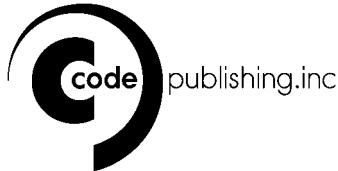


**TWENTYNINE PALMS  
WATER DISTRICT  
CODE**

**A Codification of the Ordinances and Resolutions  
of the Twentynine Palms Water District**

**Codified, Indexed, and Published by**



**CODE PUBLISHING COMPANY**

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**2003**

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## PREFACE

**Citation to the Twentynine Palms Water District Code:** This code should be cited as TPWDC; i.e., “see TPWDC 3.10.010”. A TPWDC title should be cited TPWDC Title 3. A TPWDC chapter should be cited Chapter 3.10 TPWDC. A TPWDC section should be cited TPWDC 3.10.010. Through references should be made as TPWDC 3.10.010 through 3.10.040. Series of sections should be cited as TPWDC 3.10.010, 3.10.020, and 3.10.030.

**Numbering system:** The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus TPWDC 3.10.020 is Title 3, chapter 10, section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the TPWDC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

**Legislation:** The legislative source of each section is enclosed in brackets at the end of the section. References to ordinances and resolutions are abbreviated; thus “[Res. 332 § 1, 1994; Ord. 71 § 2, 1993]” refers to section 1 of Resolution No. 332 and section 2 of Ordinance No. 71. “Formerly” followed by a TPWDC citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section.

**Codification tables:** To convert an ordinance or resolution citation to its TPWDC number consult the codification tables.

**Index:** TPWDC Titles 1 through 7 are indexed following the tables. The index includes complete cross-referencing and is keyed to the section numbers described above.

**Errors or omissions:** Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be e-mailed to: CPC@codepublishing.com, so that correction may be made in a subsequent update.

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## How to Amend the Code

### Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.

**2 . 04 . 050**



Typically, there are 9 vacant positions between sections; 4 positions between chapters, and several title numbers are "Reserved" to allow for codification of new material whose subject matter may be related to an existing title.

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

### Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an "addition"; that is, a new chapter (or title) will be added. For example:

**Section 1.** Chapter 5.20, Taxicab Licenses, is added to read as follows:

-or-

**Section 1.** A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

**Section 2.** Subsection D is added to Section 5.05.070, to read as follows:

### Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. For example:

**Section 1.** Section 5.05.030 is amended to read as follows:

-or-

**Section 1.** Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

**Section 3.** Subsection B of Section 5.05.070 is amended to read:

### Repeals

Ordinances which repeal codified material should specify the code section number (or chapter number if an entire chapter is being repealed). These section or chapter numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter number can be reused at a later time when desired. For example:

**Section 2.** Section 5.05.020, License, is repealed.

### Codification Assistance

Code Publishing Company can assist either in specifying code numbers or in providing other codification related problems free of charge. Please call us at (206) 527-6831.

## TABLE OF REVISED PAGES

The following table is included in this code as a guide for determining whether the code volume properly reflects the latest printing of each page. This table will be updated with the printing of each supplement.

Through usage and supplementation, pages in looseleaf publications can be inserted and removed in error when pages are replaced on a page-for-page substitution basis.

The “Page” column lists all page numbers in sequence. The “Revised Date” column reflects the latest revision date (e.g., “(Revised 1/03)”) and printing of pages in the up-to-date volume. A “—” indicates that the page has not been revised since the January 2003 publication. This table reflects all changes to the code through Ordinance 104, passed May 28, 2025, and Resolution 25-12, passed December 17, 2025.

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## **Title 1**

### **ADMINISTRATION**

#### **Chapters:**

- 1.05 District Name**
- 1.10 Mission Statements**
- 1.13 Code of Conduct for Members of the Board of Directors**
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**Chapter 1.05****DISTRICT NAME**

## Sections:

1.05.010 Name of district.

**1.05.010 Name of district.**

Effective June 1, 1986, the district shall be called the "Twentynine Palms Water District." [Res. 413 § 2, 1986]

**Chapter 1.10****MISSION STATEMENTS**

## Sections:

1.10.010 Water district.

**1.10.010 Water district.**

The mission of the Twentynine Palms Water District is to provide a safe and adequate supply of water at the lowest feasible cost to the people of the district and to preserve and protect the water resources within the established boundaries of the district. [Res. 99-17]

## Chapter 1.13

### CODE OF CONDUCT FOR MEMBERS OF THE BOARD OF DIRECTORS

#### Sections:

- 1.13.010 Adoption.
- 1.13.020 Intent.
- 1.13.030 Purpose.
- 1.13.040 Key principles.
- 1.13.050 Conduct of directors.
- 1.13.060 Complaint handling procedures and sanctions.
- 1.13.070 Oath.

#### **1.13.010 Adoption.**

The district hereby adopts the code of conduct for members of the board of directors as set forth in this chapter. [Res. 10-20 § 1]

#### **1.13.020 Intent.**

It is the intent of the district that the code of conduct be implemented in conjunction with, and pursuant to, any and all other district policies, laws, and regulations which pertain to the rights and obligations of directors as members of the board of directors and as elected officials. [Res. 10-20 § 2]

#### **1.13.030 Purpose.**

The Twentynine Palms Water District (district) wants to ensure its customers, residents, employees and those conducting business with the district that the district is a public agency that emphasizes values in public service, leadership and decision-making. The purposes of this code are to: (1) provide guidance for dealing with ethical issues; (2) heighten awareness of ethics and values as critical elements in a director's conduct; and (3) improve ethical decision-making.

Members of the board of directors (directors) are subject to the provisions of this code of conduct (code) in addition to any and all other district policies, laws, and regulations which apply to directors. Such laws govern, but are not limited to, disclosure of personal economic interests; receipt of loans, gifts, travel payments and honoraria; campaign contributions; conflict of interest; dual office-holding and incompatible offices; and criminal misconduct in office. If a director has a question regarding interpretation or compliance with this code, or any other laws and regulations, the director shall refer the matter to the general man-

ager who shall provide the director with information and/or may refer the matter to legal counsel for further guidance. [Res. 10-20 § 1 (Exh. A(1))]

#### **1.13.040 Key principles.**

(1) Integrity. A director must not place himself/herself under any financial or other obligation to any individual or organization that might reasonably be thought to influence the director's performance of his/her duties.

(2) Leadership. A director has a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the district.

(3) Selflessness. A director has a duty to make decisions solely in the public interest. A director must not act in order to gain financial or other benefits for himself/herself, his/her family, friends or business interests. This means making decisions because they benefit the district, not because they benefit the decision-maker.

(4) Objectivity. A director must make decisions solely on merit and in accordance with the director's statutory obligations when carrying out public business.

(5) Accountability. A director is accountable to the public for his/her decisions and actions and must consider issues on their merits, taking into account the views of others.

(6) Openness. A director has a duty to be as open as possible about his/her decisions and actions and give reasons for decisions.

(7) Honesty. A director has a duty to act honestly. A director must declare any private interests relating to his/her public duties and take steps to resolve any conflicts arising in such a way that protects the public interest and/or recuse/disqualify himself/herself from taking any action which would constitute a conflict of interest.

(8) Respect. A director must treat others with respect at all times and observe the rights of other people. A director must treat fellow directors, officials, staff, customers and the public with courtesy and civility. [Res. 10-20 § 1 (Exh. A(2))]

#### **1.13.050 Conduct of directors.**

(1) Ethics Training. Directors shall complete two hours of state-mandated ethics training for local agency officials to meet the specific require-

ments of AB 1234. This requirement also mandates two hours of training within one year of initially taking office.

(2) Relationship between Board Members. Directors shall strive to work collaboratively and assist each other in conducting the affairs of the district. Directors shall function as a part of a whole. Directors should bring all issues to the attention of the board as a whole, rather than to select individual directors.

(3) Relationship with the Public. Directors shall refer all complaints from customers, residents, and members of the public to the general manager. A director shall not make representations or promises to any third party regarding the future action of the district or of the board, unless such representation or promise has been duly authorized by the board. When making public utterances, a director shall make it clear whether he/she is authorized to speak on behalf of the board, or whether he/she is presenting their own views. When representing the board, a director's comments should reflect approved board policies. In areas where no policy has yet been developed, the director's comments shall make this fact clear.

(4) Presentation and Appearance to the Public. In order to present a positive image to the public, customers and residents, directors should strive to maintain a professional appearance while performing their duties as directors. For example, and not by way of limitation, directors should attend meetings and events in neat and clean attire and should strive to maintain a good personal appearance appropriate to the role of an elected official of a public agency.

(5) Relationship with General Manager and Staff.

(a) The board sets the policy of the district. The general manager is responsible for implementing the policy as formulated by the board. Directors shall not engage in actions which would constitute day-to-day management. The general manager is the highest-ranking nonelected officer of the district. The general manager is appointed by and serves at the pleasure of the board and performs such duties as may be imposed by the board. Therefore, the board will provide policy direction and instructions to the general manager on matters within the authority of the board by majority vote of the board during a duly convened board meeting. Directors will deal with matters within the

authority of the general manager through the general manager, and not through other district employees.

(b) A director will not make requests directly to other district staff to undertake analyses, perform other work assignments, or change the priority of work assignments. A director's contact with district staff should be kept to a minimum and should be made only when direct personal contact is required. A director, when approached by district personnel concerning specific district policy, shall direct inquiries to the general manager.

(6) Relationship with Other Public Agencies. When a director appears before another governmental agency or organization, the director shall make it clear whether his/her statement reflects personal opinion or is the official stance of the district. When representing the district, a director shall support and advocate the official district position on an issue, not a personal viewpoint. When representing the board, a director's comments should reflect approved board policies. In areas where no policy has yet been developed, the director's comments shall make this fact clear.

(7) Proper Use and Safeguarding of Director Property and Resources. Directors will only use district-owned equipment, telephones, electronic devices, email, materials or property for the execution of district business. A director will not ask a district employee to perform services for the personal benefit or profit of a director. Each director must protect and properly use any district asset within his or her control. Directors will safeguard district property, equipment, monies, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.

(8) Use of Confidential Information. Under the Brown Act, all meetings of the board are open to the public, with only certain specific exceptions prescribed by law. The Brown Act sets forth provisions that require public officials to maintain the confidentiality of certain information. A director is not authorized, without the approval of the board, to disclose information that qualifies as confidential information under the applicable provisions of law to a person not authorized to receive it, that: (a) has been received for, or during, a closed session meeting of the board; (b) is protected from disclosure under the attorney/client or other evidentiary privilege; or (c) is not required to be disclosed under the California Public Records Act. A direc-

tor shall not take it upon themselves to waive the attorney/client privilege of the district by disclosing the legal opinions or advice of legal counsel to a third party.

(9) Information Requests.

(a) A director shall request all documents through the general manager. All requested public documents shall be provided to the director making the request within a reasonable period of time. All other directors will be notified of the requests and said documents shall be made available to them upon request. A director shall not request copies of information otherwise accessible by any other member of the public or for the use of any member of the public in order to impede payment of copy fees outlined in the Public Records Act.

(b) A director shall not request legal research or legal opinions from legal counsel without board approval. A director shall not request legal assistance or legal advice of a personal or business nature from legal counsel at district expense. [Res. 10-20 § 1 (Exh. A(3))]

### **1.13.060 Complaint handling procedures and sanctions.**

(1) Disciplinary Action. The alleged violation by a director of this code or the policies, laws, and regulations referenced in this code should be referred to the general manager for further action as set forth below in regard to a potential admonishment or censure. The procedures for imposition of an admonishment or censure, as set forth below, may be subject to revision by the board, in consultation with legal counsel, for any particular case based on the facts and circumstances of a particular case. Any such revision must be made by the board prior to the initiation of any part of the applicable procedure as set forth below. Any action taken by the board to impose an admonishment or censure shall be taken by way of a written resolution.

(2) Admonishment. An admonishment is less severe than a censure and may be directed to a director reminding him/her that a particular type of behavior is in violation of this code, district policy, law or regulation and that, if it occurs or is found to have occurred, could make a director subject to a subsequent censure. However, an admonishment is not required prior to imposing censure as set forth below. An admonishment must be based upon the board's review and consideration of a written complaint which shall be filed with the general man-

ager by any individual who claims to be aware of, or to have been impacted by, the alleged behavior. The director accused of such a violation shall be entitled to notice of the allegation and will have an opportunity to provide a written response to the allegation prior to any board action. Since an admonishment is not punishment or discipline, it will not require an investigation.

(3) Censure. Before the imposition of a censure, the director accused of a violation shall be entitled to notice of the allegation, the right to provide a written response to the allegation, and an opportunity to respond in writing to the results of an investigation.

(a) Investigative Process. A written complaint shall be filed with the general manager by any individual who claims to be aware of, or to have been impacted by, the alleged behavior. Once the complaint is filed, the general manager shall bring the matter before the board in consultation with the district's legal counsel. The director named in a complaint shall be given an opportunity to respond to the complaint in writing. If the board determines, in consultation with the district's legal counsel, that an investigation is warranted, the board shall initiate an investigation by the appropriate investigator, entity or authority, as determined in the reasonable discretion of the board. In the event of such an investigation, a report of the findings of said investigation, along with the accused director's written response to the report, shall be presented to the board for majority action. If there is no merit, the matter shall be disposed of with no further action. When the board decides, based upon findings and the accused director's defense, that a violation has occurred, it may impose either of the following punishments:

(b) Censure. This is the most severe form of action. Censure is a formal statement of the board officially reprimanding one of the directors. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the director as an elected official. Censure should be used for cases in which the board determines that the violation of this code, district policy, law or regulation is a serious offense. In order to protect the overriding principle of freedom of speech, the board shall not impose censure on a director for the exercise of his/her First Amendment rights, no matter how distasteful the expression was to the board and the district.

However, nothing herein shall be construed to prohibit the board from collectively condemning and expressing their strong dislike of such remarks.

(c) Admonishment. If the board decides that a violation did occur but that it does not rise to the level of censure, the board may elect to impose an admonishment as set forth in subsection (2) of this section. [Res. 10-20 § 1 (Exh. A(4))]

### 1.13.070 Oath.

#### OATH

By signing below, the Director hereby acknowledges and agrees that the Director:

- (a) has read this Code and understands its expectations;
- (b) agrees that compliance with all local, state and federal laws and regulations is an inherent quality of ethical behavior;
- (c) pledges to uphold a standard of integrity and competence beyond that required by the law;
- (d) will treat all persons, claims and transactions in a fair and equitable manner;
- (e) fully understands that he/she is subject to the Board's admonishment and censure, depending upon his/her ability to exemplify the ethical behavior promoted by this Code.

---

Print Name

---

Signature

---

Date

[Res. 10-20 § 1 (Exh. A(5))]

## Chapter 1.15

### CONFLICT OF INTEREST CODE

## Sections:

1.15.010 Adoption.

**1.15.010 Adoption.**

(1) The board of directors does hereby adopt the proposed amended conflict of interest code, a copy of which is attached to the resolution codified in this section and available to the public for inspection and copying during regular business hours, and set out at the end of this section.

(2) Said amended code shall be submitted to the board of supervisors of the county of San Bernardino for approval.

(3) Said amended code shall become effective immediately upon approval by the San Bernardino County board of supervisors.

#### CONFLICT OF INTEREST CODE OF THE TWENTYNINE PALMS WATER DISTRICT

**(Adopted October 24, 2018)**

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs., Section 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Twentynine Palms Water District (the "District").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the District Secretary as the District's Filing Officer. The District Secretary shall retain the originals of the statements of all designated positions. The District Secretary will make all retained statements

available for public inspection and reproduction during regular business hours. (Gov. Code § 81008).

#### APPENDIX

##### CONFLICT OF INTEREST CODE OF THE TWENTYNINE PALMS WATER DISTRICT

**(Adopted October 24, 2018)**

#### PART "A"

##### OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are NOT subject to the District's Code, but must file disclosure statements under Government Code section 87200 et seq. (Regs. § 18730(b)(3)) These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments.<sup>1</sup>

Members of the Board of Directors

General Manager

Finance Manager

Financial Consultants

#### DESIGNATED POSITIONS

##### GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
<u>TITLE OR FUNCTION</u>	
Director of Operations	2, 3, 4
General Counsel	1, 2
Maintenance Superintendent	2, 3, 5
Office & Personnel Manager	5

1. Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE (Continued)

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
Operations Superintendent	5
Treatment/Production Superintendent	5
Consultants and New Positions <sup>1</sup>	

1. Individuals serving as a consultant as defined in FPPC Reg 18700.3(a) or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The General Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

[Res. 18-15; Res. 06-20; Res. 04-16; Res. 02-17;  
Res. 98-17]

## PART "B"

### DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.<sup>1</sup> "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of the District.

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1. This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1.)

**Chapter 1.20**  
**EXPENSE REIMBURSEMENT**

Sections:

- 1.20.010 Definitions.
- 1.20.020 Compensation.
- 1.20.025 Expense and use of public resources policy statement.
- 1.20.030 Reimbursement of expenses.

**1.20.010 Definitions.**

“Meeting of the board of directors” means any regular, adjourned regular, special or adjourned special meeting of the board of directors. [Res. 91-3 § 3]

**1.20.020 Compensation.**

(1) The amount of compensation to be received by directors for each day’s attendance at meetings of the board, or for each day’s service rendered by a director by request of the board, shall be in the amount of \$150.00. Said increase does not exceed an amount equal to five percent for each calendar year since the date of the last adjustment. The only meetings, service and events for which said compensation shall be paid shall be those set forth in TPWDC 1.20.025, Expense and use of public resources policy statement (“policy”) set forth in Exhibit “A” attached to the ordinance codified in this section and incorporated herein by reference.

(2) In accordance with Section 20202 of the California Water Code, no director shall receive the compensation set forth in subsection (1) of this section for more than 10 days in any calendar month.

(3) The policy hereby specifies the types of occurrences that qualify a director or employee, as applicable, to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses. In addition, the policy hereby specifies the reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. The policy is intended to comply with the requirements set forth in Government Code Sections 53232.2 and 53232.3. [Ord. 103 §§ 1, 2, 3, 2023; Ord. 90 §§ 1, 2, 3, 2006; Res. 91-3 § 1]

**1.20.025 Expense and use of public resources policy statement.**

(1) Findings. This policy provides guidance to elected and appointed officials on the use and expenditure of district resources, as well as the

standards against which those expenditures will be measured. In addition, this policy satisfies the requirements of Government Code Sections 53232.2 and 53232.3 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources. This policy provides guidance to employees of the district on the use and expenditure of district resources, as well as the standards against which those expenditures will be measured, except as may otherwise be specifically provided in regard to employees in any applicable district employee policies.

(2) Authorized Expenses.

(a) District funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized district business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

(i) Communicating with representatives of regional, state and national government on district-adopted policy positions;

(ii) Attending educational seminars designed to improve officials' skill and information levels;

(iii) Participating in regional, state and national organizations whose activities affect the district's interests;

(iv) Recognizing service to the district (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);

(v) Attending district events;

(vi) Meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.

All expenditures require prior approval by the board of directors.

(b) Examples of personal expenses that the district will not reimburse include, but are not limited to:

(i) The personal portion of any trip;

(ii) Political or charitable contributions or events;

(iii) Family expenses, including partner's expenses when accompanying official on district-related business, as well as children or pet-related expenses;

(iv) Entertainment expenses, including theater, movies, sporting events, or other cultural events;

(v) Nonmileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and

(vi) Personal losses incurred while on district business. Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority at the district before the expense is incurred.

(3) Meeting Stipends.

(a) General. Directors receive \$100.00 per day ("daily meeting stipend") for each day's attendance at meetings, as defined in this policy. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this policy.

(b) Meetings and Service Subject to Daily Meeting Stipend. To be entitled to a daily meeting stipend under this policy, the event in question must constitute one of the following:

(i) A meeting of the board within the meaning of Government Code Section 54952.2(a);

(ii) A meeting of a district committee within the meaning of Government Code Section 54952(b);

(iii) An advisory body meeting within the meaning of Government Code Section 54952(b);

(iv) A conference or organized educational activity conducted in compliance with Government Code Section 54952.2(c), including ethics training required by Government Code Sections 53234 and following;

(v) A meeting of any multi-jurisdictional governmental body on which the director serves as the district's designated representative;

(vi) Any meeting attended or service provided on a given day at the formal request of the board and for which the board provides prior approval of payment of a daily meeting stipend.

Except for meetings under subsection (3)(a) of this section, daily meeting stipends shall not be paid for any meeting attended or service provided unless the board provides prior approval.

(c) Aggregate Limits. The number of days for which a director receives a daily meeting stipend will not exceed the aggregate limits established by state law and district policy. Said district

policy provides that compensation shall not exceed 10 meetings/days per month.

(4) Cost Control. To conserve district resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the district will be limited to the costs that fall within the guidelines.

(a) Transportation. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental vehicles may be reimbursed under this provision if more than one district official is attending an out-of-town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.

(b) Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities ([www.cacities.org/travel](http://www.cacities.org/travel)), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the state of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

(c) Automobile. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see [www.irs.gov](http://www.irs.gov)). For 2006, the rate is \$0.445 per mile. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.

(d) Car Rental. Rental rates that are equal or less than those available through the state of California's website (<http://www.catravelsmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

(e) Taxis/Shuttles. Taxi's or shuttle's fares may be reimbursed, including a 15 percent gratuity

per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

(f) Lodging. Lodging expenses will be reimbursed or paid for when travel on official district business reasonably requires an overnight stay.

(i) Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.

(ii) Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelsmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable.

(g) Meals. Reimbursable meal expenses and associated gratuities will not exceed the rates specified in the Internal Revenue Service guidelines. The district will not pay for alcohol/personal bar expenses.

(h) Telephone/Fax/Cellular. Directors, officials and employees, as applicable, will be reimbursed for actual telephone and fax expenses incurred on district business. Telephone bills should identify which calls were made on district business. For cellular calls when the official has a particular number of minutes included in the official's plan, the director/employee can identify the percentage of calls made on public business.

(i) Internet. Directors, officials and employees, as applicable, will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if Internet access is necessary for district-related business.

(j) Airport Parking. Long-term parking must be used for travel exceeding 24 hours.

(k) Other. Baggage handling fees of up to \$1.00 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which district direc-

tors, officials and employees, as applicable, receive reimbursement from another agency are not reimbursable.

(5) Expense Report Content and Submission Deadline. All expense reimbursement requests must be submitted on an expense report form provided by the district. All expenses reported on this form must comply with the district's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the district's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability. Expense reports must document that the expense in question met the requirements of this policy. Directors, officials and employees, as applicable, must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Inability to provide such documentation in a timely fashion may result in the expense being borne by the director/official/employee. The requirements of TPWDC 1.20.010, 1.20.020 and 1.20.030, including without limitation the reporting and disclosure requirements set forth therein, shall continue to be in effect.

(6) Audits of Expense Reports. All expenses are subject to verification that they comply with this policy.

(7) Reports to Board of Directors. At the following board meeting, each official shall briefly report on meetings attended at district expense. If multiple officials attended, a joint report may be made.

(8) Compliance with Laws. District directors, officials and employees, as applicable, should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

(9) Violation of This Policy. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

- (a) Loss of reimbursement privileges;
- (b) A demand for restitution to the district;

(c) The district's reporting the expenses as income to the elected official to state and federal tax authorities;

(d) Civil penalties of up to \$1,000 per day and three times the value of the resources used; and

(e) Prosecution for misuse of public resources. [Ord. 90 § 1 (Exh. A), 2006]

### **1.20.030 Reimbursement of expenses.**

(1) All employees and directors shall be reimbursed for all expenses incurred on behalf of the district by providing adequate documentation of the expense(s) incurred. Adequate documentation shall include any and all receipts, invoices, credit card receipts, odometer readings or any other valid document which would normally be received for the type of expense incurred.

(2) The individual will remit, with the approval of his or her immediate supervisor, a completed district expense reimbursement claim form. A district expense reimbursement claim form is available in the district copy room or from the employee's supervisor.

(3) All expense reimbursement forms submitted to the finance department will be processed in the next regularly scheduled accounts payable processing cycle. [Res. 94-27; Res. 91-3 § 2]

**Chapter 1.25****REAL PROPERTY CONVEYANCES**

## Sections:

1.25.010 Deed or grant acceptance.  
 1.25.020 Certificate of acceptance – Form.

**1.25.010 Deed or grant acceptance.**

The secretary of the board is hereby authorized to accept and consent to deeds or grants conveying any interest in or easement upon real property to the Twentynine Palms Water District for purposes of recordation, pursuant to Section 27281 of the Government Code. [Res. 339 § 1, 1981]

**1.25.020 Certificate of acceptance – Form.**

A certificate of acceptance shall be attached to or printed on such deeds or grants in substantially the following form:

THIS IS TO CERTIFY THAT THE INTEREST IN REAL PROPERTY CONVEYED BY THE WITHIN INSTRUMENT TO THE TWENTYNINE PALMS WATER DISTRICT, TWENTYNINE PALMS, CALIFORNIA AS GRANTEE, IS HEREBY ACCEPTED BY ORDER OF THE BOARD OF DIRECTORS OF TWENTYNINE PALMS WATER DISTRICT, STATE OF CALIFORNIA AS THE GOVERNING BOARD OF SAID GRANTEE AND SAID GRANTEE CONSENTS TO THE RECORDATION THEREOF BY ITS DULY AUTHORIZED OFFICER.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
 Secretary, Board of Directors  
 TWENTYNINE PALMS WATER DISTRICT

[Res. 339 § 2, 1981]

**Chapter 1.30****BOARD MEETINGS**

## Sections:

1.30.010 Regular meetings.  
 1.30.020 Special and adjourned meetings.  
 1.30.030 Adjourned meeting.  
 1.30.040 Unsafe meeting place.  
 1.30.050 Selection of president and vice president.  
 1.30.060 Open meetings.  
 1.30.070 Quorum.  
 1.30.080 Ordinances, resolutions and motions.  
 1.30.090 Conduct of meetings.  
 1.30.100 Minutes.  
 1.30.110 Seal.  
 1.30.120 Order of business.  
 1.30.130 Ad hoc advisory committees.  
 1.30.140 District contracts.

**1.30.010 Regular meetings.**

The regular meetings of the board of directors, hereinafter referred to as “board” of the Twentynine Palms Water District, shall be held on the fourth Wednesday of each month at 4:00 p.m. at the district office, 72401 Hatch Road, Twentynine Palms, California. If, however, the day of a regular meeting falls on a holiday, the meeting shall be held on the next business day at 4:00 p.m. [Res. 19-06 § 2; Res. 15-14; Ord. 86.1, 2005; Ord. 86 § 1, 2002]

**1.30.020 Special and adjourned meetings.**

A special meeting of the board may be ordered and called at any time by the president of the board or by a majority of the members of the board by delivering personally or by mail written notice to each director and to each local newspaper of general circulation, radio station or television station requesting notice in writing. Said notice must be delivered at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the meeting and the business to be transacted. No other business shall be considered at said meeting by the board. Such written notice may be dispensed with as to any director who, at or prior to the time the meeting convenes, files with the secretary of the board a written waiver of notice, which waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actu-

ally present at the meeting at the time it convenes. The call and notice (agenda) shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. [Ord. 86 § 2, 2002]

#### **1.30.030 Adjourned meeting.**

The board may adjourn any regular, special or adjourned meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn the meeting, and if all members are absent from any regular or adjourned meeting, the secretary of the board may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the manner provided in TPWDC 1.30.020. When any regular or adjourned meeting is so adjourned, the adjourned meeting shall be deemed a regular meeting for all purposes. If the order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified in TPWDC 1.30.010. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. [Ord. 86 § 3, 2002]

#### **1.30.040 Unsafe meeting place.**

If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet at the place designated for regular meetings, at the place specified in the notice of any special meeting, or at the place to which any meeting was adjourned, then such meeting may be held for the duration of the emergency at such place as is designated by the president of the board or his or her designee in a notice to the local media that have requested notice, by the most rapid means of communication available at the time. [Ord. 86 § 4, 2002]

#### **1.30.050 Selection of president and vice president.**

At the first meeting of the board after any reorganization constructed by a newly elected or appointed position or at the first meeting of the board in the month of December in nonelection years, the board shall choose a president and a vice president from those members present. [Ord. 86 § 5, 2002]

#### **1.30.060 Open meetings.**

(1) All meetings of the board shall be open and public and all persons shall be permitted to attend any meeting of the board. All acts and deliberations of the board shall be taken and conducted openly.

(2) Nothing contained herein shall be deemed to prevent the board from holding closed sessions as provided and allowed by the Government Code of the state of California, as the same may be amended from time to time. Further, the board may conduct its meetings and exclude witnesses as provided by said Government Code. [Ord. 86 § 6, 2002]

#### **1.30.070 Quorum.**

A majority of the members of the board shall constitute a quorum for the transaction of business. [Ord. 86 § 7, 2002]

#### **1.30.080 Ordinances, resolutions and motions.**

The board shall act only by ordinance, resolution or motion. No ordinance, resolution or motion shall be passed or become effective without the affirmative vote of a majority of the members of the board. Except as otherwise provided by law, ordinances and resolutions of the district shall be adopted, amended (in whole or in part) and repealed (in whole or in part) by the board only in the following manner:

(1) **Ordinances.** Ordinances may be adopted by a voice vote, but on demand of any member of the board, the roll shall be called and the vote recorded. Except where action is taken by the unanimous vote of all directors present and voting, the ayes and noes shall be taken upon the passage of ordinances and entered upon the minutes of the board.

(a) Ordinances shall be adopted by the board and may be amended or repealed (in whole or in part) only by an ordinance adopted by the board. The enacting clause of the ordinance shall be "Be it ordained by the Board of Directors of the Twentynine Palms Water District as follows:".

(b) Ordinances adopted by the board shall contain the signed approval and attestation of the president and secretary, respectively, of the board.

(c) Unless otherwise expressly directed by the board at the time of the adoption of the minutes, all ordinances adopted by the board may be referred to in the minutes of the meetings of the board by numbers and titles.

(d) The board secretary shall cause notice of adoption to be published one time within 10 days after the date of adoption. Publication shall be in a newspaper of general circulation printed and published within the district and which is printed and published in San Bernardino County, California. The notice shall state the purpose of the ordinance, shall contain a brief statement as to the contents of the ordinance and shall state that a copy of the ordinance is available for public inspection at the district office (72401 Hatch Road, Twentynine Palms, California). The board secretary shall cause copies of the ordinance to be made available to the public as provided in the notice.

(2) **Resolutions.**

(a) Resolutions shall be adopted by the board. Said resolutions may be amended or repealed (in whole or in part) only by a resolution or an ordinance adopted by the board. The number and title of formal resolutions shall be set forth in the agenda for the board meeting.

(b) Resolutions may be adopted by a voice vote, but on demand of any member of the board the roll shall be called and the vote recorded. Except where action is taken by the unanimous vote of all directors present and voting, the ayes and noes shall be taken upon the passage of resolutions and entered upon the minutes of the board.

(c) Unless otherwise expressly directed by the board at the time of adoption of the minutes, all resolutions adopted by the board may be referred to in the minutes of the meetings of the Board by number and title.

(3) **Minute Motions and Orders.** Minute motions and orders may be adopted by a voice vote, but on demand of any member of the board the roll shall be called and the vote recorded. Except where action is taken by the unanimous vote of all directors present and voting, the ayes and noes shall be taken upon the passage of minute motions and orders and entered upon the minutes of the board. [Ord. 86 § 8, 2002]

**1.30.090 Conduct of meetings.**

Except as otherwise provided by law or ordinance adopted by this board, meetings may be conducted according to "Robert's Rules of Order, Revised." The president shall preside at all meetings and shall have a vote on all matters before the board. In the absence of the president the vice pres-

ident shall preside; in the absence of both, the presiding officer shall be elected by a majority of the members of the board. [Ord. 86 § 9, 2002]

**1.30.100 Minutes.**

(1) The minutes of the meetings of the board shall be recorded and kept by the board secretary in a book maintained for that purpose.

(2) The president or other person who may preside at the meeting and the secretary shall authenticate the minutes and resolutions after these have been transcribed into the appropriate form. When so authenticated, these shall constitute the official minutes and resolutions of the board of the Twentynine Palms Water District.

(3) The minute book and the originals of all ordinances and resolutions shall be stored in the vault of the principal place of business of the district. Copies of minutes, ordinances and resolutions shall be kept in chronological binders in the offices of the board secretary at that same location. [Ord. 86 § 10, 2002]

**1.30.110 Seal.**

The seal, an impression of which is herewith affixed to the ordinance codified in this chapter, bearing the words "Twentynine Palms Water District, San Bernardino County, California, Incorporated June 24, 1954" is adopted as the official seal of this district. [Ord. 86 § 11, 2002]

**1.30.120 Order of business.**

- (1) Call to order;
- (2) Roll call;
- (3) Flag salute;
- (4) Additions/deletions to the agenda;
- (5) Public hearing (if applicable);
- (6) Awards (if applicable);
- (7) Board discussion items;
- (8) Consent calendar:

(a) Approval of minutes of the preceding regular meeting and any subsequent adjourned and/or special meetings,

- (b) Approval of audit list;
- (9) Management reports;
- (10) Financial reports;
- (11) Future agenda items and staff tasks;
- (12) Directors' comments;
- (13) Adjournment. [Ord. 86 § 12, 2002]

**1.30.130 Ad hoc advisory committees.**

(1) Ad hoc advisory committees may be formed for special purposes from time to time by the president and appointments made thereto from the members of the board, not to exceed two such members on any one ad hoc committee. Ad hoc advisory committee members shall serve at the pleasure of the president of the board.

(2) The general manager shall be an ex officio nonvoting member of each committee. Each committee shall meet at such time, place and frequency as may be directed by its chairman, the president of the board, any member of the board or the general manager. Each committee shall cause to be prepared and presented promptly with the board a report of its meetings. A recommendation made to the Board by a committee at a duly held meeting of the Board shall be deemed to be a seconded motion at the time made. [Ord. 86 § 13, 2002]

**1.30.140 District contracts.<sup>1</sup>**

No director shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors. No officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract made by such officer or employee, pursuant to discretionary authority vested in him, or be interested in the benefits pursuant to discretionary authority vested in him, or be interested in the benefits to be derived therefrom. However, no director, officer or employee shall be deemed to be interested, directly or indirectly, in any such contract if such director, employee or officer owns or controls, directly or indirectly, five percent or less of the outstanding stock or securities of any corporation contracting with the district; or if such contract or instrument shall be entered into by said officer, director or employee pursuant to the provisions of any ordinance or regulation of the district of uniform application and which ordinance or regulation shall become effective prior to the making or execution of such contract or instrument. [Ord. 86 § 14, 2002]

**Chapter 1.35****EASEMENT GRANT ACCEPTANCE**

Sections:

1.35.010 Procedure.

**1.35.010 Procedure.**

The general manager is authorized to accept grants of easement solely for the purpose of accommodating water lines and access to those lines, issue a certificate of acceptance on behalf of the district in substantially the form shown in Government Code 27281, and provided in Exhibit A to this chapter, and present such documentation for recordation to the county of San Bernardino.

**EXHIBIT A****CERTIFICATE OF ACCEPTANCE OF  
GRANT OF EASEMENT FROM \_\_\_\_\_**

This is to certify that the interest in real property for the purpose of water line installation and access conveyed by the Grant of Easement dated \_\_\_\_\_ from \_\_\_\_\_,

APN # \_\_\_\_\_ to the Twentynine Palms Water District, a government agency, is hereby accepted by order of the undersigned agent on behalf of the Twentynine Palms Water District pursuant to authority conferred by Resolution 00-12 of the Board of Directors adopted on June 28, 2000, and the grantee consents to recordation thereof by its duly authorized agent.

Dated \_\_\_\_\_

By \_\_\_\_\_  
General Manager

[Res. 00-12]

1. Code reviser's note: See also Chapter 1.15 TPWDC, Conflict of Interest Code.

**Chapter 1.40****ELECTIONS<sup>1</sup>****Sections:**

- 1.40.010 District election date changed from all-mail election.
- 1.40.020 District election date same as statewide general election.
- 1.40.030 Change of term.

Prior legislation: Resos. 09-02, 14-04 and 15-05.

**1.40.010 District election date changed from all-mail election.**

Commencing with the November 2, 2021, election, the date of the district's general district election shall be held on the first Tuesday after the first Monday in November of odd-numbered years. As a result, upon the effective date of the resolution codified in this section, the district's August 2021 all-mail ballot general election will be cancelled. [Res. 19-13 § 2]

**1.40.020 District election date same as statewide general election.**

Commencing with the November 2022 election, the date of the general district election shall be deemed to be the same date as the statewide general election each even-numbered year. As a result, upon the operative date of the resolution codified in this section, the district's November 2021 general election will be cancelled. [Res. 19-14 § 2]

**1.40.030 Change of term.**

In accordance with the change of election date, the terms of office of those members of the board shall be extended for a period of approximately 12 months. Pursuant to Elections Code Section 10404, board members whose term commenced in December 2017 will have their terms extended until November 2022. Board members whose term commences in December 2019 will have their terms extended to November 2024. Board mem-

bers elected to new terms in November 2022 and in all future elections thereafter shall serve four-year terms. [Res. 19-14 § 3]

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1. Code reviser's note: Pursuant to Section 3 of Res. 19-13 and Section 4 of Res. 19-14, all necessary documents have been submitted to the board of supervisors of the county of San Bernardino for review and approval. The resolutions codified in this chapter become operative upon approval.

## **Title 2**

### **PERSONNEL**

#### **Chapters:**

- 2.05 Employee Manual**
- 2.10 Illness and Injury Prevention Program**
- 2.15 Drug and Alcohol Policies**
- 2.20 Industrial Disability Retirement**
- 2.25 Disputes Involving Cessation of Employment**
- 2.30 Employer-Employee Relations**
- 2.40 Workers' Compensation Coverage for Volunteer Personnel**
- 2.45 Fraud in the Workplace**
- 2.50 Tickets and/or Passes Distribution Policy**
- 2.55 Workers' Compensation Program**
- 2.60 Length of Service Recognition Policy**

# Twentynine Palms Water District Code

<b>Chapter 2.05</b>		
<b>EMPLOYEE MANUAL<sup>1</sup></b>		
Sections:		
	Article I. Introduction	
2.05.010	Authority and responsibility.	2.05.290 Unlawful discrimination and harassment policy.
2.05.020	Purpose of district employee manual.	2.05.300 Workplace violence.
	Article II. Employment Policies and Practices	2.05.310 Drug and alcohol abuse policy.
2.05.030	Equal employment opportunity.	2.05.320 Safety-sensitive employees required to have commercial driver's license.
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2.05.050	Job descriptions and organizational chart.	2.05.340 Other safety-sensitive employees.
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## Article I. Introduction

### 2.05.010 Authority and responsibility.

In an effort to provide the best quality and most economic water service possible to the customers of the Twentynine Palms Water District, the board of directors requires that the general manager promote a comprehensive employee management program.

This employee management program shall promote and encourage a safe and efficient work environment and work habits; permit employee evaluations to accurately depict the level of efficient and safe work performance; and strictly prohibit acts of violence, unlawful use of drugs and/or alcohol, sexual harassment, discrimination of any kind, acts that violate establishing and maintaining a harmonious workplace or any other action that would undermine the reputation and productivity of the district. The general manager will ensure that the subject program is documented in an employee manual.

The board of directors establishes policies for the district and is the governing body of the district. The board supervises district management to ensure that said policies are implemented pursuant to the board's desires.

The board has the authority to appoint certain officers, including the general manager. The general manager has full charge and control of the maintenance, operation, and construction of the district's water system and other facilities, as well as personnel and other district operations. The

board does not have the authority or responsibility for personnel decisions, including but not limited to disciplinary matters involving personnel, other than the general manager and other officers of the board.

The general manager has full power and authority to employ and discharge all employees and other agents and to prescribe the duties of employees and agents. In addition, the general manager has the authority to fix and alter the compensation of employees and agents subject to approval of the board.

The operations manager, as defined in this manual, shall act in full authority as the general manager in the general manager's absence, upon specific delegation by the general manager. Department managers shall oversee their appropriate departments for policy compliance, including, but not limited to, personnel evaluation, equipment, budget and operations. [Res. 18-02]

### 2.05.020 Purpose of district employee manual.

This employee manual was adopted pursuant to Resolution 18-02, passed by the board of directors of the Twentynine Palms Water District on February 28, 2018. It supersedes the employee manual adopted by the district board of directors on September 24, 1997. The intent of this manual is to set forth the district's personnel rules, regulations and policies. This manual may be amended by the board of directors at any time. This manual serves as a resource for management and staff in determining the manner in which matters of employment are to be conducted. If any provision of this manual is in conflict with rules, regulations or statutes having authority over the Twentynine Palms Water District, said rules, regulations or statutes shall prevail.

This manual is not an employee contract, but intended to provide employees with certain guidelines regarding employment with the district. The district adheres to the policy of employment at will, which permits the district or the employee to terminate the employment relationship at any time, for any reason. Neither the policies contained in this employee manual, nor any other written or verbal communication by a manager, are intended to create a contract of employment or a warranty of benefits. The policies contained in this manual may be added to, deleted, or changed at the sole discretion

of the district in accordance to state and federal labor codes, with the exception of the employment-at-will policy. All employees are hired on an “at-will” basis unless employed under a written contract stating otherwise.

This manual is not meant to exhaustively cover all situations, terms or conditions of employment. It is designed as an overview of the employer-employee relationship and to provide guidelines for dealing with situations in the workplace. [Res. 18-02]

## **Article II. Employment Policies and Practices**

### **2.05.030 Equal employment opportunity.**

It is the continuing policy of the district to provide equal employment opportunities for all individuals who have the necessary qualifications with respect to recruitment, hiring, performance appraisal, promotion, training, termination, compensation, or other personnel-related activities regardless of the actual or perceived ancestry, race, color, religion, sex, gender, gender identification, gender expression, national origin, disability, medical condition, marital status, age, genetic information, sexual orientation preference, or veteran/military status. All employee decisions will be based upon policies and practices that further the principles of equal employment opportunity.

Every member of management is held responsible for assuring nondiscrimination in employment opportunities. In addition, all staff members, regardless of position, share in the responsibility of maintaining a discrimination-free work environment. [Res. 18-02]

### **2.05.040 Employment.**

All employees are hired on an “at-will” basis, unless employed under a written contract stating otherwise or are employed in a position subject to the conditions contained in a written collectively bargained memorandum of understanding between the district and a recognized employee organization. This means that you may resign at any time and that the district may terminate you at any time, with or without cause.

Any offer of employment will be conditioned upon a designation of “medically qualified” through a pre-employment physical exam and other conditions set forth in the recruitment bulletin and/or offer letter. [Res. 18-02]

### **2.05.050 Job descriptions and organizational chart.**

The general manager shall prepare and maintain an organizational chart, which delineates lines of authority for the purpose of clarifications and public information. The position title used in the organizational chart will be the official designation of an individual position or classification.

A job description will be a written record providing the title and definition of a position, a listing of illustrative examples of the essential job functions performed, and the qualifications necessary to be considered for appointment. Job descriptions will be descriptive and explanatory but not restrictive, and will not be construed as limiting the assignments or duties of any position; nor will they limit or modify the power of the appointing authority to direct and control the work of employees under his/her supervision.

A full directory of all current job descriptions, including the current organizational chart, is a separate and detailed document under a separate cover and is incorporated herein by name. The job descriptions and organizational chart may be updated from time to time. [Res. 18-02]

### **2.05.060 Pre-employment medical examination.**

All applications for employment shall contain a statement to applicants advising them that the selection process includes taking and passing a pre-employment medical examination. The examination shall include testing for the presence of health problems, which may interfere with their prospective job performance or be detrimental to employees or the public.

After a conditional offer for employment has been made, applicants shall be required to sign consent forms authorizing the examination and release of the examination results. Any applicant who refuses to sign the consent form or to submit to the medical examination shall not be considered for employment.

All medical examinations and the results thereof shall be approved by the general manager. Examination results are confidential and shall be used solely for assistance in the district's determination for employment and will not be released except to the general manager, the applicant upon request, or if the examining physician determines that a medical problem should be brought to the applicant's attention.

If a required medical examination reveals a medical problem that is recommended by the examining physician to be investigated further, any such investigation and/or follow-up procedures shall be paid for by the applicant. [Res. 18-02]

#### **2.05.070 Disability and the interactive process.**

Under California law, disability is defined as an impairment that makes the performance of a major life activity difficult. The district provides reasonable accommodation to applicants and employees who, because of their disability, are unable to perform the essential functions of their job. When an applicant or employee is in need of a reasonable accommodation for a disability, the district will engage in an interactive process to determine if there is a reasonable accommodation that will allow the applicant or employee to obtain or maintain his/her employment with the district. [Res. 18-02]

#### **2.05.080 Merit system policy.**

The board of directors has determined that it is in the best interests of the public that all personnel be employed, promoted, demoted, disciplined or terminated based upon their job performances. Individuals will be hired based upon their qualifications for a particular position or job classification and they will be expected to perform the duties required and fulfill the responsibilities of that position.

The district's merit personnel system will attempt to be as flexible as possible to provide for the needs and requirements of each employee, but the primary purpose of the merit system is to provide service to the public in an efficient and economical manner. [Res. 18-02]

#### **2.05.090 Employee status.**

(1) Full-Time Regular Employee. Defined as employees who have successfully completed their introductory period and are assigned a definite work schedule of at least 30 hours per week and their employment is expected to continue for an indefinite period of time. Full-time regular employees are eligible for employee benefits as described later in this manual. Full-time employees that work less than 40 hours per week, but 30 or more hours per week, will have benefits prorated according to the number of hours worked, in accordance with the policies and requirements of benefit vendors.

(2) Part-Time Regular Employee. Defined as employees who have successfully completed their introductory period and are assigned a work schedule of less than 40 hours per week and it is expected to continue for an indefinite period of time. Part-time regular employees may be eligible for vacation, sick leave, and holiday benefits as described later in this manual.

(3) Temporary Employee. Defined as employees who are hired by the district to work within any job classification for only the duration of a specific work assignment. Such a work assignment may range from one day to the completion of a specific project(s). The temporary employee is eligible for vacation and sick time accrual following completion of working each full payroll period. The temporary employee shall be eligible for health benefits on the first of the month following completion of two full calendar months of employment. The temporary employee shall be eligible for PERS contributions and health benefits, if the work assignment is estimated to be longer than six months or the person works 1,000 hours in a fiscal year. Leave during which the member is excused from working and paid vacation, sick leave, etc., is included in the 1,000 hours.

(4) Introductory Employee. Defined as newly hired employees whose fitness for the position into which they are hired is closely monitored and assessed during a six-month introductory period. Employees who successfully complete the introductory period are moved into regular employee status. Introductory employees may be released during the introductory period without cause.

(5) Exempt/Nonexempt Employee. Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees

are entitled to overtime pay. Exempt employees are not. Most employees covered by the FLSA are nonexempt. Some jobs are classified as exempt by definition. For most employees, however, whether they are exempt or nonexempt depends on (a) how much they are paid, (b) how they are paid, and (c) what kind of work they do. The requirements to determine this status are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor).

(6) **At-Will Employee.** Defined as employees who serve at the pleasure of the district and may be terminated at any time for cause or without cause. [Res. 18-02]

#### **2.05.100 Resignation and exit interview.**

An employee who makes the decision to resign from the district should so advise his or her supervisor as soon as possible. All resignations are to be written and signed by the employee specifying the last date of employment. Resignations may be withdrawn only with the approval of the general manager.

In an effort to gain valuable information from the employee's perspective and efforts toward operational improvement, the district will request an exit interview to be completed by the departing employee and submitted to the general manager no later than the last day of employment. [Res. 18-02]

#### **2.05.110 Layoffs.**

Any position of employment may be eliminated and the employee holding such position may be laid off or demoted in the event the district board adopts a policy for a reduction in the district workforce. Employees represented by a recognized employee organization will be laid off in accordance with the layoff procedure set forth in the memorandum of understanding in effect at the time of the district board action.

Following the board's adoption of a reduction-in-force policy, nonrepresented employees to be laid off shall be given at least 20 calendar days' prior notice of the effective date of the layoff and the opportunity to discuss the layoff with a supervisor. [Res. 18-02]

#### **2.05.120 Dismissal.**

An at-will employee may be dismissed at any time with or without cause. An employee may be dismissed from his or her position by the depart-

ment manager, under the authority, and with prior approval, of the general manager, for disciplinary reasons. [Res. 18-02]

#### **2.05.130 Abolition of position.**

Whenever, in the judgment of the general manager, it becomes necessary in the interest of economy or because the necessity for the position or employment involved no longer exists, the general manager may abolish any position. The action of the general manager is final and conclusive and shall be implemented in accordance with the provisions regarding layoffs as set forth in this manual. [Res. 18-02]

#### **2.05.140 Continuity.**

(1) In regard to introductory and full-time employees in all classifications, length of continuous service with the district will be used as the basis for determining benefits such as vacation time scheduling.

(2) Length of continuous service shall be one of a number of factors taken into account in regard to potential promotions, demotions and layoffs. Continuous service with the district will start with the date of employment and will continue until one of the following occurs:

(a) An employee is discharged by the district.

(b) An employee voluntarily terminates his/her employment.

(c) An employee is laid off.

(3) Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service/seniority will accrue for the period of such absence:

(a) Absence by reason of industrial disability.

(b) Authorized absence without pay for less than 30 days in a calendar year.

(c) Absences governed by applicable state and/or federal laws such as the Family and Medical Leave Act and the Uniformed Services Employment and Reemployment Rights Act. [Res. 18-02]

#### **2.05.150 Grievance procedure.**

The purpose of this policy is not to replace, but to supplement the routine methods of responding and settling employee problems and grievances. If these routine methods fail to resolve an issue, this policy provides a formal procedure for addressing

grievances by an employee who claims that he/she has been affected by a violation, misapplication, or misinterpretation of a law, district policy, rule, regulation or instruction. Grievance procedures contained in employment contracts or a memorandum of understanding in effect for employees represented by a recognized employee organization will be followed for employees who are parties to these written contracts with the district. Grievance procedures do not apply to disciplinary matters and the specific procedures that apply to said matters. [Res. 18-02]

#### **2.05.160 Employment of relatives.**

(1) It is the policy of Twentynine Palms Water District to seek for its staff the best possible candidates through appropriate search procedures. There shall be no prohibition to appointment of close relatives in any staff category in different departments so long as the following requirements are met:

(a) No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

(b) For the purpose of this policy, "close relative" is defined as spouse, registered domestic partner, parents, children, foster or step-children, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law or any other person who is a legal dependent of the employee.

(2) Close relatives of employees and persons with whom employees reside will not be eligible for employment within the same department, division, or facility when potential problems of supervision, safety, security, or morale exist, or if personal relationships may create an actual or potential conflict of interest, cause disruption, or create a negative or unprofessional work environment.

(3) If two employees become subject to the restrictions of this policy after they are hired, one or both must seek a transfer that eliminates the actual or potential conflict of interest. If transfer is not an option, the decision as to which of the employees will remain in the employ of the district must be made by the two employees within 30 days

of becoming subject to the restrictions of this policy. If no decision is reached, both employees will be terminated. [Res. 18-02]

#### **2.05.170 Visitor policy.**

The public areas of the district office are intended for use by customers and the public for conducting business with the district. Visits from family or friends to district premises shall be limited to situations of extreme necessity and should not become a regular occurrence.

Due to potential insurance and liability issues, employees shall not meet with family or friends or otherwise use district premises, including district vehicles, for any nondistrict business except in the case of extreme necessity as mentioned herein. This prohibition applies regardless of whether or not the employee is on duty. [Res. 18-02]

### **Article III. Working Conditions**

#### **2.05.180 Hours of business.**

The district office will be open for business from 7:30 a.m. to 5:00 p.m. on all days of the year except Saturdays, Sundays and designated holidays. [Res. 18-02]

#### **2.05.190 Hours of work.**

The regular hours of work each day shall be consecutive hours in a 24-hour period, except for interruptions at meal periods.

The workday for field personnel is 7:00 a.m. to 3:30 p.m. The workday for office personnel will be distributed between 7:15 a.m. and 5:15 p.m. The specific times for work breaks and lunch breaks for office and field personnel shall be determined by the employee's supervisor and shall be subject to change.

The general manager may direct or allow an employee to work a different schedule when the general manager determines that the best interest of the public and the needs of the employee may both be served.

All full-time regular employees will be required to work a minimum of 40 hours per week. One 15-minute work break will be provided to be taken approximately midway through the first half of the work shift and one to be taken approximately midway through the second half of the work shift.

Breaks shall be structured so that district business and service to the public are not disrupted. Rest break time cannot be accumulated.

A lunch period is up to 60 minutes. If an extended time exceeding 60 minutes is needed on occasion, this must be approved in advance by the employee's supervisor. Lunch periods may be waived only if the total hours worked in that day will not exceed six hours.

The work week shall consist of seven consecutive days from 12:01 a.m. Sunday through midnight Saturday. Departments may have different work days to accommodate service and job requirements. [Res. 18-02]

#### **2.05.200 Uniforms and protective clothing.**

The cost of such uniforms and/or protective clothing, shoes, etc., that employees are required to wear shall be borne by the district. At the discretion and with prior approval of the district, qualifying employees may be reimbursed, upon proof of purchase, for specific items required by the district and/or to meet safety requirements. In addition, the district may, at its discretion, make arrangements with retailers to provide qualifying employees with such items and then to bill the district for same.

When an employee for whom said uniforms, clothing, shoes, etc., were purchased or reimbursed is terminated for any reason prior to completing three continuous months of service after said purchase, the employee shall return such items or a portion of the cost of said items shall be retained from his/her final payment. That portion retained shall be a percentage of the total cost of said items equal to 100 percent less the ratio of the amount of time worked to three continuous months of regular work. [Res. 18-02]

#### **2.05.210 Tools and equipment.**

Tools and equipment belonging to the district shall remain on property and are to be used for district business purposes only. The use of tools and equipment for the conduct of outside work is strictly prohibited. Employees who are assigned to utilize such property are to operate and maintain it in accordance with its intended use and established procedures. All tools and equipment must be returned to the district prior to an employee's voluntary termination or retirement. An employee

who is dismissed involuntarily is to return district items in his/her possession immediately upon notification of termination. [Res. 18-02]

#### **2.05.220 Use of tobacco and e-cigarette products within the district.**

In the best interest of the health and safety of employees and the general public, the smoking and use of tobacco and e-cigarette products shall be prohibited within district buildings and other confined spaces on any district property, including, but not limited to, district vehicles.

The successful implementation of this policy depends upon the thoughtfulness, consideration and cooperation of smokers and nonsmokers. All individuals on district premises share in the responsibility of adhering to this policy.

All district employees will be responsible for advising members of the public who are observed smoking tobacco or using e-cigarette products within district premises of the district's policy on the matter. Said individuals shall be asked by staff to refrain from smoking. Members of the public who refuse to comply with this policy may be asked to leave district premises.

District employees who violate this policy will be subject to disciplinary action. [Res. 18-02]

#### **2.05.230 Access to personnel records.**

(1) California law provides that current and former employees (or a representative) have the right to inspect and receive a copy of the personnel files and records that relate to the employee's performance or to any grievance concerning the employee. Inspections will be allowed at reasonable times and intervals within 30 calendar days from the date the office manager receives a written request. Upon a written request from a current or former employee, or a representative, the district will provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not less than 30 calendar days from the date the employer receives the request.

(2) To facilitate the inspections, the district will: (a) maintain a copy of each employee's personnel records for a period of not less than three years after termination of employment, (b) make a current employee's personnel records available for inspection, and if requested by the employee or his/her representative, provide a copy at the place where the employee reports to work, or at another

location agreeable to the district and the requester. If the employee is required to inspect or receive a copy at a location other than the place where he or she reports to work, there will be no loss of compensation to the employee, (c) make a former employee's personnel records available for inspection, and if requested by the employee or representative, provide a copy at the location where the employer stores the records, unless the parties mutually agree in writing to a different location.

(3) The district is not required to make those personnel records or a copy available at a time when the employee is actually required to render service to the district, if the requester is the employee. The district is required to comply with only one request per year by a former employee to inspect or receive a copy of his or her personnel records. A former employee may receive a copy by mail if he or she reimburses the district for actual postal expenses.

(4) If a former employee seeking to inspect his or her personnel records was terminated for a violation of law, or an employment-related policy, involving harassment or workplace violence, the district may comply with the request by doing one of the following: (a) making the personnel records available to the former employee for inspection at a location other than the workplace that is within a reasonable driving distance of the former employee's residence, or (b) providing a copy of the personnel records by mail.

(5) The right to inspect personnel files and records does not apply to records relating to the investigation of a possible criminal offense, letters of reference, or ratings, reports, or records that (a) were obtained prior to the employee's employment, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional exam.

(6) The right to inspect personnel files does not apply to an employee covered by a valid collective bargaining agreement if the agreement expressly provides for all of the following: (a) the wages, hours of work, and working conditions of employees, (b) a procedure for the inspection and copying of personnel records, (c) premium wage rates for all overtime hours worked, (d) a regular rate of pay of not less than 30 percent more than the state minimum wage rate.

(7) The district will give an employee or job applicant, upon request, a copy of any instrument that the employee or applicant has signed relating to the obtaining or holding of employment.

(8) The district will allow current and former employees to inspect or copy payroll records pertaining to that current or former employee. If the district receives a written or oral request from a current or former employee to inspect or copy his or her payroll records, the district will comply with the request within 21 calendar days from the date of the request.

(9) The district is required to keep accurate payroll records on each employee, and such records will be made readily available for inspection by the employee upon reasonable request.

(10) All employers in California must provide employees or their representative(s) access to accurate records of employee exposure to potentially toxic materials or harmful physical agents.

(11) Employment records may be subpoenaed from a current or former employer by a third party. If employment records are subpoenaed, the employee will be notified and he/she has the right to object to production of the records. [Res. 18-02]

## Article IV. Employee Conduct

### 2.05.240 Standards of conduct.

All actions of employees shall be governed by reasonable rules of conduct as set forth in this manual. The intent of these standards of conduct is to work toward the protection of the rights and safety of all employees and members of the public as well as to provide for the efficient operation of the district. The following is a nonexclusive list of the more common reasons or offenses for disciplinary action:

- (1) Action contrary to personnel rules and regulations of the district.
- (2) Inefficiency or incompetence.
- (3) Willful disobedience or insubordination.
- (4) Dishonesty.
- (5) Violation of the district's drug and alcohol policies.

(6) Possession and/or use of a firearm or other weapon on district premises, in a district vehicle, or while engaged in district business.

(7) Disorderly or illegal conduct which adversely affects job performance or fitness for his/her job.

- (8) Discourteous treatment of the public or fellow employees while on the job, which adversely affects job performance or fitness for his/her job.
- (9) Conviction of a felony, which adversely affects job performance or fitness for his/her job.
- (10) Absence without leave for three or more consecutive working days.
- (11) Neglect of duty.
- (12) Action incompatible with, or not in the best interest of public service, which adversely affects job performance or fitness for his/her job.
- (13) Failure to follow safe working practices or failure to report promptly any injury.
- (14) Theft or willfully destroying or damaging any property of the district, its customers, visitors or personnel.
- (15) Fighting with fellow employees.
- (16) Entering time on another employee's time card, or requesting another person to enter time on your time card.
- (17) Entering time in and out on a time card at times other than those authorized.
- (18) Discussing personal and/or personnel problems with customers at the workplace and/or during working hours.
- (19) Soliciting or accepting tips/gifts for district services.
- (20) Disclosing anything of a personal nature concerning a customer or employee unless the specific work duties require the giving or exchanging of such information.
- (21) Violation of federal, state or local laws.
- (22) Failing to exercise proper custodial responsibility of district keys or property.
- (23) Failure to notify your supervisor if you leave your job or premises during working hours.
- (24) Consuming food or beverages at unauthorized times or in unauthorized places.
- (25) Selling tickets or chances on pools or raffles, or gambling on district premises.
- (26) Unauthorized posting of notices or literature on district premises.
- (27) Soliciting, collecting funds and/or circulating literature of any nature on district property during working hours without the approval of the manager.
- (28) Conducting personal business on district time.
- (29) Using the district tools and equipment for personal matters.
- (30) Taking more than the specified time for meals or rest breaks.
- (31) Unauthorized attendance or participation in meetings or gatherings during working hours.
- (32) Altering, falsifying or making a willful misstatement of facts on any district record or chart, job or work record, or employment application.
- (33) Misrepresenting reasons when applying for a leave of absence or for other time off work.
- (34) Failure to withdraw from, or to report, outside activities or interests, which are covered by codes and laws that reflect a conflict of interest, which would detract from, or adversely affect, the interest of the district.
- (35) Unacceptable personal hygiene and grooming.
- (36) Sleeping on the job, intentional slowdown of work, intentional disruption of the work force, or loafing during working hours.
- (37) Scheduling off-duty time or vacation without the express consent of the supervisor.
- (38) To engage in any form of other employment during district working hours. [Res. 18-02]

#### **2.05.250 Conflict of interest/outside employment.**

It is the policy of the district that all employees should avoid any activity, practice, secondary employment, or action that has the potential for creating a conflict between one's personal interest and one's employment with the district. [Res. 18-02]

#### **2.05.260 Acceptance of gifts.**

As a general rule, all gifts to elected officials, officers, employees and family members from vendors, contractors and consultants are forbidden. Laws governing the acceptance and reporting of gifts are contained in the Political Reform Act found in the Government Code. Elected officials and designated employees required to file statements of economic interest should refer to the district's conflict of interest code on file at the district. Acceptance of plaques and commemorative mementos, of nominal value, or of value only to the recipient, is permissible. [Res. 18-02]

**2.05.270 Entertaining and acceptance of entertainment.**

Acceptance of meals, travel, lodging and entertainment from vendors, contractors and consultants is prohibited for elected officials, officers and employees or their immediate family. Elected officials, officers, and employees who must, for business purposes, dine and/or entertain vendors, contractors or consultants, shall do so at their own expense. Reimbursements of such expenses shall be subject to approval and shall be limited by the district's procedures for expense reimbursement. [Res. 18-02]

**2.05.280 Outside employment/incompatible activities.**

(1) No employee shall, directly or indirectly, give, offer, or promise anything of value to any representative of any organization in connection with any transaction or business the district may have with the organization.

(2) Officers and employees shall not engage in any employment or activity which is incompatible with his/her duties as an officer/employee of the district.

(3) Incompatible activities that involve the potential for conflict of loyalties between duties as an officer/employee of the district and the outside employment/activity include the following:

(a) Use of district time, facilities or the prestige and influence of his/her position for private gain.

(b) Performance of an act in other than his/her capacity as an officer/employee where such an act may later be subject, directly or indirectly, to the control or inspection of any other officer/employee of the district.

(c) Such time demands as would render performance of his/her duties as an officer/employee to be less efficient.

(d) Use/disclosure of confidential information for private gain or use/disclosure that is not for the purpose or interest of the district.

(4) Any officer/employee desiring to engage in outside employment or activity shall first obtain approval from the general manager. The officer/employee shall submit a statement naming the prospective employers or group and outlining the proposed duties and hours of work. Approval may be denied if, in the discretion of the general manager, such outside employment/activity is incom-

patible, pursuant to the factors set forth above, with the proper discharge of the officer's/employee's official duties. Said approval may be reconsidered and withdrawn at any time under the discretion of the general manager for the reasons and factors set forth above.

(5) In the event the general manager determines there has been a violation of this policy against incompatible activities, the officer/employee shall receive notice of the violation, proposed disciplinary action, and the right of appeal pursuant to the provisions of the conflict of interest code, this manual, and/or state law/regulation, whichever is applicable. [Res. 18-02]

**2.05.290 Unlawful discrimination and harassment policy.**

(1) The Twentynine Palms Water District is committed to providing a work environment free of unlawful discrimination, harassment, and retaliation against employees who report or complain of such unlawful behavior. District policy prohibits sexual harassment and harassment based on medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, marital status, age, sex (including gender identity, sexual orientation, and pregnancy), genetic information or any other basis of protected classes specified by federal, state or local law or ordinance or regulation. All such harassment is unlawful.

(2) The district's anti-harassment policy applies to all persons involved in the operation of the district, including management and co-workers.

(3) Sexual harassment is sexual behavior that is illegal, unwelcome, and personally offensive. Specifically, in regard to sexual harassment of employees, the regulations of the Fair Employment and Housing Commission of the state of California defines sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

(4) Prohibited unlawful harassment includes, but is not limited to, the following behavior:

(a) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, gestures, email, text messages, or social media.

(c) Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;

(d) Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for having reported or threatened to report harassment.

(5) If an employee believes he/she has been unlawfully harassed by another employee, the employee should tell him or her that the employee finds such behavior offensive, that such behavior is against the district's policy, and ask him or her to immediately stop the behavior. It is important to let fellow employees know when an employee considers such behavior offensive, as the district hires people from a variety of cultural and ethnic backgrounds, and that person may not realize that behavior he or she thinks is proper could be seen by others as offensive.

(6) If an employee believes that he/she has been unlawfully harassed, the employee should provide an oral or written complaint to his/her own or any other supervisor/manager or to the general manager as soon as possible after the incident. The complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. All incidents will be submitted to the general manager, who will promptly undertake an effective, thorough and objective investigation of the harassment allegations. If the general manager is the person accused of unlawful harassment, an appropriate replacement will be designated to undertake the investigation.

(7) If the district determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the district to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination. All parties concerned will be advised of the results of the investigation.

(8) All employees are encouraged to report any incidents of harassment immediately so that complaints can be quickly and fairly resolved.

(9) Employees should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. [Res. 18-02]

#### **2.05.300 Workplace violence.**

The district's policy is to promote a safe environment for our employees and the visiting public, and to work with our employees to maintain a work environment that is free from violence, harassment, intimidation, and other disruptive behavior. Violence or threats of violence in any form is unacceptable behavior. Violence in any form will not be tolerated and will be dealt with appropriately. Employees at all levels are encouraged to report threatening or intimidating behavior to the appropriate authorities. All claims of workplace violence will be investigated and immediate action will be taken to remedy the situation. [Res. 18-02]

#### **2.05.310 Drug and alcohol abuse policy.**

The district has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency and service to the public. Employees who are under the influence of alcohol or drugs on the job compromise the district's interests. They endanger their own health and safety, as well as the health and safety of others. In addition, they can cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, delays in the completion of jobs, and disruption of service to the public. The district is required to comply with the United States Department of Transportation (DOT) regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991.

Any employee is prohibited from engaging in the unlawful manufacture, distributing, dispensing, possession, use of or being under the influence of a controlled substance or alcohol on district premises, in district vehicles or while conducting district business off the premises. Violation of this policy

shall be grounds for disciplinary action, up to and including termination. All employees are required to abide by this policy.

Under the Drug Free Workplace Act, all district employees are required to notify the district of any criminal drug conviction for a violation occurring in the workplace or during a district-related activity or event no later than five days after the conviction. When required by federal law, the district will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

An employee shall notify his/her supervisor of his/her use of any drug prescribed by a physician which could affect the employee's work performance. For the purpose of applying this policy, being under the influence of drugs, alcohol and/or other controlled substances means being impaired in any way from fully and proficiently performing job duties and/or having a detectable amount of said substances in one's body.

The decision to discipline or terminate an employee found to have used and/or be under the influence of drugs, alcohol and/or other controlled substances during working hours may, in the discretion of the general manager, be held in abeyance pending said employee's attempt at rehabilitation. Discipline or termination that is waived or held in abeyance pending rehabilitation should be done on the condition, set forth in writing, that the employee successfully complete an approved rehabilitation program and faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings).

Desks, lockers and other storage areas are provided by the district for the convenience of the employee but always remain the property of the district. The district retains the right to inspect said items and areas at any time without prior notice.

In addition, the district reserves the right to require any employee to open a tool box, lunch box, lunch pail, parcel, package or purse. The employee's condition of employment and failure to cooperate shall be grounds for disciplinary action, including termination. Any employee who does not wish to have such items or areas inspected should not bring them onto district premises. [Res. 18-02]

### **2.05.320 Safety-sensitive employees required to have commercial driver's license.**

Employees in safety-sensitive positions who are required to maintain commercial driver's licenses of Class A, B or any license with a hazardous materials endorsement, shall be required to participate in the Federal Omnibus Transportation Employee Testing Act of 1991. This program is incorporated herein by name and reference. [Res. 18-02]

### **2.05.330 Drug and alcohol testing.**

Pursuant to DOT regulations, the district has implemented six types of drug and alcohol testing for employees assigned to safety-sensitive positions: (1) pre-employment (drug testing only); (2) reasonable suspicion; (3) post-accident; (4) random; (5) return-to-duty; and (6) follow-up.

(1) Pre-Employment. All applicants for driving positions must submit to urine drug tests. A covered employee/applicant is not required to submit to a urine drug test if: (1) the district can verify that the covered employee has participated in a valid drug testing program within the preceding 30 days; (2) while participating in that program, was either tested within the past six months or participated in a random selection program for the previous 12 months; and (3) no prior employer has knowledge that the covered employee violated any part of the regulations within the last six months.

(2) Reasonable Suspicion Testing. Reasonable suspicion for requiring a covered employee to submit to drug and/or alcohol testing shall be deemed to exist when a covered employee manifests physical or behavioral symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such conduct must be witnessed by at least one supervisor trained in compliance with current federal regulations. Should a supervisor observe such symptoms or reactions, the covered employee must submit to testing.

(3) Post-Accident Testing. The covered employee must submit to drug and alcohol testing any time he/she is involved in an accident where: (1) a fatality is involved; or (2) the covered employee receives a citation for a moving violation arising from the accident, and any party involved requires immediate treatment for an injury away from the accident scene, or if any vehicle involved incurs "disabling damage" (i.e., must be towed away). Following any accident, the covered employee must contact the district as soon as

possible. The covered employee will be presented with an information card setting forth certain instructions for post-accident drug and alcohol testing. The covered employee shall follow the instructions contained on the information card as well as any additional instructions from the district or its representatives.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. If no alcohol test can be made within eight hours, attempts to perform an alcohol test shall cease. If testing is not done, the reasons for not testing will be documented. If no urine collection can be obtained for purposes of post-accident drug testing within 32 hours, attempts to make such collection shall cease.

In the event that federal, state, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests may meet the requirements of this section, provided the tests conform to applicable federal, state, or local requirements. The district may request testing documentation from such agencies, and may ask the employee to sign a release allowing the district to obtain such test results.

In the event a covered employee is so seriously injured that the covered employee cannot provide a sample of urine, breath or saliva at the time of the accident, the covered employee must provide necessary authorization for the district to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the covered employee's system at the time of the accident.

(4) Random Testing. The District is required to conduct random drug and alcohol testing of covered employees. Random selection provides an equal chance for each covered employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The district will test, at a minimum, 50 percent of the average number of covered employee positions in the employer consortium in each calendar year or at a rate established by the DOT for a given year. The district will select, at a minimum, 50 percent of the average number of covered employees positions in the employer consortium in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection, by its very nature,

may result in covered employees being selected in successive selections or more than once per calendar year. Alternatively, some covered employees may not be selected in a calendar year.

If a covered employee is selected at random, for either drug or alcohol testing, a district official will notify the covered employee. Once notified, every action the covered employee takes must lead to a collection. If the covered employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test.

(5) Substance Abuse Evaluation, Return to Duty and Follow-up Testing. Any covered employee who engages in prohibited conduct shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals (SAPs). If the covered employee desires to become requalified, the covered employee must be evaluated by a SAP and must submit to any treatment the SAP prescribes. Following evaluation and treatment, if any, in order to become requalified, the covered employee must submit to and successfully complete a return-to-duty drug and/or alcohol test. Such covered employee may also be subject to follow-up testing. Follow-up testing is separate from and in addition to the district's reasonable suspicion, post-accident, and random testing procedures. The schedule for follow-up testing shall be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to 60 months following the covered employee's return to duty. No fewer than six tests shall be performed in the first 12 months of follow-up testing. The cost of any SAP evaluation or prescribed treatment shall be borne by the covered employee. [Res. 18-02]

#### **2.05.340 Other safety-sensitive employees.**

Other safety-sensitive employees include those who apply for promotion to, or are in, positions including, but not limited to, the operation of dangerous or heavy equipment and the handling of hazardous or otherwise dangerous materials. Such employees may be subject to reasonable suspicion, random and post-accident testing as described above. [Res. 18-02]

**2.05.350 Procedures for reasonable suspicion, random and post-accident testing.**

(1) Reasonable Suspicion Testing. An employee who may be under the influence of alcohol and/or drugs is observed by a supervisor. The employee will then immediately be suspended from duty (with pay) and driven by district staff (or others designated) to the district's specified laboratory.

At the laboratory, the employee will be required to submit a urine sample in the event drugs are suspected or a breath sample in the event alcohol intoxication is suspected.

The district will take precautions to prevent the employee from going back to work and driving their own car home. Instead, the employee will be given assistance in obtaining a ride home from the laboratory.

The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The employee whose confirmation test results indicate alcohol concentration of 0.04 or greater for alcohol will be subject to discipline, including termination.

The employee whose drug test results are verified negative will be reinstated. The employee whose drug test is verified positive will be subject to discipline, including termination.

(2) Random Testing. The district, or a designated laboratory service, randomly selects employees. The employees' supervisors send them to the laboratory.

At the laboratory, the employee will be required to submit a urine sample in the event that drugs are to be tested for, or a breath sample in the event alcohol is to be tested for.

The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The employee whose confirmation test results indi-

cate an alcohol concentration of 0.04 or greater for alcohol will be subject to discipline, including termination.

The employee whose drug test results are verified negative will be reinstated. The employee whose drug test is verified positive will be subject to discipline, including termination.

(3) Post-Accident Testing. The employee notifies a supervisor that an accident has occurred.

The supervisor determines that circumstances of the accident warrant a post-accident test when a citation was issued or bodily or property damage occurred. Thereafter, the supervisor directs the employee to immediately go to the district's designated laboratory.

The employee will be required to submit a urine sample for drugs and a breath sample for alcohol testing.

The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The employee whose confirmation test results indicate an alcohol concentration of 0.04 or greater for alcohol will be subject to discipline, including termination.

The employee whose drug test results are verified negative will be reinstated. The employee whose drug test is verified positive will be subject to discipline, including termination. [Res. 18-02]

**2.05.360 Electronic communications.**

Electronic communications, including cell phones, voice mail, email, computer systems and the internet, are property of the district and are to be used for business purposes only. The district may monitor its electronic communications for compliance with business use and to prevent unlawful and improper use. Employees do not have any personal privacy right relating to the use of the district's electronic communication devices and systems. [Res. 18-02]

## Article V. Compensation and Job Performance

### 2.05.370 Time clock/daily time sheets.

Each nonexempt employee is responsible for maintaining an accurate record of his/her time. Each nonexempt employee is required to utilize the time clocks and cards located in the district office and the O & M office and the treatment plant to clock in and out for beginning time, lunch period and end of day. These cards will be supplied weekly by the department manager.

A separate time sheet for actual time worked shall be prepared, detailing how the employee's time will be charged for accounting and job costing purposes, and will be turned in to the department manager at the end of each two-week payroll period.

In all cases, employees shall sign their time sheets and time cards. Department managers shall review the time sheets and cards for accuracy, sign and submit them to the finance department at the designated times.

Pay periods commence at 12:01 a.m. Sunday through midnight Saturday. Any overtime worked shall be indicated on the time sheet and initialed by the department manager at the time the overtime is worked.

Exempt employees are compensated on a salary basis as specified under the Fair Labor Standards Act (Department of Labor). Exempt employees shall prepare leave slips showing time off and the appropriate bank (e.g., vacation, sick leave) to be charged for that time off. [Res. 18-02]

### 2.05.380 Pay periods.

The pay period for all employees shall be biweekly (26 times a year) and shall incorporate two work weeks. Paychecks will be distributed biweekly on Wednesday following the end of the pay period. When the regular pay day falls on a holiday, paychecks will be distributed on the work day immediately preceding such holiday. Automatic deposits to financial institutions are made in accordance with this schedule.

Employees requesting payment of wages in advance of regular pay days as defined in this section shall submit written request to the general manager. Advancement of wages prior to a regular pay day is not a privilege which an employee may use at his/her discretion, but may be authorized by the general manager in his/her discretion.

Requests for advancement of wages may be submitted only once in any pay period, and frequent requests shall be grounds for denial of authorization. If an advancement of wages is authorized, the amount advanced will not exceed the wages accrued (excluding applicable deductions) by the employee to the date of said request. [Res. 18-02]

### 2.05.390 Mandatory and voluntary payroll deductions.

(1) On each biweekly payroll the following deductions and payments shall be made to the appropriate agencies: federal income taxes, state income taxes, the employee's share to CalPERS and to Social Security and Medicare and the state disability insurance program, as well as any court-mandated programs.

(2) An employee may authorize voluntary deductions from his/her salary for the following:

(a) Direct deposits of paychecks or portions thereof;

(b) Credit union;

(c) Life insurance;

(d) Deferred compensation;

(e) United Way;

(f) Pay back to Public Employee Retirement System (PERS);

(g) Union dues;

(h) Any other programs authorized from time to time by the district.

(3) Signed authorization forms for such deductions shall be filed in the employee's personnel files. [Res. 18-02]

### 2.05.400 Holiday pay.

On the day of a holiday, all regular work shall be suspended and employees shall receive one day's pay for each of the district-observed holidays. To be eligible for holiday pay, an employee must work a full shift both preceding and following the holiday, unless other arrangements have been made with the department manager prior to the holiday.

Nonexempt employees who are scheduled to work on a holiday will receive compensation at two times their regular hourly rate. To be eligible for holiday pay, an employee must work a full shift both preceding and following the holiday, unless other arrangements have been made with the department manager prior to the holiday.

If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time. [Res. 18-02]

#### **2.05.410 Stand-by and call-back.**

(1) Stand-by duties are defined as circumstances which require the employee so assigned to:

(a) Be ready to respond in a reasonable time to calls for his/her services.

(b) Be readily available at all hours to be contacted by telephone and/or mobile radio calls.

(c) Refrain from activities which might impair his/her assigned duties upon call.

(d) Stand-by duty begins at 7:00 a.m. on Wednesday and ends the following Wednesday at 6:59 a.m.

(2) The district will develop and maintain a stand-by list of operations and maintenance crew nonexempt employees who will be called sequentially for stand-by duty assignments. The district will assign an equipped vehicle to be used on all assignments to the stand-by employee during his/her stand-by assignment period.

(3) Employees assigned stand-by shall be additionally compensated with eight hours of vacation time for each full seven days of on-call duty performed.

(4) Call-back is defined as when nonexempt employee is unexpectedly required to return to duty because of unanticipated work requirements if notice to return is given to the employee following termination of his/her work shift and departure from his/her headquarters. Call-back shall be compensated at the employee's overtime rate for no less than one hour for each response, and reasonable travel time between home and the worksite shall be considered time worked for call-back purposes. [Res. 18-02]

#### **2.05.420 Overtime work for nonexempt employees.**

Overtime compensation of time and one-half will be paid for each hour of authorized overtime for nonexempt employees. Overtime is defined as time worked in excess of eight hours in a work day. Overtime pay shall be paid in accordance with the Fair Labor Standards Act.

(1) All overtime work must be authorized in advance by the general manager or the applicable department manager. Each department manager

shall be required to keep a record of actual hours of overtime worked by his/her employees, with justification for each instance.

(2) Except as provided in connection with vacation time for employees on stand-by, overtime work shall not be a basis for increasing vacation or sick benefits, nor shall it be a basis for advancing completion of required introductory periods or any salary adjustment.

(3) At times other than during regular hours of work, any time worked by an employee in emergency repair or emergency maintenance of facilities of the district shall be compensated at the overtime rate of pay.

(4) An employee using sick time, vacation time or any type of leave during a work week will not be eligible for overtime until that person has actually worked more than 40 hours for that week. [Res. 18-02]

#### **2.05.430 Reimbursement for use of personal vehicle.**

Use of personal vehicles shall not be authorized for the performance of district work if a suitable district vehicle is available and safely operational.

Qualified employees who are required to utilize vehicles as part of their employment shall be provided a district vehicle when at all possible. In those rare circumstances when a district vehicle is not available, and upon prior authorization by the general manager, an employee may use his/her personal vehicle in the performance of district work. In that circumstance, the employee shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service guidelines in effect at the time of said usage.

Proof of adequate insurance covering collision, personal injury and property damage shall be required to be on file with the general manager of any employee using a personal vehicle in the performance of district work. [Res. 18-02]

#### **2.05.440 Preparation of compensation plan.**

The general manager shall prepare a compensation plan covering all positions in the district showing the salary ranges and listing other forms of compensation which those positions receive. The board shall adopt the compensation plan as part of the district's budget each fiscal year.

Employees occupying a position in the district will be paid a wage within the salary range established for that position. Generally, the minimum rate for the position shall apply to the employee upon employment; however, a higher rate may apply if the applicant has exceptional qualifications which justify appointment at a higher rate and is approved by the general manager. [Res. 18-02]

#### **2.05.450 Performance evaluation.**

(1) The general manager will prescribe and implement a system of assessing the work performance of employees.

(a) Newly hired employees shall receive a performance evaluation no later than the six-month anniversary of hire, at 12 months after hire and annually in the month of July thereafter.

(b) After the one-year anniversary evaluation, all employees will receive a performance evaluation annually during the month of July.

(c) Promoted employees will receive a performance evaluation six months after the promotion date, 12 months after the promotion date and annually in the month of July thereafter.

(d) At least two weeks prior to the evaluation period, employees will be given a self-evaluation form to be completed and shared with his/her manager at the time of each performance evaluation. The self-evaluation will become part of the employee's personnel file after the evaluation discussion has taken place. The employee will receive a signed copy of the manager's performance evaluation, the original being placed in the employee's personnel file.

(e) A request for reconsideration of the evaluation may be made to the general manager or delivered to his/her office within five working days after the employee receives the evaluation. The general manager will confirm or modify the evaluation, his/her decision will be made in writing and delivered to the employee, and such decision shall be final, binding, and not subject to grievance.

(2) Performance evaluations shall be considered in granting merit increase, sustained performance increases, promotions, demotions, discharges or other disciplinary actions. [Res. 18-02]

#### **2.05.460 Merit increases and sustained performance compensation.**

(1) Full-time regular and introductory employees are eligible for merit increases. Full-time regular employees are eligible for sustained performance compensation.

(a) Regular employees shall be eligible for merit increase consideration in conjunction with their annual performance review. Approved merit increases will become effective with the first full pay period in August.

(b) Newly hired employees (introductory) shall be eligible for merit increase consideration upon completion of the introductory period in conjunction with their performance review. Approved merit increases will become effective with the first full pay period following the introductory period.

(2) Merit increases within the established salary ranges are not automatic, but will be granted based upon performance as determined during the employee's performance evaluation and approved by the general manager. Employees who receive an "Outstanding" performance rating shall receive a 4.5 percent increase; employees who receive a "Very Good" shall receive a 3.0 percent increase; and employees who receive a "Satisfactory" shall receive a 1.0 percent increase. An employee receiving less than a "Satisfactory" rating shall not be eligible for a merit increase.

(3) An employee who has remained at the highest salary rate for his/her position for at least a 12-month period shall be eligible for sustained performance compensation on August 1st of each year, contingent upon his/her performance evaluation received annually in July. This compensation will be a one-time payment based upon his/her performance evaluation in the following amounts:

(a) "Outstanding" rating – 4.5 percent of annual salary.

(b) "Very Good" rating – 3.0 percent of annual salary.

(c) "Satisfactory" rating – 1.0 percent of annual salary.

(4) If an employee receives a performance evaluation rating that would cause him/her to exceed the highest salary for his/her position, the employee shall be granted the salary increase that would make his/her compensation the highest salary for his/her position. In addition, the employee will receive a one-time payment of the difference between the appropriate sustained performance

compensation and the actual monetary value of the merit increase granted to reach the highest salary rate for his/her position.

(5) Promoted Employees. When an employee is promoted, he/she shall be granted a salary increase that will place the employee's salary rate within the salary range of the new position. The amount of the salary increase shall be a minimum of three percent of his/her salary at the time of promotion; provided, that such an increase will not place the employee at a rate that is higher than the salary range for the new position. If a three percent increase would place the employee's rate above the new salary range, then the employee shall be placed at the highest rate of the specified salary range for the new position.

(6) If a situation occurs which would cause the promoted employee to exceed the highest salary range for the position, the employee shall be granted sustained performance compensation in addition to the hourly increase to the top of their promoted salary range. The amount of the sustained performance compensation shall be the amount specified for their performance evaluation rating less the actual monetary value of the merit increase granted to reach the highest salary rate for their position.

(7) A merit increase may be granted to a promoted employee upon completion of six months in his/her new position; provided, that the employee has improved his/her work and is recommended for a merit increase by his/her manager through a performance evaluation which is approved by the general manager. The amount of the increase will be determined by the rating of "Satisfactory," "Very Good" or "Outstanding" received on the performance evaluation. An employee not receiving at least a "Satisfactory" rating will not be considered for a merit increase.

(8) On August 1st, following completion of the first six months in his/her new position, a promoted employee shall be eligible for consideration of a merit increase on the following August 1st. The increase shall be contingent upon the employee's performance evaluations as prepared by his/her manager, a recommendation for such an increase from the manager and final approval of the general manager.

(9) The amount of the increase will be determined by the rating of "Satisfactory," "Very Good" or "Outstanding" received on the perfor-

mance evaluation. An employee not receiving at least a "Satisfactory" rating will not be considered for a merit increase. Because the employee will have completed less than a 12-month period since his/her last consideration for a merit increase, the normal amount of any merit increase shall be prorated. The proration shall be based on the number of months since last consideration of a merit increase divided by 12 months; however, any such proration shall not result in a merit increase larger than would have been granted for a 12-month period.

(10) Each August 1st thereafter, the promoted employees shall be eligible for consideration of a merit increase, contingent upon the performance evaluation rating received annually in July, prepared by his/her manager, a recommendation for such an increase from the manager and final approval of the general manager. The amount of the increase will be determined by the rating of "Satisfactory," "Very Good" or "Outstanding" received on the performance evaluation. An employee not receiving at least a "Satisfactory" rating will not be considered for a merit increase. [Res. 18-02]

#### **2.05.470 Reclassification.**

Due to a change in job duties and/or responsibilities, the general manager may determine that in the best interest of the district, it is necessary to abolish positions and/or create new positions. In such situations, it shall be the general manager's discretion whether the affected employee(s) shall serve an introductory period as a result of the reclassification. [Res. 18-02]

#### **2.05.480 Demotion.**

(1) The general manager may demote an employee for any of the following reasons or conditions:

(a) When an employee's work performance falls below acceptable standards.

(b) For disciplinary reasons.

(c) When the need no longer exists for a position that an employee fills.

(d) When an employee requests such position and has the consent of both the current and prospective department managers.

(e) When an employee is promoted and does not pass his/her introduction period, the employee

will be afforded the opportunity to be demoted back to his/her previous position.

(2) Written notice of the demotion will be given to the employee no less than 10 working days before the effective date of the demotion. Under extenuating circumstances and upon approval of the general manager, an employee may be demoted to a new position and still retain his/her current salary level. [Res. 18-02]

#### **2.05.490 Termination pay.**

Employees leaving the district's employ involuntarily shall be paid upon termination. Employees leaving the district's employ voluntarily shall be paid no later than 72 hours after they quit, unless they have given 72 hours' previous notice of their intention to quit, in which case, the employees are entitled to their wages at the time of quitting. [Res. 18-02]

#### **2.05.500 Professional appearance.**

(1) The purpose of this policy is to establish specific guidelines regarding the appropriate professional appearance for district employees. These guidelines shall be consistently enforced on a districtwide basis.

(2) It is the policy of the Twentynine Palms Water District that:

(a) Employees are expected to maintain an appropriate and well-groomed personal appearance at all times.

(b) Employees should exercise good taste in choosing clothes appropriate for their work environment.

(c) While conducting district business, employees shall not wear any of the following: tube tops, tank tops, bare midriffs, halter tops, miniskirts (bottom of hemline greater than four inches above mid-knee), bathing suits, jeans, sweat shirts with writing that may be deemed political or offensive, sweatpants, leggings, torn clothing, or any other clothing deemed as unacceptable according to the district's professional standards.

(d) Upon prior approval by the appropriate department manager or general manager, jeans, tee-shirts and shorts may be worn for field work only.

(e) Appropriate items of apparel for employees who primarily work in an office area, or regularly deal with the public in a nonfield capacity, are: Shirts/sweaters and long pants; dresses; skirts

and blouses/sweaters; suits; socks, and shoes. Culottes are acceptable if they do not have the appearance of shorts.

(f) Field personnel are required to wear clothing as described in subsection (2)(e) of this section whenever they are working in a nonfield capacity. Some situations where such attire would be appropriate include: serving on an interview panel; representing the district in court; attending classes, seminars, meetings, etc.

(g) Employees who are required to wear uniforms shall maintain a neat and clean appearance at all times. Complete uniforms shall be worn while on district time, unless prior approval from the appropriate department or division head is obtained. Torn garments shall not be worn, and shall be replaced as soon as possible.

(h) Safety articles and protective clothing must be worn consistently as required by the position. Although not inclusive, some safety articles include: respirators, eye goggles, earplugs, hard hats, safety vests and gloves. Failure to wear prescribed personal protective equipment may result in disciplinary action, up to and including termination. [Res. 18-02]

#### **2.05.510 Continued training and development.**

(1) Employees successfully completing district-approved water-related certification may receive one-time compensation for each certificate as follows:

Water Distribution:	Level I – \$100
	Level II – \$200
	Level III – \$300
	Level IV – \$400

Water Treatment:	Level I – \$100
	Level II – \$200
	Level III – \$300
	Level IV – \$400

Cross-Connection Control:	Specialist – \$200
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(2) If the certification is not in the employee's current job description, the employee must obtain the general manager's permission if reimbursement and certification compensation will be sought. Employees of the district are encouraged to pursue other educational opportunities which are related to their present work or which may prepare

them for foreseeable future opportunities within the district. Under certain circumstances employees may be eligible for reimbursement of the cost of classes.

(3) To be eligible for reimbursement of course costs, the employee must receive advance approval for the class(es) from the general manager. Request for reimbursement must be submitted in writing on an educational assistance request at least 10 working days before the start of the course. The employee will be notified of final approval, or the reasons for disapproval.

(4) Those requests for reimbursement which are received after the class begins will be eligible for only one-half of the usual reimbursement upon approval for the class(es) by the general manager. Reimbursement to full-time employees for approved classes will be based on the following criteria:

(a) Eligible expenses are tuition, registration, parking, laboratory/materials fees and books.

(b) Reimbursement shall be made to the employee upon completion of the course with minimum final grade of "C" or its equivalent. For graduate coursework, a grade acceptable for credit to the institution must be earned.

(c) No employee will be reimbursed for expenses totaling less than \$5.00 per semester or quarter, whichever is applicable.

(d) Funds received from outside sources such as scholarship grants or veterans' educational benefits must be applied toward the cost of the course before the district's reimbursement is applied.

(e) Under this program, all funds received by an employee, within a six-month period prior to the date of voluntary termination of employment with the district, shall be deducted from the employee's final paycheck.

(5) Upon completion of the class(es) the employee is responsible for sending copies of the grade report(s) and evidence of fees paid to the general manager.

(6) Upon approval of the general manager, employees may be permitted to attend conferences/training sessions that provide a benefit to the district, and costs associated with those conferences/training sessions will be paid by the district.

(7) If participation in a class or training session other than those certifications required by the employee's job description is requested by the gen-

eral manager, and accepted by the employee, the district will prepay tuition and materials. [Res. 18-02]

#### **2.05.520 Disciplinary procedures.**

An introductory employee serving an introductory period may be dismissed, or otherwise removed from his/her position, any time during the introductory period without the right to due process or hearing procedures and with or without cause.

Disciplinary procedures for represented employees shall be consistent and in accordance with the existing collectively bargained agreements between the district-recognized employee organizations for represented employees. [Res. 18-02]

### **Article VI. Benefits and Employee Programs**

#### **2.05.530 Medical insurance.**

Health insurance to cover nonoccupational injuries and sickness is offered by the district through its participation in the Association of California Water Agencies Benefits Program for full-time employees and their dependents.

Employees will be eligible for coverage after completing one full calendar month of employment. The scope of coverage and the payment of premiums are subject to periodic review and revision by the board of directors for at-will employees and subject to meet-and-confer between the district and the recognized employee organization for positions covered in a memorandum of understanding.

The district pays 100 percent of the monthly premium for the employee and 70 percent of the premium for all qualified dependents (until age 26, and adult disabled dependents who are incapable of self-sustaining support due to a disability that occurred prior to reaching the limiting age of 26) of the active employee, with 30 percent of dependent coverage paid by the employee. [Res. 18-02]

#### **2.05.540 Dental insurance.**

Dental insurance is provided for all full-time employees and their enrolled dependents. The insurance commences after completing two full calendar months of continuous employment.

The plan provides for preventative treatment and dental care with an annual deductible of \$25.00/member or \$50.00/family. The district pays

100 percent of the monthly premium for all employees and enrolled qualified dependents (until age 26, and adult disabled dependents who are incapable of self-sustaining support due to a disability that occurred prior to reaching the limiting age of 26). [Res. 18-02]

#### **2.05.550 Vision care benefit.**

The district provides a vision care benefit plan to all full-time employees. Insurance will commence on the first of the month after completing two complete calendar months of continuous employment. The district pays 100 percent of the monthly premium for the employee and all qualified dependents (until age 26, and adult disabled dependents who are incapable of self-sustaining support due to a disability that occurred prior to reaching the limiting age of 26). [Res. 18-02]

#### **2.05.560 Life insurance.**

The district provides group life insurance to regular full-time employees. The benefit is two times the employee's annual rate of pay up to \$150,000. Coverage will commence on the first of month after completing two months of continuous employment. The district pays 100 percent of basic life, and the employee may apply to purchase supplemental life for the same amount of coverage. [Res. 18-02]

#### **2.05.570 Retirement benefits.**

(1) California Public Employees Retirement System (CalPERS). The district offers to its eligible employees a retirement plan under CalPERS. Due to changes in the law, effective January 1, 2013, (PEPRA), the district has two tiers of employees:

(a) Tier 1 – Three Percent at 60. Those employed before January 1, 2013, and those new employees eligible due to carryover within six months (as provided by PEPRA). This formula provides to local miscellaneous members three percent of pay at age 60 for each year of service credited with that employer. For members who retire earlier, the percentage is reduced. The period for determining the average monthly pay rate when calculating retirement benefits would be for the 36 highest paid consecutive months. See CalPERS booklet or website.

(b) Tier 2 – Two Percent at 62. Those employed on January 1, 2013, and after. This for-

mula provides local miscellaneous members two percent of pay at age 62 for each year of service credited with that employer. For members that retire earlier, the percentage is reduced. The period for determining the average monthly pay rate when calculating retirement benefits would be for the 36 highest paid consecutive months (three years). See CalPERS booklet or website.

(2) Persons Eligible. Regular full-time employees, part-time employees reaching minimum hour requirement (30 hours per week), and employees already CalPERS members.

(3) Waiting Period. Eligible from the first day of employment.

(4) Employee Contribution (for 2016). Tier 1: Employee contribution is up to eight percent of salary. Tier 2: Employee contribution of 6.25 percent of regular bi-weekly earnings.

(5) Employer Contribution (for 2016). Tier 1: The district contribution is 11.995 percent of salary. Tier 2: The district contribution is 6.666 percent of salary.

(6) Vesting Provisions. Employees become vested after completion of five years of public service with agencies that participate in CalPERS. Vesting means funds may be left on deposit for future retirement. If an employee leaves the district and wishes to withdraw his/her contributions, the employee may request a refund from CalPERS. The employer contributions are only paid upon retirement.

(7) Provided, employees will be eligible to retire after five years of service credit and attaining age 50 (Tier 1) or age 52 (Tier 2). There is no mandatory retirement age.

(8) Important Note: Your retirement date can be any date you choose; however, the amount of the monthly allowance can be affected. Your age determines your benefit factor used in the retirement formula. So, you may decide to retire on your birthday or at a completed quarter year of age to increase the benefit factor. CalPERS will calculate the retirement benefits based on three factors: (1) years of service, (2) a percentage factor determined by your age at retirement, and (3) the final average monthly pay rate for the highest 36 consecutive months of work.

(9) CalPERS Options. The district contract includes several options and benefits for its employees. For more detailed information, refer to the "CalPERS" website. [Res. 18-02]

**2.05.580 Salary cap.**

The Public Employee Pension Reform Act (PEPRA) of 2013 included compensation limits for CalPERS retirement salary calculations (GC 7522.10). For any employee hired after January 1, 2013, the salary cap provided for the current year will be utilized (for 2015 the cap is \$140,424). For any employee hired after 1996 and before 2013, there is also a cap (for 2015 the cap is \$260,000). For anyone hired before 1996, there is no cap.

Important Note: Employees nearing retirement are urged to avail themselves of the retirement pre-counseling and planning available to them by CalPERS. CalPERS requires at least 90 days' notice in advance of planned retirement (as does Social Security for any previous services). However, the district strongly urges employees anticipating retirement to make their inquiries at least six months to one year in advance to avoid any unnecessary delays. [Res. 18-02]

**2.05.590 Social Security.**

All employees are covered by Social Security and Medicare. Both the employees and the district pay a tax for these programs which is established by formulas relative to the national Consumer Price Index (CPI) annually. For 2018, the rates are 12.40 percent and 2.90 percent of total wages paid for Social Security and Medicare, respectively. The tax rates are shared 50/50 between the district and employees. [Res. 18-02]

**2.05.600 Retiree health plan.**

For employees who retire from the district (after June 1, 2013), the District will pay 90 percent of monthly premiums for retirees; provided, that they (a) retired from CalPERS, (b) retirement age will be no more than 10 years prior to the age that the employee becomes eligible for Medicare and/or Medi-Cal benefits, and (c) have at least 10 years of service with the district. The district will contribute 90 percent of the monthly medical premiums for retirees, and 70 percent of the monthly medical premiums for the retiree's spouse. The retiree is responsible for paying the balance of the premium. To be eligible for this benefit the retiree's spouse must have been enrolled in the medical plan for a minimum of 24 months prior to the employee's retirement.

If after an employee retires, the eligibility age for that retired employee to participate in Medicare and/or Medi-Cal benefits changes, that retired employee will not lose his/her retirement benefits as a result of any such change and he/she will continue to receive retirement medical benefits until he/she becomes eligible for Medicare and/or Medi-Cal. Such premium contributions will cease once he/she qualifies for Medicare and/or Medi-Cal. If a retiree does not elect to participate during open enrollment, elects to discontinue participation or is dropped due to nonpayment of their remaining monthly balance, he/she shall not be able to participate in the future. Unless the retiree relocates to a non-HMO service area, he/she shall not be able to switch from the elected plan during the open enrollment period prior to retirement. [Res. 18-02]

**2.05.610 Deferred compensation.**

Immediately upon employment, all eligible employees may voluntarily participate in the deferred compensation plan(s) offered by the district. Participation in these programs allows an employee to set aside a portion of his/her wages prior to federal and state tax computations. The general manager has full details of the available plans. [Res. 18-02]

**2.05.620 Workers' compensation.**

(1) All employees are covered under the California workers' compensation statute for injuries or illnesses arising out of district employment. For medical conditions that exist prior to employment, if an employee believes work has exacerbated the condition, a medical evaluation will be conducted to determine if work has aggravated his/her injury.

(2) Employees are covered for injuries sustained while on the job, but not traveling to and from work in a vehicle other than that furnished by the district. Nor are they covered for conditions caused by any unauthorized or forbidden activities while working. Horseplay is prohibited and therefore injuries arising from such activities are beyond the scope of workers' compensation coverage.

(3) Benefit rates are determined by the State Division of Workers' Compensation and formulas for computing benefits are found in the California Labor Code.

(4) An employee must notify the district within 30 days of an occurrence of an injury. The employee will be provided with a claim form

within one day after the district has knowledge of an injury. Once the claim form is filed with the district, the matter will be investigated and a medical evaluation will determine the cause of injury and any appropriate treatment.

(5) If an employee desires his/her personal physician to treat for job-related injuries/illnesses, he/she must obtain approval by having the physician sign a pre-designated physician form furnished by the district.

(6) The Labor Code prohibits discrimination against employees for the following:

(a) Filing a workers' compensation application;

(b) Making known the intention to file an application with the Workers' Compensation Appeals Board;

(c) The receipt of a rating, award or settlement;

(d) Giving testimony in a workers' compensation case. [Res. 18-02]

#### **2.05.630 Consolidated Omnibus Budget Reconciliation Act (COBRA).**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their families who lose their medical insurance benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to 102 percent of the cost to the plan.

COBRA requires continuation coverage to be offered to covered employees, their spouses, former spouses, and dependent children when group health coverage would otherwise be lost due to certain specific events.

Note: If you become entitled to elect COBRA continuation coverage when you otherwise would lose group health coverage under a group health plan, you should consider all options you may have to get other health coverage before you make your decision. There may be more affordable or more generous coverage options for you and your family through other group health plan coverage (such as a spouse's plan), the health insurance marketplace, or Medicaid.

You must request special enrollment within 30 days from the loss of your job-based coverage. If you are entitled to elect COBRA coverage, you will be given an election period of at least 60 days (starting on the later of the date you are furnished the election notice or the date you would lose coverage) to choose whether or not to elect continuation coverage.

To be eligible for COBRA coverage, you must have been enrolled in your employer's health plan when you worked and the health plan must continue to be in effect for active employees. [Res. 18-02]

#### **2.05.640 Direct deposit.**

Employee's pay checks are automatically deposited to the banking institution of their choice. Signed forms for designating deposits shall be maintained in the employees' files. [Res. 18-02]

### **Article VII. Leave**

#### **2.05.650 Holidays.**

(1) The following days shall be recognized and observed as paid holidays:

(a) New Year's Day – January 1st.

(b) Martin Luther King, Jr.'s Birthday – third Monday in January.

(c) Presidents' Day – third Monday in February.

(d) Memorial Day – last Monday in May.

(e) Independence Day – July 4th.

(f) Labor Day – first Monday in September.

(g) Veterans' Day – November 11th.

(h) Thanksgiving Day – fourth Thursday in November.

(i) Day after Thanksgiving – fourth Friday in November.

(j) Christmas Eve – December 24th.

(k) Christmas Day – December 25th.

(l) New Year's Eve – December 31st.

(2) When a holiday falls on Saturday, the preceding Friday will be observed as the holiday. When a holiday falls on Sunday, the following Monday will be observed as the holiday. [Res. 18-02]

**2.05.660 Vacation.**

(1) This policy shall only apply to full-time employees. Paid vacation leave shall be accrued on an annual basis according to the following schedule:

- (a) During the first year of continuous work, four hours per month;
- (b) Second through third year of service, eight hours per month;
- (c) Fourth through fourteenth years of service, 12 hours per month;
- (d) After fifteenth year anniversary, 16 hours per month.

(2) Employees may take vacation time after it is earned; there will be no advancement of vacation time. Vacation time may be accumulated. The total accumulated vacation time shall not exceed that amount earned by the employee in two years, not to exceed a maximum of 24 days (192 hours) per year, or 48 days (384 hours) in a two-year period. The employee will be required to accept compensation in lieu of vacation for the vacation time accrued in excess of the maximum in January of each year.

(3) Upon termination of employment for any reason, the district shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.

(4) An employee shall not accrue vacation time during any unpaid leave.

(5) An employee may elect to take vacation time in case of extended illness where sick time has been fully used, upon approval of the general manager.

(6) If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

(7) All employees are encouraged to utilize their accrued vacation each year to allow employees a time of rest and recreation in order that he/she may return to the work place physically and mentally refreshed. It is required that all employees take at least 32 hours of vacation annually. The number of employees on vacation in a particular department at any given time shall be at the discretion of the department manager.

(8) If an employee becomes ill or injured while on vacation time, that portion may be charged to sick time with approval of the general manager;

provided, that a doctor's certificate is submitted confirming the illness/injury and the time period of the illness/injury.

(9) Employees' consideration of work schedules in requesting vacation time is expected. Vacation time may be taken in increments of no less than two hours. Vacation time must be requested no later than the work day prior to the requested vacation time. The department manager has full discretion in granting or denying vacation time requests based on the work load and scheduling requirements.

(10) Vacation time may not be used for unexcused absences.

(11) An employee may be granted compensation in lieu of vacation, over the 32 contiguous hours required to be taken, with the approval of the general manager. Such compensation may be given only once per calendar year, unless required by the district. The compensated days will be deducted from the employee's vacation accrual. The request must be provided in writing, verified and submitted to the general manager for approval. [Res. 18-02]

**2.05.670 Sick time.**

(1) Sick time is defined as absence from work due to illness, nonindustrial injury, or quarantine. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick time; provided, that prior notice is supplied to the department manager.

(2) Full-time employees shall earn sick time at the rate of eight hours per month. Part-time employees earn sick time on a prorated basis.

(3) Sick time is not a privilege which an employee may use at his/her discretion, but shall be allowed only for diagnosis, care or treatment of an existing health condition of or preventive care for the employee or employee's immediate family. "Immediate family" is defined as being spouse, registered domestic partner, parents, children (biological, adopted, foster child, stepchild, legal ward or child to whom employee stands in loco parentis), brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law or any other person who is a legal dependent of the employee. Additionally, in California, paid sick leave may be used for an employee who is a victim of domestic violence, sexual assault or stalking.

(4) In order to receive compensation while on sick time, the employee shall speak directly to his/her supervisor prior to or within 30 minutes of the time for beginning the regular work day, if possible. Failure to personally notify his/her supervisor or another supervisor may result in the time being taken without pay.

(5) Sick time may not be used for unexcused absences.

(6) If absence from duty by reason of illness occurs in excess of four consecutive working days, satisfactory evidence, such as a doctor's certificate, may be required by the department manager or general manager. If said certificate is not presented upon the request of the department manager or general manager, the entire period of said time shall be without pay. The general manager has the authority to request such a certificate, regardless of the length of time of absence.

(7) The use of sick time in a manner inconsistent with this policy is not permitted. Misuse of sick time shall be grounds for disciplinary action up to and including termination. Examples of such abuses include, but are not limited to, the following:

(a) Use of more than 12 days per year of sick time unless reasonably satisfactory evidence of extenuating circumstances is presented to the supervisor or the general manager.

(b) Excessive occurrences in use of time; i.e., sick time taken in frequent, small increments unless reasonably satisfactory evidence of extenuating circumstances exist and use of time is approved by the general manager.

(c) Failure to provide satisfactory evidence of absence, such as a doctor's certificate, when requested.

(d) Chronic occurrences in use of time that can be construed as an intentional extension of a holiday or weekend break unless extenuating circumstances or satisfactory evidence exists to substantiate such leave.

(8) Unused sick time may, at the discretion of the general manager, be "bought back" by the district for each hour accrued. Said buyback shall be limited only to time over and above 40 hours of accrued sick time. Unused sick time balance accrued through the end of the last payroll in November of each year will be considered for buyback if the employee has been employed during the entire preceding 12-month period. This payment

shall be made in December. The number of hours for which payment is received for buyback shall be deducted from the accrued balance.

(9) This plan is voluntary. Resignation, termination or discontinuance of employment from the district for any reason shall result in loss of all accrued sick time. However, when an employee retires from the district, credit of 0.004 hour per eight hours of unused sick leave will be provided under the CalPERS agreement. [Res. 18-02]

#### **2.05.680 Bereavement leave.**

This policy shall apply only to introductory and full-time employees. In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three days. This is in addition to regular sick time and vacation time. Certification may be required by the general manager.

"Immediate family" is defined as being spouse, domestic partner, parents, children, children of domestic partners, foster or stepchildren, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law or any other person who is a legal dependent of the employee. [Res. 18-02]

#### **2.05.690 Child-related activities leave.**

A parent may take up to 40 hours per year for child-related activities if the parent has one or more children attending kindergarten, grades 1 to 12, or a licensed child care provider. Child-related activities include finding, enrolling or reenrolling a child in a school or with a licensed child care provider. Leave may be taken to address a child care provider or school emergency, behavior/discipline problems, closure or unexpected availability of the school or a natural disaster. "Parent" is defined as parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to, a child. Employees must use vacation or other personal leave. Employees must provide reasonable notice to their supervisor of the need for such child-related activities leave. [Res. 18-02]

#### **2.05.700 Catastrophic leave.**

Employees may contribute a portion of their accrued sick leave to another employee when such employee has suffered a catastrophic injury or illness. For such contribution to take place the following conditions shall apply:

(1) The contributing employee must have at least 40 hours remaining after the contribution and the sick leave application. The contribution will be based on the contributing employee's dollar value which will be adjusted proportionally to the receiving employee's rate.

(2) The receiving employee has exhausted all sick leave and compensatory time.

(3) The contributions are irrevocable and will be distinguishable from other sick leave used by the contributing employee. [Res. 18-02]

#### **2.05.710 Personal leave.**

Employees may use up to three days per calendar year of accrued sick time for personal leave. Such leave may be taken in minimum increments of one hour, and may be used to attend to personal and family matters. When the need for such leave is foreseeable, the employee must provide his/her supervisor with at least three working days' advance notice. In all other situations, the employee must provide notice of the need for leave as soon as possible. Unused personal leave days may not be carried over from year to year. [Res. 18-02]

#### **2.05.720 Jury duty.**

This policy shall only apply to introductory and full-time employees. Part-time employees will receive prorated pay for jury duty consistent with the policy below.

An employee summoned for jury duty or summoned to testify before the court shall notify his/her department manager upon receipt of notice to appear, in no event less than five days before the commencement of such duty. While serving on duty, he/she will be given a paid leave of absence for the duration of said duty upon written confirmation of attendance from the court. Said paid leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday. Said leave is also conditional upon the employee's conveyance to the district.

Employees shall notify his/her department manager at least five working days prior to the date said jury duty is scheduled to commence.

Employees who are called as witnesses arising out of and in the course of their district employment are deemed to be on duty and there shall be no loss of wages.

Mileage fees may be retained by the employee, but any jury or witness fees received must be turned in to the district so as to ensure that the employee is not compensated at a rate higher than 100 percent of his/her standard wage. [Res. 18-02]

#### **2.05.730 Uniformed Services Employment and Reemployment Rights Act (USERRA).**

Military leave will be granted in accordance with the provisions of state and federal law. If possible, advance notice shall be given to the department manager concerning the time frames required for military leave.

Military leave can be used as time off without pay or as vacation time, but the district will not reimburse the individual his/her normal salary while on military leave unless vacation time is utilized. If under military orders, the employee's position will be maintained for him/her up to a 24-month period, although the district may fill it on a temporary basis, if needed.

Leave taken without pay does not allow the employee to continue accruing vacation time, sick time, and other additional benefits that full-time regular status employees would receive. [Res. 18-02]

#### **2.05.740 Authorized leave related to health and caregiving.**

(1) Family and Medical Leave and California Family Rights Acts.

(a) This policy applies to all eligible district employees, full- or part-time, in regular or temporary status.

(b) In accordance with the Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1992 (CFRA), the district will provide eligible employees up to 12 weeks' leave in a 12-month period of unpaid family and medical leave for any of the following qualifying reasons (notably, some of the below-mentioned reasons only qualify under FMLA or CFRA, not both):

(i) The birth of a child or care for the newborn child;

(ii) Placement (with the employee) of a child for adoption or foster care;

(iii) Care for an immediate family member of employee (i.e., spouse, registered domestic

partner, child or parent) with a serious health condition;

(iv) A serious health condition that makes the employee unable to perform the functions of the employee's job; and

(v) A qualified exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty (FMLA only).

(c) To qualify to take family and/or medical leave under this policy, the employee must meet all of the following conditions:

(i) Any employee (including temporary, part-time, seasonal, etc.) who has worked for the district for 12 months or 52 weeks is eligible for time off under this policy. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee was on leave during the week.

(ii) The qualified employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

(2) Employee Rights and Benefits for FMLA/CFRA. Any district employee who is given time off due to an FMLA/CFRA qualifying reason is subject to the following rights and protection:

(a) Retention of employment status (e.g., position, seniority, benefits) with the district during the period of approved time off;

(b) Reinstatement to the same or equivalent position after the 12-week period of time off is concluded;

(c) Group health plan coverage during the 12-week period, if currently enrolled;

(d) Entitlement to continuation of group health benefit plan benefits under the Consolidated Omnibus Reconciliation Act (COBRA) of 1986; and

(e) Protection against unlawful discharge or discrimination.

(3) Qualifying Exigency Leave. An eligible employee may take up to a total of 12 work weeks of unpaid leave during the normal 12-month period for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call of order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the regular Armed Forces.

(4) Interrelationship of FMLA/CFRA with Workers' Compensation, Short- and Long-Term Disability, and Catastrophic Leave Time Bank.

(a) To the maximum extent permitted by law, any time off work in excess of 40 hours granted to district employees under programs such as short- and long-term disability, workers' compensation, absence without pay, catastrophic leave time banks, or any other time off work for FMLA/CFRA qualifying reasons must be designated FMLA/CFRA to run concurrently with the FMLA/CFRA provisions. This time shall be credited against the 12-week limit contained in this FMLA/CFRA leave policy.

(b) The total maximum district contribution for the employee health insurance premium under FMLA and CFRA is 12 weeks. FMLA/CFRA starts the first day of an employee's time off of work due to a FMLA/CFRA qualifying reason.

(c) Exception. Pregnancy-related disability cannot be designated as CFRA leave. If an employee is disabled, she is entitled to pregnancy disability leave up to a maximum of four months. The first 12 weeks of pregnancy disability leave can run concurrently with FMLA. Once an employee is no longer disabled, she is entitled to 12 weeks of leave under CFRA to bond with the newborn.

(5) Paid and Unpaid Time Off Work for FMLA/CFRA. An employee on approved FMLA/CFRA time off work is required to use all of his/her accrued paid leave balances, with the exception of compensatory time off, for a FMLA/CFRA qualifying reason (except when FMLA/CFRA time off is running concurrently with workers' compensation leave).

**(6) Use of Paid Leave.**

(a) **Vacation.** An employee, who is given time off work due to a CFRA qualifying reason, is required to use his/her accrued vacation or other accumulated paid leave (other than sick leave, unless the leave is required for the employee's own serious health condition). Under FMLA, employees may use vacation leave accruals to receive compensation during an otherwise unpaid portion of her pregnancy disability leave. The employee is not required to use vacation leave or other accrued time off during pregnancy disability leave.

(b) **Sick Leave.** Under FMLA, the use of accrued sick leave is required during any unpaid portion of pregnancy disability leave (PDL). An employee may combine up to 45 percent of sick leave time with 55 percent of PFL to receive 100 percent of wages while on leave, and the district shall notify the EDD that only 45 percent of wages are being paid to the employee. Employees paid in excess of 45 percent of their wages will have their PFL benefits reduced, so as not to exceed 100 percent.

If a CFRA leave is for an employee's own serious health condition the employee is required to use sick leave.

(c) **Military FMLA Leave.** An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the district's sick leave policy) prior to being eligible for unpaid leave.

Any holiday(s) occurring during a period of FMLA/CFRA time off work do not entitle an employee to an additional day(s) of FMLA/CFRA time off work.

**(7) Employee Responsibility to Comply with FMLA/CFRA Requirements.**

(a) An employee is responsible to comply with the following requirements when taking time off due to an FMLA/CFRA qualifying reason:

(i) Submission of an advance notice for FMLA/CFRA time off;

(ii) Provision of a certificate by a health care provider when FMLA/CFRA time off work is taken due to the employee's own or the employee's immediate family members' serious health condition;

(iii) Provision of a periodic status report of the employee's condition qualifying for the FMLA/CFRA time off work and notice of the employee's intention of return to work at the conclusion of the approved leave; and

(iv) Provision of a health care provider's release verifying the employee's ability to return to work from medical leave (if the leave taken is due to the employee's own serious health condition).

(b) Any time off work for the FMLA/CFRA qualifying reason must be designated FMLA/CFRA by the district, even if it is not of benefit to the employee. This similarly applies even if the employee's leave is substituted with another paid leave, such as vacation or sick leave.

(c) If the 30 days' notice is not practicable, due to a lack of knowledge of when the time off will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as possible. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

**(8) Designation of Retroactive FMLA/CFRA.**

(a) In the event the employee has not advised the district that a particular leave/time off was for a FMLA/CFRA qualifying reason, the district has two working days after the employee's return to work, to assign the designation of retroactive FMLA/CFRA for the time off work and to notify the employee of the designation.

(b) In the event the employee actually requests retroactive FMLA/CFRA, the district, after acquiring knowledge that the employee's time off was for a FMLA/CFRA qualifying reason, will designate the time off work as FMLA/CFRA during the first two work days following the employee's date of return to work. The employee will be notified of the FMLA/CFRA designation.

**(9) Certification of Qualifying Exigency for Military Family Leave.**

(a) An appropriate certification of the qualifying exigency for military family leave be provided. The leave for a qualifying exigency request will be supported by a copy of the covered military member's active duty orders and the certification shall provide the appropriate facts related to the qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

(b) Leaves to care for a covered service member with a serious injury or illness shall be

supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA). This certification will be provided using the DOL certification of qualifying exigency for military family leave.

(c) The district reserves the right to clarify and verify medical certification information provided by a health care provider to clarify and authenticate the medical certification.

(10) Employee Reinstatement Rights. The district will restore an employee to the same position (classification) or an equivalent position after the 12-week leave concludes. An equivalent position is virtually identical to the employee's former position in terms of pay, benefits and working conditions. Exceptions to the reinstatement right include: elimination of position, key employee exemption, and lack of release to return to work.

(11) Right of Delay or Refusal of Reinstatement Under FMLA/CFRA. Under the provisions of FMLA/CFRA, any district employee may be refused reinstatement to his/her position for any of the following reasons:

- (a) Lack of medical release to return to work.
- (b) Layoff of position during FMLA/CFRA time off.

(c) Key Employee. A "key employee" is a salaried FMLA/CFRA-eligible district employee who is among the highest paid 10 percent of all district employees.

(12) Employment Status during Unpaid FMLA/CFRA. An employee who is on approved unpaid FMLA/CFRA time off work will retain his/her employment status with the district during the period of FMLA/CFRA leave. An unpaid FMLA/CFRA leave period will not be credited as service hours for seniority (i.e., employees are not entitled to accrue any additional benefits or seniority during unpaid FMLA/CFRA leave, but will not lose any benefits or seniority accrued prior to the leave). Merit step increases (salary increases) which are based on length of service and performance will be delayed for any employee on an unpaid FMLA/CFRA leave. Salary increases resulting from the negotiation process will not be affected by FMLA/CFRA leave.

(13) FMLA/CFRA Entitlement and Pregnancy Disability Leave (PDL).

(a) An employee who is on pregnancy-related disability leave is entitled to an additional

12 weeks of time off under the California Family Rights Act (CFRA) of 1992. In all cases, the maximum time per year the district is required to pay the district's portion of health insurance premiums for an employee off work due to an FMLA/CFRA reason is 12 weeks.

(b) In all cases, except time off work due to pregnancy-related disability, FMLA runs concurrently with CFRA.

(c) In California, an employee who is disabled due to pregnancy is entitled to a maximum of four months off work while disabled. During the time an employee is disabled due to pregnancy, she is entitled to FMLA, but not CFRA. Once an employee is no longer disabled due to pregnancy, she then is entitled to CFRA; this results in additional protected time under CFRA for bonding with her newborn. This exception may result in FMLA and CFRA running concurrently for some portion of an employee's time off work for pregnancy, if the employee is disabled for less than 12 weeks.

(i) Example: If an eligible employee is disabled due to pregnancy (PDL), the maximum time off is four months; at the end of the four months the employee could request, and will be granted, an additional 12 weeks of CFRA time for bonding with her baby. This would result in a maximum time off of approximately seven months.

(d) FMLA/CFRA bonding time must be taken within one year of the birth or placement of the adopted/foster child. Both male and female employees are entitled to FMLA/CFRA time off work to bond with a newborn or newly placed adopted/foster child as long as FMLA/CFRA time has not been exhausted.

(14) Limitation for Spouses Who Are Both Employed by the District. If both a husband and wife work for the district, the district limits the aggregate amount of leave available to both spouses to 12 weeks during any 12-month period, if the time off is for the birth or placement of a child or to care for a parent with a serious health condition. Leave because of a serious health condition of an employee or an employee's child or spouse is not subject to spousal limitation. For example, if each spouse took six weeks of FMLA/CFRA time off work for the birth of a healthy newborn child, each spouse would remain eligible for an additional six weeks due to his/her own serious health condition or to care for a child with a serious health condition. Any period of pregnancy-related dis-

ability (before or after the birth of a child) would be considered FMLA time off work for a serious health condition and would not be subject to the combined limitation. This limitation applies even when the spouses are employed by two different departments or work at two different worksites.

(15) Intermittent or Reduced FMLA/CFRA Leaves.

(a) The FMLA/CFRA time off work does not have to be in one 12-week increment. An employee may take time off work intermittently (a few weeks/days/hours at a time) under certain conditions. Intermittent FMLA/CFRA may be taken for the birth of a child (and to care for such a child) and for placement of a child for adoption or foster care if the employee and the employing department agree to such a schedule. Leave for a serious health condition (either an employee's or an immediate family member's) may be taken intermittently or on a reduced leave schedule when medically necessary.

(b) "Medically necessary" means there must be a medical need for the time off work which can be best accomplished through an intermittent or reduced leave schedule. An employee requesting intermittent time off work is required to submit a medical certification stating the reason why the intermittent time off work is necessary and the schedule for treatment, if applicable.

(c) Once medical certification is received, intermittent time off work may be taken for absences when the employee is unable to perform the essential functions of the position or the immediate family member is incapacitated because of a chronic or serious health condition, even if the employee or immediate family member does not receive treatment by a health care provider.

(d) If leave is sought on an intermittent or reduced work schedule basis, medical certification from the health care provider must state:

(i) That intermittent or reduced work schedule leave is medically necessary;

(ii) The probable duration of such a schedule;

(iii) The duration and frequency of episodes of incapacity, if the condition is a chronic condition or pregnancy;

(iv) The probable number and intervals of treatments, if treatments are required for the condition.

(e) A department head may temporarily transfer an employee to an alternative position with equivalent pay and benefits, with the approval of the general manager, which better accommodates the employee's need for intermittent time off work and he/she is qualified to perform the job functions. An employee need not to consent to such a transfer; the department head, with the approval of general manager, has the right to involuntarily transfer the employee. Such temporary transfers will last only as long as the current medical certification allows. The district is not required to create a position solely for the purposes of accommodating the employee's new or modified schedule.

(f) An employee who returns to work under CFRA on an intermittent schedule shall not accrue any paid time off during any unpaid period of leave and the district is not required to pay employees during CFRA leave. Upon return, employees may use vacation time or other accumulated paid leave, other than sick time. Sick time may only be used if the CFRA leave is for the employee's or an immediate family member's serious health condition, or otherwise qualifies under the district's sick leave provisions. The district will provide group health benefits to employees while on CFRA leave and upon their return during this time. Returning employees, working a reduced schedule, may begin accruing vacation, sick and holiday time on a prorated basis.

(g) An employee is required to reasonably accommodate district needs when scheduling medical treatments. The employee's (or applicable family member's) health care provider must approve the scheduling of such events and it should be provided in writing.

(16) Insurance Coverage.

(a) The district will continue to make the district's contribution for the group health plan premiums in order to maintain employee's health plan coverage (that is already in effect) during the 12 weeks of FMLA/CFRA approved time off work. The employee is responsible to pay his/her share of group health insurance premiums on a monthly basis. Group health insurance includes medical, dental and vision insurance, if currently applicable. The employee's share of group health insurance premiums is the difference between the employee's group health coverage plan premium and the district's contribution. Employees are not

entitled to receive any cash back on a cash-out option during any unpaid leave.

(b) Health insurance premium payments must be made directly to the district each month for the full premium amount of the employee's share. If an employee is in a paid status during the FMLA/CFRA time off, the employee's share of payments for group health plan coverage will be paid through payroll deductions. Employees who are on unpaid FMLA/CFRA time off work and/or employees who are simultaneously using leave under other provisions, such as workers' compensation, short- and long-term disability, are responsible to pay the employee's share of group health insurance premiums. The employee must contact the general manager's office to set up proper payment.

(c) If an employee chooses not to retain health coverage during an unpaid FMLA/CFRA leave, upon the employee's return to work, the employee's health coverage will be reinstated on the same terms as existed prior to the employee's taking the leave, subject to any change in the plan that occurs during the FMLA/CFRA leave.

(17) Termination of Health Care Coverage. If an employee's group health care coverage premium payment during the FMLA/CFRA leave is more than 30 days late, the employee's group health plan coverage will be terminated. However, other FMLA/CFRA rights will continue, including job restoration and restoration to equivalent benefits upon return to work.

(18) Recovery of Health Insurance Premiums by the District. The district will recover premiums paid for an employee's group health care coverage if the employee's FMLA/CFRA time off work has expired and if the employee is no longer on an approved leave of absence and if the employee's failure to return to work is for a reason other than the employee's or the employee's immediate family member's serious health condition or circumstances beyond the employee's control. Employees are required to read and sign the "Authorization for Recovery of Group Health Coverage Premium" form at the time FMLA/CFRA time off work is initiated/designated.

(19) Employee Entitlement to Continuation of Health Benefits under COBRA.

(a) An employee who does not return to employment with the district at the end of the FMLA/CFRA time off work will have the right to

COBRA continuation coverage beginning on the last day of FMLA/CFRA time off work, if the following conditions are met:

(i) An employee (or spouse or dependent child of the employee) is covered under a district group health plan on the day before FMLA/CFRA time off work begins; and

(ii) An employee (or spouse or dependent child of the employee) would, in the absence of COBRA coverage, lose coverage under the group health care plan.

(b) The last day of FMLA/CFRA time off work is the end of the FMLA/CFRA period or the date the employee informs his/her department head that he/she (i.e., the employee) will not be returning to work, whichever occurs first.

(c) Any lapse in group health plan coverage during FMLA/CFRA time off work shall not affect the employee's right to COBRA continuation.

(20) Effect of Unpaid FMLA/CFRA Time Off Work on Exempt Status Under FLSA. Providing unpaid time off work required by the FMLA/CFRA will not result in the loss of the Fair Labor Standards Act (FLSA) exemption, for those employees who are exempt from overtime payments. Therefore, the district may make deductions from an exempt employee's salary (as a general rule, exempt employees are executive, administrative, and professional employees) for any hours taken as intermittent or reduced leave under the FMLA/CFRA without jeopardizing an employee's exempt status.

(21) Americans with Disabilities Act (ADA) and FMLA/CFRA.

(a) Under the ADA, a qualified individual with a disability is defined as a person with a disability who, with or without reasonable accommodation, can perform the essential functions of the job being held or sought. A person is disabled if he/she is substantially limited in a major life activity. Department heads and supervisors should first contact the general manager if they have received information or a request from an employee to have an accommodation made either before an employee returns from an approved leave or immediately upon his/her return from an approved leave. Under no circumstances should a department head or supervisor review an employee's medical information. Only the district-designated HR representative will view the medical information when it is received from the health care provider, conduct the

interactive process with the employee when necessary, and determine an employee's eligibility under ADA.

(b) An employee with a serious health condition, who is eligible for time off work under the FMLA/CFRA, and who is a qualified individual with a disability under the Americans with Disabilities Act (ADA), is entitled to his/her rights under both Acts (ADA and FMLA/CFRA).

(22) Workers' Compensation and the FMLA. When an employee is injured on the job and the injury also results in a serious health condition that makes an employee unable to perform any one of the essential functions of the employee's position within the meaning of FMLA/CFRA, the employee may qualify for both workers' compensation and FMLA/CFRA (running together concurrently) if the reason for the absence is considered a qualifying reason under the designated leave statute(s).

(23) Catastrophic Time Bank and FMLA/CFRA. A district employee, who initiates the creation of catastrophic time bank for an applicable FMLA/CFRA qualifying reason and who receives donations of time from such a time bank, will have the resulting paid time off designated as FMLA/CFRA leave. Under these circumstances, time donated to the employee via the time bank program will be credited against an employee's 12-week FMLA/CFRA time limitation, when available.

(24) Employee Protection Against Unlawful Employment Practices.

(a) Any district employee who has used FMLA/CFRA leave shall be protected against unlawful employment practices. It is unlawful to interfere with, restrain or deny any employee the ability to exercise or attempt to exercise any leave right granted under the provisions of the FMLA or CFRA, or for seeking to use PDL. It is similarly unlawful to discharge, discriminate or retaliate against an employee for exercising or attempting to exercise any leave right granted under the provisions of the FMLA or CFRA, or for seeking to use PDL. Also, it is unlawful to discharge or discriminate against any employee because of giving information or testimony in connection with an inquiry or proceeding relating to a right provided by the law, opposing any lawful practice by the law, opposing any unlawful practice or filing a charge or instituting a proceeding under law.

(b) FMLA is enforced by the Department of Labor (Wage and Hour Division) and the California Department of Fair Employment and Housing (DFEH) enforces CFRA. An employee may bring suit in the state or federal court within two years of an alleged violation or within three years if the violation is willful. An employee may also file a complaint with the Department of Labor and with the DFEH. An employee may file a complaint with the DFEH within one year of the alleged violation.

(25) FMLA/CFRA and Retirement Plans. A district employee is entitled to the right of reinstatement to the same or equivalent position and equivalent benefits after the conclusion of unpaid FMLA/CFRA leave, including the retirement benefit plan under the California Public Employees Retirement System (CalPERS).

With respect to the District retirement plans, any period of unpaid FMLA/CFRA time off work must not be treated as or counted toward a break in service for purpose of vesting and eligibility to participate.

(26) Timekeeping and Coding. Leave time must be properly coded and reported timely, and that leave time is tracked correctly in accordance with each statute. Communication between the employee on leave and the supervisor must be maintained throughout the leave and leave information must be reported promptly to the payroll department representative.

(27) Recordkeeping. The district is required to make, keep, and preserve records pertaining to the district's compliance with the FMLA and CFRA regulations. These records are maintained separately from the employee's personnel file; the records must be maintained for at least three years in accordance with regulations issued by the Department of Labor. The Department of Labor may require submission of the records for inspection. [Res. 18-02]

#### **2.05.750 Pregnancy disability leave (PDL).**

Pregnancy disability leave provides income replacement through State Disability Insurance (SDI) when an employee is disabled due to pregnancy. Wage replacement may be provided to qualifying employees for up to four weeks pre-birth and six weeks' recovery of partial pay (55 percent of an employee's weekly wage up to the maximum benefit). To receive SDI, disabled employees must apply for SDI directly through the

Economic Development Department (EDD). Upon application, SDI does require a seven-day, nonpayable waiting period. [Res. 18-02]

#### **2.05.760 California paid family leave (PFL).**

California paid family leave (PFL) provides income replacement through State Disability Insurance (SDI) under FMLA/CFRA when an employee takes leave to bond with a newborn baby, newly adopted or foster child, or to care for a parent, child, spouse or registered domestic partner with a serious health condition. PFL can be taken in hourly or daily increments as needed. This law provides for up to six weeks of partial pay (55 percent of an employee's weekly wage up to the maximum benefit). PFL should be taken concurrently with FMLA and/or CFRA to guarantee job protection. Employees must apply for PFL directly through the EDD. Upon application, PFL does require a seven-day, nonpayable waiting period. During this time the district does require employees to use vacation leave while waiting to receive PFL benefits. Note: Bonding mothers who are transitioning from SDI benefits to paid family leave do not have to serve a separate waiting period. Employees have the option to supplement their pay during PFL with their accrued vacation, sick leave or compensatory time, up to the maximum of 100 percent of their wages. [Res. 18-02]

#### **2.05.770 Military Caregiver Leave Act.**

In accordance with the Military Caregiver Leave Act the district will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 work weeks of unpaid leave during a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

The single 12-month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 work weeks of leave for any FMLA qualifying reason during the single 12-month period (only 12 of the 26-week total may be used for an FMLA qualifying reason other than to care for a covered service member). [Res. 18-02]

#### **2.05.780 Military spouse leave.**

California Military and Veterans Code (Section 395.10) provides for up to 10 days of unpaid leave for spouses or registered domestic partners of military personnel who are home on leave from deployment during a period of military conflict. With supervisory approval, employees may use applicable leave banks such as vacation and compensatory time during this leave. Employees must work an average of 20 hours or more per week to qualify for this type of leave.

In order to apply for this leave, employees must provide notice of their intention to take leave within two business days of receiving official notice that the military member will be home on deployment leave. The employee must submit written documentation certifying that the military member's deployment leave will occur simultaneously with the request for leave time. [Res. 18-02]

#### **2.05.790 Unpaid leaves.**

Unless otherwise provided for herein, no employee on leave shall be in an unpaid status unless all accumulated and available leave balances have been exhausted, when applicable. An employee may be granted an unpaid leave of absence when approved by the general manager. [Res. 18-02]

#### **2.05.800 Unauthorized voluntary absence.**

Where an employee is not qualified to use, or refuses to use, vacation, sick time, or one of the authorized leaves set forth in this manual, an absence from work will be deemed an unauthorized or unjustified absence. As stated in the standards of conduct (TPWDC 2.05.240), one of the

offenses that could be grounds for disciplinary action, up to and including termination, is excessive or unjustified absences.

Absence from work without permission for three consecutive working days shall be grounds for termination in accordance with disciplinary procedures. [Res. 18-02]

## Chapter 2.10

### ILLNESS AND INJURY PREVENTION PROGRAM

Sections:

- 2.10.010 Responsible official designated.
- 2.10.020 District pledge.

#### 2.10.010 Responsible official designated.

The district hereby assigns the responsibility for implementing its safety and health program to the district safety administrator. This appointment is effective immediately and will continue until another person is assigned this responsibility. The district safety administrator is responsible for assuring that the district provides its employees with a safe and healthful workplace and that the district is in compliance with all CAL-OSHA and other applicable state and federal safety and health laws. [Res. 07-01]

#### 2.10.020 District pledge.

The district pledges to provide the district safety administrator with the time and resources required to fulfill his or her responsibilities. [Res. 07-01]

**Chapter 2.15****DRUG AND ALCOHOL POLICIES<sup>1</sup>**

## Sections:

- 2.15.010 Policy – Adherence required.
- 2.15.020 Drug Free Awareness Program.
- 2.15.030 Criminal convictions – District notification.

**2.15.010 Policy – Adherence required.**

As stated in the district's employee manual:

Any employee engaging in the unlawful manufacture, distributing, dispensing, possession, use of or being under the influence of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business is prohibited. Violation of this policy shall be grounds for disciplinary action, including termination.

All employees are required to abide by this policy. [Res. 98-8 § 1]

**2.15.020 Drug Free Awareness Program.**

The district, in consultation with AFSCME, will maintain a Drug Free Awareness Program to inform employees about the dangers of drug abuse in the workplace and to help assure that employees are familiar with the district's policies on drug and alcohol abuse, the district's disciplinary policies for violation of the policies, and available counseling and rehabilitation. [Res. 98-8 § 2]

**2.15.030 Criminal convictions – District notification.**

Under the Drug Free Workplace Act, all district employees are required to notify the district of any criminal drug conviction for a violation occurring in the workplace or during a district-related activity or event no later than five days after the conviction. When required by federal law, the district will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace. [Res. 98-8 § 3]

**Chapter 2.20****INDUSTRIAL DISABILITY RETIREMENT**

## Sections:

- 2.20.010 Procedures.
- 2.20.020 Initial determination – Certification.
- 2.20.030 Hearings.

**2.20.010 Procedures.**

Following the filing of an application for industrial disability retirement by a local safety member under the Public Employees Retirement System (PERS), the procedures in this chapter shall be employed. [Res. 95-13]

**2.20.020 Initial determination – Certification.**

An initial determination will be made by the district upon medical and other available evidence offered by either the applicant or the district to determine whether the applicant is incapacitated from the performance of duty. Such determination shall be made no later than six months from the date of the application unless this time requirement is waived in writing by the applicant. Said determination shall be made by the general manager or other employee as designated by the general manager.

(1) If it is determined by the district that the applicant is incapacitated, and the incapacity is industrial, the general manager will so certify to PERS.

(2) If it is determined that the applicant is incapacitated, but that the cause of incapacity is nonindustrial, the general manager will so certify to PERS.

(3) If it is determined that the applicant is incapacitated, but the applicant contends that the cause of disability is industrial, the applicant may petition the workers' compensation appeals board (WCAB) for a finding of fact determining causation. If the WCAB determines the cause of incapacity to be industrial or nonindustrial, the district will so certify to PERS.

(4) If the district determines that the applicant is not incapacitated from the performance of duty, it shall notify the applicant of this determination. The district shall notify the applicant that the incapacity is not job-related, by certified mail (return receipt requested) or by personal service. The notice shall state the intent of the district to certify to PERS its

1. See also TPWDC 2.05.310.

findings and the applicant is advised that he or she has thirty calendar days within which to advise the district that the applicant requests a hearing. [Res. 95-13 § 1]

#### **2.20.030 Hearings.**

(1) If the applicant requests a hearing, said hearing shall be held in conformity with the Administrative Procedures Act (Government Code Section 11500 et seq). When an applicant requests a hearing, the district will notify the office of administrative hearings and will request a hearing date and a prehearing conference with an administrative law judge. The applicant will be informed that the hearing will be held at the time and place designated by the office of administrative hearings which shall set a hearing date and prehearing conference. The applicant will be informed that the hearing will be held within six months of the application date based upon the evidence which is available as of that time. The applicant may waive the right to a hearing within six months.

(2) The hearing shall be conducted before the general manager and other designated fact finder with the administrative law judge acting as the presiding officer.

(3) An administrative record shall be generated at the hearing pursuant to the Administrative Procedures Act. All testimony shall be recorded by a certified shorthand reporter.

(4) Following the hearing, a decision and findings of fact will be made by the general manager and other designated fact finder and the administrative law judge. The decision and findings will be served on the applicant by certified mail.

(5) If applicant is found to be incapacitated, the district shall so certify to PERS. If applicant is found not to be incapacitated, the applicant will be further advised that he or she has thirty calendar days within which to seek judicial review. Such review is by means of filing a petition for writ of mandate in the superior court of San Bernardino County. [Res. 95-13 § 2]

#### **Chapter 2.25**

### **DISPUTES INVOLVING CESSATION OF EMPLOYMENT**

#### **Sections:**

- 2.25.010 General manager authority.
- 2.25.020 Modifications to personnel rules and regulations.
- 2.25.030 Board of directors' oversight.

#### **2.25.010 General manager authority.**

The board of directors of the Twentynine Palms Water District hereby authorizes its general manager, in the settlement of disputes involving cessation of employment with the district, to execute, on behalf of the district, settlement agreements and releases that contain provisions unique to the particular settlement and release. [Res. 97-3]

#### **2.25.020 Modifications to personnel rules and regulations.**

Any such settlement agreements and releases may, notwithstanding the personnel rules and regulations, modify the normal meaning and interpretation of terminology within the rules and regulations. [Res. 97-3]

#### **2.25.030 Board of directors' oversight.**

The general manager shall execute settlement agreements and releases involving cessation of employment with the district only with the advice, consent and direction of the district's board of directors. [Res. 97-3]

## Chapter 2.30

### EMPLOYER-EMPLOYEE RELATIONS

#### Sections:

- 2.30.010 Adoption – Applicability.
- 2.30.020 Statement of purpose.
- 2.30.030 Definitions.
- 2.30.040 Employee rights.
- 2.30.050 District right.
- 2.30.060 Advance notice to employee organizations.
- 2.30.070 Petitions for recognition.
- 2.30.080 Appropriate units.
- 2.30.090 Certification elections.
- 2.30.100 Certification of employee organizations.
- 2.30.110 Decertification of recognized employee organization.
- 2.30.120 Meeting and conferring in good faith.
- 2.30.130 Resolution of impasses.
- 2.30.140 Use of district facilities.
- 2.30.150 Unfair employer practices.
- 2.30.160 Unfair employee practices.
- 2.30.170 Time allowed for employee organization activities.
- 2.30.180 Authority.
- 2.30.190 Construction.
- 2.30.200 Interpretation and administration.

#### **2.30.010 Adoption – Applicability.**

(1) The board of directors hereby adopts a “Policies and Procedures Manual for Administration of Employer-Employee Relations by the Twentynine Palms Water District,” which manual is set forth in this chapter.

(2) Henceforth, all employer-employee relations shall be conducted pursuant to policies and procedures as set forth in this chapter, as well as existing board-adopted policies and procedures of the district as from time to time amended. [Res. 97-13]

#### **2.30.020 Statement of purpose.**

It is the purpose of this chapter to establish policies and procedures:

- (1) For the administration of employer-employee relations by the district;
- (2) For recognition of employee organizations; and
- (3) For the resolution of disputes regarding wages, hours and other terms and conditions of employment. [Res. 97-13 Exh. A § 1]

#### **2.30.030 Definitions.**

The words and terms defined in this section shall have the following meanings throughout this chapter. Any term not defined herein, which is defined in Sections 3500 to 3510, inclusive, of the California Government Code shall have the meaning therein.

(1) “Appropriate unit” means a group of employees comprising an identifiable block with community of interest and meeting other criteria outlined in TPWDC 2.30.080, as determined by the employee relations officer.

(2) “Confidential employee” means any employee who is privy to decisions of district management affecting employer-employee relations, as designated by the employee relations officer.

(3) “Consult” means to communicate orally or in writing for the purpose of presenting or obtaining views or advising of intended action.

(4) “District” means the Twentynine Palms Water District.

(5) “Employee relations officer” means the district’s general manager.

(6) “Impasse” means, after reasonable attempts at agreement, a deadlock in the meet and confer process between the employee relations officer and representatives of recognized employee organizations on matters within the scope of representation.

(7) “Management employees” means the general manager, and any employee who is privy to discussions of district management affecting employer-employee relations, as designated by the employee relations officer.

(8) “Mediation” means efforts by an impartial third party or person to assist as an intermediary between the employee relations officer and representatives of a recognized employee organization, through interpretation, suggestion and advice, in reaching a voluntary resolution to an impasse.

(9) “Meet and confer in good faith” means the mutual obligation of the employee relations officer and representatives of recognized employee organizations personally to meet to exchange freely information, opinions and proposals, and to endeavor to reach agreement on matters within the scope of representation.

(10) “Memorandum of agreement” means a written memorandum incorporating agreements reached through negotiation on matters within the jurisdiction of the general manager, and signed by

the general manager and a duly authorized representative of a recognized employee organization.

(11) "Memorandum of understanding" means a written document, signed by the general manager and a duly authorized representative of a recognized employee organization, incorporating agreement between the general manager and representatives of recognized employee organizations whereby the general manager binds himself to recommend to the board of directors action on matters within the scope of representation.

(12) "Negotiation" means the act of meeting and discussing issues or proposals by the employee relations officer and representatives of recognized employee organizations with the purpose of reaching binding agreement concerning matters within the jurisdiction of the general manager; discussions leading to preparation of written memoranda of agreement which are to be binding upon both parties.

(13) "Professional employee" means any employee engaged in work requiring specialized knowledge and skills normally attained through completion of a recognized course of instruction, including, but not limited to, accountants, attorneys, chemists, engineers, geologists, and various types of physical, chemical and biological scientists.

(14) "Proposed unit" means a group of employees seeking to be qualified as an appropriate unit.

(15) "Recognized employee organization" means an employee organization certified in accordance with TPWDC 2.30.100 as exclusive majority representative of an appropriate unit.

(16) "Scope of representation" means all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours and other terms and conditions of employment; except that consideration of the merits, necessity, or organization of any service or activity required by law or executive order shall be excluded from the scope of representation; and except that employee rights, as described in TPWDC 2.30.040, and district rights, as described in TPWDC 2.30.050, shall be excluded from the scope of representation.

(17) "Supervisory employee" means any employee having authority to exercise independent judgment to hire, assign, transfer, promote, demote, suspend, discharge, reward or discipline other employees, or having the responsibility to direct

them or to adjust their grievances, or effectively to recommend such action in connection with the foregoing, when the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. [Res. 97-13 Exh. A § 2]

#### **2.30.040 Employee rights.**

Employees of the district shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of employer-employee relations including wages, hours and other terms and conditions of employment. Employees of the district also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the district, but may not enter into any arrangements that are contrary to, modify or abridge any understanding reached between the district and the employee organization certified as exclusive representative for the unit in which the individual is included. Neither the district nor any employee organization shall interfere with, intimidate, restrain, coerce or discriminate against any district employee because of his exercise of these rights. [Res. 97-13 Exh. A § 3]

#### **2.30.050 District right.**

The rights of the district shall include, but are not limited to, the exclusive right to determine the mission of its constituent departments; set standards of service; determine the procedures and standards of selection of employment, promotion and transfer; direct its employees; take disciplinary action for proper cause; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of district operations; determine the methods, means and personnel by which district operations are to be conducted; determine the content of job descriptions and specifications; take all necessary action to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work; provided, however, that the exercise of such rights does not preclude employees or their representatives from consulting with the employee relations officer about the practical consequences that decisions on these matters may have on wages, hours, and other

terms and conditions of employment. [Res. 97-13 Exh. A § 4]

### **2.30.060 Advance notice to employee organizations.**

(1) Except in case of emergency, reasonable written notice shall be given to each recognized employee organization affected by any ordinance, resolution, rule or regulation, or any change in any existing ordinance, resolution, rule or regulation, relating to matters within the scope of representation that is proposed to be adopted by the board of directors or the general manager. Each such employee organization shall be given the opportunity to meet with the employee relations officer prior to adoption of such ordinance, resolution, rule or regulation, or adoption of such change in any existing ordinance, resolution, rule or regulation.

(2) In case of emergency, when an ordinance, resolution, rule or regulation, or a change in any existing ordinance, resolution, rule or regulation, must be adopted immediately and without prior notice, recognized employee organizations affected shall be given notice by and opportunity to meet with the employee relations officer at the earliest practicable time following adoption of such ordinance, resolution, rule or regulation, or such change in any existing ordinance, resolution, rule or regulation. [Res. 97-13 Exh. A § 5]

### **2.30.070 Petitions for recognition.**

An employee organization that seeks to be certified as a recognized employee organization shall file with the employee relations officer a petition for recognition together with:

- (1) The name and address of the organization;
- (2) The names and titles of its officers;
- (3) The objectives of the organization;
- (4) The charter, constitution and by-laws, if existing, of the organization;
- (5) The names of persons who are authorized to represent the organization, and the extent of the authority of each of such representatives to speak for or to bind the organization;
- (6) A statement whether the employee organization is a chapter or local of or affiliated directly or indirectly with a regional, state, national or international organization and, if so, the name and address of each such organization;
- (7) A statement that the organization has no restriction on membership based upon race, color,

creed, sex, national origin, age, ancestry, marital status, physical handicap, or medical condition;

(8) A list of job classifications included in the proposed unit represented by the employee organization;

(9) A petition signed by a minimum of 30 percent of the employees holding the job classifications included in the proposed unit. [Res. 97-13 Exh. A § 6]

### **2.30.080 Appropriate units.**

(1) Determination of Appropriate Unit. The employee relations officer, immediately following receipt of a petition for recognition, shall post notice of a meeting at the district's principal office. No less than 10 calendar days' advance notice shall be given of the meeting date and time. The notice shall include the name of the petitioning organization and a description of the proposed unit. All interested employee organizations shall be invited to present their positions on the appropriateness of the proposed unit. The procedures for such meetings shall be as determined by the general manager. In making the determination that the unit is appropriate, not appropriate or that another unit is more appropriate, the employee relations officer shall consider the following criteria:

(a) Whether there is a community of interest among the employees. Such community shall be determined from, among other factors, the extent to which the employees have a common classification, job families, skills, training, working conditions, job duties, educational requirements, and whether the employees are part of an integrated work process or contribute to a continuous work flow;

(b) The history of employee representation in the proposed unit, among other employees of the district, and the similar employment in other agencies and firms;

(c) The effect of the proposed unit on the efficient operation of the district and sound employee relations;

(d) The right of professional employees to be represented separately from nonprofessional employees.

(2) Adverse Determination. In the event the employee relations officer determines that a proposed unit does not qualify as an appropriate unit, the authorized representatives of the employee organization seeking to be recognized as the orga-

nization representing the proposed unit may appeal to the personnel committee of the board, which may meet as a committee to make final determination of appropriateness of the unit.

(3) Limitations.

(a) No proposed unit shall qualify as an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized;

(b) Management and confidential employees may be excluded by the employee relations officer from a unit including nonmanagement and nonconfidential employees;

(c) No job classification and no employee shall be included in more than one appropriate unit;

(d) Supervisory employees may be excluded by the employee relations officer from a unit including nonsupervisory employees when the supervisory employee has charge of a remote facility or is himself subject to limited supervision.

(4) New Classifications. When the district establishes a new job classification, the employee relations officer shall determine whether the new classification is managerial, confidential, supervisory, or nonsupervisory and to which, if any, appropriate unit the classification is to be assigned. [Res. 97-13 Exh. A § 7]

### **2.30.090 Certification elections.**

(1) When it has been determined that a proposed unit qualifies as an appropriate unit, the employee relations officer shall arrange for a secret ballot election to determine whether or by which employee organization, employees of the appropriate unit desire to be represented.

(2) The employee relations officer shall post an election notice giving no less than 30 days' notice to all employee organizations when the election will be held. The date of the election, a description of the appropriate unit and the name of the petitioning organization shall be included in the notice.

(3) Within 15 calendar days of the date of the notice given pursuant to subsection (2) of this section, employee organizations other than the petitioning organization may file challenging petitions for recognition. Such challenging petitions for recognition shall comply with the requirements of TPWDC 2.30.070; provided, however, that such other employee organizations shall be bound by the determination of appropriate unit made pursuant to

the petition for recognition filed by the original petitioning organization.

(4) Employee organizations desirous of recognition shall bear the burden of encouraging employees to vote in elections. In any election, more than 50 percent of eligible employees must vote in order to qualify an employee organization for recognition. If this requirement is not met with the first election, a second election shall be held within 30 days following the first election. If less than 50 percent of eligible employees cast ballots in the second election, no organization will be recognized for the appropriate unit.

(5) The choice of "no organization" shall be included on all ballots. If 50 percent or more of the employees voting in the appropriate unit elect "no organization," no employee organization shall be certified to represent the employees of the appropriate unit.

(6) When less than 50 percent of the employees voting in the appropriate unit choose "no organization" and more than two employee organizations are on the ballot but no single organization receives the votes of more than 50 percent of the employees voting in the appropriate unit, a runoff election shall be held between the two organizations receiving the largest number of votes. Failure by an employee organization to secure the votes of more than 50 percent of the employees voting in the runoff shall result in a choice of "no organization" for that unit.

(7) The employee relations officer shall conduct elections, including the gathering and counting of ballots and may prescribe election procedures as he deems necessary. Affected employee organizations shall be notified in writing of the results of this election. Affected employees shall be notified of the results of each election by notice in writing posted on district bulletin boards at the district's principal office.

(8) Except as provided in subsection (4) of this section, no more than one determination election shall be held in any appropriate unit in any 12-month period. [Res. 97-13 Exh. A § 8]

### **2.30.100 Certification of employee organizations.**

(1) An employee organization receiving the valid votes of more than 50 percent of the employees voting in an appropriate unit and having met the requirement that at least 50 percent of eligible

employees voted, as well as all other conditions of this chapter, shall be issued a certificate of recognition by the general manager. Said certification shall grant the recognized employee organization the exclusive right to represent employees of the appropriate unit described therein, provided that no employee shall be denied the right to represent himself.

(2) A certificate shall remain in effect for one year following the date of issuance and thereafter until the organization is decertified. [Res. 97-13 Exh. A § 9]

### **2.30.110 Decertification of recognized employee organization.**

(1) After a recognized employee organization has been certified for not less than 12 months:

(a) Employees in the appropriate unit represented by the organization may request decertification of the organization by filing with the employee relations officer a petition containing signatures of a minimum of 30 percent of the employees in that unit; or

(b) Another employee organization may file a petition for recognition in compliance with TPWDC 2.30.070.

(2) If the employee relations officer determines that petition requirements have been met, he shall arrange for an election in accordance with TPWDC 2.30.090, with the exception that the recognized employee organization shall automatically be listed on the ballot without requirement of petition. Decertification of the recognized organization shall occur upon certification of the successor recognized employee organization, or in the event of an election result of a choice of "no organization," upon determination of the results of said election. [Res. 97-13 Exh. A § 10]

### **2.30.120 Meeting and conferring in good faith.**

(1) The district, through the employee relations officer, and representatives of recognized employee organizations promptly upon request by either party, shall meet and confer in good faith.

(2) Neither the district nor representatives of any recognized employee organization shall be required to meet and confer in good faith:

(a) On any subject preempted by federal or state law or by district ordinances;

(b) On employee or district rights as defined in TPWDC 2.30.040 and 2.30.050;

(c) On any subject with unrecognized employee organizations;

(d) On proposed amendments to this chapter.

(3) Proposals by either recognized employee organizations or the employee relations officer shall be submitted to the other party or parties sufficiently in advance of meeting and conferring to permit review and consideration.

(4) If two or more employee organizations have been recognized, meetings on matters affecting employees generally may be, and, if required by the employee relations officer, shall be, held jointly with representatives of those recognized employee organizations representing affected employees.

(5) If agreement is reached by the parties, a written memorandum of understanding shall be prepared and signed by an authorized representative of the recognized employee organization and by the general manager. The memorandum shall then be recommended by the general manager to the board of directors for consideration.

(6) Except in case of emergency, as determined by mutual agreement between the general manager and a recognized employee organization, memoranda of understanding related to wages, salaries and economic benefits shall be submitted to the board of directors no more than once each calendar year. Memoranda of understanding pertaining to noneconomic matters may be submitted at the discretion of the general manager. [Res. 97-13 Exh. A § 11]

### **2.30.130 Resolution of impasses.**

(1) When an impasse occurs between the employee relations officer and recognized employee organization, either party may initiate the impasse procedure by filing with the other party or parties affected, a written request for an impasse meeting together with a statement of its position on all disputed issues. After the date of filing of the written request for such a meeting, the employee relations officer shall schedule an impasse meeting, and send written notice to all affected parties.

(2) The purposes of an impasse meeting are:

(a) To permit a review of the position of all parties in a final effort to reach agreement on the disputed issue; and

(b) If agreement is not reached, to mutually select an impasse procedure described in subsection (3) of this section by which the dispute shall be resolved; in the absence of agreement between the parties on an impasse procedure, the matter shall be referred to the personnel committee of the board of directors, which shall select an impasse procedure.

(3) The available impasse procedures are:

(a) Mediation as defined in TPWDC 2.30.030(8). The parties shall mutually select one mediator. In the event the parties are unable to agree on a mediator, the mediator shall be selected and furnished by the California State Mediation and Conciliation Service. All mediation proceedings shall be private. The mediator may make no public recommendations nor take any public position concerning the impasse. Fees and expenses of the mediator, if any, shall be payable one-half by the district and one-half by the recognized employee organization or organizations affected. Issues in which, in the opinion of the mediator or any party to the mediation, mediation has failed, shall be presented in writing to the personnel committee of the board of directors at its next regularly scheduled meeting following date of said written notice. Mediation may be considered to have failed by any party only after that party has given reasonable time and effort to the mediation proceeding. Upon presentation of said issue to the personnel committee, said committee shall proceed as in subsection (3)(b) of this section.

(b) Determination by the personnel committee of the board of directors, following a meeting at which all parties to the dispute shall have been represented, shall have heard testimony by other parties, and been given opportunity to rebut such testimony. [Res. 97-13 Exh. A § 12]

#### 2.30.140 Use of district facilities.

(1) No unrecognized employee organization shall use district facilities for organizing or any other purpose nor shall it interfere with district employees during their working hours except as provided in rules to be prescribed by the general manager.

(2) Subject to rules to be prescribed by the general manager, district facilities (but not equipment, such as phones or photocopy machines) may be used by recognized employee organizations for meetings.

(3) Elections conducted under authority of TPWDC 2.30.090 may be held on district property during working hours.

(4) Recognized employee organizations may use district bulletin boards subject to rules to be prescribed by the general manager, provided such use does not interfere with the needs of the district. Any notice posted on behalf of a recognized employee organization shall be dated and signed by the authorized representative responsible for its issuance.

(5) Recognized employee organizations may have the regular organization dues of their members deducted from employees' paychecks so long as such deductions do not interfere with regular district payroll deductions and programs. Membership dues deductions may be made only upon receipt by the employee relations officer of written authorization signed by the individual employee. It shall be the responsibility of the recognized employee organizations to ensure the proper preparation of such authorizations and to submit them to the employee relations officer. Cancellation of dues deduction authorizations may be submitted to the employee relations officer by the individual employee.

(6) An employee shall be entitled to dues deduction only for the recognized employee organization which represents the employee's permanent classification in the appropriate unit of which he is a member. Temporary reclassification for specified periods of time shall not affect rights to dues deduction. [Res. 97-13 Exh. A § 13]

#### 2.30.150 Unfair employer practices.

(1) It shall be unfair employer practice for the district through its supervisory or management employees:

(a) To interfere with, restrain or coerce employees in the exercise of rights recognized or granted in this chapter.

(b) To dominate or interfere with the formation of any employee organization or to encourage formation of or contribute financial support to it. As provided in other sections of this chapter, however, it shall not be unfair employer practice for the district to provide meeting places, make dues deductions or permit time off without loss of pay (not to exceed 52 hours per employee association per calendar year) for employee relations purposes.

(c) To refuse to meet and confer in good faith with properly designated representatives of recog-

nized employee organizations on wages, hours and other terms and conditions of employment.

(d) To discriminate against employees or employee organizations for filing petitions, notices of grievance or participating in meetings under provisions of this chapter.

(e) To give preferential treatment to any recognized employee organization over another.

(2) When district management has engaged in a practice prohibited by this section, and said practice has not been corrected by the general manager, the chief officer of the organization may notify the personnel committee of the board of directors and request corrective action by that committee. [Res. 97-13 Exh. A § 14]

#### **2.30.160 Unfair employee practices.**

(1) It shall be unfair employee practice for any employee organization:

(a) To interfere with, restrain or coerce employees or the district in the exercise of rights recognized or granted in this chapter;

(b) To refuse to meet and confer in good faith with the employee relations officer on wages, hours and terms and conditions of employment;

(c) To refuse or deny equal representation to all members of the appropriate unit, regardless of their membership in the employee organization.

(2) Any employee organization failing to comply with these provisions may be decertified on a temporary or permanent basis by the general manager, subject to subsequent appeal to the personnel committee of the board, said committee having final authority in such matters. [Res. 97-13 Exh. A § 15]

#### **2.30.170 Time allowed for employee organization activities.**

(1) Reasonable time off without loss of pay (but not to exceed 52 hours per employee association per calendar year) shall be granted to employees serving as authorized representatives of recognized employee organizations when formally meeting and conferring in good faith, negotiating, or consulting during regular working hours with management representatives on matters within the scope of representation, or while engaged in the resolution of impasses. The number of such employees authorized such time off shall be as determined by the general manager.

(2) If scheduled during working hours of the employee, an employee engaged in the presentation of grievances, in voting in authorized employee organization elections, and in impasse meetings shall be allowed time off for such purposes without loss of pay.

(3) The general manager may promulgate regulations providing for use of and conditions of use of district facilities, time, equipment and supplies by officers and members of employee organizations for organization business. [Res. 97-13 Exh. A § 16]

#### **2.30.180 Authority.**

(1) Personnel Committee. The personnel committee is hereby empowered to carry out all functions assigned to said committee by any provision of this chapter. In carrying out its functions, the personnel committee may enact such rules of procedure as it deems appropriate.

(2) General Manager. The general manager shall represent the board in its dealings with employee organizations in accordance with laws and codes of the board. The general manager is authorized to prescribe rules necessary to implement the intent of this chapter.

(3) Employee Organizations.

(a) Nothing contained in this chapter shall prevent an organization, either before or after certification as a recognized employee organization from substituting other persons for persons previously designated as representatives, from naming new representatives or from revoking the authority of representatives previously designated. No such change shall be recognized by the employee relations officer unless he shall have been notified thereof in writing by an authorized representative of the organization.

(b) Each employee organization, whether recognized or not, shall promptly inform the employee relations officer in writing of each change in any item of information furnished with a petition of recognition. [Res. 97-13 Exh. A § 17]

#### **2.30.190 Construction.**

(1) Nothing in this chapter shall be construed to deny any person or employee the rights granted by federal and state laws and by this chapter.

(2) The rights, powers and authority of the board of directors in all matters, including the right to maintain any legal action, shall not be modified or restricted by this chapter.

(3) The provisions of this chapter are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Section 3500 et seq.). [Res. 97-13 Exh. A § 18]

**2.30.200 Interpretation and administration.**

The general manager shall have authority to interpret and administer provisions of this chapter, subject to appeal to the personnel committee of the board of directors. [Res. 97-13 Exh. A § 19]

**Chapter 2.40**

**WORKERS' COMPENSATION COVERAGE  
FOR VOLUNTEER PERSONNEL**

Sections:

2.40.010 Policy adopted.

**2.40.010 Policy adopted.**

The board of directors of the Twentynine Palms Water District hereby adopts the policy that an unpaid person authorized to perform volunteer service for the district shall be deemed to be an employee of the district for the purposes of workers' compensation insurance benefits provided for by law for any injury sustained by him or her while engaged in the performance of services for the district under its direction and control. [Res. 98-5]

## Chapter 2.45

### FRAUD IN THE WORKPLACE

#### Sections:

- 2.45.010 Adopted.
- 2.45.020 Purpose and scope.
- 2.45.030 Policy.
- 2.45.040 Procedures.
- 2.45.050 Exceptions.

#### **2.45.010 Adopted.**

The district hereby adopts that certain policy for fraud in the workplace (“fraud policy”) as set forth in this chapter. Said policy includes, but is not limited to, provisions regarding how to report acts that are considered to be fraudulent and the steps to be taken when fraud or other related dishonest or inappropriate activities are suspected. Said steps include, but are not limited to, fraud prevention, detection, and disciplinary action. [Res. 08-11 § 1]

#### **2.45.020 Purpose and scope.**

To establish policy and procedures for reporting acts that are considered to be fraudulent, and describing the steps to be taken when fraud or other related dishonest or inappropriate activities are suspected. [Res. 08-11 Exh. A § 1]

#### **2.45.030 Policy.**

(1) The Twentynine Palms Water District (the district) is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the district to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the district and, when appropriate, to pursue legal remedies available under the law.

(2) This policy applies to any irregularity, or suspected irregularity, involving employees, consultants, vendors, contractors, outside agencies, and/or any other parties with a business relationship with the district.

(3) Any investigative activity required will be conducted in an objective and impartial manner without regard to the suspected wrongdoer’s length of service, position, title, or relationship to the district.

(4) All employees are responsible for the reporting and prevention of fraud, misappropriations, and other irregularities.

#### **(5) Definitions.**

(a) “Fraud” means the intentional false representation or concealment of material fact for the purpose of personal gain for oneself or others, or inducing another to act similarly. Fraud and other similar irregularities include, but are not limited to:

(i) Claim for reimbursement of expenses that are not job-related or authorized by current policy.

(ii) Forgery or unauthorized alteration of documents (checks, promissory notes, time sheets, independent contractor agreements, purchase orders, etc.).

(iii) The taking or other forms of misappropriation of district assets (cash, checks, securities, supplies, furniture, equipment, etc.) to include the temporary removal or “borrowing” of district assets.

(iv) Improprieties in handling or reporting of money transactions.

(v) Authorizing or receiving payment for goods not received or services not performed.

(vi) Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data.

(vii) Misrepresentation of information on documents.

(viii) Any apparent violation of federal, state, or local laws related to dishonest activities or fraud.

(ix) Seeking or accepting anything of material value from those doing business with the district, including vendors, consultants, contractors, lessees, and/or applicants.

(b) Employee. In this context, “employee” refers to any individual or group of individuals who receive compensation, either full- or part-time, from the district. The term also includes any volunteer who provides services to the district through an official arrangement with the district.

(c) Management. In this context, “management” refers to any administrator, manager, director, supervisor, or other individual who manages or supervises employees or volunteers of the district.

(d) Investigator. The district’s general manager shall be the investigator for all allegations of fraud or other wrongdoing unless the general manager is the subject of the investigation. In that case, the president of the board of directors shall assign an alternate investigator.

(e) External Auditor. In this context, “external auditor” refers to independent audit professionals who perform annual audits of the district’s financial statements.

(6) It is the district’s intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service or relationship with the district of any party who might be or become involved in or becomes the subject of such investigation.

(7) Management is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

(8) The investigator has the primary responsibility for the investigation of all activity as defined in this policy.

(9) Employees will be granted whistle-blower protection when acting in accordance with the reporting provisions of this policy. When informed of a suspected impropriety, neither the district nor any person acting on behalf of the district shall for retaliatory reasons do any of the following:

- (a) Dismiss or threaten to dismiss the reporting employee;
- (b) Discipline, suspend, or threaten to discipline or suspend the reporting employee;
- (c) Impose any penalty upon the reporting employee; or
- (d) Intimidate or coerce the reporting employee.

Violations of the whistle-blower protection will result in discipline up to and including dismissal. Nothing herein shall prevent the district from otherwise taking nonretaliatory disciplinary action under the personnel policies or an applicable memorandum of understanding.

(10) Upon conclusion of the investigation, the results will be reported to the president of the board of directors.

(11) The general manager, following his or her review of the investigation results, will take appropriate action regarding employee misconduct. Disciplinary action shall be imposed in accordance with the district’s personnel manual and/or memo-

randums of understanding and can include disciplinary action as severe as termination. Further, the case may be referred to an appropriate law enforcement agency and district attorney’s office for possible arrest and prosecution.

(12) The district will pursue every reasonable effort to obtain recovery of district losses from the offender or other appropriate sources. [Res. 08-11 Exh. A § 2]

#### **2.45.040 Procedures.**

(1) Management and Nonmanagement Responsibilities.

(a) Management is responsible for being alert to and reporting fraudulent or related dishonest activities.

(b) Nonmanagement employees are responsible to report fraudulent or related dishonest activities.

(c) Each manager should be familiar with the types of improprieties that might occur in his or her area and be alert for any indication that improper activity, misappropriation, or dishonest activity is, or was, in existence in his or her area.

(d) When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.

(e) If any employee of the district is, or becomes, aware of any activity that may involve fraud or other dishonest activities, they are to contact the general manager immediately unless the general manager is alleged to have involvement in the alleged misconduct. If the alleged misconduct is said to involve the general manager, the employee is to immediately notify the president of the board of directors.

(f) Management should not attempt to conduct individual investigations, interviews, or interrogations. However, management is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent reoccurrence of improper actions.

(g) All employees shall cooperate fully with the investigator, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.

(h) In dealing with suspected dishonest or fraudulent activities, great care must be taken.

Therefore, all employees should avoid the following:

- (i) Incorrect accusations.
- (ii) Alerting suspected individuals that an investigation is under way.
- (iii) Treating employees unfairly.
- (iv) Making statements that could lead to claims of false accusations or other offenses.
- (i) In handling dishonest or fraudulent activities, all employees have the responsibility to:
  - (i) Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did," "the crime," "the fraud," "the misappropriation," etc.
  - (ii) Avoid discussing the case, facts, suspicions, or allegations with anyone outside the district, unless specifically directed to do so by the general manager or district's legal counsel. (Employees do have the right to consult with an attorney and/or their union representatives.)
  - (iii) Avoid discussing the case, facts, suspicions, or allegations with anyone other than employees who have a need to know.
  - (iv) Direct all inquiries from the suspected individual, or his or her representative, to the investigator. All inquiries from the media should also be directed to the investigator.
- (2) Investigator Responsibilities.
  - (a) Upon receiving an allegation of fraud or other irregularities, the investigator will promptly conduct a thorough investigation.
  - (b) Employees must cooperate with the investigator. Refusal, or the conveyance of inaccuracies, may subject an employee to disciplinary action up to and including dismissal.
  - (c) The investigator shall be available and receptive to receiving relevant, confidential information to the extent allowed by law.
  - (d) If evidence is uncovered showing possible dishonest or fraudulent activities, the general manager will proceed as follows:
    - (i) Take immediate action, in consultation with the district's legal counsel, to prevent the theft, alteration, or destruction of evidentiary records. Such action may include, but is not limited to:
      - (A) Removing the records and placing them in a secure location, or limiting access to the records.
    - (B) Preventing the individual suspected of committing the fraud from having access to the records.
    - (ii) Take immediate action to improve internal control. Such action shall result in the general manager having reasonable comfort that the changes in procedures will prevent similar future occurrences.
    - (iii) Take immediate action, in consultation with the district's legal counsel, to notify the appropriate law enforcement agency (if appropriate) and to take further steps to recover any financial loss incurred by the district.

#### 2.45.050 Exceptions.

Exceptions to this policy must be approved by the board of directors. [Res. 08-11 Exh. A § 4]

## Chapter 2.50

### TICKETS AND/OR PASSES DISTRIBUTION POLICY

#### Sections:

- 2.50.010 Purpose of policy.
- 2.50.020 Limitations.
- 2.50.030 Official duties – Ceremonial roles.
- 2.50.040 Public purpose.
- 2.50.050 Return of tickets and/or passes.
- 2.50.060 General manager.
- 2.50.070 Transfer prohibition.
- 2.50.080 Website posting.
- 2.50.090 Website disclosure.

#### **2.50.010 Purpose of policy.**

The purpose of this policy is to ensure that all tickets and/or passes provided to the district shall be distributed in furtherance of district's public purposes as required under Section 18944.1. [Res. 09-08 § 1]

#### **2.50.020 Limitations.**

(1) This policy shall only apply to the district's distribution of tickets and/or passes to, or at the behest of, a public official for which no consideration of equal or greater value is provided by the public official.

(2) Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this policy.

(3) Unless exempted otherwise under state law, any ticket and/or pass received or directed for use by a district official not in conformance with this policy remains subject to separate disclosure requirements and the annual gift limit.

(4) This policy does not generally apply to political or nonprofit fundraisers which are governed under a separate policy.

(5) Tickets and/or passes to events that primarily provide informational material and are provided to assist the district official in the performance of his or her official duties or that of his or her elected office being sought are also not generally subject to this policy. As any event becomes more entertainment oriented, this policy as well as district counsel should be consulted. [Res. 09-08 § 2]

#### **2.50.030 Official duties – Ceremonial roles.**

Tickets provided to a board member, the general manager and/or a district employee as part of their official duties, or tickets provided so that the board member, general manager or district employee may perform a ceremonial role or function on behalf of the district, shall not be subject to this tickets and/or passes distribution policy. These tickets are exempt from any disclosure or reporting requirements. [Res. 09-08 § 3]

#### **2.50.040 Public purpose.**

The district shall only provide a ticket and/or pass to or at the request of a board member, the general manager and/or district employee, for the following purposes:

(1) Promotion of water conservation and water supply within the district, regionally and statewide.

(2) Promotion of water quality within the district, regionally and statewide.

(3) Promotion of water services within the district, regionally and statewide.

(4) Marketing promotions highlighting the achievements of public agencies, local residents, nonprofits, community groups and businesses in the areas of water conservation, water services, water supply, or water quality.

(5) Promotion and marketing of district facilities and resources available for public use.

(6) Promotion of district recognition, visibility, and/or profile on a local, state, national or international scale.

(7) Promotion of district issues and interests at events sponsored by other governmental agencies and government related industry groups, and non-profit organizations, including but not limited to annual State of the City events hosted by surrounding cities, League of California Cities, Association of California Water Agencies, or California Special Districts Association events.

(8) Promotion of open government by district official appearances, participation and/or availability at business or community events.

(9) Sponsorship agreements involving private events where district specifically seeks to enhance district's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.

- (10) All written contracts where district as a form of consideration has required that a certain number of tickets or suites be made available for its use.
- (11) Recognizing or rewarding meritorious service by a district employee.
- (12) Promoting enhanced district employee performance or morale.
- (13) Recognizing contributions made to the district by former board members, general managers, or district employees.
- (14) Employment retention programs.
- (15) Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civic leaders.
- (16) Spouses of district officials in order to accompany him or her to any of the events listed above.
- (17) Any purpose similar to above included in any district contract. [Res. 09-08 § 4]

#### **2.50.050    Return of tickets and/or passes.**

Any district board member, the general manager and/or employee or any member of their immediate family may return any ticket and/or pass unused to the district for redistribution pursuant to this policy. Government Code Section 82029 has defined “immediate family” to mean spouse and dependent children. Under no circumstances may either the public official or a member of his or her immediate family sell, receive anything of value for or further transfer any ticket and/or pass provided under this policy. [Res. 09-08 § 5]

#### **2.50.060    General manager.**

The board delegates the authority to distribute any tickets and/or passes in accordance with this policy to the general manager or his or her designee. In such case, where the general manager desires to obtain a ticket or pass, the board authorizes the board president to exercise the board’s discretion in determining whether the general manager’s use or distribution of tickets and/or passes is in accordance with the terms of this policy. [Res. 09-08 § 6]

#### **2.50.070    Transfer prohibition.**

The transfer by any district board member, the general manager or employee of any tickets and/or passes distributed pursuant to this policy to any other person, except to members of the board mem-

ber, general manager or district employee’s immediate family for their personal use, is prohibited. [Res. 09-08 § 7]

#### **2.50.080    Website posting.**

This policy shall be posted on the district’s website in a prominent fashion. [Res. 09-08 § 8]

#### **2.50.090    Website disclosure.**

The distribution of tickets and/or passes pursuant to this policy shall be posted on the district’s website in a prominent fashion within 30 days after the ticket distribution and shall include all the information as required under Section 18944.1. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time. [Res. 09-08 § 9]

**Chapter 2.55****WORKERS' COMPENSATION PROGRAM**

## Sections:

- 2.55.010 Election to join program.
- 2.55.020 Retrospective allocation point.
- 2.55.030 Quarterly premium payment.
- 2.55.040 Certified copy of agreement – Commencement of coverage.
- 2.55.050 Certificate of consent.

**2.55.010 Election to join program.**

The district hereby elects to join the workers' compensation program sponsored by the Association of California Water Agencies/Joint Powers Insurance Authority. [Res. 17-07 § 1]

**2.55.020 Retrospective allocation point.**

The district hereby selects \$5,000 as its retrospective allocation point (RAP) for the ACWA/Joint Powers Insurance Authority's cost allocation formula for workers' compensation. [Res. 17-07 § 2]

**2.55.030 Quarterly premium payment.**

The general manager of this district is hereby authorized to pay to the ACWA/Joint Powers Insurance Authority its deposit premium quarterly. [Res. 17-07 § 3]

**2.55.040 Certified copy of agreement – Commencement of coverage.**

The secretary of the board of directors of this district is directed to certify a copy of the resolution codified in this chapter and to forward the same resolution, the signed joint powers agreement, and the JPIA deposit premium payment promptly by mail to the Association of California Water Agencies/Joint Powers Insurance Authority, P.O. Box 619082, Roseville, California, 95661 at which time coverage will commence the 1st day of July, 2017. [Res. 17-07 § 4]

**2.55.050 Certificate of consent.**

The district is authorized and empowered to make application to the Director of Industrial Relations, state of California, for a certificate of consent to self-insure workers' compensation liabilities and representatives of the district are authorized to execute any and all documents required for such application. [Res. 17-08]

**Chapter 2.60****LENGTH OF SERVICE RECOGNITION POLICY**

## Sections:

- 2.60.010 Recognition of length of service.

**2.60.010 Recognition of length of service.**

(1) It is a practice of the district to recognize the length of service of its employees. Length of service acknowledgments are presented to individuals for milestone anniversaries in five-year increments beginning with their fifth year (e.g., five, 10, 15, etc.).

(2) Best efforts will be made to present length of service certificates and/or plaques at a staff meeting as close as possible to the anniversary date. The employee and his/her family will be encouraged to attend a board of director's meeting where their accomplishment will also be recognized.

(3) At discretion of the general manager a district sponsored luncheon or dinner will be provided annually for staff to recognize the milestone achievements that have occurred during the calendar year.

(4) Employees eligible for a service acknowledgment and who are on leave of absence will receive the acknowledgment upon return to active employment.

(5) Employees who terminate employment prior to their anniversary date are not eligible for the service acknowledgment. [Res. 17-12 §§ 1 – 5]

**Title 3**  
**FINANCE**

**Chapters:**

- 3.05      Administration of Finance**
- 3.15      Procedures for Bond Assessments**
- 3.20      Investment of Funds**
- 3.25      Fund Balance Accounting and Reporting**
- 3.30      Reserve Policy**
- 3.35      Debt Management Policy**

## Chapter 3.05

### ADMINISTRATION OF FINANCE

#### Sections:

- 3.05.010 Financing corporation.
- 3.05.020 *Repealed.*
- 3.05.030 Auditor – Appointment.
- 3.05.040 Auditor – Compensation – Bond.
- 3.05.050 Auditor – Independent accountants.

#### **3.05.010 Financing corporation.**

(1) The board of directors of the district appoints all five of its incumbent directors as the sole directors of the financing corporation.

(2) The five directors shall assume office as the corporation's directors, without any further action of the board of directors, upon the corporation board's adoption of bylaws amendments to reconstitute the corporation's three-member board into a five-member board. [Res. 93-06]

#### **3.05.020 Line of credit.**

*Repealed by Res. 07-08. [Res. 92-16; Res. 92-09]*

#### **3.05.030 Auditor – Appointment.**

The board of directors of the Twentynine Palms Water District hereby appoints the district's finance manager, whose identity may change from time to time, to the office of auditor to the district, and charges said person to perform all Water Code Section 30582 auditor duties and all other duties assigned to the district's auditor, pursuant to district resolutions, contracts or debt instruments. [Res. 97-11]

#### **3.05.040 Auditor – Compensation – Bond.**

The auditor shall serve at the pleasure of the board, shall receive no separate compensation for service as auditor, and shall give a bond of \$100,000 – the premium of which shall be payable by the district – for faithful performance of his or her auditor duties. [Res. 97-11]

#### **3.05.050 Auditor – Independent accountants.**

The board further directs that its general manager employ, on behalf of the district, an independent certified public accountant or accountants who shall not be deemed to hold the office of district auditor. [Res. 97-11]

## Chapter 3.15

### PROCEDURES FOR BOND ASSESSMENTS

#### Sections:

- 3.15.010 Application for apportionment of assessment and exchange of bonds.
- 3.15.020 Application – Contents.
- 3.15.030 Apportionment of unpaid assessment.
- 3.15.040 Application requesting adoption of apportioned assessment.
- 3.15.050 Notice of proposed apportionment – Request for hearing – Consent to apportionment.
- 3.15.060 Request for hearing.
- 3.15.070 Determinations and findings.
- 3.15.080 Final and conclusive.
- 3.15.090 Amendment of recorded diagram and assessment.
- 3.15.100 Annual entries on assessment roll.
- 3.15.110 Exchange of bonds.
- 3.15.120 Application fee.
- 3.15.130 Costs of hearing.
- 3.15.140 Deposit in treasury.

#### **3.15.010 Application for apportionment of assessment and exchange of bonds.**

If any lot or parcel of land upon which there is an unpaid assessment represented by bonds is subdivided, including a division into condominium interests as defined in Section 783 of the Civil Code, or the ownership of a portion of the lot or parcel of land is transferred to another person, the owner of any interest in any of the lots or parcels into which the original lot or parcel has been divided may file an application in writing with the district for the apportionment of unpaid assessment and exchange of bonds. [Res. 481 § 1.01, 1988]

#### **3.15.020 Application – Contents.**

The application under TPWDC 3.15.010 shall indicate how the original lot or parcel has been divided or transferred, and request the board of directors to apportion the unpaid assessment and authorize an exchange of bonds in accordance with this resolution. Furthermore, the application shall be accompanied by a fee in the amount specified in TPWDC 3.15.120 for each separate part or parcel of land which has been or will be divided or transferred. [Res. 481 § 1.02, 1988]

#### **3.15.030 Apportionment of unpaid assessment.**

Upon receipt of the application and fee, pursuant to TPWDC 3.15.020, the superintendent of streets shall determine, or cause to be determined, an apportionment of the unpaid assessment to each separate part of the original lot or parcel of land, as if the lot or parcel of land had been so divided or transferred at the time the original assessment was made. [Res. 481 § 2.01, 1988]

#### **3.15.040 Application requesting adoption of apportioned assessment.**

After the apportionment of assessment has been determined, pursuant to TPWDC 3.15.030, an application signed by all persons owning an interest in the original lot or parcel of land may be filed with the board of directors requesting approval of the apportionment of the unpaid assessment and corresponding exchange of bonds. [Res. 481 § 2.02, 1988]

#### **3.15.050 Notice of proposed apportionment – Request for hearing – Consent to apportionment.**

The secretary shall send a notice, by certified or registered mail, to the registered owner of any outstanding bond secured by the assessment to be apportioned stating that:

(1) An apportionment of an assessment has been requested, and the numbers and amounts of the proposed apportionment and proposed exchange of bonds;

(2) Unless the registered owner of the bond requests a hearing within 45 days from the date of mailing of the notice, the apportioned assessment shall become final and be recorded in the office of the superintendent of streets and new bonds shall be exchanged for the original bond; and

(3) The registered owner of the bond may consent to the proposed apportioned assessment and exchange of bonds by executing and returning the enclosed consent form or by otherwise indicating such consent in writing. [Res. 481 § 2.03, 1988]

#### **3.15.060 Request for hearing.**

If a request for hearing is received under TPWDC 3.15.050(2), the board of directors shall cause a report to be prepared and filed and conduct a hearing, pursuant to Part 10 of Division 12 of the

Streets and Highways Code (commencing with Section 8730). [Res. 481 § 3.01, 1988]

### **3.15.070 Determinations and findings.**

At the time and place set for the hearing, pursuant to TPWDC 3.15.060, and after hearing all protests, the board of directors may determine to approve the apportionment of the assessment and exchange of bonds as proposed or as amended by the board of directors during the hearing, upon making the findings specified as follows:

(1) The unpaid assessment is apportioned in accordance with the proportionate benefits to be received by each of the resulting lots or parcels;

(2) The unpaid assessment as apportioned does not impair the value or security of outstanding bonds secured by the land being apportioned and that the lien-to-value ratio of each apportioned parcel is not less than the lien-to-value ratio for the original parcel based on an appraisal by an individual designated by the district who is a member in good standing of a nationally recognized appraisal association (the value calculations shall exclude site improvements constructed subsequent to the date of confirmation of the assessment); and

(3) Bonds will be exchanged for the original bond representing each apportioned lot or parcel, pursuant to TPWDC 3.15.110. [Res. 481 § 3.02, 1988]

### **3.15.080 Final and conclusive.**

The determination of the board of directors pursuant to TPWDC 3.15.070 shall be final and conclusive. [Res. 481 § 3.03, 1988]

### **3.15.090 Amendment of recorded diagram and assessment.**

If the secretary ascertains that the application has been signed by all of the necessary persons, pursuant to TPWDC 3.15.040, and that no request for a hearing or consent to apportionment has been received, pursuant to TPWDC 3.15.050(2) or (3), or the board of directors has made its determinations pursuant to TPWDC 3.15.070, the secretary shall cause the recorded diagram and assessment to be amended to conform to the proposed apportionment of unpaid assessment and assign new assessment numbers to each separate part of the original lot or parcel of land. [Res. 481 § 4.01, 1988]

### **3.15.100 Annual entries on assessment roll.**

The secretary shall cause the amended assessment to be filed with the auditor who shall annually enter upon the assessment roll the installments becoming due on each component part of the original parcel opposite a description of the respective parcels. [Res. 481 § 4.02, 1988]

### **3.15.110 Exchange of bonds.**

Upon recordation of the amended diagram and assessment, pursuant to TPWDC 3.15.090, the bond secured by the original parcel shall be returned by the registered bondowner, canceled on the books of the district, and exchanged for new bonds on the apportioned parcels in the same aggregate principal amount, of the same maturity, and at the same interest rate as the original bond. Thereafter, payment of principal and interest shall be due on the new bonds to the owner thereof in the same manner and on the same dates as were applicable to the original bond. [Res. 481 § 5.01, 1988]

### **3.15.120 Application fee.**

(1) The application fee is established in the amounts and for the purposes specified as follows:

(a) Two hundred dollars to be paid to the legal counsel for the district to defray all legal costs and expenses of processing the application; and

(b) The sum of \$1,000 will be deposited with the district to cover and defray all costs and expenses of apportioning assessment, processing the application, and preparing new bonds in exchange for original bond.

(2) Upon completion of the process noted, and any other expenses involved in the split, the district will refund to the applicant any unexpended portion of the deposit, or require the applicant to pay any deficiency in the deposit. [Res. 481 § 6.01, 1988]

### **3.15.130 Costs of hearing.**

(1) As a condition to ordering proceedings, pursuant to TPWDC 3.15.060, the applicant shall be required to deposit with the district a sum estimated by the district to defray all costs incurred by the district in conducting proceedings under TPWDC 3.15.060, 3.15.070 and 3.15.080 including, but not limited to, engineering, legal, accounting and appraisal services; costs of mailing, posting and publication; and any other costs of mailing, posting and publication; and any other costs and expenses incident thereto.

(2) At the conclusion of the proceedings, the district will refund to the applicant any unexpended portion of the deposit or require the applicant to pay any deficiency in the deposit as a condition to causing the assessment diagram to be amended. [Res. 481 § 6.02, 1988]

### **3.15.140 Deposit in treasury.**

The application fee and costs of hearing shall be deposited in the treasury of the district, until disbursed as provided herein. [Res. 481 § 6.03, 1988]

## **Chapter 3.20**

### **INVESTMENT OF FUNDS<sup>1</sup>**

#### Sections:

- 3.20.010 Scope of policy.
- 3.20.020 Prudence.
- 3.20.030 Objectives.
- 3.20.040 Delegation of authority.
- 3.20.050 Ethics and conflicts of interest.
- 3.20.060 Authorized financial institutions and dealers.
- 3.20.070 Authorized and suitable investments.
- 3.20.080 Collateralization.
- 3.20.090 Safekeeping and custody.
- 3.20.100 Diversification.
- 3.20.110 Reporting.
- 3.20.120 Investment policy adoption.

#### **3.20.010 Scope of policy.**

This investment policy (“policy”) applies to all financial assets of the Twentynine Palms Water District (the “district”). Funds in any deferred compensation plan and/or in a trust for retiree benefits are not included within the scope of this policy. [Res. 25-01 § 2 (Exh. A § 1); Res. 24-01 § 2 (Exh. A § 1); Res. 23-01 § 2 (Exh. A § 1); Res. 22-02 § 1; Res. 21-03 § 1; Res. 20-01 § 1; Res. 19-01 § 1; Res. 18-01 § 1; Res. 17-03 § 1; Res. 16-02 § 1]

#### **3.20.020 Prudence.**

Investments shall be made with judgment and care, under circumstances then prevailing, including, but not limited to, the general economic conditions and anticipated needs of the district, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the “prudent investor” standard (California Government Code Section 53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit

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1. Prior legislation: Resos. 99-11, 00-15, 01-15, 02-26, 03-08, 04-15, 05-11, 06-17, 07-17, 08-10, 09-18, 10-14, 11-16, 12-12, 13-14 and 14-11.

risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. [Res. 25-01 § 2 (Exh. A § 2); Res. 24-01 § 2 (Exh. A § 2); Res. 23-01 § 2 (Exh. A § 2); Res. 22-02 § 2; Res. 21-03 § 2; Res. 20-01 § 2; Res. 19-01 § 2; Res. 18-01 § 2; Res. 17-03 § 2; Res. 16-02 § 2]

### **3.20.030 Objectives.**

As specified in California Government Code Section 53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing funds of the district, the primary objectives, in priority order, of the investment activities shall be:

(1) Safety. Safety of principal is the foremost objective of the policy. Investments of the district shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

(2) Liquidity. The investment portfolio of the district will remain sufficiently liquid to enable the district to meet all operating requirements that might be reasonably anticipated and meet its cash flow requirements.

(3) Return on Investments. The investment portfolio of the district shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio. The objective of maximizing return on investments should be done only after ensuring safety and liquidity. [Res. 25-01 § 2 (Exh. A § 3); Res. 24-01 § 2 (Exh. A § 3); Res. 23-01 § 2 (Exh. A § 3); Res. 22-02 § 3; Res. 21-03 § 3; Res. 20-01 § 3; Res. 19-01 § 3; Res. 18-01 § 3; Res. 17-03 § 3; Res. 16-02 § 3]

### **3.20.040 Delegation of authority.**

Authority to manage the policy is derived from California Government Code Section 53600 et seq. Pursuant to California Government Code Section 53607, management responsibility for the policy is hereby delegated to the general manager, as chief fiscal officer. Such delegation of authority is for a one-year period and may be renewed annually by

the board. Pursuant to California Government Code Section 53607, as long as the aforementioned delegation authority is renewed, the treasurer shall submit a monthly investment report of transactions to the board, as provided in TPWDC 3.20.110. No person may engage in an investment transaction except as provided under the terms of this policy. Under the provisions of California Government Code Section 53600.3, the general manager is a trustee and a fiduciary subject to the prudent investor standard. [Res. 25-01 § 2 (Exh. A § 4); Res. 24-01 § 2 (Exh. A § 4); Res. 23-01 § 2 (Exh. A § 4); Res. 22-02 § 4; Res. 21-03 § 4; Res. 20-01 § 4; Res. 19-01 § 4; Res. 18-01 § 4; Res. 17-03 § 4; Res. 16-02 § 4]

### **3.20.050 Ethics and conflicts of interest.**

Officers and employees involved in the investment process shall fully comply with the district's conflict of interest code in the execution of this policy. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. [Res. 25-01 § 2 (Exh. A § 5); Res. 24-01 § 2 (Exh. A § 5); Res. 23-01 § 2 (Exh. A § 5); Res. 22-02 § 5; Res. 21-03 § 5; Res. 20-01 § 5; Res. 19-01 § 5; Res. 18-01 § 5; Res. 17-03 § 5; Res. 16-02 § 5]

### **3.20.060 Authorized financial institutions and dealers.**

The general manager may maintain a list of financial institutions, selected on the basis of creditworthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list may also be maintained of approved security brokers/dealers selected by creditworthiness who are authorized to provide investment and financial advisory services in the state of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the general manager shall select only brokers/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commis-

sion, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the general manager shall have received from said firm a signed certification form. This form shall attest that the individual responsible for the district's account with that firm has reviewed the district's policy and that the firm understands the policy and intends to present investment recommendations and transactions to the district that are appropriate under the terms and conditions of the policy and the law.

All funds of the district not placed in FDIC-insured accounts are invested through the state of California Local Agency Investment Fund (LAIF) or California Cooperative Liquid Assets Securities System (California CLASS). The district need not investigate the qualifications of those financial institutions and broker/dealers with whom LAIF or California CLASS transacts business. The district may invest in LAIF and/or California CLASS. [Res. 25-01 § 2 (Exh. A § 6); Res. 24-01 § 2 (Exh. A § 6); Res. 23-01 § 2 (Exh. A § 6); Res. 22-02 § 6; Res. 21-03 § 6; Res. 20-01 § 6; Res. 19-01 § 6; Res. 18-01 § 6; Res. 17-03 § 6; Res. 16-02 § 6]

### **3.20.070 Authorized and suitable investments.**

(1) Permitted Investments. District funds may be invested as authorized by, and subject to the limitations and special conditions of, California Government Code Sections 16429.1, 53601, and 53601.8. Bond proceeds shall be invested in securities permitted by the applicable bond documents. If the bond documents are silent as to permitted investments, bond proceeds will be invested in securities permitted by this policy.

(2) Prohibited Investments. Under the provisions of California Government Code Sections 53601.6 and 53635, the district shall not invest any funds covered by this policy in inverse floaters, range notes, or interest-only strips derived from mortgage pools. In addition, and more generally, investments are further restricted as follows:

(a) No investment will be made that has either (i) an embedded option or characteristic which could result in a loss of principal if the investment is held to maturity, or (ii) an embedded option or characteristic which could seriously limit

accrual rates or which could result in zero interest accrual periods.

(b) No investment will be made that could cause the portfolio to be leveraged.

Where this policy and the California Government Code do not specify a maximum remaining maturity at the time of the investment, no investment shall be made in any security, other than a security underlying a repurchase or reverse repurchase agreement authorized by this section, that at the time of the investment has a term remaining to maturity in excess of five years. Maximum stated term for permitted investments shall be determined based on the settlement date (not the trade date) upon purchase of the security and the stated final maturity of the security. The purchase of a security with a forward settlement date cannot exceed 45 days from the time of investment. [Res. 25-01 § 2 (Exh. A § 7); Res. 24-01 § 2 (Exh. A § 7); Res. 23-01 § 2 (Exh. A § 7); Res. 22-02 § 7; Res. 21-03 § 7; Res. 20-01 § 7; Res. 19-01 § 7; Res. 18-01 § 7; Res. 17-03 § 7; Res. 16-02 § 7]

### **3.20.080 Collateralization.**

All certificates of deposits must be collateralized by U.S. Treasury obligations. Collateral must be held by a third-party trustee and valued on a monthly basis. The percentage of collateralization on repurchase and reverse repurchase agreements will adhere to the amount required under California Government Code Section 53601(j)(2). Bank deposits will be insured by the Federal Deposit Insurance Corporation, or, to the extent the amount exceeds the insured maximum, will be collateralized in accordance with state law, including California Government Code Sections 53651 and 53652. [Res. 25-01 § 2 (Exh. A § 8); Res. 24-01 § 2 (Exh. A § 8); Res. 23-01 § 2 (Exh. A § 8); Res. 22-02 § 8; Res. 21-03 § 8; Res. 20-01 § 8; Res. 19-01 § 8; Res. 18-01 § 8; Res. 17-03 § 8; Res. 16-02 § 8]

### **3.20.090 Safekeeping and custody.**

All security transactions entered into by the district shall be conducted on a delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to the district by book entry, physical delivery or by third-party custodial agreement as required by California Government Code Section 53601. [Res. 25-01 § 2 (Exh. A § 9); Res. 24-01 § 2 (Exh. A § 9); Res. 23-01 § 2 (Exh.

A § 9); Res. 22-02 § 9; Res. 21-03 § 9; Res. 20-01 § 9; Res. 19-01 § 9; Res. 18-01 § 9; Res. 17-03 § 9; Res. 16-02 § 9]

### **3.20.100 Diversification.**

The district will diversify its investments by security type and institution. It is the policy of the district to diversify its investment portfolio. Assets shall be diversified to eliminate the risk of loss resulting from overconcentration of assets in a specific maturity, a specific issuer, or a specific class of securities. Diversification strategies shall be determined and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

(1) Portfolio maturities shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.

(2) Maturities selected shall provide for stability of income and liquidity.

(3) Disbursement and payroll dates shall be covered through maturities investments, marketable U.S. Treasury Bills or other cash equivalent instruments such as money market mutual funds. [Res. 25-01 § 2 (Exh. A § 10); Res. 24-01 § 2 (Exh. A § 10); Res. 23-01 § 2 (Exh. A § 10); Res. 22-02 § 10; Res. 21-03 § 10; Res. 20-01 § 10; Res. 19-01 § 10; Res. 18-01 § 10; Res. 17-03 § 10; Res. 16-02 § 10]

### **3.20.110 Reporting.**

In accordance with California Government Code Section 53646(b)(1), the general manager, as chief fiscal officer, shall submit to the board a quarterly investment report within 45 days after the end of the quarter covered by said report. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par and dollar amount invested on all securities, investments and moneys held by the district, and a description of any of the district's funds, investments, or programs that are under the management of contracting parties, including lending programs. Additionally, the report shall include the current market values of each component of the portfolio as of the date of the report, including funds managed for the district by third-party contracted managers, if applicable, and the source of the valuation. The report will also include a certification that (1) all investment actions executed since the last report have been made in full compli-

ance with the policy or describe the manner in which it is not in compliance, and (2) the ability of the district to meet its pool's expenditure obligations for the next six months or an explanation as to why sufficient money may not be available, as required by California Government Code Sections 53646(b)(2) and (3), respectively. The general manager shall maintain a complete and timely record of all investment transactions.

For district investments that have been placed in the LAIF, in National Credit Union Share Insurance Fund-insured accounts in a credit union, in accounts insured or guaranteed pursuant to Section 14858 of the California Financial Code, in FDIC-insured accounts in a bank or savings and loan association, in a county investment pool, or any combination thereof, the most recent statement or statements received by the district from these institutions may be provided to the board in lieu of the information required in the above paragraph.

Upon the delegation detailed in TPWDC 3.20.040, the general manager shall provide to the board a portfolio report, on a monthly basis, in accordance with the requirements of Government Code Section 53607. [Res. 25-01 § 2 (Exh. A § 11); Res. 24-01 § 2 (Exh. A § 11); Res. 23-01 § 2 (Exh. A § 11); Res. 22-02 § 11; Res. 21-03 § 11; Res. 20-01 § 11; Res. 19-01 § 11; Res. 18-01 § 11; Res. 17-03 § 11; Res. 16-02 § 11]

### **3.20.120 Investment policy adoption.**

The policy shall be adopted by resolution of the board. The policy shall be reviewed on an annual basis, and the general manager may annually render to the board a statement of investment policy, which the board must consider at a public meeting. Any modifications to this policy must be approved by the board at a public meeting. [Res. 25-01 § 2 (Exh. A § 12); Res. 24-01 § 2 (Exh. A § 12); Res. 23-01 § 2 (Exh. A § 12); Res. 22-02 § 12; Res. 21-03 § 12; Res. 20-01 § 12; Res. 19-01 § 12; Res. 18-01 § 12; Res. 17-03 § 12; Res. 16-02 § 12]

## Chapter 3.25

### FUND BALANCE ACCOUNTING AND REPORTING POLICY

Sections:

3.25.010 Policy.  
3.25.020 Procedures.

#### 3.25.010 Policy.

This fund balance policy establishes the procedures and definitions for reporting governmental type fund balance(s) in accordance with Governmental Accounting Standards Board Statement Number 54 (GASB 54). Certain restrictions, commitments, and assignments of fund balance will help the district maintain or accumulate adequate financial resources required to meet some of the future needs of the district. This policy also authorizes and directs the finance director to prepare annual financial reports which will accurately categorize fund balance(s) in accordance with this policy and the provisions of GASB 54.

This policy applies solely to the fire fund because that is the district's only governmental type fund. [Res. 11-10]

#### 3.25.020 Procedures.

(1) Fund balance is essentially the difference between the assets and liabilities accounted for and reported in a governmental fund. There are four separate categories of fund balance:

- (a) Restricted fund balance;
- (b) Committed fund balance;
- (c) Assigned fund balance;
- (d) Unassigned fund balance.

(2) These classifications of fund balance are defined as follows:

“Restricted fund balance” is an amount(s) that is imposed by law; or an amount(s) that is required by grantors, contributors, lenders, or regulations of other governmental entities. The board of directors of the district shall be the only authority to establish this category of fund balance and any such designation shall be evidenced by a duly adopted ordinance or resolution of the district. To change or repeal any such designation will require an additional formal board of directors’ action utilizing the same type of action that was used originally.

“Committed fund balance” is any amount that may be specified by the board of directors by ordi-

nance or resolution to formally commit part of the fire fund’s fund balance or future revenues for a specific purpose(s) or program. An example would be the establishment of a contingency or emergency reserve. The board could also direct certain revenues to be classified as “committed” and used for only a specified purpose. To change or repeal any such designation will require an additional formal board of directors’ action utilizing the same type of action that was used originally.

“Assigned fund balance” is constrained by the board’s intent to use specified financial resources for specific purposes, but are neither restricted nor committed. This policy hereby delegates the authority to assign amounts to be used for specific purposes to the finance director; provided, any such assignment has been included as a “line item” within an adopted budget of the fire department. Examples of committed fund balance would include an apparatus reserve and/or a capital project/purchase continuing appropriation for capital items appropriated in prior years but must be carried forward into the new fiscal year.

“Unassigned fund balance” is the residual positive net resources of the fund that have not been included or categorized as one of the other three classifications of fund balance.

(3) The board of directors hereby directs the finance director to establish procedures to ensure compliance with the definitions, procedures and limits of authority specified in this chapter. [Res. 11-10]

**Chapter 3.30****RESERVE POLICY**

## Sections:

3.30.010 Established.

**3.30.010 Established.**

The following reserve levels are established and adjusted annually when the budget is adopted:

(1) Operating Reserves. This reserve covers contingency funds to continue operations in the event of an unanticipated cash shortfall. This reserve provides continuity of service during an unexpected event, whether it be economic shortfall, natural disaster, or other extreme event. This reserve will be set at a minimum of 180 days of budgeted operating and maintenance (O&M) expenses.

(2) Capital Reserves. This reserve covers unforeseen and emergency capital needs that are necessary to meet regulatory requirements, system reliability and future needs. This reserve will be set at a minimum amount of six percent of total capital assets.

(3) Primary and Secondary Impact Fees. This restricted reserve is funded by developer impact fees and can only be used to create additional capacity or distribution within the district. There are no set minimums for this reserve. [Res. 19-09; Res. 15-02]

**Chapter 3.35****DEBT MANAGEMENT POLICY**

## Sections:

3.35.010 Purpose of the policy.

3.35.020 Policy.

3.35.030 Conditions for debt issuance.

3.35.040 Conditions for debt refinancing.

3.35.050 Interest rate swaps.

3.35.060 Debt management.

3.35.070 Authority.

3.35.080 Policy review.

**3.35.010 Purpose of the policy.**

This policy sets forth comprehensive guidelines for the financing of capital expenditures. It is the objective of this policy that:

(1) The district obtain financing when necessary;

(2) The process for identifying the timing and amount of debt or other financing be as efficient as possible;

(3) The most favorable interest rate and issuance costs be obtained; and

(4) When appropriate, future financial flexibility be maintained. [Res. 17-11 Exh. A § 1]

**3.35.020 Policy.**

The issuance of long-term debt is a valuable funding resource for the district. Used appropriately and prudently, long-term debt can minimize the district's water system charges and rates over time.

To minimize dependency on debt financing for capital projects, annual renewal and replacement capital projects will be adequately funded from rates. Funding levels for capital investments will be sufficient to meet capital improvement projections needed as outlined in the current asset management plans and/or water system master plan. Long-term debt will be considered only for large capital improvement projects or greater than normal capital plans. The district will maintain water rates to at least meet, and potentially exceed, the minimum and target debt service coverage (DSC) requirements as imposed by bond covenants. The district will not issue long-term debt to support operating costs.

(1) Use of Long-Term Debt as a Funding Mechanism. Use of long-term debt will be minimized and, unless otherwise directed by the district

board of directors, will be utilized only for projects described in the district's approved capital improvement program. The district may consider the use of long-term debt financing when it appears that a capital project, or other expenditures as deemed appropriate by the board, is of such a magnitude that it will negatively impact the district's rates in the short-term. The benefit of long-term debt financing is that it will spread the costs of the capital asset over a longer period of time and will, therefore, approximate the useful life of the asset, and over time, charge those customers that benefit from that asset more equitably.

(2) Types of Long-Term Debt. The district may utilize any type of debt available to it; provided, that, the district will strive to utilize the type of debt that has the lowest costs, while not imposing any burdensome covenants or reporting requirements.

(3) Legal Covenants. The district will manage its finances to meet all bond covenants associated with the long-term debt. Bond covenants are legal obligations of the district.

(4) Debt Service Coverage Covenants. Long-term debt issuances typically contain legal covenants regarding DSC. A DSC ratio is an important financial measure of the district's ability to repay the outstanding debt obligation, and is reviewed for adequacy by banks and rating agencies. Generically, the DSC ratio is the district's net operating income divided by the total annual debt service payment. For financial planning purposes, the targeted annual DSC ratio will be greater than or equal to 1.85 on all outstanding debt that carries such a covenant.

(5) Reporting Standards. The district will fully adhere to all applicable Government Accounting Standards Board (GASB) requirements and recognized best practices for the accounting treatment and disclosure of debt obligation transactions in its audited financial statements and other relevant publications.

(6) Revenue-Bonded Debt Capacity. The issuances of debt are supported by the revenues of the district. The ability of the district to fund and support revenue-bonded debt will financially establish a debt level and capacity for revenue-bonded debt. [Res. 17-11 Exh. A § 2]

### 3.35.030 Conditions for debt issuance.

(1) When debt issuance is determined necessary, the district will assess the market conditions and timing for debt issuance to include issuing debt:

- (a) In times of favorable market conditions;
- (b) When bond ratings would qualify district issuances to be investment grade; and
- (c) When revenues are sufficient to adequately cover expected debt service and issuance costs.

(2) Bond credit enhancements will be considered when necessary for market acceptance and when costs are favorable to the district. [Res. 17-11 Exh. A § 3]

### 3.35.040 Conditions for debt refinancing.

(1) Debt refinancing (refunding) is an important debt management tool for the district. There are three key concepts that must be taken into consideration when evaluating a debt for refunding:

- (a) Financial and policy objectives;
- (b) Financial savings/results of financing;
- (c) Bond structure and escrow efficiency.

(2) Financial and Policy Objectives. The district may undertake a refinancing for a number of financial and/or policy objectives, including to achieve debt service savings, eliminate restrictive debt/legal covenants, restructure the stream of debt service payments, or to achieve other policy objectives. Although in most circumstances the district may undertake a refunding to obtain economic savings, it may refund an issue to restructure its debt portfolio in order to obtain budgetary/cash flow relief or to address exposure to other costs/liabilities and to extend the maturity.

(3) Financial Savings/Results of Financing. The financial framework regarding the evaluation of refunding opportunities is to be developed and evaluated by the district treasurer, typically to include the efforts of outside financial advisors. It is important to note that federal tax law typically permits an issuer to conduct one advance refunding over the life of a bond issue. As such, the district must take greater care (i.e., require a higher savings threshold) when evaluating an advance refunding opportunity. In certain circumstances, lower savings thresholds may be justified. For example, when an advance refunding is being conducted primarily for policy reasons (other than economic savings), interest rates are at historically low levels

or the time remaining to maturity is limited, and as such, future opportunities to achieve greater savings are not likely to occur.

(4) Bond Structure and Escrow Efficiency. The district's debt management practices should anticipate the potential for future refundings. When debt is issued, careful attention should be paid to the bond structure to address features that may affect flexibility in the future. To that end, upon debt issuance the district shall consider: optional redemption provisions, bond coupon characteristics giving up call rights for certain maturities in exchange for a lower interest rate on the bonds, call provisions that permit the redemption of bonds in any order of maturity or on any date, call provisions that permit the issuer to call bonds at the earliest date without incurring a significant interest rate penalty, and coupons on callable bonds priced as close to par as possible at the time of original issue.

(5) Escrow Efficiency. The lower the cost of the escrow the more efficient the escrow. Also, in order to be efficient, escrow securities need to mature or pay interest when debt service payments of the refunded escrow are due.

(6) Current versus Advance Refunding. There are two types of refundings for tax-exempt debt financing, as defined by federal tax laws: a current refunding in which a refunding takes place (i.e., refunding bonds are sold) within 90 days of the optional call date, and an advance refunding in which refunding bonds are sold more than 90 days prior to the first call date. Federal tax law typically permits an issuer to conduct one advance refunding over the life of a bond issue. [Res. 17-11 Exh. A § 4]

### 3.35.050 Interest rate swaps.

(1) The incurring or carrying of variable-rate debt obligations by the district involves a variety of interest rate payments and other risks that interest rate swaps are available to offset, hedge, or reduce. It is the policy of the district to utilize such interest rate swaps to better manage its debt portfolio. The district will consider executing an interest rate swap transaction if it expects the swap transaction will result in any of the following:

- (a) Reduce exposure to changes in interest rates on a financial transaction;
- (b) Result in a significantly lower net cost of borrowing with respect to the district's debt consistent with an established target; or

(c) Manage variable interest rate exposure consistent with prudent debt practices and guidelines as approved by the board.

(2) Savings Target. Interest rate swaps will require a significant financial benefit or savings versus traditional fixed-rate debt. For an interest rate swap intended to produce the effect of a synthetic fixed-rate transaction, the swap transaction must generate five percent or greater net present value savings compared to standard fixed-rate bonds which have the same optional redemption features.

(3) Restrictions. The district will not enter into any swap transaction:

- (a) For speculative purposes.
- (b) If the swap presents an extraordinary risk to the district's liquidity to terminate the agreement due to unforeseen events.
- (c) If there is insufficient price transparency to allow for fair market valuation.

(4) Provider Requirements. The transaction provider will have a credit rating of AA (or equivalent) or better from at least two nationally recognized credit rating agencies (at the time of agreement execution). The transaction provider will have a demonstrated record of successfully executing derivative transactions and have a minimum capitalization of \$2,000,000,000.

(5) Use of Independent Advisor. The district will use a professional advisor or designated swap representative ("swap advisor") to assist in the assessment, structuring, and pricing of proposed or existing interest rate swaps. The swap advisor will be a firm which:

- (a) Is a municipal advisor registered with the Securities and Exchange Commission;
- (b) Has sufficient knowledge to evaluate the swap transaction and risks;
- (c) Is not subject to a statutory disqualification;
- (d) Is independent of the swap dealer or major swap participant;
- (e) Undertakes a duty to act in the best interests of the district;
- (f) Provides appropriate and timely disclosures to the district; and
- (g) Evaluates fair pricing and the appropriateness of the swap. [Res. 17-11 Exh. A § 5]

**3.35.060 Debt management.**

The district's general manager will oversee the bond issuance process with assistance from the district's contract CPA and any financial advisors deemed necessary. The general manager will insure debt proceeds are expended for allowable purposes only. The district's contract CPA will review all debt proceeds expenditures and another form of internal control. The district's general manager will ensure compliance with continuing disclosure and other post-issuance requirements. The district's CPA will review all disclosures for compliance as well. [Res. 17-11 Exh. A § 6]

**3.35.070 Authority.**

The general manager is responsible for adherence to this policy and regular reporting of the district's financial status. Board oversight will be accomplished through regular reporting of financial status and review of this policy. [Res. 17-11 Exh. A § 7]

**3.35.080 Policy review.**

This policy will be reviewed at least biennially. [Res. 17-11 Exh. A § 8]

**Title 4**  
**POLICIES**

**Chapters:**

- 4.05    Public Use of District Lands**
- 4.10    Annexations**
- 4.15    Smoking in Public Facilities**
- 4.20    Statute of Limitations on Decisions by District**
- 4.25    Purchasing Policies and Procedures**
- 4.30    Exportation of Water**
- 4.35    Criminal History Information Use**
- 4.40    Fixed Asset Capitalization Policy**
- 4.45    Unclaimed Property Policy**
- 4.50    Identification and Disposal of Unserviceable/Surplus Material and Equipment**
- 4.55    Records Retention**
- 4.60    Legislative and Regulatory Policy Principles**

**Chapter 4.05****PUBLIC USE OF DISTRICT LANDS**

## Sections:

4.05.010 Availability of district property and facilities.

4.05.020 Use of district property and facilities by the general public.

4.05.030 All previous policies are hereby superseded.

**4.05.010 Availability of district property and facilities.**

Except as provided for herein, district property and facilities shall only be available for use by the district for official district purposes. [Res. 06-16 § 1; Ord. 71 § 1, 1993]

**4.05.020 Use of district property and facilities by the general public.**

An outside agency, organization or association may submit a request to the district general manager for the use of water district property/facilities. The general manager shall present said requests to the board of directors to determine the terms and conditions upon which:

- (1) A request will be made;
- (2) Use will be granted or denied; and
- (3) Use will be permitted. [Res. 15-14; Res. 06-16 § 2]

**4.05.030 All previous policies are hereby superseded.**

All prior district policies regarding the subject matter of this chapter including, without limitation, Ordinance No. 71, are hereby superseded in their entirety. As a result, upon the effective date of the resolution codified in this chapter, all such previous policies shall be of no further force or effect. [Res. 06-16 § 3]

**Chapter 4.10****ANNEXATIONS**

## Sections:

4.10.010 Definitions.

4.10.020 Commencement.

4.10.030 Environmental guidelines compliance.

4.10.040 Required determinations.

4.10.050 Other agency's jurisdiction.

4.10.060 Contiguity.

4.10.070 Water service.

4.10.080 Documentation.

4.10.090 Water delivery facilities.

4.10.100 Administrative fee – Payment required.

4.10.110 Annexation fee – Payment required.

4.10.120 Applicable regulations compliance.

4.10.130 Terms and conditions.

4.10.140 Contested actions.

4.10.150 Termination.

4.10.160 Administrative fee – Established.

4.10.170 Annexation fee – Established.

4.10.180 Annexation fee – Designated.

**4.10.010 Definitions.**

## (1) Definitions.

(a) "Annexation" means a proceeding by which land may be annexed, included, attached or added to the district.

(b) "Applicant" means a landowner who submits to the district a written request for annexation of the landowner's land.

(c) "Board" means the board of directors of the district.

(d) "Board-initiated annexation" means an annexation commenced by the board upon written request of a landowner. An annexation commenced by the board without such a request shall not be included within this definition and shall not be subject to this chapter.

(e) "District" means the Twentynine Palms Water District.

(f) "District annexation" means annexation to the district, of land lying outside the district.

(g) "Final approval" means adoption by the board or other appropriate agency, or both, of a formal annexation resolution approving the annexation, pursuant to which the affected land is annexed.

(h) "Informal approval" means a board action expressing a favorable disposition toward an annexation; "informal approval" does not consti-

tute approval of the annexation, and is not binding on the district.

(i) "Land" means real property, including improvements.

(j) "Petition annexation" means an annexation commenced by petition.

(k) "Petitioner" means a landowner who submits to the district, or to another appropriate agency, a petition for annexation.

(2) Singular Includes Plural. As used in this chapter, the singular or plural number shall each include the other whenever the context so indicates. [Ord. 45 §§ 1, 4(B), 1984]

#### **4.10.020 Commencement.**

An annexation may be commenced by petition or by the board. [Ord. 45 § 2(A), 1984]

#### **4.10.030 Environmental guidelines compliance.**

Annexation shall comply with CEQA and with the district's guidelines adopted pursuant thereto. [Ord. 45 § 2(B), 1984]

#### **4.10.040 Required determinations.**

The following determinations by the board shall be required for annexation:

(1) That the land proposed to be annexed will be benefited thereby, and that the district will also be benefited thereby and will not be injured thereby.

(2) That the taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the district, including the payment of the principal of and interest on bonds and other obligations of the district authorized and outstanding at the time of the annexation. [Ord. 45 § 2(C), 1984]

#### **4.10.050 Other agency's jurisdiction.**

In the event the land proposed to be annexed lies within the boundaries of another agency providing the same service proposed to be provided upon annexation, such agency's written approval of the annexation shall be obtained prior to final approval. [Ord. 45 § 2(D), 1984]

#### **4.10.060 Contiguity.**

Contiguity shall not be required. [Ord. 45 § 2(E), 1984]

#### **4.10.070 Water service.**

District annexations shall not receive final approval unless the board determines that water service is available from another source acceptable to the board. [Ord. 45 § 2(F), 1984]

#### **4.10.080 Documentation.**

The applicant shall provide to the district's staff, within a reasonable time after the district's staff requests same, all plat maps, legal descriptions and any other filing data in connection with the annexation that the district's staff deems pertinent or necessary. [Ord. 45 § 2(G), 1984]

#### **4.10.090 Water delivery facilities.**

The board shall require as a condition to annexation that all facilities of whatsoever nature required for the delivery of water to the annexed land from works of the district shall be provided without cost to the district, and that the district shall be under no obligation to provide any necessary works except and to the extent that it may voluntarily undertake to do so. [Ord. 45 § 2(H), 1984]

#### **4.10.100 Administrative fee – Payment required.**

All annexations shall be subject to the condition that the administrative fee provided for in TPWDC 4.10.160 shall be paid. The time of payment, as fixed by the board, shall also be specified. [Ord. 45 § 2(I), 1984]

#### **4.10.110 Annexation fee – Payment required.**

All annexations shall be subject to the condition that the land affected by the annexation shall be subject to taxation, by the payment of the annexation fee provided for in TPWDC 4.10.170, as if the land had always been a part of the district to which it is being annexed. The time of payment, as fixed by the board, shall also be specified. [Ord. 45 § 2(J), 1984]

#### **4.10.120 Applicable regulations compliance.**

All annexations shall be subject to the condition that the annexed land shall be subject to the applicable ordinances, resolutions and other rules and regulations of the district in effect, amended or adopted on and after the date of final approval. [Ord. 45 § 2(K), 1984]

**4.10.130 Terms and conditions.**

All annexations shall also include such terms and conditions as the board may deem appropriate, as well as those that may otherwise be required by law. [Ord. 45 § 2(L), 1984]

**4.10.140 Contested actions.**

The district will not defend any action contesting an annexation, and shall leave such defense to the owner of the land affected by the annexation. [Ord. 45 § 2(M), 1984]

**4.10.150 Termination.**

Unless otherwise provided by law, an annexation shall terminate on the first to occur of:

(1) Date of delivery to the district of applicant's (or petitioner's, as the case may be) written notice of termination;

(2) Board action terminating the annexation when the board determines, in its discretion, that good cause exists for such termination. [Ord. 45 § 2(N), 1984]

**4.10.160 Administrative fee – Established.**

It is the policy of the board to recover all of the expenses incurred by the district in connection with annexations.

(1) There is hereby established an administrative fee consisting of an amount required to pay the following expenses incurred by the district:

(a) Expenses of district's staff, legal counsel, engineer, and other professional services, as may be required to process the annexation.

(b) Amortization of the expense of preparing this chapter, and any amendments hereto, and all general resolutions adopted pursuant hereto.

(2) If the total administrative fee paid to the district is more than the district's total expenses incurred in connection with the annexation, the difference shall be repaid by the district within 30 days after the conclusion of the annexation, whether by final approval or by termination. [Ord. 45 § 3(A), 1984]

**4.10.170 Annexation fee – Established.**

It is the policy of the board to require that a land-owner whose land is being annexed pay a fair and equitable share of the value of the district to which the land is being annexed.

(1) There is hereby established an annexation fee consisting of an amount required to pay an

appropriate pro rata share of the value of the district to which the land is being annexed.

(2) The amount of the annexation fee established by this chapter shall be fixed by resolution of the board from time to time, and shall be based upon the value of the district, as shown on a recent audited financial statement ("equity in utility plant"), divided by the total number of acres in the district, times the number of acres involved in the annexation. (All acreages shall be rounded up to the nearest whole number.) [Ord. 45 § 3(B), 1984]

**4.10.180 Annexation fee – Designated.**

The annexation fee for district annexation is fixed at \$116.45 per acre. [Res. 378, 1984]

**Chapter 4.15****SMOKING IN PUBLIC FACILITIES**

## Sections:

- 4.15.010 Prohibited.
- 4.15.020 Posting.
- 4.15.030 Policy dissemination.
- 4.15.040 Precedence of health concerns.
- 4.15.050 Violations.

**4.15.010 Prohibited.**

Smoking of any lighted cigarette, cigar, or pipe is prohibited in any district facility. [Ord. 62 § 1, 1988]

**4.15.020 Posting.**

“No Smoking” signs shall be conspicuously placed at all public entrances to district facilities. [Ord. 62 § 2, 1988]

**4.15.030 Policy dissemination.**

The smoking policy shall be communicated to all employees immediately upon adoption of the ordinance codified in this chapter, and at least annually thereafter. [Ord. 62 § 3, 1988]

**4.15.040 Precedence of health concerns.**

In any dispute arising under this smoking policy, the health concerns of the nonsmoker shall be given precedence. [Ord. 62 § 4, 1988]

**4.15.050 Violations.**

Any person found to be in violation of TPWDC 4.15.010 shall be asked to extinguish the item. Failure to do so may result in that person being asked to exit, or being escorted from the building. [Ord. 62 § 5, 1988]

**Chapter 4.20****STATUTE OF LIMITATIONS ON DECISIONS BY DISTRICT**

## Sections:

- 4.20.010 Legislative intent.
- 4.20.020 Definitions.
- 4.20.030 Judicial review authorized – Limitations.
- 4.20.040 Time limits.
- 4.20.050 Record of proceedings.
- 4.20.060 Time extensions.
- 4.20.070 Notice requirements.
- 4.20.080 Computation of time.

**4.20.010 Legislative intent.**

It is the intent of the board of directors of the Twentynine Palms Water District (“district”) to impose a time limit for seeking judicial review of final administrative decisions of the district or its officers or agents by making the provisions of Code of Civil Procedure Section 1094.6 applicable to any final administrative decision of the district, or any officer or agent thereof, made after hearing, suspending, demoting or dismissing an officer or employee; revoking or denying an application for a permit or a license; or denying an application for any retirement benefit or allowance. [Ord. 39 § 1, 1983]

**4.20.020 Definitions.**

As used in this chapter:

(1) “Decision” means any adjudicatory administrative decision made, after hearing, suspending, demoting, or dismissing an officer or employee, revoking or denying an application for a permit or a license or denying an application for any retirement benefit or allowance.

(2) “Party” means an officer or employee who has been suspended, demoted, or dismissed; a person whose permit or license has been denied; or a person whose application for a retirement benefit or allowance has been denied. [Ord. 39 §§ 2.5, 2.7, 1983]

**4.20.030 Judicial review authorized – Limitations.**

Judicial review of any decision of any board, officer or agent of the district may be had pursuant to Code of Civil Procedure Section 1094.5 only if the petition for writ of mandate pursuant to such

section is filed within the time limits specified in this chapter. [Ord. 39 § 2.1, 1983]

#### **4.20.040 Time limits.**

Any such petition shall be filed not later than the ninetieth day following the date on which the decision becomes final. The decision is final on the date it is made. If a party files a written request for the record and pays costs in the manner authorized by TPWDC 4.20.050 and 4.20.060, he shall be entitled to an extension of time as provided in TPWDC 4.20.060. [Ord. 39 § 2.2, 1983]

#### **4.20.050 Record of proceedings.**

The complete record of the proceedings shall be prepared by the district, board, officer, or agent which made the decision and shall be delivered to the party requesting such record within 90 days after he has filed a written request therefor. A request for the preparation of the record of the proceedings shall be filed with the person designating in the final decision. Such person shall, within 10 days of such request, notify the party of the estimated cost of the preparation of the requested record. The party requesting such record shall, within 10 days of such notification, deposit with the person designated in the decision an amount sufficient to cover the estimated cost. If during the preparation of the record it appears that additional costs will be incurred, the party requesting such record may be notified and, if requested, shall deposit such additional amounts before the record will be completed. If the cost of the preparation of the record exceeds the amount deposited, the party requesting such record shall pay this additional amount. If the amount deposited exceeds the cost, the difference shall be returned to the party requesting such record. Upon receiving the required deposit, the person designated in the decision shall promptly prepare such record in accordance with the request. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decisions by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the board, officer or agent, all written evidence, and any other papers in the case. [Ord. 39 § 2.3, 1983]

#### **4.20.060 Time extensions.**

If the party files a request for the record as specified in TPWDC 4.20.050 within 10 days after the

date the decision becomes final as provided in TPWDC 4.20.040, the time within which a petition pursuant to Code of Civil Procedure Section 1094.5 may be filed shall be extended to not later than the thirtieth day following the date on which the record is either personally delivered, or mailed to the party, or his attorney of record, if he had one. [Ord. 39 § 2.4, 1983]

#### **4.20.070 Notice requirements.**

In making a final decision as defined in TPWDC 4.20.020(2), the district shall provide notice to the party that the time within which judicial review must be sought is governed by this chapter. Upon giving notice of any decision subject to this chapter, the person responsible for issuing the decision shall include in the decision a statement substantially as follows:

Judicial review of this decision is governed by Code of Civil Procedure Section 1094.6 pursuant to District Ordinance No. 37, adopted November 16, 1983. Any petition for writ of mandate appealing this decision must be filed with the appropriate court no later than the 90th day following the date this decision becomes final. A decision will be deemed final on the date it is made unless a party files a written request for record, directed to the official designated below, within ten (10) days after the decision is made. If a written request for the record is timely, a petition for writ of mandamus to review the decision may be filed with the appropriate court anytime within thirty (30) days following the date the record is personally delivered, or mailed to, a party, or his attorney of record, if one has been designated.

Any party requesting preparation of the record must, within ten (10) days following notification by this agency, deposit sufficient funds to cover all costs of preparing the record. No record will be prepared until a deposit covering all costs designated by the agency has been received.

Parties desiring a copy of the record should direct their request to: General Manager, Twenty-nine Palms Water District, 6544 Adobe Road, Twentynine Palms, CA 92277.

[Ord. 39 § 2.6, 1983]

#### **4.20.080 Computation of time.**

The time in which any act provided by this chapter is to be done is computed by excluding the first

day, and including the last, unless the last day is a holiday, and then it is also excluded. For definition of a "holiday" see Code of Civil Procedure Section 10. [Ord. 39 § 2.8, 1983]

## Chapter 4.25

### PURCHASING POLICIES AND PROCEDURES

#### Sections:

- 4.25.010 Policy adopted.
- 4.25.020 Purchase approval.
- 4.25.030 Quotes – Proposals – Bids.
- 4.25.040 Inventory – Supplies – Services – Capital asset purchases in accordance with the currently approved budget.
- 4.25.050 Types of purchases.
- 4.25.060 Exceptions.
- 4.25.070 Purchasing procedures.

#### **4.25.010 Policy adopted.**

(1) Adoption of Purchasing Authority Policy. The board of directors does hereby revise its policy of authority, limits, restrictions, and procedures regarding the purchase of goods, services and public works projects by the district as set forth in this chapter.

(2) Purchases Subject to Budgetary Amounts and Authorization. The authority, limits, restrictions and procedures set forth in this chapter shall be subject to any and all applicable annual budgetary amounts and other authorizations as may be imposed by the board from time to time. [Res. 25-05 §§ 1, 2; Res. 16-14 §§ 1, 2; Res. 16-05 §§ 1, 2; Res. 08-12 §§ 1, 2; Res. 05-12]

#### **4.25.020 Purchase approval.**

(1) Any purchase, whether operating, maintenance or capital, which requires an expenditure of \$75,000 or less may be approved by the general manager, or his/her designee. Unless otherwise specified in this chapter, the term "general manager" shall be deemed to include the general manager and his/her designee.

(2) Except for purchases described in subsection (2)(a) of this section, any purchase which requires an expenditure in excess of \$75,000 shall be approved by the board of directors.

(a) The general manager shall have the authority to make purchases of consumable inventory/supplies, as said materials are described in TPWDC 4.25.040, even if such a purchase is in excess of \$75,000. The authority of the general manager to make such purchases shall be subject to applicable budgetary authorizations and restrictions. Such consumable inventory/supplies shall

include, for example and not by way of limitation, chemicals, media, and other supplies and substances which are utilized in water treatment and operation of the district's facilities. [Res. 25-05 Exh. A § 101; Res. 16-14 Exh. A § 101; Res. 16-05 Exh. A § 101; Res. 08-12 Exh. A § 101; Res. 05-12 Exh. A § 101]

#### **4.25.030 Quotes – Proposals – Bids.**

##### **(1) Materials, Goods, and Supplies.**

(a) Purchases of materials, goods and supplies of \$1,000 or less may be made by any method that serves the district's best interests.

(b) Whenever practical, a minimum of three quotes shall be obtained on purchases of materials, goods and supplies of more than \$1,000 and less than or equal to \$75,000 prior to purchase. Award shall be made to the vendor whose quote serves the district's best interests.

(c) A minimum of three quotes shall be obtained on purchases of materials, goods and supplies in excess of \$75,000 prior to purchase. Award shall be made to the vendor whose quote serves the district's best interests.

(d) Except as otherwise authorized herein, an analysis of quotes received and a staff recommendation for award shall be presented to the board of directors for their consideration for contracts for the purchase of materials, goods and supplies in excess of \$75,000.

(2) Personal/Nonprofessional Services. Personal/nonprofessional services are those services that do not fall within the category of professional services, as defined below, or public works project and may include, without limitation, general maintenance services, janitorial services, security guard services and landscaping services.

(a) Whenever practical, a minimum of three bids shall be obtained on procurements of contracts for personal/nonprofessional services of \$75,000 or less prior to the award of the contract. Award shall be made to the contractor whose bid serves the district's best interests.

(b) A minimum of three bids shall be obtained on procurements of contracts for personal/nonprofessional services in excess of \$75,000 prior to purchase. Award shall be made to the contractor whose bid serves the district's best interests. An analysis of bids received and a staff recommendation for award shall be presented to the board of directors for their consideration.

(c) An analysis of bids received and a staff recommendation for award shall be presented to the board of directors for their consideration for personal/nonprofessional services contracts in excess of \$75,000.

(3) Professional Services. Professional services means all services performed by persons in a professional occupation, including, but not limited to, consulting and performance services for accounting, auditing, computer hardware and software support, engineering, architectural, planning, environmental, redevelopment, financial, economic, personnel, social services, animal control, legal, management, cable television, communication and other similar professional functions which may be necessary for the operation of the district.

(a) Whenever practical, a minimum of three proposals shall be obtained on procurements of contracts for professional services of \$50,000 or less prior to the award of the contract. Award shall be made to the consultant whose proposal serves the district's best interests; provided, that the award of a contract for any professional service specified in Government Code Section 4526 (i.e., professional architectural, landscape architectural, engineering, environmental, land surveying, and construction management services) shall be made on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

(b) A minimum of three proposals shall be obtained on procurements of contracts for professional services in excess of \$50,000 prior to the award of the contract. Award shall be made to the consultant whose proposal serves the district's best interests; provided, that the award of a contract for any professional service specified in Government Code Section 4526 (i.e., professional architectural, landscape architectural, engineering, environmental, land surveying, and construction management services) shall be made on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

(c) An analysis of proposals received and a staff recommendation for award shall be presented to the board of directors for their consideration for professional services contracts in excess of \$50,000.

(4) Public Works Project. Public works project means construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility. Public works project shall also mean painting or repainting (except touch-up painting which shall constitute a maintenance service) any publicly owned, leased, or operated facility.

(a) Whenever practical, a minimum of three bids shall be obtained on procurements of public works contracts of \$75,000 or less prior to award of the contract. In the event the general manager elects to award a contract to the contractor who did not submit the lowest bid, the general manager shall develop and keep on file a written explanation of the reason(s) that the general manager has determined, in his/her reasonable discretion, that the contract award from said vendor is in the best interests of the district.

(b) A minimum of three bids shall be obtained on procurements of public works contracts in excess of \$75,000 but less than or equal to \$1,000,000. If contract award is made to a contractor who did not submit the lowest responsive bid, the board shall make a finding, in the form of a brief written statement at the time of board approval, which sets forth the board's determination, in its reasonable discretion, that the contract award to the contractor who did not submit the lowest responsive bid is in the best interests of the district.

(c) Any public works contract of \$1,000,000 or more shall be subject to formal competitive bidding. Formal competitive bidding shall require publication of a notice inviting bids in a newspaper of general circulation at least 10 calendar days prior to the date set for opening of bids. If contract award is made to a contractor who did not submit the lowest responsive bid, the board shall make a finding, in the form of a brief written statement at the time of board approval, which sets forth the board's determination, in its reasonable discretion, that the contract award to the contractor who did not submit the lowest responsive bid is in the best interests of the district.

(d) An analysis of bids received and a staff recommendation for award shall be presented to the board of directors for their consideration for public works contracts in excess of \$75,000.

(5) Rejection of Quotes, Bids and Proposals – Waiver of Errors. In its sole discretion, the district may elect to reject any or all quotes, bids and proposals presented and may waive any errors in the same. [Res. 25-05 Exh. A § 102; Res. 16-14 Exh. A § 102; Res. 16-05 Exh. A § 102; Res. 08-12 Exh. A § 102; Res. 05-12 Exh. A § 102]

**4.25.040 Inventory – Supplies – Services – Capital asset purchases in accordance with the currently approved budget.**

Materials which are primarily stored as inventory and/or consumed as supplies are to be considered inventory/supplies. Purchases of these items will be classified as a signature purchase, a general purchase, a petty cash purchase or a credit card purchase. [Res. 25-05 Exh. A § 104; Res. 16-14 Exh. A § 103; Res. 16-05 Exh. A § 103; Res. 08-12 Exh. A § 103; Res. 05-12 Exh. A § 103]

**4.25.050 Types of purchases.**

(1) Signature Purchases. Restricted to "immediate need" and defined as situations where a necessary inventory or supply item is not on hand and the time delay created by ordering and delivery of the required item would seriously diminish productivity. Signature purchases are limited to \$300.00 per day and may be made only upon approval of the department manager, or other duly authorized individual, and only where accounts have been established for purposes such as small hardware, supplies or auto parts. Quotes will not be required for signature purchases. Purchase orders, or other applicable documentation, will be required for signature purchases. Receipts, or other applicable documentation, must be submitted to the finance department in a timely manner.

(2) General Purchases. Those purchases made on a regular basis. General purchases may be made by the designated purchasing agent, or other duly authorized individual (limited to \$500.00 per day), a department manager, or other duly authorized individual (limited to \$5,000 per day) and the general manager. All general purchases require a purchase order, or other applicable documentation.

(3) Petty Cash Purchases. Those inventory/supplies/services which are purchased from retailers who require cash payment. Such purchases are restricted to situations where a necessary inventory/supply/service is an immediate need item which is

obtainable only from a vendor requiring cash payment. The general manager and operations superintendent, or other duly authorized individual, may make or approve such purchases limited to \$100.00 daily; the designated purchasing agent, or other duly authorized individual, may make or approve such purchase limited to \$50.00 daily. All such purchases must have appropriately signed receipts. No purchase orders will be required for petty cash purchases.

(4) Credit Card Purchases. Credit card purchases, limited to \$5,000 per day, may be made by the general manager. Members of the board of directors are limited to credit card purchases for travel or travel-related expenses while in the performance of district duties or in attendance at district-related training or seminars. All receipts must be returned to the general manager within three working days of return to the district. Purchase orders may be required for credit card purchases. Notwithstanding the foregoing, members of the board of directors shall be required to comply with all applicable laws, rules and regulations regarding expenditures and reimbursements including, but not limited to, laws regarding conflicts of interest and ethical requirements. [Res. 25-05 Exh. A § 104; Res. 16-14 Exh. A § 104; Res. 16-05 Exh. A § 104; Res. 08-12 Exh. A § 104; Res. 05-12 Exh. A § 104]

#### 4.25.060 Exceptions.

(1) Emergency Exception. In the event of an emergency, if a quorum of the board of directors cannot be attained, the general manager or his/her designee may make, without restrictions, any purchase(s) necessary to alleviate the situation. An emergency is defined as any occurrence or situation which is posing a real and immediate hazard to public health or safety. Any purchase of this type will be fully disclosed at the next scheduled meeting of the board of directors.

(2) Board Election. The board of directors may waive any and all purchasing requirements set forth in this purchasing policy as may be necessary to serve the district's best interests. [Res. 25-05 Exh. A § 105; Res. 16-14 Exh. A § 105; Res. 16-05 Exh. A § 105; Res. 08-12 Exh. A § 105; Res. 05-12 Exh. A § 105]

#### 4.25.070 Purchasing procedures.

(1) The general manager shall have authority to establish written management procedures in order to implement this purchasing policy.

(2) Purchasing Procedures – Implementation of Chapter.

(a) Purchase orders will be prepared electronically.

(b) A completed purchase order shall be presented to the designated purchasing agent, or duly authorized individual.

(c) The purchase order shall include the appropriate account number for job, equipment and/or accounts payable distribution.

(d) The purchasing agent, or duly authorized individual, will complete the necessary purchase order with detailed ordering information and pricing.

(e) It is the responsibility of the purchasing agent, or duly authorized individual, to verify that the completed purchase order has been approved by an authorized signer per the district's purchasing policy.

(f) The purchasing agent will maintain files containing the matched original of the purchase order along with quotes and any other information relevant to the purchase.

(g) Upon receipt of merchandise the person so designated shall verify items and quantities, enter the appropriate inventory numbers, initial the shipping documentation and forward all paperwork to the purchasing agent, or duly authorized individual.

(h) Upon verification of shipment, the purchasing agent or duly authorized individual will attach shipping documentation to the purchase order and submit to accounts payable in a timely manner.

(i) All invoices presented to accounts payable for payment shall be accompanied by a purchase order as prescribed in the district's purchasing policy except for utility bills and purchases governed by contract and will not be paid until paperwork is complete. [Res. 25-05 Exh. A § 106; Res. 16-14 Exh. A § 106; Res. 16-05 Exh. A § 106; Res. 08-12 Exh. A § 106; Res. 05-12 Exh. A § 106]

**Chapter 4.30****EXPORTATION OF WATER**

Sections:

4.30.010 Policy.

**4.30.010 Policy.**

The board of directors hereby finds and declares as follows:

- (1) The protection and conservation of underground water supplies is one of the paramount functions of this district;
- (2) No substantial evidence presently exists that surplus drinking-quality water is available within this district in any quantities whereby it could be in the best interest of the district citizens to export district water by pipeline; and
- (3) This district shall, to the fullest extent permitted by law, oppose exportation of district water unless and until voters of this district shall by election authorize export of such water. [Res. 96-37]

**Chapter 4.35****CRIMINAL HISTORY INFORMATION USE**

## Sections:

4.35.010 Authorization.  
4.35.020 Effect of convictions.

**4.35.010 Authorization.**

The Twentynine Palms Water District is hereby authorized to access summary criminal history information for employment, licensing, or certification purposes. [Res. 96-2]

**4.35.020 Effect of convictions.**

The Twentynine Palms Water District shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment or licensing; except that such conviction may be disregarded if it is determined by appropriate licensing agencies that mitigating circumstances exist, or that the conviction is not related to the employment or license in question. [Res. 96-2]

**Chapter 4.40****FIXED ASSET CAPITALIZATION POLICY**

## Sections:

4.40.010 Capitalization and classification.  
4.40.020 Effect on purchasing policies.

**4.40.010 Capitalization and classification.**

(1) Any asset acquired by the district shall be capitalized and classified as a fixed asset within the accounting records of the district whenever:

(a) The asset has an estimated useful life that is greater than one year; and  
(b) The cost of the asset is \$5,000 or greater.

(2) All other assets acquired by the district shall be classified as an expense. [Res. 13-03; Res. 99-6]

**4.40.020 Effect on purchasing policies.**

This policy shall not reduce or otherwise change other past, present or future district policies with respect to purchasing, limits of authority, budget and/or financial reporting. Accordingly, all asset acquisitions, whether recorded as a fixed asset or expense, shall be presented in the monthly financial statements of the district. [Res. 99-6]

**Chapter 4.45****UNCLAIMED PROPERTY POLICY**

## Sections:

- 4.45.010 Publication of notice.
- 4.45.020 Funds transfers.
- 4.45.030 Procedures.

**4.45.010 Publication of notice.**

In compliance with the provisions of Government Code Sections 50050 through 50056, after a period of no less than three years from the date of issue of refund checks, the district shall publish notice in a local newspaper of general circulation, stating therein that the Twentynine Palms Water District has money due former customers and listing those customers' names. [Res. 00-01]

**4.45.020 Funds transfers.**

Subsequent to the publication notice, the district finance manager shall transfer any noticed funds still unclaimed to the general fund of the district. [Res. 00-01]

**4.45.030 Procedures.**

The general manager of the Twentynine Palms Water District is authorized to institute written procedures to implement this policy. [Res. 00-01]

**Chapter 4.50****IDENTIFICATION AND DISPOSAL OF UNSERVICEABLE/SURPLUS MATERIAL AND EQUIPMENT**

## Sections:

- 4.50.010 Limitations on asset disposal.
- 4.50.020 Board approval required.

**4.50.010 Limitations on asset disposal.**

No employee, without the approval of the board of directors, has the authority to dispose of district assets except for the periodic sale of scrap metals. [Res. 00-08]

**4.50.020 Board approval required.**

Any assets proposed to be disposed of outside of the methods listed above shall be brought separately to the board for approval. [Res. 00-08]

**Chapter 4.55****RECORDS RETENTION<sup>1</sup>**

## Sections:

- 4.55.010 Authorization for destruction of records.
- 4.55.020 Adoption of e-mail records retention policy.
- 4.55.030 Destruction of records after scanning.
- 4.55.040 Destruction of duplicates.
- 4.55.050 Retention of records not mentioned.

**4.55.010 Authorization for destruction of records.**

(1) The record retention schedule set forth in subsection (2) of this section is adopted as the approved schedule for the district in compliance with California Government Code Sections 60200 et seq., and after such records have been retained for the time periods and according to the process set forth herein, such records may be destroyed.

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1. Prior legislation: Res. 00-17.

## (2) Records Retention Schedule.

**Twenty-nine Palms Water District**  
 Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 – 60204)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Accident/Illness Reports	Administration	Not a public record Employee Medical Records and Employee Exposure Records – includes Material Safety Data Sheets (MSDS)	8 CCR 14307; 8 CCR 3204; GC 6254(c)	Length of employment plus 30 years
Accidents/Damage to District Property	Administration	Accident Reports	CCP 337.15	10 years
Accounts Payable	Finance	Journals, statements, asset inventories, account postings with supporting documents, vouchers	CCP 337	Until audited plus 4 years
Accounts Payable	Finance	Invoices, checks, reports, investments, purchase orders	26 CFR 31.6001- 1(e)(2)	4 years
Accounts Receivable	Finance	Invoices, checks, reports, investments, receipt books	26 CFR 31.6001- 1(e)(2)	4 years
Affidavits of Publication/Posting	Administration	Legal notices for public hearings, publication of ordinances, etc.	None	District will retain document for 2 years for administrative purposes
Agenda/Attachments	Administration	Agendas, attachments and staff reports.	None	District will retain document for 2 years for administrative purposes
Annexations/Reorganizations	Development	Notices, Resolutions, Certificates of Completion.	GC 60201	Permanent
Annual Financial Report	Finance	Annual Financial Report	None	Until audited plus 5 years
Appraisals	Development	For real property owned by district – Not a public record until real estate transaction is complete	None	District will retain document until property sold plus 5 years
Articles of Incorporation	Administration		GC 60201	Permanent
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC
CCR	California Code of Regulations	IRC	Internal Revenue Code	R&TC
CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC
EC	Elections Code (California)	LC	Labor Code (California)	United States Code

**Twenty-nine Palms Water District**  
 Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 – 60204)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Audit Reports	Finance	Financial services; internal and/or external reports; independent auditor analysis; audit hearing and review documents	None	Until audited plus 5 years
Backflow Test Reports	Public Works	Reports of testing and maintenance – water supply	17 CCR § 7605	3 years
Bank Account Reconciliations	Finance	Bank statements, canceled checks, certificates of deposit	26 CFR 31.6001-1(e)(2)	4 years
Bids, Accepted	Development	Includes plan and specifications; notices/affidavits	GC 60201; CCP 337, 337.1	5 years after termination of contract and/or warranty expiration, whichever is later
Bids, Unaccepted	Development	Unaccepted bid packages only	GC 60201	2 years
Bonds (Paid, Canceled, Final)	Finance	Authorization/public hearing records/ prospectus/proposals/certificates/ notices (transcripts)/registers/ statements	GC 53921; GC 60201	Until paid or canceled plus 2 years
Bonds – Unsold	Finance	Unsold bonds	GC 43900 et seq.	2 years
Brochures/Publications	Administration	Retain selected documents only for historic value	None	District will retain document for 2 years for administrative purposes
Budget, Annual	Finance	Adjustments, journal entries, account transfers	GC 60201	Until audited plus 2 years
Cal-OSHA	Administration	Personnel – Logs, supplementary record, annual summary (federal and state – Cal-OSHA)	LC 6410; 8 CCR 14307	5 years
California State Tax Records	Finance	Forms filed annually; quarterly and year-end reports	R&TC 19530; R&TC 19704	6 years
Checks	Finance	Includes payroll, canceled and voided checks	GC 60201; CCP 337	Until audited plus 4 years
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC Penal Code (California)
CCR	California Code of Regulations	IRC	Internal Revenue Code	R&TC Revenue and Taxation Code (California)
CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC United States Code
EC	Elections Code (California)	LC	Labor Code (California)	

**Twentynine Palms Water District**  
 Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 – 60204)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Citizen Feedback	Administration	General correspondence	None	District will retain document for 2 years for administrative purposes
Claims Against the District	Administration	Paid/denied	GC 60201; GC 25105.5	Until settled plus 5 years
Collective Bargaining Agreements	Administration	Agreement	29 CFR 516.5	Current plus 3 years
Complaints/Requests	Administration	Various files, not related to specific lawsuits involving the District and not otherwise specifically covered by the retention schedule	None	District will retain document for 2 years for administrative purposes
Contracts (Does Not Include Professional Services Contracts)	Administration	Original contracts and agreements and back-up materials	CCP 317, 318, 319, 337	4 years after termination of contract and/or warranty expiration, whichever is later; if a real property-related contract is involved, 5 years after termination and/or warranty expiration, whichever is later
Correspondence	Administration	General correspondence, including letters and e-mail; various files, not otherwise specifically covered by the retention schedule	None	District will retain document for 2 years for administrative purposes
Deeds, Real Property	Development	File with recorded documents; originals may not be destroyed	GC 60201	Permanent
Deferred Compensation Reports	Finance	Finance – Pension/retirement funds	29 CFR 516.5; 29 CFR 1627.3	3 years
Demographic/Statistical Data	Administration		GC 60201	Current plus 2 years
Deposits, Receipts	Finance	Checks, coins, currency	GC 60201; CCP 337	Until audited plus 4 years
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC
CCR	California Code of Regulations	IRC	Internal Revenue Code	R&TC
CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC
EC	Elections Code (California)	LC	Labor Code (California)	United States Code

**Twentynine Palms Water District**  
 Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 – 60204)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Easements, Real Property	Development	File with recorded documents; originals may not be destroyed	GC 60201	Permanent
Economic Interest Statements – Form 700 (copies)	Administration	Copies of statements forwarded to Fair Political Practices Commission	GC 81009(f), (g)	4 years
Economic Interest Statements – Form 700 (originals) – Elected	Administration	Originals of statements of designated employees	GC 81009(e), (g)	7 years
Economic Interest Statements – Not Elected	Administration	FPPC filings	GC 81009(b)	5 years
Election – Administrative Documents	Administration	Not ballot cards or absentee voter lists/ applications	None	District will retain document for 2 years for administrative purposes
Election – Affidavit Index	Administration	Voter Registration Index	EC 17001	5 years
Election – Ballots and Related Documents	Administration	State and Local Elections: All ballot cards (voted, spoiled, canceled) arranged by precinct, unused absentee ballots, ballot receipts, absent voter identification envelopes, absent voter applications. May be destroyed subject to any pending contest	EC 17302, 17306, 17505	6 months
Election – Ballots – Prop. 218 (Assessment Districts)	Administration	Property-related fees (Assessment Ballot proceeding)	California Constitution Art. XIII	Permanent
Election – Canvass	Administration	Notifications and publication of election records used to compile final election results, including tally sheets, voting machine tabulation, detailed breakdown of results; special election results	EC 17304	6 months
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC
CCR	California Code of Regulations	IRC	Internal Revenue Code	R&TC
CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC
EC	Elections Code (California)	LC	Labor Code (California)	United States Code

**Twenty-nine Palms Water District**  
 Destruction of any record must be authorized by the legislative body. (Gov. Code §§ 60200 – 60204)

Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Election – Certificates of Election	Administration	Certificates of election; original reports and statements	GC 81009(a)(d)	Termination plus 4 years
Election – Election Official's Package of Documents	Administration	Package of 2 tally sheets, copy of index, challenge lists, assisted voters list. Public record – All voters may inspect after commencement of official canvass of voters	EC 17304	6 months
Election – Nomination Documents – Successful	Administration	All nomination documents and signatures in lieu of filing petitions	EC 17100	During term and 4 years after
Election – Nomination Documents – Unsuccessful	Administration		GC 81009(b)	5 years
Election Petitions – Initiative/ Recall/Ref. Charter Amendments	Administration	Not a public record – Documents resulting in an election – Retention is from election certification	EC 17200, 17400; GC 6253.5; EC 17400; GC 34458-60	8 months
Election Petitions – No Election	Administration	Not a public record. Not resulting in an election. Retention is from final examination	EC 17200, 17400 GC 6253.5	8 months
Election – Precinct Records	Administration	From date of election: Precinct official material; declaration of intention; precinct board member applications; orders appointing members of precinct boards and designating polling places; includes notice of appointment of office and record of service	EC 17503	5 months
Election – Roster of Voters	Administration	From date of election; initiative; referendum recall; general municipal election; charter amendments	EC 17300	5 years
<b>Legal Authority Abbreviations</b>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC
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CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC
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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Election – Voter Affidavits	Administration	Affidavits of registration (including canceled affidavits); voter registration index	EC 17000, 17001	5 years
Election – Voter Registration Signature Copy	Administration	Fire, special or school district	EC 17000	5 years
Employee Files	Administration	Not a public record. Personnel file (name, date of birth, occupation)	GC 12946; GC 6254(c); 29 CR 1627.3; LC 1174	Length of employment plus 30 years
Employee Information, Payment	Administration	Rate of pay and weekly compensation earned	GC 60201	7 years
Employee Information – Applicant Identification Records	Administration	Personnel – Data regarding race, sex, national origin of applicants	2 CCR 7287(b), (c)(2)	Length of employment plus 2 years
Employee, Medical Files	Administration	Part of personnel file – not a public record. Includes medical records; exposure records, etc. (For employees of less than 1 year, no need to retain medical records if they are returned to employee upon termination)	29 CFR 1910.1020; 8 CCR 3204; GC 6254(c)	Length of employment plus 30 years
Employee, Nonsafety	Administration	Release authorizations; certifications; reassignments; outside employment; commendations, disciplinary actions; terminations; oaths of office; evaluations; pre-employee medicals; fingerprints; identification cards (IDs)	29 CFR 1627.3; GC 12946	Length of employment plus 3 years
Employee, Recruitment	Administration	Alternate lists/logs, ethnicity disclosures, examination materials, examination answer sheets, job bulletins	GC 12946; GC 60201; 29 CFR 1602 et seq.; 29 CFR 1627.3	Current plus 2 years
<b>Legal Authority Abbreviations</b>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC Penal Code (California)
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CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC United States Code
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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Employee, Reports	Administration	Employee statistics, benefit activity, liability loss	None	District will retain document for 2 years for administrative purposes
Employee Rights – General	Administration	Handbook	GC 12946; 60201 29 CFR 1602.31	Current plus 2 years
Employment Applications – Not Hired	Administration	Applications submitted for existing or anticipated job openings, including any records pertaining to failure or refusal to hire applicant	GC 12946; 29 CFR 1627.3	2 years
Employment Eligibility Verification (I-9 Forms)	Administration	Federal Immigration and Nationality Act; Immigration Reform/Control Act 1986	8 USC 1324a(b)(3) Pub. Law 99-603	3 years after date of hire, or 1 year after date of termination, whichever is later
Employment – Surveys and Studies	Administration	Includes classification, wage rates	GC 12946; 29 CFR 516.6	2 years
Employment – Training Records, Nonsafety	Administration	Volunteer program training – Class training materials, internships; internal and external training	GC 12946	Length of employment plus 2 years
Employment – Vehicle Mileage Reimbursement Rates	Administration	Annual mileage reimbursement rates	None	Until record serves purpose
Environmental Quality – Asbestos	Development	Documents, abatement projects, public buildings	GC 60201	Permanent
Environmental Quality – California Environmental Quality Act (CEQA)	Development	Exemptions, environmental impact report, mitigation monitoring, negative declaration, notices of completion and determination, comments, statements of overriding considerations	CEQA Guidelines	Permanent
Environmental Quality – Soil	Development	Analysis, construction recommendations	GC 60201	Completion plus 2 years
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC Penal Code (California)
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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
ERISA Records	Administration	Employee Retirement Income Security Act of 1974 – Plan reports, certified information filed	29 USC 1027	6 years
ERISA Records	Administration	Employee Retirement Income Security Act of 1974 – Records of benefits due	29 USC 1059	Permanent
Family and Medical Leave Act (Federal)	Administration	Records of leave taken, district policies relating to leave, notices, communications relating to taking leave	29 CFR 825.500; GC 12946	While employed plus 3 years
Federal Tax Records	Finance	May include Forms 1096, 1099, W-4 and W-2	29 USC 436; 26 CFR 31.6001-1.4; 26 CFR 31.6001-1(e); 29 CFR 516.5 – 516.6	5 years after file date
Fixed Assets – Inventory	Finance	Reflects purchase date, cost, account number	GC 60201	Until audited plus 2 years
Fixed Assets – Surplus Property	Finance	Auction; disposal – Listing of property; sealed bid sales of equipment	GC 60201; CCP 337	Until audited plus 4 years
Fixed Assets – Vehicle Ownership and Title	Finance	Pink slips	VC 9900 et seq.	Until sold
Gifts/Bequests	Finance	Receipts or other documentation	None	District will retain document for 2 years for administrative purposes
Grants – Community Development Block Grant (CDBG); Urban Development; Other Federal and State Grants	Development	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient dockets, environmental review, grant documents, inventory, consolidated plan, etc.	24 CFR 570.502; 24 CFR 85.42	Until completed plus 4 years
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC Penal Code (California)
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CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC United States Code
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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Hazardous Materials	Public Safety	Documents regarding handling and disposal of hazardous waste; including storage (installation, location, removal, remediation) and employee exposure	Cal-OSHA; 8 CCR 3204(d)	Permanent
Insurance, Joint Powers Agreement	Finance	Accreditation, MOU, agreements and agendas	GC 60201	Current plus 2 years
Insurance Certificates	Finance	Liability, performance bonds, employee bonds, property: Insurance certificates filed separately from contracts; includes insurance filed by licensees	GC 60201	Current plus 2 years
Insurance, Liability/Property	Finance	May include liability, property, certificates of participation, deferred, use of facilities	GC 60201	Current plus 2 years
Insurance, Risk Management Reports	Finance	Federal OSHA forms; loss analysis report; safety reports; actuarial studies	29 CFR 1904.44; GC 60201	Current plus 5 years (Federal)
Invoices	Finance	Copies sent for fees owed, billing, related documents	GC 60201	Until audited plus 2 years
Legal Notices/Affidavits of Publication	Administration		GC 60201	2 years
Litigation	Administration	Case files	GC 60201	Until settled or adjudicated plus 2 years
Maintenance Manuals	Administration	Equipment service/maintenance	GC 60201	Current plus 2 years
Maintenance/Repair Records	Administration	Equipment	GC 60201	Current plus 2 years
Minutes	Administration	Approved minutes of district board meetings	GC 60201	Permanent
Oaths of Office	Administration	Elected and public officials – Board members	GC 60201; 29 USC 1113	Current plus 6 years
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC Penal Code (California)
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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Ordinance	Administration	Adopted Ordinance	GC 60201	Permanent
OSHA	Administration	OSHA Log 200, supplementary record, annual summary (federal and state – Cal-OSHA)	LC 6410; 8 CCR 14307; 29 CFR 1904.2 – 1904.6	5 years
OSHA (Accident/Illness Reports)	Administration	Personnel – Employee exposure records and employee medical records Not a public record	LC 6410; 8 CCR 14307; 8 CCR 3204; GC 6254(c)	Duration of employment plus 30 years
Paid Collections	Administration		None	District will retain document for 3 years for administrative purposes
Payroll – Federal/State Reports	Finance	Annual W-2s, W-4s, Form 1099s, etc.; quarterly and year-end reports	GC 60201	7 years
Payroll Deduction/Authorizations	Finance	Deduction authorization	29 CFR 516.6(c); GC 60201	Current plus 7 years
Payroll, Registers	Finance	Register, records, time cards, wage rates, classification	29 CFR 516.5(a); LC 1174(d); GC 60201	Current plus 7 years
PERS – Employee Benefits	Administration	Retirement plan	29 USC 1027	6 years
Personnel Records	Administration	Other records (not payroll) containing name, address, date of birth, occupation, etc., including records relating to promotion, demotion, transfer, lay-off, and termination	29 CFR 1627.3	7 years
Petitions	Administration	Submitted to legislative bodies	GC 60201	Current plus 2 years
Policies, District Board	Administration	Original policies adopted by the district board	GC 60201	Current plus 2 years
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC
CCR	California Code of Regulations	IRC	Internal Revenue Code	R&TC
CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC
EC	Elections Code (California)	LC	Labor Code (California)	United States Code

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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
Press Releases	Administration	Related to district actions/activities	None	District will retain document for 2 years for administrative purposes
Procedure Manuals	Administration	Administrative	GC 60201	Current plus 2 years
Property, Abandonment	Development	Condemnation/demolition of buildings	GC 60201	Permanent
Professional Services Contracts or Related Documents	Administration	Any document that specifies the amount of compensation to an independent contractor	GC 60201	Payment plus 7 years
Property Acquisition/Disposition	Development	Documents regarding sale, purchase, exchange, lease or rental of property by district	CCP 337.15	10 years
Public Records Request	Administration	Requests from the public to inspect or copy public documents	GC 60201	2 years
Purchasing – RFQs, RFPs	Finance	Requests for qualifications; requests for proposals regarding goods and services	GC 60201	Current plus 2 years
Purchasing, Requisitions, Purchase Orders	Finance	Original documents	GC 60201; CCP 337	Until audited plus 4 years
Recordings – Audiotaped/ Videotaped	Administration	Recordings of board meetings – for preparation of board meeting minutes	GC 54953.5	30 days
Records Management Disposition Certification	Administration	Documentation of final disposition of records	GC 60201	Permanent
Records Retention Schedule	Administration	Records retention schedule	GC 60201	Current plus 2 years
Recruitments and Selection	Administration	Records relating to hiring, promotion, selection for training	29 CFR 1627.3	3 years
Resolutions	Administration	Resolution approved by the board	GC 60201	Permanent
Return Checks	Finance	Copy of returned checks	None	7 years unless it is determined that the document is needed for a longer period
<b>Legal Authority Abbreviations</b>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC Penal Code (California)
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**Twenty-nine Palms Water District**  
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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period
State Tax Records	Finance	Filed annually; quarterly	Refer to federal tax records	5 years after file date
Taxes, Special	Finance	Special tax levied by a local agency on a per parcel basis	CCP 338(m)	Until audited plus 3 years
Underground Services Alert	Administration		None	District will retain document for 1 year for administrative purposes
Unemployment Insurance Records	Finance	Payment, questionnaires, etc.	IRC 3301 – 3311	4 years
Utility Services – Applications	Public Works	Applications for utility connections, disconnects, registers, service	GC 60201	Current plus 2 years
Utility Services – Billing Records	Public Works	Customer name, service address, meter reading, usage, payments, applications/ cancellations	GC 60201	Current plus 2 years
Utility Services – Journals, Utility Billing	Public Works	Billing including monthly activity	GC 60201	Current plus 2 years
Workers Compensation Files	Finance	Work-injury claims (including denied claims); claim files, reports, etc.	8 CCR 10102; 8 CCR 15400.2	Length of employment plus 30 years
Work Orders (which do not require board approval)	Administration		None	District will retain document for 1 year for administrative purposes
Arson Evidence – Homicide	Prevention	Evidence supporting prosecution of a homicide	Sec. of State Local Govt. Records Mgmt. Guidelines	Permanent
Arson Evidence – Personal Injury/Property Damage	Prevention	Evidence supporting prosecution of great bodily harm, inhabited structure or property	Sec. of State Local Govt. Records Mgmt. Guidelines	Until closed plus 6 years
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Government Code (California)	PC Penal Code (California)
CCR	California Code of Regulations	IRC	Internal Revenue Code	R&TC Revenue and Taxation Code (California)
CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC United States Code
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**Twentynine Palms Water District**  
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Type of Record	Category	Description or Example of Record	Legal Authority	Minimum Legal Retention Period	
Arson Investigation	Prevention	Reports and photographs	Sec. of State Local Govt. Records Mgmt. Guidelines	Until closed plus 6 years	
Fire Incident Reports	Operations	Includes reports and other supporting documentation	Government Code Section 60201	Until completed plus 5 years	
Fire Prevention Inspection Records	Prevention	Includes alarm/sprinkler systems, prevention efforts	Sec. of State Local Govt. Records Mgmt. Guidelines Uniform Fire Code Section 103.34	Until closed plus 3 years	
<u>Legal Authority Abbreviations</u>		GC IRC IRS LC	Government Code (California) Internal Revenue Code Internal Revenue Service Labor Code (California)	PC R&TC USC	Penal Code (California) Revenue and Taxation Code (California) United States Code
CCP	Code of Civil Procedure (California)				
CCR	California Code of Regulations				
CFR	Code of Federal Regulations				
EC	Elections Code (California)				

[Res. 06-08 § 1]

**4.55.020 Adoption of e-mail records retention policy.**

(1) The electronic mail records retention policy set forth in subsection (2) of this section is adopted as the approved e-mail records retention policy of the district.

(2) Electronic Mail (E-Mail) Records Retention Policy.

(a) E-mail generates correspondence and other documentation which may be recognized as official district records in need of protection/retention in accordance with the California Public Records Act. The e-mail system is only intended as a medium of communication only. Therefore, the e-mail system should not be used for the electronic storage or maintenance of documentation, including, but not limited to, official district records.

(b) If an e-mail message, including any attachments thereto, can be considered an official district record, as defined by the district general manager, such e-mails should be printed as a hard copy and filed in accordance with the district's records retention policy. Generally, the sender of the e-mail should be the person responsible for printing and filing it accordingly, but persons responsible for a particular program or project file shall be responsible for retaining all e-mail they send or receive related to that program or project.

(c) Although the system administrator will automatically delete any data stored in the e-mail system that is 90 days old, individual employees are responsible for the management of their mailboxes and associated folders. To ensure maximum efficiency in the operation of the e-mail system, staff is encouraged to delete e-mail messages from their in-boxes once they are no longer needed. All deleted items will be held in a "deleted items file" for only seven days.

(d) It is the responsibility of individual employees to determine if e-mail is an official district record which must be retained in accordance with the district's record retention schedule. The district general manager will assist employees in making such a determination. Employees should keep in mind, however, that preliminary drafts, notes or interagency or intra-agency memoranda which are not retained by the district in the ordinary course of business are generally not considered to be official district records subject to disclosure. Employees are encouraged to delete documents which are not otherwise required to be

kept by law, or whose preservation is not necessary or convenient to the discharge of your duties or the conduct of the district's business.

(e) Periodically, the district receives requests for inspection or production of documents pursuant to the Public Records Act, as well as demands by subpoena or court order for such documents. In the event such a request or demand is made for e-mail, the employees having control over such e-mail, once they become aware of the request or demand, shall use their best efforts, by any reasonable means available, to temporarily preserve any e-mail which is in existence until it is determined whether such e-mail is subject to preservation, public inspection or disclosure. The district general manager shall be contacted regarding any such e-mails within the employee's control. [Res. 06-08 § 2]

**4.55.030 Destruction of records after scanning.**

Any record not expressly required by law to be filed and preserved in original form may be destroyed at any time after it is electronically stored in conformance with the requirements of California Government Code Section 60203. [Res. 06-08 § 3]

**4.55.040 Destruction of duplicates.**

Pursuant to California Government Code Section 60200, any duplicate records, papers or documents, the original or a permanent photographic copy of which is in the files of the district, may be destroyed after confirmation that such original or permanent photographic copy remains on file in the district. [Res. 06-08 § 4]

**4.55.050 Retention of records not mentioned.**

All records, papers and documents not mentioned in this chapter may be scanned as archival records or destroyed so long as such disposal is consistent with the recommendations of the Local Government Records Management Guidelines as set forth by the Secretary of State (June, 2004) as the same may be amended from time to time. [Res. 06-08 § 5]

**Chapter 4.60****LEGISLATIVE AND REGULATORY  
POLICY PRINCIPLES**

## Sections:

- 4.60.010 Policy position support.
- 4.60.020 Position factors.
- 4.60.030 Water conservation position.
- 4.60.040 Travel and daily stipends.

**4.60.010 Policy position support.**

The board of directors of the Twentynine Palms Water District does hereby resolve to support the position on the policy and regulatory proposals described in this chapter, as recommended by the committee, and does hereby direct the committee, the general manager and staff to take all necessary and appropriate actions to carry forward such policy positions on behalf of the district. [Res. 17-14]

**4.60.020 Position factors.**

Twentynine Palms Water District serves a disadvantaged community whose rate and tax payers have incurred the costs of providing safe and reliable drinking water at affordable rates.

Our position on efforts to levy safe drinking water fees by the state from water users shall be weighed upon the following factors:

- (1) The potential impact on the ability to raise revenues for local challenges with arsenic, hexavalent chromium, fluoride, and potential issues with nitrates and threats to divert flows that would otherwise replenish the basin;

- (2) The degree to which state fees for safe drinking water include priorities that are important to the overall Morongo Basin area;

- (3) The likelihood that ratepayers can afford to pay such fees;

- (4) The probability that funds collected through such means will return to the area in the form of grants. [Res. 17-14 Exh. A]

**4.60.030 Water conservation position.**

The Twentynine Palms area is a dry, high desert whose residents severely limit outdoor water use and instead dedicate water uses during warm peak periods to the protection of health and safety through the use of evaporative coolers.

Our position on legislation and regulations to make "Water Conservation a Way of Life" will be based upon:

- (1) Recognition of the natural weather and resource characteristics of the Morongo Basin;

- (2) The need to protect the general and vulnerable segments of the population from periods of excessive heat in the most cost-effective and efficient ways possible;

- (3) Availability of state resources for incentives for water and energy-efficient cooling device retrofits and replacements. [Res. 17-14 Exh. A]

**4.60.040 Travel and daily stipends.**

The board of directors of the Twentynine Palms Water District recognizes that the management of legislative and regulatory affairs issues may require the board's legislative and regulatory affairs committee members to travel for the purposes of attending legislative and regulatory forums. Travel and daily stipends must be approved by the board of directors; however, in the event that there is insufficient notice of a meeting/ event, committee members' travel and accompanying daily stipend may be approved by the president and/or vice president of the board so long as the following criteria are met:

- (1) The issues addressed at such forums are relevant to the approved policy principles and/or specific related board actions;

- (2) That any action to take formal positions in support or opposition to legislation or regulations will not be taken on issues by members of the legislation and regulatory affairs committee or the general manager for which the board has not consented through prior action or until action is taken to the board at a later date. [Res. 17-14 Exh. A]

## **Title 5**

### **WATER SERVICE REGULATIONS**

#### **Chapters:**

- 5.05    Retail Water Service Rules and Regulations**
- 5.10    Entitlement Meter Services**
- 5.15    Financing and Construction of Water Facilities**
- 5.20    Backflow and Cross-Connection Control**
- 5.25    Excessive Water Usage Reduction**
- 5.30    Discontinuation of Domestic Water Service**

**Chapter 5.05**

**RETAIL WATER SERVICE RULES  
AND REGULATIONS**

## Sections:

5.05.010	Purpose – Severability.	5.05.380	Bills – Separate meters not combined.
5.05.020	Definitions.	5.05.390	Returned checks.
5.05.030	Service area.	5.05.400	Meter error.
5.05.040	System components.	5.05.410	Unsafe apparatus.
5.05.050	Water supply.	5.05.420	Service detrimental to others.
5.05.060	Water quality.	5.05.430	Fraud or abuse.
5.05.070	Pressure conditions.	5.05.440	Noncompliance.
5.05.080	Class of service.	5.05.450	Customer's request for service discontinuance.
5.05.090	Types of service.	5.05.460	Restoration/reconnection charges.
5.05.100	Fees for service.	5.05.470	Resale of water – Delivery to other premises.
5.05.110	Application.	5.05.480	Responsibility for equipment.
5.05.120	Application – Conditions.	5.05.490	Tampering with or damage to district's property.
5.05.130	Service restrictions.	5.05.500	Control valves.
5.05.140	Individual liability for joint service.	5.05.510	Booster pumps.
5.05.150	Changes in customer's equipment or usage of water on premises.	5.05.520	Grounding to distribution system prohibited.
5.05.160	Water used without regular application being made.	5.05.530	Water waste.
5.05.170	Deposits for service.	5.05.540	Access to premises.
5.05.180	Contract provision.	5.05.550	Interruptions in service.
5.05.190	Bills – Statement of regulations required.	5.05.560	Relief valves.
5.05.200	Notices.	5.05.570	Mailing lists and customer records.
5.05.210	Service installations, meters – Charges.	5.05.580	Lending district property.
5.05.220	Service installations, meters – Change in location.	5.05.590	Penalties for violation – Appeal process.
5.05.230	Service installations, meters – Change in size.		
5.05.240	Service installations, meters – Ownership.		
5.05.250	Service installations, meters – Number per premises.		
5.05.260	Service installations, meters – Maintenance.		
5.05.270	Water billing charges.		
5.05.280	Fire protection.		
5.05.290	Construction service.		
5.05.300	Capital impact fees.		
5.05.310	Permanent off-site fee.		
5.05.320	Development fees.		
5.05.330	Document processing fee.		
5.05.340	Fee amounts.		
5.05.350	Bills – Rendering.		
5.05.355	Bills – Payment – Payment arrangements.		
5.05.360	Bills – Payment – Complaints and appeals.		
5.05.370	Bills – Delinquent – Termination procedures.		

**5.05.010 Purpose – Severability.**

(1) The purpose of these rules and regulations is to set forth the terms and conditions under which the district will provide water service to its customers. These rules and regulations are subject to change from time to time at the discretion of the board. The general manager has the authority to enforce and interpret these rules and regulations subject to the policies and direction provided by the board.

(2) If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

[Ord. 87 § 1, 2003; Ord. 78 § 1, 1999]

**5.05.020 Definitions.**

(1) "Applicant" means a person who applies for a service or other benefit of the district, such as water service or annexation, or who enters into an agreement with the district for any such service.

(2) "Application" means a written request received by the district for a service or other benefit of the district.

(3) "Board" means the board of directors of the district.

(4) "Business service" means provision of water to premises where the customer is engaged in trade.

(5) "Construction service" means a metered service for construction work or other uses that, because of the nature of such use, will not be used steadily or permanently.

(6) "Customer" means a person receiving, or entitled to receive, water service from the district as shown in the district's records.

(7) "District" means the Twentynine Palms Water District.

(8) "District's distribution system" means the system of water transmission and distribution pipelines, pumping stations, pressure-regulating stations, storage facilities, fire hydrants, and all appurtenances thereto, which are owned, operated, and maintained by the district.

(9) "Domestic service" means provision of water for residential purposes, including sanitation, bathing, and related purposes.

(10) "Easement" means lands and rights or interests in lands whereon water development projects are located, including lands for access roads to such projects.

(11) "Fire protection service" means provision of water to premises for fire protection purposes.

(12) "Industrial service" means provision of water to premises where the customer uses water to manufacture or process a product.

(13) "Manager" means the general manager of the district.

(14) "Municipal or public use" means provisions of water to a municipality or other public body.

(15) "Person" means an individual, firm, partnership, corporation, unincorporated association, trust, estate, governmental entity, or the like, or an agent thereof.

(16) "Premises" means the integral property or area, including improvements thereon, to which water service is or will be provided.

(17) "Presentation" means the mailing or personal delivery of a written water bill or notice to a customer.

(18) "Rate schedules" means the entire body of effective rates and charges set from time to time by the board and the rules and regulations as set forth herein.

(19) "Ready-to-serve charge" means a service charge to maintain the capability of providing water service. [Ord. 87 § 2, 2003; Ord. 78 § 2, 1999]

#### **5.05.030 Service area.**

Except as otherwise provided by law, the district may only serve land lying within the boundaries of the district. [Ord. 87 § 3, 2003; Ord. 78 § 3, 1999]

#### **5.05.040 System components.**

The district will furnish a system, plant, works and undertaking used for and useful in obtaining, conserving and disposing of water for public and private uses. This shall include all parts of the enterprise, all appurtenances to it, lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment. [Ord. 87 § 4(A), 2003; Ord. 78 § 4(A), 1999]

#### **5.05.050 Water supply.**

The district will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to its customers and to avoid any shortage or interruption in delivery. However, the district cannot, and does not, guarantee the quantity or pressure of the water it provides and shall not be liable for damage resulting from same. [Ord. 87 § 4(B), 2003; Ord. 78 § 4(B), 1999]

#### **5.05.060 Water quality.**

When furnished for human consumption, the district will endeavor to supply safe and potable water at all times. However, the district cannot, and does not, guarantee the quality of the water it provides. [Ord. 87 § 4(C), 2003; Ord. 78 § 4(C), 1999]

#### **5.05.070 Pressure conditions.**

All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection. All applicants shall hold the district harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service. [Ord. 87 § 4(D), 2003; Ord. 78 § 4(D), 1999]

**5.05.080 Class of service.**

All services installed by the district will be classified as follows:

(1) Domestic;

(2) Business;

(3) Industrial;

(4) Municipal or public use;

(5) Fire protection;

(6) Construction. [Ord. 87 § 4(E), 2003; Ord. 78 § 4(E), 1999]

**5.05.090 Types of service.**

The types of service available from the district are metered and metered construction. [Ord. 87 § 4(F), 2003; Ord. 78 § 4(F), 1999]

**5.05.100 Fees for service.**

(1) Application Fee. An application fee shall be charged at the time application is made to the district for service and said amount shall be set from time to time by the board. Said fee shall cover the administrative costs of developing meter records for the new service.

(2) Opening Fee. An opening fee shall be charged at the time application is made and shall be set from time to time by the board. Said fee is to cover the administrative costs of connecting service and processing the application.

(3) After Hours Connection Fee. An after hours connection fee shall be charged and shall be set from time to time by the board. This fee must be paid at the time of application if the applicant wishes to commence water service after 2:00 p.m., Monday through Friday. [Ord. 87 § 5(A), 2003; Ord. 78 § 5(A), 1999]

**5.05.110 Application.**

Upon paying the established opening fee, and any other applicable fees and charges, each applicant for water service will be required to sign a form provided by the district setting forth the following information:

(1) The date and place of application.

(2) The location of the premises to be served, including a legal description.

(3) The proposed class and size of service.

(4) A signed, written agreement to abide by all of the rules and regulations of the district.

(5) Whether the applicant is an owner, tenant, or agent for the premises.

(6) Copy of the city or county building permit and all other county and regulatory permits for the premises to be served, including any required State Water Resources Control Board permits (only required for applications requesting the installation of new meters).

(7) Such other information as the district may reasonably request.

If the district determines that the application is incomplete, the district may provide notice to the applicant requesting the missing information. Such requests may include submissions of additional information required by changes to the application requirements that occurred after the submission of the application. Additionally, the district reserves the right to deny an application if the applicant fails to provide the necessary information outlined in this section. Upon denial of an application, an applicant may appeal the denial via the process outlined in TPWDC 5.05.590(4), as amended by the ordinance codified in this section.

Additionally, the district may discontinue services if an application is later discovered to be erroneous or incomplete, and the errors are not cured by the property owner after notice deemed adequate by the district. All applicants will be advised of this provision when the district is contacted for service. [Ord. 101 § 1, 2021; Ord. 78 § 5(B), 1999]

**5.05.120 Application – Conditions.**

The application does not bind the applicant to take service for any period of time longer than the one upon which rates and service charges of the rate schedule are based, nor does it bind the district to give service, except under conditions set by the district. The application will not be honored until payment in full has been made for any outstanding balance owed by the applicant for prior water service rendered to the applicant by the district. Such application will signify the customer's willingness and intention to comply with this and other ordinances, resolutions or regulations relating to water service, and to make payment for water service. [Ord. 87 § 5(C), 2003; Ord. 78 § 5(C), 1999]

**5.05.130 Service restrictions.**

Water service secured by application shall be restricted to the parcel reflected in the legal description on the application form as follows:

(1) Separate Building. Each house or building under separate ownership must be provided with a separate service connection. Two or more houses under one ownership and on the same lot or parcel of land may be supplied through the same service connection; however, an additional minimum may be applied to the single meter serving said houses or a separate service connection may be provided for each building. The board reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection.

(2) Single Connection. Not more than one service connection for domestic or commercial supply shall be installed for one building, except under special conditions.

(3) Different Owners. A service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner across a street or alley.

(4) Divided Property. When property provided with a service connection is divided, the service connection shall be considered as belonging to the lot or parcel of land which it directly enters. [Ord. 87 § 5(D), 2003; Ord. 78 § 5(D), 1999]

**5.05.140 Individual liability for joint service.**

Two or more parties who join to make application for service shall be jointly and individually liable for the expenses incurred in connection with such service. A single periodic bill will be sent to the individual designated on the application. [Ord. 87 § 5(E), 2003; Ord. 78 § 5(E), 1999]

**5.05.150 Changes in customer's equipment or usage of water on premises.**

Customers making any material change in the size, character, extent of the equipment or operations utilizing water service or whose change in operations results in a substantial increase in the use of water shall immediately give the district written notice of the nature of the change and, if determined by the district to be necessary, amend the application. Upon such notification or discovery and verification by the district of changed equipment or usage, the district may change conditions of water service including, but not limited to, service line size, meter size, cross-connection control equipment, billing frequency. Any costs associated with the change in water use shall be borne by the customer as per other applicable provisions of these rules and regulations. [Ord. 87 § 5(F), 2003; Ord. 78 § 5(F), 1999]

**5.05.160 Water used without regular application being made.**

A person taking possession of premises and using water from an active service connection without having made application to the district for water service shall be held liable for the water delivered from the date of the last recorded meter reading. If the meter is found to be inoperative, the quantity consumed will be estimated. If proper application for water service is not made by said person in a timely manner, and/or if accumulated bills for service are not paid immediately, the service may be discontinued and/or the meter removed by the district without further notice. If meter is removed, charges to reconnect the service will include time and material charges. [Ord. 87 § 5(G), 2003; Ord. 78 § 5(G), 1999]

**5.05.170 Deposits for service.**

(1) The district shall collect from applicants for new residential and nonresidential water service connections a deposit equal to one-sixth of the dis-

trict-wide average annual billing for all same sized meters receiving water service.

(2) Implementation of procedures for this deposit requirement shall include the following:

(a) For residential accounts only, excluding "master metered apartment buildings," the deposit shall be waived for creditworthy new customers of the district\*;

(b) New water application fees and charges shall be augmented by the full district costs of a credit check, if "creditworthiness" (for residential customers) is not established by existing district internal records or by prior utility (water, power, gas) letters affirming creditworthiness\*;

(c) "New water service connections" shall be deemed to include re-establishment of service by an existing district customer following prior termination of service for nonpayment of district water rates and charges;

(d) *Superseded by Res. 21-01\**;

(e) Deposits shall not bear interest. [Ord. 87 § 6, 2003; Ord. 78 § 6, 1999]

\*Code reviser's note: Pursuant to the intent of Resolution 21-01, deposits are \$200.00 regardless of creditworthiness, and are returned when an account is closed. Contact the district for more information.

**5.05.180 Contract provision.**

Each application for water service shall contain the following provision:

By signing this application, the applicant agrees to observe any District regulations now or hereafter adopted related to the water service and to pay water bills promptly. Furthermore, as a tenant (if applicable), I understand that the property owner is entitled to inquire as to the status of my account at any time.

[Ord. 87 § 7(A), 2003; Ord. 78 § 7(A), 1999]

**5.05.190 Bills – Statement of regulations required.**

The regulations on discontinuance and restoration of service will be printed in substance on each bill for water service rendered by the district to its customers. [Ord. 87 § 7(B), 2003; Ord. 78 § 7(B), 1999]

**5.05.200 Notices.**

(1) Notices to Customers. Notices from the district to a customer will normally be given in writing and either delivered or mailed to the customer at the customer's last known address. Where conditions warrant, or in emergencies, the district may resort to notification by any practical means available. Notices shall be given in accordance with the applicable law.

(2) Notice from Customers. Notices from the customer to the district, except those related to initiation of new water service, may be given by the customer or the customer's authorized representative verbally or in writing:

- (a) At the district's office;
- (b) To an employee of the district; or
- (c) To an agent authorized by the district to receive notices or complaints. [Ord. 87 § 8, 2003; Ord. 78 § 8, 1999]

**5.05.210 Service installations, meters – Charges.**

The district will furnish and install a service and meter of such size and at such location as the applicant requests, provided such requests are reasonable. However, the district reserves the right for final selection of size, type and location of any service. The service will be installed from its distribution main to the curb line or property line of the premises which may abut the street or thoroughfare, district right-of-way or easement. Only duly authorized employees or agents of the district will be permitted to install a service connection from the district's main to the customer's premises. Agents shall possess a current and valid state of California contractor's license Class B or C-34 or any other license classification required by law.

(1) New Service Installation Charges.

(a) Charges for new service installations may be set from time to time by the board of directors and shall be payable in advance of construction.

(b) The charges are for a disc-type meter connected to a water main, which shall be based on time and materials. Any other type of meter required or requested, backflow preventer, pressure reducer or any special equipment will be payable in advance at district's costs.

(c) Service installations larger than two inches will be charged on a time and material basis

with a deposit required based on the district's estimated costs.

(2) State Highway Road Crossing Deposits and Charges. The fee for crossing any major state highway or thoroughfare will be charged at district costs.

(3) New Meter on Existing Service Charges. A new service installation charge shall be charged for the installation of a meter on existing service outlets. [Ord. 87 § 9(A), 2003; Ord. 78 § 9(A), 1999]

**5.05.220 Service installations, meters – Change in location.**

(1) Meters or services moved for the convenience of the customer will be relocated at the customer's expense. A customer requesting relocation will be required to make a deposit equal to 75 percent of the prevailing cost for a new meter service of the same size. Should the actual cost exceed the amount of the deposit, the applicant will pay this amount to the district upon notification. Should the actual cost be less than the deposit, the difference will be refunded to the applicant.

(2) Meters or services moved to protect the district's property will be moved at the district's expense. [Ord. 87 § 9(B), 2003; Ord. 78 § 9(B), 1999]

**5.05.230 Service installations, meters – Change in size.**

(1) The cost to decrease the size of a meter on an existing service shall be the cost of the smaller meter plus the cost of time and additional materials in order to replace the existing meter with a smaller meter.

(2) An increase in meter size requiring a larger service connection shall require a charge for the changed service connection at the prevailing rate for new service connections of that size and the difference between the facility fee of the new meter size compared to the old meter size. [Ord. 87 § 9(C), 2003; Ord. 78 § 9(C), 1999]

**5.05.240 Service installations, meters – Ownership.**

The service connection and meter are the property of the district and the district reserves the right to repair, replace and maintain them, as well as remove them upon discontinuance of service. The district shall own and maintain 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. [Ord. 87 § 9(D), 2003; Ord. 78 § 9(D), 1999]

#### **5.05.250 Service installations, meters – Number per premises.**

The applicant may apply for as many services as may be reasonably required for the premises; provided, that the pipeline system for each service be independent of the others and that they not be interconnected. [Ord. 87 § 9(E), 2003; Ord. 78 § 9(E), 1999]

#### **5.05.260 Service installations, meters – Maintenance.**

The service connection, including the meter and meter box, will be repaired and maintained by the district at its expense, except when damage occurs due to the negligence of the customer, or the customer's family, guests, invitees or agents, in which case the customer shall pay for repairs made by the district. The district is not responsible for the installation or maintenance of water lines extending beyond the discharge end of the service connection. [Ord. 87 § 9(F), 2003; Ord. 78 § 9(F), 1999]

#### **5.05.270 Water billing charges.**

(1) Ready-to-Serve/Service Charge. Monthly or bimonthly ready-to-serve/service charge shall be charged for active accounts and may be set from time to time by the board.

(2) Quantity/Commodity Charge.

(a) Potable water delivered through the distribution system will be charged an established rate for 100 cubic feet as the quantity/commodity charge. This rate may be set from time to time by the board.

(b) Nonpotable water supplied will be charged an established rate for 100 cubic feet as the quantity/commodity charge. This rate may be set from time to time by the board.

(c) Pay meter tokens will be supplied in sizes small (125 gallons) and large (500 gallons). The token rates may be set from time to time by the board. [Ord. 87 § 10, 2003; Ord. 78 § 10, 1999]

#### **5.05.280 Fire protection.**

(1) Purpose. Private fire protection service connections will be furnished only if adequate provision is made to prevent the use of water for purposes other than fire extinguishing.

(2) Application and Agreement. The applicant will be required to sign a special application and agreement form that will be furnished by the district on request.

(3) Charges.

(a) No charge will be made for water used to extinguish accidental fires.

(b) Water used in violation of the district's regulations shall be paid by the applicant in accordance with the rate schedule applicable for other customers.

(c) The district hereby establishes a bimonthly fire service charge based upon the fire service line size. The fee may be set from time to time by the board.

(4) Violation of Agreement. If water is used from a fire protection service connection in violation of the agreement or of these rules and regulations the district may, at its option, discontinue and remove the service.

(5) Ownership of Connection. The fire protection service connection and all appurtenances thereto up to, but not including, the detector check device shall be the sole property of the district and no part of the cost thereof will be refunded to the applicant.

(6) Pressure and Supply. The district assumes no responsibility for loss or damage due to the quantity or pressure of water delivered and only agrees to furnish such quantity and pressure as is available in its distribution system. The service is subject to shut downs and variations required by the operation of the district's distribution system.

(7) Use of and Damage to Fire Hydrants. No person, other than one who is designated and authorized by the proper authority or by the district, shall open a fire hydrant, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law.

(8) Moving of Fire Hydrants. When a fire hydrant has been installed in the location specified by the proper authority, the district has fulfilled its obligation. A property owner or other person desiring to change the size, type or location of a hydrant shall bear all costs of such changes, without refund.

Any change in the location of a fire hydrant must be approved by the proper authority. [Ord. 87 § 11, 2003; Ord. 78 § 11, 1999]

### **5.05.290 Construction service.**

(1) Time Limit. Construction service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the district.

(2) Charges for Water Served. The district hereby establishes charges for water served, including a monthly ready-to-serve charge/service charge and actual water usage/commodity charge. These fees may be set from time to time by the board.

(3) Installation Charges and Deposits.

(a) Charges for installing and removing all facilities necessary for construction service will be at actual district cost.

(b) A deposit is required to cover the one month estimated cost of ready-to-serve/service charge, water usage/commodity charge and installation charges.

(4) Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to other loaned facilities of the district which are involved in furnishing the construction from the time they are installed until they are removed.

(5) Construction Service on a Fire Hydrant. If construction service is supplied through a fire hydrant, the district shall notify the San Bernardino County Fire Protection District.

(6) Unauthorized Use. Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is a misdemeanor and punishable by law. [Res. 15-14; Ord. 87 § 12, 2003; Ord. 78 § 12, 1999]

### **5.05.300 Capital impact fees.**

(1) Primary Infrastructure. In addition to the charge for metered service, excluding private fire service installations, charges are to be collected by the district. This component includes wells, reservoirs, water treatment plants, large transmission pipelines, and booster stations. The impact of new or larger service connections on this component is primarily based on the water flow of that new or enlarged service. Said charges may be set from time to time by the board.

(2) Secondary Infrastructure. This component includes fire hydrants and the water distribution pipelines, typically six- and eight-inch pipelines that provide the connection to the customer's property. The impact of new and larger service connections of this component is primarily based on linear footage of installed pipelines required to provide a service connection to the overall water system. Said charges may be set from time to time by the board.

(3) Water Availability Assessment Charges. In addition to the primary capital impact fee and secondary capital impact fee, the property that has not been subject to the district's water availability assessment in the past shall be charged a water availability charge at the time new water service is requested by the customer. The amount of this charge shall be equal to the cumulative amount that the subject parcel receiving new water service would have been charged over the past 15 years if the property had been subject to the water availability assessment.

(4) The capital impact fees and water availability assessment charges shall be paid by the applicant at the time the application is made for water service. However, in the case of any application requiring plans, the capital impact fees and water availability assessment charges shall be paid by the developer prior to the district's signed approval of the plans for the project. [Ord. 87 § 13, 2003; Ord. 78 § 13, 1999]

### **5.05.310 Permanent off-site fee.**

This fee shall be charged on a case-by-case basis upon determination by the board that said fee is applicable to a particular applicant. [Ord. 87 § 14, 2003; Ord. 78 § 14, 1999]

### **5.05.320 Development fees.**

(1) The following development fees shall be imposed for all applications requiring plans such as, but not limited to, both major and minor subdivisions and other permanent main line extensions. All fees may be set from time to time by the board.

(a) An engineering design fee to cover the district's expenses to prepare a preliminary design study of the proposed development. Said fee shall be based on all actual costs of the district.

(b) A plan check fee to check the plans of the proposed project.

(c) An inspection fee to conduct a field inspection of the construction of the proposed facilities.

(d) An administrative fee of 15 percent of all costs in subsections (1)(a) through (c) of this section to offset the district's legal and other administrative expenses in connection with the proposed project.

(2) The abovementioned development fees shall be paid by the developer as follows and as provided in TPWDC 5.05.340:

(a) A deposit to cover the estimated cost of the engineering design fee shall be paid at the time of the original application.

(b) The plan check fee shall be paid prior to final approval.

(c) The inspection and administrative fees shall be paid prior to the district's signed approval of the plans for the project. [Ord. 87 § 15, 2003; Ord. 78 § 15, 1999]

#### **5.05.330 Document processing fee.**

(1) There is hereby established a document processing fee for all applications requiring the processing of one or more documents such as, but not limited to, easements, quitclaim deeds, encroachment permits, reimbursement agreements and temporary service connection agreements. Additionally, the district may request to be provided with a policy of title insurance insuring all such easements in favor of the district.

(2) The document processing fee shall be paid by the applicant at the time the application or written request requiring the documents is made to the district; however, in the case of any project requiring plans, the document processing fee shall be paid by the developer prior to the district's signed approval of the plans for the project. [Ord. 87 § 16, 2003; Ord. 78 § 16, 1999]

#### **5.05.340 Fee amounts.**

(1) The amounts of the development and document processing fees shall be as fixed by the board from time to time. However, whenever the staff determines that a development is unusually complex or large and that the amount of the district's estimated expenses to prepare a preliminary design study, conduct a plan check or a field inspection or perform legal or other administrative tasks exceeds the amount of the respective fee, staff shall require that an additional fee be paid. Said fee shall cover

the district's estimated expenses to complete the preliminary design study, plan check, field inspection or legal or other administrative tasks, as the case may be.

(2) Further, if the total fees paid to the district are less than the district's total cost for preparing the preliminary design study or for conducting the plan check, the difference shall be paid to the district prior to the district's signed approval of the detail plans of the project.

(3) Lastly, if the total inspection and administrative fees paid to the district are less than the district's total cost for conducting the field inspection or performing legal or other administrative tasks, the difference shall be paid to the district prior to the district's certification of the project.

(4) If the total deposit is more than any of the services provided, the difference shall be refunded. The cost is based upon time and materials plus 15 percent overhead. [Ord. 87 § 17, 2003; Ord. 78 § 17, 1999]

#### **5.05.350 Bills – Rendering.**

Meters will be read at regular intervals for the preparation of regular bills and as required for opening bills, closing bills and special bills.

(1) Water Service Bills. The board of directors hereby establishes a monthly billing schedule for the rendering of regular water bills. Any current rates or charges established on a bimonthly basis shall be collected on a monthly basis by dividing the bimonthly rate or charge in half.

(2) Opening and Closing Bills. A minimum ready-to-serve charge/service charge for each partial billing is hereby established and may be set from time to time by the board. [Res. 22-03 § 2; Ord. 87 § 18(A), 2003; Ord. 78 § 18(A), 1999]

#### **5.05.355 Bills – Payment – Payment arrangements.**

(1) If a domestic water service customer is unable to pay a bill during the normal payment period, the customer may request a payment arrangement, which may include an extension of the payment date for up to six months, amortization of the unpaid balance for a period not to exceed 12 months, or an alternative payment schedule allowing periodic payments that do not coincide with the district's established payment schedule. If a customer submits his or her request within 13 days after mailing of a written notice of discontinuation

of service by the district, the request will be reviewed by a district manager. Terms and conditions for a payment arrangement shall be set by the general manager or his or her designee. District decisions regarding payment arrangements are final and are not subject to appeal to the board.

(2) If a customer has been granted a payment arrangement under this section and fails to pay an amount due under the arrangement by the due date, then the district may terminate water service. The district will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the district. [Ord. 102 § 1, 2022]

#### **5.05.360 Bills – Payment – Complaints and appeals.**

(1) All bills are due and payable on presentation and are presumed to be received within five days of mailing. Failure to receive a bill does not relieve the customer of liability. Payment may be made at the district's office or returned through the U.S. mail.

(2) Bills of the district shall describe the procedure by which a customer may initiate a complaint or request an investigation concerning service or charges. The description shall read substantially as follows:

If you have a complaint that you are being overcharged or if you have any other complaint in connection with District billings YOU MUST PRESENT YOUR COMPLAINT to the District Manager, by mail or in person, at 72401 Hatch Road, Twentynine Palms, California 92277 or by telephone at (760) 367-7546 PRIOR TO THE DATE OF DELINQUENCY specified on the bill. The Manager is designated by the district to hear any complaint and is empowered to investigate and to rectify any District errors in connection with billing matters.

(3) The manager shall consider and resolve all complaints made in accordance with this section. Any customer whose timely complaint or request for an investigation has resulted in an adverse determination by the manager may appeal the determination to the board by filing a written notice of appeal with the board secretary within 10 business days of the manager's determination. Upon receiving the appeal, the board secretary will

set the matter to be heard at an upcoming board meeting and mail the customer written notice of the time and place of the hearing at least 10 days before the meeting. The decision of the board shall be final.

(4) Any customer who has timely initiated a complaint shall be given consideration by the manager as to a payment arrangement approved in accordance with this chapter. [Ord. 102 § 2, 2022]

#### **5.05.370 Bills – Delinquent – Termination procedures.**

(1) Customer bills not paid within 19 days after mailing are delinquent. If customer bills become delinquent the district will commence procedures to discontinue service until all district charges are paid in full. District charges which are not paid on or before the day of delinquency shall also include an administrative penalty of 10 percent. If a bill is delinquent for at least 60 days, the district may terminate water service to the premises.

(2) At least 15 days prior to terminating water service for failure to pay delinquent charges, the district shall mail to the customer a notice of the delinquency and impending termination. This notice shall include: (a) the name and address of the customer whose account is delinquent; (b) the amount of the delinquency; (c) the date by which payment or arrangements for payment is required in order to avoid termination; (d) the procedure by which a customer may request a payment arrangement, which may include an extension, amortization or alternative payment schedule; (e) the procedure by which the customer may initiate a complaint or request an investigation or appeal concerning service or charges; (f) the procedure for the customer to obtain information on the availability of financial assistance including private, local, state or federal sources, if applicable; and (g) the telephone number of a representative of the district who can provide information or institute arrangements for payment. The proposed date of termination on this notice shall be at least 15 days after the day of mailing of the notice. [Ord. 102 § 3, 2022]

#### **5.05.380 Bills – Separate meters not combined.**

Each meter on the customer's premises will be considered separately and the reading of two or more meters will not be combined unless specifically provided for in the rate schedule or unless the

district determines that its operating convenience requires the use of more than one meter or of a battery of meters. The minimum monthly service charge for such combined meters will be based on

the diameter of the total combined discharge areas of the meters. [Ord. 87 § 18(D), 2003; Ord. 78 § 18(D), 1999]

#### **5.05.390 Returned checks.**

A charge to cover costs for returned checks is hereby established and may be set from time to time by the board. Returned checks will not be redeposited. Service may be disconnected for non-payment at the scheduled termination date for non-payment. If said date has passed, customer will be notified by door hanger that service will terminate within 48 hours if payment, including returned check charge, is not made. [Ord. 87 § 18(E), 2003; Ord. 78 § 18(E), 1999]

#### **5.05.400 Meter error.**

##### **(1) Meter Test.**

(a) Each meter will be tested prior to initial installation and no meter found to be registered other than within the parameters prescribed by the American Water Works Association (AWWA) will be placed in service. All subsequent meter tests shall be conducted under test conditions prescribed by AWWA.

##### **(b) On Customer Request.**

(i) A customer may, by giving the district not less than 10 days' written or verbal notice, request that the district test the meter serving the customer's premises.

(ii) A fee shall be charged for said meter test and shall be set from time to time by the board.

(iii) The fee will be returned if the meter is found to register more than two percent fast.

(iv) A customer or a customer's representative shall have the right, at their own expense, to observe the meter test at a certified meter testing facility.

(v) A written report giving the results of the test will be shown to the customer with 10 days after completion of test.

##### **(2) Adjustments of Bills for Meter Error.**

(a) Fast Meters. After testing, if a meter is found to be registering more than two percent fast, the district will refund to the customer the full amount of the overcharge. This amount shall be based on corrected meter readings for the period, not exceeding four months, that the meter was in use.

(b) Slow Meters. After testing, if a meter is found to be registering more than five percent slow

the district may bill the customer for the amount of the undercharge. This amount shall be based on corrected meter readings for the period, not exceeding four months, that the meter was in use.

(c) Nonregistering Meters. The district may bill the customer for water delivered to the customer while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions. [Ord. 87 § 19, 2003; Ord. 78 § 19, 1999]

#### **5.05.410 Unsafe apparatus.**

(1) The district may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is dangerous, unsafe or not in conformity with an ordinance of the district, the Department of Health Services or with law.

(2) The district does not assume liability for inspecting apparatus on the customer's property. The district does reserve the right of inspection however, if there is reason to believe that unsafe apparatus is in use. [Ord. 87 § 20(A), 2003; Ord. 78 § 20(A), 1999]

#### **5.05.420 Service detrimental to others.**

The district may refuse to furnish water and may discontinue service to any premises where the water demand is excessively greater than past average or seasonal use and where the district determines that such excessive demand by one customer is or may be detrimental to the service furnished to other customers. [Ord. 87 § 20(B), 2003; Ord. 78 § 20(B), 1999]

#### **5.05.430 Fraud or abuse.**

The district shall have the right to refuse service or to discontinue water service to any premises to protect itself against fraud or abuse. [Ord. 87 § 20(C), 2003; Ord. 78 § 20(C), 1999]

#### **5.05.440 Noncompliance.**

The district may, unless otherwise provided, discontinue water service to a customer for non-compliance with any of these rules and regulations if a customer fails to comply with them within five days after receiving written notice of the district's

intention to discontinue service. If such noncompliance affects matters of health and safety and conditions warrant, the district may discontinue water service immediately and without notice. [Ord. 87 § 20(D), 2003; Ord. 78 § 20(D), 1999]

#### **5.05.450 Customer's request for service discontinuance.**

(1) A customer may have the water service discontinued by notifying the district reasonably well in advance of the desired date of discontinuance.

(2) If notice is not given, the customer will be required to pay for water service to the premises until such notice is given or until the district has learned that the customer has vacated the premises or has otherwise discontinued water use. [Ord. 87 § 20(E), 2003; Ord. 78 § 20(E), 1999]

#### **5.05.460 Restoration/reconnection charges.**

A reconnection fee for water service is hereby established and shall be set from time to time by the board. For domestic customers who demonstrate a household income below 200 percent of the federal poverty level, the district will limit the reconnection fee to \$50.00 during normal operating hours and to \$150.00 during nonoperational hours. The limits will only apply if the district's reconnection fees actually exceed these amounts. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) beginning January 1, 2021. The district will deem a domestic customer to have a household income below 200 percent of the federal poverty line if: (1) any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or (2) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level. [Ord. 98 § 1(d), 2020; Ord. 87 § 20(F), 2003; Ord. 78 § 20(F), 1999]

#### **5.05.470 Resale of water – Delivery to other premises.**

No customer shall resell any of the water received from the district through a domestic meter nor shall such water be delivered to premises other

than those specified in the customer's application for service. [Ord. 87 § 21, 2003; Ord. 78 § 21, 1999]

#### **5.05.480 Responsibility for equipment.**

The customer shall, at the customer's own risk and expense, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying or utilizing water. The district shall not be responsible for any loss or damage caused by the improper installation of such water equipment or the negligence, want of proper care or wrongful act of the customer or of any of the customer's tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment. The district shall not be responsible for damage to property caused by spigots, faucets, valves or other equipment that are open when water is turned on at the meter, either when the water is turned on originally, when turned on after a temporary shutdown or from vandalism. [Ord. 87 § 22, 2003; Ord. 78 § 22, 1999]

#### **5.05.490 Tampering with or damage to district's property.**

(1) No one except an employee or representative of the district shall at any time and in any manner operate the curb cocks, angle meter stops or valves (except to repair or change private plumbing), main cocks, gates or valves of the district system or interfere with meters or their connections, street mains or other parts of the water system.

(2) The customer shall be liable for any damage to a meter or other equipment or property owned by the district, if said damage is caused by an act of the customer or the customer's tenants, agents, employee, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The district shall be reimbursed by the customer for any such damage promptly on presentation of a bill. [Ord. 87 § 23, 2003; Ord. 78 § 23, 1999]

#### **5.05.500 Control valves.**

The district shall install a valve on the discharge end of a new meter as a part of the service connection charge; however, maintenance and replacement of this control valve shall remain the

responsibility of the district. The operation by the customer of the valve on the inlet end of the meter is not permitted. [Ord. 87 § 24, 2003; Ord. 78 § 24, 1999]

**5.05.510    Booster pumps.**

(1) Booster pumps installed by the customer must be set on the discharge end of the meter and in a manner approved by the district.

(2) Pumps must be installed and operated in such a manner as to cause no strain or vibration on the district's distribution system.

(3) Damage to the district's distribution system caused by the operation of a customer's pump will be repaired by the district and charged to the customer.

(4) The cost of special equipment and its installation made necessary by the use of booster pumps will be charged to the customer making this equipment necessary. [Ord. 87 § 25, 2003; Ord. 78 § 25, 1999]

#### **5.05.520 Grounding to distribution system prohibited.**

All persons are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection or to any other part of the district's distribution system. The district will hold the customer liable for any damage to its distribution system occasioned by such ground wire attachment. [Ord. 87 § 26, 2003; Ord. 78 § 26, 1999]

#### **5.05.530 Water waste.**

Wasteful or negligent use of water on a customer's premises is expressly prohibited. Such use may result in discontinuance of service as provided by other applicable sections of these rules and regulations or other ordinances of the district. [Ord. 87 § 27, 2003; Ord. 78 § 27, 1999]

#### **5.05.540 Access to premises.**

The district or its duly authorized agents shall at all reasonable times have the right to enter or leave the customer's premises for any purpose reasonably related to the service of water to a customer. [Ord. 87 § 28, 2003; Ord. 78 § 28, 1999]

#### **5.05.550 Interruptions in service.**

(1) The district shall not be liable for damage resulting from an interruption in service. Temporary shutdowns may be required by the district for improvements or repairs. Whenever possible and as time permits all customers affected will be notified prior to such shutdowns.

(2) The district will not be liable for interruption, shortage or insufficiency of supply or for any loss or damage occasioned thereby if caused by accident, act of God, fire, strike, riot, war or any other cause not within its control. Whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its distribution system, the district shall have the right to suspend temporarily the delivery of water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be effected as rapidly as is practicable and, so far as possible, at such

times as will cause the least inconvenience to the district's customers. [Ord. 87 § 29, 2003; Ord. 78 § 29, 1999]

#### **5.05.560 Relief valves.**

As a protection to the customer's plumbing system a suitable pressure relief valve should be installed and maintained by the customer, at the customer's expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater. [Ord. 87 § 30, 2003; Ord. 78 § 30, 1999]

#### **5.05.570 Mailing lists and customer records.**

The names, addresses and records of the district's customers and taxpayers shall not be available to the public, except to the extent required by law. No mailing list compiled from the records of the district shall be made available to the public by any of the district's officers or employees. [Ord. 87 § 31, 2003; Ord. 78 § 31, 1999]

#### **5.05.580 Lending district property.**

District employees are forbidden to lend maps, records, tools, machinery or other district property or to sell or rent district property without the approval of the manager. [Ord. 87 § 32, 2003; Ord. 78 § 32, 1999]

#### **5.05.590 Penalties for violation – Appeal process.**

(1) Unlawful Water Use. It is unlawful for any person to connect and otherwise extract water from the district's water supply and distribution system other than as stated in the district's rules and regulations. Any person violating this provision may be subject to penalties provided by law, ordinance and/or the district's rules and regulations.

(2) Notice of Violation. Any person found to be violating any provision of these rules and regulations of the district may be served by the district with a written correction notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Such notice shall be considered properly served by the district if it is sent to the address of record on file at the district.

Each customer, including any person present at the water service address, acting as the agent of the customer, or working on such site, may be held strictly responsible under the provisions of this section or any other ordinance, resolution, rule or regulation of the district for their own acts and for any and all authorized acts of their representatives or employees.

Upon being notified by the district or authorized representative of any violations of these rules and regulations, the person having responsibility for the property, facility or work causing the violation shall immediately cease and desist from such violation and shall cause the commencement of such measures and procedures as may be necessary to correct the violation within the time specified by the district.

(3) **Imposition of Penalty.**

(a) Upon the expiration of the time limit for correction, if the offender fails to immediately cease all violations, the offender's service shall be discontinued and water shall not be supplied to such customer until the customer has complied with the rule or regulation which was violated. In the event that the offender cannot comply with said rule or regulation, water service may be restored if the district is satisfied that, in the future, the offender will comply with all the rules and regulations established by the district. However, the district reserves the right to impose an administrative fine for any offender's failure to comply with these rules and regulations.

(b) If the district elects to impose an administrative fine on the offender who has violated any provision of these rules and regulations, the district shall cause a written notice of the violation to be sent to the offender. The notice shall provide, in sufficient detail, the violation(s), the amount of the penalty being imposed, and the date or times by which the penalty shall be paid to the district. Service of any notice required under this section shall be made by personal service in the same manner as a summons in a civil action; or registered United States mail, which service shall be completed at the time of deposit into the United States mail.

An offender may appeal the imposition of an administrative fine via the process outlined in subsection (4) of this section, as amended by the ordinance codified in this section. Fines may be collected by the district by any lawful means,

including but not limited to adding the amount of such fines to the offender's water bill(s).

(c) **Fine Schedule.** Pursuant to California Government Code Section 53069.4, the district may charge the offender an administrative penalty of up to:

(i) One thousand dollars for the first violation;

(ii) Two thousand five hundred dollars for a second violation within a one-year period; and

(iii) Five thousand dollars for each violation thereafter within a one-year period.

(4) **Appeal Process.**

(a) All appeals shall be submitted, in writing, to the district's general manager within 30 calendar days of the denial of the application or the date of the notice of the imposition of the penalty.

(b) The district general manager, or his/her designee, shall review the appeal and any related information provided by the appellant and, if necessary, cause an investigation and report to be made concerning the imposition of any penalty. The district general manager, or his/her designee, shall have 20 calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the appellant. If the general manager, or his/her designee, grants the appeal and determines that any denial or penalty was imposed in error or should be reduced, within 15 calendar days of such determination, the district general manager, or his/her designee, shall either: accept the application for water service or refund the penalty or any portion thereof, if paid by the appellant, for which the appeal was granted, including any additional penalties or interest related thereto, and give written notice thereof or determine and correct the amount of the penalty for the offender, including any additional penalties or interest related thereto and give written notice thereof.

(c) The decision of the district general manager, or his/her designee, may be appealed by the appellant to the board. Such appeal must be submitted in writing and filed with the district within 15 calendar days of the date of decision of the general manager, or his/her designee. The board shall conduct a hearing on such appeal at its next regularly scheduled board meeting; provided, however, the board shall have received the notice of appeal at least 15 calendar days prior to such meeting. If

the appeal is not submitted within at least 15 calendar days prior to a regularly scheduled board meeting, then the hearing shall be held at the next following regularly scheduled board meeting. A notice of the hearing shall be mailed to the offender at least 10 calendar days before the date fixed for the hearing. The board shall review the decision of the district general manager, or his/her designee. The determination of the board shall be conclusive and constitute a final order. Notice of the determination by the board shall be mailed to the appellant within 10 calendar days of such determination.

If the appeal is granted in whole or in part, within 10 calendar days from the date of the mailing of the notice of determination by the board, the district shall either refund the penalty or any portion thereof, if paid by the appellant, including any other penalties or interest related thereto for which the appeal was granted or determine and impose the correct amount of the penalty for the appellant, including any other penalties or interest related thereto.

If the appeal is denied or granted in part, the appellant shall have 20 calendar days from the date of the mailing of the notice of determination by the board to pay the penalty, and any other penalties and interest fixed by the board.

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

(d) If an appellant subject to the imposition of a penalty pursuant to these rules and regulations, after notice has been provided as set forth herein, fails to pay the penalty when due, the appellant shall become liable to the district for interest at the rate of one percent per month on the delinquent penalty(ies) amount.

(5) Continued Violations. Each person who violates any provision of these rules and regulations may be guilty of a separate offense for each and every day during any portion of which such violation is committed, continued or permitted by such person and may be punished accordingly. [Ord. 101 § 2, 2021; Ord. 78 § 33, 1999]

## Chapter 5.10

### ENTITLEMENT METER SERVICES

#### Sections:

5.10.010 Definitions.  
5.10.020 District policy.

#### 5.10.010 Definitions.

“Active meter” means a meter service for which the district remains ready to deliver water in the quantities requested.

“Entitlements” means a meter service that has all of the fees paid, but is not physically installed and is not subject to a monthly ready-to-serve charge.

“Inactive meter” means a meter service for which service has been voluntarily suspended by the customer. [Res. 91-15 Art. I]

#### 5.10.020 District policy.

(1) Existing (as of May 15, 1991) entitlement meter services and agreements entered into by the district shall be honored.

(2) The district shall no longer (after May 15, 1991) enter into entitlement meter agreements.

(3) The categories for new water meter services are established as follows:

(a) Active Meter Service. After the appropriate application is filed, the district will install the necessary hardware to provide full service. Applicant is subject to both commodity and ready-to-serve charges.

(b) Inactive Meter Service. After the appropriate application is filed and required fees paid, the district will lock off the meter. Applicant is subject to inactive meter ready-to-serve charges.

(4) The existing entitlements may be converted, after the appropriate application is filed, to either active service or inactive service. Once converted, active or inactive service shall not be permitted to revert to the entitlement category. [Res. 91-15 Art. II]

**Chapter 5.15****FINANCING AND CONSTRUCTION OF  
WATER FACILITIES**

## Sections:

5.15.010 Definitions.  
5.15.020 Primary facilities fees.  
5.15.030 Secondary facilities.

**5.15.010 Definitions.**

(1) "Facilities," as used herein, means water storage, transmission and distribution facilities.

(2) "Primary facilities" means facilities financed by the district for the transmission of water from its source or storage facilities to the distribution network.

(3) "Secondary facilities" means those facilities that are used to distribute water service to the retail customers of the district. [Res. 434 § 1, 1987]

**5.15.020 Primary facilities fees.**

(1) A primary facility fee shall be charged to all customers receiving water service directly from primary facilities.

(2) The primary facility fee shall be determined by the general manager in each case, based on the following policy:

(a) Each customer shall be charged based on the cost of the latest district experience in the cost of installing distribution facilities of the type and size which would be required if no primary facility was available for service.

(b) The equivalent cost shall be apportioned to the area to be benefited in an equal manner, based on either total frontage to be served or on total area to be served, whichever, in the opinion of the general manager is the more equitable under the particular circumstances.

(3) The primary facility fee shall be established pursuant to subsection (2) of this section, on all primary pipeline existing in the district and submitted to the board of directors for approval. Any future primary facility shall have a primary facility fee established upon completion of construction.

(4) Payment of said fees or the execution of an amortization agreement shall be a condition precedent to commencement of service to the customer and failure to meet payments as required in the agreement shall result in a discontinuance of service. [Res. 434 § 2, 1987]

**5.15.030 Secondary facilities.**

(1) In each case in which the district receives an application for water service which will require construction of secondary facilities, the general manager shall determine the total cost of such construction. The amount of the estimate shall be the deposit required of the applicant, except in cases where the general manager determines that larger facilities are required to provide reasonable service to the applicant and other properties that front on or are to be served directly by the extension. In the latter case, the general manager shall determine what part, if any, of the cost of construction shall be borne by the district as primary facilities cost and the remainder of the estimated cost shall constitute the amount of the required deposit.

(2) The district shall notify the applicant in writing of the amount of deposit required of him and no further action upon the application shall be taken unless the applicant deposits said amount with the district, and enters into a written agreement substantially in the form herein below set forth. The amount of such deposit shall be in addition to all regular service connection and meter charges.

(3) In cases where the required extension of the distribution main can be, or will be, beneficially used by other real property, the district shall determine, prior to the start of construction, the cost of the extension per acre of all property, excluding the applicant's property, which can or will obtain beneficial use from the construction. After completion of the construction, the district shall collect from each owner, other than the original applicant, who obtained water from the construction, an additional connection fee in the sum of said cost of the construction per acre for each acre of such owner's property that is to be served by the construction plus interest at the prime rate plus three percent compounded semi-annually. Said connection fees so collected, with interest thereon, shall be paid to the original applicant in partial reimbursement of his above-described deposit within 30 days of collection.

(4) The district shall in no case be liable in damages at law or otherwise to the applicant for failure, neglect, or inability for any reason to collect any sums hereinabove mentioned or to reimburse the applicant as herein provided.

(5) If two consecutive years should pass during which the whereabouts of the applicant are unknown to the district and no demand is made therefor, all sums collected as provided herein shall be deposited in the general fund of the district and all rights thereto of the applicant shall terminate. In all events the rights of the applicant to reimbursement as herein provided shall cease 15 years after the date of his said agreement and all additional connection fees thereafter collected shall belong to the district.

(6) All facilities constructed in accordance with the provisions of this chapter shall be the property of the district. The size, type and quality of materials and the location of extended mains shall be specified by the district and actual construction shall be done by the district, or by a contractor acceptable to the district under the supervision of the district.

(7) All facilities constructed under provisions of this chapter may thereafter be extended or expanded by the district without further obligation to the applicant.

(8) The form of agreement to be executed by the applicant as herein above provided shall be substantially as follows:

I, \_\_\_\_\_, hereby apply to the Twentynine Palms Water District for regular water service for the property described as follows: \_\_\_\_\_

I understand that this application cannot be granted unless the District constructs an extension of its secondary facilities and that the estimated cost of such construction is \$ \_\_\_\_\_ which sum I hereby deposit with the District to cover the cost of construction. If the actual cost of construction is less than the deposit, the District shall refund the difference, without interest, within 30 days of completion of the cost accounting for the specific project.

I further understand that a portion of said deposit may hereafter be refunded to me in accordance with the provision of the resolution adopted by the Board of Directors of the District on \_\_\_\_\_ entitled, "A Resolution of the Board of Directors of the Twentynine Palms Water District Establishing a Policy for the Benefit of Lands and Inhabitants of the District."

I acknowledge receipt of a copy of said Resolution and agree that my rights to such refund shall be solely as set forth therein.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

[Res. 434 § 3, 1987]

**Chapter 5.20****BACKFLOW AND  
CROSS-CONNECTION CONTROL**

## Sections:

- 5.20.010 General policy.
- 5.20.020 Definitions.
- 5.20.030 Water system.
- 5.20.040 Protection of water supply.
- 5.20.050 Inspections.
- 5.20.060 Approved backflow prevention assemblies.
- 5.20.070 Degree of hazard.
- 5.20.080 Required standards.
- 5.20.090 Annual inspection and tests.
- 5.20.100 Excluded devices.

**5.20.010 General policy.**

(1) Purpose. Regulations relating to cross-connections are set forth in the California Administrative Code, Title 17, Sections 7583 to 7605 inclusive. Said regulations and this chapter have as their purpose the following:

(a) To protect the public potable water supply of the Twentynine Palms Water District from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants which could backflow into the public water systems; and

(b) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable water system(s) and nonpotable water system(s), plumbing fixtures and industrial piping systems; and

(c) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(2) Responsibility. The Twentynine Palms Water District shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the district a California Department of Health Services approved backflow prevention assembly is required (at the customer's water service connection or within the customer's private water system) for the safety of the water system, the district or its

designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at specific location(s) on his premises. The customer shall immediately install such approved assembly(s) at the customer's own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly(s) shall constitute a ground for discontinuing water service to the premises until such requirements have been satisfactorily met. The customer shall provide sufficient documentation to the district that such approved assembly(s) has (have) been installed. Any person, firm or corporation who makes or maintains or causes to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the Twentynine Palms Water District and any other source of water supply or fixtures which, by reason of their construction, installation, use, may cause or allow backflow of water or other substances into the water supply system of the Twentynine Palms Water District or the service of water pipes or fixtures of any customer of the Twentynine Palms Water District, will be held liable should backflow occur. [Ord. 72 § 1, 1995]

**5.20.020 Definitions.**

(1) Water Commissioner or Health Official. The general manager or his/her designee in charge of the Twentynine Palms Water District is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this chapter.

(2) Approved.

(a) "Approved", as herein used in reference to a water supply, shall mean a water supply that has been approved by the state of California Department of Health Services.

(b) "Approved", as herein used in reference to an air gap, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods, shall be an approval by the state of California Department of Health Services.

(3) Auxiliary Water Supply. Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an "auxiliary water supply." These auxiliary waters may include water from another

purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or used waters or industrial fluids. These waters may be contaminated, polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(4) "Backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable supply of water from any source or sources. See "backsiphonage" and "backpressure."

(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of delivery which would cause, or tend to cause, a reversal of normal direction of flow.

(6) "Backsiphonage" shall mean a form of backflow due to a reduction in system pressure which causes a reduction of pressure to exist in the potable water system.

(7) "Backflow preventer" shall mean an assembly or means designed to prevent backflow.

(a) "Air gap (AG)" shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, in no case less than one inch (2.54 cm).

(b) "Reduced pressure principle backflow prevention assembly (RP)" shall mean an assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e., pollutant) or health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water. The pressure relief valve discharge port shall be a minimum of 12 inches above grade.

(c) "Double check valve backflow prevention assembly (DC)" shall mean an assembly com-

posed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

(8) "Contamination" shall mean an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or though the spread of disease.

(9) "Cross-connection" shall mean any unprotected actual or potential connection or structural arrangement between a public or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

(a) "Direct cross-connection" shall mean a cross-connection which is subject to both backsiphonage and backpressure.

(b) "Indirect cross-connection" shall mean a cross-connection which is subject to backsiphonage only.

(10) Cross-Connections – Controlled. "Controlled cross-connection" shall mean a connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

(11) Cross-Connection – Control by Containment. The term "service protection" shall mean the appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the customer's potable water system.

(12) Hazard, Degree of. "Degree of hazard" shall mean either a pollutional (nonhealth) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

(a) "Health hazard" shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or

the customer's potable water system that would be a danger to health.

(b) "Plumbing hazard" shall mean an internal or plumbing type cross-connection in a customer's potable water system that may be either a pollutional or a contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.

(c) "Pollutional hazard" shall mean an actual or potential threat to the physical properties of the water system or the potability of the customer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

(d) "System hazard" shall mean an actual or potential threat of severe danger to the physical properties of the public or the customer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

(13) "Industrial fluids" shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems, etc.; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

(14) "Pollution" shall mean an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

(15) Water, Potable. "Potable water" shall mean any public potable water supply which has been investigated and approved by the health agency. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the Department of Health Services has final judgment as to its safety and potability.

(16) Water, Nonpotable. "Nonpotable water" shall mean a water supply which has not been approved for human consumption by the Department of Health Services.

(17) "Water service connection" shall mean the terminal end of a service connection from the public potable water system; (i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system). If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter.

(18) Water, Used. "Used water" shall mean any water supplied by a water purveyor from a public potable water system to a customer's water system after it has passed through the service connection and is no longer under the control of the water purveyor. [Ord. 72 § 2, 1995]

## 5.20.030 Water system.

(1) The water system shall be considered as made up of two parts: the water purveyor's system and the customer system.

(2) The water purveyor's system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the purveyor, up to the point where the customer's system begins.

(3) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

(4) The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

(5) The customer's system shall include those parts of the facilities beyond the termination of the purveyor's distribution system which are utilized

in conveying potable water to points of use. [Ord. 72 § 3.1, 1995]

#### **5.20.040 Protection of water supply.**

No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected by state laws and regulations and this chapter. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. [Ord. 72 § 3.2.1, 1995]

#### **5.20.050 Inspections.**

The customer's system should be open for inspection at all reasonable times to authorized representatives of the Twentynine Palms Water District to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the general manager or his/her designee shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto. [Ord. 72 § 3.2.2, 1995]

#### **5.20.060 Approved backflow prevention assemblies.**

An approved backflow prevention assembly shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be safe of bacteriological or chemical quality and is not acceptable as an additional source by the general manager or his/her designee, the public water system shall be protected against backflow from the premises by installing an approved backflow pre-

vention assembly in the service line commensurate with the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the water purveyor's system which have been subject to deterioration in quality.

(3) In the case of premises having (a) internal cross-connection that cannot be permanently corrected or protected against, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line. [Ord. 72 § 3.2.3, 1995]

#### **5.20.070 Degree of hazard.**

The type of protective assembly required under TPWDC 5.20.060(1), (2) and (3) shall depend upon the degree of hazard which exists as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in TPWDC 5.20.060(1) and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly.

(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevention assembly.

(3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include

sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(4) In the case of any premises where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises. [Ord. 72 § 3.2.4, 1995]

#### **5.20.080 Required standards.**

(1) Any backflow prevention assembly required herein shall be a make, model and size approved by the general manager or his/her designee. "Approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled: AWWA/ANSI C510-92 Standard for Double Check Valve Backflow Prevention Assemblies; AWWA/ANSI C511-92 Standard for Reduced Pressure Principle Backflow Prevention Assemblies; and have met completely the laboratory and field performance specifications of the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCC&HR) established in: Specifications of Backflow Prevention Assemblies – Section 10 of the most current issue of the Manual of Cross-Connection Control. Said AWWA and USC FCCC&HR standards and specifications have been adopted by the Twentynine Palms Water District. Final approval shall be evidenced by a "certificate of compliance" for the said AWWA standards or "certificate of approval" for the said USC FCCC&HR specifications; issued by an approved testing laboratory.

(2) The following testing laboratory has been qualified by the Twentynine Palms Water District to test and approve backflow prevention assemblies:

Foundation for Cross-Connection Control and Hydraulic Research

University of Southern California

KAP-200 University Park MC-2531

Los Angeles, California 90089-2531

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Twentynine Palms Water District.

(3) Backflow preventers which may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by the said qualified laboratory and are listed on the Department of Health Services current list of "approved backflow prevention assemblies" may be used without further test or qualification. [Ord. 72 § 3.2.5, 1995]

#### **5.20.090 Annual inspection and tests.**

It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year. In those instances where the general manager or his/her designee deems the hazard to be great enough he/she may require field tests at more frequent intervals. These tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, Twentynine Palms Water District personnel or by a certified tester approved by the general manager or his/her designee. It shall be the duty of the general manager or his/her designee to see that these tests are made in a timely manner. The customer-user shall notify the general manager or his/her designee in advance when the tests are to be undertaken so that an official representative may witness the field tests, if so desired. These assemblies shall be repaired, over-hauled or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the general manager or his/her designee. [Ord. 72 § 3.2.6, 1995]

#### **5.20.100 Excluded devices.**

All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the testing and maintenance require-

ments under TPWDC 5.20.090, be excluded from the requirements of these rules so long as the general manager or his/her designee is assured that they will satisfactorily protect the water purveyor's system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the general manager or his/her designee finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

[Ord. 72 § 3.2.7, 1995]

## Chapter 5.25

### EXCESSIVE WATER USAGE REDUCTION

#### Sections:

- 5.25.010 Scope of policy.
- 5.25.020 Purpose.
- 5.25.030 Reduction of bill for excessive water usage.
- 5.25.040 Custodian of record.

#### **5.25.010 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. [Res. 18-13 § 3]

#### **5.25.020 Purpose.**

The purpose of this policy is to reduce excessive wasteful water usage. [Res. 18-13 § 4]

#### **5.25.030 Reduction of bill for excessive water usage.**

(1) 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.

(2) 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.

(3) 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) 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.

(b) 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.

(c) 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.

(d) Customer shall provide proof of repair, which may include copies of repair bills and/or photographs of repair.

(e) No late fees will be applied to the account and no lock-off for nonpayment will occur while the account is under investigation and review.

(f) To qualify for a reduction, water usage on the bill(s) being presented must be 400 percent or four times above the same period for prior year. If no prior year history is available, the prior billing cycle will be used for comparison.

(g) Up to a maximum of two consecutive bills may be presented for consideration of a reduction.

(h) Customer shall not be delinquent or in any payment schedule agreement with the district.

(i) No reduction will be granted if water usage is unauthorized.

(j) Reduction of a water bill may only be given one time per account or per property.

(k) The amount of reduction shall not be greater than 50 percent of the water bill(s) that is/are the subject of the request for reduction.

(l) Total reduction of up to \$300.00 requires a district supervisor's approval.

(m) Total reduction in an amount greater than \$300.00 shall be subject to the general manager's approval. [Res. 18-13 § 5 (Exh. A)]

#### **5.25.040 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. [Res. 18-13 § 8]

**Chapter 5.30****DISCONTINUATION OF DOMESTIC  
WATER SERVICE**

## Sections:

- 5.30.010 Background and purpose.
- 5.30.020 Billing complaints and appeals.
- 5.30.030 Payment arrangements generally.
- 5.30.040 Payment arrangements for customers experiencing both medical and financial hardships.
- 5.30.050 Contact information.

**5.30.010 Background and purpose.**

This policy on discontinuation of domestic water service (this “policy”) is intended to provide district customers with certain information required by law. (California Health and Safety Code § 116906.) This policy shall be posted on the district’s website and provided to customers in the manner required by law and Chapter 5.05 TPWDC, Retail Water Service Rules and Regulations. A full description of district procedures relating to water service billing, payment, and discontinuation of service is provided in Chapter 5.05 TPWDC. To the extent of any conflict between this policy and the district code, the district code shall control. [Ord. 98 § 2 (Exh. A), 2020]

**5.30.020 Billing complaints and appeals.**

Customers may initiate a complaint or request an investigation concerning water service or charges as follows:

If you have a complaint that you are being overcharged or if you have any other complaint in connection with District billings YOU MUST PRESENT YOUR COMPLAINT to the District Manager, by mail or in person, at 72401 Hatch Road, Twentynine Palms, California 92277 or by telephone at (760) 367-7546 PRIOR TO THE DATE OF DELINQUENCY specified on the bill. The Manager is designated by the District to hear any complaint and is empowered to investigate and to rectify any District errors in connection with billing matters.

The manager shall consider and resolve all complaints made in accordance with this section. Any customer who has timely initiated a complaint shall be given consideration by the manager as to a payment arrangement as described in this policy.

Any customer whose timely complaint or request for an investigation has resulted in an adverse determination by the manager may appeal the determination to the board of directors by filing a written notice of appeal with the board secretary within 10 business days of the manager’s determination. Upon receiving the appeal, the board secretary will set the matter to be heard at an upcoming board meeting and mail the customer written notice of the time and place of the meeting at least 10 days before the meeting. The decision of the board shall be final. [Ord. 98 § 2 (Exh. A), 2020]

**5.30.030 Payment arrangements generally.**

If a customer is unable to pay a bill during the normal payment period, the customer may request a payment arrangement, which may include an extension of the payment date for up to six months, amortization of the unpaid balance for a period not to exceed 12 months, or an alternative payment schedule allowing periodic payments that do not coincide with the district’s established payment schedule. If a customer submits his or her request within 13 days after mailing of a written notice of discontinuation of service by the district, the request will be reviewed by a district manager. Terms and conditions for a payment arrangement shall be set by the general manager or his or her designee. District decisions regarding payment arrangements are final and are not subject to appeal to the board.

If a customer has been granted a payment arrangement under this section and fails to pay an amount due under the arrangement by the due date, then the district may terminate water service. The district will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the district. [Ord. 98 § 2 (Exh. A), 2020]

**5.30.040 Payment arrangements for  
customers experiencing both  
medical and financial hardships.**

The district will not terminate domestic service for nonpayment if all of the following requirements are met: (1) a licensed primary care provider certifies that doing so will be life threatening or pose a serious threat to the health and safety of the cus-

tomer or another resident of the premises; (2) the customer is financially unable to pay for service within the normal payment period; and (3) the customer is willing to enter into a payment arrangement with the district with respect to all delinquent charges.

A customer is deemed financially unable to pay within the normal billing cycle if: (1) any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children; or (2) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

The customer is responsible for demonstrating that the above requirements have been met. For customers who meet all of the above requirements, the district shall offer the customer an extension, amortization of the unpaid balance, or an alternative payment schedule, to be selected by the district in its discretion. Upon receipt of documentation from the customer, the district will review the documentation within seven days and: (1) notify the customer of the alternative payment arrangement selected by the district and request the customer's signed assent to participate in that alternative arrangement; (2) request additional information from the customer; or (3) notify the customer that he or she does not meet the above requirements.

The district may discontinue water service if a customer who has been granted a payment arrangement under this section fails to do either of the following for 60 days or more: (1) pay an amount due under the payment arrangement; or (2) pay current charges for water service. The district will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the district. [Ord. 98 § 2 (Exh. A), 2020]

person Monday through Friday, from 7:30 a.m. to 5:00 p.m., except on district holidays. [Ord. 98 § 2 (Exh. A), 2020]

### **5.30.050 Contact information.**

For billing questions, or for assistance regarding options to avoid discontinuation of service for non-payment, the district's customer service staff can be reached at 760-367-7546. Customers may also visit a district's customer service representative in

## Title 6

### MISCELLANEOUS REGULATIONS

#### Chapters:

- 6.05 Environmental Regulations**
- 6.10 Fire Prevention and Control**
- 6.15 Water Shortages and Conservation**
- 6.20 Landscaping**
- 6.25 Hazardous Materials Management Agency**
- 6.30 Groundwater Management Plan**
- 6.35 Local Hazard Mitigation Plan**
- 6.40 Emergency Management**
- 6.45 Wastewater Treatment Facilities**
- 6.50 Nitrate Infiltration Response Policy**
- 6.55 Wastewater Master Plan**
- 6.60 Regional Water Management Plan**

**Chapter 6.05****ENVIRONMENTAL REGULATIONS**

## Sections:

6.05.010 Adoption.

**6.05.010 Adoption.**

(1) The Guidelines for Implementation of the California Environmental Quality Act of 1970 (CEQA) in effect on November 1, 1982, are herein incorporated by reference: Title 14, California Administrative Code, Section 15000 and following, Guidelines for Implementation of the California Environmental Quality Act of 1970.

(2) All future revisions to the said state guidelines shall hereafter be made a part of this district's local guidelines, without further action by the board of directors.

(3) A copy of such state guidelines shall be maintained in the office of the secretary of the district at all times. [Res. 95-1 §§ 2, 3, 4]

**Chapter 6.10****FIRE PREVENTION AND CONTROL**

## Sections:

**Article I. Fire Protection Water Systems**

6.10.200	San Bernardino County Fire Protection District approval.
6.10.210	Hydrant spacing.
6.10.220	Deviations from minimum fire flows.
6.10.230	System standards.
6.10.240	Distributions systems.
6.10.250	Fire flows.
6.10.260	Fire hydrants – Requirements.
6.10.270	Fire hydrants – System requirements.

**Article II. Water Sources for Fire Emergencies**6.10.300 Sources – Limitations.**Article I. Fire Protection Water Systems****6.10.200 San Bernardino County Fire Protection District approval.**

All fire protection water systems shall require the approval of the San Bernardino County Fire Protection District prior to the installation of said system. [Res. 15-14; Res. 436 § 1, 1987]

**6.10.210 Hydrant spacing.**

The San Bernardino County Fire Protection District may allow hydrant spacing greater than the given listing provided an approved sprinkler system is installed in the structure(s) to be protected and the distance of the spacing does not exceed 170 feet over the standard. [Res. 15-14; Res. 436 § 2, 1987]

**6.10.220 Deviations from minimum fire flows.**

The following fire flows are based on approximate building size on one lot and any deviation from the minimum shall be calculated on size, use and hazard of the building according to the Uniform Fire Code. [Res. 436 § 3, 1987]

**6.10.230 System standards.**

System standards are as follows:

(1) Rural Residential Areas (Res-1). Single-family dwellings located in desert or mountain rural areas (not in subdivision) with a density of one or less per acre:

Fire Flow – 750 GPM  
2 – Hydrant flowing at 500 GPM each, 20 psi residual  
Duration – 2 hours  
Hydrant spacing – 750 feet

(2) Residential Areas – Low Density (Res-2).

Fire Flow – 750 GPM  
2 – Hydrant flowing at 500 GPM each, 20 psi residual  
Duration – 2 hours  
Hydrant spacing – 660 feet

(3) Residential Areas – High Density (Res-3). Single-family or two-family dwellings located in any area with a density of three per acre:

Fire Flow – 1500 GPM  
2 – Hydrant flowing at 750 GPM each, 20 psi residual  
Duration – 2 hours  
Hydrant spacing – 660 feet

(4) Residential Areas – Multiple (Res-4). Triplexes, mobile home parks:

Fire Flow – 2000 GPM  
2 – Hydrant flowing at 1000 GPM each, 20 psi residual  
Duration – 2 hours  
Hydrant spacing – 330 feet

(5) Residential Areas – Multiple (Res-8).

Fire Flow – 2500 GPM  
2 – Hydrant flowing at 1250 GPM each, 20 psi residual  
Duration – 2 hours  
Hydrant spacing – 330 feet

(6) Residential Areas – Multiple (Res-11).

Fire Flow – 3000 GPM  
2 – Hydrant flowing at 1500 GPM each, 20 psi residual  
Duration – 3 hours  
Hydrant spacing – 330 feet

(7) Commercial Areas. Mercantiles, schools, motels, churches, places of public assembly and all other commercials.

Fire Flow – 3500 GPM  
Each hydrant flowing at 1500 GPM each, 20 psi residual  
Duration – 3 hours  
Hydrant spacing – 330 feet

(8) Industrial Areas.

Fire Flow – 4000 GPM  
Each hydrant flowing at 1500 GPM each, 20 psi residual  
Duration – 4 hours  
Hydrant spacing – 330 feet

[Res. 436 § 4, 1987]

**6.10.240 Distributions systems.**

(1) The size of the water mains and laterals shall be governed by the fire flow requirements. Minimum size is six inches diameter.

(2) All water systems shall be designed to permit circulating water flows except where impractical because of cul-de-sacs or similar conditions of the incomplete development of a proposed grid system. [Res. 436 § 5, 1987]

**6.10.250 Fire flows.**

Fire flows shall be as follows: All fire flow requirements are over and above the average daily consumption of water. [Res. 436 § 6, 1987]

**6.10.260 Fire hydrants – Requirements.**

(1) Nos. A1 – A8.

Hydrant – 6 inch with 1 - 2-1/2" and 1 - 4" outlet with National Standard Threads  
Riser – 6 inch  
Lateral – 6 inch  
Street Valve – 6 inch

(2) All hydrants shall be designed to withstand a working pressure of 150 psi and shall be approved by the fire authority.

(3) Hydrants installed in areas which are subject to freezing shall be of the dry barrel, self-draining types and shall be fully operable with one valve.

(4) All hydrants shall be painted. Recommended color is chrome yellow unless another color has been standardized in a particular area.

(5) Hydrants shall be set plumb with the lowest outlet no closer than 18 inches to the ground. When hydrants are to be installed before grading is completed, the final grade line and accessibility shall be considered. [Res. 436 § 7, 1987]

**6.10.270 Fire hydrants – System requirements.**

Hydrants shall be located at street corners or intersections whenever practical. [Res. 15-14; Res. 436 § 8, 1987]

**Article II. Water Sources for Fire Emergencies**

**6.10.300 Sources – Limitations.**

(1) During a fire emergency, a duly organized fire agency may use water from the closest available district water source until the fire is controlled.

(2) A private contractor who is authorized by an organized fire agency to assist in control of a fire may also use the closest available water source.

(3) When a fire is controlled and/or water is needed for nonemergency purposes, nonpotable water may be used by an outside fire agency from a prearranged, designated source.

(4) If a nonpotable water source is not available, the district will not provide water to outside fire agencies for nonemergency purposes. [Res. 447, 1987]

## Chapter 6.15

### WATER SHORTAGES AND CONSERVATION<sup>1</sup>

Sections:

#### Article I. Water Shortages

- 6.15.010 Authority.
- 6.15.020 Public hearing required.
- 6.15.030 Allocation of water.
- 6.15.040 Service denial, discontinuance.
- 6.15.050 Conservation measures.
- 6.15.060 Continuance of emergency.
- 6.15.070 Priority uses.

#### Article II. Water Conservation

- 6.15.100 Conservation measures.
- 6.15.110 Waste prevention measures.

#### Article III. Use Restrictions (Repealed by Res. 17-06)

### Article I. Water Shortages

#### 6.15.010 Authority.

Pursuant to Chapter 3 (commencing with Section 350) of the Division 1 of the Water Code, the board of directors may declare a water shortage emergency condition to prevail within the area served by the district whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the district to the extent that there would be insufficient water for domestic use, sanitation, and fire protection. [Ord. 57 § 1(a), 1988]

#### 6.15.020 Public hearing required.

Pursuant to said Chapter 3 of the Water Code, such a declaration is to be made only after public hearing at which consumers of water supplied by the district have had an opportunity to be heard and to protest against the declaration and to present their respective needs to the board of directors. [Ord. 57 § 1(b), 1988]

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1. Code reviser's note: The Water Conservation Plan found in Res. 484, adopted August 17, 1988, is on file in the district offices.

**6.15.030 Allocation of water.**

Pursuant to Section 354 of the Water Code, the board of directors may allocate and set aside the amount of water which will be necessary to supply water needed for domestic use, sanitation, and fire protection; establish priorities in the use of water for other purposes; and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes. [Ord. 57 § 1(c), 1988]

**6.15.040 Service denial, discontinuance.**

Pursuant to Section 356 of the Water Code, such regulations and restrictions may include the right to deny applications for new or additional service connections, and provision for the enforcement thereof by discontinuing water service to consumers wilfully violating the regulations and restrictions. [Ord. 57 § 1(d), 1988]

**6.15.050 Conservation measures.**

The board of directors, if it deems necessary, may establish mandatory conservation measures to preserve the district's water supply for domestic use, sanitation and fire protection, and may establish a limitation on the number of new connections to the district's water system which will be allowed during the period of the water shortage emergency to ensure that the district's water supply will be adequate to supply water for such purposes. [Ord. 57 § 1(e), 1988]

**6.15.060 Continuance of emergency.**

The period of water shortage emergency which may be declared by the board of directors will continue until the district is able to obtain an adequate supplemental water supply from a source other than the groundwater basins within the district's boundaries; or until the existing groundwater basin overdraft is eliminated by water conservation measures; or until a drilling study program determines an adequate quantity of water in storage in the three subbasins. [Ord. 57 § 1(f), 1988]

**6.15.070 Priority uses.**

The priorities for the use of the district's existing water supply, should the board of directors declare emergency conditions, shall be domestic use, sanitation, and fire protection. The quantity of water allocated for such uses will be the entire amount of

the district's water supply from the groundwater basins within its boundaries. [Ord. 57 § 2, 1988]

**Article II. Water Conservation****6.15.100 Conservation measures.**

All users of the water from the district's water system shall abide by the following water conservation measures:

(1) No aerial watering of lawns, trees, shrubs, and other landscaping shall occur between the hours of 9:00 a.m. and 6:00 p.m. on any day. "Aerial watering" is defined as any impact sprinkler (Rainbird-type) or any other type of sprinkler that sprays water up into the atmosphere. It does not include bubblers, emitters, or drip systems.

(2) Lawns, trees, shrubs and other landscaping shall not be excessively watered at any time, and water shall not be permitted to run off private property into adjoining streets.

(3) Sidewalks and paved driveways/parkways shall not be washed off with hoses; instead, brooms and/or power blowers may be used. The exception to this shall be the daily cleaning of commercial garages and gas stations.

(4) Automobiles, travel trailers, and mobile homes shall not be washed with hoses which are not equipped with automatic shut-off nozzles.

(5) Decorative ponds, fountains, and waterways having a capacity in excess of 20 gallons shall not be filled with water from the district's water system unless equipped with a recirculating pump.

(6) Water shall not be allowed to leak from any water line, faucet, or other facility within or outside a private residence, business establishment, or on private property, and all such leaking water lines, faucets and other facilities shall be repaired in a timely manner to prevent leakage. [Ord. 58A, 1988; Ord. 58 § 1, 1988]

**6.15.110 Waste prevention measures.**

(1) If the district's general manager or his designee finds that any user of water from the district's water system is wasting water by failing to abide by the water conservation measures set forth in TPWDC 6.15.100, the general manager or his designee may take the action set out in subsection (2) of this section.

(2) The general manager may determine that water service to the user shall be discontinued pur-

suant to the following procedures: If the general manager determines that the discontinuance of water service is warranted as to a water user who has been found to be wilfully wasting water, the general manager shall mail or deliver written notice to the user listing the waste and giving five days' notice that continued waste will be cause for discontinuance of water service. If corrective action has not been made within the five-day grace period, the water shall be shut off. The property owner shall be notified by mail or hand-delivered notice to the user of the time and place when the board of directors will consider the recommendation of the general manager with respect to the length of discontinuance of water service, and that such water user may appear at such time and place and be heard with respect to the matters to be considered by the board of directors. Upon the conclusion of its consideration of such an action by the general manager, the board of directors shall make a determination as to whether or not water service shall be continued to the water user, and the general manager shall notify the water user of the board of directors' determination in writing by first class mail or personal delivery. [Ord. 58 § 2, 1988]

### **Article III. Use Restrictions**

(Repealed by Res. 17-06)

## Chapter 6.20

### LANDSCAPING

Sections:

#### Article I. Generally

6.20.010 Findings.  
6.20.020 Limitations.

#### Article II. Conservation Measures

6.20.030 Water-efficient landscaping.  
6.20.040 Green Building Standards Code.

#### Article I. Generally

##### **6.20.010 Findings.**

The board of directors of the district finds and determines that the provisions of this article will conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; that all uses of water prohibited by this article are nonessential; and that the restrictions on use are reasonable and necessary. [Ord. 59 § 1, 1988]

##### **6.20.020 Limitations.**

(1) Because of the need to limit water use outside commercial and housing developments (duplex and larger), effective September 21, 1988, it is necessary to limit the types of plants to drought-tolerant species. There is a large variety available as shown in Exhibit A, attached to the ordinance codified in this article, and available in the district offices. The board of directors may from time to time add or subtract new species to the list of drought-tolerant plants. Sidewalks and paved driveways/parkways shall not be washed off with hoses; instead, brooms and/or power blowers shall be used.

(2) New plantings for housing and commercial developments will not be limited to this list when it can be satisfactorily shown that the substitute is indeed drought-tolerant. Lawns shall also be reasonably limited in size and known hybrid Bermuda turf shall be planted. Units larger than a duplex shall install an irrigation system suitable for providing water to the small lawn areas; drippers,

emitters, bubblers, or soakers shall be used to the trees, shrubs, etc.; and automatic timers shall operate the entire system. [Ord. 59 § 2, 1988]

#### Article II. Conservation Measures

##### **6.20.030 Water-efficient landscaping.**

The district hereby makes reference to, and otherwise concurs with, the conservation and related measures which are available pursuant to the landscape ordinance which became the effective landscape ordinance for water efficiency within the city of Twentynine Palms, effective January 1, 2010. [Res. 11-02 § 2]

##### **6.20.040 Green Building Standards Code.**

The district hereby makes reference to, and otherwise concurs with, the conservation and related measures which are available pursuant to the California Green Building Standards Code, 2010 Edition, published by the California Building Standards Commission, as adopted by the city of Twentynine Palms by way of its Ordinance No. 232, dated October 26, 2010. [Res. 11-02 § 3]

**Chapter 6.25****HAZARDOUS MATERIALS  
MANAGEMENT AGENCY**

## Sections:

6.25.010 Designated.

**6.25.010 Designated.**

The Twentynine Palms Water District board of directors designates the San Bernardino County fire department, hazardous materials division, as the certified unified program agency for all unified program elements specified in the California Health and Safety Code Chapter 6.11 involving hazardous waste and hazardous materials regulation in the district. [Res. 95-33]

**Chapter 6.30****GROUNDWATER MANAGEMENT PLAN**

## Sections:

6.30.010 Adoption of update.

**6.30.010 Adoption of update.**

Pursuant to Water Code Sections 10753 and 10753.6, the district hereby adopts that certain groundwater management plan update set forth as Exhibit "A" attached to the ordinance codified in this chapter and incorporated herein by reference. Pursuant to the 2025 groundwater management plan update, the district hereby will also continue to implement its groundwater monitoring implementation plan 2020 protocols and procedures, which are attached to the groundwater management plan update as Appendix B. [Ord. 104 § 1, 2025; Ord. 95 § 1, 2014; Ord. 91 § 1, 2008; Ord. 82 § 1, 2001]

**Chapter 6.35****LOCAL HAZARD MITIGATION PLAN**

## Sections:

6.35.010 Adoption and incorporation.

**6.35.010 Adoption and incorporation.**

## (1) Findings.

(a) The Twentynine Palms Water District is committed to protect the constituents of the district from potential harm from natural and human-caused disasters;

(b) The preservation of life, property and the environment is an inherent responsibility of local, state and federal government;

(c) The Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (OES) require that all governmental entities within the state have a hazard mitigation plan (HMP);

(d) The Twentynine Palms Water District has developed an HMP that conforms to the State of California and FEMA HMP guidelines;

(e) This HMP is an extension of the county of San Bernardino's Hazard Mitigation Plan and the state of California Hazard Mitigation Plan; that the HMP is only good for a term of five years and that the plan must be updated and reapproved by FEMA;

(f) Upon adopting this plan and approval by FEMA, the district is eligible to receive and write federal and state grants for mitigation projects and is eligible for pre- and post-disaster funding;

(g) Upon adoption of the 2024 HMP all other previous hazard mitigation plans are no longer valid.

(2) The Twentynine Palms Water District board of directors gives its support to this plan and urges staff and employees to collectively incorporate mitigation measures into all district planning and facilities and funding opportunities. [Res. 24-05; Res. 18-05; Res. 05-03]

**Chapter 6.40****EMERGENCY MANAGEMENT**

## Sections:

6.40.010 National Incident Management System adopted.

6.40.020 Employee/family emergency plan.

6.40.030 Emergency response plan.

**6.40.010 National Incident Management System adopted.**

(1) The board of directors of the Twentynine Palms Water District will integrate the National Incident Management System, to the extent appropriate, into the district's emergency management system; and

(2) The board of directors of the Twentynine Palms Water District utilizes the National Incident Management System which shall be consistent with the integration of the National Incident Management System and the Standardized Emergency Management System in California; and

(3) A copy of the resolution codified in this chapter is forwarded to the Governor's Office of Emergency Services. [Res. 06-24]

**6.40.020 Employee/family emergency plan.**

(1) The board of directors hereby adopts the employee and family emergency plan as a component of the emergency response plan.

(2) The board of directors hereby appoints the general manager, or his/her successor or his/her designee, to execute elements of the plan. [Res. 16-12]

**6.40.030 Emergency response plan.**

(1) The board of directors hereby adopts the emergency response plan.

(2) The Twentynine Palms Water District board of directors gives its full support to this plan and urges staff, employees to collectively to do their share in the emergency effort. [Res. 16-13]

**Chapter 6.45****WASTEWATER TREATMENT FACILITIES**

## Sections:

6.45.010 Oversight of packaged on-site wastewater treatment facilities.

**6.45.010 Oversight of packaged on-site wastewater treatment facilities.**

(1) The city council of the city of Twentynine Palms will provide the local oversight in planning, installation, and operations of packaged on-site wastewater treatment facilities within the city.

(2) The Twentynine Palms Water District will be provided the opportunity to make recommendations on the standards to be established by the city for the oversight of packaged on-site wastewater treatment facilities, and the district will be provided the opportunity to make recommendations as to what the city will mandate for individual projects requiring a packaged on-site wastewater treatment facility. However, the district shall not be deemed to be responsible for, or otherwise involved in, the oversight activities to be performed by the city.

(3) The oversight of the city for packaged on-site wastewater treatment facilities shall not extend, or otherwise apply, to any other wastewater facility or service including, without limitation, any public wastewater system.

(4) The board of directors of the Twentynine Palms Water District and the city council of the city of Twentynine Palms will work together in planning for the potential construction, installation and operation of a future central wastewater treatment facility including, for example and not by way of limitation, a public wastewater system. Such efforts will be subject to the applicable authority of the respective parties. [Res. 07-05 §§ 1 – 4]

**Chapter 6.50****NITRATE INFILTRATION RESPONSE POLICY**

## Sections:

6.50.010 Adopted.

**6.50.010 Adopted.**

The board of directors of the Twentynine Palms Water District does hereby approve Resolution 08-18, adopting a district nitrate infiltration response policy. [Res. 08-18]

**Chapter 6.55****WASTEWATER MASTER PLAN**

## Sections:

6.55.010 Adopted.

**6.55.010 Adopted.**

The board of directors of the Twentynine Palms Water District adopts the wastewater master plan to guide the development of a centralized wastewater collection and treatment system in the event that such a system becomes necessary to protect groundwater quality. [Res. 16-18]

**Chapter 6.60****REGIONAL WATER MANAGEMENT PLAN**

## Sections:

6.60.010 Adopted.

**6.60.010 Adopted.**

The June 2014 Mojave Integrated Regional Water Management Plan, amended in 2018, is hereby adopted by the board of directors of the Twentynine Palms Water District. [Res. 19-12]

## Title 7

### RATES AND FEES SCHEDULES

#### Chapters:

- 7.01 Fee Authorization**
- 7.05 Water Service Fees**
- 7.10 Fire Protection Fees and Charges**
- 7.15 Fees For Acts of Negligence**
- 7.20 Unpaid Water and Fire Charges**
- 7.25 CPR and First Aid Training**
- 7.30 Late Fees**

**Chapter 7.01****FEE AUTHORIZATION**

## Sections:

7.01.010 Fee authorization.

**7.01.010 Fee authorization.**

Unless otherwise prohibited under any relevant statute, the district hereby authorizes any future new or increased fees or charges for services or regulatory activity provided by the district to be adopted by resolution or ordinance. Any new or increased fee or charge adopted by resolution pursuant to the authority granted by this chapter shall have the same force and effect as if such new or increased fee or charge had been adopted by ordinance and, to the extent authorized in such resolution, shall repeal or replace any conflicting fee or charge previously adopted by the board of directors, whether such conflicting fee or charge had been adopted by resolution or ordinance. [Ord. 99 § 2, 2020]

**Chapter 7.05****WATER SERVICE FEES**

## Sections:

7.05.010 Schedule of fees.  
 7.05.020 Capital impact fees.  
 7.05.030 Capital impact fees – Policy.  
 7.05.040 Pay meter station water service fees.

**7.05.010 Schedule of fees.**

The following fees shall be charged and may be set from time to time by the board of directors. Section numbers quoted in the first column refer to the applicable sections of Ordinance 87, as codified in Chapter 5.05 TPWDC.

<b>SERVICE APPLICATION FEES</b>		
5.A.1 (TPWDC 5.05.100(1))	Application fee	\$10.00
5.A.2 (TPWDC 5.05.100(2))	Opening fee	\$35.00
5.A.3 (TPWDC 5.05.100(3))	After hours fee	\$70.00
	Clean and show	\$35.00
	Fire flow letter	\$15.00
6 (TPWDC 5.05.170)	Deposit	
	<b>Meter Size</b>	
	5/8" – 3/4"	\$200.00
	1"	\$200.00
	1-1/2"	\$250.00
	2"	\$375.00
	3"	\$1,000.00
	4"	\$1,875.00

**SERVICE INSTALLATIONS AND METERS**

9.A.1 (TPWDC 5.05.210(1))	New service installation fees*	
	5/8" short side	\$1,496.10
	5/8" bore	\$2,021.28
	5/8" open cut	\$3,021.28
	3/4" short side	\$1,506.10
	3/4" bore	\$2,031.28
	3/4" open cut	\$3,031.48
	1" short side	\$1,571.10
	1" bore	\$2,096.28
	1" open cut	\$3,096.28
	1-1/2" short side	\$2,696.10
	1-1/2" open cut	\$4,556.28
	2" short side	\$3,201.10
	2" open cut	\$5,062.28
	Larger than 2"	Time and material estimated by district

*\*Labor and material fee only*

9.A.2 (TPWDC 5.05.210(2))	State highway road crossing deposit (applies to all meter sizes)	Time and materials
9.A.3 (TPWDC 5.05.210(3))	New meter on existing service 5/8" 1" 1-1/2" and larger 2"	\$65.00 \$150.00 \$320.00 \$445.00
	A deposit based on district estimate of costs will be required on all installations larger than two inches.	
9.B.1 (TPWDC 5.05.220(1))	Relocation of same size meter deposit (at customer's request)	75% of cost specified in 9.A.1
<b>CONSTRUCTION SERVICE</b>		
12.B (TPWDC 5.05.290(2))	Construction ready-to-serve/service charge	Current ready-to-serve fee (per day) times number of days used
12.B (TPWDC 5.05.290(2))	Water usage	Current rate per unit used
12.C.1 (TPWDC 5.05.290(3)(a))	Installation charge	Time and materials
12.C.2 (TPWDC 5.05.290(3)(b))	Deposit construction meter	\$650.00 up to four-inch meter. Over four inches is calculated on size of meter in accordance with ordinance.
<b>CAPITAL IMPACT FEES</b>		
13.A (TPWDC 5.05.300(1))	Primary capital impact fees <b>Meter Size</b> 5/8" 1" 1-1/2" 2"	<b>Capacity in GPM</b> 20 50 100 160 \$650.00 \$1,625.00 \$3,250.00 \$5,200.00
	All other meter sizes based on \$32.50 GPM rate as shown in TPWDC 7.05.030.	
<b>PERMANENT OFF-SITE FEE</b>		
14 (TPWDC 5.05.310)	Permanent off-site fees	The actual cost to provide the required secondary infrastructure; or A calculated fee that is based on the linear footage of the property requiring new and/or enlarged/expanded service
<b>DEVELOPMENT FEES</b>		
15.A.1 (TPWDC 5.05.320(1)(a))	Engineering design	Based on estimate of district costs
15.A.2 (TPWDC 5.05.320(1)(b))	Plan check (per sheet)	\$50.00
15.A.3 (TPWDC 5.05.320(1)(c))	Inspection	\$300.00 for first 500 feet, and \$0.50/foot thereafter
15.A.4 (TPWDC 5.05.320(1)(d))	Administrative	15% of district's engineering costs
<b>DOCUMENT PROCESSING FEE</b>		
16.A (TPWDC 5.05.330(1))	Document processing fee	\$75.00 per document

<b>BILLS – PAYMENT, DELINQUENCY AND DISCONTINUANCE OF SERVICE</b>		
18.A.2 (TPWDC 5.05.350(2))	Minimum ready-to-serve	None
18.C.4 (TPWDC 5.05.370(4))	Reconnect fee	\$50.00
18.C.5 (TPWDC 5.05.370(5))	Tampering fee	\$45.00
18.E (TPWDC 5.05.390)	Returned check fee	\$35.00
	Credit card fee	\$2.95 Credit card fee will apply if paying in person or over the phone.
	Deposits	\$200.00 Deposits will be returned when the account is closed. Deposits will apply to new accounts and current accounts that are locked off for nonpayment that either do not currently have a deposit on file or the current deposit is \$75.00 in which the account will be billed for the additional \$125.00 bringing the total deposit to \$200.00.
	Termination fee tag	\$10.00
<b>METER ERROR</b>		
19.A.2 (TPWDC 5.05.400(1)(b))	Meter test fees <b>Meter Size</b> 5/8" and 1" 1-1/2" and 2"	\$67.00 \$90.00
	Meters larger than two inches, compound meters and hydrant meters will require a deposit based on district cost estimate.	
<b>DISCONTINUANCE OF SERVICE FOR OTHER THAN DELINQUENCY</b>		
20.F (TPWDC 5.05.460)	Restoration-reconnection charge	\$30.00

The following fees are authorized pursuant to Section 2 of District Resolution No. 21-02, adopted on January 27, 2021:

#### **Schedule of Water Service Charges**

<b>Water Rate Schedule</b>	<b>Water Rates</b>				
	<b>Effective 2/1/2021</b>	<b>Effective 1/1/2022</b>	<b>Effective 1/1/2023</b>	<b>Effective 1/1/2024</b>	<b>Effective 1/1/2025</b>
<b>Fixed Service Charge – Bimonthly</b>					
5/8-inch	\$27.39	\$30.13	\$33.14	\$36.45	\$40.10
3/4-inch	\$27.39	\$30.13	\$33.14	\$36.45	\$40.10
1-inch dual service – Residential	\$27.39	\$30.13	\$33.14	\$36.45	\$40.10
1-inch	\$38.66	\$42.53	\$46.78	\$51.46	\$56.61
1-1/2-inch	\$66.85	\$73.54	\$80.89	\$88.98	\$97.88
2-inch	\$100.68	\$110.75	\$121.83	\$134.01	\$147.41
3-inch	\$207.79	\$228.57	\$251.43	\$276.57	\$304.23
4-inch	\$365.65	\$402.22	\$442.44	\$486.68	\$535.35

**Schedule of Water Service Charges (Continued)**

Water Rate Schedule	Water Rates				
	Effective 2/1/2021	Effective 1/1/2022	Effective 1/1/2023	Effective 1/1/2024	Effective 1/1/2025
6-inch	\$743.38	\$817.72	\$899.49	\$989.44	\$1,088.38
<b>Commercial Fire Meters – Fixed Service Charge – Bimonthly</b>					
2-inch meter	\$88.87	\$97.76	\$107.54	\$118.29	\$130.12
3-inch meter	\$124.81	\$137.29	\$151.02	\$166.12	\$182.73
4-inch meter	\$173.82	\$191.20	\$210.32	\$231.35	\$254.49
6-inch meter	\$337.19	\$370.91	\$408.00	\$448.80	\$493.68
8-inch meter	\$533.24	\$586.56	\$645.22	\$709.74	\$780.71
10-inch meter	\$1,448.13	\$1,592.94	\$1,752.23	\$1,927.45	\$2,120.20
<b>Nonpotable Meters – Fixed Service Charge – Bimonthly</b>					
2-inch meter	\$677.19	\$744.91	\$819.40	\$901.34	\$991.47
<b>Commodity Charges for All Water Consumed</b>					
Commodity charge per HCF – Potable	\$3.58	\$3.94	\$4.33	\$4.76	\$5.24
Commodity charge per HCF – Nonpotable	\$0.63	\$0.69	\$0.76	\$0.84	\$0.92
Pay station, Utah Trail charge per gallon	\$0.0083	\$0.0091	\$0.0100	\$0.0110	\$0.0121
<b>AMI Opt-Out Charge – Per Billing Cycle</b>					
Per account	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00

[Res. 21-02 § 2 (Exh. A); Res. 21-01 § 2 (Exh. A); Ord. 96 § 3 (Exh. A), 2015; Res. 12-01 § 2; Res. 11-22 § 2; Res. 11-05 § 3; Ord. 92 § 5 (Exh. A), 2009; Res. 03-16; Res. 99-5]

**7.05.020 Capital impact fees.**

(1) The board hereby adopts the changes to capital impact fees in the amounts, and pursuant to the terms and conditions, set forth in the policy and schedule of fees in TPWDC 7.05.030. The changes to capital impact fees are hereby adopted in accordance with California Government Code Section 66013. The capital impact fees and the policy set forth in TPWDC 7.05.030 shall hereby supersede and otherwise replace any previous policies or schedule of fees in connection with the capital impact fees.

(2) The capital impact fees shall be charged and collected in accordance with the policy set forth and attached to the resolution codified in this section and in accordance with the district's rules and regulations for the provision of retail water service and for providing other district services.

(3) The capital impact fees shall be imposed as a condition of property development and not as an incident of property ownership. A report setting

forth the estimated cost of providing the primary and secondary infrastructure and capacity in said facilities, for which the fees are imposed, is available for public review at the district offices. In accordance with California Government Code Section 66013, said report establishes that the amount of the fees will not exceed the estimated reasonable cost of providing the service for which the fees are imposed. In accordance with the authority of the district as a public agency, the amount of the capital impact fees may be adjusted, from time to time, at the discretion of the board. [Res. 03-15]

**7.05.030 Capital impact fees – Policy.**

(1) Capital impact fees shall be collected by the district for all new service connections and for all existing service connections that are changed in such manner that they place a greater demand on the water system. All capital impact fees shall be charged consistently to future and current users of the water system and such fees shall be used solely

for expanding, improving and/or rehabilitating the infrastructure of the water district. The amount of capital impact fees collected by the district shall not exceed an amount that will be expended by the district for improvements to the district's infrastructure over a subsequent five-year period.

(2) The district's water system is comprised of two components:

(a) Primary Infrastructure. This component includes wells, reservoirs, water treatment plants, large transmission pipelines, and booster stations. The impact of new or larger service connections on this component is primarily based on the water flow of that new or enlarged service.

(b) Secondary Infrastructure. This component includes fire hydrants and the water distribution pipelines, typically six- and eight-inch pipelines that provide the connection to the customer's property. The impact of new and larger service connections of this component is primarily based on linear footage of installed pipelines required to provide a service connection to the overall water system.

To provide equity in the amounts charged, capital impact fees shall be calculated for each of the

components listed above to determine the total amount of fees to be charged.

(3) Capital Impact Fees.

(a) Primary Capital Impact Fees. All new, enlarged and/or expanded service connections shall be charged a primary capital impact fee (PCIF) that is based on the amount of water flow required by the subject service. This demand on the primary water system shall be measured by the size of the water meter. The amount of this PCIF shall be equal to the greater of:

- (i) The actual cost to provide the required primary infrastructure; or
- (ii) A calculated fee that is based on the amount of capacity that the new, enlarged and/or expanded service is withdrawing from the existing system.

Actual cost shall include, but is not limited to, the cost of a new well, reservoir, treatment plant, booster station, and/or transmission main. Actual cost shall be charged when there is no or only partial primary infrastructure available to the required service or when there is inadequate capacity in the existing system to provide the required water flow for the new or expanded service. Actual cost may include the cost of new and/or enlarged/expanded primary infrastructure.

Calculated fees shall be:

Meter Size	Equivalency Factor		Unit Cost (\$3/4-inch meter)	Updated Capital Impact Fee per Meter
	Maximum Continuous Flow (gpm) <sup>1</sup>	Equivalency to 3/4-inch meter		
5/8 – 3/4-inch	30	1.00	\$6,440	\$6,440
1-inch	50	1.67	\$6,440	\$10,734
1-1/2-inch	100	3.33	\$6,440	\$21,468
2-inch	160	5.33	\$6,440	\$34,349
3-inch	350	11.67	\$6,440	\$75,138
4-inch	630	21.00	\$6,440	\$135,248
6-inch	1,300	43.33	\$6,440	\$279,084
8-inch	2,800	93.33	\$6,440	\$601,103
10-inch	4,200	140.00	\$6,440	\$901,655

<sup>1</sup> Source: AWWA M1, Table B-2. Assumes displacement meters for 5/8-inch through 2-inch, Turbine Class I for 3-inch through 6-inch, and Turbine Class II for 8-inch through 10-inch.

All other meter sizes shall be charged an amount that is based on \$32.50 per gallon per minute rating of the meter.

Existing services that are enlarging or expanding their current service shall be provided a

credit for the size of service that is being replaced. The amount of the charge for the new service and the amount of the credit for the replaced service shall be based on the table above.

The district reserves the right to construct primary infrastructure that will provide capacity greater than is currently required but the incremental cost of that excess capacity shall be paid by the district.

(b) Secondary. All new, enlarged and/or expanded service connections shall be charged a secondary capital impact fee (SCIF). The amount of this SCIF shall be equal to the greater of:

- (i) The actual cost to provide the required secondary infrastructure; or
- (ii) A calculated fee that is based on the linear footage of the property requiring new and/or enlarged/expanded service.

Actual cost shall include, but is not limited to, the cost of fire hydrants and/or a distribution pipeline. Actual cost shall be charged when there is no or only partial secondary infrastructure available to the required service or when there is inadequate capacity in the existing system to provide the required water flow for the new or expanded service. Actual cost may include the cost of new and/or enlarged/expanded secondary infrastructure. If fire hydrants and/or a distribution pipeline are required, the SCIF shall be based on the cost of extending the existing distribution system in such a manner that the resulting expanded distribution pipeline traverses at least one complete side of the property requiring water service only if fire flow or other legal requirements so mandate; otherwise, the expanded distribution pipeline may be constructed to the property corner. Property that has participated in the annexation of Assessment District No. 4, and has not been subsequently subdivided, shall not be required to extend a required distribution pipeline in such a manner that the resulting expanded pipeline traverses one side of the property. However, property that participated in Assessment District No. 4 and that was subsequently subdivided shall be subject to the requirement of having secondary infrastructure traverse one complete side of the property only if fire flow or other legal requirements so mandate; otherwise, the secondary distribution pipeline may be constructed to the property corner. Further, property that has participated in the annexation of Assessment District No. 4 shall only be subject to the actual cost to provide the additional required secondary infrastructure to the property and shall not be subject to a calculated fee if adequate secondary infrastructure already exists.

The calculated fee shall be based on the linear footage of the frontage of the subject property times \$6.00 per foot. Frontage is defined as the side of the property to which the property address has been assigned by the city or county.

If the subject parcel currently has water service, no calculated fee will be charged for impact on the secondary infrastructure. The new and/or enlarged/expanded service is, however, obligated to pay for the actual cost of upgrading the distribution pipeline to provide the required additional water flow. No credit will be given for an existing pipeline that is to be replaced with a larger one.

(4) Reserved.

(5) Other Charges. Service installation fees for labor, materials and equipment will be charged for all meter installations. Other administrative fees and/or facility fees may be charged to customers requesting water service. [Ord. 100 §§ 3, 5, 2021; Res. 18-14 § 1; Res. 03-15]

#### 7.05.040 Pay meter station water service fees.

(1) The board of directors of the district finds and determines that the recitals of the ordinance codified in this section are true and correct and incorporates the recitals herein.

(2) The board of directors hereby establishes and imposes the fee, effective on the dates, at the rates, and in the amounts set forth in the table below:

Pay Meter Station Water Service Fees (\$/Gallon)				
1-1-2016	1-1-2017	1-1-2018	1-1-2019	1-1-2020
\$0.0097	\$0.0103	\$0.0109	\$0.0115	\$0.0122

(3) The board of directors hereby finds that the administration, operation, maintenance, and improvements of the water system (the "system"), which are to be funded by the fee set forth herein, are necessary to maintain service within the district's existing service area. The board of directors further finds that the administration, operation, maintenance, and improvements of the system, to be funded by the fee set forth herein, will not expand the system. The board of directors further finds that such fee is necessary and reasonable to fund the administration, operation, maintenance, and improvements of the system. Based on these findings, the board of directors hereby determines that the ordinance codified in this section is exempt

from the requirements of CEQA pursuant to California Public Resources Code Section 21080(b)(8) and State CEQA Guidelines Section 15273(a).

(4) The board of directors hereby authorizes and directs the general manager to implement and take all actions necessary to effectuate the rates for the fee set forth herein. [Ord. 97, 2015]

## Chapter 7.10

### FIRE PROTECTION FEES AND CHARGES

Sections:

#### Article I. Authorization

7.10.010	Stand-by charges.
7.10.020	User's fee.
7.10.030	Charges for service to non-tax or fee supporting institutions.
7.10.040	Mandated duties.
7.10.050	Charges for service to non-district fee or tax supporting individuals.
7.10.060	Charges for service outside the district.
7.10.070	Cause determination/fee.
7.10.080	Permit fee for public events.
7.10.090	Charge for fuel storage.
7.10.100	Inspection fee.
7.10.110	Citations.
7.10.120	Plan check fee.
7.10.130	Reports and records.
7.10.140	Emergency medical service.
7.10.150	Successors.
7.10.160	Use of funds.
7.10.170	Board approval.

#### Article II. Fee Schedule

7.10.200 Master schedule of fees and charges.

#### Article I. Authorization

##### **7.10.010 Stand-by charges.**

The district may charge a fee for actual costs incurred by the fire department that are necessitated by a need for general public safety as set forth in the Government Code and/or Uniform Fire Code as adopted by the district. [Ord. 63 § 1(A), 1988]

##### **7.10.020 User's fee.**

The district may charge a fee based on actual cost incurred by the fire department for any non-emergency service which protects the interest of the private party or organization. [Ord. 63 § 1(B), 1988]

##### **7.10.030 Charges for service to non-tax or fee supporting institutions.**

The district may charge a fee for the total costs incurred by the fire department for service per-

formed to any non-tax or fee supporting institution. [Ord. 63 § 1(C), 1988]

##### **7.10.040 Mandated duties.**

The district may bill the offices of the state of California, federal government, or any other agency for actual costs incurred during the performance of duties mandated by them. [Ord. 63 § 1(D), 1988]

##### **7.10.050 Charges for service to non-district fee or tax supporting individuals.**

The district may charge a fee for the actual costs incurred by the fire department for services performed to any non-district or tax supporting individual for other than fire emergencies. [Ord. 63 § 1(E), 1988]

##### **7.10.060 Charges for service outside the district.**

The district may charge a fee for any service performed outside the district boundaries, if said service is not covered by contractual agreement. [Ord. 63 § 1(F), 1988]

##### **7.10.070 Cause determination/fee.**

The district may charge a fee for all costs incurred by the fire department for providing services that resulted from causes that are determined by the fire chief to be a violation of the district fire code and/or the Government Code. [Ord. 63 § 1(G), 1988]

##### **7.10.080 Permit fee for public events.**

Fees shall be established for annual permits and/or short-term permits for public events when an admission is charged or public safety a concern. [Ord. 63 § 1(H), 1988]

##### **7.10.090 Charge for fuel storage.**

The district may charge an annual fee for the inspection and use of fuel storage and dispersal facilities. [Ord. 63 § 1(I), 1988]

##### **7.10.100 Inspection fee.**

The district may charge a fee for the inspection of any building or area as stipulated in the district fire code and/or the Government Code. [Ord. 63 § 1(J), 1988]

**7.10.110 Citations.**

The district may charge a fee for the issuance of a citation in order to cause compliance with any district codes adopted by ordinance or resolution. [Ord. 63 § 1(K), 1988]

**7.10.120 Plan check fee.**

The district shall charge a plan check fee for all fire department plan checks and subsequent inspections of buildings by fire department personnel required by district codes. [Ord. 63 § 1(L), 1988]

**7.10.130 Reports and records.**

The district may charge fees for copies of any reports or records which are public knowledge concerning fire department regulations or activities. [Ord. 63 § 1(M), 1988]

**7.10.140 Emergency medical service.**

The district may charge a fee for any emergency activity relating to medical care or treatment. [Ord. 63 § 1(N), 1988]

**7.10.150 Successors.**

The above fees shall be binding upon all persons rendered such services, as well as their successors

in interest, assigns, estates and heirs. [Ord. 63 § 2, 1988]

**7.10.160 Use of funds.**

All moneys received under the provisions of this article shall be placed in an account set up for the express purpose of funding expenses necessary to furnish fire protection, emergency medical service and other related safety services to the citizens of the Twentynine Palms Water District. All non-appropriated funds received under the provisions of this article shall be set aside in a dedicated reserve account for funding future capital improvements, apparatus and other necessary expenses which are necessitated for the district fire protection needs. [Ord. 63 § 3, 1988]

**7.10.170 Board approval.**

Fees established by this article shall be based on actual costs presented to the board of directors for approval. The fees will encompass personnel, equipment, material and maintenance costs, and overhead in such a form as to insure proper charges for services rendered. Said fees shall be approved by resolution of the board of directors and shall be set from time to time by the board. [Ord. 63 § 4, 1988]

**Article II. Fee Schedule****7.10.200 Master schedule of fees and charges.**

(1)	Tract Map and Commercial Plan Reviews.	
	Tract map approval	\$80.00
	Commercial plan checks	\$120.00
(2)	Specialty Review and New Construction Inspection.	
	Specialty plan reviews:	
	Fire alarm system	\$30.00
	Compressed gas installation	\$30.00
	Flammable or combustible liquid tank (motor vehicle fuel)	\$40.00/tank
	Liquefied petroleum gas	\$40.00/tank
	Medical gas system	\$30.00
	On-site hydrant system	\$30.00
	Sprinkler systems – Light duty/residential	\$30.00
	Sprinkler systems – Commercial structures	\$40.00
	Tents/air supported structures	\$20.00
	Specialty review requiring outside consultant	Reimbursed at actual cost plus \$20.00

	Each occurrence:	
	Failure to meet for scheduled on-site reinspection	\$20.00
	Request for building fire flow calculations	\$30.00
	New construction inspections or plan review requested by contractor outside normal business hours	\$20.00/hour \$40.00/minimum
	Additional plan review required by changes, additions, or revisions to approved plans	\$20.00/hour
	Spray booth plan reviews for flammable/combustible liquids	\$30.00
	Underground hazardous material tanks (other than motor vehicle fuel)	\$40.00/tank
	Underground hazardous materials test well permit inspection and plan review	\$20.00/tank
(3)	Fees for Each Occurrence or Use.	
	Public fireworks display standby	\$50.00
	Industrial standby	\$50.00/hour/apparatus \$25.00/hour for inspector
	Excavation near flammable or combustible liquid pipelines	\$20.00
	Fumigation or insecticidal fogging (24-hour written notice required)	\$20.00
	Failure to notify fire department 24 hours in advance of fumigation or insecticidal fogging	Fee doubles
	Review of plan and area for block party	\$15.00
	Demand inspections	\$20.00
	Request for fire departmental input concerning EIR	\$20.00
	Response to abate an illegal burn	\$50.00/hour/apparatus \$75.00 minimum response
	Automatic fire notification, direct dialer permits residential use (MDA)	\$20.00/unit/year
	Response for stand-by for helicopter apparatus	\$50.00/hour/one-hour minimum
	One hour minimum landings (nonemergency request)	\$50.00/hour minimum response
	Sprinkler, life safety or pump test reports requested by insurance companies or other private commercial concerns	\$30.00
(4)	Fire and Life Safety Certification Permit (Specific Hazard – Renewable Annually).	
	Automobile wrecking yard	\$30.00
	Bowling pin refinishing	\$30.00
	Cellulose nitrate storage	\$30.00
	Combustible fiber storage	\$30.00
	Combustible liquids:	
	Inside (over 25 gallons)	\$30.00
	Outside (over 60 gallons)	\$30.00
	Tanks (over 100 gallons)	\$30.00/tank
	Compressed gases:	
	Nonflammable	\$30.00
	Flammable	\$30.00
	Dry cleaning plant	\$30.00
	Dust-producing operation	\$30.00
	Explosives or blasting agents	\$30.00
	Flammable liquid:	
	Inside (over 5 gallons)	\$30.00
	Outside (over 10 gallons)	\$30.00

Tanks (over 100 gallons)	\$30.00/tank
Fruit ripening	\$30.00
Garages (repair)	\$30.00
Hazardous chemicals:	
Ammonium nitrate (over 1,000 pounds)	\$30.00
Corrosive liquids (over 55 gallons)	\$30.00
Cryogenics (any amount)	\$30.00
Highly toxic materials (any amount)	\$30.00
Hypergolic materials (any amount)	\$30.00
Nitromethane (over 500 pounds)	\$30.00
Organic peroxides (over 10 pounds)	\$30.00
Oxidizing materials (over 500 pounds)	\$30.00
Poison gas (any amount)	\$30.00
Pyrophoric materials (any amount)	\$30.00
Any combination of amounts stated above	\$30.00
High piled combustible stock	\$30.00
Liquefied petroleum gases	\$30.00
Truck terminal operations	\$30.00
Lumber yard	\$30.00
Magnesium working	\$30.00
Matches	\$30.00
Medical gas system	\$30.00
Model rockets	\$30.00
Nitrate film	\$30.00
Organic coatings	\$30.00
Ovens (industrial, baking and drying)	\$30.00
Places of assembly	\$30.00
Public fireworks display	\$30.00
Radium	\$30.00
Refrigeration equipment	\$30.00
Spraying or dipping (using flammable/combustible materials)	\$30.00
Tire recapping	\$30.00
Waste material handling plant	\$30.00
Flammable or combustible liquid pipeline	\$30.00
Apartment buildings housing three or more units (high rise buildings not included)	\$1.00/unit, \$10.00/min.
High rise buildings:	
5 to 10 stories	\$150.00
11 to 15 stories	\$175.00
16 to 20 stories	\$200.00
21 to 25 stories	\$250.00
26 to 30 stories	\$275.00
Flammable liquid or hazardous materials tank removal	\$50.00/tank
Candles in assembly buildings	\$30.00
Permits to off-load hazardous materials from transport carriers	\$30.00/vehicle space/year

(5)	Fire Clearance Certification.	
	Light hazard occupancy (processing fee only)	\$8.00
	Ordinary hazard occupancy (processing fee)	\$10.00
	Recordkeeping system entry fee	\$8.00
(6)	Inspection and Penalty Fees.	
	Nonrenewal of annual permit or certification	Fee doubles
	Failure to obtain permit	Fee doubles
	Fire prevention inspection fees:	
	First inspection	No charge
	Reinspection	\$20.00
(7)	Response to Mitigate Extended Hazardous Chemical and Material Incidents beyond Normal Service Request. This includes response to railroad properties, highway and aircraft crashes.	
	First hour of incident (except for negligent act)	No charge for personnel or apparatus
	Beyond first hour of incident and negligent acts	\$10.00/man-hour plus \$50.00/hour/apparatus
	All special equipment and services ordered by fire department necessary to mitigate an emergency including services of other agencies	Reimbursement at real cost
(8)	Excessive or Malicious False Alarms Causing Response of Fire Apparatus.	
	Code-3 response due to "failure to notify" fire department when working on or testing sprinkler or fire alarm system	\$50.00/apparatus responding
	Code-2 trouble alarm response due to "failure to notify" fire department when working on or testing system	\$50.00/apparatus responding
	Malicious false alarms	\$150.00 plus \$25.00/apparatus responding
	Alarm system malfunction resulting in emergency code-3 response (all false alarms in excess of two in 30 days or three malfunctions in six months)	\$150.00 plus \$25.00/apparatus responding
	Alarm system malfunctions resulting in a trouble alarm code-2 response (all false alarms in excess of two in 30 days or three malfunctions in six months)	\$50.00/apparatus responding
	Code-3 response to false alarms due to cooking (i.e., continuous smoke detection false alarms activated by cooking vapors in a restaurant)	\$50.00/apparatus responding
(9)	Fire Prevention Response to Valid Fire Code Complaints.	
	Response to valid fire code complaints by a fire prevention officer resulting in a notice of violation (paid by violator responsible)	\$20.00/response
(10)	Fire Investigation Fee.	
	Structural fire investigation	No charge first hour; thereafter \$20.00/man-hour
	Copies of cause and origin investigation reports	\$20.00/single-family unit \$10.00/auto fire \$40.00/commercial building
(11)	Suppression Cost Reimbursement for Obvious Product Malfunction.	
	Cost of suppression operations due to failure of a product as determined by district fire investigators (billing to manufacturer of defective product)	\$10.00/man-hour \$50.00/apparatus responding
(12)	Speciality Permits (Renewable Annually).	
	Permit to operate an approved central station alarm business	\$75.00
	Failure to renew within 30 day of renewal date	Fee doubles
(13)	Fire Department Response Reports.	
	Copy of response report	\$5.00/incident
	Additional copies	\$1.50

	Analysis by fire chief, fire marshal or other departmental inspector of fire code-related statutes: 2 through 5 pages 6 through 10 pages 11 through 15 pages 16 through 20 pages Over 20 pages	\$5.00 \$10.00 \$15.00 \$20.00 \$25.00
(14)	Insurance Company Salvage Fees.	
	Maximum charge per single-family dwelling	\$500.00
	Maximum charge per commercial occupancy	\$1,000.00
	Removal of debris from inside commercial building	\$30.00/cubic yard
	Boarding of door openings	\$25.00/3x7
	Boarding of window openings	\$30.00/4x8
	Roof protection	\$30.00/square foot
	Furniture salvage	\$30.00/room
	Individual soot and debris removal from dwelling	\$30.00/room
	Hall runner	\$5.00/use
	Water removal – Single-family dwelling	\$30.00/room
	Water removal – Commercial building	\$30.00/100 sq. ft.; \$100.00/minimum
	Use of sump pump for water removal	\$12.00/hour
	Removal of fallen trees/poles	\$30.00/minimum \$10.00/man-hour
	Smoke/odor removal	
	Fire related	\$30.00/incident
	Non-fire related	\$50.00
	Personnel charges	No charge/first hour; thereafter \$10.00/man-hour
(15)	Reimbursement for Hazardous Chemical Technical Consultant. All technical consultant sessions required by the fire marshal to supply a technical opinion under the Uniform Fire Code and for assistance to personnel at emergency situations shall be reimbursed at real cost.	
(16)	Fire Clearance for State or County Requested Inspections.	
	Care facilities (7 – 100 persons)	\$35.00
	Care facilities (more than 100 persons)	\$40.00
	Hospitals (less than 100 beds)	\$35.00
	Hospitals (more than 100 beds)	\$50.00
	Nursery schools and child day care centers (six or more children)	\$20.00
(17)	Emergency Response to Federal, State, County or Other Non-Fee Supporting Entity or Individual.	
	Response by district personnel to federal, state, county, or non-fee supporting property, structures or equipment of any fire, explosion, standby, hazardous material incident, emergency medical condition, or hazard mitigation	\$50.00/apparatus responding \$10.00/man-hour
(18)	Emergency Medical Service (Nonresident).	
	Apparatus other than emergency transportation emergency response	\$365.00/response
(19)	Emergency Medical Service (Resident) Other than Emergency Transportation.	
	Base fee	\$20.00
	Excessive use charge (more than two occurrences in any 30-day period)	\$50.00/apparatus responding

(20)	Emergency Medical Service – Equipment Replacement. All equipment used in providing emergency medical service if not returned to the department shall be charged at actual reimbursement cost to the provider transporting or receiving the victim.
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[Res. 97-17 § 1; Res. 491, 1988]

**Chapter 7.15****FEES FOR ACTS OF NEGLIGENCE**

## Sections:

7.15.010 Authority.  
 7.15.030 Apparatus (other than transportation services).  
 7.15.040 Transportation charges – Designated.

**7.15.010 Authority.**

Whereas Sections 13000 through 13009.1 of the Health and Safety Code and Sections 53150 through 53158 of the Government Code both make individuals liable for cost incurred by public agencies through acts of negligence, fees for such services are as set out in this chapter. [Res. 01-01]

**7.15.030 Apparatus (other than transportation services).**

Reimbursement rates for apparatus will be based on the FEMA engine horsepower rates provided under the Five Party Agreement (as updated by California OES) and an apparatus surcharge for the following types of apparatus:

- (1) Engine companies/water tenders, \$75.00 per hour;
- (2) Squad/rescue/breathing support/USAR companies, \$65.00 per hour;
- (3) Aerials/truck companies, \$85.00 per hour;
- (4) Administrative vehicles, \$25.00 per hour.

[Res. 01-01]

**7.15.040 Transportation charges – Designated.**

Emergency transportation rates are as follows:

- (1) Response, \$150.00;
- (2) Mileage (one-way), per mile, \$5.60;
- (3) Emergency (Code 3), \$30.00;
- (4) Oxygen/resuscitator, \$20.00;
- (5) Waiting time, per 15 minutes, after first 15 minutes, \$8.80. [Res. 474, 1988]

**Chapter 7.20****UNPAID WATER AND FIRE CHARGES**

## Sections:

7.20.010 Personnel authorized to execute liens.  
 7.20.020 Criteria for placing lien.  
 7.20.030 Lien placement limitation.

**7.20.010 Personnel authorized to execute liens.**

The following district personnel are directed and authorized to file and execute liens against real property for unpaid charges due to the district with the county recorder of San Bernardino County:

- (1) District secretary;
- (2) Assistant to the general manager;
- (3) Switchboard operator. [Res. 15-14; Res. 488 § 1, 1988]

**7.20.020 Criteria for placing lien.**

Prior to placement of a lien on real property, the following criteria shall be met:

- (1) The unpaid charge shall exceed \$50.00;
- (2) The unpaid charge shall be in excess of 90 days delinquent;
- (3) Three notices of delinquency shall be mailed to the person liable for payment;

(4) A final notice of intent to file a lien on real property shall be mailed to the person liable for payment. This notice shall specify that the property lien will be filed unless payment in full has been received, or arrangements for payment have been made with the district within a 30-day period;

(5) A copy of the filed and recorded lien notice shall be mailed to the person liable;

(6) The approved format for “Lien Against Real Property for Unpaid Charges” is attached to the resolution codified in this chapter, and is on file in the district offices. [Res. 15-14; Res. 488 § 2, 1988]

**7.20.030 Lien placement limitation.**

Only owner-incurred bills meeting the criteria in TPWDC 7.20.020 shall have a lien placed against any real property located in San Bernardino County. [Res. 488 § 3, 1988]

**Chapter 7.25****CPR AND FIRST AID TRAINING**

## Sections:

7.25.010 Fee structure.

**7.25.010 Fee structure.**

The following fee structure for CPR and first aid course training is established:

Heart Savers CPR with materials and CPR card	\$35.00
Health Care Provider CPR with materials and CPR card	\$45.00
First Aid with materials and card	\$35.00

[Res. 03-05]

**Chapter 7.30****LATE FEES**

## Sections:

7.30.010 General manager authority to waive late charges.

**7.30.010 General manager authority to waive late charges.**

The general manager has the authority to waive a late charge upon a customer's written request if he/she has had no late charges over the preceding 18 months and has not been granted such a waiver within the 18-month period preceding the date of the late bill. [Res. 23-06 § 1; Res. 16-15 § 1]

**Ordinance Table**

1	07/08/54	Adopting official seal (Repealed by 41)
2	07/08/54	Fixing time and place for regular meetings, providing manner for special meetings, official mailing address, order of business for meeting proceedings (Repealed by 41)
3	11/17/54	Annexation 1954-1 (Not codified)
4	11/17/54	Meeting date (Repealed by 41)
4A	04/22/55	Classification by lot of the directors (Not codified)
5	06/17/55	Rates, rules and regulations for water service (Repealed by 42, 60)
6	09/15/55	Meeting place (Repealed by 41)
7	12/15/55	Annexation 1955-1 (Not codified)
8	10/20/55	Rates, rules and regulations for water service (Repealed by 42, 60)
9	02/21/57	Rates, rules and regulations for water service (Repealed by 42, 44, 60)
10	11/07/57	Meeting date (Repealed by 41)
11	04/03/58	Annexation 1958-1 (Not codified)
12	05/15/58	Annexation 1958-2 (Not codified)
13	08/07/58	Annexation 1958-3 (Not codified)
14	08/07/58	Formation of fire department (Repealed by 84)
15	08/21/58	Rates, rules and regulations for water service (Repealed by 42, 60)
16	10/16/58	Rates, rules and regulations for water service (Repealed by 42, 60)
17	10/16/58	Rates, rules and regulations for water service (Repealed by 42, 60)
18	12/04/58	Rates, rules and regulations for water service (Repealed by 42, 60)
19	06/02/60	Adopting fire code (Repealed by 24)
20	03/16/61	Meeting place and mailing address (Repealed by 41)
21	07/20/61	Annexation 1961-1 (Not codified)
22	05/03/62	Rates, rules and regulations for water service (Repealed by 42, 60)
23	12/06/62	Annexation 1962-1 (Not codified)
24	06/06/63	Adopting Uniform Fire Code (Repealed by 37, 47)
25	06/20/63	Annexation 1963-1 (Not codified)
26	02/20/64	Rates, rules and regulations for water service (Repealed by 42, 60)
27	05/21/64	Annexation 1964-1 (Not codified)
28	10/07/65	Meeting date (Repealed by 41)
29	07/02/70	Wage changes of personnel (Repealed by 46)
30	12/06/73	Establishment of employment, working conditions, salary range, and classification schedule for employees (Repealed by 46)
31	01/03/74	Rates, rules and regulations for water service (Repealed by 42, 60)
32	03/14/74	Rates, rules and regulations for water service (Repealed by 42, 60)
33	11/07/74	Rates for ambulance service (Repealed by 53)
34	01/20/75	Regulations governing employment (Repealed by 46)
35	04/07/77	Rates, rules and regulations for water service (Repealed by 42, 60)
36	07/15/81	Annual charge for fire protection; calling for special election (Repealed by 46)
37	09/03/81	Adopting Uniform Fire Code (Repealed by 47)
38		Omitted
39	11/16/83	Statute of limitations in actions to review administrative decisions (4.20)
40	11/16/83	Purchasing policy and procedures (Rescinded by Res. 95-32)
41	06/20/84	Regular meetings; fixing location of place of business; providing committees of the board; and establishing procedures for the adoption of ordinances and resolutions (Repealed by 61)
42	06/20/84	Rules and regulations for providing water service (Repealed by 60)
42-1984	06/20/84	Rules and regulations for providing water service (Repealed by 60)

43	06/20/84	Delivery of water through existing water distribution system to property that does not abut on or is not traversed by adequate water distribution lines; extension of water system (Repealed by 60)
44	06/20/84	Connection fee; fees for district services rendered in processing of development; and establishing a document processing fee and permanent off-site fee (Repealed by 60)
44-1984	06/20/84	Connection fees; fees for district services rendered in processing of development; and document processing fees (Repealed by 60)
45	10/17/84	Establishing policies, conditions and fees in connection with annexation to the district (4.10)
46	08/15/84	Personnel rules, regulations and procedures (Repealed by 64, 66, 68)
47	05/16/84	Adoption of Uniform Fire Code (Repealed by 54)
48	07/18/84	Adoption of annual tax for fire protection; calling for special election (Not codified)
48-A	01/16/85	Establishing and levying a fire suppression assessment for fiscal year 1985-86 (Not codified)
49	05/15/85	Rules and regulations relating to water hauling service (Repealed by 49B)
49A	11/16/88	Rules and regulations relating to water hauling service (Repealed by 49B)
49B	07/19/89	Rescinds Ords. 49 and 49A (Repealer)
50	06/19/85	Service installations and meters (Repealed by 60)
50-A	02/06/86	Establishing and levying a fire suppression assessment for fiscal year 1986-87 (Not codified)
51	06/19/85	Construction service (Repealed by 60)
52		Omitted
53	03/18/87	Establishing fire protection fees and charges (Repealed by 63)
54	10/21/87	Adopting 1985 Uniform Fire Code (Repealed by 65)
55	05/18/88	Establishing and levying a fire suppression assessment for fiscal year 1988-89 (Not codified)
56	06/15/88	Control of backflow and cross-connections (Repealed by 67)
57	09/21/88	Establishing regulations and restrictions with respect to the delivery and consumption of water during a declared emergency water shortage (6.15)
58	09/21/88	Establishing rules and regulations concerning water conservation (6.15)
58A	10/19/88	Amending Ordinance No. 58 concerning water conservation (6.15)
59	09/21/88	Establishing rules and setting controls on commercial landscaping (6.20)
60	09/21/88	Setting forth rules and regulations for the providing of retail water service, and providing for fees for reconnection, permanent off-site services, developments, and document processing (Not codified)
60A	02/21/90	Concerning guaranteed deposits for water service (eliminates guaranteed deposit) (Not codified)
61	09/21/88	Providing for regular meetings of the board and fixing the location of the district's principal place of business, establishing procedures for the adoption of ordinances and resolutions, and providing for committees of the board (Repealed by 86)
62	09/21/88	Prohibiting smoking in any district facility (4.15)
63	10/19/88	Establishing fire protection fees and charges pursuant to the Fire Protection District Law of 1987 and Government Code Section 13916 (7.10)
64	10/18/89	Adopting a personnel rules and regulations manual and repealing Ordinance No. 46, Resolution No. 422, and Resolution No. 478 (Repealed by 66, 68)
65	11/15/90	Adopting Uniform Fire Code (Superseded by Res. 15-14)
66	06/19/91	Personnel rules and regulations manual (Repealed by 68)
67	03/18/92	Cross connection control (Rescinded by 72)
68	03/18/92	Personnel rules and regulations manual (Repealed by 77)
69	06/17/92	Changing time of regular meeting of district's board (Repealed by 86)
70	04/21/93	Termination of water service (Not codified)

71	06/16/93	Prohibiting public use of district lands and facilities for non-district purposes (4.05)
72	04/19/95	Cross-connection control (5.20)
73	07/03/96	Amends personnel rules and regulations manual (Repealed by 77)
74	07/03/96	Amends personnel rules and regulations manual (Repealed by 77)
75	02/19/97	Fire and emergency medical services tax (Superseded by Res. 15-14)
76	06/18/97	Fire protection tax (Not codified)
77	09/24/97	Personnel rules and regulations manual (2.05)
77.1	12/16/98	Amends personnel rules and regulations manual (Repealed by 81)
77.2	05/26/99	Amends personnel rules and regulations manual (Repealed by 81)
77.3	04/26/00	Amends personnel rules and regulations manual (2.05)
77.4	05/17/00	Amends personnel rules and regulations manual (Repealed by 85)
78	04/28/99	Water use regulations (5.05)
79	08/25/99	Amends personnel rules and regulations manual (2.05)
80	03/14/01	Fire department rules and regulations (Repealed by 84)
81	09/26/01	Repeals Ords. 77.1 and 77.2 (2.05)
82	10/24/01	Adopts groundwater management plan (6.30)
83	01/09/02	Adopts volunteer fire department manual (Superseded by Res. 15-14)
84	03/13/02	Repeals Ord. 80 (Repealer)
85	03/13/02	Repeals Ord. 77.4 (Repealer)
86	03/27/02	Providing for regular meetings of the board and fixing the location of the district's principal place of business, establishing procedures for the adoption of ordinances and resolutions, and providing for committees of the board; repeals Ord. 61 (1.30)
86.1	07/27/05	Board of directors meeting schedule (1.30)
87	08/20/03	Water use regulations (5.05)
88	11/05/03	Fire and emergency medical services tax (Superseded by Res. 15-14)
89	10/05/04	Fire and emergency medical services tax (Superseded by Res. 15-14)
90	07/26/06	Board of directors compensation; establishes expense and use of public resources policy (1.20)
91	12/19/08	Adopts groundwater management plan update (6.30)
92	05/27/09	Rates and charges for water service; reaffirms Res. 03-16 (7.05)
93	08/24/11	Adopts fire code and residential code (Superseded by Res. 15-14)
94	12/21/11	Special parcel tax for fire protection and emergency medical services (Not codified)
95	05/28/14	Adopts groundwater management plan update (6.30)
96	12/16/15	Rates and charges for water service (7.05)
97	12/16/15	Pay meter station water service fees (7.05)
98	01/22/20	Water use regulations, domestic water service discontinuance policy (5.05, 5.30)
99	12/16/20	Fee authorization (7.01)
100	03/24/21	Water capital facility fees (7.05)
101	08/25/21	Water use regulations (5.05)
102	07/27/22	Water use regulations (5.05)
103	02/22/23	Board of directors compensation; establishes expense and use of public resources policy (1.20)
104	05/28/25	Adopts groundwater management plan update (6.30)

**Resolution Table****1955**

1	02/17/55	Declaring necessity of Twentynine Palms County Water District incurring bonded indebtedness, and providing for notice and hearing thereon (Not codified)
2	03/10/55	Determining that the Twentynine Palms County Water District as a whole will be benefitted by proposed bond proceedings (Not codified)
3	03/10/55	Calling a special election in Twentynine Palms County Water District on the proposition of incurring a bonded indebtedness and directing notice to be given thereof (Not codified)
4	04/11/55	Canvassing returns and declaring result of bond election held April 5, 1955 (Not codified)
5	04/11/55	Providing for the issuance of bonds of the Twentynine Palms County Water District, San Bernardino County, state of California, in the amount of \$800,000 for the construction, purchase or otherwise acquiring of adequate water supply, storage and transmission facilities, mains and appurtenances therefor for the benefit of said district in accordance with and as authorized at an election held in said district on April 5, 1955 (Not codified)
6	04/11/55	Calling for bids on Twentynine Palms County Water District water bonds of 1955 (Not codified)
7	04/22/55	Designating depositary (Not codified)
8	04/22/55	Authorizing execution of contract of purchase of Abell Water Company (Not codified)
9	05/19/55	Awarding sale of bonds (Not codified)
10	08/05/55	Designating depositary (Not codified)
11	08/08/55	Authorizing acquisition of property (Not codified)
12	09/20/55	Requesting the cancellation of taxes (Not codified)
13	10/11/55	Authorizing loan (Not codified)
14	12/15/55	Intention to become an employer under California Insurance Act (Not codified)

**1956**

15 – 46	01/19/56	Accepting deeds (Not codified)
47	01/19/56	Establishing manager's account (Not codified)
48	02/16/56	Accepting bill of sale (Not codified)
49	02/16/56	Authorizing district manager to accept work and file notice of completion (Not codified)
50	02/16/56	Authorizing execution of quitclaim deed (Not codified)
51	03/22/56	Accepting deed of easement – Pioneer Title Insurance and Trust Company (Not codified)
52	03/22/56	Authorizing execution of bill of sale (Not codified)
53	04/19/56	Authorizing district manager to accept work on Tract 5126 and file notice of completion (Not codified)
54	05/17/56	Authorizing district manager to accept work and file notice of completion (Not codified)
55	06/04/56	Awarding sale of bonds (Not codified)
56	06/21/56	Accepting grant deed – Voss (Not codified)
57	07/19/56	Accepting grant deed – Curtis (Not codified)
58	07/19/56	Accepting grant of easement (Not codified)
59	07/19/56	Determining that public interest and necessity require the acquisition of property and directing the filing of eminent domain proceedings (Not codified)
60	07/19/56	Approving plans and specifications and establishing prevailing wage scale (Not codified)

61	08/10/56	Award of contract (Not codified)
62	08/16/56	Authorizing general manager to accept work and file notice of completion (Not codified)
63	08/16/56	Authorizing general manager to accept work and file notice of completion (Not codified)
64		Omitted
65	09/20/56	Authorizing district manager to accept work and file notice of completion (Not codified)
66	09/20/56	Accepting grant deed and deed of easement – Griffin (Not codified)
67	09/27/56	Accepting grant deed – King (Not codified)
68	11/01/56	Authorizing execution of quitclaim deed (Not codified)
68B	11/01/56	Authorizing execution of quitclaim deed to easement rights (Not codified)
<b>1957</b>		
69	01/17/57	Authorizing district manager to accept work and file notice of completion (Not codified)
70	02/21/57	Authorizing general manager to accept work and file notice of completion (Not codified)
71	01/17/57	Accepting grant deed – Gottlieb (Not codified)
72	09/19/57	Pertaining to the proposed abandonment of El Paseo Drive between the east line of Cholla Avenue and the west line of Adobe Road (Rescinded by 73)
73	11/07/57	Rescinding Resolution No. 72 pertaining to the proposed abandonment of El Paseo Drive between the east line of Cholla Avenue and the west line of Adobe Road (Not codified)
74	11/07/57	Fixing time and place of hearing on whether or not to form Improvement District No. 1 within said district (Not codified)
75	12/05/57	Fixing time and place of hearing on whether or not to form Improvement District No. 1 within said district (Not codified)
76	11/21/57	Authorizing manager to place certain parcel of land in escrow in exchange for 1-1/4 acres and to accept agreement (Not codified)
<b>1958</b>		
77	01/02/58	Ordering the formation of Improvement District No. 1 within said district, levying assessment upon the lands within said improvement district, and apportioning the assessment to the lands in the improvement district according to benefits (Not codified)
78	01/02/58	Declaring necessity of Twentynine Palms County Water District incurring indebtedness and fixing time and place of hearing (Not codified)
79	01/17/58	Abandoning proceedings in Improvement District No. 1 (Not codified)
80	01/17/58	Declaring necessity of Twentynine Palms County Water District (Not codified)
81	01/16/58	Award of contract – W. P. Rowe and Son (Not codified)
82	02/06/58	Determining that the Twentynine Palms County Water District as a whole will be benefitted by proposed bond proceedings (Not codified)
83	02/06/58	Calling a special election in Twentynine Palms County Water District on the proposition of incurring a bonded indebtedness and directing notice to be given thereof (Not codified)
84	02/06/58	Providing for 1958 general district election (Not codified)
85	02/06/58	Appointing district engineer and designating place for recording of assessments (Not codified)
86	02/06/58	Preliminary determination under Division 4 of the Streets and Highways Code (Not codified)

87	02/06/58	Directing preparation of investigation report under Division 4 of the Streets and Highways Code (Not codified)
88	02/06/58	Preliminarily approving engineer's report, and fixing time and place of hearing thereon, under Division 4 of the Streets and Highways Code (Not codified)
89	02/06/58	Determining that limitation of indebtedness may be exceeded (Not codified)
90	02/06/58	Intention to acquire and/or construct improvements (Not codified)
91	02/06/58	Preliminary approval of engineer's report (Not codified)
92	02/06/58	Establishing prevailing wage scale (Not codified)
93	02/06/58	Appointing time and place of hearing protests in relation to proposed acquisitions and/or improvements, and directing notice (Not codified)
94	02/20/58	Acknowledging filing of petition and proposing the inclusion of public land of the United States (Not codified)
95	03/25/58	Determination, under Division 4 of the Streets and Highways Code, to proceed with proceedings for acquisitions and/or improvements (Not codified)
96	03/25/58	Overruling protests on Resolution of Intention No. 90 (Not codified)
97	03/25/58	Adopting engineer's report, confirming the assessment and ordering the work (Not codified)
98	03/25/58	Designating collection officer (Not codified)
99	04/03/58	Authorizing general manager to accept work and file notice of completion (Not codified)
100	04/03/58	Canvassing returns and declaring result of bond election held March 25, 1958 (Not codified)
101	04/17/58	Canvassing the returns of election and declaring the names of the persons elected directors of Twentynine Palms County Water District (Not codified)
102	04/17/58	Approving signatures on savings and general account (Not codified)
102A	04/17/58	Approving signatures on manager's fund (Not codified)
103	05/15/58	Accepting deed of easement – McFeely (Not codified)
104	05/22/58	Determining unpaid assessments and providing for issuance of bonds (Not codified)
105	05/22/58	Calling for bids on sale of improvement bonds (Not codified)
106	06/19/58	Awarding sale of bonds (Not codified)
107	08/07/58	Annual tax levy (Not codified)
108	10/02/58	Determining to undertake proceedings pursuant to special assessment and assessment bond acts for the construction of improvements without proceedings under Division 4 of the Streets and Highways Code (Not codified)
109	10/02/58	Requesting consent of the board of supervisors of the County of San Bernardino to the exercise of extraterritorial jurisdiction in undertaking proceedings for the acquisition and construction of public improvements, and to provide that the costs shall be assessed upon the district benefitted, under appropriate special assessment and assessment bond acts (Not codified)
110	10/02/58	Intention to acquire and construct improvements (Not codified)
111	10/02/58	Preliminary approval of engineer's report (Not codified)
112	10/02/58	Establishing prevailing wage scale (Not codified)
113	10/02/58	Appointing time and place of hearing protests in relation to proposed acquisitions and improvements, and directing notice (Not codified)
114	10/02/58	Appointing district engineer and designating place for recording of assessments (Not codified)
115	10/02/58	Calling for sealed proposals (Not codified)
116	11/06/58	Overruling protests on Resolution of Intention No. 110 (Not codified)
117	11/06/58	Adopting engineer's report, confirming the assessment and ordering the work and acquisitions (Not codified)
118	11/06/58	Intention to make changes and modifications (Not codified)

119	11/20/58	Authorizing execution of supplemental agreement – Hatcher/Conlin (Not codified)
119A	12/18/58	Accepting grant deed and deed of easements (Not codified)
120	12/18/58	Accepting grant deed and deed of easements (Not codified)
121	12/1/8/58	Accepting grant deed – Allen (Not codified)
<b>1959</b>		
122	01/08/59	Amending Resolution No. 10, designating depositary (Not codified)
123	02/19/59	Accepting grant deed – County of San Bernardino (Not codified)
124	05/07/59	Authorizing acting manager to accept work and file notice of completion (Not codified)
125	05/07/59	Authorizing execution of quitclaim deed (Not codified)
126	05/21/59	Calling for sealed proposals (Not codified)
127	06/18/59	Annual tax levy (Not codified)
128	07/02/59	Accepting grant deed – Bohna/Weller (Not codified)
129	07/02/59	Accepting grant deed of easement (Not codified)
130	07/16/59	Intention to make changes and modifications (Not codified)
131	08/06/59	Ordering changes and modifications (Not codified)
132	08/06/59	Intention to make changes and modifications (Not codified)
133	08/06/59	Designating collection officer (Not codified)
134	08/06/59	Designating office of general manager as office of district engineer for recording assessments (Not codified)
135	08/20/59	Awarding of contract – Project No. 1958-2 (Not codified)
136	09/03/59	Ordering changes and modifications – Project No. 1958-2 (Not codified)
137	10/15/59	Authorizing general manager to accept work and file notice of completion (Not codified)
138	11/19/59	Providing for cancellation of Assessment No. 3, for reduction in the amount of the remaining assessments and for the making of refunds, for declaring the unpaid assessments and the issuance of bonds (Not codified)
139	11/19/59	Calling for bids on sale of improvement bonds – Project No. 1958-2 (Not codified)
140	12/17/59	Awarding sale of bonds – Project No. 1958-2 (Not codified)
<b>1960</b>		
141	01/21/60	Accepting grant deed – Sherman (Rescinded by 142)
142	02/18/60	Rescinding Resolution No. 141, accepting grant deed (Not codified)
143	03/03/60	Authorizing application for permit to furnish water (Not codified)
144	03/28/60	Canvassing the returns of election and declaring the names of the persons elected directors of Twentynine Palms County Water District (Not codified)
145	04/21/60	Accepting grant deed – Carmichael (Not codified)
146	05/19/60	Accepting grant deed – Voss (Not codified)
147	06/02/60	Authorizing general manager to accept work and file notice of completion (Not codified)
148	06/02/60	Annual tax levy (Not codified)
149	08/04/60	Accepting grant deed – Loomis (Not codified)
150	10/06/60	Accepting grant deed – Dye (Not codified)
<b>1961</b>		
151	01/19/61	Authorizing execution of agreement – Finkelstine and Mills (Rescinded by 152)
152	02/02/61	Rescinding Resolution No. 151, authorizing execution of agreement (Not codified)
153	02/16/61	Authorizing execution of agreement with Lester M. and Irene C. Finkelstine and Harold W. and Victoria U. Mills (Not codified)
154	04/20/61	Authorizing general manager to accept work and file notice of completion (Not codified)
155	05/04/61	Accepting grant deed – Palms Baptist Church (Not codified)

156	06/01/61	Annual tax levy (Not codified)
157	06/15/61	Accepting grant deed – Strickler (Not codified)
158	09/07/61	Accepting grant deed – Bailey (Not codified)
159	09/07/61	Accepting grant deed – Foster (Not codified)
160		Omitted
161		Omitted
<b>1962</b>		
162	01/18/62	Providing for 1962 general water district election (Not codified)
163	01/18/62	Accepting grant deed – Title Insurance and Trust Company (Not codified)
164	03/01/62	Authorizing execution of grant deed (Not codified)
165	03/01/62	Authorizing execution of quitclaim deed (Not codified)
166	03/15/62	Authorizing execution of easement deed (Not codified)
167	04/02/62	Canvassing returns and declaring result of the general district election held March 27, 1962 (Not codified)
168	04/05/62	Authorizing general manager to accept work and file notice of completion (Not codified)
169	04/05/62	Accepting grant deed – Loker (Not codified)
170	07/05/62	Annual tax levy (Not codified)
171	07/05/62	Authorizing general manager to accept work and file notice of completion (Not codified)
172	10/11/62	Initiating proceedings for the annexation of certain uninhabited territory to the district, to be designated as annexation 1962-1 (Not codified)
173	10/11/62	Authorizing filing of application with the Housing and Home Finance Agency, United States of America, for a grant under the terms of Public Law 345, 84th Congress, as amended by the Public Works Acceleration Act (Not codified)
174	10/11/62	Providing for increase in planned total expenditure for capital improvements (Not codified)
175	10/11/62	Authorizing filing of application with the Housing and Home Finance Agency, United States of America, for a grant under the terms of Public Law 345, 84th Congress, as amended by the Public Works Acceleration Act (Not codified)
176	10/11/62	Providing for increase in planned expenditure for capital improvements (Not codified)
177	11/15/62	Accepting easement deed (Not codified)
178	12/20/62	Awarding of contract – Johns-Manville Sales (Not codified)
179	12/20/62	Awarding of contract – E.V. Lafferty (Not codified)
180	12/20/62	Accepting grant deed – Mershon/Moore (Not codified)
<b>1963</b>		
181	02/07/63	Awarding of contract – J. A. Garvin Electric (Not codified)
182	02/07/63	Authorizing execution of easement deed (Not codified)
183	05/16/63	Initiating proceedings for the annexation of certain uninhabited territory to the district, to be designated as annexation 1963-1 (Not codified)
184	07/05/63	Authorizing general manager to accept work and file notice of completion (Not codified)
185	07/05/63	Authorizing general manager to accept work and file notice of completion (Not codified)
186	07/05/63	Authorizing general manager to accept work and file notice of completion (Not codified)
187	08/01/63	Annual tax levy (Not codified)

<b>1964</b>		
188	03/30/64	Canvassing returns and declaring result of the general district election held March 24, 1964 (Not codified)
189	04/16/64	Initiating proceedings for the annexation of certain uninhabited territory to the district, to be designated as annexation 1964-1 (Not codified)
190	05/21/64	Accepting grant deed – Title Insurance and Trust Company (Not codified)
191	05/21/64	Authorizing execution of grant of easement (Not codified)
192	08/20/64	Accepting grant deed – Radcliffe (Not codified)
193	08/20/64	Accepting deed of easement – Radcliffe (Not codified)
194	08/20/64	Annual tax levy (Not codified)
<b>1965</b>		
195	03/18/65	Authorizing general manager to accept work and file notice of completion (Not codified)
196	04/01/65	Accepting easement deed – McKeurley (Not codified)
197	04/01/65	Accepting easement deed – Cates (Not codified)
198	05/20/65	Authorizing execution of easement deed (Not codified)
199	07/01/65	Accepting easement deed – MUSD (Not codified)
200	08/05/65	Annual tax levy (Not codified)
201	09/02/65	Adopting a pension plan for employees (Repealed by Ord. 46)
202	10/07/65	Establishing special bank account (Not codified)
203	10/07/65	Authorizing filing of request for preliminary determination of eligibility for financial assistance under the Davis-Grunsky Act, State Department of Water Resources (Not codified)
204	10/07/65	Authorizing filing of application with the Housing and Home Finance Agency, United States of America, for a grant under the terms of the Housing and Urban Development Act of 1965 (Not codified)
<b>1966</b>		
205	01/06/66	Authorizing execution of easement deed (Not codified)
206	03/03/66	Authorizing filing of application with the economic development administration, U.S. Department of Commerce, United States of America, for a grant under the terms of Public Law 89-136 (Not codified)
207	03/28/66	Canvassing returns and declaring result of the general district election held March 22, 1966 (Not codified)
208	06/02/66	Authorizing general manager to accept work and file notice of completion (Not codified)
209	08/04/66	Annual tax levy (Not codified)
210	09/01/66	Notice of intention to detach territory from Twentynine Palms County Water District, LAFCO No. 375 – Proposed detachment from Twentynine Palms County Water District (Not codified)
211	10/06/66	Detaching certain described territory from Twentynine Palms County Water District (Not codified)
<b>1967</b>		
212	01/05/67	Accepting easement deed – Pageman (Not codified)
213	01/05/67	Accepting easement deed – Babyak (Not codified)
214	06/01/67	Accepting easement deed – Newbarr (Not codified)
215	07/06/67	Accepting grant deed – Weaver (Not codified)
216	08/03/87	Authorizing filing of application with the Department of Housing and Urban Development, United States of America, for grant under P.L. 89-117 (Not codified)
217	08/03/67	Annual tax levy (Not codified)

218	09/07/67	Accepting easement deed – Charlesworth (Not codified)
219	10/05/67	Accepting easement deed – Title Insurance and Trust Company (Not codified)
220	10/05/67	Appointing directors to office (Not codified)
221	11/02/67	Accepting easement deed – Title Insurance and Trust Company (Not codified)
222	12/07/67	Accepting easement deed – First Western Bank and Trust Company (Not codified)
<b>1968</b>		
223	03/07/68	Authorizing execution of grant agreement (Not codified)
224	03/07/68	Accepting easement deed – Fordham (Not codified)
225	05/20/68	Approving plans and specifications and authorizing advertisement for bids thereon (Not codified)
226	05/20/68	Determining general prevailing rate of per diem wages (Not codified)
227	05/20/68	Establishing construction account (Not codified)
228	06/20/68	Accepting easement deed – Luckie-Moore (Not codified)
229	08/01/68	Annual tax levy (Not codified)
230	11/07/68	Authorizing general manager to accept work and file notice of completion (Not codified)
231	12/05/68	Accepting easement deed – Southern California Edison Company (Not codified)
<b>1969</b>		
232	03/25/69	Opposing dissolution of the Twentynine Palms County Water District through inclusion in proposed incorporated city (Not codified)
233	07/03/69	Annual tax levy (Not codified)
234	10/02/69	Authorizing execution of grant agreement (Not codified)
235	11/19/69	Declaring result of the general district election held November 4, 1969 (Not codified)
<b>1970</b>		
236	02/05/70	Authorizing execution of quitclaim deed (Not codified)
237	02/05/70	Authorizing membership in the California Special Districts Association; appointment of representative thereto (Not codified)
238	04/02/90	Authorizing execution of quitclaim deed (Not codified)
239	07/02/70	Authorizing general manager to accept work file notice of completion (Not codified)
240	08/06/70	Annual tax levy (Not codified)
241	08/06/70	Canceling liquidated damages – Project WS-6-05-0226 (Not codified)
242	08/06/70	Authorizing general manager to accept work and file notice of completion (Not codified)
243	11/05/70	Accepting easement deed – Bickmore (Not codified)
<b>1971</b>		
244	03/05/71	Authorizing application to California Water Quality Board for approval of grant (Not codified)
245	03/05/71	Authorizing application to U. S. Department of Housing and Urban Development for grant (Not codified)
246	08/05/71	Annual tax levy (Not codified)
247	10/07/71	Authorizing execution of quitclaim deed (Not codified)
248	11/18/71	Declaring result of the general district election held November 2, 1971 (Not codified)
<b>1972</b>		
249	02/03/72	Accepting easement deed – Gordon (Not codified)
250	02/03/72	Accepting easement deed – Bremer (Not codified)
251	02/03/72	Accepting easement deed – Bremer (Not codified)
252	02/03/72	Accepting easement deed – Bremer (Not codified)

253	02/03/72	Accepting easement deed – Kenney (Not codified)
254	02/03/72	Accepting easement deed – Kruer (Not codified)
255	04/06/72	Initiating proceedings for representation of independent special districts upon the local agency formation commission of San Bernardino County and for the adoption of rules and regulations (Not codified)
256	06/01/72	Authorizing execution of quitclaim deed (Not codified)
257	08/03/72	Annual tax levy (Not codified)
258	10/05/72	Authorizing acquisition of property (Not codified)
259	10/05/72	Accepting grant deed – Belger et al. (Not codified)
260	10/05/72	Obtaining credit with or without security (Not codified)
<b>1973</b>		
261	05/03/73	Requesting local agency formation commission to take proceedings for change of organization (annexation of land) of district (Not codified)
262	08/02/73	Annual tax levy (Not codified)
263	08/02/73	Ordering the consolidation of the Twentynine Palms County Water District with the special state-wide election to be held on November 6, 1973 (Not codified)
264	09/06/73	Authorizing execution of quitclaim deed (Not codified)
265	11/26/73	Declaring result of the general district election held November 6, 1973 (Not codified)
265A	12/06/73	Ordering Annexation of Territory Pursuant to LAFCO No. 1384, also known as Twentynine Palms County Water District Annexation No. 1973-1 (Not codified)
<b>1974</b>		
266	03/14/74	Establishing a water standby or availability charge for the fiscal year 1974-75 (Not codified)
267	06/06/74	Accepting grant deed – Hoffman (Not codified)
268	06/06/74	Accepting grant deed – Williams (Not codified)
269	07/11/74	Accepting grant deed – Welsh (Not codified)
270	08/01/74	Annual tax levy (Not codified)
<b>1975</b>		
271	02/13/75	Accepting grant deed – Turner (Not codified)
272	02/13/75	Establishing a water standby or availability charge for the fiscal year 1975-76 (Not codified)
273	02/13/75	Establishing continuation of payment of health insurance premiums for retired employees and directors of the Twentynine Palms Water District (Not codified)
274	05/22/75	Obtaining credit with or without security (Not codified)
274A	07/03/75	Granting an easement, east 10 feet of lots 69 and 70, Tract 2512, for curb and gutter purposes, to the county road department (Not codified)
275	07/75	Ordering and calling a special election to be held in said county water district on November 4, 1975, for the purpose of electing a director to fill the unexpired term of a resigned director (Not codified)
276	07/75	Requesting consolidation of special election with general election (Not codified)
277	08/07/75	Authorizing the general manager to accept the work on the tank and to file the notice of completion (Not codified)
278	08/07/75	Annual tax levy (Not codified)
<b>1976</b>		
279	02/05/76	Establishing a water standby or availability charge for the fiscal year 1976-77 (Not codified)
279A	04/01/76	Amending Ordinance No. 33 (Not codified)
280	05/06/76	Accepting grant deed – Hessler (Not codified)

281	06/03/76	Authorizing filing application for federal and state grants for publicly owned wastewater treatment works and providing certain assurances (Not codified)
282	08/05/76	Annual tax levy (Not codified)
283	09/02/76	Accepting grant deed – Anderson (Not codified)
284	09/02/76	Accepting grant deed – Gottlieb (Not codified)
285	10/07/76	Establishing the date and time for the public hearing on the proposed annexation of the Sunmore Tract (Not codified)
286	10/07/76	Authorizing the filing of application for a loan or grant, under California Safe Drinking Water Bond Law of 1976 (Not codified)
286A	11/04/76	Ordering annexation of territory pursuant to LAFCO No. 1620, Twentynine Palms County Water District Annexation No. 1977-1 (Not codified)
<b>1977</b>		
287	02/03/77	Adopting a conflict of interest code (Not codified)
288	02/03/77	Adopting the environmental impact report guidelines (Rescinded by 95-1)
289	02/03/77	Establishing a water standby or availability charge for the fiscal year 1977-78 (Not codified)
290	03/03/77	Accepting the \$1,000 matching funds grant from the state under stated conditions (Not codified)
291	04/07/77	Adopting the conflict of interest code, under the Political Reform Act of 1974 (Not codified)
292	04/07/77	Accepting easement deed (Not codified)
293	06/02/77	Accepting grant deed – Guzman (Not codified)
294	06/02/77	Accepting grant deed – Meyer (Not codified)
295	06/02/77	Accepting grant deed – Kenney (Not codified)
296	06/02/77	Accepting grant deed – Dindio (Not codified)
297	07/07/77	Accepting grant deed – Jackson (Not codified)
298	08/04/77	Annual tax levy (Not codified)
299	09/05/77	Accepting offer of grant (Not codified)
300		Omitted
301	10/06/77	Accepting vesting of property for Twentynine Palms County Water District (Not codified)
302	11/03/77	Determining that economic development administration Project No. 07-51-26293 will not have a significant effect on the environment (Not codified)
<b>1978</b>		
303	01/05/78	Intending to apply for permit to drill new well (Not codified)
304	02/02/78	Establishing a water standby or availability charge for the fiscal year 1978-79 (Not codified)
305	04/06/78	Initiating proceedings for an annexation (Not codified)
306	05/04/78	Adopting the guidelines for the implementation of the California Environmental Quality Act (Not codified)
307	05/04/78	Notice to fill the vacancy (Not codified)
308		Omitted
309	07/06/78	Establishing the date and time for the public hearing on the proposed subdivision of the Sunmore Tract (Not codified)
310	04/06/78	Annexation of Tracts 3268 and 3275 (Not codified)
311		Omitted
312	08/03/78	Annual tax levy (Not codified)

**1979**

313	02/01/79	Establishing a water standby or availability charge for the fiscal year 1979-80 (Not codified)
314	07/24/79	Authorizing the general manager to deposit and withdraw funds with the local agency investment fund (Rescinded by 360)
315	08/02/79	Annual tax levy (Not codified)
316	09/06/79	Granting an easement, south 10 feet of north 20 feet of west 445 feet of east one third of the southwest quarter of Section 31, T1NR9E, for communication and other purposes, to the General Telephone Company of California (Not codified)
317		Omitted
318		Omitted
319		Omitted
320	12/06/79	Accepting grant deed (Not codified)
321		Omitted
322		Omitted
323	12/06/79	Authorizing the general manager to deposit and withdraw funds of \$50,000.00 with Pomona First Federal Savings and Loan in money market certificates (Not codified)

**1980**

323A	01/03/80	Stipulating that any two of the five directors signatures on the signature cards at the bank would be acceptable (Not codified)
324	02/07/80	Establishing a water standby or availability charge for the fiscal year 1980-81 (Not codified)
325	08/07/80	Annual tax levy (Not codified)
326	08/07/80	Dropping the word "county" from the title "County Water District" and declaring that as of September 1, 1980 it shall be called the "Twentynine Palms Water District" (Not codified)
327		Omitted
328	09/04/80	Authorizing execution of quitclaim deed (Not codified)
329		Omitted
330		Omitted
331	12/04/80	Adopting a map showing the general nature, location and extent for the construction of certain public improvement work and showing the boundaries of the district to be assessed for said improvement (Not codified)
332	12/04/80	Approving a proposed resolution of intention and requesting consent and jurisdiction (Not codified)
333	12/04/80	Authorizing the general manager to deposit and withdraw funds with Pomona First Federal Savings and Loan (Not codified)

**1981**

334	02/05/81	Establishing a water standby or availability charge for the fiscal year 1981-1982 (Not codified)
335	03/05/81	Designating persons to perform various duties for special assessment proceedings (Not codified)
336	03/05/81	Declaring intention to order the construction of certain public works of improvements together with necessary appurtenances; declaring the work to be of benefit to the property and land within the assessment district and describing the district to be assessed to pay the costs and expenses thereof; and providing for the issuance of bonds (Not codified)
337	03/05/81	Passing on the report of the engineer, giving preliminary approval, and setting a time and place for public hearing (Not codified)

338	03/05/81	Referencing prevailing wage scale and directing the secretary to call for bids for the construction of the works of improvement (Not codified)
339	03/05/81	Authorizing the secretary of the board to accept and consent to conveyances of real property or interests therein pursuant to Section 27281 of the Government Code (1.25)
340	04/23/81	Ordering changes and modifications in the assessment, "report", and proceedings in the matter of the construction of certain work and improvements together with appurtenances in an assessment district (Not codified)
341	04/23/81	Overruling and denying protests and making certain findings in a special assessment district (Not codified)
342	04/23/81	Ordering the improvements made, together with appurtenances, and approving the engineer's report (Not codified)
343	05/07/81	Supporting licensing San Onofre Units II and III nuclear power plants (Not codified)
344	06/04/81	Determining unpaid assessments and providing for the issuance of bonds pursuant to the "Improvement Act of 1915" (Not codified)
345	06/18/81	Awarding the contract for the construction of certain public works of improvement in a special assessment district (Not codified)
346	08/06/81	Annual tax levy (Not codified)
347	12/03/81	Changing the time of the regularly scheduled board meetings to 7:30 p.m. on the third Wednesday of each month at the water district office beginning January 1982 (Repealed by Ord. 41)
348		Omitted
<b>1982</b>		
349	01/20/82	Establishing a water standby or availability charge for the fiscal year 1982-1983 (Not codified)
350	03/09/82	Accepting Cal-Trans agreement #7220 (Not codified)
351	03/17/82	Supporting Proposition 9 (Not codified)
352	07/21/82	Annual tax levy (Not codified)
353	07/21/82	Making determinations, ordering annexation of territory, establishing terms and conditions of annexation and describing exterior boundaries of territory annexed (Not codified)
354	07/27/82	Adopting a cooperative agreement between the California Department of Water Resources and the Twentynine Palms Water District for a water basin study in the Twentynine Palms Water District area (Not codified)
<b>1983</b>		
355	01/19/83	Drilling a new well within the boundaries of the Twentynine Palms Water District, to serve all customers (Not codified)
356	02/16/83	Accepting grant deed – Roberson (Not codified)
357	02/16/83	Accepting grant deed – Gonzenback (Not codified)
358	02/16/83	Establishing a water standby or availability charge for the fiscal year 1983-1984 (Not codified)
359	07/20/83	Authorizing named persons to withdraw funds from the Twentynine Palms Water District "Special" account (Not codified)
360	07/20/83	Authorizing the general manager to deposit and withdraw funds with the local agency investment fund, hereby repealing Resolution No. 314 (Repealed by 492)
361	07/20/83	Annual tax levy (Not codified)
362	08/17/83	Establishing water rates, bimonthly charges and service connection charges (Repealed by Ord. 42)
363	10/19/83	Support of relicensing of hydroelectric projects to Southern California Edison Company (Not codified)

364	10/83	Recognizing director Richard "Dick" C. Reich's past service (Not codified)
365	11/16/83	Authorizing the office manager to deposit and withdraw funds with the local agency investment fund (Repealed by 492)
366	11/16/83	Authorizing geothermal grant application (Not codified)
367	12/21/83	Adopting local guidelines implementing the California Environmental Quality Act (Rescinded by 95-1)
<b>1984</b>		
368	03/21/84	Urging a cooperative effort relative to Southern California's water supply and demand (Not codified)
369	05/16/84	Establishing a water standby or availability assessment for the fiscal year 1984-85 (Not codified)
370	04/18/84	Commending Frederick Pressnall for services and contributions (Not codified)
371	06/20/84	Establishing salaries and salary ranges for all district exempt and classified positions, effective July 1, 1984 (Not codified)
372	06/20/84	Approving a contract between the board of administration of the public employees' retirement system and the board of directors of the Twentynine Palms Water District (Not codified)
373	06/18/84	Making its determination to fix, levy and collect water standby assessments for the fiscal year 1984-85 (Not codified)
374	06/18/84	Authorizing a contract providing for the participation of the public agency in the Public Employees' Retirement System making its employees members of said system (Not codified)
375	07/18/84	Annual tax levy (Not codified)
376	08/15/84	Recommending the governor's appointment of Raymond V. Stone, Jr. to the State Water Resources Control Board (Not codified)
377	08/15/84	Initiating proceedings for the change of organization (Annexation # 84-1) or reorganization in accordance with Government Code Section 56195 (Not codified)
378	10/17/84	Fixing annexation fees (4.10)
379	11/21/84	Approving and adopting standard plans and specifications for construction of water in Twentynine Palms Water District (Not codified)
380	11/21/84	Initiating the proceedings for the establishment of a fire suppression assessment (Not codified)
381	11/21/84	Signatures facsimile (Not codified)
382	12/19/84	Recognizing Director Carl L. Johnson's past service (Not codified)
383	12/19/84	Amending Resolution No. 362 – Guaranteed deposits (Repealed by Ord. 42)
384	12/19/84	Acknowledging the filing with the secretary of the district of a fire suppression assessment report and fixing the time, date and the place of a hearing thereon (Not codified)
<b>1985</b>		
385	02/20/85	Establishing a water standby or availability assessment for the fiscal year 1985-86 (Not codified)
386	03/20/85	Adopting an annual statement of investment policy for the Twentynine Palms Water District (Not codified)
387	03/20/85	Establishing intent to support legislation to increase the amount of the water standby assessment fee (Not codified)
388	06/19/85	Annual tax levy (Not codified)
389		Well permits #13 and #14 (Not codified)
390	06/19/85	Authorizing the "pick-up" of employee contributions to the Public Employees Retirement System (Not codified)

391	08/21/85	Directing issuance of a negative declaration; approving project; authorizing filing of notice of determination and making findings and determinations in support thereof (Not codified)
392	11/20/85	Requiring firefighters to attain Firefighter I certification (Repealed by 01-02)
393	11/20/85	Prohibiting use of Twentynine Palms Water District revenues for support of the Twentynine Palms Water District fire department effective July 1, 1986 (Not codified)
394	02/19/86	Directing the issuance of a negative declaration; approving the Campbell Hill water reservoir project; authorizing filing of notice of determination and making findings and determinations in support thereof (Not codified)
395	12/04/85	Designating a corporation and special counsel for the financing of certain public improvements and approving fees for such services (water reservoir) (Not codified)
396	12/04/85	Authorizing and approving execution of agreements incident to the financing of certain public improvements (water reservoir) (Not codified)
397	12/04/85	Authorizing and directing closing of financing of certain public improvements; payment of costs incident thereto (water reservoir) (Not codified)
398	12/04/85	Making determinations that the financing of certain public improvements is not subject to prior investigation, report and approval by the State Treasurer under the District Securities Investigation Act of 1965 (water reservoir) (Not codified)
399	12/04/85	Approving and accepting agreement for acquisitions of real property from Thomas and Robert Wrubel (Not codified)
<b>1986</b>		
400	01/15/86	Initiating the proceedings for the establishment of a fire suppression assessment (Not codified)
401	01/15/86	Acknowledging the filing with the secretary of the district of a fire suppression assessment report and fixing the time, date and place of a hearing thereon (Not codified)
402	01/15/86	Approving an offering memorandum for beneficial assignment certificates incident to \$840,000 installment sale financing for the construction of certain public improvements (water reservoir) (Not codified)
403	04/16/86	Establishing a water standby or availability assessment for the fiscal year 1986-1987 (Not codified)
404	06/18/86	Amending Resolution No. 362 – Water rates, and calling for a public hearing (Rescinded by 440)
405	03/19/86	Authorizing acquisition of property (Not codified)
406	05/21/86	Directing the issuance of a negative declaration approving the phase I of master plan 86-1: authorizing filing of notice of determination and making findings and determinations in support thereof (Not codified)
407	06/18/86	Approving an organizational chart and job descriptions, and establishing salaries and salary ranges for all district exempt and classified positions effective July 1, 1986 (Not codified)
408	06/18/86	Adopting an annual statement of investment policy for the Twentynine Palms Water District (Not codified)
409	06/18/86	Annual tax levy (Not codified)
410	05/21/86	Consenting to enter the joint protection program of the Association of California Water Agencies Joint Powers Insurance Authority (Not codified)
411	06/11/86	Making designations necessary for the issuance and sale of certificates of participation, Series A (Not codified)
412	05/21/86	Making application to the local agency formation commission of San Bernardino County for the annexation of certain territory to said district (Lear Avenue annexation) (Rescinded by 423)

413	05/21/86	To drop the word "county" from the title "Twentynine Palms County Water District," and declaring that as of June 1, 1986 the district shall be called the "Twentynine Palms Water District" (1.05)
414	06/11/86	Authorizing and directing issuance and delivery of certificates of participation, Series A; execution of documents; and actions necessary for the closing incident to the sale of certificates (Not codified)
415	06/11/86	Accepting offer to purchase \$2,885,000 certificates of participation, Series A (Not codified)
416	06/11/86	Approving official statement for certificates of participation, Series A, and making other determinations (Not codified)
417	06/11/86	Designating certain officers to authorize disbursement of funds from the construction account pursuant to the trust agreement for administration of certificates of participation, Series A (Not codified)
418	06/11/86	Authorizing and directing disbursement of funds from the construction account pursuant to the trust agreement for administration of certificates of participation, Series A (Not codified)
419	06/11/86	Making determinations that the issuance and sale of \$2,885,000 certificates of participation, Series A, is not subject to prior investigation, report and approval by the state treasurer under the District Securities Investigation Law of 1965 (Not codified)
420	08/20/86	Commending Jim Bagley for contributions and services to Twentynine Palms Water District (Not codified)
421	08/20/86	Making application to the local agency formation commission for the modification of a sphere of influence for said district (Not codified)
422	09/17/86	Amending Ordinance No. 46 (Repealed by Ords. 64, 66, 68)
423	10/15/86	Making application to the local agency formation commission of San Bernardino County for the annexation of certain territory to said district (Lear Avenue annexation) (Not codified)
424	10/15/86	Declaring its intention to form Improvement Districts "W" and "F" (Not codified)
425	10/29/86	Authorizing contracts for employment (Not codified)
426		Omitted
<b>1987</b>		
427	03/18/87	Ordering territory designated as "Lear Avenue annexation" annexed to the Twentynine Palms Water District (Not codified)
428	01/21/87	Establishing fees for acts of negligence as permitted under provisions of the Health and Safety Code and Government Code (Rescinded by 471)
429	01/21/87	Establishing ambulance rates and amending Ordinance No. 33 and repealing Resolution No. 279-A (Not codified)
430	02/18/87	Establishing policy for the Lear Avenue annexation (Not codified)
431	03/18/87	Declaring its intention to order the acquisition of certain property and the construction of certain improvements and to form Assessment District No. 4, Lear Avenue (Not codified)
432	03/18/87	Requesting the board of supervisors of the County of San Bernardino to approve the taking of certain proceedings pursuant to the Municipal Improvement Act of 1913 (AD#4, Lear Avenue)
433	03/18/87	Establishing a fire protection master schedule of fees and charges in accordance with Ordinance No. 53 (Not codified)
434	03/18/87	Establishing a policy for the financing and construction of water facilities for the benefit of lands and inhabitants of the district (5.15)
435	04/15/87	Adopting National Fire Protection Association Pamphlet 130 with modifications as standards for the installation of light duty sprinklers (Superseded by Res. 15-14)

436	04/15/87	Establishing minimum standards for fire protection water systems (6.10)
437	04/22/87	Making application to the local agency formation commission of San Bernardino County for annexation of certain territory to said district (housekeeping annexation) (Not codified)
438	05/20/87	In support of Senate Bill 1506 (Not codified)
439	05/20/87	Establishing a water standby or availability assessment for the fiscal year 1987-88 (Not codified)
440	05/20/87	Amending Resolution No. 362 – Water rates, rescinding Resolution No. 404 – Water rates, and calling for a public hearing (Repealed by 486)
441	05/28/87	Proposing a fire suppression assessment for the fiscal year 1987-88 (Not codified)
442	05/20/87	Making application to the California Department of Water Resources for funding of a groundwater recharge project (Not codified)
442A	06/17/87	Approving an organizational chart and job descriptions and establishing salaries and salary ranges for all district exempt and classified positions effective July 1, 1987 (Not codified)
443	06/16/87	Adopting an annual statement of investment policy for the Twentynine Palms Water District (Not codified)
444		Omitted
445	06/17/87	Establishing recruitment and pay incentives for volunteer firefighters (1.35)
446	06/17/87	Approving an installment sale agreement (Not codified)
447	06/17/87	Establishing a water use procedure for fire agencies outside the district (6.10)
448	07/15/87	Establishing a fire suppression assessment for fiscal year 1987-88 (Not codified)
449	06/30/87	Accepting grant deed (Not codified)
450	07/15/87	Accepting grant deed (Not codified)
451	07/15/87	Accepting grant of easement (Not codified)
452	08/19/87	Approving application for transportation and utility systems and facilities on federal lands (Not codified)
453	08/19/87	Establishing a reimbursement and benefit package for volunteer firefighters in accordance with Ord. #14 (Rescinded by 99-13)
454	09/03/87	Making designations and appointments to fulfill responsibilities and perform duties for special assessment proceedings (Not codified)
455	09/03/87	Showing the general nature, location and extent of certain public works and improvements and approving and adopting the proposed boundaries of the area to be assessed therefor (Not codified)
456	09/03/87	Making preliminary determinations concerning the proposed improvement, boundaries of the district to be specially assessed and certain other matters and ordering the preparation of a report on the improvements in a special assessment district pursuant to Part 7.5 of Division 4 of the Streets and Highways Code (Not codified)
457	09/03/87	Declaring intention to order the construction and acquisition of certain improvements together with appurtenances in a proposed assessment pursuant to the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code; declaring the work to be of more than local or ordinary benefit; describing the district to be assessed to pay the costs and expenses thereof; and providing for the issuance of bonds (Not codified)
458	09/03/87	Passing on and giving preliminary approval to the report of the engineer of work and appointing a time and place for public hearing (Not codified)
459		Omitted
460	09/16/87	Adoption and amendment of the 1985 edition of the Uniform Fire Code and Uniform Fire Code Standards prescribing regulations governing hazardous to life and property from fire or explosion and establishing a bureau of fire prevention and providing officers therefor and defining their powers and duties (Not codified)

461	10/12/87	Overruling and denying protests under the “Special Assessment Investigation, Limitation and Majority Protest Act of 1931” (Not codified)
462	10/12/87	Making findings and determinations under Division 4 of the Streets and Highways Code (Not codified)
463		Omitted
464	10/12/87	Overruling and denying protests and making certain findings in a special assessment district (Not codified)
465	10/12/87	Confirming the assessment, ordering the improvements and approving the engineer’s report (Not codified)
466	12/07/87	Ordering territory designated as “housekeeping annexation” annexed to the Twentynine Palms Water District (Not codified)
<b>1988</b>		
467	01/12/88	Ordering changes in the boundaries of the assessment district, amount of assessment, assessment proceedings (Not codified)
468	01/12/88	Determining unpaid assessments; designating paying agent, authenticating agent, transfer agent, and registrar; and providing for issuance of bonds under the Improvement Act of 1911 (Not codified)
469	01/12/88	Accepting a proposal for sale of bonds and making other determinations (Not codified)
470	01/12/88	Authorizing and directing that all legal proceedings be taken to defend the validity and enforceability of the assessment and all proceedings incident thereto (Not codified)
471	01/20/88	Establishing fees for acts of negligence as permitted under provisions of the Health and Safety Code and Government Code (Repealed by 01-01)
472	01/20/88	Recognizing director Glenn R. Crichton’s past service (Not codified)
473	02/17/88	Initiating proceedings for the establishment of a fire suppression assessment, preparation of the fire suppression report, and fixing the time, date and place of a hearing thereon (Not codified)
474	02/17/88	Establishing emergency transportation rates (7.15)
474A	03/17/88	Authorizing the general manager and the administrative assistant to deposit and withdraw funds with Pomona First Federal Savings and Loan (Repealed by 494)
475	03/17/88	Authorizing the general manager and the administrative assistant to deposit and withdraw funds with Shearson, Lehman and Hutton (Repealed by 493)
476	04/20/88	Establishing a water standby or availability assessment for the fiscal year 1988-89 (Not codified)
477	05/18/88	Agreement with Mr. and Mrs. Ross Stockwell for acquisition of land and right-of-way (Not codified)
478	05/18/88	Policy regarding harassment (Repealed by Ords. 64, 66, 68)
479	06/15/88	Accepting grant deed for assessor’s parcel #633-031-23 (Not codified)
480	06/15/88	Agreement with Mr. and Mrs. William J. Holmes for acquisition of land and right-of-way (Not codified)
481	07/20/88	Establishing procedures and fees for the division of land and bond in assessment District No. 4 (3.15)
482	07/20/88	Granting an easement to Southern California Edison Company (Not codified)
483	07/20/88	Adopting an annual statement of investment policy for the Twentynine Palms Water District (Not codified)
484	08/17/88	Adopting a water conservation program (Not codified)
485	08/17/88	Establishing procedures for redemption of bonds pursuant to the provision of the Improvement Act of 1911 (Not codified)
486	09/21/88	Setting fees and rates for water service as established by Ordinance No. 60 (Not codified)
486A	08/16/89	Establishing water rates for district pay meters (Repealed by 91-32)

486B	02/21/90	Setting water service fees as established by Ordinance No. 60 and amending resolution 486 (Not codified)
487	09/21/88	Authorizing Marshall E. Goldblatt to serve on the board of directors of the California Special Districts Association (Not codified)
488	09/21/88	Authorizing and establishing policy for placement of lien on property for unpaid water and fire charges (7.20)
489	09/21/88	Making application to the California Department of Water Resources for funding of a water conservation project (Not codified)
490	09/27/88	Authorizing July K. Hinson to make an emergency withdrawal of funds from the American Life deferred compensation plan (Not codified)
491	10/19/88	Establishing a fire protection master schedule of fees and charges in accordance with Ordinance No. 63 (7.10)
492	10/19/88	Authorizing the deposit and withdrawal of funds with the local agency investment fund (Not codified)
493	10/19/88	Authorizing the deposit and withdrawal of funds with Shearson, Lehman, and Hutton (Not codified)
494	10/19/88	Authorizing the deposit and withdrawal of Pomona First Federal Savings and Loan (Not codified)
495	12/21/88	Honoring Rick Erickson (Not codified)
496	12/21/88	Determining that the public interest and necessity requires refunding of bonds issued in an assessment district; declaring its intention to refund such bonds and levy reassessments as security for refunding bonds; and making other determinations (Assessment District No. 4R) (Not codified)
497	12/21/88	Making designations and appointments to fulfill responsibilities and perform duties incident to proceedings under Division 11.5 of the Streets and Highways Code (Assessment District No. 4R) (Not codified)
89-1	01/18/89	Accepting an agreement with Mr. and Mrs. Mert Worthing for acquisition of land and right-of-way (Not codified)
89-2	02/08/89	Authorizing Donald E. Gordon to make an emergency withdrawal of funds from the American United Life deferred compensation plan (Not codified)
89-3	02/15/89	Authorizing the acquisition of land from Robert Barrett (Not codified)
89-4	02/15/89	Initiating proceedings for the establishment of a fire suppression assessment, preparation of the fire suppression report and fixing the time, date, and place of a hearing thereon (Not codified)
89-5	02/15/89	Opposing ACWA's 1991 spring conference being held in San Francisco (Not codified)
89-6	03/15/89	Concurring in nomination to the executive committee of ACWA/JPIA (Not codified)
89-7	03/15/89	Establishing a water standby assessment for fiscal year 1989-90 (Not codified)
89-8	04/19/89	Proclaiming the week of May 1 – 7, 1989 as "water awareness week" (Not codified)
89-9	05/24/89	Establishing and levying a fire suppression assessment for fiscal years 1989-90, 1990-91, and 1991-92 (Not codified)
89-10	05/17/89	Establishing a water standby assessment for fiscal year 1989-90 (Not codified)
89-11	06/21/89	Authorizing participation in the program CSDA workers' compensation program (Not codified)
89-12	06/21/89	Proving for authority of general manager and/or accountant to deposit and invest funds of said district (Not codified)
89-13	06/21/89	Accepting a ground lease agreement with Kathren S. Arnette, Wendra R. Cook, Deborah L. Leighton, and William B. Shaffer III for land and right-of-way (Not codified)

89-14	06/21/89	Making application to the local agency formation commission of San Bernardino County for the annexation of certain territory to said district (89-1 annexation) (Repealed by 89-14A)
89-14A	11/15/89	Making application to the local agency formation commission of San Bernardino County for the annexation of certain territory to said district (89-1 annexation) (Not codified)
89-15	06/29/89	Requiring a public election to determine the exportation of water (Rescinded by 96-37)
89-15A	07/06/89	Exportation of water (Rescinded by 96-37)
89-16	07/05/89	Calling for a special election to be consolidated with the general district election on November 7, 1989 (Rescinded by 96-37)
89-16A	07/06/89	Exportation of water (Rescinded by 96-37)
89-17	08/16/89	Recognizing the Benevolent and Protective Order of Elks Lodge No. 2134 (Not codified)
89-18	08/16/89	Accepting a ground lease agreement with Robert J. Barrett for land and right-of-way (Not codified)
89-19	08/16/89	Accepting a ground lease agreement with Jeffrey B. and Barbara M. Dunn for land and right-of-way (Not codified)
89-20	09/20/89	Endorsing the use of water conservation efforts in food establishments (Not codified)
89-21	09/20/89	Designating the general manager to act on behalf of the district for an agreement with the California Department of Water Resources for funding of the pipeline replacement project (Not codified)
89-22	09/20/89	Designating the general manager to act on behalf of the district for an agreement with California Department of Water Resources for funding of the 49 Palms Recharge Project (Not codified)
89-23	10/18/89	Approving an organizational chart and job descriptions for all district positions (Not codified)
89-24	12/12/89	Adopting a negative declaration (Not codified)
89-25	12/13/89	Honoring Edith E. Carter (Not codified)
89-26	12/13/89	Honoring Marvin T. Cobb (Not codified)
89-27	12/13/89	Honoring William J. Garvin (Not codified)
90-1	03/14/90	Accepting grant of easement – Thomas Balch (Rescinded by 92-24)
90-2	03/14/90	Accepting grant of easement – Gary Tremper (Rescinded by 92-24)
90-3	03/14/90	Accepting grant of easement – Cecil Hatcher, Ronald R. Simons, and Sanwa Bank California (Rescinded by 92-24)
90-4	03/14/90	Accepting grant of easement – David F. Gay (Not codified)
90-5	04/25/90	Proclaiming Water Awareness Week – May 6 – 12 (Not codified)
90-6	05/16/90	Establishing a water standby assessment for fiscal year 1990-91 (Not codified)
90-7	05/23/90	Adopting monthly ready-to-serve charges and water rates for fiscal year 1990-91 (Not codified)
90-8	07/18/90	Providing for authority of general manager and/or accountant to deposit and invest funds of said district (Not codified)
90-9		Establishing rates and charges for connection to the Cooper annexation (Assessment District No. 4) (Not codified)
90-10		Establishing rates and charges for connection to the Lear annexation (Assessment District No. 4) (Not codified)
91-1		Omitted
91-2	04/17/91	Water awareness month (Not codified)
91-3	05/15/91	Compensation/reimbursement to board of directors (1.20)
91-4 –		
91-14	05/15/91	Accepting work and notice of completion (Not codified)
91-15	05/15/91	Establishing categories of metered services (5.10)

91-16		Void
91-17	05/30/91	Award contract (Not codified)
91-18	05/30/91	Include annexations to District (Joe Davis/So. Hansen) (Not codified)
91-19	06/05/91	Adopting ready-to-serve and water rate for 1991-92 (Not codified)
91-20	06/06/91	Water standby assessment (increased rates 91-92) bidding and purchasing (Not codified)
91-21		Omitted
91-22	06/19/91	Accept work and file notice of completion (Not codified)
91-23	06/19/91	Accept work and file notice of completion (Not codified)
91-24	06/19/91	Obtain credit card accommodation (Not codified)
91-25	06/19/91	Accept work and file notice of completion (Not codified)
91-26	07/10/91	Execute municipal lease and option to purchase agreement (Not codified)
91-27	07/10/91	Award bid contract #5 and 9 to Valley Cities Co. (Not codified)
91-28	8/21/91	Deposit and invest funds (Not codified)
91-29	09/18/91	Emergency Withdrawal of Funds from AUL (defer. comp.) by Judy K. Hinson (Not codified)
91-30	09/18/91	Emergency withdrawal of funds from AUL (defer. comp.) by Rochelle Bowe (Not codified)
91-31	10/16/91	Accepting grant of easement from James A. Twomey (Not codified)
91-32	10/30/91	Establishing water rates for district pay meters and repealing Resolution No. 89-486A (Not codified)
91-33	11/20/91	Honoring John L. Lohr (Not codified)
91-34	12/18/91	Making application for annexation of certain territory to said district (Not codified)
92-1	02/19/92	Designating general manager to act on agreement with the California Department of Water Resources for funding step 2 pipeline replacement feasibility study (Not codified)
92-2	04/14/92	Proclaiming May as "water awareness month" (Not codified)
92-3	04/23/92	Emergency ready-to-serve rate adjustment (Not codified)
92-4	05/06/92	Establishment of a fire suppression assessment (Not codified)
92-5	05/20/92	Establish a method of repayment of feasibility loan with state of California (Not codified)
92-6	05/29/92	Adopting monthly ready to serve charges and water rates (Not codified)
92-7	06/01/92	Establishing water standby assessment for fiscal year (Not codified)
92-8	06/3/92	Establishing fire suppression assessment for 1992-1993; amending Resolution No. 89-9 (Not codified)
92-9	06/17/92	Obtain line of credit (Repealed by 07-08)
92-10	06/17/92	Fixing time and place for public hearings regarding connection to and receipt of capacity from districts water system (Not codified)
92-11	07/2/92	Fixing standby charge for certain parcels in Joe Davis annexation area (Not codified)
92-12	07/2/92	Fixing standby charge for certain parcels in the South Hansen annexation area (Not codified)
92-13	07/15/92	A reorganization to include annexations to the district (Not codified)
92-14	07/15/92	File application with the department of water resources for a construction loan to fund step 2 pipeline replacement (Not codified)
92-15	07/29/92	Capital facilities fee (Not codified)
92-16	07/15/92	Obtain a line of credit (Repealed by 07-08)
92-17	08/19/92	Approving TPWD financing corporation authorizing execution and delivery of \$7 million certificates of participation (Not codified)
92-18	08/19/92	State surplus purchase (Not codified)
92-19	07/29/92	Authorize transfer of banks (Not codified)
92-20	08/26/92	Authorizing purchase contract (Not codified)

92-21	09/16/92	Annual investment of district funds (Not codified)
92-22	09/16/92	Office of emergency service (Not codified)
92-23	09/16/92	Fill board vacancy – Michelle Leahy (Not codified)
92-24	09/16/92	Abandon easements from Res. 90-1, 2 and 3 (Not codified)
92-25	12/16/92	Proposed amendment and revision to conflict of interest code (Not codified)
93-1	02/5/93	A resolution of the board of directors of the Twentynine Palms Water District commanding Robert D. Kennedy for distinguished service as the general manager of the Twentynine Palms Water District (Not codified)
93-2	02/17/93	Resolution directing forwarding to the San Bernardino County board of supervisors of the proposed revised conflict of interest code of the Twentynine Palms Water District (Not codified)
93-3	02/17/93	A resolution of the board of directors of the Twentynine Palms Water District San Bernardino County making application for an urban streams restoration grant from the state of California (Not codified)
93-4	02/17/93	Resolution authorizing the department of general services of the state of California to purchase certain items (Not codified)
93-5	02/17/93	Resolution of the Twentynine Palms Water District providing that the election of governing board members for the district be held on the same day as the statewide general election and extending the terms of present board members as allowed (denied 4/26/93 county board of supervisors)
93-6	04/21/93	Resolution appointing the directors of the Twentynine Palms Water District as the sole directors of the Twentynine Palms Water District financing corporation (3.05)
93-7	03/17/93	Resolution appointing the auditor for the Twentynine Palms Water District (Not codified)
93-8	04/21/93	A resolution of the board of directors of the Twentynine Palms Water District proclaiming the month of May, 1993 as “water awareness month” (Not codified)
93-9	04/21/93	A resolution of the board of directors of the Twentynine Palms Water District initiating proceedings for the establishment of a fire suppression assessment, preparation of the fire suppression report and fixing the time, date and place of a hearing thereon (Not codified)
93-10	04/21/93	Resolution of the Twentynine Palms Water District approving the execution and delivery of a municipal lease and option agreement and certain documents in connection therewith and certain other matters (Not codified)
93-11	05/19/93	A resolution of the board of directors of the Twentynine Palms Water District accepting grant deed (Not codified)
93-12	06/16/93	A resolution of the board of directors of the Twentynine Palms Water District accepting grant of easement from Twentynine Palms housing corporation (Not codified)
93-13	06/16/93	A resolution of the board of directors of the Twentynine Palms Water District accepting grant of easement from Guy Cartier (Not codified)
93-14	06/23/93	A resolution of the board of directors of the Twentynine Palms Water District establishing and levying a fire suppression assessment for fiscal year 1993-94 (Not codified)
93-15	06/23/93	A resolution of the board of directors of the Twentynine Palms Water District establishing a water standby assessment for fiscal year 1993-94 (Not codified)
93-16	09/15/93	State surplus purchase (Not codified)
93-17	12/15/93	Honors Owen Gillick for public service (Not codified)
93-18	12/15/93	Expresses desire to terminate Morongo Basin Joint Powers Authority (Not codified)
93-19	12/15/93	Proposes representation of special districts on county local agency formation commission (Not codified)
93-20	12/15/93	Acknowledges Roger Renquist, Sr., for public service (Not codified)
93-21	12/15/93	Acknowledges Michelle Leahy for public service (Not codified)

94-1	01/19/94	Commends Donald E. Gordon for public service (Not codified)
94-2	02/16/94	Provides workers' compensation coverage for volunteers (Not codified)
94-3	02/16/94	Fire suppression assessments (Not codified)
94-4	03/16/94	Commends Wendall Wright for public service (Not codified)
94-5	03/16/94	Concurs with ACWA/JPIA nomination (Not codified)
94-6	03/16/94	Statement of annual goals (Not codified)
94-7	03/31/94	Approves agreement for health benefits coverage (Not codified)
94-8	04/20/94	Water availability assessments (Not codified)
94-9	04/20/94	Amends regular meeting schedule (Repealed by Ord. 86)
94-10	04/20/94	Fire suppression assessments (Not codified)
94-11	04/20/94	Proclaims Water Awareness Month (Not codified)
94-12	05/18/94	Accepts grant deed (Not codified)
94-13	06/15/94	Water availability assessments (Not codified)
94-14	06/28/94	Notice of improvements completion (Not codified)
94-15	06/30/94	Grant of easement from Twentynine Palms Historical Society (Not codified)
94-16	07/20/94	Investment of district funds (Not codified)
94-17	08/17/94	Employee injury and illness prevention policy statement (Repealed by 07-01)
94-18	08/17/94	Continuation of general manager's employment (Not codified)
94-19	10/19/94	Conflict of interest code (Not codified)
94-20	10/19/94	Special water rate for one-time fire hydrant service (Not codified)
94-21	10/19/94	Opposes Bolo Station Landfill Project (Not codified)
94-22	11/16/94	Grant of easement from Daral and Rochelle Bowe (Not codified)
94-23	11/16/94	Grant of easement from Goldie M. McGrorty (Not codified)
94-24	11/16/94	Grant of easement from Ramon and Gloria Garza (Not codified)
94-25	11/16/94	Grant of easement from Roseann DeLuca (Not codified)
94-26	11/16/94	Grant of easement from Norman and Sarah Hedgecock (Not codified)
94-27	11/16/94	Expense reimbursement policies and procedures (1.20)
94-28	12/21/94	Conflict of interest code (Not codified)
95-1	02/15/95	Adopting local guidelines implementing the California Environmental Quality Act (6.05)
95-2	02/15/95	Nominates board member to ACWA/JPIA executive board (Not codified)
95-3	02/15/95	Authorizes employee participation in ACWA deferred compensation plans (Not codified)
95-4	03/01/95	Initiates procedures for fire suppression assessments (Not codified)
95-5	04/19/95	Bid award for pipeline replacement project (Not codified)
95-6	04/19/95	Adopts negative declaration concerning continuation of pipeline replacement project (Not codified)
95-7	04/19/95	Notice of contract completion (Not codified)
95-8	04/19/95	Approves adoption of public employees' deferred compensation plan (Not codified)
95-9	04/19/95	Intent to continue existing level of water availability assessments (Not codified)
95-10	05/17/95	Fire suppression assessment (Not codified)
95-11	06/21/95	Water availability assessments (Not codified)
95-12	06/21/95	Commends Leslie G. Peterson (Not codified)
95-13	06/21/95	Procedure for industrial disability retirement determinations (2.20)
95-14	06/21/95	Bid award for pipeline replacement project (Not codified)
95-15	07/05/95	Grant of easement from Vonnie L. and Marsha A. Fundin (Not codified)
95-16	07/05/95	Grant of easement from Josephine M. Manente (Not codified)
95-17	07/05/95	Grant of easement from Margaret A. Murray and Norman A. Nicolson (Not codified)
95-18	07/05/95	Investment of district funds (Not codified)
95-19	08/02/95	Authorizes execution and delivery of certificates of participation and related documents (Not codified)

95-20	08/02/95	Nominates board member for ACWA nominating committee (Not codified)
95-21	09/06/95	Supports ACWA presidential nominee (Not codified)
95-22	09/06/95	Nominates board member for NWRA board of directors and resolutions committee (Not codified)
95-23	10/16/95	Grant of easement from Twentynine Palms Lions Club (Not codified)
95-24	10/16/95	Grant of easement from Twentynine Palms Lions Club (Not codified)
95-25	10/16/95	Grant of easement from Twentynine Palms Lions Club (Not codified)
95-26	11/07/95	Grant of easement from Jack Pettee (Not codified)
95-27	11/07/95	Grant of easement from Jack Pettee (Not codified)
95-28	10/27/95	Grant of easement from Richard T. Coady (Not codified)
95-29	11/07/95	Grant of easement from James K. Arnold (Not codified)
95-30	12/06/95	Acknowledges Philip N. Fultz for public service (Not codified)
95-31	12/06/95	Acknowledges Grove S. Crank, Sr., for public service (Not codified)
95-32	12/20/95	Purchasing policy and procedures (Rescinded by 98-15)
95-33	12/20/95	Designates agency for hazardous waste and hazardous materials management (6.25)
95-34	12/20/95	Board of directors meeting schedule (Repealed by Ord. 86)
96-1	02/07/96	Supports Clean Water Desert Coalition (Not codified)
96-2	02/21/96	Authorizes access to criminal history information (4.35)
96-3	04/03/96	Grant of easement from John A. Miller (Not codified)
96-4	04/03/96	Grant of easement from John A. Miller (Not codified)
96-5	04/03/96	Grant of easement from Jackie and Sharon McClure (Not codified)
96-6	04/03/96	Grant of easement from Albert C. and Judith M. San Juan (Not codified)
96-7	04/03/96	Grant of easement from Donald E. and Constance V. Williams (Not codified)
96-8	04/03/96	Grant of easement from Ruth K. Britton (Not codified)
96-9	04/03/96	Grant of easement from Shirley A. Klein and Francis M. Smith (Not codified)
96-10	04/03/96	Grant of easement from Paul C. and Val Jean Arrasmith (Not codified)
96-11	04/03/96	Grant of easement from Clifford E. Addis (Not codified)
96-12	04/03/96	Grant of easement from Clifford E. Addis (Not codified)
96-13	04/03/96	Grant of easement from Clifford E. Addis (Not codified)
96-14	04/03/96	Grant of easement from Clifford E. Addis (Not codified)
96-15	04/03/96	Grant of easement from Laura A. Lafferty (Not codified)
96-16	04/03/96	Grant of easement from Barwood Blackwell (Not codified)
96-17	04/03/96	District employee disability determination (Not codified)
96-18	04/03/96	Disability determination by official delegate (Not codified)
96-19	04/03/96	Disability determination authority (Not codified)
96-20	04/03/96	Surplus property declaration (Not codified)
96-21	04/17/96	Accepts bid for pipeline replacement project (Not codified)
96-22	04/17/96	District auditor (Not codified)
96-23	04/17/96	Fire suppression assessments (Not codified)
96-24	04/17/96	Water availability assessments (Not codified)
96-25	05/01/96	Grant of easement from James D. and Doris A. Lawless (Not codified)
96-26	05/01/96	Grant of easement from James D. and Doris A. Lawless (Not codified)
96-27	05/01/96	Grant of easement from James D. and Doris A. Lawless (Not codified)
96-28	05/01/96	Grant of easement from James D. and Doris A. Lawless (Not codified)
96-29	05/01/96	Grant of easement from Alex Amico (Not codified)
96-30	05/01/96	Grant of easement from Deloss G. and Norma M. Edwards (Not codified)
96-31	05/01/96	Grant of easement from Deloss G. and Norma M. Edwards (Not codified)
96-32	05/01/96	Grant of easement from Lois E. Bryson Trust (Not codified)
96-33	05/01/96	Limits membership in ACWA/JPIA programs (Not codified)
96-34	05/15/96	Amends regular meeting schedule (Not codified)
96-35	06/05/96	Grant of easement from Vonnie L. and Marsha A. Fundin (Not codified)

96-36	06/05/96	Accepts bid for pipeline replacement project (Not codified)
96-37	06/05/96	Opposes exportation of district water (4.30)
96-38	06/05/96	Grants additional service credit (Not codified)
96-39	06/19/96	Fire suppression assessments (Not codified)
96-40	06/19/96	Water availability assessments (Not codified)
96-41	07/03/96	Notice of contract completion (Not codified)
96-42	07/17/96	Cancels regular board of directors meeting (Not codified)
96-43	08/21/96	Authorizes collection procedures for unpaid charges for services (Not codified)
96-44	08/21/96	Grant of easement from George R. and So D. Croft, and Rocky L. and Ginger L. Moore (Not codified)
96-45	09/18/96	Commends Fred E. Conover for public service (Not codified)
96-46	09/18/96	Authorizes representatives to acquire federal surplus property (Repealed by 99-10)
96-47	10/02/96	Amends personnel rules and regulations manual (Repealed by 77)
96-48	10/02/96	Amends personnel rules and regulations manual (Repealed by 77)
96-49	10/02/96	Board of directors meeting schedule (Repealed by Ord. 86)
96-50	10/16/96	Authorizes purchase for water treatment facility (Not codified)
96-51	10/16/96	Conflict of interest code (Not codified)
96-52	11/06/96	Affirms board prerogatives during budget reduction period (Not codified)
96-53	11/06/96	Grant of easement from Murry L. Kent (Not codified)
96-54	11/06/96	Grant of easement from Barbara R. Brink (Not codified)
96-55	11/06/96	Grant of easement from Gloria T. Chapman (Not codified)
96-56	12/04/96	Conflict of interest code (Not codified)
96-57	12/04/96	Grant of easement from George G. and Lenora P. Bowe (Not codified)
96-58	12/18/96	Amends regular meeting schedule (Not codified)
96-59	12/18/96	Amends personnel rules and regulations manual (Repealed by 77)
97-1	02/05/97	Reserves fire department funds for contractually scheduled debt payment (Not codified)
97-2	02/05/97	Authorizes transfer of bank accounts and change of signatories (Not codified)
97-3	02/05/97	Authorizes general manager to settle disputes involving cessation of employment (2.25)
97-4	02/19/97	Authorizes special election for fire suppression assessment rate determinations (Not codified)
97-5	04/16/97	1997-98 fiscal year budget (Not codified)
97-6	05/21/97	Intent to continue existing level of water availability assessments (Not codified)
97-7	05/21/97	Board of directors meeting schedule (Repealed by Ord. 86)
97-8	06/04/97	1997-98 fire department budget (Not codified)
97-9	06/18/97	Water availability assessments (Not codified)
97-10	06/18/97	Amends personnel rules and regulations manual (Repealed by 77)
97-11	07/23/97	Appoints auditor (3.05)
97-12	07/23/97	Investment of district funds (Not codified)
97-13	08/25/97	Administration of employer-employee relations (2.30)
97-14	08/25/97	Personnel committee appointments (Not codified)
97-15	08/27/97	Authorizes collection procedures for unpaid charges for services (Not codified)
97-16	08/27/97	New water service deposits (Not codified)
97-17	08/27/97	Fire protection master schedule (7.10)
97-18	08/27/97	Nomination for ACWA board member position (Not codified)
97-19	09/24/97	Fees and rates for water service (Not codified)
97-20	10/22/97	Amends regular meeting schedule (Not codified)
97-21	11/19/97	Bid award for paving and related work for pipeline replacement program (Not codified)
97-22	11/19/97	Grant of easement from Timothy Carr (Not codified)
97-23	11/19/97	Grant of easement from Gino J. Fanucchi (Not codified)
97-24	12/10/97	Recognizes C.F. "Chuck" Kaiser for service on the board of directors (Not codified)
97-25	12/10/97	Temporary water rate increase (Not codified)

98-1	01/28/98	Opposes proposed constitutional amendment (Not codified)
98-2	03/25/98	Authorizes participation with county in community development block grant program (Not codified)
98-3	03/25/98	Grant of easement from Ella T. Klusmeyer (Not codified)
98-4	04/22/98	Bid award for reservoir recoating and piping modifications (Not codified)
98-5	04/22/98	Provides workers' compensation coverage for volunteer personnel (2.40)
98-6	04/22/98	Water availability assessments (Not codified)
98-7	05/27/98	Surplus property declaration (Not codified)
98-8	05/27/98	Drug Free Workplace Act statement (2.15)
98-9	06/24/98	Water availability assessments (Not codified)
98-10	06/24/98	Water district 1998-99 fiscal year budget (Not codified)
98-11	06/24/98	Fire department 1998-99 fiscal year budget (Not codified)
98-12	07/22/98	Investment of district funds (Not codified)
98-13	09/02/98	Authorizes participation with county in community development block grant program (Not codified)
98-14	09/23/98	Conflict of interest code (Not codified)
98-15	09/23/98	Limits of water district purchasing authority (Repealed by 05-12)
98-16	09/23/98	Limits of fire department purchasing authority (Superseded by Res. 15-14)
98-17	11/24/98	Conflict of interest code (1.15)
99-1	01/27/99	Amendment and restatement of deferred compensation plan (Not codified)
99-2	02/03/99	Approves disbursement from repair and replacement fund (Not codified)
99-3	03/24/99	Water availability assessments (Not codified)
99-4	04/28/99	Bank transfer (Not codified)
99-5	04/28/99	Fees and rates for water service (7.05)
99-6	05/26/99	Fixed asset capitalization policy (4.40)
99-7	05/26/99	Water district 1999-2000 fiscal year budget (Not codified)
99-8	05/26/99	Fire department 1999-2000 fiscal year budget (Not codified)
99-9	06/23/99	Water availability assessments (Not codified)
99-10	06/23/99	Authorizes representatives to acquire federal surplus property (Repealed by 02-15)
99-11	07/28/99	Investment of district funds (3.20)
99-12	07/28/99	Nominates board member for ACWA Region 9 representative (Not codified)
99-13	08/25/99	Funding for volunteer uniforms and training (1.35)
99-14	08/25/99	Medical service training requirements (Superseded by Res. 15-14)
99-15	09/22/99	Approves requisition for disbursement from repair and replacement fund (Not codified)
99-16	10/20/99	Drug and alcohol policy for covered employees (Superseded by Res. 15-14)
99-17	11/17/99	Water district mission statement (1.10)
99-18	11/17/99	Fire department mission statement (Repealed by 06-04)
99-19	12/15/99	Acknowledges Kenneth L. Kreklau for public service (Not codified)
00-01	01/26/00	Policy on unclaimed property refund checks (4.45)
00-02	02/23/00	Authorizes application for workers' compensation self-insurance (Not codified)
00-03	03/15/00	Board of directors meeting schedule (Repealed by 01-14)
00-04	03/15/00	Limits of fire department purchasing authority (Superseded by Res. 15-14)
00-05	03/22/00	Water availability assessments (Not codified)
00-06	04/26/00	Water district 2000-01 fiscal year budget (Not codified)
00-07	04/26/00	Approves fund disbursement (Not codified)
00-08	04/26/00	Policy for identification and surplus water district material and equipment (4.50)
00-09	05/17/00	Fire department 2000-01 fiscal year budget (Not codified)
00-10	05/17/00	Policy for identification and surplus fire district material and equipment (Superseded by Res. 15-14)
00-11	06/28/00	Water availability assessments (Not codified)
00-12	06/28/00	Easement grant acceptance authority (1.35)

00-13	07/26/00	Surplus property declaration (Not codified)
00-14	07/26/00	Amends personnel rules and regulations manual (2.05)
00-15	07/26/00	Investment of district funds (3.20)
00-16	10/11/00	Volunteer firefighter Strike Team reimbursement (Repealed by Ord. 84)
00-17	10/25/00	Policy for the retention and disposal of records (4.55)
00-18	12/20/00	Recognizes Glenn A. Freshour for service on the board of directors (Not codified)
01-01	02/14/01	Fees for personnel and apparatus; repeals Res. 471 (7.15)
01-02	02/14/01	Requires fire department training programs; repeals Res. 392 (Repealed by Ord. 84)
01-03	02/28/01	Establishes fiscal agent for Contract No. E62029 (Not codified)
01-04	02/28/01	Nomination for ACWA/JPIA executive committee position (Not codified)
01-05	03/28/01	Water availability assessments (Not codified)
01-06	04/25/01	Declares intent to establish a groundwater management plan/program (Not codified)
01-07	04/25/01	Declares intent to amend PERS contract (Not codified)
01-08	04/25/01	Water district 2001-02 fiscal year budget (Not codified)
01-09	05/23/01	Authorizes amendment of PERS contract (Not codified)
01-10	05/23/01	Declares completion of construction project (Not codified)
01-11	06/13/01	Fire department 2001-02 fiscal year budget (Not codified)
01-12	06/13/01	Authorizes reduction in fire department workforce (Not codified)
01-13	06/27/01	Water availability assessments (Not codified)
01-14	06/27/01	Repeals Res. 00-03 (Repealed by 01-19)
01-15	07/18/01	Investment of district funds (3.20)
01-16	08/22/01	Authorizes filing of notice of project completion (Not codified)
01-17	08/22/01	Authorizes amendment of PERS contract (Not codified)
01-18	08/29/01	Authorizes manager to perform activities relating to APN #614-221-01 (Not codified)
01-19	09/12/01	Board of directors meeting schedule; repeals Res. 01-14 (Repealed by Ord. 86; Res. 04-04)
01-20	09/26/01	Fire department personnel rules and regulations manual (Superseded by Res. 15-14)
01-21	09/26/01	Authorizes amendment of PERS contract (Not codified)
01-22	09/26/01	Surplus property declaration (Not codified)
01-23	09/26/01	Authorizes execution of agreement for funds distribution (Not codified)
01-24	09/26/01	Surplus property declaration (Not codified)
01-25	11/28/01	Recognizes Groundwater Guardian Team (Not codified)
01-26	12/12/01	Adopts deferred compensation plan (Not codified)
02-01	01/09/02	Authorizes amendment of PERS contract (Not codified)
02-02	02/27/02	Nomination for ACWA/JPIA executive committee position (Not codified)
02-03	02/27/02	Nomination for ACWA/JPIA executive committee position (Not codified)
02-04	03/13/02	Authorizes amendment of PERS contract (Not codified)
02-05	03/13/02	Amends fire department personnel rules and regulations manual (Repealed by 02-32)
02-06	03/27/02	Approves fire station project funding (Not codified)
02-07	04/10/02	Water availability assessments (Not codified)
02-08	04/24/02	Authorizes amendment of PERS contract (Not codified)
02-09	05/22/02	Water district 2002-03 fiscal year budget (Not codified)
02-10	05/22/02	Authorizes amendment of PERS contract (Not codified)
02-11	05/22/02	Fire department 2002-03 fiscal year budget (Not codified)
02-12	06/12/02	Approves requisition for funds reimbursement (Not codified)
02-13	06/12/02	Amends Res. 01-20, fire department personnel rules and regulations manual (Repealed by 02-32)
02-14	06/26/02	Water availability assessments (Not codified)
02-15	06/26/02	Authorizes representatives to acquire federal surplus property; repeals Res. 99-10 (Repealed by Res. 09-19)
02-16	07/24/02	Adopts deferred compensation plan (Not codified)

02-17	08/28/02	Conflict of interest code (1.15)
02-18	08/28/02	Authorizes amendment of PERS contract (Not codified)
02-19	08/28/02	Amends deferred compensation plan (Not codified)
02-20	08/28/02	Limits of fire department purchasing authority (Superseded by Res. 15-14)
02-21	09/09/02	Transfers bank accounts (Not codified)
02-22	09/09/02	Authorizes refunding of certificates of participation (Not codified)
02-23	09/25/02	Approves installment sale agreement for certificates (Not codified)
02-24	09/25/02	Authorizes property purchase (Not codified)
02-25	10/09/02	Amends Res. 01-20, fire department personnel rules and regulations manual (Superseded by Res. 15-14)
02-26	10/23/02	Investment of district funds (3.20)
02-27	10/23/02	Authorizes bank trusteeship changes (Not codified)
02-28	11/13/02	Amends Res. 02-25, fire department personnel rules and regulations manual (Superseded by Res. 15-14)
02-29	11/13/02	Authorizes execution of grant funds (Not codified)
02-30	12/18/02	Special district risk management authority joint powers agreement (Not codified)
02-31	12/18/02	Special district risk management authority joint powers agreement (Not codified)
02-32	12/18/02	Rescinds Resos. 02-05 and 02-13 (Repeater)
03-01	01/15/03	Authorizes bond proceeds in local agency investment fund (Not codified)
03-02	01/22/03	Authorizes investment of monies in local agency investment fund (Not codified)
03-03	02/12/03	Authorizes appropriations for downtown fire station improvements (Not codified)
03-04	03/26/03	Water availability assessments (Not codified)
03-05	04/09/03	CPR and first aid training fees (7.25)
03-06	04/23/03	Authorizes closing of bank accounts (Not codified)
03-07	05/28/03	Water district 2003-04 fiscal year budget (Not codified)
03-08	05/28/03	Investment of district funds (3.20)
03-09	05/28/03	Authorizes Union Bank agreements (Not codified)
03-10	06/25/03	Water availability assessments (Not codified)
03-11	06/25/03	Fees and rates for water service (Repealed by 03-16)
03-12	06/25/03	Fire department 2003-04 fiscal year budget (Not codified)
03-13	07/16/03	Approves requisition for funds reimbursement (Not codified)
03-14	07/16/03	Fire department 2003-04 fiscal year budget (Not codified)
03-15	08/20/03	Capital impact fees (7.05)
03-16	08/20/03	Fees and rates for water service; rescinds Res. 03-11 (7.05)
03-17	11/05/03	Limits of fire department purchasing authority (Repealed by 04-08)
03-18	11/19/03	Commends Richard L. Morning for service to district (Not codified)
03-19	11/19/03	Fire protection services tax special election (Not codified)
03-20	11/19/03	Appropriations limits for fiscal years 1997-98 through 2002-03 (Not codified)
03-21	11/19/03	Appropriations limit for fiscal year 2003-04 (Not codified)
03-22	12/17/03	Adopts Urban Water Management Plan update (Not codified)
03-23	12/17/03	Amends 2003-04 water district budget (Not codified)
04-01	01/14/04	Amends 2003-04 fire department budget (Not codified)
04-02	01/28/04	Adopts Urban Water Management Plan update (Not codified)
04-03	03/24/04	Water availability assessments (Not codified)
04-04	03/24/04	Board of directors meeting schedule (Repealed by 05-06)
04-05	04/21/04	Surplus property declaration (Not codified)
04-06	04/28/04	Approves requisition for funds reimbursement (Not codified)
04-07	05/12/04	Fire department 2004-05 fiscal year budget (Not codified)
04-08	05/12/04	Limits of fire department purchasing authority; rescinds Res. 03-17 (Repealed by 04-11)
04-09	05/12/04	Sale of APN #617-292-01 (Not codified)
04-10	05/26/04	Water district 2004-05 fiscal year budget (Not codified)

04-11	06/09/04	Limits of fire department purchasing authority; rescinds Res. 04-08 (Repealed by 07-07)
04-12	06/09/04	Appropriations limit for fiscal year 2004-05 (Not codified)
04-13	06/23/04	Water availability assessments (Not codified)
04-14	07/14/04	Surplus property declaration (Not codified)
04-15	07/28/04	Investment of district funds (3.20)
04-16	08/25/04	Amends conflict of interest code (1.15)
04-17	08/25/04	Amends water district 2004-05 fiscal year budget (Not codified)
04-18	09/08/04	Amends fire district 2004-05 fiscal year budget (Not codified)
04-19	09/22/04	Sale of APNs #612-231-01, #615-085-06, #615-085-07, #616-011-10 and #617-202-08 (Not codified)
04-20	10/27/04	Proclaims "Change Your Clock, Change Your Battery Day" (Not codified)
04-21	11/17/04	Fire protection services tax special election (Not codified)
04-22	12/15/04	Authorizes investment of monies in local agency investment fund (Not codified)
05-01	01/26/05	Commends Tina Johnson for service to district (Not codified)
05-02	02/23/05	Nomination for ACWA/JPIA executive committee position (Not codified)
05-03	03/23/05	Local hazard mitigation plan (6.35)
05-04	03/23/05	Water availability assessments (Not codified)
05-05	04/13/05	Amends fire department 2004-05 fiscal year budget (Not codified)
05-06	04/27/05	Rescinds Res. 04-04, board of directors meeting schedule (Repealer)
05-07	05/11/05	Fire department 2005-06 fiscal year budget (Not codified)
05-08	05/11/05	Appropriations limit for fiscal year 2005-06 (Not codified)
05-09	06/22/05	Water district 2005-06 fiscal year budget (Not codified)
05-10	06/22/05	Water availability assessments (Not codified)
05-11	07/27/05	Investment of district funds (3.20)
05-12	07/27/05	Limits of water district purchasing authority; rescinds Res. 98-15 (4.25)
05-13	09/28/05	Proclaims fire prevention week (Not codified)
05-14	10/26/05	Proclaims "Change Your Clock, Change Your Battery Day" (Not codified)
05-15	11/16/05	Amends fire department 2005-06 fiscal year budget (Not codified)
05-16	11/16/05	Amends fire department 2005-06 fiscal year budget (Not codified)
05-17	12/14/05	Adopts Urban Water Management Plan update (Not codified)
06-01	1/25/06	Authorizes closing of Union Bank of California bank accounts (Not codified)
06-02	1/25/06	Surplus property declaration (Not codified)
06-03	3/22/06	Water availability assessments (Repealed by 06-07)
06-04	3/22/06	Fire department mission statement; rescinds Res. 99-18 (Superseded by Res. 15-14)
06-05	4/26/06	Proclaims "Water Awareness Month" (Not codified)
06-06	4/26/06	Funds appropriation (Not codified)
06-07	5/24/06	Water availability assessments; rescinds Res. 06-03 (Not codified)
06-08	5/24/06	Retention of records (4.55)
06-09	5/24/06	Fire department 2006-07 fiscal year budget (Not codified)
06-10	5/24/06	Adjusts volunteer fire department personnel compensation (Repealed by 07-16)
06-11	6/14/06	Water availability assessments (Not codified)
06-12	6/14/06	Water district 2006-07 fiscal year budget (Not codified)
06-13	6/14/06	First Bankcard business card agreement (Not codified)
06-14	6/14/06	Appropriations limit for fiscal year 2006-07 (Not codified)
06-15	6/14/06	Amends fire department 2005-06 fiscal year budget (Not codified)
06-16	8/23/06	Use of district property and facilities (4.05)
06-17	6/26/06	Investment of district funds (3.20)
06-18		Omitted
06-19		Omitted
06-20	9/27/06	Conflict of interest code (1.15)
06-21	9/27/06	Proclaims "Fire Prevention Week" (Not codified)

06-22	10/25/06	Proclaims “Change Your Clock, Change Your Battery Day” (Not codified)
06-23	10/25/06	Amends fire department 2006-07 fiscal year budget (Not codified)
06-24	11/15/06	National Incident Management System (6.40)
07-01	1/24/07	Employee injury and illness prevention program; rescinds Res. 94-17 (2.10)
07-02	1/24/07	Amends fire department 2006-07 fiscal year budget (Not codified)
07-03	2/28/07	Nomination for ACWA/JPIA vice president (Not codified)
07-04	3/28/07	Water availability assessments (Repealed by 07-11)
07-05	3/28/07	Packaged on-site wastewater treatment facility oversight (6.45)
07-06	4/25/07	Proclaims “Water Awareness Month” (Not codified)
07-07	4/25/07	Limits of fire department purchasing authority; rescinds Res. 04-11 (Repealed by 10-13)
07-08	5/23/07	Rescinds § 3.05.020, line of credit (Repealer)
07-09	5/23/07	Fire department 2007-08 fiscal year budget (Not codified)
07-10	5/23/07	Appropriations limit for fiscal year 2007-08 (Not codified)
07-11	5/23/07	Water availability assessments; rescinds Res. 07-04 (Not codified)
07-12	5/23/07	Special district risk management authority joint powers agreement (Not codified)
07-13	6/13/07	Commends Charles F. Massey for service to district (Not codified)
07-14	6/13/07	Water availability assessments (Not codified)
07-15	6/13/07	Water district 2007-08 fiscal year budget (Not codified)
07-16	6/13/07	Volunteer fire department personnel compensation; rescinds Res. 06-10 (Repealed by 08-06)
07-17	7/25/07	Investment of district funds (3.20)
07-18	8/22/07	Amends water district 2007-08 fiscal year budget (Not codified)
07-19	9/26/07	Proclaims “Fire Prevention Week” (Not codified)
07-20	10/24/07	Proclaims “Change Your Clock, Change Your Battery Day” (Not codified)
07-21	12/19/07	Recognizes Edith E. Carter for service to district (Not codified)
08-01	2/27/08	Approves nomination of Mary M. Gibson to ACWA/JPIA executive committee (Not codified)
08-02	3/26/08	Water availability assessments (Not codified)
08-03	4/23/08	Proclaims “Water Awareness Month” (Not codified)
08-04	5/28/08	Fire department 2008-09 fiscal year budget (Not codified)
08-05	5/28/08	Appropriations limit for fiscal year 2008-09 (Not codified)
08-06	5/28/08	Volunteer fire department personnel compensation; rescinds Res. 07-16 (Repealed by 09-13)
08-07	6/25/08	Water availability assessments (Not codified)
08-08	6/25/08	Water district 2008-09 fiscal year budget (Not codified)
08-09	6/25/08	Intent to amend groundwater management plan (Not codified)
08-10	7/23/08	Investment of district funds (3.20)
08-11	8/27/08	Adopts fraud prevention policy (2.45)
08-12	9/24/08	Amends water district purchasing policy (4.25)
08-13	9/24/08	Amends fire department 2008-09 fiscal year budget (Not codified)
08-14	9/24/08	Recognizes fire department fiftieth anniversary (Not codified)
08-15	9/24/08	Proclaims “Fire Prevention Week” (Not codified)
08-16	10/22/08	Authorizes establishment of line of credit (Not codified)
08-17	10/22/08	Proclaims “Change Your Clock, Change Your Battery Day” (Not codified)
08-18	12/19/08	Adopts nitrate infiltration response policy (6.50)
08-19	12/19/08	Authorizes closure of bond account (Not codified)
08-20	12/19/08	Authorizes opening of new payroll bank account (Repealed by 09-22)
09-01	1/28/09	Payment of employer paid member contributions to the California Public Employees Retirement System (Not codified)
09-02	2/25/09	Authorizes and changes district's odd-year election date to an August all-mail ballot election; supersedes Ord. 93-5 (1.40)

09-03	2/25/09	Amends fire department 2008-09 fiscal year budget (Not codified)
09-04	2/25/09	Amends fire department 2008-09 fiscal year budget (Not codified)
09-05	3/25/09	Water availability assessments (Not codified)
09-06	3/25/09	Amends fire department personnel rules and regulations (Superseded by Res. 15-14)
09-07	4/22/09	Proclaims "Water Awareness Month" (Not codified)
09-08	4/22/09	Tickets and/or passes distribution policy (2.50)
09-09	5/27/09	Adopts water district 2009-10 fiscal year budget (Not codified)
09-10	5/27/09	Amends water district 2008-09 fiscal year budget (Not codified)
09-11	5/27/09	Adopts fire department 2009-10 fiscal year budget (Not codified)
09-12	5/27/09	Appropriations limit for fiscal year 2009-10 (Not codified)
09-13	5/27/09	Volunteer fire department personnel compensation; rescinds Res. 08-06 (Repealed by 10-10)
09-14	6/24/09	Water availability assessments (Not codified)
09-15	7/22/09	Authorizing acquisition of property (Not codified)
09-16	7/22/09	Authorizing acquisition of property (Not codified)
09-17	7/22/09	Authorizing acquisition of property (Not codified)
09-18	7/22/09	Investment of district funds (3.20)
09-19	8/26/09	Authorizes representatives to acquire federal surplus property; repeals Res. 02-15 (Not codified)
09-20	8/26/09	Nomination for ACWA vice president (Not codified)
09-21	9/23/09	Proclaims "Fire Prevention Week" (Not codified)
09-22	10/28/09	Authorizes transfer of banks; rescinds Res. 08-20 (Repealed by 16-10)
09-23	10/28/09	Proclaims "Change Your Clock, Change Your Battery Day" (Not codified)
09-24	11/18/09	Approves a mitigated negative declaration; approving the fluoride removal treatment plant wastewater disposal project; authorizing filing of notice of determination and paying associated filing fees (Not codified)
09-25	11/18/09	Recognizing Alan R. Anthony for public service as a director of the water district (Not codified)
09-26	11/18/09	Recognizing Milford "Jim" Yockey for public service as a director of the water district (Not codified)
10-01	2/24/10	Amends fire department 2009-10 fiscal year budget (Not codified)
10-02	3/24/10	Water availability assessments (Not codified)
10-03	4/28/10	Proclaims "Water Awareness Month" (Not codified)
10-04	4/28/10	Surplus property declaration (Not codified)
10-05	4/28/10	Surplus property declaration (Not codified)
10-06	5/26/10	Adopts water district 2010-11 fiscal year budget (Not codified)
10-07	5/26/10	Authorizing acquisition of property (Not codified)
10-08	5/26/10	Adopts fire department 2010-11 fiscal year budget (Not codified)
10-09	5/26/10	Appropriations limit for fiscal year 2010-11 (Not codified)
10-10	5/26/10	Volunteer fire department personnel compensation; rescinds Res. 09-13 (Repealed by 11-13)
10-11	5/26/10	Opposes California Senate Bill 1258 "Emergency Response Initiative" (Not codified)
10-12	6/23/10	Water availability assessments (Not codified)
10-13	6/23/10	Fire department purchasing authority; rescinds Res. 07-07 (Superseded by Res. 15-14)
10-14	7/28/10	Investment of district funds (3.20)
10-15	9/22/10	Amends water district 2010-11 fiscal year budget (Repealed by 10-19)
10-16	9/22/10	Proclaims "Fire Prevention Week" (Not codified)
10-17	10/27/10	Amends water district 2010-11 fiscal year budget (Not codified)
10-18	10/27/10	Proclaims "Change Your Clock, Change Your Battery Day" (Not codified)
10-19	11/17/10	Rescinds Res. 10-15, amending water district 2010-11 fiscal year budget (Repeater)
10-20	12/15/10	Adopts code of conduct for board of directors (1.13)

11-01	1/26/11	Authorizes grant of easement (Not codified)
11-02	2/23/11	Water-efficient landscaping and green building standards (6.20)
11-03	3/23/11	CEQA mitigated negative declaration (Not codified)
11-04	3/23/11	Water availability assessments (Not codified)
11-05	4/27/11	Nonpotable water service rate (7.05)
11-06	4/27/11	Proclaims "Water Awareness Month" (Not codified)
11-07	4/27/11	Determining compliance with capital impact fee rules (Not codified)
11-08	4/27/11	Amends fire department 2010-11 fiscal year budget (Not codified)
11-09	5/25/11	Adopts water district 2011-12 fiscal year budget (Not codified)
11-10	5/25/11	Fund balance accounting and reporting policy (3.25)
11-11	5/25/11	Adopts fire department 2011-12 fiscal year budget (Not codified)
11-12	5/25/11	Appropriations limit for fiscal year 2011-12 (Not codified)
11-13	5/25/11	Volunteer fire department personnel compensation; rescinds Res. 10-10 (Repealed by 12-11)
11-14	6/22/11	Water availability assessments (Not codified)
11-15	6/22/11	Adopts 2010 urban water management plan (Not codified)
11-16	7/27/11	Investment of district funds (3.20)
11-17	7/27/11	Amends water district 2010-11 fiscal year budget (Not codified)
11-18	8/24/11	Authorizes grant of easement (Not codified)
11-19	9/28/11	Proclaims "Fire Prevention Week" (Not codified)
11-20	10/26/11	Proclaims "Change Your Clock, Change Your Battery Day" (Not codified)
11-21	11/21/11	Concurs with nomination of Judy Corl-Lorono to board of directors of ACWA HBA (Not codified)
11-22	12/21/11	Amends Res. 03-16, service application deposits (7.05)
11-23	12/21/11	Amends water district 2011-12 fiscal year budget (Not codified)
11-24	12/21/11	Amends Res. 02-16, deferred compensation plan (Not codified)
12-01	2/22/12	Amends Res. 03-16, new service installation charges (7.05)
12-02	2/22/12	Determining compliance with capital impact fee rules (Not codified)
12-03	2/22/12	Endorses Measures H and I (Not codified)
12-04	3/28/12	Water availability assessments (Not codified)
12-05	4/25/12	Consents to join health benefits program (Not codified)
12-06	5/23/12	Adopts water district 2012-13 fiscal year budget (Not codified)
12-07	6/27/12	Water availability assessments (Not codified)
12-08	6/27/12	Commends Judy K. Hinson for over 30 years of public service (Not codified)
12-09	6/27/12	Adopts fire department 2012-13 fiscal year budget (Not codified)
12-10	6/27/12	Appropriations limit for fiscal year 2012-13 (Not codified)
12-11	6/27/12	Volunteer fire department personnel compensation; rescinds Res. 11-13 (Repealed by 13-12)
12-12	7/25/12	Investment of district funds (3.20)
12-13	9/26/12	Proclaims "Fire Prevention Week" (Not codified)
12-14	10/24/12	Proclaims "Change Your Clock, Change Your Battery Day" (Not codified)
12-15	11/28/12	Commends Mike Wright for distinguished public service (Not codified)
13-01	3/27/13	Water availability assessments (Not codified)
13-02	3/27/13	Payment of employer paid member contributions (Not codified)
13-03	4/24/13	Amends § 4.40.010, fixed asset capitalization policy (4.40)
13-04	4/24/13	Payment of employer paid member contributions (Not codified)
13-05	4/24/13	Tax deferment of employer paid member contributions (Not codified)
13-06	5/22/13	Payment of employer paid member contributions (Not codified)
13-07	6/26/13	Water availability assessments (Not codified)
13-08	6/26/13	Adopts water district 2013-14 fiscal year budget (Not codified)
13-09	6/26/13	Payment of district side fund (Not codified)

13-10	6/26/13	Adopts fire department 2013-14 fiscal year budget (Not codified)
13-11	6/26/13	Appropriations limit for fiscal year 2013-14 (Not codified)
13-12	6/26/13	Volunteer fire department personnel compensation; rescinds Res. 12-11 (Repealed by 14-10)
13-13	7/24/13	Supports inclusion of district service area within integrated regional water management plan boundary (Not codified)
13-14	8/28/13	Investment of district funds (3.20)
13-15	8/28/13	Amends water district 2013-14 fiscal year budget (Not codified)
13-16	9/25/13	Proclaims "Fire Prevention Week" (Not codified)
13-17	9/25/13	Declares intention to amend groundwater management plan (Not codified)
13-18	10/23/13	Commends Craig Walker for distinguished public service (Not codified)
13-19	10/23/13	Proclaims "Change Your Clock, Change Your Battery Day" (Not codified)
13-20	11/20/13	Commends Philip C. Cisneros for distinguished public service (Not codified)
13-21	12/18/13	Adopts premium only Section 125 plan (Not codified)
14-01	1/22/14	Elections; rescinds Res. 09-02 (Repealed by 14-04)
14-02	2/26/14	Safe Drinking Water State Revolving Fund (SDWSRF) planning application funding (Not codified)
14-03	3/26/14	Water availability assessments (Not codified)
14-04	4/23/14	Reestablishes Res. 09-02; rescinds Res. 14-01, elections (1.40)
14-05	4/23/14	Declares "Water Awareness Month" (Not codified)
14-06	6/25/14	Water availability assessments (Not codified)
14-07	6/25/14	Adopts water district 2014-15 fiscal year budget (Not codified)
14-08	6/25/14	Adopts fire department 2014-15 fiscal year budget (Not codified)
14-09	6/25/14	Appropriations limit for fiscal year 2014-15 (Not codified)
14-10	6/25/14	Volunteer fire department personnel compensation; rescinds Res. 13-12 (Repealed by 15-12)
14-11	7/23/14	Investment of district funds (3.20)
14-12	8/27/14	Mandatory restrictions on water use (Repealed by 15-07)
14-13	9/24/14	Proclaims "Fire Prevention Week" (Not codified)
14-14	10/22/14	Proclaims "Change Your Clock, Change Your Battery Day" (Not codified)
14-15	11/19/14	Proposal for Department of Water Resources 2014 Water-Energy Grant funding (Not codified)
15-01	3/25/15	Water availability assessments (Not codified)
15-02	3/25/15	Establishes reserve policy (3.30)
15-03	3/25/15	Surplus property declaration (Not codified)
15-04	4/22/15	Adopts mitigated negative declaration for the Well 7B and New Storage Reservoir Project (Not codified)
15-05	4/22/15	Requests district's August odd-year all-mailed ballot election change to November polling place election (1.40)
15-06	4/22/15	Surplus property declaration (Not codified)
15-07	5/27/15	Mandatory restrictions on water use (Repealed by 17-06)
15-08	6/24/15	Water availability assessments (Not codified)
15-09	6/24/15	Adopts water district 2015-2016 fiscal year budget (Not codified)
15-10	6/24/15	Adopts fire department 2015-2016 fiscal year budget (Not codified)
15-11	6/24/15	Appropriations limit for fiscal year 2015-2016 (Not codified)
15-12	6/24/15	Volunteer fire department personnel compensation; rescinds Res. 14-10 (Not codified)
15-13	8/26/15	Amends water district 2015-2016 fiscal year budget (Not codified)
15-14	8/26/15	Requests local agency formation commission to take proceedings for sphere of influence amendment and reorganization of Twentynine Palms fire department and San Bernardino County fire protection district (4.05, 5.05, 6.10, 7.20)
15-15	9/23/15	Proclaims "Fire Prevention Week" (Not codified)

15-16	10/28/15	Proclaims “Change Your Clock, Change Your Battery Day” (Not codified)
15-17	12/16/15	Designates general manager as representative to apply for potable groundwater management project funding (Not codified)
16-01	2/8/16	Amends Res. 15-12, volunteer fire department personnel compensation (Not codified)
16-02	2/24/16	Investment policy (3.20)
16-03	3/23/16	Water availability assessments (Not codified)
16-04	4/27/16	Approves adoption of Public Agencies Post-Employment Benefits Trust (Not codified)
16-05	4/27/16	Amends water district purchasing policy (4.25)
16-06	4/27/16	Declares “Water Awareness Month” (Not codified)
16-07	6/22/16	Water availability assessments (Not codified)
16-08	6/22/16	Adopts water district 2016-2017 fiscal year budget (Not codified)
16-09	6/22/16	Adopts 2015 urban water management plan and water shortage contingency plan (Not codified)
16-10	6/22/16	Authorizes transfer of banks; rescinds Res. 09-22 (Not codified)
16-11	7/27/16	Commends Jim Thompson for public service as fire chief (Not codified)
16-12	8/24/16	Employee/family emergency plan (6.40)
16-13	8/24/16	Emergency response plan (6.40)
16-14	9/7/16	Amends water district purchasing policy (4.25)
16-15	9/28/16	Waiver of late fees (7.30)
16-16	9/28/16	Surplus property declaration (Not codified)
16-17	9/28/16	Agreement for California Employers’ Retiree Benefit Trust program (Not codified)
16-18	10/26/16	Adopts wastewater master plan (6.55)
17-01	1/25/17	Adopts amendments to urban water management plan and water shortage contingency plan (Not codified)
17-02	1/25/17	Pledges funds for potable groundwater management project repayment (Not codified)
17-03	2/22/17	Investment policy (3.20)
17-04	2/22/17	Concurs with nomination of Kathleen J. Tiegs to the Association of California Water Agencies Joint Powers Insurance Authority executive committee (Not codified)
17-05	3/22/17	Water availability assessments (Not codified)
17-06	4/26/17	Repeals Res. 15-07, water use restrictions (Repealer)
17-07	5/24/17	Workers’ compensation program (2.55)
17-08	5/24/17	Certificate of consent to self-insure workers’ compensation liabilities (2.55)
17-09	6/28/17	Water availability assessments (Not codified)
17-10	6/28/17	Adopts water district 2017-2018 fiscal year budget (Not codified)
17-11	6/28/17	Debt management policy (3.35)
17-12	8/23/17	Length of service recognition policy (2.60)
17-13	11/15/17	Recognizes Roger Shinaver for public service as director (Not codified)
17-14	12/20/17	Legislative and regulatory policy principles (4.60)
18-01	2/28/18	Investment policy (3.20)
18-02	2/28/18	Employee manual (2.05)
18-03	2/28/18	Surplus property declaration (Not codified)
18-04	3/28/18	Water availability assessments (Not codified)
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18-10	6/27/18	Amends Res. 89-23, organizational chart and job descriptions for all district positions (Not codified)

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18-14	10/24/18	Amends § 7.05.030(3)(b), capital impact fees (7.05)
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## INDEX PREFACE

The index to the code is primarily for assisting the code user to find provisions not readily accessible through the table of contents. An index entry has been created for each section of the code.

## CROSS-REFERENCES

Cross-references have been included to assist the user in finding code provisions indexed under another heading. If the index does not appear to list a topic, the code may not regulate the provision.

The following kinds of cross-references appear in the index:

<i>Entry</i>	<i>Purpose/Description</i>
<i>See also</i> <b>Zoning</b>	Additional entries on the subject may appear in <b>Zoning</b>
<b>Airport</b> <i>See</i> <b>Zoning</b>	The entry for <b>Airport</b> appears as a subheading under <b>Zoning</b>
<b>Animal control officer</b> <i>See under</i> <b>Animal</b>	The entry appears as a subheading under a different heading
<i>See also</i> definitions <i>under</i> Character generators.	There are additional, and related, entries under a separate subheading under the same main heading
<b>Cafe</b> <i>See</i> <b>Cabaret</b>	No entry for <b>Cafe</b> , but refers user to a related subject

The code is also available in electronic format.

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