

**RESOLUTION NO. 18-13**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE TWENTYNINE PALMS WATER DISTRICT  
ADOPTING AN EXCESSIVE WATER USAGE  
REDUCTION POLICY AND FINDING THE POLICY  
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT (CEQA)**

**WHEREAS**, Water Code Section 31026 provides that the Twentynine Palms Water District (“District”) has the power to restrict the use of water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of water or the use of water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the District and may prohibit use of such water during such periods for specific uses which the District may from time to time find to be nonessential; and

**WHEREAS**, the District has the authority to impose monetary fines and penalties and take other applicable actions pursuant to Water Code Sections 375-377, and 31029; and

**WHEREAS**, consistent with State Water Resources Control Board regulations, including 23 CCR 865(b), the District desires to increase awareness about the importance of water conservation by encouraging customers to detect and fix water leaks located on their private property; and

**WHEREAS**, the District believes that offering customers certain monetary incentives for fixing water leaks on their private property (the “Policy”) will assist in achieving that goals; and

**WHEREAS**, in accordance with the California Environmental Quality Act (California Public Resources Code Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), the District has determined approval of the Policy is not subject to CEQA pursuant to State CEQA Guidelines section 15378(b)(2), which provides that general policy and procedure making is not a CEQA project, and section 15378(b)(4), which provides that the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment is not a CEQA project; and

**WHEREAS**, the Policy is also statutorily exempt from the requirements of CEQA and the State CEQA Guidelines pursuant to State CEQA Guidelines section 15273, which relates to the modification of rates, fares, tolls and charges; and

**WHEREAS**, the Policy is also categorically exempt from the requirements of CEQA pursuant to State CEQA Guidelines section 15301 (Class 1 Existing Facilities) which exempts projects repair, maintenance, or minor alterations involving negligible or no expansion of use, and section 15302 (Class 2 Replacement or Reconstruction) which exempts the replacement or reconstruction of existing structures or facilities; and is additionally exempt pursuant to State

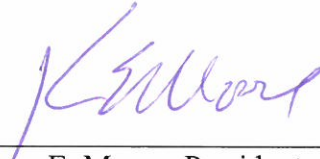
CEQA Guidelines section 15061(b)(3) which exempts activities where it can be seen with certainty that there is no potential to result in significant environmental effects.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Twentynine Palms Water District as follows:

1. Incorporation of Recitals. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.
2. CEQA. The Board finds that adopting and enforcing this Policy is not a “project” under CEQA and that, to the extent the Policy arguably is a “project,” that the Policy is statutorily, categorically, and otherwise exempt for the reasons set forth in the above Recitals. Further, none of the exceptions to the Class 1 or 2 Categorical Exemptions found in State CEQA Guidelines section 15300.2 apply because the Policy does not present any unusual circumstances; would not damage scenic resources, including any resources in the area of a Scenic Highway; would not be utilized on a hazardous waste site; and would not impact historic resources of any kind.
3. Scope of Policy. This Policy applies to water bills issued by the District to a customer indicating a substantial increase in water consumption from the same period the prior year or, if no prior year history is available, from the prior billing cycle.
4. Purpose. The purpose of the Policy is to reduce excessive wasteful water usage.
5. Policy. The District hereby adopts the Excessive Water Use Policy attached hereto as Exhibit “A”.
6. Publication Following Adoption. The President of the Board of Directors shall sign this Resolution and the Secretary of the Board of Directors shall attest thereto, and this Resolution shall be in full force and effect immediately upon adoption.
7. Severability. If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.
8. Custodian of Record. The custodian of record of proceedings for this action shall be the General Manager of the Twentynine Palms Water District, located at 72401 Hatch Rd., Twentynine Palms, CA, 92277.
9. Notice of Exemption. The Board hereby authorizes and directs staff to file a Notice of Exemption with the San Bernardino County Clerk within five (5) working days following the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 22<sup>nd</sup> day of August 2018 by the following vote:

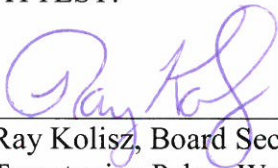
Ayes: Directors Coghill, Giannini, Leazer, and Moore  
Noes: None  
Abstain: None  
Absent: Director Horn



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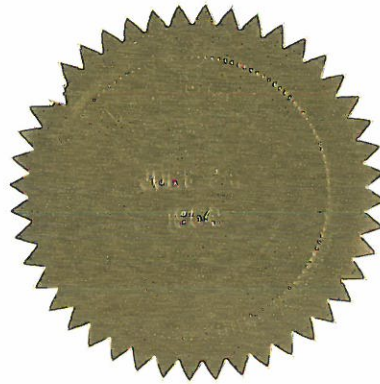
Kerron E. Moore, President  
Board of Directors

ATTEST:



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Ray Kolisz, Board Secretary  
Twentynine Palms Water District



## EXHIBIT A

### **REDUCTION OF BILL FOR EXCESSIVE WATER USAGE**

*All water service connections and water meters are the property of the District and the District reserves the right to repair, replace and maintain them as it deems necessary. The District owns and maintain water pipes and fixtures up to and including the customer valve and check valve. All pipes and fixtures beyond the check valve shall be owned and maintained by the property owner at the property owner's sole cost and expense. [Ord. 87 § 9(D), 2003; Ord. 78 § 9(D), 1999].*

*It is the customer's responsibility to properly maintain the private plumbing water system, including irrigation systems located on the customer's property. A leak in the customer's water system is the sole responsibility of the customer, including payment of any charges to the District for water that records and passes through the water meter related to leaks. This policy establishes a mechanism for a potential reduction of a water bill to a customer that has experienced a water leak resulting in a water bill with excessive water usage.*

*If a customer requests the District to review a water bill for excessive water consumption, the District may grant a reduction subject to the following general conditions:*

- *A customer must submit a written request to the District outlining the cause of the excessive water usage. The written request must be made prior to the delinquent date of the bill. Upon receipt of a written request the District will start the investigative protocol.*
- *After receipt of the customer's written request, a District representative will meet with the customer to verify the meter read and to perform a leak audit to determine if there are any active leaks on the property based on the water meter leak indicator. The District is not responsible for locating the actual leaks for the customer.*
- *If a water leak is detected, the customer must complete all necessary repairs to eliminate the leak within 10 business days of the date it is determined that a leak exists or water service be turned off in compliance with all legal procedures. If service is turned off, all applicable fees will be applied when application is made for water service to be turned back on. If repairs are made, a follow up meeting with the customer will be made to verify the elimination of the leak.*
- *Customer shall provide proof of repair which may include copies of repair bills and/or photographs of repair.*
- *No late fees will be applied to the account and no lock off for non-payment will occur while the account is under investigation and review.*

- *To qualify for a reduction, water usage on the bill(s) being presented must be 400% or 4 times above the same period for prior year, if no prior year history is available the prior billing cycle will be used for comparison.*
- *Up to a maximum of two consecutive bills may be presented for consideration of a reduction.*
- *Customer shall not be delinquent or in any payment schedule agreement with the District.*
- *No reduction will be granted if water usage is unauthorized.*
- *Reduction of a water bill may only be given one time per account or per property.*
- *The amount of reduction shall not be greater than 50% of the water bill(s) that is/are the subject of the request for reduction.*
- *Total reduction of up to \$300 (three hundred) dollars requires a District supervisor's approval.*
- *Total reduction in an amount greater than \$300 (three hundred) dollars shall be subject to the General Manager's approval.*