

ORDINANCE NO. 87.2

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT AMENDING THE RULES AND REGULATIONS FOR THE PROVISION OF WATER SERVICE

WHEREAS, the Board of Directors of the Twentynine Palms Water District adopted Ordinance No. 87 setting forth the Rules And Regulations For The Provision Of Water Service And Other District Services (“Rules and Regulations”); and

WHEREAS, the Board has determined it to be in the best interests of the District that Section 12. Construction Service of the Rules and Regulations be amended in order to set forth the authority of the General Manager, or his/her designee, to approve applications for Construction Service which include a request for the use of Construction Service water outside of the District’s service area (“Extraterritorial Construction Service”) and to otherwise set forth and enforce the terms and conditions for said Extraterritorial Construction Service to specific customers in accordance with the Rules and Regulations. The intent of establishing said authority for the General Manager is to set forth an efficient and streamlined procedure for consideration of such applications by the General Manager without the need to take such applications to the Board for approval; and

WHEREAS, in accordance with Water Code Section 31027, at least 5 days before the public meeting where this Ordinance was considered, a summary of this Ordinance was published in the Desert Trail, a newspaper of general circulation, and a certified copy of the full text of this Ordinance was posted in the District offices located at 72401 Hatch Road, Twentynine Palms, California.

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

1. **Authority Of General Manager** Section 12. CONSTRUCTION SERVICE, Subsection (G) is hereby added to the Rules and Regulations as follows:

G. Authority of General Manager to Approve Applications for Extraterritorial Construction Service The General Manager, or his/her designee, shall have the authority to approve or disapprove applications for Construction Service which include a request for the use of Construction Service water outside of the District’s service area (“Extraterritorial Construction Service”) and to otherwise set forth and enforce the terms and conditions for said Extraterritorial Construction Service to specific customers. Said terms and conditions shall be in accordance with, and shall not be contrary to, the Rules and Regulations including, but not limited to, the provisions of Section 12. For example, and not by way of limitation, the General Manager may approve or disapprove, with or without conditions, applications for Extraterritorial Construction Service which include terms and conditions regarding the term of use, place of use, and manner of use of said water. The General Manager’s approval or disapproval shall be subject to any and all applicable laws and regulatory requirements which may apply to the provision of Extraterritorial Construction Service to areas outside of the service area of the District. Any such approval may include the requirement for payment by the applicant of any costs and expenses incurred by the District in connection with Extraterritorial Construction Service in addition to the fees and charges which apply to the initiation and provision of Construction Service under the Rules and Regulations. The General Manager shall have the authority to approve or disapprove applications for Extraterritorial Construction Service in his/her reasonable discretion and in accordance with the Rules and Regulations, laws and regulatory requirements, as applicable.

2. **Balance of the Rules and Regulations** Except as specifically set forth in this Ordinance, the balance of the Rules and Regulations as established by Ordinance No. 87, and any subsequent Ordinances, shall remain in full force and effect.

3. **Severability** If any provision, paragraph, word, or section of this Ordinance is invalidated, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect. The Board hereby declares that it would have passed this Ordinance 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.

4. **Conflict** All other ordinances, resolutions or administrative actions, and parts thereof, inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

5. **Effectiveness** The President of the Board of Directors shall sign this Ordinance and the Secretary of the Board of Directors shall attest thereto, and this Ordinance shall be in full force and effect immediately upon adoption. Within 15 days after adoption of this Ordinance, a summary of the Ordinance shall be published with the names of those Directors voting for and against this Ordinance and a certified copy of the full text of this Ordinance, along with the names of those Directors voting for and against this Ordinance, shall be posted in the District offices.

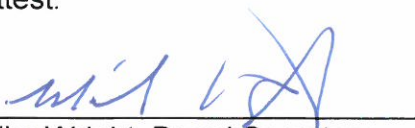
PASSED, APPROVED AND ADOPTED this 24th day of August 2011, by the Board of Directors of the Twentynine Palms Water District.

Ayes: Directors Bourikas, Chambers, Cisneros and Shinaver
Noes: None
Abstain: None
Absent: Director Moore



Philip C. Cisneros, President
Board of Directors

Attest:



Mike Wright, Board Secretary
Twentynine Palms Water District

