

**Twentynine Palms
Water District
2020 Water Shortage
Contingency Plan**

June 2021

Prepared for
Twentynine Palms Water District
72401 Hatch Road
Twentynine Palms, CA 92277

K/J Project No. 2044232.00

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DWR Checklist Table for WSCP

Water Code Section	Summary as Applies to UWMP	2020 WSCP Location
Subject: Water Shortage Contingency Planning 2020 UWMP Guidebook Location: Chapter 8		
10632(a)	Provide a water shortage contingency plan (WSCP) with specified elements below.	Full Document
10632(a)(2)(A)	Provide the written decision-making process and other methods that the supplier will use each year to determine its water reliability.	2.5
10632(a)(2)(B)	Provide data and methodology to evaluate the supplier's water reliability for the current year and one dry year pursuant to factors in the code.	Section 2
10632(a)(3)(A)	Define six standard water shortage levels of 10, 20, 30, 40, 50 percent shortage and greater than 50 percent shortage. These levels shall be based on supply conditions, including percent reductions in supply, changes in groundwater levels, changes in surface elevation, or other conditions. The shortage levels shall also apply to a catastrophic interruption of supply.	Section 3.1
10632(a)(3)(B)	Suppliers with an existing water shortage contingency plan that uses different water shortage levels must cross reference their categories with the six standard categories.	Section 3.1
10632(a)(4)(A)	Suppliers with water shortage contingency plans that align with the defined shortage levels must specify locally appropriate supply augmentation actions.	Section 3.3
10632(a)(4)(B)	Specify locally appropriate demand reduction actions to adequately respond to shortages.	Section 3.4
10632(a)(4)(C)	Specify locally appropriate operational changes.	Section 3.5
10632(a)(4)(D)	Specify additional mandatory prohibitions against specific water use practices that are in addition to state- mandated prohibitions are appropriate to local conditions.	Section 3.7.4
10632(a)(4)(E)	Estimate the extent to which the gap between supplies and demand will be reduced by implementation of the action.	Table 3.4, 3.7
10632(a)(5)(A)	Suppliers must describe that they will inform customers, the public and others regarding any current or predicted water shortages.	Section 4.1
10632(a)(5)(B) 10632(a)(5)(C)	Suppliers must describe that they will inform customers, the public and others regarding any shortage response actions triggered or anticipated to be triggered and other relevant communications.	Table 4.1
10632(a)(7)(A)	Describe the legal authority that empowers the supplier to enforce shortage response actions.	Section 6
10632(a)(7)(B)	Provide a statement that the supplier will declare a water shortage emergency Water Code Chapter 3.	Chapter 3
10632(a)(7)(C)	Provide a statement that the supplier will coordinate with any city or county within which it provides water for the possible proclamation of a local emergency.	Section 4.1
10632(a)(8)(A)	Describe the potential revenue reductions and expense increases associated with activated shortage response actions.	Section 7.1
10632(a)(8)(B)	Provide a description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions.	Section 7.3
10632(a)(8)(C)	Describe the cost of compliance with Water Code Chapter 3.3: Excessive Residential Water Use During Drought.	Table 7-1
10632(a)(9)	Retail suppliers must describe the monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance.	Section 5.2
10632(a)(10)	Describe reevaluation and improvement procedures for monitoring and evaluation the water shortage contingency plan to ensure risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented.	Section 1.4
10632(b)	Analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas.	Section 3.4

Chapter 1: Introduction

Water supplies may be interrupted or reduced significantly in a number of ways, such as a drought that limits supplies, an earthquake that damages water delivery or storage facilities, a regional power outage or a toxic spill that affects water quality. This Plan addresses the requirements in the California Water Code Section 10632, which requires that every urban water supplier shall prepare and adopt a Water Shortage Contingency Plan (WSCP, Plan) as part of its Urban Water Management Plan (UWMP). This WSCP serves as a guide for the intended actions by Twentynine Palms Water District (TPWD, the District) during water shortage conditions to improve preparedness for droughts and other impacts on water supplies by describing the process used to address varying degrees of water shortages.

This WSCP describes the actions TPWD will take to identify and respond to water shortage.

1.1 Declaration of Purpose of WSCP

The WSCP adopts regulations and restrictions on outdoor water use through the six standard water shortage stages, including domestic (residential), commercial/institutional/industrial, landscape, parks, and golf courses, and agriculture. These regulations are effective immediately and shall be effective until the District Board of Directors finds that water shortage no longer exists.

The overall principle of the District's WSCP is to reliably meet water demands during shortages caused by droughts, supply reductions and emergency conditions.

The purpose of the WSCP is to:

- Monitor and compare anticipated supplies and demands consistent with Water Code Section Water Code Section 10632(a)(2);
- Keep water use within supply and delivery capability;
- Define procedures to be used when supply cannot meet demand or continuing pumping will result in harm to supply source;
- Familiarize all of TPWD customers (residential, business, industrial, institutional/governmental and others) with procedures to be implemented when voluntary or mandatory water restrictions are in effect.

The District has developed a Draft Water Shortage Contingency Ordinance (included in Appendix A) that provides a framework and guides the District actions in the event of a water shortage emergency. The draft ordinance includes voluntary and mandatory stages to address a reduction in water supply, at various levels as noted in Table 3-1, to reduce demand by up to 50%. Prohibitions, penalties and financial impacts of shortages have been developed by the District and are summarized in Section 7.

1.2 Reduced Water Use During Water Shortage Events

This WSCP establish changes that may be imposed on water users during Water Shortage Events. Such events may be a lengthy drought that has limited groundwater supplies, the sudden presence of an unforeseen contaminant, which may require shutting the main groundwater pumping system, or an emergency condition brought about by an earthquake, fire, or other interruption in water delivery to the system. These actions are discussed in later sections of this WSCP.

A consideration for planning is water needed (gallons per capita per day [gpcd]) to maintain health and safety. The American Water Works Association (AWWA 2011) suggests that on the high end, water necessary for health and safety is 58 gpcd. AWWA suggests that with water savings fixtures and habit changes water needed for health and safety can be as low as 30 gpcd (AWWA 2011). These estimates are consistent with the amount of water recommended for health and safety by the US Bureau of Reclamation, which uses 50 gpcd for drought planning purposes (Reclamation 2010).

1.3 Plan Preparation, Adoption, Submittal and Availability

The District began preparation of this Plan in December 2020. The public hearing for the Water Shortage Contingency Plan was noticed in the local newspapers (The Desert Star), as prescribed in Government Code 6066, which included the time and place of the hearing (June 23, 2021 at the District's office located at 72401 Hatch Rd in Twentynine Palms), as well as the location where the plan was available for public inspection. Interested parties, including other local agencies, were notified of the public hearing. The 2020 UWMP was made available from the District's website for public inspection prior to the public hearing, so that comments could be received and discussed by the District's Board of Directors prior to plans adoption on June 23, 2021 at the District's office.

The final draft of the Plan was adopted by the Board of Directors by Resolution No. 2021-0XX (provided in Appendix B) and was submitted to the Department of Water Resources (DWR) within 30 days of approval. Additionally, the adopted plan will be made available per the requirements of the Water Code.

Starting in 2020, urban water suppliers are required to report and submit information related to the Water Shortage Contingency Plan in standardized tables developed by DWR. These standardized tables are provided as Appendix C of this document.

1.4 Water Shortage Event Contingency Plan Refinement Procedures

The District will convene the following departmental staff as needed to refine the WSCP:

- Treatment Plant Staff
- Administrative Staff
- Operational Staff

The WSCP will be updated and refined as appropriate and needed following significant changes to the District's groundwater supply and groundwater quality, but no less than every 5 years.

1.5 Relationship to the Urban Water Management Plan

Water Code Section 10632(a) requires that every urban water supplier prepare and adopt a water shortage contingency plan as part of its urban water management plan. While the water shortage contingency plan is a stand-alone document it is updated and adopted in concert with the UWMP. Content of the water shortage are informed by the analysis of water supply reliability conducted to Water Code Section 10635 (contained in Section 6 of the UWMP). The reliability analysis of the UWMP is considered “normal”, “single-dry”, and “5-year drought”. The reliability analysis in the 2020 UWMP found:

At the time of WSCP adoption the UWMP was still in draft. The draft of the UWMP found:

Factors in the District’s reliability include infrastructure (e.g., aging wells, need for new wells) and drought. While it is necessary for the District to implement planned water supply projects and WSCP action, total supplies is anticipated to be higher than projected gross water use. The District may call on existing customers to undertake conservation, if needed.

Table 1-1 Near Term Water Supply Reliability Assuming 5-Year Drought

Parameter	2021	2022	2023	2024	2025
Gross Water Use	2,610	2,713	2,838	2,930	3,054
Total Supplies	6,995	6,995	6,995	6,995	6,995
Surplus/Shortfall w/o WSCP Action	4,385	4,282	4,157	4,065	3,941
WSCP - supply augmentation benefit	N/A	N/A	N/A	N/A	N/A
WSCP - use reduction savings benefit	N/A	N/A	N/A	N/A	N/A
Revised Surplus/(shortfall)	N/A	N/A	N/A	N/A	N/A
Resulting % Use Reduction from WSCP action	N/A	N/A	N/A	N/A	N/A

Note: Reformatted from UWMP Guidebook, Table 7-5 Five-Year Drought Risk Assessment Tables to address Water Code Section 10635(b)

Chapter 2: Annual Water Supply and Demand Assessment Procedures

California Water Code Division 1, Section 350, states:

“The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, shall declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.”

These Annual Assessment procedures described herein are one tool to be used to determine if a water shortage is to be declared.

New provisions in Water Code Section 10632.1. require that an urban water supplier such as the District, conduct an annual water supply and demand assessment (“Annual Assessment”), on or before July 1 of each year, to be submitted to DWR. The requirement to perform the Annual Assessment begins in July 2022.

Droughts occur with unpredictable frequency, intensity and duration. Developing and maintaining a healthy groundwater supply to serve its customers has always been an ongoing District priority, and the District wants to be prepared for drought and water shortages. The District regularly monitors its water supplies and demands and produces a Consumer Confidence Report (CCR) annually.

Water supply projections and hydrologic conditions are significant components in deciding when a drought response is needed. The amount of the water supply shortage contributes to the severity of drought declared and the necessary level of response from the District and customers.

This section of the WSCP provides the written procedure for TPWD’s Annual Assessment.

2.1 Timeline for Conducting the Annual Assessment

Table 2-1 provides targets for performing the Annual Assessment. The table outlines actions for the current year and one year of drought. By starting to plan in October of 2021, the District will get a snapshot of conditions and can start lining up the resources to mitigate supply and start outreach to customers to manage demand. Major actions are proposed in February 2022, when an initial estimate of supply is made and compared to demand. A final annual assessment is proposed in May 2022.

Table 2-1 Calendar for Performing Annual Assessment

Target Date	Action
Oct-Jan	Monitor groundwater supply Monitor demand trends
Feb	Confirm anticipated weather (e.g., National Weather Service Climate Prediction Center, La Niña, US Drought Seasonal Outlook) Contact City of Twentynine Palms for land use information Prepare initial assessment of supplies (<i>Supply Table 1</i>) Make initial assessment of unconstrained demand (<i>Demand Tables 1, 2, 3</i>) Make initial estimate of shortage If shortage anticipated, form Water Shortage Task Force
Mar	Prepare informational item to the Board of Directors confirming assessment of supplies and identify any additional supply mitigations
Apr	Start public outreach Identify supplier efficiency actions Complete Draft Annual Assessment and present to the Board of Directors
May	Continue public outreach Finalize Annual Water Assessment and submit to DWR If necessary, prepare notices of public hearing on water shortage
Jun-Sept	Continue public outreach If necessary, declare water shortage and implement supply mitigations and demand reduction actions Monitor customer response to water shortage messaging and other actions

2.2 Factors Affecting Demand and Supply

Weather affects the District’s groundwater supply in multiple ways. Due to drought conditions the area has recently received far less than the historical average of approximately five inches of annual rainfall. There is negligible infiltration of direct precipitation in areas where alluvial deposits are thick, and substantial amount of available runoff is lost to evaporation after flowing into the basin.

Even without population changes, water demand could increase. Precipitation and temperature influence water demand for outdoor landscaping and irrigated agriculture. Evaporative coolers and outdoor water use are a large component of water demands in the District’s service area.

2.2.1 Weather Outlook

Lower spring rainfall increases the need to apply irrigation water. Further, warmer temperatures increase crop evapotranspiration, which increases water demand.

While no long-term study or correlation between weather parameters and the local groundwater supply have been performed, there are general “rules of thumb” that can be considered when looking at the groundwater supply.

- Potential for La Niña. ENSO (El Niño Southern Oscillation) is the warming and cooling of the ocean water along the Equator in the Eastern Pacific Ocean near South America. The warm phase is called El Niño and the cold phase is called La Niña. When the Eastern Pacific Ocean is 0.5 degrees Celsius above normal for 5 consecutive 3-month average periods, an El Niño is declared. When the Eastern Pacific Ocean is 0.5 degrees Celsius below normal for 5 consecutive 3-month average periods, a La Niña is declared. The El Niño and La Niña are declared as Weak, Moderate, or Strong depending on how far from normal the water temperature gets. When the temperature is above 1.5 degrees Celsius, it is declared as strong. When the temperature is above 1.0 degrees Celsius, it is declared as Moderate. When the temperature is above 0.5 degrees Celsius, it is declared as Weak. The effect on the District trends to be wetter with El Niños and drier with La Niñas. The National Weather Service Climate Prediction Center provides information on potential for La Niña conditions.
- US Drought Information Seasonal Outlook. The National Weather Service Climate Prediction Center provides information geographically on drought conditions and categorizes geographies as “Drought Persists”, “Drought Remains but Improves”, “Drought Removal Likely”, and “Drought Development Likely”.

2.3 Current Year Unconstrained Demand

DWR guidance for the Annual Assessment is to consider the expected water use in the upcoming year, based on recent water use, and before any projected response actions a Supplier may trigger under its WSCP.

2.3.1 Land Use

In order to evaluate water demand, the District will examine current use and coordinate with the City of Twentynine Palms to understand near-term projected land uses. The land use evaluation will start with the current general plan and a summary of built dwelling-units (residential) and square footage (non-residential). Using known development projects constructed since the adoption of the general plan, a summarized total of the existing land use within the District’s service area through the end of the recent calendar year will be developed.

The District will coordinate with the City of Twentynine Palms to help identify pending and approved projects that are anticipated to utilize water in the in current calendar year and one future calendar year.

2.3.2 Current Demand

The District will create a table that will summarize the total water consumption (potable and untreated) for each consumption category within the District’s water service area for the most recent 10-year average, by month (*Demand Table 1*). Based on anticipated weather, the District may adjust *Demand Table 1* to assume an increase in current demands. *Demand Table 1* will estimate existing demand in the current calendar year and demand in the subsequent calendar year. For the purposes of the analysis the subsequent year will be assumed to be a drought year.

2.3.3 Potential Demand

The District will create a table showing anticipated demands (*Demand Table 2*). In *Demand Table 2* anticipated water use will be forecasted by month. The calculations in *Demand Table 2* will use the most recently developed demand factors inclusive of water loss and including a contingency to account for annual demand variations that are likely to occur.

2.3.4 Total Near-Term Demands

Near-term water demands (*Demand Table 3*) will be the sum of the demands reflected in *Demand Table 1* plus *Demand Table 2*.

2.4 Assessing Supply in Current Year and One Dry Year

The District will evaluate the local groundwater supply using the factors identified in Table 2-2.

Using Table 2-2 as a guide, the District will evaluate the groundwater supply available, by groundwater subbasin, in the upcoming year assuming the subsequent year will be a dry year. The District will develop *Supply Table 1*, in which a quantified summary is provided for the upcoming year assuming the subsequent year is a dry year. Anticipated water supply will be forecasted by month using past supply patterns.

Table 2-2 Annual Assessment of Supply

Source	Factors to be Evaluated in Current Year	Establishing Supply in Assumed Subsequent Dry Year
Local Groundwater	Regulatory limitations	Regulatory limitations
	Annual extractions past 10-years	Annual extractions past 10-years
	Any constraints on supply due to infrastructure or water quality	Any constraints on supply due to infrastructure or water quality
	Consider if supply would be managed differently if it is known subsequent year will be dry year	

2.5 Assessing Water Supply Reliability

The District will compare *Supply Table 1* and *Demand Table 3* and determine if a supply shortage is anticipated, the level of shortage, and prepare to implement its water shortage contingency plan.

2.6 Coordination with Cities and Counties

The District will coordinate with the City of Twentynine Palms and San Bernardino County for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code, and also to ensure that City/County facilities are being operated in a water efficient manner. Coordination will also include other agencies within the District’s service area such as schools, parks and others.

Chapter 3: Six Standard Water Shortage Levels

3.1 Stages of Action to Respond to Water Shortages

As required by California Water Code Section 10632(a)(3)(A), this WSCP is framed around six standard water shortage stages, which correspond to progressive ranges of percent supply reductions from zero to more than fifty percent. **Error! Reference source not found.** presents a description of the six water supply shortage stages, defined as stages I to VI.

Each stage may be triggered by a declaration from federal or state authorities, or TPWD to address events that result in a water shortage. The stages and applicable triggers are summarized in Table 3-2.

Table 3-1 Rationing and Reduction Goals (DWR Table 8-1)

Deficiency or State Mandated Reduction	Stage	Demand Reduction Goal	Type of Program	Water Shortage Condition
1-10%	1	10% reduction	Voluntary	Minor Shortage
11-20%	2	20% reduction	Mandatory	Moderate Shortage
21-30%	3	30% reduction	Mandatory	Severe Shortage
31-40%	4	40% reduction	Mandatory	Critical Shortage
41-50%	5	50% reduction	Mandatory	Emergency Shortage
>50%	6	>50% reduction	Mandatory	Catastrophic Failure

Table 3-2 Stages of TPWD Water Shortage Contingency Plan

Stage	Percent Supply Reduction	Triggers
I	Up to 10%	<ul style="list-style-type: none"> Results of the Annual Assessment Federal, state or local disaster declaration that may impact water supplies State declaration due to drought or system maintenance Unplanned TPWD water system maintenance
II	Up to 20%	<ul style="list-style-type: none"> Results of the Annual Assessment Federal, state or local disaster declaration that may impact water supplies State declaration due to drought or system maintenance Unplanned TPWD water system maintenance requiring more time to repair
III	Up to 30%	<ul style="list-style-type: none"> Results of the Annual Assessment Federal, state or local disaster declaration that may impact water supplies State determination due to drought or significant system failure State outdoor irrigation restriction; and/or Unplanned TPWD water system failure or emergency

Stage	Percent Supply Reduction	Triggers
IV	Up to 40%	<ul style="list-style-type: none"> • Federal, state or local disaster declaration that may impact water supplies • State determination due to drought or significant system failure • State outdoor irrigation restriction; and/or • Unplanned TPWD water system failure or emergency
V	Up to 50%	<ul style="list-style-type: none"> • Results of the Annual Assessment • Federal, state or local disaster declaration that may impact water supplies • State determination due to drought or significant system failure • State outdoor irrigation restriction; and/or • Advanced TPWD water system failure or emergency
Stage VI	50% or higher	<ul style="list-style-type: none"> • Results of the Annual Assessment • Federal, state or local disaster declaration that may impact water supplies • State determination due to drought or significant system failure • Natural or human-caused catastrophe disrupting delivery of water to, or within the service area • Severe TPWD water system failure

3.1.1 Procedures for Water Shortage Level Determination

The results of the Annual Assessment will be used to determine the water shortage level. In case of emergencies, a special meeting may be called by a majority of the Board on less than twenty-four hour notice and without an agenda to deal with the disruption of service. If an emergency arises which would ordinarily be brought to the attention of the Board, but insufficient time exists, the General Manager has administrative authority to take action as deemed appropriate and reasonable.

3.2 Water Shortage Response Actions

Once a shortage stage is declared, TPWD may implement shortage response actions required by the customer and through operational changes, as listed in Table 3-3. These actions will be supported by communication protocols (discussed in Chapter 4:), enforcement actions (discussed in Chapter 6:) and monitoring and reporting efforts (discussed in Chapter 5:) activities appropriate at each shortage stage level.

Table 3-3 Customer and TPWD Water Shortage Actions

Stage	District Actions	Customer Actions
Stage I	<ul style="list-style-type: none"> • Initiate public information campaign • Increase awareness of conservation measures • Commence enforcement of conservation measures • Promote methods to reduce water use • Conduct focused outreach to large water users • Publish Water shortage Event Contingency Plan stages and actions per stage 	<ul style="list-style-type: none"> • Voluntary water conservation • Adhere to conservation measures • Consider conversion to more efficient irrigation methods • Consider turf removal and conversion to California-friendly landscaping • Patronize local carwashes that recycle their water
Stage II	<ul style="list-style-type: none"> • Expand public information campaign • Step up enforcement of conservation measures • Continue previous actions 	<ul style="list-style-type: none"> • Comply with mandatory conservation regulations • Continue previous actions
Stage III	<ul style="list-style-type: none"> • Continue previous actions • Intensify public information campaign • Expand enforcement of conservation measures • Provide incentives to single metered multi-family units to install individual meters or sub-meters • Send direct notices to all customers • Provide regular media, city council and County briefings • Activate emergency connections with mutual aid agencies • Suspend issuance of potable construction meters. • Evaluate size of monetary fines for water waste • Begin water waste patrols 	<ul style="list-style-type: none"> • Continue previous actions • Limit washing of sidewalks, driveways, walkways, parking lots, or any other hard-surfaced area by hose or flooding unless otherwise necessary • Comply with prohibited outdoor irrigation of ornamental landscape or turf with potable water through an irrigation system between 9:00 am and 6:00 pm and limit system use to two days a week
Stage IV	<ul style="list-style-type: none"> • Continue previous actions • Implement customer allocations, enforce mandatory water consumption goals and allocations 	<ul style="list-style-type: none"> • Continue previous actions • Obligation to fix leaks, breaks, or malfunctions within 48 hours
Stage V	<ul style="list-style-type: none"> • Continue previous actions • Enforce mandatory water consumption goals and allocations for all customers and users 	<ul style="list-style-type: none"> • Prohibit all outdoor irrigation with potable water • Continue previous actions
Stage VI	<ul style="list-style-type: none"> • Continue previous actions • Implement crisis communication plan • Activate Emergency Operations Center • Coordinate actions with regulatory agencies • Coordinate actions with public safety agencies to address enforcement and fire protection issues • Recall all temporary meters and activate water fill stations • Suspend issuance of new development approvals and new water connections other than those required to be processed by state law 	<ul style="list-style-type: none"> • Continue previous actions • Terminate outdoor water use for irrigation, pools and fountains • Water may only be used outdoors for public health and safety purposes • Be on alert for Boil Water Orders if they become necessary

3.3 Supply Augmentation

Any water shortage event should trigger a review of potential sources for supplemental water supply. Any supplemental water supply project or improvements to existing facilities to improve water supply should be a priority for consideration in immediate capital projects if shortage (e.g., demands exceeding supplies) greater than ten percent is anticipated or when a Stage 3 Water Shortage Event continues for more than 18 months. While the groundwater basins in the District's area are expected to continue to produce reliable supplies even in an emergency, the limiting factor is groundwater production. To response to future disasters, the District proposes emergency intertie connections with neighboring water agencies in the 2021/2022 capital improvements projections budget. Supply augmentation in near term are presented in **Error! Reference source not found.** below.

Table 3-4 Supply Augmentation Actions (DWR Table 8-3)

Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier (based on DWR's WUE database categories)	How much is this going to reduce the shortage gap?	Additional Explanation or Reference
3	Groundwater	960 AF	Pump Additional Groundwater
4	Groundwater	1,280 AF	Pump Additional Groundwater
5	Groundwater	1,600 AF	Pump Additional Groundwater
6	Groundwater	1,920 AF	Pump Additional Groundwater

3.4 Demand Reduction Actions

The water conservation measures and restrictions in Resolutions 14-12 and 15-07 provide certainty to water users and enable the District to control water use and plan and implement water measures and restrictions in a fair and orderly manner for the benefit of the public.

Table 3-5 Prohibitions During Different Shortage Stages

Stage	Prohibition/Requirement
In Effect at All Times	<p>Water waste is prohibited at all times. Water waste includes but is not limited to:</p> <ul style="list-style-type: none"> • Application of potable water to outdoor landscapes in a manner that causes runoff. • Water leaks shall be repaired in a timely manner and sprinklers shall be adjusted to eliminate over-spray. • Hosing of hardscape surfaces, except where health and safety needs dictate, is prohibited. • No watering of outdoor landscapes within 48 hours of measurable rainfall. <p>Other</p> <ul style="list-style-type: none"> • Water for construction purposes, including but not limited to de-brushing of vacant land, compaction of fills and pads, trench backfill and other construction uses shall be in an efficient manner. • All new construction including residential, commercial, and

Stage	Prohibition/Requirement
Stage I	<p>industrial, shall be equipped with low flow toilets and fixtures.</p> <ul style="list-style-type: none"> • All new model homes and commercial and industrial development, when landscaped, shall include low water use, drought tolerant or native plant material, and drip irrigation systems. Irrigation systems shall include a smart irrigation controller or equivalent technology. • Dedicated (separate) landscape meters shall be installed for all irrigated landscape areas in excess of 2500 square feet except for single family residences. • Water used for cooling systems must be recycled to the extent possible. • Evaporation resistant covers are required for all new swimming pools and hot tubs. <hr/> <ul style="list-style-type: none"> • Hosing of hardscape surfaces, except where health and safety needs dictate, is prohibited. • Car washing and outside cleaning activities prohibited except when performed with buckets and automatic hose shutoff devices. • Water leaks shall be repaired in a timely manner and sprinklers shall be adjusted to eliminate over-spray. • The serving of drinking water other than upon request in eating or drinking establishments is prohibited. • Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom.
Stage II	<ul style="list-style-type: none"> • All restrictions/prohibitions/initiatives from Stage I are in effect • Landscape watering between the hours of 1000 and 1700 hours is prohibited • Outdoor watering is limited to 3 days per week.
Stage III	<ul style="list-style-type: none"> • All restrictions/prohibitions/initiatives from Stage I and Stage II are in effect and are mandatory. • Irrigation with potable water of ornamental turf on public street medians is prohibited. • Outdoor watering is limited to 2 days per week. • Issuance of construction water meters will cease and meters will only be installed for new accounts where the building permit was issued prior to the declaration of water shortage. • Water patrol personnel will be utilized. • Potable water cannot be used to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.

Stage	Prohibition/Requirement
Stage IV	<ul style="list-style-type: none"> All restrictions/prohibitions/initiatives from Stage I, Stage II, and Stage III are in effect and are mandatory. Filling of new swimming pools, spas, hot tubs or the draining and refilling of existing pools, etc is prohibited. Topping off is allowed to the extent that the designated water allocation is not exceeded. Issuance of construction water meters will cease and meters will only be installed for new accounts where the building permit was issued prior to the declaration of water shortage. Implementation of allocation limits per customer class.
Stage V	<ul style="list-style-type: none"> All restrictions/prohibitions/initiatives from previous Shortage Stages are in effect and are mandatory. No meters will be installed for new accounts.
Stage VI	<ul style="list-style-type: none"> All restrictions/prohibitions/initiatives from previous Shortage Stages are in effect and are mandatory. No meters will be installed for new accounts. Outdoor irrigation is prohibited, with the exception of drip or hand watering to preserve established trees.

As described in the table above, prohibitions and restrictions on water features that are artificially supplied with water, such as ornamental lakes, ponds and decorative fountains are treated differently from swimming pools and spas, as defined in Section 115921 of the California Health and Safety Code.

3.4.1 Shortage Stage Allocation

Besides prohibitions, when shortage is greater than 30%, the District may implement allocation limits for each customer class. At the direction of the General Manager each customer will be classified and assigned a monthly allotment according to the methods described in the Draft Water Shortage Contingency Ordinance. Customers will be notified of their classification and allotment by mail before the date when allocation goes into effect. In a disaster, prior notice of allotment may not be possible. In such cases, notice may be provided by other means, such as telephone, radio, television, or newspaper. Customers may appeal the classification on the basis of use or the allotment on the basis of incorrect calculation. The appeals process is set forth in the Draft Water Shortage Contingency Ordinance and described in Section 6.

Specific water allotments for Shortage Stages 4 through 6 shortages were developed using the California Water Code Stage 2, 3, and 4 health and safety allotments of 58 GPCD, or 28 hundred cubic feet (CCF) per person per year as the basis.

3.5 Operational Changes

TPWD shall comply with the restrictions similar to those implemented for the public to the extent possible. Hydrant flushing shall be limited except as deemed necessary by the General Manager to enhance water quality or to conduct fire flow and large meter tests. Other actions include efficient water use practices identified in Table 3-5, such as minimizing waste of water in construction, following a modified outdoor landscape watering schedule for TPWD facilities depending on shortage stage, and fixing any identified leaks in the distribution system or other related water infrastructure components.

3.6 Actions to Prepare for Catastrophic Interruption

The distribution infrastructure within groundwater basins from which the District relies are the limiting factor in groundwater production but is expected to continue to produce reliable supplies even in a catastrophe with the management action items identified herein and in the District Emergency Response Plan (ERP). Water stored in the District's distribution system storage tanks are monitored and managed to not allow the reservoir volumes to drop to very low levels. Standard practice is to maintain, at a minimum, the required emergency and fire flow within all tanks at all times. In an emergency, these stored water volumes are available for distribution or truck delivery as necessary.

3.6.1 Emergency Response Plan

In order to prepare for catastrophic events, the District has prepared an ERP in accordance with other state and federal regulations. The purpose of this plan is to design actions necessary to minimize the impacts of supply interruptions due to catastrophic events.

The ERP includes the District's water system's standardized response and recovery procedures to prevent, minimize, and mitigate injury and damage resulting from emergencies or disasters of man-made or natural origin such as an earthquake, regional power outage, fire, biological or chemical contamination, and flood. The ERP takes into account the various aspects of the District's Water System Protection Program pertaining to potential malevolent threats or actual terrorism. The information contained in the ERP is intended to guide staff and inform other emergency responding agencies and includes plans and procedures for the response team.

The ERP is included in Appendix E.

3.6.2 Seismic Risk Assessment and Mitigation Plan

As part of the 2018 Twentynine Palms Water District Local Hazard Mitigation Plan (LHMP), TPWD evaluated seismic risk to water facilities and identified mitigation measures to lessen the risk. This plan meets the requirements of the federal Disaster Mitigation Act of 2000 (Public Law 106-390) as well as requirements of Water Code Section 10644. A copy of the 2018 TPWD Local Hazard Mitigation Plan will be submitted to DWR with the adopted WSCP.

The District has identified hazards in the community, assessed those hazards that pose the most significant risk, and identified projects to help reduce and/or eliminate those risks. After the hazards were identified, mitigation goals are set. Global measures that apply across all hazards include:

- Continually improve the community's understanding of potential impacts due to hazards and the measures needed to protect lives and critical infrastructure;

- Continually provide State and Local Agencies with updated information about hazards, vulnerabilities, and mitigation measures at the District;
- Review local codes and standards to verify that they protect human life and the District's facilities;
- Review and verify that the District's owned and operated infrastructure meet minimum standards for safety;
- Review the District facilities and developments in high-risk areas to verify that these areas are appropriately protects for potential hazards;
- Identify and mitigate imminent threats to life safety and facility damage.

In addition to the 2018 LHMP, a desktop assessment of the District's pipelines and storage tanks was performed based on available information. The purpose of the desktop assessment was to perform a risk assessment and to develop a prioritized pipeline replacement program and capital improvement program.

The following were evaluated and recommended for the District's pipeline and storage tanks:

- Storage tanks to comply with seismic freeboard requirements
- Modify the discharge elevation of the overflow pipe in the storage tanks
- Modify then storage tank roof to facilitate water drainage to prevent ponding from rain events
- Site drainage modifications to reduce erosion damage to the storage tank ring road
- Replace and upsize existing pipelines, of any size, that are hydraulically deficient
- Replace existing pipelines, of any size, that have a significant leak occurrence
- Replace or modify existing pipelines that have a high-probability and high-consequence of failure based on its condition assessment analysis
- Replace or modify existing pipelines that have a high-probability and low-consequence of failure based on its condition assessment analysis

3.7 Benefit of Shortage Response Actions

As discussed above, supply actions and actions within PWD operations will help reduce water shortage. Closing the "gap" between supplies and demands through customer actions, will include:

- Public Information
- Enforcement
- Restrictions on Non-Essential Water Uses
- Pricing

The water shortage response actions and their anticipated effect are summarized in **Error! Reference source not found.**

3.7.1 Public Information

Without exception, experience has shown that a well-informed public is generally more willing to heed requests to voluntarily conserve or alter water use patterns and will be more likely to comply if mandatory water use restrictions become necessary. DWR (2008) estimates that public information campaigns have alone reduced demand in the range of **5 to 20** percent, depending on the time, money, and effort spent. Public information supports voluntary and mandatory measures by educating and convincing the public that a critical water shortage exists and provides information on how water is used and how they can help. The DWR Drought Guidebook highlights that when the public perceives a drought to be severe, they change behaviors (such as flushing the toilet less often).

The information provided to the public should include a description of the conditions that will trigger implementation of shortage stages as well as a description of what the plan entails (restrictions, enforcement provisions, etc.). It is also advisable to provide practical “consumer” information that will help water users comply with the plan. For example, information about restrictions on lawn watering might be accompanied with information about proper lawn watering practices.

Based on past experience, with minimal public outreach, a water savings of 5 percent is assumed, with extensive public outreach a water savings of 7 percent is assumed, public information combined with enforcement (see section 3.7.2) is assumed to achieve a savings of up to 22 percent.

3.7.2 Enforcement

A study examining the effectiveness of drought management programs in reducing residential water-use (Virginia Polytechnic Institute 2006) showed considerable variation in the effectiveness of drought management programs and highlighted the importance of public information and enforcement. Results, shown in Table 3-6, indicate that overall reductions in residential water-use ranged from 0-7 percent for voluntary restrictions and from 0-22 percent for mandatory restrictions. The observed differences were statistically attributed to information efforts for voluntary restrictions and both information and enforcement efforts for mandatory restrictions.

Table 3-6 Drought Program Management Variables Effect on Residential Water-Use

Classification	Estimated Change in Water-Use	Statistically Different than No Effect?
Voluntary Restrictions		
Little or no information disseminated	-2%	No
Moderate level of information	-2%	No
Aggressive information dissemination	-7%	Yes
Mandatory Restrictions		
Low information and low enforcement	-5%	No
Moderate information and low enforcement	-6%	Yes
Aggressive information and low enforcement	-12%	Yes
Low information and moderate enforcement	-4%	No
Moderate information and enforcement	-9%	Yes
Aggressive information and moderate enforcement	-15%	Yes
Moderate information and aggressive enforcement	-20%	Yes
Aggressive information and enforcement	-22%	Yes

Source: Virginia Polytechnic Institute 2006

The analysis highlights the key role that public outreach and information plays in the success of drought response actions. Voluntary restriction programs with little to moderate levels of information dissemination had no appreciable effect on water-use. Voluntary restriction programs with active promotional efforts, however, reduced water-use by an estimated 7 percent from what would have otherwise occurred without any restriction program. Thus for voluntary restrictions, only the most intense programs had even a moderate level of success in reducing water-use.

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Mandatory restriction programs without a significant enforcement component broadly mirrored the outcomes achieved by the voluntary programs. Programs with mandatory restrictions that invested minimal effort in information dissemination did not appreciably reduce residential water-use. Programs with no active enforcement efforts but with moderate to high levels of informational dissemination achieved 6 and 12 percent reductions in water-use, respectively. These estimated reductions are similar to those achieved by voluntary programs with aggressive informational campaigns.

The experience the City of Santa Cruz had implementing its Drought Contingency Plan and successfully reaching its reduction goals supports the importance of a strong public information program. Analysis of the implementation program identified the key ingredient to its success was "the public's understanding, awareness, and belief that the City was confronted with a true water shortage problem. Media coverage of water problems across California reinforced the situation. Without that sense of a real and imminent problem, it's likely the level of cooperation and willingness demonstrated by the community in making changes they did might have been considerably reduced." (Santa Cruz 2010).

Delivering accurate and timely information to water users, news media and local governments with updates on conditions, restrictions, and helpful contact information is key.

With aggressive information dissemination and enforcement its assumed TPWD could achieve a 22 percent water savings.

3.7.3 Restrictions on Non-Essential Water Uses

The demand reduction strategies discussed in this WSCP largely focus on curtailing water waste and non-essential water use. Outdoor water use, including washing sidewalks and watering ornamental landscapes is targeted. These uses are typically considered to be discretionary or nonessential, are highly visible, and therefore relatively easy to monitor, and often are a substantial component of water demand, particularly during the summer months when drought conditions are likely most severe.

Given the significance and visibility of lawn watering as the predominant component of seasonal use, best management practices in drought contingency plans typically prescribe time-of-use and other restrictions on lawn watering. This often involves placing water users on a schedule which allows for staggered lawn watering days, as well as restrictions on the times during the day when lawns can be watered.

The American Waterworks Association estimates that voluntary outdoor water use limits can result in a water savings of **up to 10 percent** and mandatory outdoor water limits can achieve **up to a 56 percent** reduction in outdoor water use (AWWA 2008, AWWA 2011). There have not been detailed studies on outdoor water use in the TPWD service area. However, a comparison of low water use months, when water use is assumed to be primarily indoor use (January and February) with high-water use months when outdoor water use is greatest has been used to estimate the percent of outdoor water demand. Based on this comparison, it is estimated that outdoor water use may make up between 20 to 50 percent of District water use. To be conservative and so as to not overestimate the savings that could be achieved by curtailing outdoor water use, this Plan assumes outdoor water use is 18% of the TPWD demand:

- Voluntary outdoor water limits could save 10% of outdoor water use or about 40 AFY (about 2% of total water use)
- Restricting water use to twice a week could reduce outdoor water use by 33 percent or about 130 AFY (about 6% of total water use)
- Restricting water use to once a week could reduce outdoor water use by 56 percent or about 220 AFY (about 10% of total water use)
- Eliminating outdoor water use would reduce demand by approximately 18%, about 394 AFY.

3.7.4 Additional Mandatory Restrictions

The State, through the State Water Board, adopted drought emergency conservation regulations in July 2014. The Board expanded, updated, extended, and readopted the emergency regulations several times and in the prohibitions on wasteful water use practices were in place until November 25th, 2017.

As directed by Executive Order B-40-17, the State Water Board is conducting a rulemaking to put in place permanent prohibitions on wasteful water use practices. This rulemaking is part of the broader legislation, *Making Water Conservation a California Way of Life*.

The specific outcome of the permanent prohibitions cannot be known at this time. The emergency conservation regulations in effect through November 2017 included the following prohibitions:

- Application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
- The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use
- The application of potable water to driveways and sidewalks
- The use of potable water in a fountain or other decorative water feature except where the water is part of a recirculating system
- The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall
- The serving of drinking water other than upon request in eating or drinking establishments
- Irrigation with potable water of ornamental turf on public street medians.

The emergency conservation regulations further required that:

- The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development
- Commercial, industrial, and institutional properties shall limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week

TPWD's water use restrictions are consistent with the State's prohibitions to prevent water waste.

Table 3-7 Effectiveness Demand Reduction and Other Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	Reduction in Shortage Gap	Explanation	Penalty, Charge, or Other Enforcement?
1	Expand Public Information Campaign	7%	Based on AWWA 2008 assumes savings of 7%	No
1	Voluntary outdoor water use changes	2%	Based on AWWA 2011	No
2	Expand Public Information Campaign	22%	Based on AWWA 2008 assumes savings of 22% with enforcement	Yes
2	Implement or Modify Rate Structure	10%	Based on AWWA 2011 assumes savings of 10%	Yes
2	Landscape - Other landscape restriction or prohibition	2%	Outdoor water limited to 3 days a week. Based on AWWA 2011.	Yes
3	Expand Public Information Campaign	22%	Based on AWWA 2008 assumes savings of 22% with enforcement	Yes
3	Implement or Modify Rate Structure	10%	Based on AWWA 2011 assumes savings of 10%	Yes
4	Landscape - Other landscape restriction or prohibition	6%	Outdoor water limited to 2 days a week. Based on AWWA 2011.	Yes
4	Expand Public Information Campaign	22%	Based on AWWA 2008 assumes savings of 22% with enforcement	Yes
4	Implement or Modify Rate Structure, Allocation	15%	Based on AWWA 2011 assumes savings of 15%	Yes
5	Expand Public Information Campaign	22%	Based on AWWA 2008 assumes savings of 22% with enforcement	Yes
5	Implement or Modify Rate Structure, Allocation	15%	Based on AWWA 2011 assumes savings of 15%	Yes
5	Landscape - Other landscape restriction or prohibition	13%	Outdoor water limited to 2 days a week. Based on AWWA 2011	Yes
6	Expand Public Information Campaign	22%	Based on AWWA 2008 assumes savings of 22% with enforcement	Yes
6	Implement or Modify Drought Rate Structure, Allocation	15%	Based on AWWA 2011 assumes savings of 15%	Yes
6	Landscape - Other landscape restriction or prohibition	18%	Outdoor water use prohibited	Yes

Chapter 4: Communication Protocols

The District will periodically provide the public with information about the WSCP, including its implementation. Such information will include, but not limited to, stages of action, restrictions on water use, water budget reductions, water-saving tips, and potential Allocation Surcharges, monetary assessment and fines for noncompliance of prohibited activities for water conservation, water use efficiency, and failure to achieve water budget reductions redefined in the WSP.

4.1 Customer Outreach

Customer participation is a key element in responding to a supply shortage. While general media coverage of a drought is likely to increase awareness, the District should still develop and implement a specific and comprehensive outreach program. The goals of the outreach program will be to:

- Educate customers and public about state and local drought conditions
- Make water shortage stages and customer responsibilities clear
- Target specific customer groups with specialized messaging
- Provide information to customers and general public that will assist them in reducing water demand

Outreach activities may include press releases, updated postings on the TPWD website, social media updates and postings, water conservation forums hosted at TPWD headquarters or through virtual platforms, advertisements in local publications and cable channels, and door hangers or other leave-behind reminders.

Table 4-1 describes communication protocols and procedures to be used by TPWD for outreach to customers to reduce demand during each defined shortage stage.

Table 4-1 Communication Protocols and Procedures to Support Shortage Response Actions

Shortage Stage	Percent Supply Reduction	Communication Protocols and Procedures (<i>Outreach to customers when each Stage is declared</i>)
I	Up to 10%	<ul style="list-style-type: none"> - Declaration and notification of water supply shortage I by resolution, and adoption at a public meeting in accordance with state law. - Notification of supply shortage in Public Newspaper
II	Up to 20%	<ul style="list-style-type: none"> - Declaration and notification of water supply shortage II by resolution, and adoption at a public meeting in accordance with state law. - Notification of supply shortage in Public Newspaper - Advertisement in Local Public Newspaper - Commence social media updates - Notify top 5 water users in each customer class, e.g. residential, and CII

Shortage Stage	Percent Supply Reduction	Communication Protocols and Procedures <i>(Outreach to customers when each Stage is declared)</i>
III	Up to 30%	<ul style="list-style-type: none"> - Declaration and notification of water supply shortage III by resolution, and adoption at a public meeting in accordance with state law. - Notification of supply shortage in Public Newspaper - Advertisement in Local Public Newspaper and local cable channel - Schedule regular media, city council and County briefings - Continue social media updates - Targeted Messaging to customers - Notify top 10 water users in each customer class, e.g. residential, and CII
IV	Up to 40%	<ul style="list-style-type: none"> - Declaration and notification of water supply shortage IV by resolution, and adoption at a public meeting in accordance with state law. - Notification of supply shortage in Public Newspaper - Advertisement in Local Public Newspaper and local cable channel - Continue regular media, city council and County briefings - Continue social media updates - Targeted Messaging to customers - Notify top 15 water users in each customer class, e.g. residential, and CII
V	Up to 50%	<ul style="list-style-type: none"> - Declaration and notification of water supply shortage V by resolution, and adoption at a public meeting in accordance with state law. - Notification of supply shortage in Public Newspaper - Advertisement in Local Public Newspaper and local cable channel - Continue regular media, city council and County briefings - Continue social media updates - Targeted Messaging to customers - Notify top 20 water users in each customer class, e.g. residential, and CII
VI	50% of More	<ul style="list-style-type: none"> - Declaration and notification of water supply shortage VI by resolution, and adoption at a public meeting in accordance with state law. - Notification of supply shortage in Public Newspaper - Advertisement in Local Public Newspaper and local cable channel - Continue regular media, city council and County briefings - Continue social media updates - Targeted Messaging to customers - Notify top 25 water users in each customer class, e.g. residential, and CII

Chapter 5: Monitoring and Reporting

Certain aspects of water conservation can be readily monitored and evaluated, such as metered water use and production quantities. Other aspects such as public education are more difficult to measure in terms of effectiveness. Additionally, weather patterns make it more difficult to compare one year's water demand and conservation results with another year's usage.

When severe shortages occur and some degree of mandatory reduction is required, a program's effectiveness can be judged directly by water billings. In these cases, targeted results must be met and even reluctant customers will, on the whole, meet the goals. Specific methods to evaluate effectiveness of water conservation programs to be employed by the District are:

1. Monitoring of Metered Water Usage – This will determine how much has been used. Compiling statistics to track usage of customer groups to determine trends is currently being done through the water billing computer system. Meter readings/billings can be compared and analyzed to determine the effectiveness of conservation for all customer classes.
2. Monitoring Production Quantities – In normal water supply conditions, production figures are recorded daily by the District. The totals are incorporated into the monthly water supply report to the State by the District.

To verify that conservation reduction goals are being met, production and metered usage reports will be evaluated during each stage of the conservation period. Water production figures will be compared to previous year production figures for the same time period to ascertain if conservation goals are being reached.

To reduce labor costs to manually read the water meters, provide early leak detection that will ultimately provide cost saving to the customer and provide water conservation, the District started to investigate the use of Automated Meter Infrastructure (AMI) and/or Automated Meter Reading (AMR) systems. The Board of Directors adopted Resolution 19-0 on March 12, 2019 to secure funding to convert all meters within the District to AMI/AMR. In June 2020, the District completed the installation of 8,000 water meters. The AMI project has allowed the District to monitor possible leaks on the customer side of the meter, resulting in faster response repairs, saving the customer from a high usage water bill and promoting water conservation.

Chapter 6: Enforcement

The District has the power and authority to implement and enforce its shortage response actions including mandatory water conservation measures within its boundaries per Resolution No. 09-04, which was adopted in March 2009.

During a declared water shortage emergency (Stage IV, V, or VI), a customer who exceeds the established allotment will pay a surcharge of two times the highest rate tier per CCF of water for excess water delivered during the first and second billing period, and a surcharge of four times the highest rate tier per CCF for excess water delivered during the third and subsequent consecutive billing periods.

If a customer exceeds the allotment usage for three consecutive billing periods, the District will install a flow restrictor at the service meter with a capacity of two gpm for meters up to one and one-half inch sizes (and comparatively sized restrictors for larger meters). The customer must pay a flow restrictor installation and removal charge before normal service will be restored.

6.1 Appeals Procedure

1. Any person who wishes to appeal their customer classification or allotment must do so in writing, using forms provided by the District.
2. Appeals will be reviewed by District staff; site visits will be scheduled if required.
3. One of the conditions of approval will be that all applicable plumbing fixtures or irrigation systems be-replaced or modified for maximum water conservation.
4. Increased allotments may be approved for the following:
5. Substantial medical requirements
6. Residential connections with three or more residents in a household. These connections can receive additional allotments based upon the same calculations used for the standards applied in Stages V and VI per additional person. A census may be conducted to determine the actual number of residents per dwelling unit. Additional water will be approved for permanent residents only; permanent residents are defined as people who live in the specific residence a minimum of five days per week, nine months per year.
7. Commercial/Industrial/Intentional customers for which water supply reductions will result in unemployment or decreased production; a District water auditor must first confirm that the customer has instituted all applicable water efficiency improvements.
8. Non-agricultural customers can appeal for an additional allotment of 12 CCF per year per horse, cow, or other large animal, and 6 CCF per year for each efficiently irrigated mature fruit tree.
9. Government agencies (parks, schools, county, etc.) may have separate account allotments combined into one agency allotment.

10. In the event that an appeal for an additional allotment is requested for irrigation of trees or vegetation in residential categories or for any agricultural use, District staff may use the services of a qualified consultant in determining the validity of the request.
 1. District staff will approve or deny appeals and report all appeals to the District's Board of Directors monthly.
 2. If District staff and the applicant are unable to reach agreement, the appeal will then be heard by the District's General Manager, who will make the final determination.
 3. All appeals will be reported monthly to the District's Board of Directors.

In the event that a Stage V or Stage VI water shortage occurs, in addition to prohibitions, the District will establish mandatory annual allotments for each connection. The General Manager or designee will classify each customer and calculate each customer's allotment.

During a Stage V shortage, allocations will be calculated based on the following formula:

1. Each residential connection will receive no more than 63 ccf per year (58 gpcd minimum water requirement x 2.2 persons per household x 365 days = 46,574 gallons = 63 CCF) plus 15% of average annual usage of the past 3 years in excess of 63 CCF.
2. Each commercial, industrial, and governmental connection will receive no more than 70% of average annual usage of the past 3 years.
3. Each landscaping connection will receive 20% of average annual usage of the past 3 years, unless the specific account has been determined by District staff to meet the District's guidelines for Xeriscaping, irrigation, and maintenance, in which case it will receive 70% of average annual usage of the past 3 years.

During a Stage VI Shortage, allocations shall be based on the following formula:

1. Each residential connection will receive no more than 63 ccf per year (58 gpcd minimum water requirement x 2.2 persons per household x 365 days = 46,574 gallons = 63 CCF) plus 5% of average annual usage of the past 3 years in excess of 63 CCF.
2. Each commercial, industrial, and governmental connection will receive no more than 65% of average annual usage of the past 3 years.
3. Each landscaping connection will receive 10% of average annual usage of the past 3 years, unless the specific account has been determined by District staff to meet the District's guidelines for Xeriscaping, irrigation, and maintenance, in which case it will receive 65% of average annual usage of the past 3 years.

Chapter 7: Financial Consequences of Actions during Shortages

Water providers face significant financial challenges during droughts. During periods of reduced consumption, revenue from water sales decline while expenses remain relatively constant. A reduction in construction activities can also reduce water service connection fees collected. At the same time, as consumption decreases, some expenditures are expected to increase, including staff costs for community education, enforcement of ordinances, monitoring and evaluation of water use, and drought planning. Operations and maintenance costs may also increase because of the need to identify and quickly repair all water losses.

7.1 Revenue Impacts of Reduced Sales and Increased Costs

Potential fiscal impacts may include additional expenses for implementing and enforcing water conservation measures and a loss of revenue from reduced water sales. The District had annual operating revenues of approximately \$5.2 million, of which approximately 75% is derived from water sales, based on actual Fiscal Year 2019/2020 data. As a result, water conservation efforts can significantly impact revenues and the ability to cover fixed, non-variable costs.

Reductions in potable water use could result in an operating shortfall. While operating expenses are reduced with lower sales, fixed costs cannot be fully recovered when there are significant reductions in sales, thereby resulting in a net operating loss.

In the case of future water use reductions resulting from the implementation of the WSCP, TPWD would likely experience impacts to operating revenue and would draw as necessary and as possible from reserves. Depending on the level of mandatory water reductions, the District could experience a decrease in revenue between 3 to 33%, based on water use reductions of 5 to 50%, respectively. Future or continued reductions in consumption would ultimately cause a rate structure adjustment, or the District may consider implementation of a drought surcharge rate that would generate enough revenue to fund operations without drawing from reserves. According to the October 2020 Water Rate Study, the proposed rate schedule accounts for an 8% or 10% increase in total rate revenue. Table 7-1 below presents revenue impacts due to demand reduction, based on recent data.

Table 7-1 Revenue Impacts of Reduced Water Demand

Demand Reduction	Annual Revenue Reduction (\$ million)	Ancillary Costs (\$ million)¹	Net Cost of Compliance (\$ million)²
10%	~310,000	60,000	~370,000
20%	~620,000	60,000	~680,000
30%	~930,000	60,000	~990,000
40%	~1,240,000	60,000	~1,300,000
50%	~1,550,000	60,000	~1,590,000

Notes:

1. Assumes 75% of budget relies on sales and assumes additional staff time of \$60,000 to implement and enforce water use restrictions
2. Calculated sum of annual revenue reduction plus ancillary costs.

7.2 Mitigation Actions to Address Revenue Reductions

A reduction in water revenue could be mitigated by use of the established reserve fund, deferral or avoidance of capital fund expenditures, use of less costly water supplies (if possible), and implementation of drought surcharge rates. This would meet short-term cash flow needs, although it should only be considered on a short-term basis.

A summary of measures to overcome revenue and expenditure impacts is provided in Table 7-2.

Table 7-2 Measures to Overcome Revenue Impacts During Shortage

Measure	Summary of Effects
Use of Reserve Funds	Use of reserves may provide short-term rate stabilization, but would require delays in capital expenditures and rebuilding of reserves after the water shortage. Given the District's aging infrastructure and related increase in facility needs, the District's existing reserve policy must be updated to increase minimum reserve levels in order to address potential risks. The reserve is set at a minimum of 180 days of budgeted Operating and Maintenance (O&M) expenses.
Re-evaluate Capital Expenditure Plans	Delay major construction projects for facilities as well as upgrades and replacements.

7.3 Financial Consequences of Limiting Excessive Water Use

Per the California Water Code Section 365 et al., retail water suppliers are required to prohibit or discourage excessive water use. Reporting this is not a required part of the UWMP; however, Water Code Section 10632(a)(8)(C) requires the financial consequences of these actions be reported as part of the UWMP.

Water Code Section 367 states that there are three types of drought emergencies:

- Declared statewide drought emergency
- When a supplier implements its mandatory reductions per their WSCP

- A declared local drought emergency

Water Code Section 366 states that a retail water supplier must prohibit excessive use through one of two strategies:

- Rate structure, specifically, a rate structure that includes block tiers, water budgets, or rate surcharges over and above base rates for excessive water use by a residential water customer.
- An excessive water use ordinance, specifically an ordinance that includes a procedure to identify and address excessive water use by metered single-family residential customers and customers in multiunit housing complexes in which each unit is individually metered or submetered and may include a process to issue written warnings to a customer and perform a site audit of customer water usage prior to deeming the customer in violation.

Chapter 8: References

American Water Works Association, 2011. Drought Preparedness and Response. Manual of Water Supply Practices, M60.

American Water Works Association, 2008. Forecasting Urban Demand. Second Edition.

City of Santa Cruz Water Department, Water Conservation Office, December 2010. The 2009 Water Shortage An Evaluation of Water Management Strategies, Actions, and Results.

Virginia Polytechnic Institute and State University Blacksburg, Virginia, 2006. The Effectiveness of Drought Management Programs in Reducing Residential Water-Use in Virginia.
<http://water.ky.gov/wa/Documents/AdditlDroughtResources/VirginiaStudyonDroughtProgramEffectiveness.pdf>

Appendix A: Twentynine Palms Draft Water Shortage Contingency Ordinance

Ordinance (XXXX)

An ordinance enacted as a measure establishing rules and regulations for allocating water during a water shortage and establishing penalties for violations thereof

Be it ordained by the Board of Directors of Twentynine Palms Water District as follows:

Section 1: Purpose and Scope

This ordinance adopts regulations to deal with water shortages, which the Board has found to exist. These regulations are effective immediately and shall be effective until the Board finds that water shortage no longer exists.

Section 2: Findings

The Board finds, determines and declares that the following facts are true:

1. California Water Code Section 350 provides that the Board of Directors has the authority to declare water shortage emergency conditions. California Water Code Section 353 enables the Board of Directors to adopt regulations and restrictions to conserve the water supply for the greatest public benefit.
2. This Board has conducted public meeting on (INSERT DATE) to determine whether a water shortage emergency exists and, if so, what regulations should now be adopted in response to that shortage.
3. This Board adopts the following regulations, and finds that the regulations set forth herein are necessary and proper to protect the water supply for human consumption, sanitation, and fire protection during the duration of the shortage.

Section 3: Definitions

The following terms are defined for the purpose of the ordinance:

- a. "Agricultural water user" or "Agricultural" means water use for the growing of food crops, livestock, and ornamental landscape plants.
- b. "Commercial water user" or "Commercial" means any water user whose purpose is to provide or distribute a product or service, such as hotels, restaurants, office buildings, commercial businesses or other places of commerce. A "Commercial" water user does not include multi-family residences, agricultural users, or customers that fall within the industrial or institutional classifications.
- c. "Customer" means a person receiving water from the water distribution system of the District.
- d. "District" means Twentynine Palms Water District.
- e. "General Manager" means the general manager of the District, or the Manager's designate.
- f. "Landscape Irrigation water use" or "Landscape Irrigation" means water used for maintaining outdoor areas of golf courses, community parks, business parks, and common areas in

homeowner associations. "Landscape Irrigation" customers have a dedicated outdoor use meter.

- g. "Single family residential" which consists of water service to land improved with structures designed to serve as a residence for a single family.
- h. "Stage I Shortage" when total supply is 90 to 99 percent of normal for the next twelve months, there will be imposed a 10% voluntary demand reduction goal.
- i. "Stage II Shortage, when total supply is 80 to 89 percent of normal for the next twelve months, there will be imposed a 20% voluntary demand reduction goal.
- j. "Stage III Shortage" when total supply is 70 to 79 percent of normal for the next twelve months, there will be imposed a 30% mandatory demand reduction goal.
- k. "Stage IV Shortage" when total supply is 60 to 69% of normal for the next twelve months, there will be imposed a 40% mandatory demand reduction goal.
- l. "State V Shortage" when total supply is less than 60% of normal for the next twelve months, there will be imposed a 50% or greater mandatory demand reduction goal.

Section 4: Prohibitions of Certain Uses

- a. Water waste, including the following, is prohibited at all times
 - 1. Application of potable water to outdoor landscapes in a manner that causes runoff.
 - 2. Watering of outdoor landscapes within 48 hours of measurable rainfall.
- b. Efficient water use is required at all times:
 - 1. Water for construction purposes, including but not limited to debrushing of vacant land, compaction of fills and pads, trench backfill and other construction uses shall be in an efficient manner.
 - 2. All new construction including residential, commercial and industrial, shall be equipped with low flow toilets and fixtures.
 - 3. All new model homes and commercial and industrial development, when landscaped, shall include low water use, drought tolerant or native plant material, and drip irrigation systems. Irrigation systems shall include a smart irrigation controller or equivalent technology.
 - 4. Dedicated (separate) landscape meters shall be installed for all irrigated landscape areas in excess of 2500 square feet except for single family residences.
 - 5. Water used for cooling systems must be recycled to the extent possible.
 - 6. Evaporation resistant covers are required for all new swimming pools and hot tubs.
- c. During a Stage I water shortage, the following voluntary restrictions are in effect:
 - 1. Hosing of hardscape surfaces, except where health and safety needs dictate, is prohibited.
 - 2. Car washing and outside cleaning activities prohibited except when performed with

buckets and automatic hose shutoff devices.

3. Water leaks shall be repaired in a timely manner and sprinklers shall be adjusted to eliminate over-spray.
 4. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom.
 5. The serving of drinking water other than upon request in eating or drinking establishments is prohibited.
- d. During a Stage II water shortage, the following voluntary restrictions are in effect:
1. Extension of voluntary requests from Stage I
 2. No landscape watering between 0800 and 1700 hours
 3. Outdoor watering is limited to 3 days per week.
 4. New meters for land development restricted to property owners of presently existing parcels
- e. During a Stage III water shortage, the following mandatory restrictions are in effect:
1. Voluntary requests from Stage I and Stage II become mandatory
 2. Issuance of construction water meters will cease and meters will only be installed for new accounts where the building permit was issued prior to the declaration of the water shortage
 3. Irrigation with potable water or ornamental turf on public street medians is prohibited.
 4. Outdoor watering is limited to 2 days per week.
 5. Mandatory use prohibitions will be enforced through water patrol personnel
- f. During a Stage IV water shortage, the following mandatory restrictions are in effect:
1. All prohibitions of Stage III will be in force
 2. No meters will be installed for new accounts
 3. Irrigation with potable water of landscapes outside of newly constructed homes and buildings is prohibited.
 4. Filling of new swimming pools, spas, hot tubs or the draining and refilling of existing pools is prohibited. Topping off is allowed to the extent that the designated water allocation is not exceeded.
 5. Water cannot be used to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.
- g. During a Stage V water shortage, the following mandatory restrictions are in effect:
6. All prohibitions of Stages I through IV will be in force.
 7. Outdoor irrigation is prohibited.

Section 5: Allocation

- a. In the event that a Stage IV or Stage V water shortage occurs, in addition to prohibitions, the District will establish mandatory annual allotments for each connection.
- b. The General Manager or designee shall classify each customer and calculate each customer's allotment. Each customer shall receive notice of the allotment specified above, or as modified in accordance with Section 4 herein, on each monthly billing for service. Each new customer shall be notified of the General Manager's determination by first class mail within 30 days of the commencement of water service.
- c. Any customer may contest the General Manager's classification on the basis of use or the General Manager's allotment on the basis of hardship or incorrect calculation. Appeals shall be processed as set forth below.
- d. During a Stage IV Shortage, allocations shall be based on the following formula
 1. Each residential connection will receive no more than 63 ccf per year (58 gpcd minimum water requirement x 2.2 persons per household x 365 days = 46,574 gallons = 63 CCF) plus 15% of average annual usage of the past 3 years in excess of 63 CCF.
 2. Each commercial, industrial, and governmental connection will receive no more than 70% of average annual usage of the past 3 years.
 3. Each landscaping connection will receive 20% of average annual usage of the past 3 years, unless the specific account has been determined by District staff to meet the District's guidelines for Xeriscaping, irrigation, and maintenance, in which case it will receive 70% of average annual usage of the past 3 years.
 4. No meters will be installed for new accounts during the declared water shortage emergency.
- e. During a Stage V Shortage, allocations shall be based on the following formula
 1. Each residential connection will receive no more than 63 ccf per year (58 gpcd minimum water requirement x 2.2 persons per household x 365 days = 46,574 gallons = 63 CCF) plus 5% of average annual usage of the past 3 years in excess of 63 CCF.
 2. Each commercial, industrial, and governmental connection will receive no more than 65% of average annual usage of the past 3 years.
 3. Each landscaping connection will receive 10% of average annual usage of the past 3 years, unless the specific account has been determined by District staff to meet the District's guidelines for Xeriscaping, irrigation, and maintenance, in which case it will receive 65% of average annual usage of the past 3 years.
 4. No meters will be installed for new accounts during the declared water shortage emergency.

Section 5: Limits on Use during Shortage

- a. Water use in excess of the monthly amounts established below shall be subject to a charge at an increased rate in accordance with Section 7, herein.

Section 6: Appeals

Appeals Procedure:

1. Any person who wishes to appeal their customer classification or allotment must do so in writing, using forms provided by the District.
2. Appeals will be reviewed by District staff; site visits will be scheduled if required.
3. One of the conditions of approval will be that all applicable plumbing fixtures or irrigation systems be-replaced or modified for maximum water conservation.
4. Increased allotments may be approved for the following:
 - a. Substantial medical requirements
 - b. Residential connections with three or more residents in a household. These connections can receive additional allotments based upon the same calculations used for the standards applied in Stages IV and V per additional person. A census may be conducted to determine the actual number of residents per dwelling unit. Additional water will be approved for permanent residents only; permanent residents are defined as people who live in the specific residence a minimum of five days per week, nine months per year.
 - c. Commercial/Industrial/Intentional customers for which water supply reductions will result in unemployment or decreased production; a District water auditor must first confirm that the customer has instituted all applicable water efficiency improvements.
 - d. Non-agricultural customers can appeal for an additional allotment of 12 CCF per year per horse, cow, or other large animal, and 6 CCF per year for each efficiently irrigated mature fruit tree.
 - e. Government agencies (parks, schools, county, etc.) may have separate account allotments combined into one agency allotment.
5. In the event that an appeal for an additional allotment is requested for irrigation of trees or vegetation in residential categories or for any agricultural use, District staff may use the services of a qualified consultant in determining the validity of the request.
6. District staff will approve or deny appeals and report all appeals to the District's Board of Directors monthly.
7. If District staff and the applicant are unable to reach agreement, the appeal will then be heard by the District's General Manager, who will make the final determination.
8. All appeals will be reported monthly to the District's Board of Directors.

Section 7: Citations for Violations of Water Use Restrictions and Water Limitations

During any declared water shortage emergency, a customer who exceeds the established allotment will pay a surcharge of two times the highest rate tier per CCF of water for excess water

delivered during the first and second billing period, and a surcharge of four times the highest rate tier per CCF for excess water delivered during the third and subsequent consecutive billing periods.

If a customer exceeds the allotment usage for three consecutive billing periods, the District will install a flow restrictor at the service meter with a capacity of two gallons per minute (gpm) for meters up to one and one-half inch sizes (and comparatively sized restrictors for larger meters) for a period of seven days. The customer must pay a flow restrictor installation and removal charge of \$100 before the normal service will be restored.

Section 8: Rule Making

The General Manager shall present periodical reports to the Board concerning the effectiveness of this ordinance, including a report within four months of the date of adoption of this ordinance concerning the first 3 months of ordinance administration. Said Reports shall review the nature and scope of appeals and exceptions. The Board shall periodically consider the adoption of rules implementing this ordinance in light of the Manager's reports. Such rules shall be adopted by the Board by resolution and shall deal with the administration of this ordinance. Any proposal to change the meaning of this ordinance shall be adopted by the Board by ordinance following a duly-noticed public hearing.

Section 9: Urgency

This ordinance is an urgency ordinance. It is necessary that the regulations set forth in this ordinance be adopted as forth herein in order to protect the supply of water for human consumption, sanitation and fire protection.

Appendix B: Twentynine Palms Water District Adoption of the Water Shortage Contingency Plan

Appendix C: Standardized Tables

Appendix F: DWR Standardized Tables

SB X7-7 2020 Compliance Form

The SB X7-7 2020 Compliance Form is for the calculation of 2020 compliance only. All retail suppliers must complete the SB X7-7 Compliance Form. Baseline and target calculations are done in the SB X 7-7 Verification Form.

The SB X7-7 Verification Form is for the calculation of baselines and targets and is a separate workbook from the SB X7-7 2020 Compliance Form. Most Suppliers will have completed the SB X7-7 Verification Form with their 2015 UWMP and do not need to complete this form again in 2020. See Chapter 5 Section 5.3 of the UWMP Guidebook for more information regarding which Suppliers must, or may, complete the SB X7-7 Verification Form for their 2020 UWMP. 2020 compliance calculations are done in the SB X7-7 2020 Compliance Form.

Process Water Deduction tables will not be entered into WUE Data Portal tables.

SB X7-7 tables 4-C, 4-C.1, 4-C.2, 4-C.3, 4-C.4 and 4-D

A supplier that will use the process water deduction will complete the appropriate tables in Excel, submit them as a separate upload to the WUE Data Portal, and include them in its UWMP.

Where to submit? Suppliers submit the completed table data and UWMPs (including the Water Shortage Contingency Plan) electronically through the WUE Data Portal (<https://wuedata.water.ca.gov/>). The portal will be updated in Spring 2021 and will be announced to the urban listserv, DWR webpage and WUE Data Portal opening page when it is available for plan and table submittals.

Unlocking templates (use with caution): The templates provided in this workbook are formatted to mirror the structure of information that is submitted through the WUE Data Portal for the electronic submission of Submittal Tables in the UWMP. The tables are offered in a protected (locked) version to maintain the structure of the templates. However, for those needing to adjust the tables for their own planning needs beyond the Submittal Tables, the password to 'unprotect' each worksheet is 'dwr' (no quotes). To unprotect the worksheet, go to the Review tab, select Unprotect Sheet, and enter the password 'dwr' in the pop-up (no quotes). Preparers will still need to submit the information using the original template structure provided. To redownload the templates in their original format, visit <https://wuedata.water.ca.gov> in the Resources button of the Urban Water Management Plan section (no login necessary).

SB X7-7 Table 0: Units of Measure Used in 2020 UWMP*

(select one from the drop down list)

Acre Feet

**The unit of measure must be consistent throughout the UWMP, as reported in Submittal Table 2-3.*

NOTES:

SB X7-7 Table 2: Method for 2020 Population Estimate

Method Used to Determine 2020 Population
(may check more than one)

**1. Department of Finance (DOF) or
American Community Survey (ACS)**

2. Persons-per-Connection Method

3. DWR Population Tool

4. Other
DWR recommends pre-review

NOTES: See Appendix D for the DWR Population Tool information.

SB X7-7 Table 3: 2020 Service Area Population

2020 Compliance Year Population

2020	16,182
-------------	--------

NOTES: Based on DWR Population Tool 2020
Compliance Year Population Calculation

SB X7-7 Table 4: 2020 Gross Water Use							
Compliance Year 2020	2020 Volume Into Distribution System <i>This column will remain blank until SB X7-7 Table 4-A is completed.</i>	2020 Deductions					2020 Gross Water Use
		Exported Water *	Change in Dist. System Storage* (+/-)	Indirect Recycled Water <i>This column will remain blank until SB X7-7 Table 4-B is completed.</i>	Water Delivered for Agricultural Use*	Process Water <i>This column will remain blank until SB X7-7 Table 4-D is completed.</i>	
	2,449			-		-	2,449
* Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.							
NOTES:							

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Groundwater

This water source is (check one):

The supplier's own water source

A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
	2,449		2,449

¹ *Units of measure (AF, MG, or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.*

² **Meter**

Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES: Total Volume of Water Supplied in 2020 to the District, See Table 1-1.

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s) Meter Error Adjustment

Complete one table for each source.

Name of Source **Enter Name of Source 2**

This water source is (check one):

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document**

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Enter Name of Source 3

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ *Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.*

² **Meter Error Adjustment** - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source **Enter Name of Source 4**

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source **Enter Name of Source 5**

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document**

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Enter Name of Source 6

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Enter Name of Source 7

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF)** must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Enter Name of Source 8

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source **Enter Name of Source 9**

This water source is (check one):

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ *Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.*

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source **Enter Name of Source 10**

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Enter Name of Source 11

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Enter Name of Source 12

This water source is (check one) :

The supplier's own water source

A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Enter Name of Source 13

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**

² **Meter Error**

Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source Enter Name of Source 14

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF)** must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.

² **Meter Error Adjustment** - See guidance in Methodology 1, Step 3 of Methodologies Document

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment
 Complete one table for each source.

Name of Source Enter Name of Source 15

This water source is (check one) :

- The supplier's own water source
- A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System ¹	Meter Error Adjustment ² <i>Optional</i> (+/-)	Corrected Volume Entering Distribution System
			0

¹ **Units of measure (AF, MG , or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.**
² **Meter Error Adjustment - See guidance in Methodology 1, Step 3 of Methodologies Document**

NOTES:

SB X7-7 Table 4-B: 2020 Indirect Recycled Water Use Deduction (For use only by agencies that are deducting indirect recycled water)									
2020 Compliance Year	2020 Surface Reservoir Augmentation					2020 Groundwater Recharge			Total Deductible Volume of Indirect Recycled Water Entering the Distribution System
	Volume Discharged from Reservoir for Distribution System Delivery ¹	Percent Recycled Water	Recycled Water Delivered to Treatment Plant	Transmission/Treatment Loss ¹	Recycled Volume Entering Distribution System from Surface Reservoir Augmentation	Recycled Water Pumped by Utility ^{1,2}	Transmission/Treatment Losses ¹	Recycled Volume Entering Distribution System from Groundwater Recharge	
			-		-				-

¹ Units of measure (AF, MG, or CCF) must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3. Suppliers will provide supplemental sheets to document the calculation for their input into "Recycled Water Pumped by Utility". The volume reported in this cell must be less than total groundwater pumped - See Methodology 1, Step 8, section 2.c.

²

Data from this table will not be entered into WUEdata.
Instead, the entire table will be uploaded to WUEdata as a separate upload in Excel format.

SB X7-7 Table 4-C: 2020 Process Water Deduction Eligibility

(For use only by agencies that are deducting process water) Choose Only One

	Criteria 1 - Industrial water use is equal to or greater than 12% of gross water use. Complete SB X7-7 Table 4-C.1
	Criteria 2 - Industrial water use is equal to or greater than 15 GPCD. Complete SB X7-7 Table 4-C.2
	Criteria 3 - Non-industrial use is equal to or less than 120 GPCD. Complete SB X7-7 Table 4-C.3
	Criteria 4 - Disadvantaged Community. Complete SB x7-7 Table 4-C.4

NOTES:

Data from this table will not be entered into WUEdata.
 Instead, the entire table will be uploaded to WUEdata as a separate upload in
 Excel format.

SB X7-7 Table 4-C.1: 2020 Process Water Deduction Eligibility *(For use only by agencies that are deducting process water using Criteria 1)*

Criteria 1
 Industrial water use is equal to or greater than 12% of gross water use

2020 Compliance Year	2020 Gross Water Use Without Process Water Deduction	2020 Industrial Water Use	Percent Industrial Water	Eligible for Exclusion Y/N
	2,449		0%	NO

NOTES:

Data from this table will not be entered into WUEdata.
 Instead, the entire table will be uploaded to WUEdata as a separate upload in Excel
 format.

SB X7-7 Table 4-C.2: 2020 Process Water Deduction Eligibility *(For use only by agencies that are deducting process water using Criteria 2)*

Criteria 2
 Industrial water use is equal to or greater than 15 GPCD

2020 Compliance Year	2020 Industrial Water Use	2020 Population	2020 Industrial GPCD	Eligible for Exclusion Y/N
		16,182	-	NO

NOTES:



Data from this table will not be entered into WUEdata.
 Instead, the entire table will be uploaded to WUEdata as a separate upload in Excel format.

SB X7-7 Table 4-C.3: 2020 Process Water Deduction Eligibility *(For use only by agencies that are deducting process water using Criteria 3)*

Criteria 3
 Non-industrial use is equal to or less than 120 GPCD

2020 Compliance Year	2020 Gross Water Use Without Process Water Deduction <i>Fm SB X7-7 Table 4</i>	2020 Industrial Water Use	2020 Non-industrial Water Use	2020 Population <i>Fm SB X7-7 Table 3</i>	Non-Industrial GPCD	Eligible for Exclusion Y/N
	2,449		2,449	16,182	135	NO

NOTES:

README

This Excel Workbook contains revisions made as of May 10, 2021 to the Energy Use tables for the 2020 UWMP templates. Changes made include the following:

*Revision: Equation for Reporting End Date was removed from templates, so now it is manually entered.

*Revision: Equations were added to cells that had missing formulas.

*Revision: Suppliers can now choose the water volume unit. In addition, an Equation was added to convert Energy Intensity to kWh/MG based on the supplier's volume unit.

To access the tracked changes version of this workbook, download it from the following site (Stakeholder Sharepoint site) or request it from UWMPhelp@water.ca.gov:

[https://cawater.sharepoint.com/sites/dwr-wusw/UWMP%20Guidebook/1-Final%20Guidance%20Materials%20-%20UWMP%202020%20\(April%202021\)/FINAL%20-%20Excel%20Templates%20UWMP%202020](https://cawater.sharepoint.com/sites/dwr-wusw/UWMP%20Guidebook/1-Final%20Guidance%20Materials%20-%20UWMP%202020%20(April%202021)/FINAL%20-%20Excel%20Templates%20UWMP%202020)

Table O-1A Instructions

Step #	Cell	Input / Optional	Instructions
		Note	Only enter energy consumption or hydropower production that occurs within Urban Water Suppliers <u>Operational Control</u> .
1	C1	Input	Enter name of Urban Water Supplier
2	A4	Input	From drop down menu select type of <u>water delivery product</u> being delivered by Urban Water Supplier (Retail Potable, Retail Non-Potable, Retail Agricultural, Wholesale Potable, Wholesale Non-Potable, Environmental, or Other)
3	C7:C8	Input	Enter Start Date and End Date for one year <u>reporting period</u> . Ideally one year reporting period will match time period used to report 2015 data in other sections of UWMP. If you are presenting an average over multiple years, fill in the End Date and describe the range in the Narrative.
4	C10	Input	Select the checkbox if reported values include embedded upstream information.
5	D12	Input	Select units used to report volume of water.
6	E12:I12	Input	Enter volume of water entering each <u>water mangement process</u> in volume unit selected in D12.
7	E13:I13	Input	Enter amount of energy consumed by each <u>water management process</u> less any <u>consequential hydropower generation</u> in kWh.
	J12	Calculation	Calculated cell is equal to volume of water within an urban water supplier's operational control for all <u>water management processes</u> [sum(E12:I12)]
	J13	Calculation	Calculated cell is equal to energy consumed for all <u>water mangement processes</u> . [sum(E13:I13)]
8	K12	Optional	Enter volume of water used to generate <u>non-consequential hydropower</u> .
9	K13	Optional	Enter amount of energy generated by <u>non-consequential hydropower</u> as a negative value.
	L12	Calculation	Calculated cell is equal to volume of water for all <u>water management processes</u> less any consequential hydropower production. [J12+k12]
	L13	Calculation	Calculated cell is equal to energy consumed for all <u>water mangement processes</u> less energy generated by <u>consequential hydropower production</u> . [J13 + K13]
	E14:L14	Calculation	Calculated cell is equal to amount of energy consumed divided by volume of water entering <u>water management process</u> . Volume is converted to MG in this table. Example: =E13/(IF(\$D12="MG",E12*1,IF(\$D12="AF",E12/3.068892,IF(\$D12="CCF",E12/1336.809037,""))))
10	A17	Optional	Enter amount of renewable energy generated by urban water supplier that was not covered by consequential or non-consequential hydropower generation.
11	A19	Input	From dropdown menu select <u>data quality</u> for information entered in Table O-1A. (Estimate, Metered Data, Combination of Estimates and Metered Data)
12	A21	Input	Provide brief narrative documenting the sources and quality of the data entered in Table O-1A. List assumptions and methods used to complete the energy intensity calculations.
13	A23	Input	Provide a brief narrative for each water supply describing water management processes in which energy is consumed or produced.
<p>*Note that calculation of energy intensity is optional, but those cells marked as Required here must be entered if the Supplier wants the energy intensity calculated. New to 2020 UWMPs, Suppliers must include information that could be used to calculate the energy intensity of their water service, when readily obtainable. The tables are designed to automatically calculate energy intensity once the cell are filled.</p>			

Table O-1B Instructions

Step #	Cell	Input/Calculated	Instructions
		Note	Only enter energy consumption or hydropower production that occurs within Urban Water Suppliers Operational Control.
1	C1	Input	Enter name of Urban Water Supplier
2	B4	Input	From drop down menu select type of <u>water delivery product</u> being delivered by Urban Water Supplier (Retail Potable, Retail Non-Potable, Retail Agricultural, Wholesale Potable, Wholesale Non-Potable, Environmental, or Other)
3	C7:C8	Input	Enter Start Date and End Date for one year <u>reporting period</u> . Ideally one year reporting period will match time period used to report 2015 data in other sections of UWMP. If you are presenting an average over multiple years, fill in the End Date <u>manually</u> and describe the range in the Narrative.
4	C10	Input	Select units used to report volume of water from dropdown menu.
5	D11	Input	Enter volume of water entering all water management processes in volume unit selected in C10.
6	D12	Input	Enter total amount of energy consumed for all water management process less any consequential hydropower generation in kWh.
7	E11	Input	Enter volume of water used to generate non-consequential hydropower.
8	E12	Input	Enter amount of energy generated by non-consequential hydropower as a negative value.
	F11	Calculation	Calculated cell is equal to volume of water entering the distribution system. [D11+E11]
	F12	Calculation	Calculated cell is equal to energy consumed for all water mangement processes less energy generated by consequential hydropower production. [D12 + E12]
	D13:F13	Calculation	Calculated cell is equal to amount of energy consumed divided by volume of water entering process. [D13:F13 = D12:F12 / D11:F11]
9	B16	Input	Enter amount of renewable energy generated by urban water supplier that was not covered by consequential or non-consequential hydropower generation
10	B18	Input	From dropdown menu select quality of data entered in Table O-1B. (Estimate, Metered Data, Combination of Estimates and Metered Data)
11	B20	Input	Provide brief narrative documenting the sources and quality of the data entered in Table O-1A. List assumptions and methods used to complete the energy intensity calculations.
12	B22	Input	Provide a brief narrative for each water supply describing water management processes in which energy is consumed or produced.
<p>*Note that calculation of energy intensity is optional, but those cells marked as Required here must be entered if the Supplier wants the energy intensity calculated. New to 2020 UWMPs, Suppliers must include information that could be used to calculate the energy intensity of their water service, when readily obtainable. The tables are designed to automatically calculate energy intensity once the tables are completed.</p>			

Table O-1C Instructions

Step #	Cell	Input/Calculated	Instructions
		Note	Only enter energy consumption or hydropower production that occurs within Urban Water Suppliers <u>Operational Control</u>.
1	D1	Input	Enter name of Urban Water Supplier
2	C5:C6	Input	Enter Start Date and End Date for one year <u>reporting period</u> . Ideally one year reporting period will match time period used to report 2015 data in other sections of UWMP. If you are presenting an average over multiple years, fill in the End Date <u>manually</u> and describe the range in the Narrative.
3	D8	Input	Select the checkbox if reported values include embedded upstream information.
4	B11	Input	Select units used to report volume of water from dropdown menu.
5	E10:I10	Input	Enter total volume of water for each <u>water management process</u> in volume unit selected in [B11].
6	E11:I17	Input	For each water management process (columns E:I) enter the percentage of Total Volume of Water Entering Process that should be attributed to each water product type (rows 11:17). Total percentage in each column must equal 0% or 100%.
	E18:I18	Calculation	Total percentage in each column for rows 11-17 must equal 0% or 100%. Cells in row 18 are highlighted in red if this condition is not met.
7	E19:I19	Input	Enter total amount of energy consumed by each <u>water management process</u> less any <u>consequential hydropower generation</u> in kWh.
	J19	Calculation	Calculated cell is equal to energy consumed for all <u>water management processes</u> . (E19:I19)
	E20:I20,K20	Calculation	Calculated cell is equal to amount of energy consumed divided by volume of water entering water management process. Volume is converted to MG in this table. Example =E19/(IF(\$B11="MG",E10*1,IF(\$B11="AF",E10/3.0689,IF(\$B11="CCF",E10/1336.8056,""))))
8	K10	Input	Enter volume of water used to generate <u>non-consequential hydropower</u> .
9	K19	Input	Enter amount of energy generated by <u>non-consequential hydropower</u> as a negative value.
10	K11:K17	Input	Enter the percentage of total non-consequential hydropower generation that should be attributed to each water product type (rows 11:17). Total percentage of rows 11-17 must equal 0% or 100%.
	L19	Calculation	Calculated cell is equal to energy consumed for all <u>water management processes</u> less energy generated by consequential hydropower production. [J19 + K19]
	E23:E29	Calculation	Calculated cell is equal to sumproduct production volume for each water delivery product. If water delivery product enters distribution system production volume is equal to Total Volume of Water Entering Distribution [I10] multiplied by the delivery product percentage in column I. =IFERROR(SUMPRODUCT(E11:I11,\$E\$10:\$I\$10),0)
	F23:F29	Calculation	Calculated cell is equal to sumproduct water delivery product percentage and energy consumed for five water management processes divided by water delivery type production volume.
	G23:G29	Calculation	Calculated cell is equal to sumproduct water delivery product percentage and energy consumed for five water management processes and hydropower divided by water delivery type production volume.
	E30	Calculation	Calculated cell is equal to total production volume for all water delivery types. [sum(E23:E29)]
	F30	Calculation	Calculated cell is equal to the average Total Utility Energy Intensity weighted by production volume. =ROUND(IFERROR(SUMPRODUCT(F23:F29),0),1)
	G30	Calculation	Calculated cell is equal to the average Net Utility Energy Intensity weighted by production volume. =ROUND(IFERROR(SUMPRODUCT(G23:G29),0),1)
11	B33	Input	Enter amount of renewable energy generated by urban water supplier that was not covered by consequential or non-consequential hydropower generation
12	B35	Input	Dropdown menu to report data quality.
13	B37	Input	Provide brief narrative documenting the data sources and quality of the data entered in Table O-1C. Please document data sources, assumptions and methods used to complete the energy intensity calculations.
14	B39	Input	Provide a brief narrative for each water supply discussing water management processes in which energy is consumed or produced.
<p>*Note that calculation of energy intensity is optional, but those cells marked as Required here must be entered if the Supplier wants the energy intensity calculated. New to 2020 UWMPs, Suppliers must include information that could be used to calculate the energy intensity of their water service, when readily obtainable. The tables are designed to automatically</p>			

Table O-2 Instructions

Step #	Cell	Input / Calculated	Instructions
		Note	Only enter energy consumption or hydropower production that occurs within Urban Water Supplier's <u>Operational Control</u> .
1	C1	Input	Enter name of Urban Water Supplier
2	C4:C5	Input	Enter Start Date and End Date for one year <u>reporting period</u> . Ideally one year reporting period will match time period used to report 2015 data in other sections of UWMP. If you are presenting an average over multiple years, fill in the End Date and describe the range in the Narrative.
3	B7	Input	Select the checkbox if reported values include embedded upstream information.
4	C8	Input	Select units used to report volume of water.
5	D9:F9	Input	Enter volume of water entering each wastewater management process in volume units selected in C8.
6	D10:F10	Input	Enter amount of energy consumed by each wastewater management process less any <u>consequential energy generation</u> in kWh.
	G9	Calculation	Calculated cell is equal to volume of water entering the wastewater treatment plant. [sum(D9:F9)]
	G10	Calculation	Calculated cell is equal to energy consumed for all wastewater management processes. [sum(D10:F10)]
	D11:G11	Calculation	Calculated cell is equal to amount of energy consumed divided by volume of water entering wastewater management process. [=G10/IF(\$C8="MG",G9*1,IF(\$C8="AF",G9/3.0689,IF(\$C8="CCF",G9/1336.8056,"")))]
7	D12:F12	Input	Enter volume of water entering each recycled water management process in volume units selected in C8.
8	D13:F13	Input	Enter amount of energy consumed by each recycled water management process less any <u>consequential energy generation</u> in kWh.
	G12	Calculation	Calculated cell is equal to volume of water entering the recycled water distribution system. [sum(D12:F12)]
	G13	Calculation	Calculated cell is equal to energy consumed for all recycled water management processes. [sum(D13:F13)]
	D14:G14	Calculation	Calculated cell is equal to amount of energy consumed divided by volume of water entering recycled water management process. [=G13/IF(\$C8="MG",G12*1,IF(\$C8="AF",G12/3.0689,IF(\$C8="CCF",G12/1336.8056,"")))]
9	B17	Optional	Enter amount of renewable energy generated by urban water supplier that is directly related to recycledwater and wastewater operations.
10	B20	Input	From dropdown menu select <u>data quality</u> for information entered in Table O-1A. (Estimate, Metered Data, Combination of Estimates and Metered Data)
11	B23	Input	Provide brief narrative documenting the sources and quality of the data entered in Table O-1A. List assumptions and methods used to complete the energy intensity calculations.
12	B27	Input	Provide a brief narrative for each wastewater and recycled water management process describing processes in which energy is consumed or produced.
<p>*Note that calculation of energy intensity is optional, but those cells marked as Required here must be entered if the Supplier wants the energy intensity calculated. New to 2020 UWMPs, Suppliers must include information that could be used to calculate the energy intensity of their water service, when readily obtainable. The tables are designed to automatically calculate energy intensity once the tables are completed.</p>			

Urban Water Supplier:

Water Delivery Product (If delivering more than one type of product use Table O-1C)

Table O-1A: Recommended Energy Reporting - Water Supply Process Approach											
Enter Start Date for Reporting Period	<input type="text"/>	<input type="text"/>	Urban Water Supplier Operational Control								
End Date	<input type="text"/>	<input type="text"/>	Water Management Process					Non-Consequential Hydropower (if applicable)			
Is upstream embedded in the values reported?	<input type="text"/>	<input type="text"/>									
	<i>Water Volume Units Used</i>		Extract and Divert	Place into Storage	Conveyance	Treatment	Distribution	Total Utility	Hydropower	Net Utility	
<i>Volume of Water Entering Process</i>	AF							0		0	
<i>Energy Consumed (kWh)</i>	N/A							0		0	
<i>Energy Intensity (kWh/vol. converted to MG)</i>	N/A		#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Quantity of Self-Generated Renewable Energy											
<input type="text"/> kWh											
Data Quality (Estimate, Metered Data, Combination of Estimates and Metered Data)											
<input type="text"/>											
Data Quality Narrative:											
<input type="text"/>											
Narrative:											
<input type="text"/>											

Urban Water Supplier:

TwentyNine Palms Water District

Water Delivery Product (If delivering more than one type of product use Table O-1C)

Retail Potable Deliveries

Table O-1B: Recommended Energy Reporting - Total Utility Approach

Enter Start Date for Reporting Period	6/30/2019	Urban Water Supplier Operational Control		
End Date	6/28/2020			
Is upstream embedded in the values reported?		Sum of All Water Management Processes	Non-Consequential Hydropower	
<i>Water Volume Units Used</i>	AF	Total Utility	Hydropower	Net Utility
<i>Volume of Water Entering Process (volume unit)</i>		2449	0	2449
<i>Energy Consumed (kWh)</i>		3122629	0	3122629
<i>Energy Intensity (kWh/vol. converted to MG)</i>		3913.0	0.0	3913.0

Quantity of Self-Generated Renewable Energy

0 kWh

Data Quality (*Estimate, Metered Data, Combination of Estimates and Metered Data*)

Metered Data

Data Quality Narrative:

Energy consumed determined by Southern California Edison 2019-2020 Billing & Usage report.
 Volumes of Water delivered by District's 2020 Public Water System Statistics

Narrative:

The District's energy usage includes groundwater wells, booster stations, the district's office, paymeter, and a treatment plant.

Urban Water Supplier:

enter supplier name

Table O-1C: Recommended Energy Reporting - Multiple Water Delivery Products									
Enter Start Date for Reporting Period		Urban Water Supplier Operational Control							
End Date		Water Management Process					Non-Consequential Hydropower (if applicable)		
Is upstream embedded in the values reported?		Extract and Divert	Place into Storage	Conveyance	Treatment	Distribution	Total Utility	Hydropower	Net Utility
Water Volume Units	Total Volume of Water Entering Process (volume units)						N/A		N/A
AF	Retail Potable Deliveries (%)								
	Retail Non-Potable Deliveries (%)								
	Wholesale Potable Deliveries (%)								
	Wholesale Non-Potable Deliveries (%)								
	Agricultural Deliveries (%)								
	Environmental Deliveries (%)								
	Other (%)								
	Total Percentage [must equal 100%]	0%	0%	0%	0%	0%	N/A	0%	N/A
	Energy Consumed (kWh)						0		0
	Energy Intensity (kWh/vol. converted to MG)	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	N/A	#DIV/0!	N/A

Water Delivery Type	Production Volume (volume units defined above)	Total Utility (kWh/volume)	Net Utility (kWh/volume)
Retail Potable Deliveries	0	0.0	0.0
Retail Non-Potable Deliveries	0	0.0	0.0
Wholesale Potable Deliveries	0	0.0	0.0
Wholesale Non-Potable Deliveries	0	0.0	0.0
Agricultural Deliveries	0	0.0	0.0
Environmental Deliveries	0	0.0	0.0
Other	0	0.0	0.0
All Water Delivery Types	0	0.0	0.0

Quantity of Self-Generated Renewable Energy

kWh

Data Quality (Estimate, Metered Data, Combination of Estimates and Metered Data)

dropdown menu

Data Quality Narrative:

Narrative:

Urban Water Supplier:

enter supplier name

Table O-2: Recommended Energy Reporting - Wastewater & Recycled Water					
Enter Start Date for Reporting Period		10/1/2019		Urban Water Supplier Operational Control	
End Date					
Water Management Process					
Is upstream embedded in the values reported?		Collection / Conveyance	Treatment	Discharge / Distribution	Total
		Volume of Water Units Used	MG		
Volume of Wastewater Entering Process (volume units selected above)					0
Wastewater Energy Consumed (kWh)					0
Wastewater Energy Intensity (kWh/volume)		#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Volume of Recycled Water Entering Process (volume units selected above)					0
Recycled Water Energy Consumed (kWh)					0
Recycled Water Energy Intensity (kWh/volume converted to MG)		#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Quantity of Self-Generated Renewable Energy related to recycled water and wastewater operations

kWh

Data Quality (Estimate, Metered Data, Combination of Estimates and Metered Data)

Data Quality Narrative:

Narrative:

Templates of Submittal Tables for the Urban Water Management Plan 2020

Workbook Contents: This workbook contains the templates for Submittal Tables that Suppliers use to organize information as part of their Urban Water Management Plans 2020 (due July 1, 2021). Table numbers correspond to the chapter number where they are described in the UWMP Guidebook. If the table name is followed by a letter, the letter corresponds to whether the table is specific for Wholesale Suppliers or Retail Suppliers only (W and R, respectively). For those table names that are not followed by a letter, these are Submittal Tables for all Suppliers.

Where to submit? Suppliers submit the completed table data and UWMPs (including the Water Shortage Contingency Plan) electronically through the WUE Data Portal (<https://wuedata.water.ca.gov/>). The portal will be updated in Spring 2021 and will be announced to the urban listserv, DWR webpage and WUE Data Portal opening page when it is available for plan and table submittals.

Unlocking templates (use with caution): The templates provided in this workbook are formatted to mirror the structure of information that is submitted through the WUE Data Portal for the electronic submission of Submittal Tables in the UWMP. The tables are offered in a protected (locked) version to maintain the structure of the templates. However, for those needing to adjust the tables for their own planning needs beyond the Submittal Tables, the password to 'unprotect' each worksheet is 'dwr' (no quotes). To unprotect the worksheet, go to the Review tab, select Unprotect Sheet, and enter the password 'dwr' in the pop-up (no quotes). Preparers will still need to submit the information using the original template structure provided. To redownload the templates in their original format, visit <https://wuedata.water.ca.gov> in the Resources button of the Urban Water Management Plan section (no login necessary).

Submittal Table 2-1 Retail Only: Public Water Systems

Public Water System Number	Public Water System Name	Number of Municipal Connections 2020	Volume of Water Supplied 2020 *
<i>Add additional rows as needed</i>			
3610049	TPWD	7,438	2,449
TOTAL		7,438	2,449

** Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.*

NOTES: Total production for 2020, including losses, See Table 1-1.

Submittal Table 2-2: Plan Identification

Select Only One	Type of Plan		Name of RUWMP or Regional Alliance <i>if applicable</i> (select from drop down list)
	Individual UWMP		
		Water Supplier is also a member of a RUWMP	
		Water Supplier is also a member of a Regional Alliance	
	Regional Urban Water Management Plan (RUWMP)		

NOTES:

Submittal Table 2-3: Supplier Identification	
Type of Supplier (select one or both)	
<input type="checkbox"/>	Supplier is a wholesaler
<input type="checkbox"/>	Supplier is a retailer
Fiscal or Calendar Year (select one)	
<input type="checkbox"/>	UWMP Tables are in calendar years
<input type="checkbox"/>	UWMP Tables are in fiscal years
If using fiscal years provide month and date that the fiscal year begins (mm/dd)	
Units of measure used in UWMP * (select from drop down)	
Unit	AF
* Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.	
NOTES:	

Submittal Table 2-4 Retail: Water Supplier Information Exchange

The retail Supplier has informed the following wholesale supplier(s) of projected water use in accordance with Water Code Section 10631.

Wholesale Water Supplier Name

Add additional rows as needed

--

--

--

NOTES: The District neither receives water from a wholesaler nor supplies water to retail water purveyors.

Submittal Table 2-4 Wholesale: Water Supplier Information Exchange (select one)

Supplier has informed more than 10 other water suppliers of water supplies available in accordance with Water Code Section 10631. Completion of the table below is optional. If not completed, include a list of the water suppliers that were informed.

Provide page number for location of the list.

Supplier has informed 10 or fewer other water suppliers of water supplies available in accordance with Water Code Section 10631.
Complete the table below.

Water Supplier Name

Add additional rows as needed

NOTES:

Submittal Table 3-1 Retail: Population - Current and Projected

Population Served	2020	2025	2030	2035	2040	2045(opt)
	16,182	19,901	20,933	22,024	23,009	24,038

NOTES: The current 2020 population is determined from the DWR Online Population Roo.
The projected populations were derived from the SCAG 2020 Regional Transportation Plan,
See Table 1-6 and 1-7.

Submittal Table 3-1 Wholesale: Population - Current and Projected

Population Served	2020	2025	2030	2035	2040	2045(<i>opt</i>)

NOTES:

Submittal Table 4-1 Retail: Demands for Potable and Non-Potable¹ Water - Actual

Use Type	2020 Actual		
<p>Drop down list May select each use multiple times These are the only Use Types that will be recognized by the WUedata online submittal tool</p>	Additional Description (as needed)	Level of Treatment When Delivered Drop down list	Volume ²
Add additional rows as needed			
Single Family		Drinking Water	1,608
Multi-Family		Drinking Water	420
Commercial		Drinking Water	186
Industrial		Drinking Water	0
Landscape		Drinking Water	133
Other Non-Potable	Construction Use/Non-Potable	Other Non-Potable Water	102
TOTAL			2,449

¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4. ²
 Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.

NOTES: TPWD Billed Metered Authorized Consumption, 2020 and personal communication, Ray Kolisz, TPWD, See Table 2-1.

Submittal Table 4-1 Wholesale: Demands for Potable and Non-Potable¹ Water - Actual

Use Type	2020 Actual		
<p>Drop down list May select each use multiple times These are the only use types that will be recognized by the WUE data online submittal tool</p>	<p>Additional Description (as needed)</p>	<p>Level of Treatment When Delivered Drop down list</p>	<p>Volume²</p>
Add additional rows as needed			
TOTAL			0

¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4. ²
 Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.

NOTES:

Submittal Table 4-2 Retail: Use for Potable and Non-Potable¹ Water - Projected

Use Type	Additional Description (as needed)	Projected Water Use ² <i>Report To the Extent that Records are Available</i>				
		2025	2030	2035	2040	2045 (opt)
<p>Drop down list May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool</p>						
Add additional rows as needed						
Single Family		1,780	1,870	1,970	2,060	2,150
Multi-Family		460	480	510	530	560
Commercial		240	250	260	260	270
Industrial		0	0	0	0	0
Landscape		160	170	180	190	200
Other Non-Potable	Construction Use	20	20	20	20	20
TOTAL		2,660	2,790	2,940	3,060	3,200

¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4. ² Units of
measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.

NOTES: Projected demands based on 2015-2020 historical demand data and projected land use demand data.

Submittal Table 4-2 Wholesale: Use for Potable and Raw Water ¹ - Projected

Use Type	Additional Description (as needed)	Projected Water Use ² Report To the Extent that Records are Available				
Drop down list May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool.		2025	2030	2035	2040	2045 (opt)
Add additional rows as needed						
TOTAL		0	0	0	0	0

¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4. ² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.

NOTES:

Submittal Table 4-3 Retail: Total Water Use (Potable and Non-Potable)

	2020	2025	2030	2035	2040	2045 (opt)
Potable Water, Raw, Other Non-potable <i>From Tables 4-1R and 4-2 R</i>	2,449	2,660	2,790	2,940	3,060	3,200
Recycled Water Demand ¹ <i>From Table 6-4</i>	0	0	0	0	0	0
Optional Deduction of Recycled Water Put Into Long-Term Storage ²						
TOTAL WATER USE	2,449	2,660	2,790	2,940	3,060	3,200

¹ Recycled water demand fields will be blank until Table 6-4 is complete ²
 Long term storage means water placed into groundwater or surface storage that is not removed from storage in the same year. Supplier **may** deduct recycled water placed in long-term storage from their reported demand. This value is manually entered into Table 4-3.

NOTES:

Submittal Table 4-3 Wholesale: Total Water Use (Potable and Non-Potable)

	2020	2025	2030	2035	2040	2045 (opt)
Potable and Raw Water From Tables 4-1W and 4-2W	0	0	0	0	0	0
Recycled Water Demand* From Table 6-4W	0	0	0	0	0	0
TOTAL WATER DEMAND	0	0	0	0	0	0

**Recycled water demand fields will be blank until Table 6-4 is complete.*

NOTES:

Appendix D: Twentynine Palms Water District Code

**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

Seattle, Washington

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.

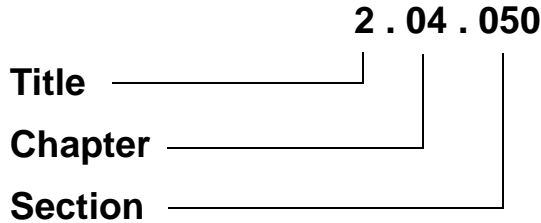
Computer access: Code Publishing Company supports a variety of electronic formats for searching, extracting, and printing code text; please call the publisher for more information.

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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.



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 94 and Resolution 12-15, passed November 28, 2012.

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ADMINISTRATION

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- 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

Chapter 1.10

DISTRICT NAME

MISSION STATEMENTS

Sections:

1.05.010 Name of district.

Sections:

1.10.010 Water district.

1.10.020 Fire department.

1.05.010 Name of district.

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

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]

1.10.020 Fire department.

The board of directors adopts the following mission statement for the Twentynine Palms Fire Department:

We, the members of the Twentynine Palms Fire Department, are dedicated to providing professional public safety and community services to our citizens, visitors, and neighbors resulting in an improved quality of life and peace of mind.

Our mission will be accomplished through:

- S Suppression and prevention of fire.
- E Emergency medical and rescue services.
- R Rapid response in a safe and reliable manner.
- V Vision of the future growth of our community.
- I Integrity in all we do.
- C Continued education and training.
- E Exceptional people providing compassionate service.

[Res. 06-04]

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.

The board of directors hereby adopts the proposed amended conflict of interest code set out in this section.

Said conflict of interest code shall be submitted to the board of supervisors of the county of San Bernardino for approval and said code shall become effective 30 days after the board of supervisors approved the amended code as submitted.

CONFLICT OF INTEREST CODE FOR THE TWENTYNINE PALMS WATER DISTRICT

(Adopted September 27, 2006)

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 it 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 attached regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Twentynine Palms Water District (the "District").

All Officials and Designated Employees required to submit a statement of economic interests shall file their statements with the District Secretary as the District's Filing Officer. The Filing Officer shall make and retain a copy of all statements filed by Officials Who Manage Public Investments, and forward the original of such statements to the Clerk of the Board of Supervisors. The Filing Officer shall retain the originals of the statements of all other Designated Employees. The Filing Officer will make all retained statements available for public inspection and reproduction (Gov. Code Section 81008).

tion and reproduction (Gov. Code Section 81008).

Regulations of the Fair Political Practices Commission

TITLE 2, DIVISION 6, CALIFORNIA CODE OF REGULATIONS

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and
- (C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

1. Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

2. See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When investment or an interest in real property¹ is required to be reported,² the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,³ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

1. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

2. Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

3. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift, the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,¹ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in

1. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b) and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$360.

(A) No member of a state board or commission, and no designated employee of a state or local agency, shall accept gifts with a total value of more than \$360 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subsections (e), (f) and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the

elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated

employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of

any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$360 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state adminis-

trative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 – 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300 – 87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing. Certificate of Compliance included.
2. Amendment of subsection (b) filed 1-9-81; effective 30 days thereafter.
3. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective 30 days thereafter.
4. Amendment of subsection (b)(7)(A) filed 11-10-83; effective 30 days thereafter.
5. Amendment filed 4-13-87; effective 5-13-87.
6. Amendment of subsection (b) filed 10-21-88; effective 11-20-88.
7. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; effective 9-27-90.
8. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of NOTE filed 8-7-92; effective 9-27-92.
9. Amendment filed 2-4-93; effective upon filing.
10. Change without regulatory effect adoption COIC for California Mental Health Planning Council filed 11-22-93. Approved by FPPC 9-21-93.
11. Change without regulatory effect redesignating COIC for California Mental Health Planning Council filed 1-4-94.
12. Amendment filed and effective 3-14-95.
13. Amendment filed and effective 10-23-96.
14. Amendment filed and effective 4-9-97.
15. Amendment filed and effective 8-24-98.
16. Amendment filed and effective 5-11-99.
17. Amendment filed 12-6-2000; effective 1-1-2001.
18. Amendment filed 1-10-2001; effective 2-1-2001.
19. Amendment filed and effective 2-13-2001.
20. Amendment filed 1-16-03; effective 1-01-03.
21. Amendment filed and effective 01-01-05.
22. Amendment filed 10-11-2005; effective 11-10-05.

APPENDIX

CONFLICT OF INTEREST CODE OF THE TWENTYNINE PALMS WATER DISTRICT

(Adopted September 27, 2006)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but are subject to the disclosure requirements of the Act. (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 below are officials who manage public investments:¹

- Members of the Board of Directors
- General Manager
- Finance Manager
- Financial Consultants

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

2. Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. 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.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES' TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
General Counsel	1, 2
Office & Personnel Manager	6
Operations Manager	2, 3, 6
Operations Superintendent	6
Fire Chief	6
Consultants ²	

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

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

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, and sources of income from, business entities 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, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies,

materials, machinery, vehicle or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

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

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 \$100.00. 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”).

(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. 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), 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). 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.catravelmart.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.catravelmart.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

Chapter 1.30

REAL PROPERTY CONVEYANCES

BOARD MEETINGS

Sections:

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

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.

1.25.010 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]

1.30.010 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 second Wednesday and fourth Wednesday of each month at 6:00 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 6:00 p.m.

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:

On or after July 28, 2005, the board will hold a regular board meeting to conduct fire business following the water district regular meeting on the fourth Wednesday of each month at 6:00 p.m. at the district’s offices, 72401 Hatch Road, Twentynine Palms, California. [Ord. 86.1, 2005; Ord. 86 § 1, 2002]

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]

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.¹

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]

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

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]

Chapter 1.40

ELECTIONS

Sections:

1.40.010 All-mail ballot election.

1.40.020 Question on ballot.

1.40.010 All-mail ballot election.

The district requests that the San Bernardino County board of supervisors authorize and change the district's current odd-year election cycle to an all-mail ballot election in accordance with California Elections Code Section 4000 et seq., beginning on August 25, 2009. [Res. 09-02 § 2]

1.40.020 Question on ballot.

In accordance with California Elections Code Section 4104, at the first general district election conducted by all-mailed ballot, the following question shall be printed on the ballot: "SHALL THE MAILED BALLOT BE USED TO CONDUCT ALL FUTURE GENERAL DISTRICT ELECTIONS?" [Res. 09-02 § 3]

Title 2

PERSONNEL

Chapters:

- 2.05 Water District – Rules and Regulations**
- 2.06 Fire Department – Rules and Regulations**
- 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**
- 2.35 Emergency Medical Service Training Requirements**
- 2.40 Workers' Compensation Coverage for Volunteer Personnel**
- 2.45 Fraud in the Workplace**
- 2.50 Tickets and/or Passes Distribution Policy**

Chapter 2.05

WATER DISTRICT – RULES AND REGULATIONS

Sections:

Article I. Authority and Responsibility

- 2.05.010 Authority and responsibility.
- 2.05.020 Purpose of district employees rules and regulations policies.

Article II. Employment Policies and Practices

- 2.05.030 Fair employment policy.
- 2.05.040 Job descriptions and organizational chart.
- 2.05.050 Pre-employment medical examination.
- 2.05.060 Merit system policy.
- 2.05.070 Employee status.
- 2.05.080 Resignation.
- 2.05.090 Layoffs.
- 2.05.100 Dismissal.
- 2.05.110 Abolition of position.
- 2.05.120 Continuity.
- 2.05.130 Grievance procedure.
- 2.05.140 Employment of relatives.
- 2.05.150 Visitor policy.

Article III. Working Conditions

- 2.05.160 Hours of business.
- 2.05.170 Hours of work.
- 2.05.180 Uniforms and protective clothing.
- 2.05.190 Use of tobacco products within the district.
- 2.05.200 Tobacco use – Full-time firefighter applicants.

Article IV. Employee Conduct

- 2.05.210 Standards of conduct.
- 2.05.220 Conflict of interest – Outside employment.
- 2.05.230 Unlawful harassment policy.
- 2.05.240 Drug and alcohol abuse.
- 2.05.245 Personal use of district property or equipment.

Article V. Compensation and Job Performance

- 2.05.250 Time clock – Daily time sheets.
- 2.05.260 Pay periods.

- 2.05.270 Mandatory and voluntary payroll deductions.
- 2.05.280 Holiday pay.
- 2.05.290 On-call duty.
- 2.05.300 Overtime worked by nonexempt employees.
- 2.05.310 *Repealed.*
- 2.05.320 *Repealed.*
- 2.05.330 Reimbursement for use of personal vehicle.
- 2.05.340 Preparation of compensation plan.
- 2.05.350 Merit increases.
- 2.05.360 Performance evaluation.
- 2.05.370 Reclassification.
- 2.05.380 Demotion.
- 2.05.390 Termination pay.
- 2.05.400 Dress code.
- 2.05.410 Continued training and development.
- 2.05.420 Disciplinary procedures.

Article VI. Benefits and Employee Programs

- 2.05.430 Medical insurance.
- 2.05.440 Dental insurance.
- 2.05.450 Vision care benefit.
- 2.05.460 Life insurance benefit.
- 2.05.470 Retirement plan.
- 2.05.480 *Repealed.*
- 2.05.490 Deferred compensation.
- 2.05.500 Credit unions.
- 2.05.510 Holidays.
- 2.05.520 Vacation.
- 2.05.530 Administrative leave.
- 2.05.540 Sick time.
- 2.05.550 Bereavement leave.
- 2.05.560 Jury duty.
- 2.05.570 Military leave.
- 2.05.580 Authorized leave.
- 2.05.590 Family and medical leave.
- 2.05.600 Unauthorized voluntary absence.
- 2.05.610 Check cashing policy.

Article VII. Separate Documents

- 2.05.620 Injury and illness prevention plan.
- 2.05.630 Purchasing policy.

Article I. Authority and Responsibility

2.05.010 Authority and responsibility.

(1) 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.

(2) 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 work place 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.

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

(4) 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.

(5) 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.

(6) The operations manager, as defined in this chapter, 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. [Ord. 77 § 1, 1997]

2.05.020 Purpose of district employees rules and regulations policies.

(1) This chapter was adopted pursuant to Ordinance No. 77, passed by the board of directors of

the Twentynine Palms Water District on September 24, 1997. The intent of this chapter is to set forth the district's personnel rules, regulations and policies. This chapter may be amended by the board of directors at any time. This chapter serves as a resource for management and staff in determining the manner in which matters of employment are to be conducted.

(2) If any provision of this chapter is in conflict with rules, regulations or statutes having authority over the Twentynine Palms Water District, said rules, regulations or statutes shall prevail.

(3) This chapter is not an employee contract, but intended to provide employees with certain guidelines regarding employment with the district.

(4) This chapter 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. [Ord. 77 § 1, 1997]

Article II. Employment Policies and Practices

2.05.030 Fair employment policy.

It is the district's policy to seek the most qualified person for each position while also providing an equal opportunity for all persons to compete for employment with the district. There shall be no discrimination based upon race, national origin, religion, sex, physical handicap, veteran's status, or age in any personnel action including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action. [Ord. 77 § 1, 1997]

2.05.040 Job descriptions and organizational chart.

(1) 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.

(2) 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 to be 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 lim-

iting 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.

(3) A full directory of all current job descriptions including the current organizational chart is a separate and detailed document under separate cover and is incorporated herein by name. The job descriptions and organizational chart may be updated from time to time. [Ord. 77 § 1, 1997]

2.05.050 Pre-employment medical examination.

(1) 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.

(2) 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.

(3) 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.

(4) 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. [Ord. 77 § 1, 1997]

2.05.060 Merit system policy.

(1) 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.

(2) 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. [Ord. 77 § 1, 1997]

2.05.070 Employee status.

(1) A “full-time” employee is one who has been hired to fill a full-time position in any job classification and has completed his/her introductory/probationary period.

(2) An “introductory” employee is one who has been hired to fill a full-time position in any job classification and has less than six continuous months of service with the district. An introductory employee shall serve an introductory/probationary period of six months following the date of employment, promotion, demotion or transfer. Said period shall provide employee with an opportunity to demonstrate ability to satisfactorily perform the job. An employee’s failure to satisfactorily perform the job and meet the required standards may result in revocation of the promotion or termination of a newly hired employee. Termination of a newly hired employee during the introductory/probationary period shall not be subject to due process or hearing procedures. Upon completion of six months of continuous service with the district in said classification, and upon the general manager’s decision to retain said employee, the employee shall be granted Full-time employment status. Under extenuating circumstances, the general manager may extend the introductory period for one additional six-month period.

(3) A “temporary” employee is one who is hired 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.

(4) A “part-time” employee is one who is hired to work within any job classification, but whose position is less than 30 hours per week. A part-time employee may also work standby as discussed in “hours of work and overtime.” The part-time employee is eligible for vacation and sick time accrual on a prorated basis following completion of working each full payroll period.

(5) An “exempt” employee is in a position classification that is not entitled to overtime. Such employees are in positions that meet the salary test and duties test pursuant to the applicable federal and state legal authorities.

(6) A “nonexempt” employee is paid on a hourly basis and qualifies for overtime compensation for hours worked in excess of 40 hours worked in a workweek. See TPWDC 2.05.300, Overtime worked by nonexempt employees, for additional information. [Ord. 77 § 1, 1997]

2.05.080 Resignation.

In order to resign from district employment, an employee shall file a written notice of termination with the general manager at least two weeks before the effective date. Resignations may not be withdrawn without the general manager’s approval. [Ord. 77 § 1, 1997]

2.05.090 Layoffs.

(1) 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.

(2) Following the board’s adoption of a reduction-in-force policy, the employees to be laid off shall be given at least 14 calendar days’ prior notice of the effective date of the layoff and the opportunity to discuss the layoff with a supervisor.

(3) Except as otherwise provided in a particular reduction-in-force policy, whenever there is a reduction in the work force, the general manager shall first demote to a vacancy, if any, in a lower position for which the employee who is the latest to be laid off is qualified.

(4) An employee affected by layoff may have retreat rights to displace an employee who has less seniority in a lower position that the employee has previously occupied. For the purpose of this document, seniority includes all periods of full-time ser-

vice at or above the retreat position being considered.

(5) In order to retreat to a former or lower position, an employee must request displacement action in writing to the general manager within five working days of receipt of the layoff notice.

(6) It shall not be the district’s responsibility to include information regarding displacement in any layoff notice and said five-day period shall begin, in any case, upon the employee’s receipt of a layoff notice. Employees retreating to a lower position shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the position from which the employee was laid off.

(7) If two positions have the same job description, then employees shall be laid off according to employment status in the following order: temporary, part-time, introductory, and full-time. Temporary, part-time, and introductory employees shall be laid off according to the needs of the service as determined by the general manager. In cases where there are two or more full-time positions with the same job description from which the layoff is to be made, such employees shall be laid off on the basis of criteria set forth in the particular reduction-in-force policy which may include, but shall not be limited to, work performance skills and technological knowledge that will be necessary for district operations in the future.

(8) The names of persons laid off or demoted in accordance with this policy shall be entered upon a reemployment list. The reemployment list shall be used by the general manager when a vacancy arises in the same or lower position before certification is made from an eligibility list. Names of persons laid off shall be carried on the reemployment list for one year, except that persons appointed to full-time positions of the same level as that from which they were laid off, shall upon such appointment, be removed from the list.

(9) Persons who refuse re-employment shall be removed from the list. Persons re-employed in a lower position in the same classification, or on a temporary basis, shall be continued on the list for the higher position for one year. At the discretion of the general manager, the list may be extended for an additional year.

(10) A re-employment list will be maintained by the district. Employees eligible for inclusion on said list shall be only those who have been laid off.

Employees who have been discharged by the district, or have voluntarily terminated employment, shall not be eligible.

(11) The re-employment list shall be used to determine the order in which part-time and temporary employees shall be employed when other than full-time work is available and additional employees are needed. Placement on the list shall be according to performance and seniority which shall be based on length of service.

(12) An individual is considered to have seniority if his/her length-of-service, as defined above, is greater than that of another individual on the list. An individual on the reemployment list shall be rehired to fill a vacant position within a specific job classification if the following requirements are met: He/she was previously employed within said job classification or within a job classification requiring higher qualifications, and/or satisfies the qualifications as specified in the job description for said vacant position; and he/she has seniority, as defined above.

(13) When an individual called to work from the reemployment list is unavailable to begin work as requested, the next person on said list having seniority and satisfying the conditions listed above shall be called. If an individual is called to work three times without being available to work, his/her name may be removed from the reemployment list. An individual shall be removed from the reemployment list upon employment with another employer.

(14) Previous full-time employees who were laid off and called back for work that is not full-time in nature will have their employment service records maintained so that they accumulate length-of-service as they work on an "hour-for-hour" basis.

(15) Part-time and temporary employees who are hired for a position having full-time status will have previously earned length-of-service adjusted to include their employment service records.

(16) Previous temporary employees who are rehired within 18 months of their last date of employment shall have their employment service records adjusted to include previously earned length-of-service. [Ord. 77 § 1, 1997]

2.05.100 Dismissal.

An employee may be dismissed from his or her position by the department manager, under the authority, and with the prior approval, of the general manager, for disciplinary reasons. Dismissal

of full-time regular status employees must be conducted in accordance with the district's disciplinary procedures. [Ord. 77 § 1, 1997]

2.05.110 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 or employment. 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 chapter. [Ord. 77 § 1, 1997]

2.05.120 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 sick leave and vacation time.

(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, military or National Guard service. [Ord. 77 § 1, 1997]

2.05.130 Grievance procedure.

(1) 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 do not apply to disciplinary matters and the specific procedures that apply to said matters.

(a) Level I, Preliminary Informal Resolution.

(i) Any employee who believes he/she has a grievance shall present the evidence thereof orally to his/her immediate supervisor within five working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance.

(ii) The immediate supervisor shall hold discussions and attempt to resolve the matter within five working days after the presentation of such evidence. It is the intent of this informal meeting that at least one personal conference be held between the employee and the immediate supervisor.

(b) Level II, General Manager. If the grievance has not been resolved at Level I, the grievant must present his/her grievance in writing on a form provided by the district (Appendix "A") to the general manager within five working days after the date of completion of the Level I conference.

The statement shall include the following:

(i) A concise statement of the grievance including specific reference to the district policy claimed to have been violated;

- (ii) The circumstances involved;
- (iii) The decision rendered by the immediate supervisor at Level I;
- (iv) The specific remedy sought.

(2) The general manager shall communicate his/her decision within 10 days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefor and will be transmitted promptly to all parties in interest. Within the above time limits either party may request a personal conference with the other.

(3) If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.

(4) By agreement in writing, the parties may extend any and all time limitations of the grievance procedure.

(5) At the discretion of the general manager, the grievance procedure may be suspended on a districtwide basis due to an emergency situation or for any other urgent reason as determined by the general manager. Deadlines for filing, responding to, and appealing a grievance shall be suspended during said emergency/urgent situation.

(6) A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

Appendix A

EMPLOYEE GRIEVANCE FORM — TWENTYNINE PALMS WATER DISTRICT

Employee's Name: _____ Date: _____

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

Circumstances involved:

Decision rendered by the informal conference:

Specific remedy sought:

[Ord. 77 § 1, 1997]

2.05.140 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, 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. [Ord. 77 § 1, 1997]

2.05.150 Visitor policy.

(1) The public areas of the district office are intended for use by customers and the public for conducting business with the district.

(2) Visits from family or friends to district premises shall be limited to situations of extreme necessity and should not become a regular occurrence.

(3) Due to potential insurance and liability issues, employees shall not meet with family or friends or otherwise use district premises 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. [Ord. 77 § 1, 1997]

Article III. Working Conditions

2.05.160 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. [Ord. 77 § 1, 1997]

2.05.170 Hours of work.

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

(2) The workday for field personnel is 7:00 a.m. to 3:30 p.m. The workday for office personnel will be distributed between 7:30 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.

(3) 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. Fire department employees shall have their schedules set by the fire chief.

(4) 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.

(5) No more than 60 minutes shall be taken for the lunch period. Lunch periods may be waived only if the total hours worked in that day will not exceed six hours.

(6) 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. [Ord. 81, 2001; Ord. 77 § 1, 1997]

2.05.180 Uniforms and protective clothing.

(1) 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.

(2) 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, 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. [Ord. 77 § 1, 1997]

2.05.190 Use of tobacco products within the district.

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

(2) 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.

(3) All district employees will be responsible for advising members of the public who are observed smoking tobacco 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.

(4) District employees who violate this policy will be subject to disciplinary action. [Ord. 77 § 1, 1997]

2.05.200 Tobacco use – Full-time firefighter applicants.

Due to the proven health risks, no full-time firefighter hired after July 1, 1989 shall use any tobacco product while on duty. [Ord. 77 § 1, 1997]

Article IV. Employee Conduct

2.05.210 Standards of conduct.

All actions of employees shall be governed by reasonable rules of conduct as set forth in this chapter. The intent of these standards of conduct is to work toward the protection of their 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) Stealing or willfully destroying or damaging any property of the district, its customers, visitors or personnel;

(2) Disobeying or insubordination to superiors, including failure to follow lawful direction of a superior;

(3) Disorderly or criminal conduct on or off the job;

(4) Fighting with fellow employees;

(5) Entering time on another employee’s time card, or requesting another person to enter time on your time card;

(6) Entering time in and out on a time card at times other than those authorized;

(7) Discussing personal and/or personnel problems with customers at the workplace and/or during working hours;

(8) Soliciting or accepting tips/gifts for district services;

(9) Disclosing anything of a personal nature concerning a customer or employee unless the specific work duties require the giving or exchanging of such information;

(10) Violation of federal, state or local laws;

(11) Attempting to intimidate or coerce other employees;

(12) Failing to exercise proper custodial responsibility of district keys or property;

(13) Possession of firearms or other weapons on district property or while on duty;

(14) Willful or careless disregard of, or inattention to, working directions and instructions; refusal to comply with, or violations of, rules, safety or fire regulations or sanitary rules and regulations;

(15) Excessive or unjustified absences or tardiness, or failure to inform the supervisor that you are unable to report for work;

(16) Failure to notify your supervisor if you leave your job or premises during working hours;

- (17) Consuming food or beverages at unauthorized times or in unauthorized places;
- (18) Selling tickets or chances on pools or raffles, or gambling on district premises;
- (19) Unauthorized posting of notices or literature on district premises;
- (20) Soliciting, collecting funds and/or circulating literature of any nature on district property during working hours without the approval of the manager;
- (21) Conducting personal business on district time;
- (22) Using the district telephone for personal matters;
- (23) Taking more than the specified time for meals or rest breaks;
- (24) Unauthorized attendance or participation in meetings or gatherings during working hours;
- (25) Discourteous conduct, abusive treatment, or inappropriate language directed toward any customer, visitor, guest, employee or superior;
- (26) Inefficiency, inability or negligence in the performance of assigned duties;
- (27) Altering, falsifying or making a willful misstatement of facts on any district record or chart, job or work record, or employment application;
- (28) Misrepresenting reasons when applying for a leave of absence or for other time off work;
- (29) 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;
- (30) Unacceptable personal grooming;
- (31) Sleeping on the job, intentional slowdown of work, intentional disruption of the work force, or loafing during working hours;
- (32) Failure to promptly report injury or illness;
- (33) Scheduling off-duty time or vacation without the express consent of the supervisor;
- (34) Conduct undermining authority or disruptive of district functions or detrimental to close working relationships among employees;
- (35) Conduct prejudicial to the good reputation of the district;
- (36) Improper use of sick time;
- (37) To engage in any form of other employment during district working hours. [Ord. 77 § 1, 1997]

2.05.220 Conflict of interest – Outside employment.

It is the policy of the district that all employees should avoid any activity, practice, secondary employment, or action which has the potential for creating a conflict between one’s personal interest and one’s employment with the district.

(1) 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 mementoes, of nominal value, or of value only to the recipient, is permissible.

(2) 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.

(3) Outside Employment – Incompatible Activities.

(a) 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.

(b) 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.

(c) 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:

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

(ii) 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;

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

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

(d) 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 incompatible, 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 in the discretion of the general manager for the reasons and factors set forth above.

(e) 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 chapter, and/or state law/regulation, whichever is applicable. [Ord. 77 § 1, 1997]

2.05.230 Unlawful harassment policy.

(1) The Twentynine Palms Water District is committed to providing a work environment free of unlawful harassment. 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, sexual orientation or any other basis protected 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 or gestures;

(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 you believe you have been unlawfully harassed by another employee, tell him or her that you find 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 your fellow employees know when you consider 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 you believe that you have been unlawfully harassed, provide a written complaint to your own or any other supervisor/manager or to the general manager as soon as possible after the incident. Your 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.

(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. [Ord. 77 § 1, 1997]

2.05.240 Drug and alcohol abuse.¹

(1) It is the desire of the board of directors that all work environments of district employees be safe and productive and free of the influence of drugs, alcohol and/or other controlled substances. The board of directors is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.

(2) 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 off the premises is prohibited. Violation of this policy shall be grounds for disciplinary action, including termination.

(3) 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.

(4) 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.

1. See also Chapter 2.15 TPWDC.

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).

(5) 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.

(5) 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.

(6) 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 Department of Transportation Drug and Alcohol Program This program is incorporated herein by name and reference.

(7) In addition, the following specified employees will be subject to the following substance abuse testing:

(a) Preemployment Testing.

(i) The district will test job applicants as part of a preemployment medical examination in order to identify those applicants whose use of drugs could interfere with their prospective job performance. This examination shall be administered after the job applicant has been given a conditional offer of employment and before the first day of work. The condition to the offer shall include passage of the examination in that there is no presence of any detectable amount of drugs, alcohol, or other intoxicating substances.

(ii) All applications for employment will contain a statement to prospective applicants advising them that the selection procedure includes taking and passing a preemployment medical examination, which includes testing for the presence of drugs and other intoxicating substances.

(iii) Applicants who are referred for a preemployment examination will be required to sign consent forms authorizing the substance

screening and the release of the test results to authorized district personnel. Any applicant who refuses to sign the consent form or to submit to testing will not be considered for employment.

(iv) Test results are confidential and will not be released except to appropriate district personnel, the applicant upon request, or pursuant to court order.

(v) Testing will be conducted by a clinical laboratory licensed by the State Department of Health Services or a public health laboratory certified by the state. Testing will be conducted by urinalysis.

(vi) Applicants whose test results are negative for drugs will be deemed to have passed that portion of their medical examination. Positive test results will automatically require reanalysis. If the reanalysis reflects a negative indication, the applicant will be deemed to have passed this portion of the medical examination. Where the reanalysis results in a second indication of the presence of an intoxicating substance, the applicant will not be considered for employment, but may reapply after one year.

(b) Safety-Sensitive Employees Required to Have Commercial Driver’s License. The U.S. Department of Transportation has enacted regulations requiring drug and alcohol testing for employees who are required to maintain a commercial driver’s license in order to operate a commercial motor vehicle. These employees may be tested under any of the following circumstances:

(i) Reasonable Suspicion Testing, There is reason to believe controlled substances or alcohol use is adversely affecting job performance. A referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse.

Examples of reasonable suspicion include, but are not limited to, the following:

(A) Documentation of unsatisfactory work performance or on-the-job behavior;

(B) Physical signs and symptoms consistent with prohibited substance use;

(C) Occurrence of a serious or potentially serious accident that may have been caused by human error;

(D) Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

(ii) Post-Accident Testing. Testing of employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. A test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility, where one or more vehicles incurs disabling damage that require towing from the site, or the employee receives a citation under state or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible but not to exceed eight hours for alcohol and 32 hours for drugs. Any employee who leaves the scene of the accident without appropriate authorization, prior to submission to drug and alcohol testing, will be considered to have refused the test and will be subject to discipline, including termination.

(iii) Random Testing. Employees will be subjected to randomly selected, unannounced testing. Each employee will have an equal chance of being tested each time selections are made. Employees will be tested either just before departure, or during duty, or just after the employee has ceased performing his/her duty.

(c) Other Safety-Sensitive Employees. Said 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 testing under the conditions and procedures set forth in subsection (7)(b)(i) of this section.

(i) 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.

(ii) 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 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.

(iii) 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. [Ord. 77 § 1, 1997]

2.05.245 Personal use of district property or equipment.

Employees shall not make personal use of property or equipment belonging to the district. Such property includes, but is not limited to, vehicles, tools, field and office equipment and supplies. [Res. 00-14]

Article V. Compensation and Job Performance

2.05.250 Time clock – Daily time sheets.

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

(2) 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.

(3) 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.

(4) 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. [Ord. 77 § 1, 1997]

2.05.260 Pay periods.

(1) 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.

(2) 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 shall be authorized by the general manager. The general manager may take into account employee necessity, vacation schedule and/or personal financial emergency and shall make a decision in his/her sole discretion. It may be necessary to deny requests due to computerized payroll schedules.

(3) 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. [Ord. 77 § 1, 1997]

2.05.270 Mandatory and voluntary payroll deductions.

(1) On each biweekly payroll the accounting department is authorized and directed to withhold from the salary paid to each employee the following deductions, and to make payments to the appropriate agencies for the required amount for federal income taxes, state income taxes, the employee's contribution 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) Payback to Public Employee Retirement System (PERS);

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

Authorization forms for such deductions shall be filed in the employee's personnel file. [Ord. 77 § 1, 1997]

2.05.280 Holiday pay.

(1) 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.

(2) 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.

(3) 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. [Ord. 81, 2001; Ord. 77 § 1, 1997]

2.05.290 On-call duty.

(1) All designated members of the operations and maintenance crew shall be available for on-call duty as determined by the operations manager and will be compensated at one and one-half times his/her hourly rate for hours worked outside normal working hours while serving on-call duty. The employee shall be additionally compensated with eight hours of vacation time for each full seven-day week of on-call duty performed.

(2) When assigned to on-call duty the employee shall at all times of the day and night be available to receive telephone calls, pages and/or receive mobile radio calls in the event he/she is called back to work. The operations manager shall assign field personnel to an on-call roster for periods of one week (Wednesday through Tuesday) with a minimum of one week off such on-call duty. The operations manager will assign an equipped vehicle which the on-call employee shall drive while on call and use on all assignments during that time.

(3) Use and/or possession of alcoholic beverages or controlled substances will not be permitted during periods of on-call duty. The purchase, possession or use of alcohol or controlled substances

while driving a district vehicle is prohibited at any time. While on call, any employee taking prescription drugs under a physician's orders which may have hazardous side effects must notify the operations manager.

(4) Any employee assigned to on-call duty shall abstain from use of any alcoholic beverage or controlled substance while assigned to said duty. Failure to comply with this policy in regard to alcoholic beverages and controlled substances shall be grounds for disciplinary action, up to and including termination. Violation of this policy could result in injuries or damages where the employee may be held personally liable and where the employee may not be eligible for Worker's Compensation coverage for his/her own injuries. [Ord. 81, 2001; Ord. 77 § 1, 1997]

2.05.300 Overtime worked by nonexempt employees.

(1) Overtime compensation of time and one-half will be paid for each hour of authorized overtime. Overtime is defined as:

(a) Time worked in excess of 40 hours in a work week.

(b) Time worked on a seventh consecutive day in a work week will be paid at double their hourly rate.

(2) 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.

(3) 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.

(4) 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.

(5) 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. [Ord. 77 § 1, 1997]

2.05.310 Overtime worked by nonexempt fire department employees.

Repealed by Ord. 81. [Ord. 77.2, 1999; Ord. 77.1, 1998; Ord. 77 § 1, 1997]

2.05.320 Compensatory time for exempt position – Fire chief.

Repealed by Ord. 85. [Ord. 77.4, 2000; Ord. 77 § 1, 1997]

2.05.330 Reimbursement for use of personal vehicle.

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

(2) 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.

(3) 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. [Ord. 77 § 1, 1997]

2.05.340 Preparation of compensation plan.

(1) 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.

(2) 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. [Ord. 77 § 1, 1997]

2.05.350 Merit increases.

Merit increases are recommended through performance evaluations. Each employee will receive a performance evaluation from his/her department manager during the month of July each year and if eligible for a merit increase, will receive that increase beginning the first day of the first payroll period of August each year. Under no conditions shall an employee be granted a merit increase in an amount that would cause the employee to be compensated at a rate higher than is specified for the assigned position. Merit increases may be accelerated at the discretion of the general manager.

(1) New Employees.

(a) Merit increases may be granted to new employees upon completion of six months and 12 months of employment, provided the employee has improved his/her work performance and is recommended for a merit increase by his/her manager through a performance evaluation which is approved by the general manager.

(b) 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.

(c) On August 1st, following completion of the first 12 months of employment, new employees shall be eligible for consideration of a merit increase based on a performance evaluation prepared by his/her manager along with a recommendation for such an increase and final approval by the general manager.

(d) 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. Because the new employee will have completed less than a 12-month period since his/her last merit increase considerations, the normal amount of any merit increase granted shall be prorated.

(e) 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.

(2) Further Eligibility.

(a) Each August 1st, employees shall be eligible for consideration of a merit increase based on their annual performance evaluation received annually during the month of July. Any merit increase shall be contingent upon the employee’s performance evaluation rating as prepared by his/her manager, a recommendation for such an increase from the manager and final approval of the general manager.

(b) 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.

(3) Promoted Employees.

(a) 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.

(b) 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.

(c) A merit increase may be granted to an employee upon completion of six months in his/her new position provided 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 “satis-

factory” rating will not be considered for a merit increase.

(d) On August 1st, following completion of the first six months in his/her new position, employees 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.

(e) 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. 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.

(f) 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.

(g) Each August 1st thereafter, 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.

(4) Sustained Performance Compensation.

(a) 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 evaluations in the following amounts:

(i) “Satisfactory” rating will be eligible to receive \$300.00.

(ii) “Very good” rating will be eligible to receive \$600.00.

(iii) “Outstanding” rating will be eligible to receive \$1,200.

(b) Exception. If an employee receives a performance evaluation rating that would cause him/her to exceed the highest salary range for their position, the employee shall be granted sustained performance compensation in addition to the merit increase for that year. 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. [Ord. 77 § 1, 1997]

2.05.360 Performance evaluation.

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

(2) 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.

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

(4) 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.

(5) At least two weeks prior to the evaluation period, employees will be given a self-evaluation form to be completed and shared with the manager at the time of each performance evaluation. The self-evaluation will become part of the employee’s personnel file after the evaluation discussions have 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.

(6) Performance evaluations shall be considered in granting merit increase, sustained performance increases, promotions, reductions, demotions, layoffs, discharges or other disciplinary actions. [Ord. 77 § 1, 1997]

2.05.370 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 or create a new position. In such a situation, it shall be the general manager’s discretion whether

the affected employee(s) shall serve a probationary period as a result of the reclassification. [Ord. 77 § 1, 1997]

2.05.380 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 probationary 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. The applicable notice and due process procedures shall be followed as required by law. [Ord. 77 § 1, 1997]

2.05.390 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. [Ord. 77 § 1, 1997]

2.05.400 Dress code.

(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, mini skirts, bathing suits, jeans, sweat shirts, sweat pants, leggings or any torn clothing.

(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) Employees who primarily work in an office area, or regularly deal with the public in a nonfield capacity, are required to wear the following:

- (i) Males: Shirt, slacks, with socks and neat shoes.
- (ii) Females: Dress; or skirt and blouse/sweater; or dress slacks and blouse/sweater; suits or culottes-type outfits that resemble business attire (to be appropriate the culottes must avoid the appearance of being shorts); with neat shoes.

(f) Field personnel are required to wear clothing as described in the above item 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, ear plugs, hard hats, safety vests and gloves. [Ord. 77 § 1, 1997]

2.05.410 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

(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.

(3) 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.

(4) 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 prior to enrollment. The employee will be notified of final approval, or the reasons for disapproval.

(5) 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) A refund of the entire cost of tuition and required class materials will be made if the Employee received a grade of “C” or better for the class.

(b) No refund will be made to Employees who receive a grade at or below “D” for the class.

(6) Upon completion of the class(es) the employee is responsible for sending copies of the grade slip(s) and expense receipt(s) to the general manager.

(7) Upon approval of the general manager, employees may also 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.

(8) If participation in a class or training session other than those certifications required by the

employee’s job description is requested by the general manager and accepted by the employee, the district will prepay tuition and materials. [Ord. 77 § 1, 1997]

2.05.420 Disciplinary procedures.

(1) At any point in the disciplinary procedure, an employee may be represented by an attorney.

(2) An introductory employee serving an introductory/probationary period may be dismissed, or otherwise removed from the new position, any time during the introductory/probationary period without the right to due process or hearing procedures and without cause.

(3) Discipline for Minor Offenses. Minor discipline may be imposed for a minor commission of the offenses including, but not limited to, the offenses listed in the standards of conduct set forth in this chapter. Discipline for minor offenses does not require that the employee be given a right to due process or a hearing. However, the employee shall be entitled to the following:

(a) Notice of the disciplinary action shall include:

- (i) The proposed action;
- (ii) The effective date;
- (iii) The reasons for the proposed action;
- (iv) Copy of materials compiled to support the proposed action;
- (v) The employee’s right to respond, orally or in writing, within five working days.

And notice shall:

(vi) Be given by first class mail with return receipt request if the employee is unavailable at work;

(vii) State that when the department head and employee are able to discuss the notice, the employee shall acknowledge by signature on the notice that he/she understands the notice and his/her right to respond to the notice.

(b) The following disciplinary actions may be taken in the event of a minor commission of an offense. The district is not required to take action in any sequence and may take any of the following actions warranted by the offense. Such discipline maybe imposed by the appropriate department manager or general manager.

(i) Counseling Session. The manager states the problem and the required change in performance. The employee is given the opportunity to respond. The employee is notified of the conse-

quences if the problem continues or recurs. The session is documented in the employee’s personnel file.

(ii) Oral Reprimand. The manager states the problem and the required change in performance. The employee is given the opportunity to respond. The employee is notified of the consequences if the problem continues or recurs. The oral reprimand is documented in the employee’s personnel file.

(iii) Written Reprimand. This is a formal notice that further discipline may be taken unless performance improves. The written reprimand should contain the following:

- (A) What occurred;
- (B) Date and time;
- (C) Specific policy violated;
- (D) Reference to any previous counseling, reprimands, or discipline;
- (E) What the employee is directed to do to correct the problem.

A copy of the written reprimand should be given to the employee and placed in the personnel file. The document shall include a space for the employee to sign to acknowledge that the employee has read it and received a copy.

(4) Short-Term Suspension.

(a) An employee may be suspended without pay for a period not to exceed five days. Where the employee’s presence constitutes a danger to the safety of the employee or others in the opinion of the superior, the employee may be suspended “on-the-spot.”

(b) Before the suspension is imposed, or in a reasonable time after the “on-the-spot” suspension is imposed, a notice of suspension must be developed. A copy of the notice must be given to the employee and placed in the personnel file. The notice should include the following:

- (i) Duration and effective dates of the suspension;
- (ii) Reasons for the suspension;
- (iii) Summary of any previous disciplinary action;
- (iv) Notice to the employee that he/she may respond within a reasonable time.

(5) Discipline for Major Offense.

(a) Discipline for major offenses may be imposed for commission of major offenses as well as the commission or recurring commission of mis-

conduct offenses, safety-related offenses, and offenses related to job performance.

(b) Before discipline is imposed that is punitive in nature or will or may result in financial detriment to the employee, the employee must be given certain due process rights before discipline becomes effective.

(c) In addition, the general manager must be advised in advance of such proposed disciplinary action before due process procedures are initiated by the department manager. Such discipline includes the following:

- (i) Suspension exceeding five days;
- (ii) Demotion;
- (iii) Termination.

(6) Notice Procedure. When proposed disciplinary action has been approved, a notice of proposed disciplinary action shall be prepared and delivered to the employee either personally or by certified mail, return receipt requested. The notice shall be delivered at least five working days (counting the day of delivery as the first day) before the proposed disciplinary action will become effective. The notice shall include the following:

- (a) The proposed disciplinary action;
- (b) Statement of the charges upon which the action is based, including reference to the policy that has been violated;
- (c) Date that the action will become effective, which shall be no sooner than the beginning of the sixth day after delivery of the notice, counting the day of delivery as the first day;
- (d) Statement that the employee has a right to respond to the charges either orally or in writing at any time before the proposed disciplinary action becomes effective. This right is separate from the right to request a hearing as set forth below;
- (e) Statement that the employee has the right to a hearing on the charges. Said right may be exercised by filing a written request for a hearing, dated and signed by the employee. Said request shall be submitted to the department manager either personally or by certified mail, return receipt requested. The request must be received by the department manager before the end of the fifth working day after the notice is delivered to the employee (counting the day of delivery as the first day);
- (f) Statement that the employee requesting a hearing is entitled to be represented at the hearing by an attorney;

(g) Statement that in the absence of a timely written request for a hearing, the proposed discipline will become effective as scheduled, unless the proposed action is modified or rescinded as a result of consideration of the employee's oral or written response, if any.

(7) Arrangements for the Hearing. If the employee requests a hearing, the department manager shall consult with the employee to schedule a hearing as quickly as possible, but no further off than 10 days from the date of the request.

(8) Hearing Officer.

(a) The general manager shall preside over the hearing as the hearing officer. Following completion of the hearing, the general manager shall render the final decision as to the proposed disciplinary action.

(b) In the event the general manager determines, in his/her discretion, that he/she is not able to conduct the hearing due to time constraints or involvement in the disciplinary action, he/she shall name the next highest officer/employee in the district who shall be the hearing officer for said action.

(9) Format for the Hearing. The hearing shall be closed to the public. Legal rules of trial procedure, including rules of evidence, are to be relaxed. However, evidence and questioning must be relevant to the charges or the proposed discipline. The hearing shall be conducted in the following manner:

(a) The case in support of the proposed action shall first be presented by the department head through witnesses and exhibits. If the employee is represented by an attorney then the district's case shall be presented by district legal counsel. After each witness has testified, the employee shall have the opportunity to cross examine that witness.

(b) The employee shall then present his/her case in response through witnesses and exhibits. After each witness testifies, the district shall have the opportunity to cross-examine that witness.

(c) The district shall then have the opportunity to present rebuttal evidence through witnesses and exhibits on matters relevant to issues raised during presentation of the district's and employee's cases.

(d) The employee will then have the opportunity to present surrebuttal evidence through witnesses and exhibits on matters relevant to issues raised during the district's and employee's cases.

(e) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-

examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, and to impeach any witness regardless of which party first called the witness to testify. However, if the employee does not testify on his/her own behalf, he/she may not be called and examined on behalf of the district.

(f) The hearing officer may, in his/her discretion, call for closing arguments by each side.

(g) Following completion of closing arguments, the case shall be deemed submitted to the hearing officer for a decision.

(10) Decision by Hearing Officer.

(a) After examining the facts and weighing the responses from each side, the hearing officer will reach a decision. Said decision shall be one of the following:

- (i) Rule in favor of the proposed action;
- (ii) Rule against the proposed action;
- (iii) Rule that less severe action is warranted.

(b) The hearing officer may not impose discipline more severe than what was proposed. The decision shall be rendered within five working days from the date of completion of the hearing.

(11) Notice of Decision and Order of Disciplinary Action. Within two days from the date of completion of the hearing, the hearing officer shall submit to the employee a notice of decision and order of disciplinary action if any disciplinary action is imposed. The notice shall set forth the form of disciplinary action being imposed, the effective date thereof, and state that the decision/order is governed by Code of Civil Procedure Section 1094.6. [Ord. 77 § 1, 1997]

Article VI. Benefits and Employee Programs

2.05.430 Medical insurance.

(1) Health insurance to cover nonoccupational injuries and sickness shall be offered by the district for full-time employees and their dependents.

(2) Insurance will commence after completing two complete calendar months of employment. The scope of coverage and the payment of premiums is subject to periodic review and revision by the board of directors.

(3) The district currently pays 100 percent of the monthly premium for the employee and 75 percent of all dependents, with 25 percent of dependent coverage paid by the employee. The district

participates in the Association of California Water Agencies Benefits Program through Blue Cross (Health Maintenance Organization) or Prudent Buyer Plan Classic (Preferred Provider Organization). [Ord. 77 § 1, 1997]

2.05.440 Dental insurance.

(1) Dental insurance is provided to all full-time employees in all positions, and their dependents. The insurance commences after completing two complete calendar months of employment.

(2) 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 the employee and all dependents. [Ord. 77 § 1, 1997]

2.05.450 Vision care benefit.

The district provides a vision care benefit plan to all full-time employees. Insurance will commence after completing two complete calendar months of employment. The district pays 100 percent of the monthly premium for the employee and all dependents. [Ord. 77 § 1, 1997]

2.05.460 Life insurance benefit.

The district provides group life insurance to regular full-time employees with a benefit of two times the employee’s annual rate of pay. The district pays 100 percent of the premium for the employee. [Ord. 79 § 1, 1999; Ord. 77 § 1, 1997]

2.05.470 Retirement plan.

All eligible employees shall be enrolled in the district’s employee retirement plan. The district shall pay the employee’s portion of contribution to the Public Employees Retirement System (PERS) program. Eligibility for participation shall also be subject to the applicable legal authorities. [Ord. 77 § 1, 1997]

2.05.480 Fire department exclusions.

Repealed by Ord. 81. [Ord. 77.2, 1999; Ord. 77.1, 1998; Ord. 77 § 1, 1997]

2.05.490 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. [Ord. 77 § 1, 1997]

2.05.500 Credit unions.

Immediately upon employment, all eligible employees may become members of the Arrowhead Credit Union or the Marine Corps West Federal Credit Union if they so desire. Direct deposits to your accounts may be made after employee authorizations. [Ord. 77 § 1, 1997]

2.05.510 Holidays.

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

Full Day Holidays

New Year’s Day	January 1st
Martin Luther King, Jr.’s Birthday	Third Monday in January
Presidents’ Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans’ Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25th

When a full day holiday falls on Saturday, the preceding Friday will be observed. When a full day holiday falls on Sunday, the following Monday will be observed.

Half-Day Holidays

Christmas Eve Day	December 24th
New Year’s Eve Day	December 31st

Half day holidays will be observed in the afternoon portion of the workday. When a half day holiday falls on a Saturday or a Sunday, the holiday will be observed on the preceding Friday in the afternoon portion of the workday. [Ord. 77 § 1, 1997]

2.05.520 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, 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 beginning in 1997.

(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.

(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 a doctor's certificate is submitted stating an illness/injury had occurred and providing 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 four 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 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. [Ord. 81, 2001; Ord. 77 § 1, 1997]

2.05.530 Administrative leave.

Employees classified as exempt may be granted five days' administrative leave each calendar year in lieu of overtime compensation. Use of such leave requires the prior approval of the general manager. Unused administrative leave at the end of each year will be converted to vacation leave. [Ord. 77.3, 2000; Ord. 77 § 1, 1997]

2.05.540 Sick time.

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

(2) Employees shall earn sick time at the rate of eight hours per month.

(3) Sick time is not a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family. "Immediate family" is defined as being spouse, 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.

(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. 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 two 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 extenuating circumstances exist and are discussed with the general manager.

(b) Excessive occurrences in use of time; i.e., sick time taken in frequent, small increments unless 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.

(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. [Ord. 81, 2001; Ord. 79 § 2, 2000; Ord. 77 § 1, 1997]

2.05.550 Bereavement leave.

(1) 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.

(2) “Immediate family” is defined as being spouse, 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. [Ord. 77 § 1, 1997]

2.05.560 Jury duty.

(1) This policy shall only apply to introductory and full-time employees.

(2) 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. 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 of any compensation received while serving duty, not including any travel allowance received.

(3) An employee shall only be entitled to this leave if the employee notifies his/her department manager at least five working days prior to the date said jury duty is scheduled to commence. [Ord. 77 § 1, 1997]

2.05.570 Military leave.

(1) 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.

(2) 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.

(3) 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. [Ord. 77 § 1, 1997]

2.05.580 Authorized leave.

(1) Upon satisfaction of the applicable legal requirements, an employee will, be entitled to a leave of absence pursuant to the federal and state Family and Medical Leave Acts. During any such leave, the district will maintain coverage under the district’s medical, dental and vision plans. However, if the employee wishes to continue coverage during said leave, the employee shall be responsible for the payment of their 25 percent share of dependent coverage cost.

(2) An employee may take leave on account of pregnancy for a reasonable period of time, not to exceed four months. An employee is entitled to use any accrued vacation time or sick time during this period; however, this is considered a period of authorized leave without pay and no other accrual of vacation, holiday or sick time, shall occur during such periods of leave, excepting applicable provisions of TPWDC 2.05.120, Continuity.

(3) A “reasonable period of time” means that period during which the employee is disabled on account of the pregnancy, childbirth, or related medical conditions. The employee shall give the district reasonable notice of the date the leave will commence and the estimated duration of the leave.

(4) If the employee is disabled or otherwise injured or unable to work, such period of time when the employee is on disability and/or receiving benefits under the district’s Workers’ Compensation program, shall be considered a period of authorized leave without pay and no other accrual of vacation, holiday or sick time shall be allowed during such periods, excepting applicable provisions of TPWDC 2.05.120, Continuity.

(5) Due to the district’s limited work force, maintenance of job positions for the term of an authorized leave of absence cannot be guaranteed beyond six months. Any eligible employee who takes a leave for a purpose intended by the law will be entitled upon return from such leave of absence under six months to be restored to the same position of employment as held when the leave began, or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. [Ord. 77 § 1, 1997]

2.05.590 Family and medical leave.

(1) The purpose of this policy is to clarify how the Twentynine Palms Water District will implement the Family and Medical Leave Act of 1993

(FMLA) under federal law and the Family Rights Act under state law.

(2) To be eligible for leave under the FMLA, an employee must have: (a) been employed by the Twentynine Palms Water District for at least 12 months, which need not be consecutive; and (b) worked for the Twentynine Palms Water District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

(3) Eligible employees will be provided with up to 12 weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a seriously ill child, parent, or spouse.

(4) In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to 12 weeks of unpaid leave. “Serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that entails (a) inpatient care in a hospital, hospice, or residential medical care facility or (b) continuing treatment by a health care provider.

(5) To be eligible for leave under the FMLA, the employee will be allowed to use applicable accrued vacation and sick time permitted by the district, for the first part of the 12-week statutory leave.

(6) Accrued vacation and sick time may not be added to the end of the 12 weeks of unpaid leave without the general manager’s prior approval.

(7) If a husband and wife are both employed by the Twentynine Palms Water District, the total number of work weeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.

(8) At the end of the leave the employee will be reinstated to their previous position or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue vacation, holiday or sick time or other employment benefits during the leave period, excepting applicable provisions of TPWDC 2.05.120, Continuity. The Twentynine Palms Water District may also require the employee to obtain medical certification that they are able to resume work. If an employee requests leave for the birth, adoption, or the foster placement of a child, and the need for leave is foreseeable, the employee must provide the general manager with at least 30 days’ notice.

(9) If the date of the birth, adoption, or foster placement requires that leave begin in less than 30 days, the employee must provide the general manager with as much notice as practicable. If the employee requests leave because of a serious health condition, the employee must provide the general manager with 30 days' notice or with as much notice as practicable.

(10) Employees seeking leave on account of a serious health condition must provide the general manager with medical certification regarding their condition. The general manager may require employees to obtain, at the Twentynine Palms Water District's expense, a second opinion. If the second opinion differs from the first, the general manager may require a third opinion from a mutually agreed on health care provider.

(11) For most leaves, employees will not be permitted to take their leave intermittently or on a reduced leave schedule without the general manager's approval. However, intermittent leave or a reduced leave schedule may, if medically necessary, be taken by the employee because of a serious health condition.

(12) An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job. [Ord. 77 § 1, 1997]

2.05.600 Unauthorized voluntary absence.

(1) 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 chapter, an absence from work will be deemed an unauthorized or unjustified absence. As stated in the standards of conduct, as defined in this document, one of the offenses that could be grounds for disciplinary action, up to and including termination, is excessive or unjustified absences.

(2) Absence from work without permission for three consecutive working days shall be grounds for termination in accordance with the disciplinary procedures in this chapter. [Ord. 77 § 1, 1997]

2.05.610 Check cashing policy.

All employees are encouraged to use their financial institution for cashing personal checks; however, on occasion, an employee may be allowed to

cash a personal check. This service shall be provided on an occasional basis only. If an employee's check is returned from the bank, the employee shall be required to reimburse the district for the amount of the check plus any bank charges. If such an incident occurs, the check cashing privilege shall be withdrawn for that employee. [Ord. 77 § 1, 1997]

Article VII. Separate Documents

2.05.620 Injury and illness prevention plan.¹

The goal of the district is to provide safe and healthful working conditions for all of its employees. Therefore, the district will maintain a safety and health program conforming to the best practices of agencies of this type. The Twentynine Palms Water District's illness and injury prevention program is a separate and detailed document under separate cover and is incorporated herein by name. The illness and injury prevention program may be updated from time to time. [Ord. 77 § 1, 1997]

2.05.630 Purchasing policy.²

The Twentynine Palms Water District purchasing policy is a separate and detailed document under separate cover and is incorporated herein by name. The purchasing policy maybe updated from time to time. [Ord. 77 § 1, 1997]

1. See Chapter 2.10 TPWDC.
2. See Chapter 4.25 TPWDC.

Chapter 2.06

FIRE DEPARTMENT – RULES AND REGULATIONS¹

Sections:

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- 2.06.020 Purpose of district employees rules and regulations policies.

Article II. Employment Policies and Practices

- 2.06.030 Fair employment policy.
- 2.06.040 Job descriptions and organizational chart.
- 2.06.050 Pre-employment medical examination.
- 2.06.060 Pre-employment background check.
- 2.06.070 Physical agility examination.
- 2.06.080 Merit system policy.
- 2.06.090 Employee status.
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- 2.06.110 Resignation.
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- 2.06.140 Abolition of position.
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1. Prior legislation: Ord. 83 and Res. 01-20.

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- 2.06.610 Authorized leave.
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- 2.06.630 Administrative leave.

Article I. Introduction

2.06.010 Authority and responsibility.

(1) In an effort to provide high quality and financially responsible fire and other emergency services to the residents of the Twentynine Palms Water District, the board of directors requires that the general manager and the fire chief promote a comprehensive employee management program.

(2) 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, harassment, discrimination of any kind, acts that violate establishing and maintaining a harmonious work place or any other action that would undermine the reputation and productivity of the district. The general manager, who also serves as the personnel officer, will ensure that the subject program is documented in an employee manual. Further, the personnel officer is responsible for ensuring compliance with the employee manual.

(3) The board of directors establishes policy for the district and is the governing body of the district, of which the fire department is a part. The board establishes district policy and provides broad oversight to ensure that said policy is implemented pursuant to the board’s desires.

(4) The board has the authority to appoint certain officers including the fire chief. The fire chief has full charge and control of the operations and maintenance of the fire department subject to the board’s authority. The general manager is the personnel officer for the department. The board does not have the authority or responsibility for personnel decisions, including but not limited to disciplinary matters, involving personnel other than the fire chief, the general manager and other officers of the board.

(5) The fire chief has full power and authority to employ and discharge all employees, within the policies contained herein, and other agents and to prescribe the duties of employees and agents. In addition, the fire chief has the authority to fix and alter the compensation of employees and agents, subject to approval of the board.

(6) The fire chief has the authority to assign any employee of the department who has at least the rank of captain to act as fire chief in the chief’s absence, provided the chief has made specific written delegation.

(7) In the absence of a fire chief, the board may name an alternate person to serve as senior administrative officer. If such action is taken by the board, that individual shall assume the duties, responsibilities and authority granted to the fire chief herein. [Res. 02-25]

2.06.020 Purpose of district employees rules and regulations policies.

(1) This chapter was adopted pursuant to Resolution No. 01-20 passed by the board of directors of the Twentynine Palms Water District on September 26, 2001. The intent of this chapter is to set forth the fire department’s personnel rules, regulations and policies. The board of directors may amend this chapter at any time. This chapter serves as a resource for management and staff in determining the manner in which matters of employment are to be conducted. Members of the fire department classified as a “volunteer” or “reserve” are not employees of the district and accordingly are not covered by the provisions of this chapter. However, matters of volunteer and reserve duties, actions, responsibilities, and personal interaction with other members of the department and the general public are covered separately in a “Volunteer Manual.”

(2) If any provision of this chapter is in conflict with rules, regulations or statutes having authority over the Twentynine Palms Water District, said rules, regulations or statutes shall prevail.

(3) This chapter is not an employee contract, but intended to provide employees with certain guidelines regarding employment with the district.

(4) This chapter 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.

(5) This chapter supersedes and replaces all prior manuals, ordinances and policies concerning the subjects covered in this chapter. Those prior manuals, ordinances, resolutions and policies are hereby rescinded.

(6) This chapter governs the terms and conditions of the fire chief’s employment only to the extent those terms and conditions are not covered in the fire chief’s contract. To the extent of any inconsistency between this chapter and the fire chief’s contract, the terms of the contract shall govern. [Res. 02-25]

Article II. Employment Policies and Practices

2.06.030 Fair employment policy.

It is the district’s policy to seek the most qualified person for each position while also providing an equal opportunity for all persons to compete for

employment with the district. There shall be no discrimination based upon race, national origin, religion, sex, physical handicap, veteran's status, age or other protected status in any personnel action including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action. The district also makes reasonable accommodations for disabled applicants and employees and for pregnant employees in compliance with state and federal law. [Res. 02-25]

2.06.040 Job descriptions and organizational chart.

(1) The fire chief shall prepare and maintain an organizational chart that 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.

(2) 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 to be 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.

(3) A full directory of all current job descriptions including the current organizational chart is a separate and detailed document under separate cover and is incorporated herein by name. The job descriptions and organizational chart may be updated from time to time. [Res. 02-25]

2.06.050 Pre-employment medical examination.

(1) 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 that may interfere with their prospective job performance or be detrimental to employees or the public.

(2) Applicants shall be required to sign consent forms authorizing the examination and release of the examination results to authorized district per-

sonnel, who shall take reasonable steps to maintain the confidentiality of the results. Any applicant who refuses to sign the consent form or to submit to the medical examination shall not be considered for employment.

(3) All medical examinations and the results thereof shall be approved by the fire chief and the personnel officer. 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 personnel officer, 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. 02-25]

2.06.060 Pre-employment background check.

(1) All notices for employment shall contain a statement to applicants advising them that the selection process includes a background check by the Department of Justice to insure that the applicant has not been convicted of any felony crime. The applicant shall be required to have a set of fingerprints taken for this purpose.

(2) Applicants shall be required to sign consent forms authorizing the background check and release of the results. Any applicant who refuses to sign the consent form or to submit to being fingerprinted shall not be considered for employment.

(3) All background checks and the results thereof shall be approved by the fire chief and the personnel officer. 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 personnel officer and the applicant, upon request. [Res. 02-25]

2.06.070 Physical agility examination.

All notices for employment of safety employees shall contain a statement to applicants advising them that the selection process includes a physical agility examination. Said examination shall be conducted in such a manner that the department will be reasonably assured that the applicant is physically able to perform the minimum requirements of the position being filled. The physical agility examina-

tion may be conducted by department personnel at department facilities or may be conducted at a qualified Fire Academy facility by nondepartment personnel. If the examination is conducted by department personnel, the personnel officer or designee shall observe the examination process for all applicants and serve as a neutral observer. Applicants who fail to pass the minimum standard for the examination shall not be considered for employment or promotion. Individuals being considered for positions above the rank of captain shall not be required to pass the physical agility examination. [Res. 02-25]

2.06.080 Merit system policy.

(1) 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.

(2) 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. 02-25]

2.06.090 Employee status.

(1) A “safety employee” is any employee who responds to emergency calls, either part of the time or throughout their workday.

(2) A “full-time” employee is one who has been hired to fill a position in any job classification and routinely works more than 75 percent of the full-time hours for that position and has completed his/her introductory period.

(3) A “part-time” employee is one who has been hired to fill a position in any job classification and routinely works less than 75 percent of the full-time hours for that position and has completed his/her introductory period. The part-time employee is eligible for vacation and sick time accrual on a pro-rated basis following completion of working each full payroll period.

(4) An “introductory” employee is one who has been hired to fill a full-time or part-time position in any job classification and has less than six contin-

uous months of service with the district. An introductory employee shall serve an introductory period of six months following the date of employment, promotion, demotion or transfer. Said period shall provide employee with an opportunity to demonstrate ability to satisfactorily perform the job. An employee’s failure to satisfactorily perform the job and meet the required standards may result in revocation of the promotion or termination of a newly hired employee. Termination of a newly hired employee during the introductory period shall not be subject to due process or hearing procedures. Upon completion of six months of continuous service with the district in said classification, and upon the fire chief’s decision to retain said employee, the employee shall be granted full-time or part-time employment status. Under extenuating circumstances, the personnel officer and/or the fire chief may extend the introductory period for one additional six-month period.

(5) A “temporary” employee is one who is hired 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 one year. Such a temporary work assignment may be renewed for an additional period beyond one year with approval of the board of directors. Temporary employees accrue vacation and sick time on the same basis as full-time employees. The temporary employee shall be eligible for health, dental, vision, and life insurance benefits on the first of the month following completion of two full calendar months of employment provided that the work assignment is routinely scheduled for more than 75 percent of the full-time hours for that position. The temporary employee shall be eligible for PERS contributions immediately upon being hired.

(6) An “exempt” employee is in a position classification that is not entitled to overtime. Such employees are in positions that meet the salary test and duties test pursuant to the applicable law.

(7) A “nonexempt” employee is paid on an hourly basis and qualifies for overtime compensation for hours worked in excess of the hours specified for fire department personnel within the Fair Labor Standards Act.

(8) A “contract” employee is an employee of the district who is employed by a written contract between the employee and the district and serves exclusively at the pleasure of the board of directors. Accordingly, a contract employee shall have

no rights to due process or hearing procedures. Further, compensation, employee benefits, residency and working hours shall be specified within said contract. The fire chief shall be a contract employee. No other employee of the department shall be a contract employee. [Res. 02-25]

2.06.100 Recruitment and promotion.

The fire chief shall always conduct the process of recruiting new employees and promoting existing employees on a competitive basis. All such recruiting and promoting shall include, at the very least, a review of the candidates' employment applications and an interview. An interview panel that is comprised of at least three individuals shall conduct the interview. At least one of the members of the panel must be an employee of the department with the rank of at least captain. Other examinations required within this chapter shall also be administered as well as additional examinations that may be appropriate for the position being filled. [Res. 02-25]

2.06.110 Resignation.

In order to resign from district employment, an employee is expected to file a written notice of termination with the fire chief at least two weeks before the effective date. Resignations may not be withdrawn without the fire chief and personnel officer's approval. [Res. 02-25]

2.06.120 Layoffs.

(1) 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.

(2) Following the board's adoption of a reduction-in-force policy, the employees to be laid off shall be given at least 14 calendar days' prior notice of the effective date of the layoff and the opportunity to discuss the layoff with a supervisor.

(3) Except as otherwise provided in a particular reduction-in-force policy, whenever there is a reduction in the work force, the fire chief shall first demote to a vacancy, if any, in a lower position for which the employee who is the latest to be laid off is qualified.

(4) An employee affected by layoff may have retreat rights to displace an employee who has less seniority in a lower position that the employee has

previously occupied. For the purpose of this document, seniority includes all periods of full-time service at or above the retreat position being considered.

(5) In order to retreat to a former or lower position, an employee must request displacement action in writing to the personnel officer within five working days of receipt of the layoff notice.

(6) It shall not be the district's responsibility to include information regarding displacement in any layoff notice and said five-day period shall begin, in any case, upon the employee's receipt of a layoff notice. Employees retreating to a lower position shall be placed at a salary rate representing the least loss of pay but within the salary range for the lower position. In no case shall the salary be increased above that received in the position from which the employee was laid off.

(7) If two positions have the same job description, then employees shall be laid off according to employment status in the following order: temporary, introductory part-time, introductory full-time, part-time, and full-time. Temporary, part-time, and introductory employees shall be laid off according to the needs of the service as determined by the fire chief. In cases where there are two or more full-time positions with the same job description from which the layoff is to be made, such employees shall be laid off on the basis of criteria set forth in the particular reduction-in-force policy which may include, but shall not be limited to, work performance skills and technological knowledge that will be necessary for department operations in the future.

(8) The names of persons laid off or demoted in accordance with this policy shall be entered upon a re-employment list. The re-employment list shall be used by the personnel officer when a vacancy arises in the same or lower position before certification is made from an eligibility list. Names of persons laid off shall be carried on the re-employment list for one year, except that persons appointed to full-time positions of the same level as that from which they were laid off, shall upon such appointment, be removed from the list.

(9) Persons who refuse re-employment shall be removed from the list. Persons re-employed in a lower position in the same classification, or on a temporary basis, shall be continued on the list for the higher position for one year. At the discretion

of the general manager and the fire chief, the list may be extended for an additional year.

(10) A re-employment list will be maintained by the district. Employees eligible for inclusion on said list shall be only those who have been laid off. Employees who have been discharged by the district, or have voluntarily terminated employment, shall not be eligible.

(11) The re-employment list shall be used to determine the order in which part-time and temporary employees shall be employed when other than full-time work is available and additional employees are needed. Placement on the list shall be according to performance and seniority, which shall be based on length of service.

(12) An individual is considered to have seniority if his/her length-of-service, as defined above, is greater than that of another individual on the list. An individual on the re-employment list shall be rehired to fill a vacant position within a specific job classification if the following requirements are met:

(a) He/she was previously employed within said job classification or within a job classification requiring higher qualifications, and/or satisfies the qualifications as specified in the job description for said vacant position; and he/she has seniority, as defined above.

(13) When an individual called to work from the re-employment list is unavailable to begin work as requested, the next person on said list having seniority and satisfying the conditions listed above shall be called. If an individual is called to work three times without being available to work, his/her name may be removed from the re-employment list. An individual shall be removed from the re-employment list upon employment with another employer.

(14) Previous full-time employees who were laid off and called back for work that is not full-time in nature will have their employment service records maintained so that they accumulate length-of-service as they work on an "hour-for-hour" basis.

(15) Part-time and temporary employees who are hired for a position having full-time status will have previously earned length-of-service adjusted to include their employment service records.

(16) Previous temporary employees who are rehired within 18 months of their last date of employment shall have their employment service records

adjusted to include previously earned length-of-service. [Res. 02-25]

2.06.130 Dismissal.

An employee may be dismissed from his or her position by the fire chief, under the authority, and with the prior approval, of the personnel officer, for disciplinary reasons. Dismissal of full-time and part-time regular status employees must be conducted in accordance with the district's disciplinary procedures. Dismissal of the fire chief shall be governed by his/her contract with the district. [Res. 02-25]

2.06.140 Abolition of position.

Whenever, in the judgment of the fire chief, it becomes necessary in the interest of economy or because the necessity for the position or employment involved no longer exists, the fire chief may abolish any position or employment, with specific approval of the board of directors. The action of the fire chief is final and conclusive and shall be implemented in accordance with the provisions regarding layoffs as set forth in this chapter. [Res. 02-25]

2.06.150 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 sick leave and vacation time.

(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, military or National Guard service. [Res. 02-25]

2.06.160 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 do not apply to disciplinary matters and the specific procedures that apply to said matters. Complaints about unlawful harassment need not be made under the grievance procedures, but may be made under the procedure described in TPWDC 2.06.280, Unlawful harassment policy.

(1) Level I – Preliminary Informal Resolution.

(a) Any employee who believes he/she has a grievance shall present the evidence thereof orally to the fire chief within five working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance.

(b) The fire chief shall hold discussions and attempt to resolve the matter within five working days after the presentation of such evidence. It is the intent of this informal meeting that at least one personal conference be held between the employee and the fire chief.

(2) Level II – Personnel Officer.

(a) If the grievance has not been resolved at Level I, the grievant must present his/her grievance in writing on a form provided by the district (Appendix “A”) to the personnel officer within five working days after the date of completion of the Level I conference.

(b) The statement shall include the following:

(i) A concise statement of the grievance including specific reference to the district policy claimed to have been violated.

(ii) The circumstances involved.

(iii) The decision rendered by the fire chief at Level I.

(iv) The specific remedy sought.

(c) The personnel officer shall communicate his/her decision within 10 working days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefor and will be transmitted promptly to all parties in interest. Within the above time limits either party may request a personal conference with the other.

(d) If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.

(e) By agreement in writing, the parties may extend any and all time limitations of the grievance procedure.

(f) At the discretion of the personnel officer, the grievance procedure may be suspended on a districtwide basis due to an emergency situation or for any other urgent reason as determined by the personnel officer. Deadlines for filing, responding to, and appealing a grievance shall be suspended during said emergency/urgent situation.

(g) A copy of all formal grievance decisions shall be placed in the employee’s permanent personnel file.

Appendix A

EMPLOYEE GRIEVANCE FORM — TWENTYNINE PALMS WATER DISTRICT

Employee's Name: _____ Date: _____

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

Circumstances involved:

Decision rendered by the informal conference:

Specific remedy sought:

[Res. 02-25]

2.06.170 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, parents, children, 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.

(2) However, the fire department is a department of the district and, accordingly, close relatives may not be employed within the fire department at the same time. [Res. 02-25]

2.06.180 Visitor policy.

(1) The public areas of the fire department stations are intended for use by the general public for conducting official business with the department.

(2) Visits from family or friends to fire department stations premises shall be limited to situations

of extreme necessity and should not become a regular occurrence. On nationally observed holidays such as Christmas and Thanksgiving, family members may visit and eat a meal with employees on 24-hour shift duty.

(3) Due to potential insurance and liability issues, employees shall not meet with family or friends or otherwise use department premises for any nondepartment 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. 02-25]

2.06.185 Policies under Firefighters Procedural Bill of Rights Act.

The following constitutes the Twentynine Palms Water District's policies and procedures for implementing the Firefighters Procedural Bill of Rights Act (FPBRA).

(1) Investigation Rights. When a firefighter is under investigation and subjected to interrogation by the fire chief, or any other member of the fire department, that could lead to punitive action, such interrogation shall be conducted under the following conditions. For the purpose of this section, "punitive action" is defined as dismissal, demotion, suspension, reduction in salary, written reprimand or transfer for purposes of punishment.

(a) The interrogation shall be conducted at a reasonable hour, when the firefighter is on duty,

unless an imminent threat to public safety requires otherwise. If such interrogation does occur during off-duty time of the firefighter being interrogated, the firefighter shall be compensated for such off-duty time in accordance with regular department procedures. The firefighter's compensation shall not be reduced as a result of any work missed while being interrogated.

(b) The firefighter under investigation shall be informed prior to such interrogation of the rank, name and command of the official in charge of the interrogation, the interrogating officer and all other persons to be present during interrogation. All questions directed to the firefighter under interrogation shall be asked by and through no more than two interrogators at one time.

(c) The firefighter under investigation shall be informed of the nature of the investigation prior to the interrogation.

(d) The interrogating session shall be for a reasonable period taking into consideration the gravity and complexity of the issues being investigated. The firefighter under interrogation shall be allowed to attend to his or her own personal physical necessities.

(e) The firefighter under interrogation shall not be subjected to offensive language or threatened with punitive action.

(f) The department shall provide to, and obtain from, an employee a formal grant of immunity from criminal prosecution, in writing, before the employee may be compelled to respond to incriminating questions in the interrogation. Subject to the grant of immunity, a firefighter refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answer a question.

(g) The department shall not cause the firefighter under interrogation to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address, telephone number, contact information or photographs be given to the press or news media without his or her express consent.

(h) The complete interrogation of a firefighter may be recorded. If a tape recording is made of the interrogation, the firefighter shall have access to the tape if any further proceedings are

contemplated or prior to any further interrogation at a subsequent time. The firefighter shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or persons, except those which are required by law to be kept confidential. No notes or reports, which are deemed to be confidential, may be entered in the personnel file of the firefighter. The firefighter being interrogated shall have the right to bring his or her own recording device and record any and all aspects of investigation.

(i) If prior to or during interrogation of a firefighter it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.

(j) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against any member, that member, at his/her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during such interrogation. The representative shall not be a person subject to the same investigation.

(k) This section shall not apply to counseling, instruction or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other member.

(2) Lawful Exercise of Rights – Administrative Appeal. No firefighter shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under the FPBRA, or the exercise of any rights under any existing administrative grievance procedure.

Punitive action or denial of promotion on grounds other than merit shall not be undertaken by the department against any firefighter who has successfully completed the probation period without providing the firefighter with an opportunity for an administrative appeal. The administrative appeal shall be conducted in conformance with the Twentynine Palms fire department's employee manual's procedure for disciplinary hearings or, at the firefighter's option, under the grievance of arbitration procedures in the MOU.

(3) Personnel Files. No firefighter shall have any comment adverse to his or her interest entered in his or her personnel file, or any other file used for any personnel purposes by his or her department, without the firefighter having first read and

signed the instrument containing the adverse comment, indicating he or she is aware of such comment, except that such entry may be made if after reading such instrument the firefighter refuses to sign it. Should a firefighter refuse to sign, that fact should be noted on the document and signed or initialed by the firefighter. The firefighter shall have 30 days within which to file a written response to any adverse comment entered in his or her personnel file. Such written response shall be attached to and shall accompany the adverse comment.

(4) Political Activity. Except as otherwise provided by law, no firefighter shall be prohibited from engaging, or be coerced to engage in, political activity or seeking elective office, except for elective office with the Twentynine Palms Water District. No firefighter shall be allowed to engage in political activity when in uniform or on duty.

(5) Lie Detectors. No firefighter shall be compelled to submit to a lie detector test against his or her will.

(6) Lockers. A firefighter shall not have his or her locker or other space for storage that may be assigned to him or her searched except in his or her presence, or with his or her consent, or unless a valid search warrant has been obtained, or unless he or she has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the department. [Res 09-06 Exh. A]

Article III. Working Conditions

2.06.190 Hours of business.

The fire stations will be open to the public from 8:00 a.m. to 5:00 p.m. on all days of the year except Saturdays, Sundays and designated holidays. The fire station(s) shall be staffed with personnel to respond to emergencies 24 hours per day, seven days per week. [Res. 02-25]

2.06.200 Hours of work.

(1) The fire department exists to provide assistance to residents of the district in times of emergency need. Accordingly, some job classifications are required to work 24-hour or 48-hour shifts while other employees are required to work eight

to 12-hour shifts. Further, weekend and holiday work is required to provide call coverage.

(2) The fire chief may direct or allow an employee to work a different schedule when the fire chief determines that the best interest of the public and the needs of the employee may both be served.

(3) All full-time regular employees will be required to work an average of between 40 hours per week and 72 hours per week (see also Article V of this chapter). Employees who work 24-hour to 72-hour shifts shall be available and prepared to respond to emergencies at all times of the day or night, unless specifically relieved from response duties. Accordingly, those employees shall be based at the fire station and shall be provided with reasonable and adequate meal and sleep periods during each shift and shall receive compensation during those periods. In addition to being available to respond to calls, those employees shall perform specific department duties from 7:00 a.m. to 5:00 p.m. During the other hours of the shift, the employee shall not be responsible to perform department duties other than responding to calls. Employees scheduled for eight-hour or 12-hour shifts shall perform department duties throughout their shift, except for break and meal periods. The fire chief shall establish shift schedules for each job classification and station within the department.

(4) One 15-minute work break will be provided to be taken approximately two hours after the shift begins and another 15-minute work break approximately four to five hours thereafter.

(5) Lunch periods shall be 60 minutes and shall begin between the hours of 11:00 a.m. and 1:00 p.m., except when call response requires otherwise. Employees who are not permitted to leave the station for meals shall continue to receive compensation during the lunch period. Employees who do not have primary call response duties may leave their station for lunch but will not receive compensation during that period. [Res. 02-25]

2.06.210 Physical training.

All employees who respond to calls are required to participate in physical training. Physical training will be conducted as part of the normal work schedule. The fire chief will establish the schedule and place of all training. [Res. 02-25]

2.06.220 Uniforms and protective clothing.

(1) The department, through a uniform allowance paid directly to employees, shall pay for required uniforms and safety boots. Half of the annual uniform allowance shall be paid in a single payment and the other half shall be divided equally and paid in each payroll period. The amount of the allowance shall be reviewed periodically to ensure that the amount is adequate.

(2) The fire department will provide all required and necessary protective clothing and equipment. Said clothing and equipment shall remain the property of the department. [Res. 02-25]

2.06.230 Use of tobacco products.

(1) In the best interest of the health and safety of employees and the general public, the use of any tobacco products by employees hired after July 1, 1989, is strictly prohibited while on duty.

(2) The smoking of tobacco products shall be prohibited within all district buildings and other confined spaces on any district property. 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.

(3) All district employees will be responsible for advising members of the public who are observed smoking tobacco products within district buildings 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.

(4) District employees who violate this policy will be subject to disciplinary action. [Res. 02-25]

2.06.240 Physical examinations.

Each safety employee of the department is required to pass a physical examination once every two years. Said examination shall be performed by a licensed physician at department expense and shall include such examinations and laboratory tests that the examining physician deems necessary based on a job description and list of physical requirements of the job, as provided by the district. The physician shall provide a summary report to the personnel officer that indicates that the employee has passed the examination or the reasons that the employee has failed, without a statement of the

medical causes (unless authorized by the employee). If the employee is unable to pass the examination, the department shall obtain a second medical opinion from a different licensed physician and again the results defined above shall be provided to the personnel officer by the second physician. During the period between the first and the second examinations, the employee shall be placed on paid administrative leave pending results of the second examination. If the employee does not pass the second examination, the employee shall be given written notice to that effect and be provided with copies of the physician's reports. Failure to pass the physical examinations demonstrates that the employee's physical status is such that it places the subject employee, other employees and the general public at an unacceptable level of risk. Reasonable steps shall be taken to maintain the confidentiality of examination results. [Res. 02-25]

Article IV. Employee Conduct

2.06.250 Standards of conduct.

All actions of employees shall be governed by reasonable rules of conduct as set forth in this chapter. 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 department. The following is a nonexclusive list of the more common reasons or offenses for disciplinary action:

- (1) Stealing or willfully destroying or damaging any property of the district, its customers, visitors or personnel.
- (2) Disobeying or insubordination to superiors, including failure to follow lawful direction of a superior.
- (3) Disorderly or criminal conduct on or off the job.
- (4) Fighting with fellow employees.
- (5) Entering time on another employee's time card, or requesting another person to enter time on your time card.
- (6) Entering time in and out on a time card at times other than those authorized.
- (7) Discussing personal and/or personnel problems with members of the public at the workplace and/or during working hours.
- (8) Soliciting or accepting tips/gifts for district services.

- (9) Disclosing anything of a personal nature concerning a member of the public or employee unless the specific work duties require the giving or exchanging of such information.
- (10) Violation of federal, state or local laws.
- (11) Attempting to intimidate or coerce other employees.
- (12) Failing to exercise proper custodial responsibility of district keys or property.
- (13) Possession of firearms or other weapons on district property or while on duty.
- (14) Willful or careless disregard of, or inattention to, working directions and instructions; refusal to comply with, or violations of, rules, safety or fire regulations or sanitary rules and regulations.
- (15) Excessive or unjustified absences or tardiness, or failure to inform the supervisor that you are unable to report for work.
- (16) Failure to notify your supervisor if you leave your job or premises during working hours.
- (17) Consuming food or beverages at unauthorized times or in unauthorized places.
- (18) Selling tickets or chances on pools or raffles, or gambling on district premises.
- (19) Unauthorized posting of notices or literature on district premises.
- (20) Soliciting, collecting funds and/or circulating literature of any nature on district property during working hours without the approval of the fire chief.
- (21) Conducting personal business on district time.
- (22) Using the district telephone for personal matters.
- (23) Taking more than the specified time for meals or rest breaks.
- (24) Unauthorized attendance or participation in meetings or gatherings during working hours.
- (25) Discourteous conduct, abusive treatment, or inappropriate language directed toward the public, visitor, guest, employee or superior.
- (26) Inefficiency, inability or negligence in the performance of assigned duties.
- (27) Altering, falsifying or making a willful misstatement of facts on any district record or chart, job or work record, or employment application.
- (28) Misrepresenting reasons when applying for a leave of absence or for other time off work.
- (29) 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.

- (30) Unacceptable personal grooming.
- (31) Intentional slow down of work, intentional disruption of the work force, or loafing during working hours.
- (32) Failure to promptly report injury or illness.
- (33) Scheduling off-duty time or vacation without the express consent of the fire chief.
- (34) Conduct undermining authority or disruptive of district functions or detrimental to close working relationships among employees.
- (35) Conduct prejudicial to the good reputation of the district.
- (36) Improper use of sick time.
- (37) Engaging in any form of other employment during district working hours. [Res. 02-25]

2.06.260 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.

- (1) 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.
- (2) Entertaining and Acceptance of Entertainment. Acceptance of meals, travel, lodging and entertainment from vendors, contractors and consultants is prohibited for officers and employees of the district and their immediate family. Officers and employees who dine and/or entertain vendors, contractors or consultants, shall do so at their own expense.
- (3) Outside Employment/Incompatible Activities.

- (a) 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.

- (b) Officers and employees shall not engage in any employment or activity that is incompatible with his/her duties as an officer/employee of the district.
- (c) 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:
 - (i) Use of district time, facilities or the prestige and influence of his/her position for private gain.
 - (ii) 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.
 - (iii) Such time demands as would render performance of his/her duties as an officer/employee to be less efficient.

- (iv) Use or disclosure of confidential information for private gain or other nondistrict related activities.

- (d) Any officer/employee desiring to engage in outside employment or activity shall first obtain approval from the fire chief. 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 fire chief, such outside employment/activity is incompatible, 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 in the discretion of the fire chief for the reasons and factors set forth above.

- (e) In the event it is determined that 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 chapter, and/or state law/regulation, whichever is applicable.

- (f) Under no circumstances may an employee of the district engage in political activities while on district time. This prohibition includes the support for or the rejection of pending legislation, initiatives or other political activities, which have a direct impact on the department or the district. [Res. 02-25]

2.06.270 Use of district property.

The use of district property is limited to the legitimate operational needs of the department. District property or other assets of the district shall not be used for personal purposes nor shall they be removed from district property except for the operational needs of the department. Property and other assets of the district shall include all assets that have been donated to, purchased by, rented by or leased by the department. This prohibition includes assets that are serviceable as well as assets that are not serviceable or assets that have been designated as surplus. Further, the use of intangible assets such as computer software or Internet systems is prohibited for personal purposes. [Res. 02-25]

2.06.280 Unlawful harassment policy.

(1) The Twentynine Palms Water District is committed to providing a work environment free of unlawful harassment. 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, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is prohibited.

(2) The district’s unlawful harassment policy applies to all persons involved in the operation of the district, including management and co-workers. Under current law, individual supervisors may be personally liable for money damages based on unlawful harassment.

(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 or gestures;

(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/or

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

(5) If you believe another employee has unlawfully harassed you, tell him or her that you find 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 your fellow employees know when you consider 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 you believe that you have been unlawfully harassed, provide a written complaint to the personnel officer or the fire chief as soon as possible after the incident. Your 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 personnel officer or, if the personnel officer is accused of unlawful harassment, to another appropriate individual who will promptly undertake an effective, thorough and objective investigation of the harassment allegations.

(7) If unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee 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. Further, all employees who receive an allegation of harassment from anyone, whether from another employee or any other person associated with the district, are required to report the allegation to the general manager or the fire chief immediately.

(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. 02-25]

2.06.290 Drug and alcohol abuse.¹

(1) It is the desire of the board of directors that all work environments of district employees be safe and productive and free of the influence of illegal drugs, alcohol and/or other controlled substances. The board of directors is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.

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

(3) "Illegal drugs or other controlled substances" means any drug or substance that (a) is not legally obtainable; or (b) is legally obtainable but was not legally obtained; or (c) has been legally obtained but is not being used or sold legally.

(4) An employee shall notify the fire chief of his/her use of any drug prescribed by a physician, which could affect the employee's work performance. Appropriate steps will be taken to maintain the confidentiality of this information. For the purpose of applying this policy, being under the influence of illegal 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.

(5) The decision to discipline or terminate an employee found to have used and/or be under the influence of illegal drugs, alcohol and/or other controlled substances during working hours may, in the discretion of the personnel officer, be held in abeyance pending said employee's attempt at rehabili-

tation. 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:

(a) Successfully complete an approved rehabilitation program and faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings).

(6) 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.

(7) In addition, the district reserves the right to require any employee to open a tool box, lunch box, lunch pail, parcel, package or purse. An employee's 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. 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 Department of Transportation Drug and Alcohol Program. This program is incorporated herein by name and reference.

(8) In addition, the following specified employees will be subject to the following substance abuse testing:

(a) Pre-Employment Testing.

(i) The district will test job applicants as part of a pre-employment medical examination in order to identify those applicants whose use of drugs could interfere with their prospective job performance. This examination shall be administered after the job applicant has been given a conditional offer of employment and before the first day of work. The condition to the offer shall include passage of the examination in that there is no presence of any detectable amount of drugs, alcohol, or other intoxicating substances.

(ii) All applications for employment will contain a statement to prospective applicants advising them that the selection procedure includes taking and passing a pre-employment medical examination, which includes testing for the presence of drugs and other intoxicating substances.

(iii) Applicants who are referred for a pre-employment examination will be required to sign consent forms authorizing the substance

1. See also Chapter 2.15 TPWDC.

screening and the release of the test results to authorized district personnel. Any applicant who refuses to sign the consent form or to submit to testing will not be considered for employment.

(iv) Test results are confidential and will not be released except to appropriate district personnel, the applicant upon request, or pursuant to court order.

(v) Testing will be conducted by a clinical laboratory licensed by the State Department of Health Services or a public health laboratory certified by the state. Testing will be conducted by urinalysis.

(vi) Applicants whose test results are negative for illegal drugs will be deemed to have passed that portion of their medical examination. Positive test results will automatically require re-analysis. If the re-analysis reflects a negative indication, the applicant will be deemed to have passed this portion of the medical examination. Where the re-analysis results in a second indication of the presence of an intoxicating substance, the applicant will not be considered for employment, but may re-apply after one year.

(b) Safety-Sensitive Employees Required to Have Commercial Driver’s License. The U.S. Department of Transportation has enacted regulations requiring drug and alcohol testing for employees who are required to maintain a commercial driver’s license in order to operate a commercial motor vehicle. These employees may be tested under any of the following circumstances:

(i) Reasonable Suspicion Testing. There is reason to believe controlled substances or alcohol use is adversely affecting job performance. A referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the effects of substance abuse.

Examples of reasonable suspicion include, but are not limited to, the following:

(A) Documentation of unsatisfactory work performance or on-the-job behavior;

(B) Physical signs and symptoms consistent with prohibited substance use;

(C) Occurrence of a serious or potentially serious accident that may have been caused by human error;

(D) Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

(ii) Post-Accident Testing. Testing of employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. A test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility, or where one or more vehicles incurs disabling damage that require towing from the site, or the employee receives a citation under state or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible but not to exceed eight hours for alcohol and 32 hours for illegal drugs. Any employee who leaves the scene of the accident without appropriate authorization, prior to submission to drug and alcohol testing, will be considered to have refused the test and will be subject to discipline, including termination.

(iii) Random Testing. Employees will be subjected to randomly selected, unannounced testing. Each employee will have an equal chance of being tested each time selections are made. Employees will be tested either just before departure, or during duty, or just after the employee has ceased performing his/her duty.

(c) Other Safety-Sensitive Employees. Said 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 testing under the conditions and procedures set forth in subsection (8)(b)(i) of this section.

(i) Reasonable Suspicion Testing. An employee who may be under the influence of alcohol and/or illegal 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 illegal 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 alcohol 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.

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

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

The employee whose alcohol 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.

(iii) 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 alcohol 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. 02-25]

Article V. Compensation and Job Performance

2.06.300 Daily time sheets.

(1) Each employee is responsible for maintaining an accurate record of his/her time. Each nonexempt employee is required to record their daily work time on the department time sheet.

(2) The 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 into the fire chief at the end of each two week payroll period.

(3) In all cases, employees shall sign their time sheets. The fire chief shall review the time sheets for accuracy, sign and submit them to the finance department at the designated times.

(4) Pay periods commence at 7:00 a.m. Sunday through 6:59 a.m. the following Sunday. Any overtime worked shall be indicated on the time sheet and initialed by the fire chief or the duty officer at the time the overtime is worked. [Res. 02-25]

2.06.310 Pay periods.

(1) The pay period for all employees shall be biweekly (26 times a year) and shall incorporate two workweeks. Paychecks will be distributed biweekly on Wednesday following the end of the pay period. When the regular payday falls on a holiday, paychecks will be distributed on the workday immediately preceding such holiday.

(2) Employees requesting payment of wages in advance of regular paydays as defined in this section shall submit written request to the fire chief. Advancement of wages prior to a regular payday is not a privilege that an employee may use at his/her

discretion, but may or may not be authorized by the fire chief. The fire chief may take into account employee necessity, vacation schedule and/or personal financial emergency and shall make a decision in his/her sole discretion. It may be necessary to deny requests due to computerized payroll schedules.

(3) 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. 02-25]

2.06.320 Mandatory and voluntary payroll deductions.

(1) On each biweekly payroll the accounting department is authorized and directed to withhold from the salary paid to each employee the following deductions and to make payments to the appropriate agencies for the required amount for federal income taxes, state income taxes, the employee's contribution 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) Any other programs authorized from time to time by the district.

Authorization forms for such deductions shall be filed in the employee's personnel file. [Res. 02-25]

2.06.330 Holiday pay.

(1) Fire department employees who can be scheduled off in observance of holidays shall receive eight hours' pay for each of the district's observed holidays (four hours' pay for Christmas Eve Day and New Year's Eve Day). 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 fire

chief prior to the holiday. Solely for the purpose of this section, authorized paid vacation time shall be considered time worked.

(2) Fire department employees who are scheduled to work on a holiday shall receive eight hours' pay in addition to their compensation for hours worked. Emergency response employees who are not scheduled to work on a holiday shall receive eight hours (four hours for Christmas Eve Day and New Year's Eve Day) pay for that holiday in-lieu of additional time off. Holiday pay shall not be considered as hours worked for the purpose of calculating overtime compensation. [Res. 02-25]

2.06.340 On-call duty.

(1) All fire department personnel are subject to being assigned to on-call duty or duty officer status during the evening, night and weekend hours.

(2) When assigned to on-call duty the employee shall at all times of the day and night be available to receive telephone calls, pages and/or receive mobile radio calls in the event he/she is called back to work. The fire chief shall assign personnel to on-call status. The fire chief will also assign a department vehicle, which the on-call employee shall drive while on duty status and will use on all assignments during that time.

(3) Use and/or possession of alcoholic beverages or controlled substances will not be permitted during periods of on-call duty. The purchase, possession or use of alcohol or controlled substances while driving a district vehicle is prohibited at any time. While on call, any employee taking prescription drugs under a physician's orders, which may have hazardous side effects, must notify the fire chief, who will take appropriate steps to maintain the confidentiality of the information.

(4) Any employee assigned to on-call duty shall abstain from use of any alcoholic beverage or controlled substance while assigned to said duty. Failure to comply with this policy in regard to alcoholic beverages and controlled substances shall be grounds for disciplinary action, up to and including termination. Violation of this policy could result in injuries or damages where the employee may be held personally liable and where the employee may not be eligible for worker's compensation coverage for his/her own injuries.

(5) Fire department employees who are assigned as the on-call duty officer shall receive eight hours' compensatory time off with pay for each

seven-day period that the employee serves in that capacity for which the employee is not receiving regular compensation. The compensatory time off with pay shall be taken during the week immediately following completion of on-call duty. The scheduling of the compensatory time off shall be mutually acceptable by the employee and the fire chief. When a nonexempt duty officer responds to an incident, that employee shall receive compensation for all hours worked, but not additional compensation if the employee is already receiving compensation for those hours worked. The compensation paid to the employee shall be at the employee's straight-time rate of pay except when the employee has worked in excess of 212 hours during any 28-day pay period. When the employee exceeds 212 hours worked in a 28-day work period, the employee shall receive compensation at the overtime rate. [Res. 02-25]

2.06.350 Overtime worked for nonexempt employees.

(1) All nonexempt fire department employees shall be assigned to a work period that begins on Sunday at 7:00 a.m. and ends at 6:59 a.m. on the Sunday 28 days thereafter. The 28-day work period shall coincide with two of the existing district pay periods and shall be the basis for calculation of overtime compensation for fire department employees.

(2) Overtime compensation of one and one-half times the employee's straight-time rate shall be paid for authorized overtime. All nonexempt fire department personnel assigned to fire protection and emergency medical service duties, as defined by the Fair Labor Standards Act (FLSA), shall receive overtime compensation for all hours worked in excess of 212 hours in each 28-day work period, as established by the department. Whereas fire department nonexempt employees receive overtime compensation only for hours worked in excess of 212 hours in each 28-day work period, and scheduled overtime compensation is part of certain employees annual compensation, the fire department shall consider sick time, vacation time and/or any other type of paid leave taken (except holiday pay) as hours worked for the purpose of calculating overtime compensation. All other non-exempt employees who are not primarily assigned to fire protection and emergency medical service duties, as defined by the FLSA, shall receive over-

time compensation for all hours worked in excess of 40 hours per week.

(3) All overtime work must be scheduled by the fire chief or authorized in advance by the fire chief or the duty officer. The fire chief shall be required to keep a record of actual hours worked by his/her employees, with justification for each instance.

(4) 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. [Res. 02-25]

2.06.360 Reimbursement for use of personal vehicle.

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

(2) 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 fire chief, 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.

(3) 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. 02-25]

2.06.370 Salary ranges.

The fire chief shall maintain salary plans for each classification of employees that is tied to the department budget. Any change to the authorized salary ranges must be approved by specific action of the board of directors. [Res. 02-25]

2.06.380 Merit increases.

Merit increases are recommended through performance evaluations. Each employee will receive a performance evaluation from his/her immediate supervisor during the month of July each year and if eligible for a merit increase, will receive that increase beginning the first day of the first payroll

period of August each year. Under no conditions shall an employee be granted a merit increase in an amount that would cause the employee to be compensated at a rate higher than is specified for the assigned position.

(1) New Employees.

(a) Merit increases shall be granted to new employees upon completion of six months and 12 months of employment, provided the employee has improved his/her work performance and is recommended for a merit increase by his/her immediate supervisor through a performance evaluation that is approved by the fire chief.

(b) 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.

(c) On August 1st, following completion of the first 12 months of employment, new employees shall be eligible for consideration of a merit increase based on a performance evaluation prepared by his/her immediate supervisor along with a recommendation for such an increase and final approval by the fire chief.

(d) 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. Because the new employee will have completed less than a 12-month period since his/her last merit increase consideration, the normal amount of any merit increase granted shall be prorated.

(e) 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.

(2) Further Eligibility.

(a) Each August 1st, employees shall be eligible for consideration of a merit increase based on their annual performance evaluation received annually during the month of July. Any merit increase shall be contingent upon the employee's performance evaluation rating as prepared by his/her immediate supervisor, a recommendation

for such an increase from the manager and final approval of the fire chief.

(b) The amount of the increase will be determined by the rating of a satisfactory, a very good or an outstanding received on the performance evaluation. An employee not receiving at least a satisfactory rating will not be considered for a merit increase.

(3) Promoted Employees.

(a) 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.

(b) A merit increase shall be granted to an employee upon completion of six months in his/her new position provided the employee has improved his/her work and is recommended for a merit increase by his/her immediate supervisor through a performance evaluation which is approved by the fire chief. The amount of the increase will be determined by the rating of satisfactory, very good or outstanding that is received on the performance evaluation. An employee not receiving at least a satisfactory rating will not be considered for a merit increase.

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

(d) 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.

(e) Each August 1st thereafter, 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 immediate supervisor and final approval of the fire chief. The amount of the increase will be determined by the rating of satisfactory, very good or outstanding that is received on the performance evaluation. An employee not receiving at least a satisfactory rating will not be considered for a merit increase.

(4) Sustained Performance Compensation. 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 evaluations in the following amounts:

(a) A satisfactory rating will be eligible to receive \$300.00.

(b) A very good rating will be eligible to receive \$600.00.

(c) An outstanding rating will be eligible to receive \$1,200.

Exception: If an employee receives a performance evaluation rating that would cause him/her to exceed the highest salary range for their position, the employee shall be granted sustained performance compensation in addition to the merit increase for that year. 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. [Res. 02-25]

2.06.390 Performance evaluation.

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

(2) 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.

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

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

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

(6) Performance evaluations shall be considered in granting merit increases, sustained performance increases, promotions, reductions, demotions, layoffs, discharges or other disciplinary actions. [Res. 02-25]

2.06.400 Reclassification.

Due to a change in job duties and/or responsibilities, the fire chief may determine that in the best interest of the department, it is necessary to abolish or create a new position. In such a situation, it shall be at the fire chief's discretion whether the affected employee(s) shall serve a probationary period as a result of the reclassification. [Res. 02-25]

2.06.410 Demotion.

(1) The fire chief 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 demotion and has the consent of both the current and prospective supervisors.

(e) When an employee is promoted and does not pass his/her probationary period, the employee will be afforded the opportunity to be demoted back to his/her previous position at the rate of pay the employee was receiving at the time of the promotion.

(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 fire chief, an employee may be demoted to a new position and still retain his/her current salary level. The applicable notice and due process procedures shall be followed as required by law. [Res. 02-25]

2.06.420 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. 02-25]

2.06.430 Dress code.

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

(2) It is the policy of the Twentynine Palms Water District that all fire department paid personnel shall be dressed in approved department uniforms at all times that the employee is on duty. The department provides each paid employee with an annual uniform allowance. Accordingly, the department expects each employee to be dressed in uniform. When work assignments are such that a uniform is not appropriate, the employee may dress in more casual attire provided that it is approved in advance by the fire chief.

(3) Department approved and required safety equipment will be worn whenever the circumstances or the work environment warrant. [Res. 02-25]

2.06.440 Continued training and development.

(1) Employees of the department 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.

(2) To be eligible for reimbursement of course costs, the employee must receive advance approval for the class(es) from the fire chief. Request for reimbursement must be submitted in writing prior to enrollment. The employee will be notified of final approval, or the reasons for disapproval.

(3) Those requests for reimbursement that 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 fire chief. Reimbursement to full-time employees for approved classes will be based on the following criteria:

(a) A refund of the entire cost of tuition and required class materials will be made if the employee received a grade of C or better for the class.

(b) No refund will be made to employees who receive a grade at or below a D for the class.

(4) Upon completion of the class(es) the employee is responsible for sending copies of the grade slip(s) and expense receipt(s) to the fire chief.

(5) Upon approval of the fire chief, employees may also be permitted to attend conferences/training sessions that provide a benefit to the department. The department will pay costs associated with those conferences/training sessions. If attendance to said conference/training session is not required by the department but rather is requested by the employee and approved by the fire chief, the employee shall not be compensated for their time in attendance.

(6) If participation in a class or training session other than those certifications required by the employee’s job description is requested by the fire chief and accepted by the employee, the department will prepay tuition and materials and compensate the employee for the time that the employee is in attendance. [Res. 02-25]

2.06.450 Disciplinary procedures.

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

(1) Discipline for Minor Offenses. Minor discipline may be imposed for a minor commission of the offenses including, but not limited to, the offenses listed in the standards of conduct set forth in this chapter. Discipline for minor offenses does

not require that the employee be given a right to due process or a hearing.

The following disciplinary actions may be taken in the event of a commission of a minor offense. The district is not required to take action in any sequence and may take any of the following actions warranted by the offense. Such discipline may be imposed by the immediate supervisor or the personnel officer.

(a) Counseling Session. The immediate supervisor states the problem and the required change in performance. The employee is given the opportunity to respond. The employee is notified of the consequences if the problem continues or recurs. The session is documented in the employee's personnel file.

(b) Oral Reprimand. The immediate supervisor states the problem and the required change in performance. The employee is given the opportunity to respond. The employee is notified of the consequences if the problem continues or recurs. The oral reprimand is documented in the employee's personnel file.

(c) Written Reprimand. This is a formal notice that further discipline may be taken unless performance improves. The written reprimand should contain the following:

- (i) What occurred.
- (ii) Date and time.
- (iii) Specific policy violated.
- (iv) Reference to any previous counseling, reprimands, or discipline.
- (v) What the employee is directed to do to correct the problem.

A copy of the written reprimand should be given to the employee and placed in the employee's personnel file. The document shall include a space for the employee to sign to acknowledge that the employee has read it and received a copy.

(2) Short-Term Suspension. An employee may be suspended, with approval of the fire chief, without pay for a period not to exceed one workweek. Where the employee's presence constitutes a danger to the safety of the employee or others in the opinion of the supervisor, fire chief or the personnel officer, the employee may be suspended immediately.

Before the suspension is imposed, or in a reasonable time after the immediate suspension is imposed, a notice of suspension must be developed. A copy of the notice must be given to the

employee and placed in the personnel file. The notice should include the following:

- (a) Duration and effective dates of the suspension;
- (b) Reasons for the suspension;
- (c) Summary of any previous disciplinary action;
- (d) Notice to the employee that he/she may respond within five working days.

(3) Discipline for Major Offenses. Discipline for major offenses must be initiated by the fire chief.

Before discipline is imposed that is punitive in nature or will or may result in financial detriment to the employee, the employee must be given certain due process rights before discipline becomes effective.

In addition, the personnel officer must be advised in advance of such proposed disciplinary action before due process procedures are initiated by the fire chief. Such discipline includes the following:

- (a) Suspension exceeding one workweek;
- (b) Demotion;
- (c) Termination.

(4) Notice Procedure. When proposed disciplinary action has been approved, a notice of proposed disciplinary action shall be prepared and delivered to the employee either personally or by certified mail, return receipt requested. The notice shall be delivered at least five working days (counting the day of delivery as the first day) before the proposed disciplinary action will become effective. The notice shall include the following:

- (a) The proposed disciplinary action.
- (b) Statement of the charges upon which the action is based, including reference to the policy that has been violated.

(c) Date that the action will become effective, which shall be no sooner than the beginning of the sixth day after delivery of the notice, counting the day of delivery as the first day.

(d) Statement that the employee has a right to respond to the charges either orally or in writing at any time before the proposed disciplinary action becomes effective. This right is separate from the right to request a hearing as set forth below.

(e) Statement that the employee has the right to a hearing on the charges. Said right may be exercised by filing a written request for a hearing, dated and signed by the employee. Said request shall be

submitted to the directly to the personnel officer either personally or by certified mail, return receipt requested. The request must be received by the personnel officer before the end of the fifth working day after the notice is delivered to the employee (counting the day of delivery as the first day).

(f) Statement that the employee requesting a hearing is entitled to be represented at the hearing by an attorney.

(g) Statement that in the absence of a timely written request for a hearing, the proposed discipline will become effective as scheduled, unless the proposed action is modified or rescinded as a result of consideration of the employee's oral or written response, if any.

(5) Arrangements for the Hearing. If the employee requests a hearing, the personnel officer shall consult with the employee to schedule a hearing as quickly as possible, but no further off than 10 days from the date of the request.

(6) Hearing Officer.

(a) The personnel officer shall preside over the hearing as the hearing officer. Following completion of the hearing, the personnel officer shall render the final decision as to the proposed disciplinary action.

(b) In the event the personnel officer determines, in his/her discretion, that he/she is not able to conduct the hearing due to time constraints or involvement in the disciplinary action, he/she shall name the next highest officer/employee in the district who shall be the hearing officer for said action.

(7) Format for the Hearing. The hearing shall be closed to the public. Legal rules of trial procedure, including rules of evidence, are to be relaxed. However, evidence and questioning must be relevant to the charges or the proposed discipline. The hearing shall be conducted in the following manner:

(a) The case in support of the proposed action shall first be presented by the fire chief through witnesses and exhibits. If the employee is represented by an attorney then the district's case shall be presented by district legal counsel. After each witness has testified, the employee or his representative shall have the opportunity to cross-examine that witness.

(b) The employee shall then present his/her case in response through witnesses and exhibits. After each witness testifies, the district shall have the opportunity to cross-examine that witness.

(c) The district shall then have the opportunity to present rebuttal evidence through witnesses and exhibits on matters relevant to issues raised during presentation of the district's and employee's cases.

(d) The employee will then have the opportunity to present rebuttal evidence through witnesses and exhibits on matters relevant to issues raised during the district's and employee's cases.

(e) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, and to impeach any witness regardless of which party first called the witness to testify. However, if the employee does not testify on his/her own behalf, he/she may not be called and examined on behalf of the district.

(f) The hearing officer may, in his/her discretion, call for closing arguments by each side.

(g) Following completion of closing arguments, the case shall be deemed submitted to the hearing officer for a decision.

(8) Decision by Hearing Officer.

(a) After examining the facts and weighing the responses from each side, the hearing officer will reach a decision. Said decision shall be one of the following:

- (i) Rule in favor of the proposed action;
- (ii) Rule against the proposed action;
- (iii) Rule that less severe action is warranted.

(b) The hearing officer may not impose discipline more severe than what was proposed. The decision shall be rendered within five working days from the date of completion of the hearing.

(c) The decision shall set forth the form of disciplinary action being imposed, the effective date thereof, and state that the decision/order is governed by Code of Civil Procedure Section 1094.6. [Res. 02-25]

Article VI. Benefits and Employee Programs

2.06.460 Generally.

(1) The following briefly describes employee benefits the district currently offers. The full details of eligibility and benefit levels are contained in the plan documents themselves, which govern in the event of any conflict with the provisions of this chapter.

(2) Fire department part-time personnel shall not receive medical, dental, vision or life insurance benefits. Part-time employees who work more than 20-hours per week are eligible to receive retirement benefits as provided within this section. [Res. 02-25]

2.06.470 Medical insurance.

(1) Health insurance to cover nonoccupational injuries and sickness shall be offered by the district for full-time employees and their dependents.

(2) Insurance will commence after completing two complete calendar months of employment. The scope of coverage and the payment of premiums are subject to periodic review and revision by the board of directors.

(3) The district currently pays 100 percent of the monthly premium for the employee and 75 percent of all dependent coverage, with 25 percent of dependent coverage paid by the employee. The district participates in the Association of California Water Agencies Benefits Program through Blue Cross (Health Maintenance Organization) or Prudent Buyer Plan Classic (Preferred Provider Organization). [Res. 02-25]

2.06.480 Dental insurance.

Dental insurance is provided to all full-time employees in all positions, and their dependents. The insurance commences after completing two complete calendar months of employment. The district pays 100 percent of the monthly premium for the employee and all dependents. [Res. 02-25]

2.06.490 Vision care benefit.

The district provides a vision care benefit plan to all full-time employees. Insurance will commence after completing two complete calendar months of employment. The district pays 100 percent of the monthly premium for the employee and all dependents. [Res. 02-25]

2.06.500 Retirement plan.

All eligible employees shall be enrolled in the district's employee retirement plan. The district shall pay the employee's portion of contribution to the Public Employees Retirement System (PERS) program. Eligibility for participation shall also be subject to the applicable legal authorities. [Res. 02-25]

2.06.510 Life insurance.

The district provides a life insurance benefit plan to all full-time employees. Insurance will commence after completing two complete calendar months of employment. The district pays 100 percent of the monthly premium for the employee. [Res. 02-25]

2.06.520 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 personnel officer has full details of the available plans. [Res. 02-25]

2.06.530 Credit unions.

Immediately upon employment, all eligible employees may become members of the Arrowhead Credit Union or the Marine Corps West Federal Credit Union if they so desire. [Res. 02-25]

2.06.540 Holidays.

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

Full Day Holidays

New Year's Day	January 1st
Martin Luther King, Jr.'s Birthday	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans' Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25th

When a full day holiday falls on Saturday, the preceding Friday will be observed. When a full day holiday falls on Sunday, the following Monday will be observed.

Half-Day Holidays

Christmas Eve Day	December 24th
New Year's Eve Day	December 31st

Half-day holidays will be observed in the afternoon portion of the workday. When a half-day holiday falls on a Saturday or a Sunday, the holiday will be observed on the preceding Friday in the afternoon portion of the workday. [Res. 02-25]

2.06.550 Vacation.

(1) Full-time employees shall accrue paid vacation leave 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) Fire department personnel assigned a work schedule that is routinely based on working an average of 72 hours per week shall accrue vacation time at the rate of 180 percent of accrual rates provided above. Such employees may take vacation time in increments of no less than 12 hours. Part-time employees who are scheduled less than 75 percent of a full-time schedule for their position shall accrue vacation time on a prorated basis, based on their work hours per week compared to a full-time employee in the same position.

(3) Employees may take vacation time after it is earned. Vacation time may be accumulated. The total accumulated vacation time shall not exceed that amount earned by the employee in two years. 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.

(4) 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.

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

(6) An employee may elect to take vacation time in case of extended illness where sick time has been fully used.

(7) 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. This only applies to fire department personnel who are not scheduled to work holidays.

(8) 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 fire chief.

(9) If an employee becomes ill or injured while on vacation the portion of the absence that is subsequent to the illness or injury may be charged to sick time with approval of the fire chief provided a doctor's certificate is submitted stating an illness/injury had occurred and providing the time period of the illness/injury.

(10) Employees' consideration of work schedules in requesting vacation time is expected. Vacation time may be taken in increments of no less than four hours (unless specified differently above). Vacation time must be requested no later than the workday prior to the requested vacation time. The fire chief has full discretion in granting or denying vacation time requests based on the workload and scheduling requirements.

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

(12) An employee may be granted compensation in lieu of vacation, over 32 hours required to be taken each year, with the approval of the fire chief. 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 fire chief and the personnel officer for approval. [Res. 02-25]

2.06.560 Sick time.

(1) Sick time is defined as absence from work due to illness, nonindustrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick time provided prior notice is supplied to the immediate supervisor.

(2) Employees who are scheduled 40 hours per week shall earn sick time at the rate of eight hours per month. Employees who are scheduled more or less than 40 hours per week shall earn sick time proportionately (i.e., a 72-hour per week employee

shall earn sick time at the rate of 14.4 hours per month and a 20 hour per week employee shall earn at the rate of four hours per month). Sick time accrues only following completion of working each full payroll period.

(3) Sick time is not a privilege that an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family. "Immediate family" is defined as being spouse, parents, children, 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.

(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 workday. 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 two days, satisfactory evidence, such as a doctor's certificate, may be required by the immediate supervisor, the fire chief or personnel officer. If said certificate is not presented upon request, the entire period of said time shall be without pay. The fire chief or the personnel officer 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 extenuating circumstances exist and are discussed with the fire chief.

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

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

(8) Unused sick time may, at the discretion of the fire chief and the personnel officer, be "bought back" by the district for each hour accrued. Said

buy back shall be limited only to time over and above the accrued sick hours equal to one year's accrual. Unused sick time balance accrued through the end of the last payroll in November of each year will be considered for buy back 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 buy back shall be deducted from the accrued balance.

(9) Resignation, termination or discontinuance of employment from the district for any reason shall result in loss of all accrued sick time. [Res. 02-25]

2.06.570 Bereavement leave.

(1) This policy shall apply only to introductory, part-time, 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. Said leave shall only be paid for hours that the employee was scheduled to work. This is in addition to regular sick time and vacation time. Certification may be required by the personnel officer.

(2) "Immediate family" is defined as being spouse, parents, children, 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. 02-25]

2.06.580 Jury duty.

(1) This policy shall only apply to introductory, part-time, and full-time employees.

(2) An employee summoned for jury duty or summoned to testify before the court shall notify his/her immediate supervisor upon receipt of notice to appear. 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 of any compensation received while serving duty, not including any travel allowance received.

(3) An employee shall only be entitled to this leave if the employee notifies his/her immediate supervisor at least five working days prior to the

date said jury duty is scheduled to commence. [Res. 02-25]

2.06.590 Military leave.

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

(2) 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.

(3) 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. 02-25]

2.06.600 Family and medical leave.

(1) The purpose of this policy is to clarify how the Twentynine Palms Water District will implement the Family and Medical Leave Act of 1993 (FMLA) under federal law and the Family Rights Act under state law.

(2) To be eligible for leave under the FMLA, an employee must have: (a) been employed by the Twentynine Palms Water District for at least 12 months, which need not be consecutive; and (b) worked for the Twentynine Palms Water District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

(3) Eligible employees will be provided with up to 12 weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a child, parent, or spouse with a serious health condition. During any such leave, the district will maintain coverage under the district's medical, dental and vision plans. However, if the employee wishes to continue dependent coverage during said leave, the employee shall be responsible for the payment of their 25 percent share of dependent coverage cost.

(4) In addition, employees with a serious health condition will also be entitled to 12 weeks of unpaid leave. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails: (a) inpatient care in a hospi-

tal, hospice, or residential medical care facility; or (b) continuing treatment by a health care provider.

(5) To be eligible for leave under the FMLA, the employee will be allowed to use applicable accrued vacation and sick time permitted by the district, for the first part of the 12-week statutory leave. The substitution of paid leave for family care or medical leave does not extend the total duration of family care or medical leave beyond 12 weeks in a 12-month period.

(6) If a husband and wife are both employed by the Twentynine Palms Water District, the total number of workweeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child.

(7) At the end of the leave the employee will be reinstated to their previous position or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue vacation, holiday or sick time or other employment benefits during the leave period, excepting applicable provisions of continuity. The Twentynine Palms Water District may also require the employee to obtain medical certification that they are able to resume work. If an employee requests leave for the birth, adoption, or the foster placement of a child, and the need for leave is foreseeable, the employee must provide the personnel officer with at least 30 days' notice.

(8) If the date of the birth, adoption, or foster placement requires that leave begin in less than 30 days, the employee must provide the personnel officer with as much notice as practicable. If the employee requests leave because of a serious health condition, the employee must provide the personnel officer with 30 days' notice or with as much notice as practicable.

(9) Employees seeking leave on account of a serious health condition of themselves or a child, spouse or parent, must provide the personnel officer with medical certification regarding their condition. The personnel officer may require employees to obtain, at the Twentynine Palms Water District's expense, a second opinion. If the second opinion differs from the first, the personnel officer may require a third opinion from a mutually agreed on health care provider.

(10) For most leaves, employees will not be permitted to take their leave intermittently or on a reduced leave schedule without the personnel

officer’s approval. However, intermittent leave or a reduced leave schedule may, if medically necessary, be taken by the employee because of a serious health condition.

(11) An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee’s regular job. [Res. 02-25]

2.06.610 Authorized leave.

(1) An employee may take leave on account of pregnancy for a reasonable period of time, not to exceed four months. An employee is entitled to use any accrued vacation time or sick time during this period; however, this is considered a period of authorized leave without pay and no other accrual of vacation, holiday or sick time, shall occur during such periods of leave, except applicable provisions of continuity.

(2) A reasonable period of time means that period during which the employee is disabled on account of the pregnancy, childbirth, or related medical conditions. The employee shall give the district reasonable notice of the date the leave will commence and the estimated duration of the leave.

(3) If the employee is disabled or otherwise injured or unable to work, such period of time when the employee is on disability and/or receiving benefits under the district’s workers’ compensation program, shall be considered a period of authorized leave without pay and no other accrual of vacation, holiday or sick time, shall be allowed during such periods, excepting applicable provisions of continuity.

(4) Due to the district’s limited work force, maintenance of job positions for the term of an authorized leave of absence cannot be guaranteed beyond six months. Any eligible employee who takes a leave for a purpose intended by the law will be entitled upon return from such leave of absence under six months to be restored to the same position of employment as held when the leave began, or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. [Res. 02-25]

2.06.620 Unauthorized voluntary absence.

(1) 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 chapter, an absence from work will be deemed an unauthorized or unjustified absence. As stated in the standards of conduct, as defined in this chapter, one of the offenses that could be grounds for disciplinary action, up to and including termination, is excessive or unjustified absences.

(2) Absence from work without permission for three consecutive working days shall be grounds for termination in accordance with the disciplinary procedures in this chapter. [Res. 02-25]

2.06.630 Administrative leave.

Employees classified as “exempt” may be granted five days’ administrative leave each calendar year in lieu of overtime compensation. Use of such leave requires the prior approval of the fire chief or the director of fire resources. Unused administrative leave at the end of each year will be converted to vacation leave. [Res. 02-28]

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 POLICIES¹

Sections:

Article I. Drug Free Workplace Statement

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

Article II. Fire Department Drug and Alcohol Policy

- 2.15.100 Applicability.
- 2.15.110 Purpose.
- 2.15.120 Person designated by the district to answer questions about these materials.
- 2.15.130 Covered employees.
- 2.15.140 Consequences of policy violations.
- 2.15.150 Prohibited conduct.
- 2.15.160 Refusal to test.
- 2.15.170 Types of tests.
- 2.15.180 Pre-employment testing.
- 2.15.190 Random testing.
- 2.15.200 Post-accident testing.
- 2.15.210 Reasonable suspicion testing.
- 2.15.220 Substance abuse evaluation, return to duty and follow-up testing.
- 2.15.230 Authorization for previous test records.
- 2.15.240 Drug urinalysis.
- 2.15.250 Alcohol tests.
- 2.15.260 Training.

Article I. Drug Free Workplace Statement

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]

1. See also TPWDC 2.05.240.

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]

Article II. Fire Department Drug and Alcohol Policy

2.15.100 Applicability.

The drug and alcohol policy set forth in this article is implemented for the covered employees of the Twentynine Palms Fire District. [Res. 99-16]

2.15.110 Purpose.

(1) The Twentynine Palms Water 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.

(2) 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.

Adoption of a policy is one of the District’s obligations under the regulations. [Res. 99-16]

2.15.120 Person designated by the district to answer questions about these materials.

The general manager has been designated to answer employee questions about this policy. [Res. 99-16]

2.15.130 Covered employees.

(1) Employees are subject to these requirements if they operate any of the following covered vehicles:

- (a) A vehicle with a gross vehicle weight of at least 26,001 pounds;
- (b) A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- (c) A vehicle designed to transport 16 or more passengers, including the driver;
- (d) A vehicle used to transport hazardous materials that requires placards.

(2) “Covered employees” are subject to all of the provisions of the DOT regulations in addition to the obligations and requirements for all employees as set forth in the district’s other policies on drug and alcohol abuse. [Res. 99-16]

2.15.140 Consequences of policy violations.

Any covered employee who becomes unqualified or engages in prohibited conduct as set forth herein will be subject to discipline, up to termination of employment, in addition to being removed from covered duties as provided in this policy. [Res. 99-16]

2.15.150 Prohibited conduct.

(1) The following shall be considered “prohibited conduct” for purposes of this policy:

(a) No covered employee shall report for duty or remain on duty while having an alcohol concentration of .04 or greater. (A covered employee whose alcohol test indicates an alcohol concentration level of between .02 and .04 will be removed from his or her safety-sensitive position for at least 24 hours and may be subject to discipline.)

(b) No covered employee shall be on duty or operate a commercial motor vehicle while the cov-

ered employee possesses alcohol unless the alcohol is manifested and transported as part of a shipment.

(c) No covered employee shall use alcohol while performing safety-sensitive functions.

(d) No covered employee shall perform safety-sensitive functions within four hours after using alcohol.

(e) No covered employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

(f) No covered employee shall refuse to submit to a post-accident, random, reasonable suspicion, return to duty, or follow-up alcohol or drug test.

(g) No covered employee shall report for duty or remain on duty when the covered employee uses any controlled substance, except when use is pursuant to the instructions of a physician who has advised the covered employee that the substance does not adversely affect the covered employee's ability to operate a commercial motor vehicle.

(2) If a covered employee engages in prohibited conduct, the covered employee is not qualified to drive a commercial motor vehicle and shall be immediately removed from service.

(3) The DOT regulations prohibit the above-described conduct while performing or prior to performing "safety-sensitive" functions. The following are safety-sensitive functions:

(a) All time spent at the driving controls of a covered vehicle;

(b) All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the covered employee has been relieved from duty by the employer;

(c) All time inspecting equipment or otherwise servicing, or conditioning any covered vehicle at any time;

(d) All time, other than driving time, spent on or in a covered vehicle (except for time spent resting in a sleeper berth);

(e) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(f) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. [Res. 99-16]

2.15.160 Refusal to test.

Refusal to submit to the types of drug and alcohol tests employed by the district will be grounds for refusal to hire covered employee/applicants and to terminate employment of existing covered employees. A "refusal to test" is defined to be conduct that would obstruct the proper administration of a test. A delay in providing a urine, breath or saliva specimen could be considered a refusal. If a covered employee cannot provide a sufficient quantity of urine or breath, he/she will be evaluated by a physician of the district's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the covered employee has violated one of the prohibitions of the regulations. [Res. 99-16]

2.15.170 Types of tests.

Pursuant to the Department of Transportation regulations, the district has implemented six circumstances for drug and alcohol testing: (1) pre-employment (drug testing only); (2) post-accident testing; (3) random testing; (4) reasonable suspicion testing; (5) return-to-duty testing; and (6) follow-up testing. [Res. 99-16]

2.15.180 Pre-employment testing.

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. [Res. 99-16]

2.15.190 Random testing.

(1) The district is required to conduct random drug and alcohol testing of covered employees. The district or its agents will submit all covered employees' names to a random selection system. The ran-

dom selection system 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 drug 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 Department of Transportation for the given year. The district will select, at a minimum 10 percent of the average number of covered employee 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 a calendar year. Alternatively, some covered employees may not be selected in a calendar year.

(2) 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. [Res. 99-16]

2.15.200 Post-accident testing.

(1) The covered employee must submit to drug and alcohol testing any time he or she is involved in an accident where: (a) a fatality is involved; or (b) 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.

(2) 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 docu-

mented. If no urine collection can be obtained for purposes of post-accident drug testing within 32 hours, attempts to make such collection shall cease.

(3) 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.

(4) 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. [Res. 99-16]

2.15.210 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 covered employee conduct must be witnessed by at least one supervisor trained in compliance with 49 C.F.R. 382.603. Should a supervisor observe such symptoms or reaction, the covered employee must submit to testing. [Res. 99-16]

2.15.220 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 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 on the first 12 months of follow-up testing. The costs of any SAP evaluation or prescribed treatment shall be borne by the covered employee. [Res. 99-16]

2.15.230 Authorization for previous test records.

Within 14 days of performing a safety-sensitive function, DOT regulations require that the district obtain certain drug and alcohol testing records from a covered employee’s previous employers for the previous two years. The district will verify that no prior employer of the covered employee has records indicating a violation of any DOT rule pertaining to controlled substance or alcohol use within the previous two years. As a condition to employment, the covered employee shall provide the district with a written authorization for all previous employers within the past two years to release such drug and alcohol testing records as the regulations require. [Res. 99-16]

2.15.240 Drug urinalysis.

(1) Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: (a) marijuana; (b) cocaine; (c) opiates; (d) amphetamines; and (e) phencyclidine (PCP).

(2) The urinalysis procedure starts with the collection of a urine specimen. Urine specimens will be submitted to a SAMHSA-certified laboratory for testing. As part of the collection process, the specimen provided will be split into two vials, a primary vial and a secondary vial. The SAMHSA-certified laboratory will perform initial screenings on all primary vials. In the event that the primary specimen tests positive, a confirmation test of that specimen will be performed before being reported by the laboratory to the medical review officer (“MRO”) as positive.

(3) All laboratory resumes will be reported by the laboratory to a medical review officer (MRO) designated by the district. Negative test results

shall be reported by the MRO to the district. Before reporting a positive test result to the district, the MRO will attempt to contact the covered employee to discuss the test result. If the MRO is unable to contact the covered employee directly, the MRO will contact the district management official designated in advance by the district, who shall in turn, contact the covered employee and direct the covered employee to contact the MRO. Upon being so directed, the covered employee shall contact the MRO immediately or, if after the MRO’s business hours and the MRO is unavailable, at the start of the MRO’s next business day. In the MRO’s sole discretion, a determination will be made as to whether a result is positive or negative. If, after failing to contact the MRO after five days, or if the covered employee cannot be contacted at all within 30 days, the MRO may verify the test as positive. After any positive verification the covered employee may petition the MRO to reopen the case for reconsideration.

(4) Pursuant to DOT regulations, individual test results for covered employee/applicants and covered employees will be released to the district and will be kept strictly confidential unless consent for the release of the test results has been obtained. Any individual who has submitted to drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

(5) An individual testing positive may make a request of the MRO to have the secondary vial tested. The secondary vial must be tested by a different SAMHSA-certified lab that tested the primary specimen. The individual making the request for a test of the second specimen must pro-pay all costs associated with the test. The request for testing of a secondary specimen is timely if it is made to the MRO within 72 hours of the individual being notified by the District of a positive test result. [Res. 99-16]

2.15.250 Alcohol tests.

(1) The district will perform alcohol testing using a device that is on the National Highway Traffic Safety Administration’s (NHTSA) Conforming Products List (CPL) and meets the DOT’s testing requirements. This may be a breath testing device or a saliva-based testing device, and may be provided through a vendor or agent. The device will be operated by a technician who is certified and trained on the specific device he or she will be

operating. The covered employee shall report to the alcohol testing site as notified by the district. The covered employee shall follow all instructions given by the alcohol technician.

(2) Any initial test indicating a blood alcohol concentration (BAC) of .02 or greater will be confirmed on an evidential breath testing device (EBT) operated by a breath alcohol technician (BAT).

(3) The confirmation test will be performed no sooner than 15 minutes and no later than 30 minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .02 to .0399, the covered employee shall be removed from duty for 24 hours or until his/her next scheduled on-duty time, whichever is longer. Covered employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which will result in termination. All alcohol tests shall be performed just prior to, during, or just after duty. [Res. 99-16]

2.15.260 Training.

The district shall ensure supervisors designated to determine whether or not reasonable suspicion exists to require a covered employee to undergo testing under C.F.R. 382.307 receive at least 60 minutes of training on recognizing alcohol misuse, and receive at least 60 minutes of training on recognizing controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. [Res. 99-16]

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

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 2.35

**EMERGENCY MEDICAL SERVICE
TRAINING REQUIREMENTS**

Sections:

- 2.35.010 Staff members.
- 2.35.020 New volunteers – Explorer Scouts.
- 2.35.030 Volunteers.
- 2.35.040 Reserve firefighters.
- 2.35.050 Volunteer driver/operator.
- 2.35.060 Fire chief determinations.

2.35.010 Staff members.

All paid staff members are required to complete and maintain valid EMT-1 certification in conjunction with the required CPR and AED (automatic external defibrillator) training, and carry certification cards when on duty. [Res. 99-14 § 1]

2.35.020 New volunteers – Explorer Scouts.

New volunteers and Explorer Scouts are required to complete standard first aid and health-care provider CPR certification training prior to responding as a “third person/trainee” on fire department apparatus. [Res. 99-14 § 2]

2.35.030 Volunteers.

All volunteers shall be required to complete medical first responder (or equivalent) within 12 months of appointment to the volunteer staff of the fire department and maintain a valid certification with CPR and AED training as required. [Res. 99-14 § 3]

2.35.040 Reserve firefighters.

All reserve firefighters shall possess and maintain an EMT-1 or first responder certification with the appropriate CPR certification prior to appointment to the reserve firefighter staff of the fire department. [Res. 99-14 § 4]

2.35.050 Volunteer driver/operator.

All volunteer driver/operator or higher positions are to complete and maintain EMT-1 certification and complete the required CPR and AED training prior to operating fire department apparatus. [Res. 99-14 § 5]

2.35.060 Fire chief determinations.

The fire chief shall have the sole responsibility in determine and interpret EMS training requirements for the department. [Res. 99-14 § 6]

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.

(e) Unless exceptional circumstances exist, a person under investigation for fraud is to be given notice in writing of the essential particulars of the allegations following the conclusions of the investigation. Where notice is given, the person against whom allegations are being made may submit a written explanation to the investigator no later than seven calendar days after notice is received. [Res. 08-11 Exh. A § 3]

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]

Title 3

FINANCE

Chapters:

- 3.05 Administration of Finance**
- 3.10 Fire Protection Tax**
- 3.15 Procedures for Bond Assessments**
- 3.20 Investment of Funds**
- 3.25 Fund Balance Accounting and Reporting**

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 3.10

FIRE PROTECTION TAX

Sections:

- 3.10.010 Imposed.
- 3.10.020 Collection by county.
- 3.10.030 Successors in interest.

3.10.010 Imposed.

The special tax, if voter approved, shall be collected from all taxable property within the district pursuant to a written report which shall contain a description of each lot or parcel of property subject to the special tax, the amount of the special tax for each lot or parcel for each fiscal year, and the basis and schedule for the special tax authorized herein.

(1) The annual special tax shall be and is fixed at \$80.00 for each unit as per the unit schedule set forth herein.

(2) The unit schedule is hereby established as follows:

(a) Basic Tax Amount.

Description	Number of Units
Commercial and Industrial	
(building size in square footage)	
From To	
0 3,000	1.0
3,001 6,000	2.0
6,001 9,000	3.0
9,001 12,000	4.0
One unit per each additional 3,000 square feet or portion thereof, or one unit per business/occupancy, whichever is greater.	
Motel, Hotel and Institutional (each rental or living unit)	0.25
Residential	
Single-Family Residential Dwelling (each dwelling)	1.0
Duplex, Triplex and Apartment Complex (each living unit)	1.0
Mobile Home Park (each living unit physically located within the park on June 1st of each year)	1.0

Description

Recreational Vehicle Park (less 30% seasonal vacancy factor) (each space) 1.0

Unimproved Parcels

(each parcel) 0.60

(b) Large Parcel Amount. All parcels (improved or unimproved) greater than five acres shall be taxed an additional amount of \$2.00 per acre for each acre, or portion thereof, in excess of five acres. The large parcel amount shall not exceed the amount of \$150.00 per parcel per fiscal year and shall be in addition to the basic tax amount imposed upon any parcel greater than five acres.

(3) The special tax shall be imposed upon any parcel, improvement and use of property to which fire protection and prevention service are made available, as specified in the written report, unless otherwise exempted.

(4) The special tax shall be imposed only for the purpose of obtaining, furnishing, operating and maintaining fire suppression equipment or apparatus; for the purpose of hiring and paying salaries and benefits to fire fighting personnel; and for other necessary fire protection and prevention expenses, and for emergency medical services as permitted by law. [Ord. 89 §§ 3 – 7, 2004; Ord. 88 §§ 3 – 7, 2003; Ord. 75 § 1, 1997]

3.10.020 Collection by county.

The special tax shall be collected on behalf of the district by the county of San Bernardino in the same manner and subject to the same penalties as, or with, other charges and taxes fixed and collected by the district, or by the county on behalf of the district. [Ord. 89 § 8, 2004; Ord. 88 § 8, 2003; Ord. 75 § 2, 1997]

3.10.030 Successors in interest.

To the fullest extent permitted by law, this chapter and its special tax authorization and authority shall be binding upon any successors in interest to the district or any successors in interest to the district's fire protection and prevention functions, including emergency medical service functions. [Ord. 89 § 10, 2004; Ord. 88 § 10, 2003; Ord. 75 § 4, 1997]

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

Sections:

- 3.20.010 Authorization.
- 3.20.020 Investment criteria.
- 3.20.030 Investment guidelines.

3.20.010 Authorization.

The general manager of the district is hereby authorized to deposit for safekeeping, as far as possible, all money belonging to or in the custody of the district, pursuant to Section 53635 et seq. of the California Government Code and within the limitations set forth in this chapter. [Res. 12-12; Res. 11-16; Res. 10-14; Res. 09-18; Res. 08-10; Res. 07-17; Res. 06-17; Res. 05-11; Res. 04-15; Res. 03-08; Res. 02-26; Res. 01-15; Res. 00-15; Res. 99-11]

3.20.020 Investment criteria.

(1) Safety. It is the primary duty and responsibility to protect, preserve and maintain intact cash and investments placed in trust with the general manager on behalf of the customers and citizens of the district.

(2) Liquidity. An adequate percentage of the portfolio should be maintained in liquid short-term securities which can be converted to cash if necessary to meet disbursement requirements.

(3) Yield. Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.

(4) Legal Investment Authority. Invest temporarily idle moneys in accordance with state or local statutes and regulations. (Refer to California Government Code Section 53600 et seq.)

(5) Statement of Investment Policy. The general manager shall render to the board of directors an annual statement of investment policy. (Refer to California Government Code Section 53646.)

(6) Monthly Report. The general manager shall file a monthly report, which states its relationship to the statement of investment policy, with the board of directors. (Refer to California Government Code Section 53646.) [Res. 12-12 Addendum A; Res. 11-16 Addendum A; Res. 10-14 Addendum A; Res. 09-18 Addendum A; Res. 08-10 Addendum A; Res. 07-17 Addendum A; Res. 06-17 Addendum A; Res. 05-11 Addendum A; Res.

04-15; Res. 03-08; Res. 02-26; Res. 01-15; Res. 00-15; Res. 99-11 Addendum A]

Chapter 3.25

FUND BALANCE ACCOUNTING AND REPORTING POLICY

3.20.030 Investment guidelines.

(1) Investment Transactions. Every investment transaction must be authorized, documented and reviewed by the general manager and reported to the board of directors monthly.

(2) Cash Forecast. The cash flow for the district should be analyzed with the receipt of revenues and maturity of investments scheduled so that adequate cash will be available to meet disbursement requirements.

(3) Investment Limitations. Security purchases and holdings shall be maintained within the statutory limits imposed by the California Government Code. All investments, except those restricted funds on deposit with fiscal agents for specific purposes, shall be deposited with the local agency investment fund (LAIF); and/or invested in United States Treasury Bills/Notes, AAA rated interest bearing instruments issued by agencies of the United States with the exception of those invested by LAIF which may have less than a AAA rating, and/or interest bearing liquid money market accounts that are in accordance with the provisions of California Government Code Section 53600 et seq. Restricted funds on deposit with fiscal agents shall be invested by the fiscal agent for the district in either LAIF or liquid money market accounts in accordance with the California Government Code.

(4) Liquidity. The marketability (salability) of a security should be considered at the time of purchase, as the security may have to be sold at a later date to meet unanticipated cash demand.

(5) Investment Restrictions. All investments other than those listed in subsection (3) of this section must have prior board approval.

(6) Evaluate Amounts on Deposit with Banking Institutions. All cash on deposit shall be evaluated in terms of FDIC and FSLIC coverage. For deposits in excess of the FDIC-insured maximum, approved collateral at not less than full market value shall be required in accordance with the California Government Code. [Res. 12-12 Addendum A; Res. 11-16 Addendum A; Res. 10-14 Addendum A; Res. 09-18 Addendum A; Res. 08-10 Addendum A; Res. 07-17 Addendum A; Res. 06-17 Addendum A; Res. 05-11 Addendum A; Res. 04-15; Res. 03-08; Res. 02-26; Res. 01-15; Res. 00-15; Res. 99-11 Addendum A]

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]

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**

Chapter 4.05

Chapter 4.10

PUBLIC USE OF DISTRICT LANDS

ANNEXATIONS

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.

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.

4.05.010 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]

4.10.010 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-

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 and to the district fire chief for the use of fire district property/facilities. The general manager or fire chief, as applicable, 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. 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]

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, legals 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 landowner 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, Twentynine 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:

Article I. Water District

- 4.25.010 Policy adopted.
- 4.25.020 Purchase approval.
- 4.25.030 Quotes – 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 Emergency exceptions.
- 4.25.070 Purchasing procedures.

Article II. Fire Department

- 4.25.100 Policy adopted.
- 4.25.110 Purchase approval.
- 4.25.120 Quotes – Bids.
- 4.25.130 Inventory/supplies/services/capital asset purchases in accordance with currently approved budget.
- 4.25.140 Types of purchases.
- 4.25.150 Emergency exceptions.
- 4.25.160 Purchasing procedures.

Article I. Water District

4.25.010 Policy adopted.

The board of directors does hereby adopt a policy of authority, limits, restrictions and procedures regarding the purchase of equipment, materials, supplies and other personal property items by the general manager, or his/her designee, as set forth in this article.

The authority, limits, restrictions and procedures set forth in this article 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. 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 \$25,000 or less may be approved by the general manager or his/her designee. Unless otherwise

specified in this article, 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 \$25,000 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 \$25,000. 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. 08-12 Exh. A § 101; Res. 05-12 Exh. A § 101]

4.25.030 Quotes – Bids.

(1) Whenever practical, a minimum of three quotes/bids shall be obtained on purchases of more than \$500.00 but less than \$25,000 prior to purchase. In the event the general manager elects to make a purchase from a vendor who did not submit the lowest price, 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 purchase from said vendor is in the best interests of the district.

(2) A minimum of three quotes/bids shall be obtained prior to making expenditures in excess of \$25,000 but less than \$1,000,000. An analysis of bids received and a staff recommendation for award shall be presented to the board of directors for their consideration. Procurement may be made from any vendor offering the quality goods or services which the district seeks and shall be based upon the best interests of the district as determined in the reasonable discretion of the board of directors. If procurement is made from a vendor not offering the lowest monetary prices, 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 purchase from a vendor who is not the lowest monetary bidder is in the best interests of the district.

(3) Any project or expenditure of \$1,000,000 or more, or which carries an engineer’s estimate of \$1,000,000 or more, shall be awarded by the board of directors, only to the lowest responsive and responsible bidder and only pursuant to plans and specifications approved in advance by the board of directors. The requirement to award such a contract to the lowest responsive and responsible bidder shall be subject to the district’s authority to reject all bids and other rights as may be provided by law or in the applicable bid/contract documents in regard to competitive bidding procedures.

(4) The purchasing agent, or other duly authorized individual, shall maintain an up-to-date list of local vendors, and other vendors, who have been prequalified to submit bids. Said individual shall update any such list, and solicit potential vendors to participate in said prequalification, from time to time. [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. 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 requisitions, 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 requisition and 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 purchases limited to \$50.00 daily. All such purchases must have appropriately signed receipts. Neither purchase requisitions nor purchase orders will be required for petty cash purchases.

(4) Credit Card Purchases. Credit card purchases, limited to \$2,500 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 requisitions and 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. 08-12 Exh. A § 104; Res. 05-12 Exh. A § 104]

4.25.060 Emergency exceptions.

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 and, if applicable, submitted to the board for consideration of approval or ratification. [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 in Conjunction with Implementation of Article.

(a) Purchase orders will be prepared in duplicate.

(b) A completed purchase requisition shall be presented to the designated purchasing agent.

(c) The requisition shall include the appropriate account number for job, equipment and/or accounts payable distribution.

(d) The purchasing agent will complete the necessary purchase order(s) with detailed ordering information and pricing.

(e) It is the responsibility of the purchasing agent to verify that the completed purchase order(s) has been approved by an authorized signer per the district’s purchasing policy.

(f) The purchasing agent will maintain files containing the matched originals of the purchase requisitions and purchase orders 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.

(h) Upon verification of shipment, the purchasing agent will attach the yellow copy of the purchase order to the completed shipping documentation and submit to accounts payable in a timely manner.

(i) All invoices presented to accounts payable for payment shall be accompanied by a requisition or 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. 08-12 Exh. A § 106; Res. 05-12 Exh. A § 106]

Article II. Fire Department

4.25.100 Policy adopted.

The board of directors does hereby establish the limits of purchasing authority policy within annual budgetary amounts for the Twentynine Palms fire department and fire chief as set forth in this article. [Res. 10-13; Res. 02-20; Res. 00-04; Res. 98-16]

4.25.110 Purchase approval.

(1) Any purchase, whether operating, maintenance or capital, which requires an expenditure of \$20,000 or less may be approved by the fire chief.

(2) Any purchase which requires an expenditure in excess of \$20,000 shall be approved by the board of directors. [Res. 10-13 Exh. A § 101; Res. 02-20; Res. 00-04; Res. 98-16 Exh. A § 101]

4.25.120 Quotes – Bids.

(1) A minimum of three quotes/bids shall be obtained on purchases of more than \$500.00 but less than \$20,000 prior to purchase order submittal. Procurement made from a vendor not offering the lowest price shall be accompanied by a brief written statement justifying why purchase of the higher priced item is in the best interests of the district. This statement shall be presumed to be correct unless made on a totally arbitrary and capricious basis.

(2) A minimum of three quotes/bids shall be obtained prior to purchase order submittal for all expenditures in excess of \$20,000 but less than \$1,000,000. Potential vendors shall be notified of the purchase requirements. An analysis of bids received and a staff recommendation for award shall be presented to the board of directors for their consideration. Procurement may be made from any vendor offering the quality goods or services which the district seeks. If procurement is made from a vendor not offering the lowest monetary prices, the board shall make a finding in the form of a brief written statement justifying why purchase from the higher priced vendor is in the best interests of the district. This written justification shall be presumed to be correct unless made on a totally arbitrary and capricious basis.

(3) Any project or expenditure of \$1,000,000 or more, or which carries an engineer’s estimate of \$1,000,000 or more, shall be awarded by the board

of directors only to the lowest responsible bidder and only pursuant to plans and specifications approved in advance by the board of directors.

(4) The district’s purchasing agent shall maintain an up-to-date list of local vendors. [Res. 10-13 Exh. A § 102; Res. 02-20; Res. 00-04; Res. 98-16 Exh. A § 102]

4.25.130 Inventory/supplies/services/capital asset purchases in accordance with 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 or a petty cash purchase. [Res. 10-13 Exh. A § 103; Res. 02-20; Res. 00-04; Res. 98-16 Exh. A § 103]

4.25.140 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 and/or public safety. Signature purchases are limited to \$500.00 per day and may be made only upon approval of the department manager 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 requisitions will be required for signature purchases and receipts 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 (limited to \$500.00 per day) and the fire chief (limited to \$20,000 per day). All general purchases require a purchase requisition and purchase order.

(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 fire chief and designated representative may make or approve such purchases limited to \$200.00 daily. All such purchases must

have appropriately signed receipts. Neither purchase requisitions nor purchase orders will be required for petty cash purchases.

(4) Credit Card Purchases. Credit card purchases, limited to \$2,500 per day, may be made by the fire chief. Purchase requisitions and purchase orders may be required for credit card purchases. [Res. 10-13 Exh. A § 104; Res. 02-20; Res. 00-04; Res. 98-16 Exh. A § 104]

4.25.150 Emergency exceptions.

In the event of an emergency, if a quorum of the board of directors cannot be attained, the fire chief or designated representative 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. [Res. 10-13 Exh. A § 105; Res. 02-20; Res. 00-04; Res. 98-16 Exh. A § 105]

4.25.160 Purchasing procedures.

The purchasing procedures in place for the Twentynine Palms Water District shall apply. [Res. 10-13 Exh. A § 106; Res. 02-20; Res. 00-04; Res. 98-16 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 \$500.00 or greater.

(2) All other assets acquired by the district shall be classified as an expense. [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

Chapter 4.50

UNCLAIMED PROPERTY POLICY

IDENTIFICATION AND DISPOSAL OF UNSERVICEABLE/SURPLUS MATERIAL AND EQUIPMENT

Sections:

- 4.45.010 Publication of notice.
- 4.45.020 Funds transfers.
- 4.45.030 Procedures.

Sections:

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]

Article I. Water District

- 4.50.010 Limitations on asset disposal.
- 4.50.020 Board approval required.

Article II. Fire Department

- 4.50.030 Limitations on asset disposal.
- 4.50.040 Board approval required.

Article I. Water District

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]

Article II. Fire Department

4.50.030 Limitations on asset disposal.

No employee, without the approval of the board of directors, has the authority to dispose of Twentynine Palms Fire Department assets. [Res. 00-10]

4.50.040 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. 00-10]

Chapter 4.55

RECORDS RETENTION¹

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.

1. Prior legislation: Res. 00-17.

(2) Records Retention Schedule.

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	
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	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
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
Legal Authority Abbreviations				
CCP	Code of Civil Procedure (California)	GC	Penal Code (California)	
CCR	California Code of Regulations	IRC	R&TC Revenue and Taxation Code (California)	
CFR	Code of Federal Regulations	IRS	USC United States Code	
EC	Elections Code (California)	LC		

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
Legal Authority Abbreviations				
CCP	Code of Civil Procedure (California)	GC	Penal 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, absentee 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
Legal Authority Abbreviations				
CCP	Code of Civil Procedure (California)	GC	Penal Code (California)	PC
CCR	California Code of Regulations	IRC	Revenue and Taxation Code (California)	R&TC
CFR	Code of Federal Regulations	IRS	United States Code	USC
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	
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	
<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
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
<u>Legal Authority Abbreviations</u>				
CCP	Code of Civil Procedure (California)	GC	Penal Code (California)	
CCR	California Code of Regulations	IRC	R&TC Revenue and Taxation Code (California)	
CFR	Code of Federal Regulations	IRS	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
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
Legal Authority Abbreviations				
CCP	Code of Civil Procedure (California)	GC	Penal 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	
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	
Legal Authority Abbreviations					
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
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
Legal Authority Abbreviations				
CCP	Code of Civil Procedure (California)	GC	Penal Code (California)	PC
CCR	California Code of Regulations	IRC	Internal Revenue Code	R&TC
CFR	Code of Federal Regulations	IRS	Internal Revenue Service	USC
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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
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 Penal Code (California)
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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
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
<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
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	
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

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	
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>					
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)		

[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]

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**

Chapter 5.05

**RETAIL WATER SERVICE RULES
AND REGULATIONS**

Sections:

- 5.05.010 Purpose – Severability.
- 5.05.020 Definitions.
- 5.05.030 Service area.
- 5.05.040 System components.
- 5.05.050 Water supply.
- 5.05.060 Water quality.
- 5.05.070 Pressure conditions.
- 5.05.080 Class of service.
- 5.05.090 Types of service.
- 5.05.100 Fees for service.
- 5.05.110 Application – Contents.
- 5.05.120 Application – Conditions.
- 5.05.130 Service restrictions.
- 5.05.140 Individual liability for joint service.
- 5.05.150 Changes in customer’s equipment or usage of water on premises.
- 5.05.160 Water used without regular application being made.
- 5.05.170 Deposits for service.
- 5.05.180 Contract provision.
- 5.05.190 Bills – Statement of regulations required.
- 5.05.200 Notices.
- 5.05.210 Service installations, meters – Charges.
- 5.05.220 Service installations, meters – Change in location.
- 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.
- 5.05.360 Bills – Payment – Complaints.
- 5.05.370 Bills – Delinquent – Termination procedures.
- 5.05.380 Bills – Separate meters not combined.
- 5.05.390 Returned checks.
- 5.05.400 Meter error.

- 5.05.410 Unsafe apparatus.
- 5.05.420 Service detrimental to others.
- 5.05.430 Fraud or abuse.
- 5.05.440 Noncompliance.
- 5.05.450 Customer’s request for service discontinuance.
- 5.05.460 Restoration/reconnection charges.
- 5.05.470 Resale of water – Delivery to other premises.
- 5.05.480 Responsibility for equipment.
- 5.05.490 Tampering with or damage to district’s property.
- 5.05.500 Control valves.
- 5.05.510 Booster pumps.
- 5.05.520 Grounding to distribution system prohibited.
- 5.05.530 Water waste.
- 5.05.540 Access to premises.
- 5.05.550 Interruptions in service.
- 5.05.560 Relief valves.
- 5.05.570 Mailing lists and customer records.
- 5.05.580 Lending district property.
- 5.05.590 Penalty for violation.

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 – Contents.

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:

- (1) The date and place of application;
- (2) The location of the premises to be served, including a legal description;
- (3) The size of service;
- (4) An 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) Such other information as the district may reasonably request. [Ord. 87 § 5(B), 2003; 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 district-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) Deposits shall be retained by the district for two years, and thereafter shall be directly refunded;

(e) Deposits shall not bear interest. [Ord. 87 § 6, 2003; Ord. 78 § 6, 1999]

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 fire department.

(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. [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. Bills for water service will be rendered monthly or bimonthly at the direction of the board unless otherwise provided in the rate schedule.

(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. [Ord. 87 § 18(A), 2003; Ord. 78 § 18(A), 1999]

5.05.360 Bills – Payment – Complaints.

(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 and the manager’s determination shall be final unless otherwise determined by the board upon request of the customer.

(4) Any customer who has timely initiated a complaint and who has made a request for extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be given consideration by the manager as to a customized program to amortize the unpaid balance of the account over a reasonable period of time, not to exceed 12 months. No termination of service shall be effected for any customer complying with an amortization agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. Any amortization agreement or other program shall be offered and implemented in accordance with the applicable law. [Ord. 87 § 18(B), 2003; Ord. 78 § 18(B), 1999]

5.05.370 Bills – Delinquent – Termination procedures.

(1) Customer bills not paid within 26 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 service charge of 10 percent.

At least 15 days prior to terminating water service for failure to pay delinquent charges, the district shall mail to the service address 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, the date by which payment or arrangements for payment is required in order to avoid termination; (c) the procedure by which a customer may request amortization of the

unpaid charges; (d) the procedure for the customer to obtain information on the availability of financial assistance including private, local, state or federal sources, if applicable; and (e) 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.

At least 48 hours prior to any actual termination of service, the district shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer either by telephone or in person. This effort shall include delivery of a second notice, orally or in writing, including the information described in clauses (a), (b), (c), (d) and (e) of the preceding paragraph.

If a customer fails to comply with an amortization agreement, the district may terminate service after giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination. This notice shall contain all the information and also be delivered in the manner described in the preceding paragraph.

No termination of service by reason of delinquency in payment shall occur on any Saturday, Sunday, legal holiday or at any time during which the business offices of the district are not open to the public.

The district shall not terminate residential service for nonpayment in any of the following situations:

(a) During the pendency of an investigation by the district’s manager of a customer dispute or complaint.

(b) When customer has been granted an extension of the period for payment of a bill.

(c) On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the district as described below with respect to all charges that the customer is unable to pay prior to delinquency.

Any customer meeting the requirements of the above paragraph shall, upon request, be permitted to amortize, over a period not to exceed 12 months,

the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment.

Notwithstanding the preceding paragraphs of this subsection, if the district furnishes water through a master meter or furnishes individually metered service in a multi-unit residential structure, mobile home park or farm labor camp where the owner, manager or farm labor employer is listed by the district as the customer of record of the service, the district shall make every good faith effort to inform the actual users of the services when the account is in arrears, by means of a notice, that service will be terminated in 10 days. The notice shall further inform the actual users that they have the right to become customers of the district without being required to pay the amount due on the delinquent account.

The district is not required to make service available to actual users unless each actual user agrees to the terms and conditions of service and meets the requirements of the district's rules and regulations. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the district or if there is a physical means legally available to the district of selectively terminating service to those actual users who have not met the requirements of the district's rules and regulations, the district shall make service available to the actual users who have met those requirements.

Where prior service for a period of time is a condition for establishing credit with the district, residence and proof of prompt payment of rent for that period of time is a satisfactory equivalent.

(2) A customer's water service at a subsequent location may be discontinued if a bill for water service furnished at a previous location is not paid by the delinquency date in accordance with the procedures set forth in subsection (1) of this section.

(3) If a customer receives water service at more than one location and the bill for service at any one location is not paid by the delinquency date, water services at all locations may be turned off in accordance with the procedures set forth in subsection (1) of this section. Domestic service, however, will not be turned off for nonpayment of bills for other classes of services.

(4) When a bill is delinquent, the full amount of delinquent and current bills and deposits, if any are demanded, must be paid in full before service is

restored. An additional charge for restoring service is hereby established and may be set from time to time by the board. Said fee shall be paid before the order to restore service is issued.

(5) When the district disconnects a service it may not be reconnected except by authorized personnel of the district. If service is reconnected illegally and the district determines that the meter shall be removed, an additional charge is hereby established and may be set from time to time by the board. Said fee shall be paid for the labor to remove and reinstall and must be paid before restoring service.

(6) All the rates provided by the board shall be charged against the property to which the water is furnished and both the owner and all occupants of said property may be jointly and severally responsible for the payment of all such water charges provided the property owner is notified of the delinquency.

(7) Property owners with an outstanding balance will not be able to transfer their water service to anyone, including tenant or agent, until such time that the outstanding balance and any applicable penalties are paid in full.

(8) The manager of the district or his/her designated agent is authorized to sign a complaint, file suit and prosecute to judgment and enforce collection of any charges or water rates owing to the district after such bill is delinquent for over 60 days. Said action may be filed against any or all of the following persons: the property owner, the occupant or occupants of the property or any person who agreed in writing to be responsible for said water charges.

(9) No change of ownership or occupancy shall affect the application of these rules and regulations with respect to collection of charges, water rates, deposits or water service. [Ord. 87 § 18(C), 2003; Ord. 78 § 18(C), 1999]

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. [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 Penalty for violation.

When the customer fails to comply with all or any part of this chapter and any ordinance, resolution or order fixing rates and charges of this district, a penalty for which has not hereafter been specifically fixed, the customer’s service shall be discontinued and the water shall not be supplied to such customer until the customer has complied with the rule or regulation, rate or charge which was violated or, in the event that the customer cannot comply with said rule or regulation, until the customer has satisfied the district that in the future all the rules and regulations established by ordinance of the district will be complied with and will comply with all rates and charges of the district. [Ord. 87 § 33, 2003; 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]

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**

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 Code

- 6.10.010 Adopted.
- 6.10.020 Findings and adoption of the California Fire Code and California Residential Code.

Article II. Sprinklers

- 6.10.100 NFPA Pamphlet 13D adopted.
- 6.10.110 Light duty systems.
- 6.10.120 Amendments.

Article III. Fire Protection Water Systems

- 6.10.200 Fire chief 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 IV. Water Sources for Fire Emergencies

- 6.10.300 Sources – Limitations.

Article I. Fire Code

6.10.010 Adopted.

The board of directors of the Twentynine Palms Water District hereby adopts by reference the 2010 California Fire Code and the 2010 California Residential Code, with errata, and portions of the 2009 International Fire Code and the 2009 International Residential Code related to fire and hazardous condition prevention. This article is hereby enacted as the Twentynine Palms Water District fire code. [Ord. 93 § 1, 2011; Ord. 65 § 1, 1990]

6.10.020 Findings and adoption of the California Fire Code and California Residential Code.

The board of directors of the Twentynine Palms Water District hereby finds as follows:

(1) That the California Fire Code, 2010 Edition, and 2009 International Fire Code, the California Residential Code, 2010 Edition, and the 2009 International Residential Code are nationally recognized compilations of proposed rules, regulations, and standards of the International Code Council, Inc.

(2) That said California Fire Code, the International Fire Code and the California Residential Code have been printed and published as a code in book form within the meaning of Section 50022.2 et seq. of the Government Code.

(3) That one copy of the 2010 California Fire Code and 2009 International Fire Code has been on file at the district offices located at 72401 Hatch Road, Twentynine Palms, CA 92277 for a period of not less than 15 days prior to the adoption of the ordinance codified in this article, as required by Government Code Section 50022.6. Said copy shall remain available for use and examination as long as this article is in effect.

(4) That the sections and subsections of said California Fire Code, the International Fire Code and the California Residential Code may be referred to by the number used in said published compilation preceded by the words "California Fire Code Section," "California Residential Code," "Fire Code Section" or "Subsection" and may also be referred to by additional reference to the ordinances of the Twentynine Palms Water District and sections therein pertaining to said California Fire Code, International Fire Code and California Residential Code.

(5) Pursuant to the applicable provisions of law, certain costs incurred by the district for the inspection and enforcement of any provision of this article and the applicable code, the investigation of any fire, explosion or other hazardous condition, the suppression of fire, the response to a traffic collision or accident, the containment and/or mitigation of a hazardous materials release, and any rescue or rendering of medical or physical aid or assistance may be charged to any responsible party, any person who violates this article or the applicable code or any person who, due to a negligent or unlawful act or omission, is responsible for or requires or causes the emergency response of this district. [Ord. 93 § 2, 2011; Ord. 65 § 2, 1990]

Article II. Sprinklers

6.10.100 NFPA Pamphlet 13D adopted.

Pamphlet 13D of the National Fire Protection Association (NFPA) is hereby adopted as the standards for the installation of commercial sprinklers in buildings under 10,000 square feet and in residential structures. [Res. 435 § 1, 1987]

6.10.110 Light duty systems.

The fire chief shall be responsible to determine where light duty sprinkler systems may be used for commercial occupants. [Res. 435 § 2, 1987]

6.10.120 Amendments.

Notwithstanding the provisions of TPWDC 6.10.100, Sections 2-3(e), 3-3.2.1, 3-3.2.2, 3-3.7.1, 4-1.4.1, 4-1.4.2, 4-1.4.3, 4-1.4.4, 4-4.2 and 4.6 of Pamphlet 13D shall be amended to read as follows:

(1) Section 2-3(e) is added to Section 2-3 to read as follows:

2-3(e) When the sprinkler system does not provide for circulation, the sprinkler system shall be separated from the potable water system by a backflow prevention device.

(2) Sections 3-3.2.1 and 3-3.2.2 are added to Section 3-3.2 to read as follows:

3-3.2.1 Pipe or tube made of PVC, CPVC or PB may be used when PVC (ASTM 2241-76 Standard Dimension Rating Pipe 13.5 with a pressure rating of 315 p.s.i.), CPVC (ASTM DZ846 Schedule 40) or Polybutylene PB (ASTM D3309) is used it shall be concealed behind 1/2" gypsum wallboard or equal.

3-3.2.2 Plastic pipe using "Blaze Master Resin" or equal and manufactured under such names as "Extinguish-sure", tested under Factory Mutual Standard entitled "Plastic Pipe and Fittings for Residential Automatic Sprinkler Systems" class #1635 April 1984 (ASTM F442) may be used in attic areas without concealing behind gypsum wallboard.

(3) Section 3-3.7.1 is added to Section 3-3.7 to read as follows:

3-3.7.1 PVC and CPVC shall be joined to other components by colored primer solvent plus medium bond cement in accordance with the manufacturer's instructions. If screwed joints are used, the pipe wall thickness must conform to

standards established by the manufacturer using teflon tape or other approved material.

(4) Sections 4-1.4.1 and 4-1.4.2 are amended to read as follows:

4-1.4.1 Sprinklers mounted at the ceiling shall be spaced so that the maximum area protected by a single sprinkler does not exceed 225 sq. ft. (21.16 sq.m.).

Exception: Special "Quick Acting" residential sprinklers shall be spaced subject to their listing.

4-1.4.2 Maximum distance between ceiling mounted sprinklers shall not exceed 15 ft. (4.6 m.) on or between pipe lines and the maximum distance to a wall or partition shall not exceed 7.5 ft. (2.3 m.). The minimum distance between sprinklers within a compartment shall be 8 ft. (2.4 m.).

(5) Sections 4-1.4.3 and 4-1.4.4 are added to Section 4-1 to read as follows:

4-1.4.3 Sidewall sprinklers shall be spaced so that the maximum area protected does not exceed 225 sq. ft. (21.16 sq.m.).

4-1.4.4 For sidewall sprinklers, the maximum distance between sprinklers mounted along the same wall shall not exceed 15 ft. (4.6 m.). The maximum distance to an adjacent corner shall not exceed 7.5 ft. (2.3 m.). The maximum projected throw shall not exceed 15 ft. (4.6 m.).

(6) Section 4-4.2 is amended to read as follows:

4-4.2 Minimum pipe size shall be 3/4" for plastic or copper; 1" for steel or wrought steel. Table 4-4.3 b and c shall be used for determining pressure loss in copper and plastic pipe.

(7) Section 4-6 Exceptions numbers 3 and 4 are amended to read as follows:

4-6 Location of Sprinklers

Exception No. 3: Sprinklers may be omitted from open attached porches, carports and similar structures.

Exception No. 4: Sprinklers may be omitted from attics which are not used for living or storage provided the space does not exceed a height of six feet or a roof pitch of 6 (vertical) x 12 (horizontal).

[Res. 435 § 3, 1987]

Article III. Fire Protection Water Systems

6.10.200 Fire chief approval.

All fire protection water systems shall require the approval of the fire chief prior to the installation of said system. [Res. 436 § 1, 1987]

6.10.210 Hydrant spacing.

The fire chief 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. 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.

(1) Hydrants shall be located at street corners or intersections whenever practical.

(2) Section 10.301(C) of the Uniform Fire Code requires the following:

Water Supply – Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided by the developer unless otherwise designated, in writing, by the Fire Chief, to all premises upon which buildings or portions of buildings are hereafter constructed. When any portion of the building protected is in excess of 150 feet from a public fire hydrant connected to a water supply on a public street, there shall be provided, by the developer unless otherwise designated, in writing, by the Fire Chief, on-site fire hydrants and mains capable of supplying the required fire flow.

Water supply may consist of reservoirs, pressure tanks, elevator tanks, water mains or other fixed systems capable of supplying the required fire flow. In setting the requirements for fire flow, the Fire Chief shall apply the standards published by the Insurance Services Office, "Guide for Determination of Required Fire Flow," 1974 Edition. This guide shall be used to establish both a minimum and maximum flow for projects served by organized systems. National Fire Protection Association Pamphlet 1231 shall be used as the basis for determining fire flow.

The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided by the developer unless otherwise designated, in writing, by the Chief, on the public street or on the site of the premises to be protected. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements in Section 10.207 of the Uniform Fire Code.

[Res. 436 § 8, 1987]

Article IV. 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 CONSERVATION¹

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 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]

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]

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 Adopted.

6.30.010 Adopted.

Pursuant to Water Code Sections 10753 and 10753.6, the district hereby adopts and implements 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 groundwater management plan update, the district hereby establishes a groundwater management program as set forth in the plan attached to the ordinance codified in this chapter as Exhibit "A." [Ord. 91 § 1, 2008; Ord. 82 § 1, 2001]

Chapter 6.35

Chapter 6.40

LOCAL HAZARD MITIGATION PLAN

EMERGENCY MANAGEMENT

Sections:

Sections:

6.35.010 Adopted.

6.40.010 National Incident Management System adopted.

6.35.010 Adopted.

6.40.010 National Incident Management System adopted.

The board of directors of the Twentynine Palms Water District does hereby adopt the Local Hazard Mitigation Plan and its inclusion in the County of San Bernardino Multi-Jurisdictional Hazard Mitigation Plan. [Res. 05-03]

(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]

Chapter 6.45

Chapter 6.50

WASTEWATER TREATMENT FACILITIES

NITRATE INFILTRATION RESPONSE POLICY

Sections:

6.45.010 Oversight of packaged on-site wastewater treatment facilities.

Sections:

6.50.010 Adopted.

6.45.010 Oversight of packaged on-site wastewater treatment facilities.

6.50.010 Adopted.

(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.

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]

(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]

Title 7

RATES AND FEES SCHEDULES

Chapters:

- 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**

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.

7.05.010 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.

SERVICE APPLICATION FEES		
5.A.1 (TPWDC 5.05.100(1))	Application fee	\$10.00
5.A.2 (TPWDC 5.05.100(2))	Opening fee	\$15.00
5.A.3 (TPWDC 5.05.100(3))	After hours connection fee	\$35.00
6 (TPWDC 5.05.170)	Deposit	
	Meter Size	
	5/8" – 3/4"	\$75.00
	1"	\$125.00
	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 charges	
	5/8" short side service	\$783.00
	3/4" short side service	\$796.00
	1" short side service	\$853.00
	1-1/2" short side service	\$1,603.00
	2" short side service	\$1,753.00
	5/8" open cut service	\$1,646.00
	3/4" open cut service	\$1,658.00
	1" open cut service	\$1,715.00
	1-1/2" open cut service	\$2,527.00
	2" open cut service	\$2,677.00
	5/8" bored service	\$1,192.00
	3/4" bored service	\$1,205.00
	1" bored service	\$1,262.00
1-1/2" bored service	N/A	
2" bored service	N/A	
	Service installations larger than two inches will be charged on a time and materials basis and require a deposit based on district estimates.	

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		
WATER BILLING CHARGES				
10.A (TPWDC 5.05.270(1))	Ready-to-serve/service charge (monthly rate is shown; charges are billed bimonthly)			
	Meter Size 5/8" 1" 1-1/2" 2" 3" 4" 6"	Rates Effective August 1, 2009 \$11.00 \$27.50 \$55.00 \$88.00 \$247.50 \$550.00 \$825.00		
An out-of-district meter is charged double the ready-to-serve charge for the meter size.				
10.B.1 (TPWDC 5.05.270(2)(a))	Potable water quantity/commodity charge (per 100 cubic feet)	Effective Date		
		August 1, 2009	July 1, 2010	July 1, 2011
		\$1.86	\$2.15	\$2.33
10.B.2 (TPWDC 5.05.270(2)(b))	Nonpotable water quantity/commodity charge (per 100 cubic feet)	\$0.80		
10.B.3 (TPWDC 5.05.270(2)(c))	Pay meter tokens	Tokens Purchased On or After		
	Token Size	August 1, 2009	July 1, 2010	July 1, 2011
	Small (125 gal.)	\$0.80	\$0.85	\$0.95
	Large (500 gal.)	\$3.20	\$3.40	\$3.80

WATER FOR FIRE PROTECTION		
11.C.3 (TPWDC 5.05.280(3)(c))	Fire service charge (monthly rate is shown; charges are billed bimonthly)	
	Fire Service Line Size	
	2"	\$23.00
	3"	\$46.00
	4"	\$86.00
	6"	\$184.00
	8"	\$338.00
	10"	\$522.00

CONSTRUCTION SERVICE			
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.	
CAPITAL IMPACT FEES			
13.A (TPWDC 5.05.300(1))	Primary capital impact fees		
	Meter Size	Capacity in GPM	
	5/8"	20	\$650.00
	1"	50	\$1,625.00
	1-1/2"	100	\$3,250.00
	2"	160	\$5,200.00
	All other meter sizes based on \$32.50 GPM rate as shown in TPWDC 7.05.030.		
13.B (TPWDC 5.05.300(2))	Secondary capital impact 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.	
PERMANENT OFF-SITE FEE			
14 (TPWDC 5.05.310)	Permanent off-site fees	Determined by the board on a case-by-case basis	
DEVELOPMENT FEES			
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	
DOCUMENT PROCESSING FEE			
16.A (TPWDC 5.05.330(1))	Document processing fee	\$75.00 per document	
BILLS – PAYMENT, DELINQUENCY AND DISCONTINUANCE OF SERVICE			
18.A.2 (TPWDC 5.05.350(2))	Minimum ready-to-serve	None	
18.C.4 (TPWDC 5.05.370(4))	Service reconnection fee	\$30.00	
18.C.5 (TPWDC 5.05.370(5))	Tampering fee	\$35.00	
18.E (TPWDC 5.05.390)	Returned check	\$25.00	

METER ERROR		
19.A.2 (TPWDC 5.05.400(1)(b))	Meter test fees	
	Meter Size	
	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.		
DISCONTINUANCE OF SERVICE FOR OTHER THAN DELINQUENCY		
20.F (TPWDC 5.05.460)	Restoration-reconnection charge	\$30.00

[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	Amount
5/8"	\$650.00
1"	\$1,625.00
1.5"	\$3,250.00
2"	\$5,200.00
Fire Line	None

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 transverses at least one complete side of the property requiring water service. 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 transverses 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 transverse one complete side of the property. 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) Water Availability Assessment Charges. In addition to the PCIF and SCIF amounts shown above, 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.

(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. [Res. 03-15]

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 Non-fire related	\$30.00/incident \$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.
- 7.15.020 Personnel.
- 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]

7.15.020 Personnel.

Fees for personnel will be determined by the fire chief and district’s financial consultant on an annual basis and posted each January. Fees will be based upon the salary of the rank of responding personnel and will include actual costs of insurance, including workers’ compensation coverage and other personnel costs as determined. Due to fluctuations in costs, this amount will vary from year to year; however, it will remain within guidelines set by the California Master Mutual Aid Agreement/OES Five Part Agreement. Volunteer staff time will be billed at the same rate as paid staff as covered in the Mutual Aid Plan. [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

Chapter 7.25

UNPAID WATER AND FIRE CHARGES

CPR AND FIRST AID TRAINING

Sections:

- 7.20.010 Personnel authorized to execute liens.
- 7.20.020 Criteria for placing lien.
- 7.20.030 Lien placement limitation.

Sections:

- 7.25.010 Fee structure.

7.20.010 Personnel authorized to execute liens.

7.25.010 Fee structure.

The following district personnel are directed and authorized to file and execute liens against real property for unpaid charges due to the district and fire department with the county recorder of San Bernardino County:

The following fee structure for CPR and first aid course training is established:

- (1) District secretary;
- (2) Assistant to the general manager;
- (3) Switchboard operator;
- (4) Fire department office manager. [Res. 488 § 1, 1988]

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]

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 or fire department 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. 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]

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 (6.10)
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 (3.10)
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 (2.06)
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 (3.10)
89	10/05/04	Fire and emergency medical services tax (3.10)
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 (6.10)
94	12/21/11	Special parcel tax for fire protection and emergency medical services (Not codified)

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 depository (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 depository (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)
1957		
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)
1958		
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)
1959		
122	01/08/59	Amending Resolution No. 10, designating depository (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)
1960		
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)
1961		
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
1962		
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)
1963		
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)

1964

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)

1965

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)

1966

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)

1967

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	08/03/67	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)
1968		
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)
1969		
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)
1970		
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	04/02/70	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)
1971		
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)
1972		
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)
1973		
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)
1974		
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)
1975		
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)
1976		
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 – Hassler (Not codified)

281	06/03/76	Authorizing filing application for federal and state grants for publicly owned waste-water 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)
1977		
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)
1978		
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
1982		
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)
1983		
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)
1984		
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)
1985		
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)

1986

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
1987		
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 (6.10)

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)
1988		
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 commending 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. McGroarty (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 Vonnice 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 (4.25)
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 (2.35)
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 (2.15)
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 (4.25)
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 (4.50)
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 (2.06)
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 (4.25)
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 (2.06)
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 (2.06)
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 (Repealer)
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 (1.10)
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 manual (2.06)
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 (Not codified)
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	Limits of fire department purchasing authority; rescinds Res. 07-07 (4.25)
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 (Repealer)
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 (Not codified)
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)

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> Zoning	Additional entries on the subject may appear in Zoning
Airport <i>See</i> Zoning	The entry for Airport appears as a subheading under Zoning
Animal control officer <i>See under</i> Animal	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
Cafe <i>See</i> Cabaret	No entry for Cafe , but refers user to a related subject

The code is also available in electronic format.

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Appendix E: Emergency Response Plan

EMERGENCY RESPONSE PLAN (ERP)
Water System

TWENTYNINE PALMS WATER DISTRICT

72401 Hatch Road
Twentynine Palms, CA 92277
(760) 367-7546

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I. INTRODUCTION

A. DEFINITION

An Emergency Response Plan (ERP) is an organized way of responding to an event(s) or set of circumstances that goes beyond those normally found or associated with Twentynine Palms Water District in its normal day-to-day functioning in water delivery and services. The responses outlined in this document are designed to assist in taking action for those instances or circumstances that are NOT normally encountered or are NOT reasonably expected to occur in the normal course of business. This type of an event(s) or set of circumstances may occur with little or no warning and may or may not involve criminal activity.

B. PURPOSE

The purpose of this plan is to outline responsibilities, actions, precautions and policies for specific employees to provide a framework for maintaining operations and on-going or resumption of service to the community.

C. GOAL

The goal of Twentynine Palms Water District is to have an effective and efficient response to these unrelated operation circumstances, which could interfere with the normal service to customers and to minimize their impact.

II. RESPONSE TEAM ORGANIZATION

A. GENERAL ACTION TO BE TAKEN

1. Initial Assessment and Notification

The notification matrix chart must be activated for the type of emergency situation occurring. Activation of the Emergency Operations Center (EOC) must occur immediately in order to direct and control operations. Communications through the EOC are essential so as to provide the proper coordination of response efforts.

2. Damage Assessment

An immediate assessment of damages is essential to ascertain the extent of the situation and the initiating factor (security or non-security related). Some immediate factors to consider are:

- a. What and how much of the system is affected?
- b. Can it be isolated and how?
- c. Is this a security related event?
- d. What type of assistance do we need?

3. Work Assignments

As soon as field reports are received, develop a plan of action and make certain everyone understands their work assignment.

4. Coordination With Other Agencies/Contractors

If assistance is required and authorized, activate the appropriate mutual aid assistance program or request the assistance of private contractors as authorized.

5. Public Information

The general public must be given prompt and factual information as appropriate:

- a. Nature of problem.
- b. Actions currently being taken and planned for immediate future.
- c. Estimated time of restoration of service.
- d. Determination of type of action required to inform the public.

B. EMERGENCY OPERATIONS CENTER

The Primary EOC is located in the Board Room of the Administration Office at 72401 Hatch Road, Twentynine Palms, CA. This office is equipped with unlisted telephone lines, updated records, and CAD drawings of all facilities. This site is readily accessible to all portions of distribution systems. It is the primary nerve center for controlling our supply, treatment, pumps and storage facilities.

The Secondary EOC is the storage building at the rear of the Administration Office. This location also has ready access to our supply source, and our distribution system. Activation of the EOC can occur by management or anyone in the field or office who discovers a situation that warrants it.

C. MANAGEMENT REPORTING STATIONS

General Manager	Emergency Operations Center
Operations Manager	Emergency Operations Center
Operations Superintendent	Emergency Operations Center

Financial Management	Emergency Operations Center
Service Worker III	Emergency Operations Center
Office Manager	Emergency Operations Center
District Secretary	Emergency Operations Center
Customer Service Rep	Emergency Operations Center
All Other Service Workers	Emergency Operations Center

Water Treatment Plant Operator	Incident location OR Priority One - Route ONE
Water Treatment Plant Operator	Incident location OR Priority One - Route TWO
Water Treatment Plant Operator	Incident location OR Priority One - Route THREE

D. EMERGENCY REPORTING STATIONS

Due to the probability or the inability of many employees to reach assigned emergency stations promptly, available management and office personnel will be assigned as necessary. Following preliminary damage assessment, employees may be reassigned as priorities and employee work experience dictate.

The type of emergency and whether it is directed at one location or multiple locations determines the deployment of personnel.

1. Treatment Plant Employees will need to remain at this critical site to monitor storage tanks in order to maintain adequate treatment and proper pump levels to the system. They may also be assigned to the Incident Location or Priority Routes One, Two or Three.
2. Service Workers have been designated as couriers and will, therefore, provide the means of communication at the direction of the Incident Commander.

3. Field Operators and Maintenance Employees will be assigned to monitor well stations, storage tanks and pump stations under the direction of the Incident Commander. Assigned servicemen will relate any abnormal conditions directly to the command center and to the plant as directed.

E. DUTIES OF MANAGEMENT PERSONNEL

1. GENERAL MANAGER shall serve as liaison between City, County and State officials. Assessment of priorities will be designated by the General Manager to personnel concerned. Progress reports and assignments will be promptly forwarded to the Manager to insure that he/she is fully informed at all times. News releases will be made by the Manager. All personnel are cautioned against making statements concerning District operations unless they are authorized, during or after emergencies.

2. OPERATIONS MANAGER will be designated as the INCIDENT COMMANDER and shall assist the General Manager in implementing the plan of action to be taken. The Chief Plant Operator shall dispatch department personnel to monitor treatment facilities, wells, reservoirs, booster stations and storage tanks. In case of loss of both telephone and radio communications, Service Workers will assume the duties of couriers. If the emergency is of local origin, the Incident Commander will contact other area water systems (see Notification Call List) to secure additional personnel, materials or equipment as required.

3. OPERATIONS SUPERINTENDENT shall fulfill duties requested by the Manager. The individual will normally be stationed at the treatment plant and will serve as liaison between the plant and EOC. The individual will assume complete charge of water operations. Plant personnel shall monitor the water quality and conduct bacteriological testing to determine quality and potability of water in affected areas of the distribution systems.

The Operations Superintendent is in charge of water treatment and pumping facilities. He/She will be stationed at the Treatment Plant and will direct the work of plant operators as required. In the event of limited work force, he/she will fill in whenever and wherever required.

4. WATER TREATMENT PLANT OPERATORS I-II will normally be stationed at the treatment plant. In case the Chief Plant Operator is not available, the Water Treatment Plant Operator II will be assigned to this position at the Treatment Plant and assume all responsibility of the production operations. The other Plant Operators, at the direction of the Manager, shall assign personnel and equipment to the disaster area and/or cause the Priority One, Priority Two, and Priority Three Sites and Routes (SEE APPENDIX A) to be reviewed. Maintenance personnel shall be trained in determining the location of water mains, valves and pump stations from maps and CAD drawings, which are located at the Administration and/or Operations Building and in the cab of each maintenance vehicle, in order to effectively isolate problem areas in the distribution grid.

The Engineering Department shall revise distribution maps periodically and distribute the revisions to all distribution authorized personnel.

5. DESIGNATED DISTRIBUTION WORKERS shall have the primary responsibility of overseeing field operations other than the Treatment Plant under the direction of the Incident Commander.

6. OFFICE MANAGER shall be primarily responsible for all communications at the Command Post. The Office Manager will dispatch personnel as necessary to insure a complete line of communication at all times. This person will maintain a record log of all activities, radio and phone communications.

NOTE: All of the above listed management team shall maintain an up-to-date list of all Twentynine Palms Water District personnel, their residence address and phone numbers. Managers shall be responsible for contacting the personnel in his/her section during an after hours emergency.

When any of the above are absent due to sickness or vacation, another member of the management staff will be assigned as required. The management staff is required to list an address and/or phone number (where they can be contacted while absent from our service area).

F. EMERGENCY FUNDS

There is no amount specifically budgeted for major contingency expenditures. However, the Manager is authorized to order immediate emergency expenditures to insure restoration of water service to the general public. If major expenditures are anticipated, the Manager is directed to notify the President of the Board of Directors and proceed with their advice and consent. Should the President be unavailable, the next ranking officer shall be contacted.

G. IDENTIFICATION CARDS

All personnel have been issued an identification card, which is to be carried at all times. In the event of an emergency this will assist in your identification and access to water areas temporarily closed to the general public.

H. DISTRIBUTION SYSTEM MAPS AND VALVE LOCATION RECORDS

Copies of distribution system maps are distributed as follows: All Maintenance Vehicles; EOC Command Post; Water Treatment Plant.

III. NOTIFICATION and ALERT PROCESS

A. NOTIFICATION

a. If discovery of an issue or event is made by a Twentynine Palms Water District employee while performing their regular duties, they shall immediately report this by the fastest means possible to a "Central Point of Contact". The report will include their name, type of occurrence, where they are and other appropriate information.

Secondly, depending on the occurrence and possible life threatening conditions to themselves or any others, make a mutual determination with the person at "Central Point of Contact" as to their next course of action. SEE NOTIFICATION CALL LIST. Some examples of next course(s) of action could include:

1. Dispatching a Twentynine Palms Water District employee to evaluate the situation further or make contact with individual(s) at the scene. If security issues are suspected or involved, special care must be exercised so as not to "disrupt" what may be a "crime scene".
2. Continue to monitor and further check on individual and/or the developing situation. This shall occupy the full attention of the "Central Point of Contact" during this time period.
3. Central Point of Contact shall direct Twentynine Palms Water District employees reporting, to remain at the scene and continue to monitor the situation.
4. Notify Business Unit Manager of affected area.
5. Notify the Managerial person in charge at Twentynine Palms Water District.
6. Notify local law enforcement via 911 call.
7. Activate the Emergency Action Plan (EAP) for related occurrence.
8. Initiate notifications in accordance with EAP.

b. If discovery comes from a Non-Twentynine Palms Water District employee, it shall be immediately relayed by the fastest means possible to the "Central Point of Contact". The report will include the source of the notification (Name, Organization, Phone Number) and type of occurrence and any other information stated.

Secondly, depending on the occurrence and possible life threatening conditions, the person at "Central Point of Contact" will make a determination as to the next course of action that may need to be taken. SEE NOTIFICATION CALL LIST. Some examples of next course(s) of action could include:

1. Dispatching a Twentynine Palms Water District employee to evaluate the situation further or make contact with individual(s) at the scene. If security issues are suspected or involved, special care must be exercised so as not to "disrupt" what may be a "crime scene".
2. Continue to monitor and check on individual and situation. This shall occupy the full attention of the "Central Point of Contact" during this time period.
3. Notify Business Unit Manager of affected area.
4. Notifying the Managerial person in charge at Twentynine Palms Water District.
5. Notify local law enforcement via a 911 call.

6. Activate the Emergency Action Plan for related occurrence.
7. Initiate notifications in accordance with EAP.

c. Activation of the Emergency Action Plan (EAP) for the various issues or occurrences needs to happen in a timely and efficient manner. The protocol to physically make this happen shall take advantage of modern communications and electronics as this can be an extremely involved and timely task.

d. A point to be aware of and remember is that the “news media” monitors radio frequencies utilized by the law enforcement community and may arrive at the scene before any EAP is up and running. Therefore, preparations for “Public Disclosure and Twentynine Palms Action Plan” need to be ready with a spokesperson simultaneously with any public notification.

NOTE: This is where prior planning and preparation will assist in making this “Twentynine Palms Emergency” one that can be managed with the care and sensitivity it needs. Directions to all Twentynine Palms Water District employees shall be reaffirmed as to “who” will speak for Twentynine Palms Water District and to whom the “news media” will be directed.

B. COMMUNICATIONS FAILURE

If a natural or man-made disaster immediately disrupts all forms of automatic communications, management and employees should report to their "assigned emergency station" as quickly as possible. If their primary assigned station is inaccessible, employees should immediately report to the EOC.

IV. GENERAL SECURITY POLICY PROTOCOLS

A. STATUS

The response to a security event requires due care. In addition to the threat, damage or possible damage present, the event may be considered a criminal act and the area, a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered or may be designated a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area may become restricted to “law enforcement personnel only” once they arrive. This action may preclude water personnel from entering unless they are specifically authorized to by the police.

B. EPA ALERT LEVELS

CONDITION	CONSIDER ADOPTING THESE MEASURES	
<p style="text-align: center;">LOW (GREEN) Low Risk of Terrorist Attack</p> <p>Signifies a low risk of terrorist attacks. Protective measures should focus on ongoing facility assessments; and the development, testing, and implementation of emergency plans. In addition to THREAT LEVEL GREEN, there are four higher threat levels: blue, yellow, orange, and red. (Please refer to the other fact sheets for information on suggested steps to be taken during other threat condition levels.)</p>	<p>Detection</p>	<ul style="list-style-type: none"> • Monitor water quality at the source water, leaving the plant, and in distribution and storage systems. Establish baseline results. Review operational and analytical data to detect unusual variations. • Follow-up on customer complaints concerning water quality and/or suspicious behavior on the facilities. • Confirm communication protocol with public health officials concerning potential waterborne illnesses.
	<p>Preparedness</p>	<ul style="list-style-type: none"> • Post emergency evacuation plans in accessible, but secure, location near entrance for immediate access by law enforcement, fire response, and other first responders. • Inventory spare parts and on-hand chemicals. Check if sufficient. • Identify sensitive populations within the service area (e.g., hospitals, nursing homes, daycare centers, schools, etc.) for notification, as appropriate, in the event of a specific threat against the utility. • Back-up critical files such as plans and drawings, as-builts, sampling results, billing, and other critical information. • Conduct appropriate background investigations of staff, contractors, operators, and others with access to the facility. • Prepare vulnerability assessments and revise to incorporate changes made (e.g., assets added/replaced or new countermeasures implemented). • Ensure that employees understand appropriate emergency notification procedures.
	<p>Prevention</p>	<ul style="list-style-type: none"> • Train staff in safety procedures, such as handling hazardous materials and maintaining and using self-contained breathing apparatus. • Secure equipment such as vehicles and spare parts. • Monitor requests for potentially sensitive information.
	<p>Protection</p>	<ul style="list-style-type: none"> • Check all chemical deliveries for driver identification and verification of load. • Maintain vigilance and be alert to suspicious activity. Inspect buildings in regular use for suspicious packages and evidence of unauthorized entry. Report any suspicious activity to appropriate authorities. • Prosecute intruders, trespassers, and those detained for tampering to the fullest possible under applicable laws. • Review requests for tours and identify protocols for managing the tour. • Implement controls for construction activities at critical sites. • Maintain disinfectant residuals as required by regulations. • Implement best management practices for optimizing drinking water treatment.

CONDITION	CONSIDER ADOPTING THESE MEASURES (and those at lower threat levels)	
<p>GUARDED (BLUE) General Risk of Terrorist Attack</p> <p>Signifies a guarded risk of terrorist attacks. Protective measurers should focus on activating employee and public information plans; exercising communication channels with response teams and local agencies; and reviewing and exercising emergency plans.</p>	Detection	<ul style="list-style-type: none"> • Test security alarms and systems for reliability.
	Preparedness	<ul style="list-style-type: none"> • Reaffirm communication and coordination protocols (embedded in the utility's emergency response plan) with local authorities such as police and fire departments, HAZMAT teams, hospitals, and other first responders. • Prepare and/or revise emergency response plans associated communication protocols. Include appropriate local officials concerned with law enforcement, emergency response and public health. • On a regular basis post employee reminders about events that constitute security violations and ensure employees understand notification protocol in the event of a security breach. • Prepare draft releases, public notices and other communications for a variety of incidents. Route through appropriate channels of review to ensure pieces are clear and consistent.
	Prevention	<ul style="list-style-type: none"> • Secure buildings, rooms, and storage areas not in regular use. Maintain a list of secured areas or facilities and monitor activity in these areas.
	Protection	<ul style="list-style-type: none"> • Control access to mission critical facilities.

CONDITION	CONSIDER ADOPTING THESE MEASURES (and those at lower threat levels)	
<p style="text-align: center;">ELEVATED (YELLOW) Significant Risk of Terrorist Attack</p> <p>Signifies an elevated risk of terrorist attacks. Protective measures should focus on increasing surveillance of critical facilities; coordinating response plans with allied utilities and response teams and local agencies; and implementing emergency plans, as appropriate.</p>	Detection	<ul style="list-style-type: none"> • To the extent possible, increase the frequency and extent of monitoring activities and review results against baseline. • Increase review of operational and analytical data (including customer complaints) with an eye toward detecting unusual variability (as an indicator of unexpected changes in the product). Variations due to natural or routine operational variability should be considered first. • Increase surveillance activities in source and finished water areas.
	Preparedness	<ul style="list-style-type: none"> • Review and update emergency response procedures and communication protocols. • Establish unannounced security spot checks (e.g., verification of personal identification and door security) at access control points for critical facilities. • Increase frequency for posting employee reminders of the threat situation and about events that constitute security violations. • Ensure employees understand notification protocol in the event of a security breach. • Conduct security audit of physical security assets, such as fencing and lights, and repair or replace missing/broken assets. Remove debris from along fence-lines that could be stacked to facilitate scaling. • Maximize physical control of all equipment and vehicles inoperable when not in-use (e.g., lock steering wheels, secure keys, chain and padlock on front-end loaders, etc.). • Review draft communications on potential incidents, brief media relations personnel of potential for press contact and/or issuance of release. • Review and update list of sensitive populations within the service area, such as hospitals, nursing homes, daycare centers, schools, etc., for notification, as appropriate, in the event of a specific threat against the utility. • Contact neighboring water utilities to review coordinated response plans and mutual aid during emergencies. • Review whether critical replacement parts are available and accessible.
	Prevention	<ul style="list-style-type: none"> • Carefully review all facility tour requests before approving. If allowed, implement security measures to include list of names prior to tour, request identification of each attendee prior to tour, prohibit backpacks/duffle bags, cameras and identify parking restrictions. • On a daily basis, inspect the interior and exterior of buildings in regular use for suspicious activity or packages, signs of tampering, or indications of unauthorized entry. • Implement mailroom security procedures. Follow guidance provided by the United States Postal Service.
	Protection	<ul style="list-style-type: none"> • Verify the identity of all personnel entering the water utility. Mandate visible use of identification badges. Randomly check identification badges and cards of those on the premises. • At the discretion of the facility manager or security director, remove all vehicles and objects (e.g., trash containers) located near mission critical facility security perimeters and other sensitive areas. • Verify the security of critical information systems (e.g., Supervisory Control and Data Acquisition (SCADA), Internet, email, etc.) and review safe computer and internet access procedures with employees to prevent cyber intrusion. • Consider steps needed to control access to all areas under the jurisdiction of the water utility.

CONDITION	CONSIDER ADOPTING THESE MEASURES (and those at lower threat levels)	
<p style="text-align: center;">HIGH (ORANGE) High Risk of Terrorist Attack</p> <p>Signifies a high risk of terrorist attacks. Protective measures should focus on limiting facility access to essential staff and contractors, and security efforts with local law enforcement offices and the armed forces, as appropriate.</p>	Detection	<ul style="list-style-type: none"> • Increase the frequency and extent of monitoring activities. Review results against baseline. • Confirm that county and state health officials are on high alert and will inform water utilities of any potential waterborne illnesses. • If a neighborhood watch-type program is in place, notify the community and request increased awareness.
	Preparedness	<ul style="list-style-type: none"> • Confirm emergency response and laboratory analytical support network are ready for deployment 24 hours per day, 7 days a week. • Reaffirm liaison with local police, intelligence, and security agencies to determine likelihood of an attack on the water utility personnel and facility and consider appropriate protective measures (e.g., road closing, extra surveillance, etc.). • Practice communications protocol with local authorities and others cited in the facility's emergency response plan. • Post frequent reminders for staff and contractors of the threat level, along with a reminder of what events constitute security violations. • Ensure employees are fully aware of emergency response communication protocols and have access to contact information for relevant law enforcement, public health, environmental protection, and emergency response organizations. • Inspect and practice activation of available emergency interconnections with neighboring water agencies. • Have alternative water supply plan ready to implement (e.g., bottled water delivery).
	Prevention	<ul style="list-style-type: none"> • Discontinue tours and prohibit public access to all operational facilities. • Consider requesting increased law enforcement surveillance, particularly of critical assets and otherwise unprotected areas.
	Protection	<ul style="list-style-type: none"> • Evaluate need to staff water treatment/production facility at all times. • Consider the need to prohibit recreational use of surface water reservoirs. • Increase security patrol activity to the maximum level sustainable and ensure tight security in the vicinity of mission critical facilities. Vary the timing of security patrols. • Request employees change password on critical information management systems.

CONDITION	CONSIDER ADOPTING THESE MEASURES (and those at lower threat levels)	
<p style="text-align: center;">SEVERE (RED) Severe Risk of Terrorist Attack</p> <p>Signifies a severe risk of terrorist attacks. Protective measures should focus on the decision to close specific facilities and the redirection of staff resources to critical operations.</p>	Detection	<ul style="list-style-type: none"> • Ensure that list of sensitive of populations (e.g., hospitals, nursing homes, daycare centers, schools, etc.) within the service area is accurate and shared with appropriate public health officials. • Reconfirm that county and state health officials are on high alert and will inform water utilities of any potential waterborne illnesses.
	Preparedness	<ul style="list-style-type: none"> • Post daily notices to staff regarding threat level and appropriate security practices. • Where appropriate, place back-up operational capacity on-line (water treatment plant filters, turbines, etc.). • Ensure key utility personnel are on duty. • Where appropriate, provide public notification for citizens to store emergency water supply or to implement other preparatory measures. • Evaluate the need for opening an emergency operations center.
	Prevention	<ul style="list-style-type: none"> • As appropriate, request increased law enforcement and/or security agency surveillance, particularly of critical assets and otherwise unprotected areas (e.g., consider if National Guard assistance is needed and make appropriate request). • Limit access to facilities and activities to essential personnel. • Consider whether mail and packages should go to a central, secure location and be inspected before distribution. Remind mailroom personnel of the need for heightened awareness when sorting and distributing all incoming mail.
	Protection	<ul style="list-style-type: none"> • Ensure existing security policies, procedures, and equipment are effectively implemented. • Recheck security of all on-site chemical storage and utilization areas. • Implement frequent and staggered inspections of the exterior of buildings (to include roof areas) and parking areas. • Re-check the security of critical information systems (e.g., SCADA, Internet, email, etc.) and have staff change computer passwords. • Consider placing staff at remote (typically unmanned) facilities.

V. TYPES of EMERGENCIES (Non-security & Security Related)

A. MEDICAL EMERGENCIES (Non-security related)

1. GENERAL

Medical emergencies can occur at any time. The medical emergency may be for one person or groups of individuals and may directly or indirectly affect the water system property or the water system (at any point within the system). Most medical emergencies can be handled with first aid procedures but others, depending on the seriousness, may require immediate attention by medically trained professionals.

Time and proper response is of the essence in addressing emergency medical situations.

The stockpiling of emergency first aid kits and supplies should be considered at all locations or nearby sites. Automatic External Defibrillators (AED) should be considered at all main locations. All individuals should be trained in First Aid, CPR and the use of AED.

Upon becoming aware that any part of the DISTRICT Water System has been affected by this type of medical situation, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Evaluate and apply basic first aid as appropriate.
- b. If emergency is beyond first aid treatment, call for assistance by notifying Twentynine Palms Water District Supervisor OR calling 911 immediately, depending on the emergency.
- c. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- d. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Injury to an individual - Conduct an immediate review of the medical emergency situation. If it appears that it is a minor emergency that can be attended to by you with very basic first aid, do so. If it appears beyond your capability, call for assistance (911), and notify your supervisor.

- b. If there are multiple injuries IMMEDIATELY call for assistance (911), and notify your supervisor. Apply basic first aid and keep individuals safe from additional hazards while waiting for emergency services.
- c. Take action to alert others to dangers that may be present and to stay and assist or stay clear.
- d. Based on activities individual(s) was performing, evaluate impact on current water system operations.
- e. Coordinate activities to maintain water system stability as needed.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after the medical emergency. If necessary, a damage assessment of the process, facility or activity should occur. Necessary actions need to be identified and communicated.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event, which may require outside resources.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan including prioritized processes as determined by management.

7. REMEDIATION ACTIONS

- a. Repair damage.
- b. Assess need for additional procedural, equipment/facility and/or training for future occurrences.

B. VEHICLE ACCIDENTS (Non-security related)

1. GENERAL

Vehicle accidents can occur at any time. A vehicle accident may involve a single vehicle or multiple vehicles. In addition to the physical damage caused by the vehicle(s) other issues may be involved which can include medical situations and/or fire. Vehicle(s) damaged may be specialized equipment utilized in the maintenance of the water system and may directly or indirectly affect the water system property or the water system (at any point within the system).

Time and proper response is of the essence in addressing this emergency.

Upon becoming aware that any part of the DISTRICT Water System has been affected by this type of accident, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Evaluate and apply basic first aid as appropriate.
- b. If emergency is beyond first aid treatment, call for assistance by notifying Twentynine Palms Water District Supervisor OR calling 911 immediately depending on the emergency.
- c. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- d. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Conduct an immediate review of the situation to see if a medical emergency situation exists. If it appears that it is a minor emergency that can be attended to with very basic first aid, do so. If it appears beyond your capability, call for assistance (911), and notify your supervisor.
- b. If there are multiple injuries IMMEDIATELY call for assistance (911), and notify your supervisor. Apply basic first aid and keep individuals safe from additional hazards while waiting for emergency services.
- c. Take action to alert others to dangers that may be present and to stay and assist or stay clear.
- d. Photograph and document the accident. Have the driver and any occupants make a statement as to what occurred. If the accident occurred off the Twentynine Palms Water District property, call the local police to take an accident report.
- e. Based on activity or damage done by the vehicle(s); evaluate impact on current water system operations.
- f. Coordinate activities to maintain water system stability as needed.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after the medical emergency. If necessary, a damage assessment of the process, facility or activity should occur. Necessary actions need to be identified and communicated.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event, which may require outside resources.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan including prioritized processes as determined by management.

7. REMEDIATION ACTIONS

- a. Repair damage.
- b. Assess need for additional procedural, equipment/facility and/or training for future occurrences.

C. FLOODS (Non-security related)

1. GENERAL

Flood events are normally based on weather conditions that create an over-abundance of water for the land or storm system to handle maybe affecting the water system property or the water system (at any point within the system). Not all of this area is prone to this type of weather; however, flooding of low lands can result in severe injury or damage to individuals, property, structures and delivery systems.

The stockpiling of sand and sand bags, portable pumps, power chainsaws and portable power generators should be considered at critical locations or nearby sites.

Upon becoming aware that any part of the DISTRICT Water System has been affected by this type of weather condition, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Notify Twentynine Palms Water District Supervisor.
- b. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- c. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Injury to people - Due care must be taken while responding to provide all possible efforts in giving assistance and emergency first aid to the injured and notifying emergency services (911).
- b. Damage to property - Due care must be taken while responding in these types of weather conditions to avoid becoming a victim of injury or to be struck by falling wires, trees, weakened or unstable structures. Implementation of standard repair processes and operations will commence after the appropriate assessment has been completed by response personnel.
- c. Attention must be given to electrical circuits and protection against electrocution during flooding conditions.
- d. Based on extent or type of damage, consider alternate (interim) processes in order to maintain at least some level of continued service if applicable.
- e. Coordinate alternative water supply, as needed.
- f. Consider activating public notice notification.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after the damage assessment and/or process, facility or activity has been isolated from the rest of the utility facilities or determined that this threat is no longer present.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event, which may require outside resources.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan including prioritized processes as determined by management.

7. REMEDIATION ACTIONS

- a. Repair damage.
- b. Assess need for additional procedural, equipment/facility and/or training for future occurrences.

D. SNOW/ICE DAMAGE (Non-security related)

1. GENERAL

These events are based on the weather conditions that result in snow and/or ice conditions affecting the water system property or the water system (at any point within the system). Since this area is not normally prone to this type of weather, the occurrence of such conditions can result in severe injury or damage to individuals, property, structures and delivery systems.

The stockpiling of salt to be used to reduce the freezing effect of ice and snow, power chainsaws and power generators should be considered at critical locations or nearby sites.

Upon becoming aware that any part of the DISTRICT Water System has been affected by this type of weather condition, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Notify Twentynine Palms Water District Supervisor.
- b. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- c. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Injury to people - Due care must be taken while responding to provide all possible efforts in providing assistance and emergency first aid to the injured and notifying emergency services (911).
- b. Damage to property - Due care must be taken while responding in these types of weather conditions to avoid becoming a victim of injury or to be struck by falling wires, trees, weakened or unstable structures. Inspect Priority One, Two and Three sites and Routes (SEE APPENDIX A). Implementation of standard repair processes and operations will commence after the appropriate assessment has been completed by response personnel.
- c. Based on extent or type of damage, consider alternate (interim) processes in order to maintain at least some level of continued service if applicable.
- d. Coordinate alternative water supply, as needed.
- e. Consider activating public notice notification.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after the damaged assessment and/or process, facility or activity has been isolated from the rest of the utility facilities or determined that this threat is no longer present.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event, which may require outside resources.

6. APPROPRIATE UTILITY ELEMENTS

a. Dependent on the feedback from damage assessment teams.

b. Implement damage recovery plan including prioritized processes as determined by management.

7. REMEDIATION ACTIONS

a. Repair damage.

b. Assess need for additional procedural, equipment/facility and/or training for future occurrences.

E. EARTHQUAKES (Non-security related)

1. GENERAL

This event is based on geographical and seismic conditions that occur everyday throughout the world that can have varying effects on the water system property or the water system (at any point within the system). The effects can range from no noticeable implications to catastrophic destruction. Due to the actions involved in earthquakes and the shifting of the ground mass, damage to the infrastructure of the delivery system, earthen or structural, can readily occur. Earthquakes come with a series of “aftershocks” following the main event that can continue to cause damage. The secondary effects of earthquakes are fires caused by broken gas mains and the resulting fire spread due to broken and disrupted water supply normally used for extinguishing them. All of these affects from an earthquake require immediate coordination of all portions of the water delivery system.

The stockpiling of piping and valves, contractual heavy equipment, portable pumps, power chainsaws and portable power generators should be considered at critical locations or nearby sites.

Upon becoming aware that any part of the service area for the DISTRICT Water System has been affected by an earthquake, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Notify Twentynine Palms Water District Supervisor.
- b. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- c. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Injury to people - Due care must be taken while responding to provide all possible efforts in giving assistance and emergency first aid to the injured and notifying emergency services (911).
- b. The potential damage due to flooding from reservoirs must be immediately evaluated and monitored.
- c. Depending on the size of earthquake, see APPENDIX A for mobilization response.
- d. Inspect Priority One, Two and Three sites and Routes (SEE APPENDIX B).
- e. Damage to property - Due care must be taken while responding in an earthquake situation due to the “aftershocks” and damage they may cause. The need to avoid becoming a victim of injury or being struck by falling wires, trees, weakened or unstable structures should be foremost in everyone’s thought process. Consideration to aid firefighting will need to be coordinated with the Twentynine Palms Fire Department. Implementation of standard repair processes and operations will commence after the appropriate assessment has been completed by response personnel.
- f. Based on extent or type of damage, consider alternate (interim) processes in order to maintain at least some level of continued service if applicable.
- g. Coordinate alternative water supply, as needed.
- h. Activating public notice notification.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after the damaged assessment and/or the process, facility or activity has been isolated from the rest of the utility facilities or it has been determined that this threat is no longer present.

All efforts should be made to keep the public and news media informed of the steps that are being taken and things the public could do to assist in the process.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event, which may require outside resources.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan including prioritized processes as determined by management.

7. REMEDIATION ACTIONS

- a. Repair damage.
- b. Assess need for additional procedural, equipment/facility and/or training for future occurrences.

F. HURRICANES and TORNADOES (Non-security related)

1. GENERAL

These events are based on the weather conditions that result in extremely high winds and rain affecting the water system property or the water system (at any point within the system). The strong winds may result in structural damage to buildings and may generate flooding of many areas including treatment facilities. The occurrence of such conditions can be anticipated and normally 24 to 48 hour warning is provided. However, the results can still be severe injury or damage to individuals, property, structures and the water delivery systems.

The stockpiling of power chainsaws, portable pumps and portable power generators should be considered at critical locations or nearby sites.

Upon becoming aware that any part of the DISTRICT Water System has been affected by this type of weather condition, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Notify Twentynine Palms Water District Supervisor.
- b. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- c. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Injury to people - Due care must be taken while responding to provide all possible efforts in giving assistance and emergency first aid to the injured and notifying emergency services (911).
- b. Inspect Priority One, Two and Three sites and Routes (SEE APPENDIX B).
- c. Damage to property - Due care must be taken while responding in these types of weather conditions to avoid becoming a victim of injury or to be struck by falling wires, trees, weakened or unstable structures. Implementation of standard repair processes and operations will commence after the appropriate assessment has been completed by response personnel.
- d. Based on extent or type of damage, consider alternate (interim) processes in order to maintain at least some level of continued service if applicable.
- e. Coordinate alternative water supply, as needed.
- f. Consider activating public notice notification.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after the damaged assessment and/or process, facility or activity has been isolated from the rest of the utility facilities or determined that this threat is no longer present.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event, which may require outside resources.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan including prioritized processes as determined by management.

7. REMEDIATION ACTIONS

- a. Repair damage.
- b. Assess need for additional procedural, equipment/facility and/or training for future occurrences.

G. FIRE (Treat all fires as Security related until proven otherwise)

NOTICE:

“The response to a security event requires due care. In addition to the damage or possible damage present, the event may be considered a criminal act and the area a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area will become restricted to “law enforcement personnel only” once they arrive. This action may preclude TWENTYNINE PALMS WATER DISTRICT personnel from entering unless they are specifically authorized to by the police.”

1. GENERAL

A fire event is based on accidental or negligent situations, act of God, or intentional activity. Each one usually results in property damage and/or injury including death to individuals. The secondary effect is diminished or no service to the consumer by the delivery of product - water. The first goal is to save life and then property and maintain service. Immediate response to extinguish or contain the fire is paramount. It is very important to determine the cause of the fire as it may affect the future use of certain equipment, insurance coverage, and civil and/or criminal action. Good housekeeping, regular preventative maintenance, proper storage of combustibles, portable extinguishers and sprinkler equipped buildings reduce the potential for fires.

Fires can be small (extinguishment can be accomplished by use of a handheld extinguisher) and large fires (any fire that cannot be contained with a handheld fire extinguisher).

THE FIRST STEP IN ANY FIRE IS TO SOUND THE ALERT AND GET ASSISTANCE!

All individuals should be trained in the proper use of handheld fire extinguishers.

Upon becoming aware that any part of the DISTRICT Water System is or has been affected by a LARGE fire event, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Notify Twentynine Palms Water District Supervisor.
- b. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- c. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. THE FIRST RESPONSE TO ANY FIRE IS TO SOUND THE ALERT AND GET ASSISTANCE.
- b. IF after sounding the alarm and getting assistance, you are knowledgeable in the use of the fire extinguisher AND the fire is small, you may extinguish it with the handheld extinguisher OR assist in evacuating the area and wait for the fire department to arrive.
- c. Injury to people - Due care must be taken while responding to provide all possible efforts in giving assistance and emergency first aid to the injured and notifying emergency services (911).
- d. Damage to property - Due care must be taken while responding as fire can destroy the structural integrity of structures and collapsing may occur. You must avoid becoming a victim of injury or being struck by falling wires, trees, weakened or unstable structures. Implementation of standard repair processes and operations will commence after the appropriate assessment has been completed by response personnel.
- e. Based on extent or type of damage, consider alternate (interim) processes in order to maintain at least some level of continued service if applicable.
- f. Coordinate alternative water supply, as needed.
- g. Consider activating public notice notification.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after the damaged assessment and/or process, facility or activity has been isolated from the rest of the utility facilities or determined that this threat is no longer present.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event, which may require outside resources.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan including prioritized processes as determined by management.

7. REMEDIATION ACTIONS

- a. Repair damage.
- b. Assess need for additional procedural, equipment/facility and/or training for future occurrences.

H. TRESPASS, VANDALS and SABOTAGE (Security related)

Man-Made and/or Technological Emergencies

NOTICE:

“The response to a security event requires due care. In addition to the damage or possible damage present, the event may be considered a criminal act and the area a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area will become restricted to “law enforcement personnel only” once they arrive. This action may preclude TWENTYNINE PALMS WATER DISTRICT personnel from entering unless they are specifically authorized to by the police.”

1. GENERAL

These events are based on the threat of or actual, intentional trespass, vandalism and/or sabotage of water system property or the water system (at any point within the system).

Under Presidential Decision Directive (PDD) 63 issued on May 22, 1998, the United States Environmental Protection Agency (USEPA) was designated as the lead federal agency to assess and address the vulnerabilities of the Nation's water supply infrastructure. Following the terrorist attacks of September 11, 2001, the President signed the Public Health Security and Bio-Terrorism Preparedness and Response Act of 2002 into law (PL 107-188) (June 12, 2002). Per this Act, community water systems had to conduct vulnerability assessments (VAs) within mandated deadlines and prepare emergency response plans (ERPs).

To aid this effort, USEPA directed efforts to reduce the vulnerability of water systems to terrorist attacks, to enhance their security and ability to respond to emergency situations.

Upon notification or of becoming aware that any part of the DISTRICT Water System has been intentionally trespassed, vandalized and/or sabotaged, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

Trespass, vandalism and possible sabotage are handled to a large extent by planning and prevention. Most of the facilities are fenced, gated, locked and constructed to minimize trespass or damage by vandalism. Concerted efforts to stop trespassing and/or damage to facilities, however, cannot be economically prevented. Preventive actions obtained by applying certain

physical and electronic security applications, law enforcement agencies and an alert operating force are also strong deterrents to reducing acts of trespass, vandalism and sabotage as well as the consequent damage. Staff should be aware of suspicious parties that may be loitering near facilities, notify the proper contact(s) or Law Enforcement, make a written note of license plates, descriptions, etc., of suspicious parties, and wait for assistance to arrive, or if appropriate, approach the individuals to ascertain their purpose and identity.

2. INITIAL NOTIFICATION

- a. Notify Twentynine Palms Water District Supervisor.
- b. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- c. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. TRESPASSER(s) - Notify Twentynine Palms Water District Supervisor. If conditions warrant (late at night, secluded areas, other than normally public areas), the immediate dispatching of law enforcement to scene should occur. Twentynine Palms Water District employees should standby to meet and assist law enforcement or be available to handle any water related issues. In all cases of trespassers, appropriate identification, vehicle license, etc. should be obtained and then, as appropriate to circumstances, direct them to leave or be prepared to file criminal trespass charges.
- b. VANDALISM and SABOTAGE - Notify Twentynine Palms Water District Supervisor. Immediately notify law enforcement and request presence at the scene. Twentynine Palms Water District employee should standby to meet and assist law enforcement or be available to handle any water related issues.
- c. If damage has occurred, deploy emergency response team, treat as crime scene. Standby and be available to assist local/county/state law enforcement and/or FBI to process crime scene for evidence preservation.
- d. Coordinate alternative water supply, as needed.
- e. Consider increasing security measures.
- f. Based on extent or type of damage, consider alternate (interim) processes in order to maintain at least some level of continued service if applicable.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after trespasser(s) is removed, damage assessed and/or process, facility or activity has been isolated from the rest of the utility facilities or determined that the threat is no longer present.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan.

7. REMEDIATION ACTIONS

- a. Repair damage.
- b. Assess need for additional protection/ security measures for the property or damaged equipment/facility.

I. MAJOR THEFT of EQUIPMENT or CHEMICALS (Security related)

Man-Made and/or Technological Emergencies

NOTICE:

“The response to a security event requires due care. In addition to the damage or possible damage present, the event may be considered a criminal act and the area a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area will become restricted to “law enforcement personnel only” once they arrive. This action may preclude TWENTYNINE PALMS WATER DISTRICT personnel from entering unless they are specifically authorized to by the police.”

1. GENERAL

These events are based on the threat of or actual theft of major equipment or chemicals on water system property or the water system (at any point within the system).

Under Presidential Decision Directive (PDD) 63 issued on May 22, 1998, the United States Environmental Protection Agency (USEPA) was designated as the lead federal agency to assess and address the vulnerabilities of the Nation's water supply infrastructure. Following the terrorist attacks of September 11, 2001, the President signed the Public Health Security and Bio-Terrorism Preparedness and Response Act of 2002 into law (PL 107-188) (June 12, 2002). Per this Act, community water systems had to conduct vulnerability assessments (VAs) within mandated deadlines and prepare emergency response plans (ERPs).

To aid this effort, USEPA directed efforts to reduce the vulnerability of water systems to terrorist attacks, to enhance their security and ability to respond to emergency situations.

Upon notification or of becoming aware that any part of the DISTRICT Water System has been the victim of a major theft of equipment or chemicals, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

Theft of equipment and chemicals may and can occur at almost any time. Most of the facilities are fenced, gated, locked and constructed to minimize theft. Concerted efforts to stop theft of equipment and chemicals, however, cannot be economically prevented.

Preventive actions obtained by applying certain physical and electronic security applications, law enforcement agencies and an alert operating force are also strong deterrents to reducing acts of theft. Staff should be aware of suspicious parties that may be loitering near facilities, notify the proper contact(s) or Law Enforcement, make a written note of license plates, descriptions, etc., of suspicious parties, and wait for assistance to arrive, or if appropriate, approach the individuals to ascertain their purpose and identity.

2. INITIAL NOTIFICATION

- a. Notify Twentynine Palms Water District Supervisor.
- b. Activate Twentynine Palms Water District Response Personnel to their respective assignments.
- c. Activate Twentynine Palms Water District notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Upon the discovery of missing equipment or chemicals, immediately notify Twentynine Palms Water District Supervision and Management. Try to ascertain if equipment or chemicals were moved in an authorized manner. Time is of the essence.
- b. If a reasonable search and inquiry (short period of time) do not provide an answer for the disappearance, immediately notify law enforcement and request presence at the scene. Twentynine Palms Water District employee should standby to meet and assist law enforcement or be available to handle any water related issues.
- c. Activate the damage assessment team.
- d. Consider increasing security measures.
- e. Based on extent or type of theft, consider alternate (interim) processes in order to maintain at least some level of continued service if applicable.
- f. Determine with Water Management and law enforcement the type of news release that should be given out to the public, if any.
- g. Obtain statements from all personnel as to the last time they saw the item(s) prior to their becoming missing.
- h. Notify insurance carrier.

4. RECOVERY ACTIONS

Twentynine Palms Water District personnel should begin recovery actions as soon as practical after theft items have been isolated from the rest of the utility facilities or determined that the threat is no longer present or can be dealt with by some other means.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan.

7. REMEDIATION ACTIONS

- a. Replace equipment and chemicals.
- b. Assess need for additional protection/security measures for the property or damaged equipment/facility.

J. CONTAMINATION (Security related)

Man-Made and/or Technological Emergencies

NOTICE:

“The response to a security event requires due care. In addition to the threat, danger or possible damage present, the event may be considered a criminal act and the area a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area may become restricted to “law enforcement personnel only” once they arrive. This action may preclude TWENTYNINE PALMS WATER DISTRICT personnel from entering unless they are specifically authorized to by the police.”

1. GENERAL

1. Any event that impacts distribution water quality to the point that public health is immediately threatened, is based on the water utility being notified by proper authority, or discovering that there may be a water contamination occurrence, will activate this section.

Under Presidential Decision Directive (PDD) 63 issued on May 22, 1998, the United States Environmental Protection Agency (USEPA) was designated as the lead federal agency to assess and address the vulnerabilities of the Nation's water supply infrastructure. Following the terrorist attacks of September 11, 2001, the President signed the Public Health Security and Bio-Terrorism Preparedness and Response Act of 2002 into law (PL 107-188) (June 12, 2002). Per this Act, community water systems had to conduct vulnerability assessments (VAs) within mandated deadlines and prepare emergency response plans (ERPs).

To aid this effort, USEPA directed efforts to reduce the vulnerability of water systems to terrorist attacks, to enhance their security and ability to respond to emergency situations.

Upon notification or of becoming aware that any part of the DISTRICT Water System has potential contamination, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. Contamination Types can be generally categorized as disease causing organisms from bacterial, viral or parasites (biological); chemical; organic; radiological.

2. INITIAL NOTIFICATION

- a. Activate DISTRICT Emergency Response Personnel to their respective assignments.
- b. Activate notification plan for this particular event (see Notification Matrix).
- c. Public Notice Types

A. “Boil Order” - Notice to boil water prior to use is issued by the California Department of Health Services and is called a Boil Water Order. It is used only in the event that the water supply is found to be contaminated or is likely to be contaminated with disease-causing organisms where boiling will neutralize the effects. As an alternative, chlorine bleach can be used with similar effect. See APPENDIX C for an example of the order language.

B. “Unsafe Water Alert” - Notice on non-potability of water is issued in order to prevent the public from drinking the water and is called an Unsafe Water Alert. It is required if toxic levels of metals, radiological, or organics are found in the water supply. It is issued by the California Department of Health Services (DHS) and contents must be approved by DHS. See APPENDIX D for an example of the alert language.

3. RESPONSE ACTIONS

NOTE: Patient symptoms should be used to narrow the list of potential contaminants.

a. Source Water

- 1. Increase sampling at or near water intakes.
- 2. Consider whether to isolate the water source if possible.

b. Drinking Water Treatment Facility

- 1. Preserve data from latest full battery background test “Run Sheet” (local Treatment Plant Operation Log) as baseline.
- 2. Increase sampling efforts to confirm contaminant.
- 3. Consider whether to continue normal operations (If reduction or stoppage is outcome, provide notification to customers/issue alerts). Discontinue treatment operations and discharge to waste if necessary.

c. Water Distribution/Storage

Isolate the water, drain and disinfect as necessary in the affected area, sample to confirm contaminant.

4. RECOVERY ACTIONS

NOTE: Recovery actions may be tailored to a specified (identified) material if the physical properties for the material are known.

DISTRICT personnel should begin recovery actions once contaminant is through the system.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event (see notification matrix).

6. APPROPRIATE UTILITY ELEMENTS

- a. Sample appropriate system storage tanks, filters, sediment basins, solids handling, etc. to determine if residual contamination exists.
- b. Flush system based on results of sampling.
- c. Monitor health of employees pursuant to medical provider's advice.
- d. Plan for the appropriate disposition of personal protection equipment (PPE) and other equipment.

7. REMEDIATION ACTIONS

NOTE: Remediation actions may be tailored to a specified (identified) material if the physical properties for the material are known.

- a. Based on sampling results, assess need to remediate or modify processes regarding storage tanks, filters, sediment basins, solids handling.
- b. Dispose of PPE and other equipment.
- c. Identify recommendations for future facility protection.

K. CONTAMINATION at MAJOR EVENT (Security related)

Man-Made and/or Technological Emergencies

NOTICE:

“The response to a security event requires due care. In addition to the threat, danger or possible damage present, the event may be considered a criminal act and the area a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area may become restricted to “law enforcement personnel only” once they arrive. This action may preclude TWENTYNINE PALMS WATER DISTRICT personnel from entering unless they are specifically authorized to by the police.”

1. GENERAL

This event is based on the threat of, or actual, intentional introduction of a contaminant into the water system at a sports area, convention center or similar public facility.

Under Presidential Decision Directive (PDD) 63 issued on May 22, 1998, the United States Environmental Protection Agency (USEPA) was designated as the lead federal agency to assess and address the vulnerabilities of the Nation's water supply infrastructure. Following the terrorist attacks of September 11, 2001, the President signed the Public Health Security and Bio-Terrorism Preparedness and Response Act of 2002 into law (PL 107-188) (June 12, 2002). Per this Act, community water systems had to conduct vulnerability assessments (VAs) within mandated deadlines and prepare emergency response plans (ERPs).

To aid this effort, USEPA directed efforts to reduce the vulnerability of water systems to terrorist attacks, to enhance their security and ability to respond to emergency situations.

Upon notification or of becoming aware that any part of the DISTRICT Water System has been notified of a threat against or actual intentional contamination at a major event, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Activate DISTRICT Response Personnel to their respective assignments.
- b. Activate notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

a. Source Water

NO recommended action to take.

b. Drinking Water Treatment Facility

Preserve data from latest full battery background test “Run Sheet” (local Treatment Plant Operation Log) as baseline.

c. Water Distribution/Storage

1. Isolate water in the distribution system and at the particular site.
2. Sample the water to confirm the contamination.
3. Drain the contaminated water and disinfect.
4. Provide alternate water source.

4. RECOVERY ACTIONS

DISTRICT personnel should begin recovery actions once contaminant is through the system.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event.

6. WATER DISTRIBUTION/STORAGE

- a. Do NOT flush distribution system via hydrants.
- b. Move to prevent any risk of backflow. Install backflow prevention devices on all services to the event prior to recovering facility’s water system.

7. REMEDIATION ACTIONS

Water Distribution/Storage

Assess need to decontaminate/replace distribution system components.

L. NOTIFICATION by HEALTH OFFICE of CONTAMINANT (Security related)

Man-Made and/or Technological Emergencies

NOTICE:

“The response to a security event requires due care. In addition to the threat, danger or possible damage present, the event may be considered a criminal act and the area a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area may become restricted to “law enforcement personnel only” once they arrive. This action may preclude TWENTYNINE PALMS WATER DISTRICT personnel from entering unless they are specifically authorized to by the police.”

1. GENERAL

This event is based on the water utility being notified by Public Health officials of potential contamination based on symptoms of patients.

Under Presidential Decision Directive (PDD) 63 issued on May 22, 1998, the United States Environmental Protection Agency (USEPA) was designated as the lead federal agency to assess and address the vulnerabilities of the Nation's water supply infrastructure. Following the terrorist attacks of September 11, 2001, the President signed the Public Health Security and Bio-Terrorism Preparedness and Response Act of 2002 into law (PL 107-188) (June 12, 2002). Per this Act, community water systems had to conduct vulnerability assessments (VAs) within mandated deadlines and prepare emergency response plans (ERPs).

To aid this effort, USEPA directed efforts to reduce the vulnerability of water systems to terrorist attacks, to enhance their security and ability to respond to emergency situations.

Upon notification or of becoming aware that any part of the DISTRICT Water System has a potential contamination, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Activate DISTRICT Response Personnel to their respective assignments.
- b. Activate notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

NOTE: Patient symptoms should be used to narrow the list of potential contaminants.

a. Source Water

1. Increase sampling at or near water intakes.
2. Consider whether to isolate the water source if possible.

b. Drinking Water Treatment Facility

1. Preserve data from latest full battery background test “Run Sheet” (local Treatment Plant Operation Log) as baseline.
2. Increase sampling efforts.
3. Consider whether to continue normal operations (If reduction or stoppage is outcome, provide notification to customers/issue alerts).

c. Water Distribution/Storage

1. Increase sampling in the area potentially affected and at locations where the contaminant could have migrated. It is important to consider the time between exposure and the onset of symptoms to select sampling sites.
2. Consider whether to isolate.
3. Consider whether to increase residual disinfectant level.

4. RECOVERY ACTIONS

DISTRICT personnel should begin recovery actions once contaminant is through the system.

5. RECOVERY NOTIFICATIONS

- a. Activate notification plan for this particular event.
- b. Assist health department.

6. APPROPRIATE UTILITY ELEMENTS

- a. Sample appropriate system elements (storage tanks, filters, sediment basins, solids handling) to determine if residual contamination exists.
- b. Flush system based on results of sampling.

- c. Monitor health of employees.
- d. Plan for the appropriate disposition of personal protection equipment (PPE) and other equipment.

7. REMEDIATION ACTIONS

- a. Based on sampling results – assess need to remediate storage tanks, filters, sediment basins, solids handling.
- b. Plan for appropriate disposition of PPE and other equipment.
- c. If wastewater treatment plant was by-passed, sample and establish monitoring regime for receiving stream and potential remediation based on sampling results.

M. UNAUTHORIZED SCADA ACTIVITY (Security related)

Man-Made and/or Technological Emergencies

NOTICE:

“The response to a security event requires due care. In addition to the threat, danger, or possible damage present, the event may be considered a criminal act and the area a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area may become restricted to “law enforcement personnel only” once they arrive. This action may preclude TWENTYNINE PALMS WATER DISTRICT personnel from entering unless they are specifically authorized to by the police.”

1. GENERAL

This event is based on either internal or external unauthorized intrusion of the Supervisory Control and Data Acquisition (SCADA) system.

Under Presidential Decision Directive (PDD) 63 issued on May 22, 1998, the United States Environmental Protection Agency (USEPA) was designated as the lead federal agency to assess and address the vulnerabilities of the Nation's water supply infrastructure. Following the terrorist attacks of September 11, 2001, the President signed the Public Health Security and Bio-Terrorism Preparedness and Response Act of 2002 into law (PL 107-188) (June 12, 2002). Per this Act, community water systems had to conduct vulnerability assessments (VAs) within mandated deadlines and prepare emergency response plans (ERPs).

To aid this effort, USEPA directed efforts to reduce the vulnerability of water systems to terrorist attacks, to enhance their security and ability to respond to emergency situations.

Upon notification or of becoming aware of an unauthorized intrusion of any part of the DISTRICT Water System through SCADA, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Activate DISTRICT Emergency Response Teams to their respective assignments.
- b. Activate notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Conduct an initial assessment of the SCADA to determine impact of the intrusion and potential for hazard. Based on findings, determine if additional steps are needed as described below.
- b. Source Water
 1. Increase sampling at or near water intakes.
 2. Consider whether to isolate the water source if possible.
- c. Drinking Water Treatment Facility
 1. Preserve data from latest full battery background test “Run Sheet” (local Treatment Plant Operation Log) as baseline.
 2. Temporarily shut down SCADA system and implement manual operation using established protocol.
- d. Water Distribution/Storage
 1. Monitor unmanned components (storage tanks and pumping stations).
 2. Consider whether to isolate.

4. RECOVERY ACTIONS

DISTRICT personnel should begin recovery actions once the intrusion has been eliminated and the containment of unsafe water (if this occurs) is purged from the system.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event.

6. APPROPRIATE UTILITY ELEMENTS

- a. WITH ASSISTANCE from the FBI, make an image copy of ALL systems logs to preserve evidence.
- b. WITH ASSISTANCE from the FBI, check for implanted backdoors and other malicious code. Eliminate them before restarting SCADA.
- c. Install safeguards before restarting SCADA.
- d. Bring SCADA up and monitor system.

7. REMEDIATION ACTIONS

- a. Assess/implement additional protections for SCADA.
- b. Check for National Infrastructure Protection Center (NIPC) water sector warning based on the intrusion that may contain additional water protective actions to be considered. NIPC warnings can be found at www.NIPC.gov or at <https://www.infragard.org> for secure access Infragard members.

N. INTENTIONAL DAMAGE to STRUCTURE (Security related)

Man-Made and/or Technological Emergencies

NOTICE:

“The response to a security event requires due care. In addition to the threat, danger, or possible damage present, the event may be considered a criminal act and the area a crime scene. As such, the physical area surrounding the entry point or breach of the system is normally considered a “crime scene”. The crime scene needs to be protected in its original state as to when the crime occurred until it can be processed for evidence leading to the perpetrators and/or methods utilized in the act. Care must be taken not to disturb what occurred, yet action may be taken to avert any immediate threat to life or significant damage to the water system. This area may become restricted to “law enforcement personnel only” once they arrive. This action may preclude TWENTYNINE PALMS WATER DISTRICT personnel from entering unless they are specifically authorized to by the police.”

1. GENERAL

This event is based on intentional structural damage to water system components to disrupt normal system operations.

Under Presidential Decision Directive (PDD) 63 issued on May 22, 1998, the United States Environmental Protection Agency (USEPA) was designated as the lead federal agency to assess and address the vulnerabilities of the Nation's water supply infrastructure. Following the terrorist attacks of September 11, 2001, the President signed the Public Health Security and Bio-Terrorism Preparedness and Response Act of 2002 into law (PL 107-188) (June 12, 2002). Per this Act, community water systems had to conduct vulnerability assessments (VAs) within mandated deadlines and prepare emergency response plans (ERPs).

To aid this effort, USEPA directed efforts to reduce the vulnerability of water systems to terrorist attacks, to enhance their security and ability to respond to emergency situations.

Upon notification or of becoming aware that any part of the DISTRICT Water System has sustained significant structural damage from an intentional act, this emergency response plan will be immediately implemented.

The emergency response plan for this type of situation will include specific initial notifications, response actions, recovery actions, recovery notifications, appropriate utility elements and remediation actions.

2. INITIAL NOTIFICATION

- a. Activate DISTRICT Emergency Response Personnel to their respective assignments.

- b. Activate notification plan for this particular event (see Notification Matrix).

3. RESPONSE ACTIONS

- a. Deploy Emergency Response Teams, treat as crime scene – Consult local/state law enforcement and FBI on evidence preservation.
- b. Inform law enforcement and FBI of potential hazardous materials.
- c. Coordinate alternative water supply, as needed.
- d. Consider increasing security measures.
- e. Based on extent of damage, consider alternate (interim) treatment schemes to maintain at least some level of treatment.

4. RECOVERY ACTIONS

DISTRICT personnel should begin recovery actions as soon as practical after damaged facility is isolated from the rest of the utility facilities.

5. RECOVERY NOTIFICATIONS

Activate notification plan for this particular event.

6. APPROPRIATE UTILITY ELEMENTS

- a. Dependent on the feedback from damage assessment teams.
- b. Implement damage recovery plan.

7. REMEDIATION ACTIONS

- a. Repair damage.
- b. Assess need for additional protection/security measures for the damaged facility and other critical facilities within the utility.

APPENDIX A

The Twentynine Palms Water District's initial response to an earthquake emergency will be to determine the level of mobilization necessary to meet the immediate, primary objectives. The level of mobilization will be dictated by the initial preliminary inspection of facilities.

MOBILIZATION LEVELS DEFINED			
Level of Emergency	Richter Scale	Mercalli Scale	Level of Mobilization
Level 1 Mobilization	Less than 5.5	1-V1	Limited Mobilization required. (Duty person monitors radio and pager for damage reports from the public and activates initial response team and EOC as necessary.)
Level 2 Mobilization	5.5 to 6.0	V1 - V111	Mobilization required. (Initial Response Team is activated and all assessments reported to EOC.)
Level 3 Mobilization	6.1 to 10	V111 - X11	Full mobilization required, outside services and equipment needed. (EOC activated, action plan developed based on incoming assessments.)

APPENDIX B

INITIAL RESPONSE CHECKLIST PRIORITY I ROUTE 1

Date: _____ **Time:** _____ **Emergency:** _____

MAGNITUDE: _____ **EPICENTER:** _____

FACILITY INSPECTED	CHECKED BY	TIME
1. Campbell Reservoir	_____	_____
2. Treatment Plant/Well TP 1	_____	_____
3. Hansen Reservoir	_____	_____
4. Worthing Reservoir	_____	_____
5. Cactus Booster	_____	_____

Notify the System Dispatcher:
" Route 1, Priority I Inspection Complete."
Unless otherwise instructed, report to the EOC.

COMMENTS:

APPENDIX B continued

INITIAL RESPONSE CHECKLIST PRIORITY I ROUTE 2

Date: _____ **Time:** _____ **Emergency:** _____

MAGNITUDE: _____ **EPICENTER:** _____

FACILITY INSPECTED	CHECKED BY	TIME
1. Donnell Reservoir	_____	_____
2. Well 16 Chlorine	_____	_____
3. Well 3B Chlorine	_____	_____
4. Well 13/14 Chlorine	_____	_____
5. Well 4 Chlorine	_____	_____

Notify the System Dispatcher:
" Route 2, Priority I Inspection Complete."
Unless otherwise instructed, report to the EOC.

COMMENTS:

APPENDIX B continued

INITIAL RESPONSE CHECKLIST PRIORITY I ROUTE 3

Date: _____ **Time:** _____ **Emergency:** _____

MAGNITUDE: _____ **EPICENTER:** _____

FACILITY INSPECTED	CHECKED BY	TIME
1. Stockwell Reservoir	_____	_____
2. Well 11 Chlorine	_____	_____
3. Well 10 Chlorine	_____	_____
4. Lear Reservoir/Pnuematic	_____	_____
5. Plant 11 Reservoir	_____	_____
6. Plant 6 tank/Chlorine	_____	_____

Notify the System Dispatcher:
" Route 3, Priority I inspection Complete."
Unless otherwise instructed, report to the EOC.

COMMENTS:

APPENDIX C

Date:

BOIL WATER ORDER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

BOIL YOUR WATER BEFORE USING

Failure to follow this advisory could result in stomach or intestinal illness.

Due to the recent event [e.g., water outage, power outage, flood, fire, earthquake or other emergency situation], the California Department of Health Services in conjunction with the [County Name] County Health Department, and Twentynine Palms Water System are advising residents of Twentynine Palms to use boiled tap water or bottled water for drinking and cooking purposes as a safety precaution.

DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST. Bring all water to a boil, let it boil for one (1) minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking and food preparation until further notice. Boiling kills bacteria and other organisms in the water. [or This is the preferred method to assure that the water is safe to drink.]

Optional alternative to include for prolonged situations where it fits.

- An alternative method of purification for residents that do not have gas or electricity available is to use fresh liquid household bleach (Clorox, Purex, etc.). To do so, add 8 drops (or 1/4 teaspoon) of bleach per gallon of clear water or 16 drops (or 1/2 teaspoon) per gallon of cloudy water, mix thoroughly, and allow to stand for 30 minutes before using. A chlorine-like taste and odor will result from this purification procedure and is an indication that adequate disinfection has taken place.
- Water purification tablets may also be used by following the manufacturer's instructions.
- **Optional:** Potable water is available at the following locations: [List locations]
Please bring a clean water container (5 gallons maximum capacity).

We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem within [estimated time frame].

For more information call:

Water Utility contact: Ray Kolisz, Operations Superintendent, (760) 367-7546.

California Department of Health Services – Drinking Water Field Operations Branch- District Office at [(909) 383-4328].

Local Environmental Health Jurisdiction: [San Bernardino County at (909) 884-4056].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

APPENDIX D

Date:

UNSAFE WATER ALERT

Twentynine Palms water is possibly contaminated
with [an unknown substance]

DO NOT USE YOUR WATER

Failure to follow this advisory could result in illness.

An unknown substance has been added to the drinking water supplied by the Twentynine Palms due to a recent [intrusion; break-in] at [one of the wells; our treatment plant; storage tank; specific facility]. The California Department of Health Services, San Bernardino County Health Department, and Twentynine Palms Water System are advising residents of Twentynine Palms to NOT USE THE TAP WATER FOR DRINKING [AND/,] COOKING [,HAND WASHING OR BATHING] UNTIL FURTHER NOTICE.

What should I do?

- *DO NOT DRINK OR USE TAP WATER---USE ONLY BOTTLED WATER. Bottled water should be used for all drinking (including baby formula and juice), brushing teeth, washing dishes, and food preparation until further notice.*
- *DO NOT TRY AND TREAT THE WATER YOURSELF. Boiling, freezing, filtering, adding chlorine or other disinfectants, or letting water stand will not make the water safe.*

OPTIONS

- **Optional:** Potable water is available at the following locations: [List locations]
Please bring a clean water container (5 gallons maximum capacity).

We will inform you when tests show that the water is safe again. We expect to resolve the problem within [estimated time frame].

For more information call:

Water Utility contact: Ray Kolisz, Operations Superintendent, (760) 367-7546.

California Department of Health Services at: San Bernardino, (909) 383-4328.

Local County Health Department: (909) 884-4056.

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