

Chapter 5.00
Water Service

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Section 5.00.010 **Installation of Service Connections**

(a) A service connection is a permanent Authority owned, operated, and maintained facility that has a specific purpose to convey water from an Authority supply source to a member agency owned distribution system. A member agency desiring to relocate or increase the delivery of treated or untreated water through a new or existing service connection shall submit a written request to the Director of Operations and Maintenance, and if such request is granted by the Board, member agency shall pay for the entire cost thereof.

1. The requesting member agency shall prepare and submit to the Authority information for establishing the need of a new, expanded, or relocated service connection. Such information shall include, but not be limited to, the flow of treated or untreated water in cubic feet per second (cfs), a description of the project location, new infrastructure requirements, right-of-way requirements, and connections to Authority facilities.
2. The requesting member agency shall be responsible for payment of Authority expenses incurred to perform planning and environmental studies, project alternatives, costs estimates, hydraulic analyses, designs, right-of-way acquisitions and reviews, construction, construction inspections, submittal reviews, and all other Authority costs relating to the planning, design, and construction of a new, expanded, or relocated service connection.
3. Service connections shall be constructed to current Authority standards, must be a minimum 10 cfs with a minimum flow range of 10 percent of the meter size, and shall be subject to the current flow request requirements.
4. Service connections shall be planned, designed, and constructed by the Authority. At the Authority's discretion, the member agency may be given the option to prepare the planning studies, design plans, and to construct the service connection. The Authority may review and approve all planning studies and design plans, and perform construction inspections of service connection implemented by the member agency.
5. Authority service connections, and all meters, control valves, structures, and appurtenances pertaining thereto, shall be owned, operated and maintained by the Authority.

6. The Authority shall prepare at its expense, in coordination with the requesting agency, an agreement consistent with the requirements of this subdivision. Upon execution of the agreement, the requesting member agency shall deposit the total estimated Authority costs as specified by the agreement before commencement of work.

(b) The Director of Operations and Maintenance may approve a temporary service connection upon written request by a member agency if either a demonstrated need for temporary service exists, or while a permanent service connection has been approved and is being designed and constructed. A temporary service is service for a period of not more than two years after the date of first delivery of water through a temporary service connection. A temporary service connection shall not be permitted if the Director finds it will create conditions detrimental to the service, hydraulic, or structural conditions of the Authority's aqueduct system. All of the provisions of subdivision (a) shall apply to temporary service connections except that a temporary service connection shall be designed and constructed at a size and standard approved by the Director as appropriate for the circumstances of the request with a minimum flow range of 10 percent of the meter size. A temporary service connection shall be removed at the end of the two year temporary service period, unless an extension of the temporary service period is granted, at the expense of the member agency.

1. Upon written request by a member agency, the Director, or the Board of Directors on appeal, may grant an extension of the temporary service period for up to two additional years if:
 - (A) The request includes a definite plan and schedule to complete a service connection prior to the expiration of the extension period; and
 - (B) The request demonstrates that the member agency has made a good faith effort to comply with this section and that the delay in completion of the permanent connection was caused by new regulatory requirements, legal restrictions, design or construction delays or other unforeseen matters beyond the agency's control; or
 - (C) The delay in removal of the temporary service connection is for the convenience of the Authority or is of benefit to the region.
2. If use of a temporary service connection is not terminated at the end of a two year temporary service period, or an authorized extension period, the member agency shall pay a penalty as follows:
 - (A) \$100 per acre-foot of water delivered through the temporary service connection commencing at the beginning of the first year after the end of the temporary service period or authorized extension period;

- (B) \$200 per acre-foot of water delivered through the temporary service connection commencing at the beginning of the second year after the end of the temporary service period or authorized extension period.

The Director may cause the removal of a temporary service connection commencing at the beginning of the third year after the end of the temporary service period or authorized extension period. Provided an extension has not previously been granted, the Director may waive the penalty upon written application of a member agency and finding that the grounds for granting an extension exist.

- 3. Member agencies with existing temporary service connections are subject to the provisions of this subdivision.

Section 5.00.020 **Metering of Water, Meter Readings, Meter Testing**

All water delivered by the Authority shall be metered. Meter readings shall be made on the last day of each calendar month. Meters shall be tested at intervals of not less than one year at the expense of the Authority. Any member agency may have the meter through which it is served tested at any time at its own expense, but such test shall be made by the Authority. Any member agency affected shall have the right to be represented by a qualified observer at and during such tests. In the event that any such test shall disclose an error exceeding plus or minus two percent, an adjustment shall be made in charges against the agency affected covering the known or estimated period of duration of such error, but in no event exceeding six months.

Section 5.00.030 **Failure to Comply with Delivery Requests**

(a) If a member agency fails to accept delivery according to its request, the charges set forth in Section 5.00.030 (b) and 5.00.030 (c) shall be assessed to offset extra costs and to provide incentives for member agencies to develop facilities necessary to avoid such incidents. A member agency will be deemed to have complied with its requested order if actual deliveries are within 10 percent of the amount requested.

(b) **Excess Delivery Charge.** If actual deliveries exceed the order by ten percent because of actions by the member agency, a charge of \$150 per cfs and \$200 per acre-foot shall be made for the amount of excess deliveries.

(c) **Rejection Charge.** If actual deliveries are less than 10 percent of the order because the member agency has rejected a portion of the water ordered, a charge of \$150 per cfs of the flow rejected, plus \$200 per acre-foot of the amount of water rejected, shall be made.

(d) **Unintended Actions - No Charge.** If a member agency fails to comply with its order only one time in a consecutive thirty-day period, it shall be deemed to be an unintended failure to comply and no charge shall be made for such infractions. If a failure to comply lasts less than fifteen minutes, it shall be considered unintended and no charge shall be made for such infraction.

(e) The Director of Operations and Maintenance may waive charges which are the result of rejected or excess deliveries, if a member agency is making good faith progress toward resolving the issue.

(f) Determination of good faith progress will be at the discretion of the Director of Operations and Maintenance and generally means that the member agency has either under construction or definitive plans which will, within a reasonable time frame, correct the situation. Appeals of charges may be heard by the Board and resolved at the Board's discretion.

Section 5.00.040 **Water Allocation**

The Board may adopt policies, regulations or procedures for allocation of water. The Board may impose penalties for violation of such policies, regulations or procedures. Water may be allocated because of facilities constraints, supply limitations, or both.

Section 5.00.050 **Rate Structure**

(a) Subject to the CWA Act and applicable provisions of the state Constitution and statutes, the Board shall levy, impose, fix, adjust or increase: taxes; standby availability charges; capacity charges; and fees, rates, or charges for delivery and supply of water, use of facilities and provision of other services.

(b) The Authority's rates and charges for delivery and supply of water, use of facilities, and provision of services to its member agencies include: a customer service charge, a storage charge, a supply reliability charge, an infrastructure access charge, a transportation rate, a treatment rate, and supply charges. The Board may establish additional or different rates and charges, including special agricultural rates based on service differentials.

(c) An infrastructure access charge, in an amount set from time-to-time by the Board by ordinance or resolution, is imposed as a condition of maintaining a connection of a member agency to Authority facilities. The annual revenues collected through the infrastructure access charge shall be set at an amount which, when added to the standby availability charge and property tax revenues, will provide funding for at least 25 percent of the Authority's fixed costs, as determined by the Board of Directors. Member agencies shall pay the infrastructure access charge based on the number and size of retail water meter connections within their respective jurisdictions, as established by a water meter count under rules determined by the Board of Directors. The Board of Directors may establish a system of credits to member agencies to allocate the infrastructure access charge among the member agencies.

(d) The Board may adopt policies for the billing and collection of fees, rates and charges, including provisions for interest and penalties for delinquent payments.