interest statements each year using the broadest disclosure category until the District amends the Code to designate the position and, if warranted, to authorize more narrow disclosure for the position.

**Regulations of the Fair Political Practices Commission
Title 2, Division 6, California Code of Regulations**

§ 18730. Provisions of Conflict of Interest Codes.

- a. Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

- b. The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

Section 3. Disclosure Categories

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. Statements of Economic Interests: Place of Filing

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.^{2 2}

Section 5. Statements of Economic Interests: Time of Filing

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property ³ is required to be reported, ⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported, ⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, ⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.



³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

Section 8.1. Prohibition on Receipt of Gifts in Excess of \$460

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

Section 8.2. Loans to Public Officials

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been

elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

Section 8.4. Personal Loans

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

Section 9. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 9.5. Disqualification of State Officers and Employees

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

Section 10. Disclosure of Disqualifying Interest

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections

81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

DRAFT



**Rancho Murieta Community Services District
Security Department**

Date: 01/24/2023

To: Board of Directors

From: Kelly Benitez
Paula O'Keefe

Subject: Memorandum of Understanding Change regarding uniform requirements for Security Patrol Officers

Recommendation

Staff request the Board authorize the General Manager to execute a side letter agreement with the Operating Engineers Local No. 3, AFL-CIO (OE3) to include the uniform requirement of a ballistic vest within Article XV – Miscellaneous Provisions, Section A. Patrol Officer Equipment.

Background

The mission of the Rancho Murieta Security Department is to protect life and property and this investment in our employees will enhance the safety of our security officers and create a big boost for morale. As of December 21, 2022, CSD Security responded to 2,930 calls for service in Rancho Murieta. These calls occurred both inside and outside of the Rancho Murieta gates.

Below is a sample of the more serious quasi-law enforcement type of calls that CSD handled or turned over to Law Enforcement.

- 44 suspicious persons
- 79 welfare checks
- 56 suspicious activity
- 79 trespassing
- 1 Assault with a Deadly weapon
- 1 Robbery with a weapon

Many of these specific calls for service didn't fall into CSD's scope of authority of observation and report. However, CSD was first on the scene and had to determine whether to contact law enforcement. It's during these initial contacts that pose the biggest danger for CSD security officers. Due to the remote location of Rancho Murieta, the response times of the Sacramento Sheriff's Office can take up to 30-45 minutes, furthering the potential for staff safety to be in jeopardy.

Private Officer International is reporting that Security Officer deaths in 2020 totaled 472 with the majority being reported as Covid19 related but there were also more than **40** homicides. During the first six months of **2021**, **109** security officer deaths have been reported, with **42** reported as homicides while there have also been 123 officers shot while on duty.

Financial Impact

In the Memorandum of Understanding (MOU) between Rancho Murieta Community Services District and security officers, Section XV outlines that uniforms allowed for purchase by CSD for new officers do not include ballistic vests. The CSD, Operations Manual doesn't prevent the wearing of ballistic vests for security personnel however, many patrol officers cannot afford them because the basic line of ballistic vest range between \$800.00 to \$900.00 (Level III-A). Ballistic vests have a life span of 3-5 five years and will be refreshed accordingly.

CSD Security currently has five funded armed security officer positions and a Security Supervisor. The total cost to the District for current staffing levels is approximately \$3,600. Vests will need to be refreshed every 3-5 years and when vacancies occur.

At the February 9, 2022 Security Committee meeting, staff were directed to engage with the Labor Union regarding the change to the Memorandum of Understanding to include ballistics vests in Article XV Miscellaneous Provisions, Section A. Patrol Officer Equipment. The Labor union representative waived the meet and confer, allowing staff to move forward with this agenda item for Board approval.

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

AND

INTERNATIONAL UNION OF OPERATING ENGINEERS UNION LOCAL NO. 3, AFL-CIO

General Unit

SIDE LETTER AGREEMENT

This side Letter Agreement (“Side Letter:”) is made and entered into on February 15, 2023, by and between the Rancho Murieta Community Services District (“District”) and the International Union of Operating Engineers Union Local No. 3, AFL-CIO (“OE3”). District and OE3 are sometimes referred to in this Side Letter as “Party” or, collectively as the “Parties”.

RECITALS

WHEREAS, the Parties have previously entered into a Memorandum of Understanding (“MOU”), which was approved on January 20, 2021 and has an effective term from January 1, 2021 to December 31, 2023;

WHEREAS, the Parties agree to amend the Articles XV – MISCELLANEOUS PROVISIONS, Section A. Patrol Officer Equipment. THEREFORE, the Parties hereby agree as follows:

The Language in the Parties’ current Memorandum of Understand, in effect from January 1, 2022 to December 31, 2023 contains the following:

ARTICLE XV MISCELLANEOUS PROVISIONS

A. Patrol Officer Equipment. All newly-hired Patrol Officers shall be provided with the following items of safety equipment:

- a. Bianchi Accumold Nylon Gear (or similar)
 1. Duty Belt
 2. Handgun Holster
 3. Double Cuff Case
 4. Double Magazine Case
 5. Pepper Spray Case
 6. Baton Holder
 7. Belt Keepers (4)
 8. Flashlight Holder
 9. Radio Holder
 10. Handcuffs
 11. Pepper Spray
 12. Baton (ASP)

The above items shall remain the property of the District and shall be returned by the employee upon leaving employment.

Through this Side Letter, the Parties hereby agree to amend the above section to read as follows:

ARTICLE XV MISCELLANEOUS PROVISIONS

A. Patrol Officer Equipment. All newly-hired Patrol Officers shall be provided with

the following items of safety equipment:

- b. Bianchi Accumold Nylon Gear (or similar)
 - 1. Duty Belt
 - 2. Handgun Holster
 - 3. Double Cuff Case
 - 4. Double Magazine Case
 - 5. Pepper Spray Case
 - 6. Baton Holder
 - 7. Belt Keepers (4)
 - 8. Flashlight Holder
 - 9. Radio Holder
 - 10. Handcuffs
 - 11. Pepper Spray
 - 12. Baton (ASP)
 - 13. Ballistic Vest, Level III-A (or similar)

The above items shall remain the property of the District and shall be returned by the employee upon leaving employment.

Operating Engineers Local Union No. 3
Of the International Union of Operating
Engineers, AFL-CIO

Rancho Murieta Community Service District

Business Representative/Date

General Manager/Date

MEMORANDUM

Date: February 11, 2023
To: Board of Directors
From: Paula O’Keefe, Director of Administration
Subject: Discussion on Prop 218 Budget Development Process

RECOMMENDED ACTION

Staff request Board direction on the FY 2023-24 Budget Development process and timeline for Prop 218 rate notifications.

DISCUSSION

Present Situation

The Rancho Murieta Community Services District remains committed to transparency and financial responsibility with the continuation of Fiscal Transparency as one of its strategic goals. The District is currently working with the PUN Group on finalization of the FY21 balance sheet and will begin, with the assistance of District staff, working with Richardson CPAs on the FY21 draft audit the first week of March, with the expectation that a draft audit will be presented at the Finance Committee in April.

While District staff and the PUN Group work to update developer deposits, budget reporting, balance sheets for FY 21 and FY22 for audit readiness and completion, and maintain day to day activities, District staff are also working on the development and implementation of the Tyler Technologies Utility Billing module slated for April 1, 2023 “go live” date.

Administration has relatively new staffing in A/P, A/R – Utility Billing, and Accounting, all key functions responsible for the day-to-day operational transactions and activities. While staff are learning to maintain daily operations and are implementing process improvements, staff are also expected to learn a new utility billing system over the next 30+ days to ensure a smooth transition away from Utility Star toward Tyler ERP Pro. Further, the PUN Group has developed new tools to ensure accurate reconciliations within A/R, A/P and Payroll and new budgetary reporting tools. Staff will be trained on these tools within the next couple of weeks and are expected to incorporate these new activities in daily operations.

The FY 2023-24 budget development process begins this week with staff discussions on budgetary needs and priorities. Staff are looking for Board direction regarding the Prop 218 process for FY 2023-24 and are providing the following options for consideration:

1. Consider a FY 2023-24 Prop 218 increase, effective July 1, 2023, for Water and Wastewater funds to ensure sufficient funding to account for inflationary increases and increased operating expenses.
2. Consider a FY 2023-24 Prop 218 increase, effective January 1, 2024 for Water and Wastewater funds to allow staff the ability to contract with a consulting firm for a 5-year rate study and cost allocation plan. This ensures sufficient funding to cover expenses and provides staff and the Board time to implement a new form of budget forecasting for the future.

Budget Development Timelines

If the Board moves forward with a rate increase effective July 1, 2023, District staff will begin the budget development process immediately to ensure the rate increase notifications will comply with the 45-day minimum requirement of Prop 218. The Solid Waste fund is not included in this process as Solid Waste is a pass-through fund and will move forward with the annual Prop 218 rate increase notification in the month of March.

Neither option take into consideration staff time needed for the Tyler Utility Billing (UB) implementation as the dates for training have not yet been identified. It is estimated that staff will need approximately 60 hours of training to ensure full competencies within the Tyler ERP Pro system, with additional availability requirements of senior staff to ensure accurate configuration and testing prior to the “go live” date. However, both options reflect a “gap” in the month of April to assist with scheduling Tyler UB implementation.

Option 1:

FY 2023-24 Budget and CIP Timeline

- 02/16/23 Budget Kick-off Meeting / Staff
- 02/23/23 Budget Meeting / Staff - CIP
- 03/02/23 Finance Committee Budget Meeting (Review revenue projections, rate impact & cost reductions)
TBD Board Goals/Budget Workshop
- 03/13/23 Budget Meeting/Staff - Draft CIP documents due
- 03/15/23 Budget Meeting / Staff (Input for “final” draft as needed)
- 03/15/23 Board Meeting (Mid-Year Budget Review)
- 03/29/23 Special Board Meeting (Draft Budget, approval to mail Prop 218 notice and confirm May and June Budget readings)
- 03/30/23 Mail Prop 218 rate increase notice
- 05/04/23 Finance Committee Meeting (CIP Draft documents)
- 05/17/23 Board Meeting (Proposed Budget with CIP - first reading)
- 06/14/23 Board Meeting (Adopted Budget - second reading and approval)

Option 1 reflects the District’s annual process of budget development to include a Prop 218 rate increase notification. If the Board approves this option, District staff will begin the budget development process to ensure compliance with the 45-day minimum notification requirement and hold a Special Board meeting at the end of March to discuss the District FY 2023-24 draft budget. Staff intend to contract with external consulting firms to move forward with a 5-year rate study, cost allocation plan and asset management plan for the FY 2024-25. It should be noted that a 5-year rate study “smooths” the rates over five years, with the ability to review and refresh at years 4 and 5 to account for inflation, to prevent annual fluctuations or large increases, followed by smaller or no increases, as the District has done in the past.

If the Board approves a rate increase effective July 1, 2023, staff seek direction on the priorities of rate increases and whether the preferred amounts impact both operations and reserve contributions.

Option 2:

FY 2023-24 Budget and CIP Timeline

02/16/23 Budget Kick-off Meeting / Staff
02/16/23 Issue RFP for Rate Study and Cost Allocation Plan
02/23/23 Budget Meeting / Staff - CIP
03/02/23 Finance Committee Budget Meeting (mid-year/year end review)
TBD Board Goals/Budget Workshop
03/13/23 Budget Meeting/Staff - Draft CIP documents due
03/15/23 Budget Meeting /Staff (Input for "final" draft as needed)
03/15/23 Board Meeting (Mid-Year Budget Review, Approval of Contract for rate study)
05/04/23 Finance Committee Meeting (Review FY 2023-24 Draft Budget/CIP Draft)
05/17/23 Board Meeting (Proposed Budget with CIP - first reading)
06/14/23 Board Meeting (Adopted Budget - second reading and approval)
08/31/23 Rate Study Concludes
09/05/23 Presentation at Finance Committee
09/20/23 Adoption of Rate Study
09/22/23 Prop 218 notifications mailed
11/15/23 First Reading of Amended Budget
12/20/23 Adoption of Amended Budget
01/01/24 New Rates effective

Option 2 reflects a modified budget development process that allows District staff to contract with external consulting firms to develop a 5-year rate study for Water and Wastewater and update the cost allocation plan while keeping the Water and Wastewater rates static into the first 6 months of the new fiscal year. A 5-year rate study will take approximately 4-6 months to complete and will provide the District with a five year forecast. Additionally, this option will allow the Board to engage with the public over several months prior to the Prop 218 notifications and allow District staff the opportunity to focus on a successful Tyler UB implementation, with a "carry forward" budget for Water and Wastewater to implement a rate increase effective January 1, 2024. This will also require a budget amendment in December to increase revenue appropriations for the last six months of the fiscal year.

Outcomes - Financial Impact

Both options carry potentially negative financial impacts to the District. The District expects to finalize FY21 audit in the month of April and will begin working on finalizing the FY22 balance sheets for a subsequent audit. While District staff are able to prepare a rate schedule based on knowns, such as salary schedules, finalized revenues and expenditures, the probability of a successful Prop 218 protest is likely as the District has not finalized both audits. District staff are prepared to make significant budget cuts, which may impact service levels to ensure each fund does not remain in a deficit.

If the Board approves a rate increase effective July 1 and no successful Prop 218 protest occurs, staff will push back the timeline to complete the 5-year rate study, cost allocation plan and asset management plan to July 1, 2024. Conversely, if a successful Prop 218 protest does occur, the District will be behind for a rate study increase for Water and Wastewater and will not be able to raise the rates for a second fiscal year in a row, with an effective date of July 1, 2024.

If the Board approves to lead with a 5-year rate study and an updated cost allocation plan, the District could potentially operate at a deficit for the first 6 months of the fiscal year. The District will not be able to recover funding in the last six months of the fiscal year, thus potentially ending FY 2023-24 in a minor deficit.

District staff seek Board input and direction on the FY 2023-24 budget development process in order to prioritize and accommodate staffing levels, training requirements for Tyler UB implementation and subsequent module implementations, while also taking into consideration of new reporting and reconciliation processes for daily operations.