

**CROCKETT  
COMMUNITY SERVICES  
DISTRICT CODE**

**ADOPTED BY ORDINANCE NO. 19-8**

**NOVEMBER 20, 2019**

**SERVING THE COMMUNITIES OF  
CROCKETT AND PORT COSTA, CALIFORNIA**

# CROCKETT COMMUNITY SERVICES DISTRICT CODE

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## **Chapter 1.01 CODE ADOPTION**

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**Section 1.01.010      Adoption by reference.**

The compilation and codification of the existing ordinances of the Crockett Community Services District that is on file in the Office of the Secretary of the District under the title of "Crockett Community Services District Code" is adopted by reference, as the official code of the District in accordance with the provisions of Health and Safety Code Section 6491.2 and Government Code Sections 50022.1 to 50022.8

## **Chapter 1.02 COMMUNITY SERVICES DISTRICT**

- 1.02.010 Formation of Crockett Community Services District.
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**Section 1.02.010      Formation of Crockett Community Services District.**

The Crockett Community Services District (“the District”) was formed in 2006 pursuant to Contra Costa County Local Agency Formation Commission (LAFCO) Resolution No. 04-22 and a public election held on June 6, 2006. This action concurrently dissolved the Crockett-Valona Sanitary District, County Sanitation District No. 5 (Port Costa) and County Service Area P-1 (recreation), whose functions and responsibilities were assumed by Crockett Community Services District. The newly elected Board Members of the District were sworn in at their first meeting, on July 13, 2006.

**Section 1.02.015      General Powers of Crockett Community Services District.**

The Crockett Community Services District shall have and may exercise all rights and powers specified in Government Code Section 61060.

**Section 1.02.020      Authorized services of Crockett Community Services District.**

LAFCO Resolution No. 04-22 included authorization to provide the following types of services, pursuant to Government Code Section 61100:

1. Collection, treatment and disposal of sewage, waste and storm water of the District and its inhabitants.
2. Public recreation including but not limited to parks, playgrounds, swimming pools and recreation/community buildings.
3. Street lighting.
4. Landscape maintenance.
5. Graffiti abatement.
6. Acquire sites, construct and maintain library buildings and cooperate with other governmental agencies for library services.

**Section 1.02.030      Latent powers.**

Government Code Section 61100 sets forth a list of services and facilities that a community services district is empowered to provide, operate or maintain. Those services not specifically authorized by LAFCO Resolution No. 04-22 to Crockett Community Services District are known as “latent powers.” A community services district or the public may apply to LAFCO for permission to exercise any latent power established by Government Code Section 61100. Latent powers of Crockett Community Services District include:

1. Municipal water service.
2. Municipal solid waste service.
3. Municipal fire protection services, rescue services, hazardous material emergency response services.

4. Municipal mosquito abatement and vector controls services.
5. Municipal police protection and law enforcement services.
6. Security services to protect lives and property.
7. Library services.
8. Roads, bridges, sidewalks and other such public works.
9. Conversion of overhead electric and communications facilities to underground locations.
10. Emergency medical services
11. Airports.
12. Transportation services.
13. Flood protection facilities.
14. Community facilities.
15. Weed and rubbish abatement.
16. Hydroelectric power facilities.
17. Television translator facilities.
18. Snow removal.
19. Animal control services.
20. Pest control.
21. Mailboxes or mail delivery services.
22. Cemeteries or interment services.
23. Finance the operations of area planning commissions.
24. Finance the operations of municipal advisory councils.
25. Habitat mitigation or other environmental protections.

**Section 1.02.040      Relevant statutes.**

Title 6, Division 3, California Government Code Sections 61000-61144, is known as the "Community Services District Law."

Division 5, Part 3, Chapter 5, California Health and Safety Code Sections 4950-5072, provides authority for sewer revenue bonds.

Division 5, Part 3, Chapter 6, California Health and Safety Code Sections 5400-5474, provides authority for regulating sewers and sewer services, including the power to prescribe, collect and use the revenue from sewer service fees and other charges.

Division 6, Part 1, California Health and Safety Code Sections 6400-6830, provides authority for sanitary district operations.

Division 104, Part 10, Chapter 5, California Health and Safety Code Sections 115920-116068, regulates the operation of public swimming pools.

Division 4, Chapter 20, California Code of Regulations Sections 65527-65545, regulates water sanitation at public swimming pools.

Division 104, Part 7, California Health and Safety Code Section 113947, regulates food handling.

## **Chapter 1.04 GENERAL PROVISIONS**

- 1.04.010 Short title.
- 1.04.020 Provisions as continuation of existing ordinances.
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- 1.04.040 Effect of headings.
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- 1.04.090 Shall and may.
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- 1.04.120 Provisions of Code not retroactive.
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**Section 1.04.010 Short title.**

This Code may be cited as the "Crockett Community Services District Code."

**Section 1.04.020 Provisions as continuation of existing ordinances.**

Each provision of this Code insofar as it is substantially the same as an existing provision relating to the same subject matter shall be construed as a restatement and continuation and not as a new enactment.

**Section 1.04.030 Savings clause and accrued rights.**

Any action or proceeding started before this Code takes effect and any right accrued is not affected by this Code. However, all procedures thereafter taken shall conform to this Code as far as possible.

**Section 1.04.040 Effect of headings.**

Chapter, article and section headings do not affect the scope, meaning or intent of this Code.

**Section 1.04.050 Delegation of power.**

Whenever this Code grants a power or imposes a duty upon a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized by the officer.

**Section 1.04.060 Tense.**

The present tense includes the past and future tenses. The future tense includes the present tense.

**Section 1.04.070 Gender.**

The masculine gender includes the feminine and neuter.

**Section 1.04.080 Number.**

The singular number includes the plural, and the plural number includes the singular.

**Section 1.04.090     Shall and may.**

"Shall" is mandatory and "may" is permissive.

**Section 1.04.100     Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Code, shall have the meanings designated in this section:

1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
2. "Authorized representative of industrial user" may be: (a) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
3. "Basic fixture rate schedule" means the list of charges for connection of individual plumbing fixtures ordinarily used. (Ord. No. 04-1)
4. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees Centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
5. "Board" means the Board of Directors of the District.
6. "Building" means a structure used for any purpose which contains a fixture, plumbing system or sanitary facility of any type.
7. "Categorical standards" means the National Categorical Pretreatment Standards or Pretreatment Standard.
8. "Certification" is the procedure for becoming the exclusive representative for a representative unit, either from within the District or outside the District.
9. "Certified employee organization" means an employee organization that has been certified by the Board of Directors representing the majority of the eligible employees in an appropriately designated employee representation unit and shall be considered to represent the employees of that unit, except for those employees who may wish to represent themselves individually.
10. "Classification" means the individual job class description for each position at the District.
11. "Collection system" means the District pipelines, pump stations, manholes and other similar facilities that accept, collect and convey sanitary sewage to the treatment plant.
12. "Commission" means Commission of the District.
13. "Commissioner" means member of a Commission of the District.
14. "Confidential employee" means certain employees who have responsibilities in the development of employer/employee relations or who have access in the course of their duties to confidential information on employer/employee relations. Such employees shall be eligible to be designated management support/confidential.
15. "Connection" means the physical attachment of a building to a public sewer by a side sewer.

16. "Consistent removal" means a reduction in the amount of a pollutant or alteration of the nature of the pollutant by the District's wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent of the samples taken when collected in accordance with the provisions contained in Section 10.16.040.

17. "Contractor" means any person who undertakes construction, excavation, alteration, rebuilding, reconstruction or repairs related to sanitary sewers and is properly licensed by the State of California to perform sewer work, or a person who is a "contractor" pursuant to state or federal law.

18. "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

19. "County" means Contra Costa County.

20. "Decertification" means the removal of a certified employee organization as the representative of a majority of the eligible employees in an appropriately designated employee representation unit.

21. "District" means the Crockett Community Services District.

22. "District facilities" means all of the District's system for collecting, conveying and treatment including, but not limited to, the collection system and treatment plant.

23. "District Secretary" means Secretary of the District.

24. "Engineer" is the General Manager of the District or a duly authorized designee.

25. "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the agency.

26. "Executive management" means employees who work at the pleasure of the Board.

27. "Fixture" means sink, tub, shower, water closet, garbage disposal or other facility connected by a drain to the sewer.

28. "Fixture multiple" means the number of times that the amount listed for a fixture in the basic fixture rate schedule is multiplied to reach the amount of total fixture charge.

29. "Garbage" includes animal, fruit and vegetable refuse, offal, leaves and cuttings, trimming from trees, shrubs and grass, inorganic refuse and rubbish, and anything thrown away as worthless.

30. "General Manager" means the General Manager of the District or his duly authorized representative.

31. "General Manager" means the chief executive officer of the District or a duly authorized designee.

32. "Health Officer" means the Health Officer of the County.

33. "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers and vacuum-pump tank trucks.

34. "Industrial user" means any contributor of industrial waste or wastewater.

35. "Industrial waste or wastewater" means any nondomestic liquid or semisolid wastes from any producing, manufacturing or processing operation or commercial establishment of whatever nature.

36. "Installer" means a person who installs a sewer.

37. "Interference" means the inhibition or disruption of the treatment plant or water reclamation processes or operations or impairment of the quality of wastewater discharged to the treatment plant which contributes to a violation of any requirement of the District's NPDES permit.

38. "Living unit" means a structure or a portion of a structure occupied or intended to be occupied by a single person or single family.

39. "Management employee" means any employee who is in a high administrative and policy-influencing position with responsibility for managing a major function or rendering management advice to the General Manager or the Board.

40. "Management support employee" means certain employee classifications that share a responsibility with management in directing, administering and supervising Crockett Community Services District activities such as hiring, assigning, evaluating, disciplining and resolving grievances of other employees.

41. "Maximum recovery" means the maximum allowable reimbursement possible from the collection of rebate fees to be paid to the installer of the rebate sewage facility.

42. "Meet and confer in good faith" means the mutual obligation personally to meet and confer in order to exchange freely information, opinions and proposals and to sincerely endeavor to reach agreement on matters within the scope of representation and discussion. This obligation does not compel either party to agree to a proposal or make a concession.

43. "Ministerial project," generally speaking, is one requiring approval by the District as a matter of law or one involving minimal independent exercise of judgment by the District as to its wisdom or propriety.

44. "National Categorical Pretreatment Standard" or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

45. "National Pollution Discharge Elimination System or NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

46. "Non-installer" means a person who has not contributed to the financing of a rebate sewage facility.

47. "Outside sewer" means a sewer outside the boundaries of the District.

48. "Owner's sewer improvement agreement" means an agreement between a person and the District in a form prescribed by the District which obligates the person to complete sewer work in accordance with District requirements.

49. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. "Person" also means any organization, the United States of America, the State of California, a political subdivision, governmental agency or other public or municipal corporation. "Person" also means an occupied residential unit or commercial establishment.

50. "pH" means the logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

51. "Place" means land, building, site, drainage ditch or road, public or private, in the District.

52. "Plumbing system" means plumbing fixtures and traps, waste and vent pipes, and all sewer pipes within a building and extending to the house or side sewer connection two feet outside the foundation line or building wall.

53. "Pollutant" includes sewage or any characteristic of sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature.

54. "Pollution" means an alteration of the quality of the waters of the State by waste to a degree that unreasonably affects (a) such waters for beneficial use, or (b) facilities which serve such beneficial users or which create a hazard to the public health.

55. "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into District facilities. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR Section 403-6 (d).

56. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment.

57. "Private sewer" means a side sewer as defined in this chapter or a sewer serving an independent sewage disposal system not connected to a public sewer.

58. "Professional employee" means an employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers and various types of physical, chemical and biological scientists.

59. "Public sewer" means a sewer located in a public right-of-way or District easement which is owned, maintained and controlled by the District.

60. "Rebate cost" means the expense approved by the Engineer of installing a public rebate sewage facility, including cost of pipelines, structures, inspection, engineering, right-of-way, and bonding.

61. "Rebate fee" or "rebate charge" means the fee to be collected from non-installers for connection to a rebate sewage facility.

62. "Rebate service area" means the area prescribed by the Engineer which is served by the rebate sewage facility.

63. "Rebate sewage facility" is either (a) a public sewage facility installed by the District for which a rebate fee has been established, or (b) a public sewage facility installed by a person for the purpose of serving his/her property or development and which, because of geographical and engineering considerations, can service a larger area than that which is being developed by the person installing it and for which a rebate fee has been established.

64. "Representation unit" means an appropriate grouping of employees entitled to select a single employee organization or representative to represent them on all matters of employer/employee relations.

65. "Sewage" means the combination of water-carried wastes from a structure together with such ground, surface and storm waters that may be present as a result of uncontrollable infiltration.

66. "Sewage facility" or "sewage system" means and includes sewage treatment plants and works, sewers, pumping plants or stations and appurtenances useful or convenient for the interception, treatment, purification or disposal of sewage and industrial wastes and necessary lands and rights-of-way.

67. "Sewer" means a pipe or conduit for holding and carrying sewage, and includes manholes, rodding inlets, pressure relief valves and all other facilities appurtenant which are necessary or convenient to the holding or carrying of sewage. "Sewers" are classified as follows:

a. "Side sewer" means the privately owned and maintained sewer that connects the plumbing system of the building to the main sewer. The side sewer begins at the point of connection to the main sewer and terminates at the point of connection to the building plumbing system two feet outside the

foundation line or building wall.

b. "Lateral sewer" means side sewer or building sewer.

c. "Building sewer" means side sewer or lateral sewer.

d. "Main sewer" means a public sewer that has one or more side sewers connected to it.

e. "Trunk sewer" means interceptor sewer.

f. "Interceptor sewer" means a public sewer, generally eighteen inches in diameter or larger, which intercepts, combines and transports the sewage from multiple zones of the sewer system.

68. "Significant industrial user" means any industrial user of the District's wastewater disposal system who (a) has a discharge flow or twenty-five thousand gallons or more per average work day, or (b) has a flow greater than five percent of the flow in the District's wastewater treatment system, or (c) has in his wastes toxic pollutants identified in Chapter 10.08 or Standard Specifications Section 9-06, which are in excess of established effluent standards, or (d) is found by the District to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

69. "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

70. "Standard specifications" is the document, published from time to time by the District, which contains such matters as the directions, provisions and requirements for the design and construction of sanitary sewer facilities.

71. "State" means the State of California.

72. "Storm water" means any flow occurring during or following any form of natural precipitation and resulting there from.

73 "Street" includes a public highway, road, street, avenue, alleyway, public place, easement or right-of-way for vehicular or pedestrian use.

74 "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

75 "Toxic pollutant" means any pollutant or combination of pollutants listed in Chapter 10.08 or Standard Specifications Section 9-06.

76 "Treatment plant" means any facility owned by the District that is designed to provide treatment to wastewater.

77 "Unit of use" means a single family residence or any type of use that produces, on average, the same volume of sewage that is discharged to a public sewer. "Unit of use" also means twenty-five "fixture unit equivalents" as defined in the Standard Specifications of the District. Each residential unit equivalent shall be allocated one full unit of use.

78 "User" means a person whose building plumbing system is connected to a sewer. "User" also means any person who contributes or causes the contribution of wastewater into District facilities.

79 "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the District's facilities.

80 "Wastewater discharge permit" means a permit as set out in Title 5 and Standard Specifications Section 10.

81 "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

**Section 1.04.110 Construction of words and phrases.**

Words and phrases shall be construed according to the rules of grammar and according to their common and approved uses. Technical words and phrases and those words and phrases that have acquired peculiar and appropriate meaning shall be construed according to the peculiar and appropriate meaning.

**Section 1.04.120 Provisions of Code not retroactive.**

No provision of this Code is retroactive unless so expressly declared.

**Section 1.04.130 Effect of repeal or amendment.**

The repeal or amendment of this Code does not release or extinguish any penalty, forfeiture or liability incurred or right accruing or accrued under the provision repealed or amended unless the repealing or amending act expressly so provides. The provision shall be treated as remaining in force for the purpose of an action or prosecution for the enforcement of the right, penalty, forfeiture or liability.

When an ordinance repealing a former ordinance, section or provision or an ordinance is itself repealed, the repeal does not revive the former provision or ordinance unless it is expressly so provided.

**Section 1.04.140 Code references apply to amendments and additions.**

When reference is made to this Code or a portion of it, the reference applies to all amendments and additions now or hereafter made.

**Section 1.04.150 Separability.**

If a section, subsection, sentence, clause or phrase of this Code, or the application of it to any person or circumstance, is for any reason held to be unconstitutional or invalid, the decision shall not affect the validity of the remaining portions of this Code or the application of the provision to other persons or circumstances. The Board declares that it would have passed this Code or the section, subsection, sentence, clause or phrase irrespective of the fact that a section, subsection, sentence, clause, or phrase is declared to be unconstitutional.

## **Chapter 1.08 ENFORCEMENT AND PENALTIES \***

- 1.08.010 Notice of Violation.
- 1.08.020 Right to enter on private property.
- 1.08.030 Enforcement procedures, penalties and remedies cumulative.
- 1.08.040 Enforcement—Disconnection of user of sewer system—Notice and hearing.
- 1.08.050 Abatement of public nuisance.
- 1.08.060 Violation a misdemeanor.
- 1.08.070 Violation includes aiding, abetting or concealing.
- 1.08.080 Penalties for delinquent payments.
- 1.08.090 Additional remedies for violation.
- 1.08.100 Responsible parties.
- 1.08.110 Violation

\* Portions of Chapter 1.08 are superseded by Chapter 1.14.

**Section 1.08.010 Notice of Violation.**

The District may serve a person who violates this Code, the terms of any District permit, the requirements of the District Standard Specifications, or other rule, order or regulation of the District with written Notice of Violation. The notice may be issued by District staff without specific approval of the District Board and said notice shall contain a description of the nature of the violation and give a time limit for satisfactory correction. Upon receipt of the notice, the person shall cease the violation and correct the defect within the time stated in the notice. Service of Notice of Violation shall not prevent the District from taking any other action available under the provisions of this Code or at law, whether or not said corrections are satisfactorily made within the time stated in the notice. (Standard Specifications Section 10-04)

A Notice of Violation may be recorded with the County Recorder upon specific approval of the District Board or as delegated to respective Commission with right of appeal to District Board . If a more specific provision concerning Notices of Violation contained elsewhere in this Code is applicable to a given circumstance, such more specific provision shall apply.

**Section 1.08.020 Right to enter on private property.**

A District employee may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities. By applying for sewer service, a person consents to the entry by District employees on the private property where the sewer which discharges or may discharge to the District wastewater system is located for the purpose of reasonable inspection regarding compliance with this Code, any District permit, the District Standard Specifications, or other District rule, order or regulation or state or federal law. By signing a contractor's permit, a homeowner's permit, or owner's sewer improvement agreement, a person consents to the entry by District employees on the private property upon which sewer work related to the permit or agreement will be performed, for the purpose of reasonable inspection of construction or repair work being performed under a permit issued by the District. District employees shall exhibit official evidence establishing the employee's employment with the District prior to such entry, if practicable. Additionally, upon providing notice to the owner or tenant, where practicable, a District employee who is legally authorized to practice land surveying shall have reasonable access to private property without undue delay to investigate and utilize boundary evidence or to provide surveys. The rights of entry provided by this section shall be construed as additional to those rights provided elsewhere in this Code, in the Standard Specifications, in a District ordinance or resolution, in a District permit, in an agreement with the District, or at law. (Standard Specifications Section 3-14; Ord. 01-2; Government Code Section 61069)

**Section 1.08.030 Enforcement procedures, penalties and remedies cumulative.**

All enforcement procedures, penalties and remedies available to the District at law and by this Code are intended to be cumulative. The enforcement procedures, penalties and remedies set forth in this chapter are cumulative with any other enforcement procedures, penalties and remedies set forth in any portion of this Code or at law. The use by the District of any enforcement procedure, penalty or remedy, whether provided for by this Code or at law, shall not constitute a waiver of the District's right to pursue any other enforcement procedure, penalty or remedy, whether available under this Code or at law.

**Section 1.08.040 Enforcement--Disconnection of user of sewer system--Notice and hearing.**

Disconnection. Notwithstanding any other provision of this Code, the Board may order disconnection of a user of the District's sewer system in the event of any violation of this Code, the terms of any District permit, the requirements of the District Standard Specifications, or other rule, order or regulation of the District, which violation the Board deems to be significant, including, but not limited to, nonpayment of District fees or charges. (Government Code Section 61155(a)(3)(B))

Notice and Hearing. Prior to termination of service by disconnection, the District staff shall notify, in writing, the owner and tenant(s), if any, of the served property that service is intended to be so terminated, and the District Board shall conduct a hearing thereon as provided in this chapter. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County or as known to the District, and, if there are any tenants, a copy shall be delivered to the tenant(s) or posted conspicuously on the property. This notice shall state the date of proposed termination of service and the reasons therefore and the date the District Board shall hold a hearing upon such intended termination. *Such hearing shall be held not less than fifteen days subsequent to the giving of notice as required in this chapter.*

Immediate Disconnection. In the case of actual or threatened violation of this Code, the terms of any District permit, the requirements of the District Standard Specifications, or other rule, order or regulation of the District that reasonably appears to present an imminent danger or threat to the health or welfare of persons, the environment, or the District or its employees or contractors, the General Manager may, after reasonably attempting to informally notify the user of the District wastewater system, take all necessary steps to halt or prevent such violation, including, but not limited to, plugging or physically disconnecting the access to the District wastewater system. The rights of immediate disconnection provided by this subsection shall be construed as additional to those rights provided elsewhere in this Code, in a District permit, in an agreement with the District, or at law.

Reconnection. Nothing herein is intended to imply that a disconnected user has any rights to reconnection; however, before a structure may be reconnected, the prospective user shall deposit with the District an amount estimated by the General Manager to be the costs of disconnection and of reconnection, and shall remedy to the satisfaction of the District the condition or conditions which resulted in the District causing the user to be disconnected. After payment of the cost of disconnection and reconnection, the General Manager shall refund the excess, if any.

**Section 1.08.050 Abatement of public nuisance.**

Abatement Proceedings. The District may bring proceedings to abate a public nuisance as defined at law during the period of the violation. (Section 10, Standard Specifications)

**Section 1.08.060      Violation a misdemeanor.**

Misdemeanor. A person who violates this Code is guilty of a misdemeanor and may be punished by a fine of not more than one thousand dollars or imprisonment of not more than thirty days, or both. Each violation of this Code is a separate offense and may be prosecuted separately. This section is a declaration of Section 6523, Health and Safety Code, State of California, and is not intended to create a different or separate penalty. (Government Code Section 61064)

Prosecution for misdemeanor is not exclusive of other penalties or remedies. A person who violates this Code, in addition to being subject to misdemeanor prosecution, may be subject to prosecution for violation of any federal or state statute or local ordinance applicable to the act or omission that caused the violation of this Code. Prosecution of a person pursuant to this section does not limit other enforcement procedures, penalties or remedies that the District may have available at law or under this Code.

**Section 1.08.070      Violation includes aiding, abetting or concealing.**

A person who causes, aids, abets or conceals the fact of a violation of this Code is guilty of violating this Code.

**Section 1.08.080      Penalties for delinquent payments.**

If any District bill, charge or fee, except sewer service charges placed on the tax roll (see Section 6.24.160), is not paid on or before the last day it is due, a delinquent charge will be assessed the person in default. Delinquent charges shall be in amounts established by resolution of the Board of Directors or by order of the General Manager. Any delinquent charge shall not exceed ten percent of the unpaid amount due to the District, and in addition, a one percent per month penalty shall be imposed on the balance of unpaid bills, fees, charges and the delinquent charge imposed. If a more specific provision concerning delinquent charges and/or penalties contained elsewhere in this Code is applicable to a given circumstance, such more specific provision shall apply. (Government Code Section 61115.(a)(3)(C))

**Section 1.08.090      Additional remedies for violation.**

In the event that a violation of this Code, the terms of a District permit, the requirements of the District Standard Specifications, or other rule, order, or regulation of the District is not corrected after receipt of Notice of Violation, the District may collect from the responsible party the costs of such correction, including, but not limited to, charges for the time staff spends correcting the violation, the cost of any contractor engaged by the District, material costs, and any legal and consultant costs. The District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges, to the extent allowed by and in conformity with law, including, but not limited to, the assessment of such charges on the tax roll.

**Section 1.08.100 Responsible parties.**

Except as otherwise specifically set forth in this Code, the following are parties responsible for compliance with this Code, the terms of a District permit, the requirements of the District Standard Specifications, or other rule, order or regulation of the District (collectively "District requirements"):

1. The current record parcel owner where the sewer or proposed sewer is located;
2. The record parcel owner at the time of violation of any District requirement;
3. The record parcel owner at the time of the District's discovery of violation of any District requirement;
4. The person or entity entering into an owner's sewer improvement agreement relevant to the violation; and
5. The person or entity signing the sewer permit or other District permit relevant to the violation.

It is the District's intent that absent unusual circumstances, the current record property owner shall be ultimately responsible for violations of District requirements. However, the District may pursue any or all available remedies for a violation of District requirements against any or all of the above responsible parties, in the District's sole discretion, notwithstanding any agreements or covenants between any responsible parties.

**Section 1.08.110 Violation.**

In the event of a failure to comply with the Building Sewer Infiltration & Inflow Control Ordinance (Chapter 9.10 of the Code) within the allotted time, the District may bring an enforcement action and exercise any other remedy provided by the District Code and applicable laws against the property owner and any other responsible party.

When a violation is discovered, the District shall issue a Notice of Violation to the Buyer, and where practical to the previous owner, in accordance with Section 10-4.H of the District Standard Specifications. The recipient of the Notice of Violation shall be required to take all steps necessary to obtain a Certificate of Compliance within sixty (60) days. The Buyer may have recourse under state real estate disclosure laws to obtain reimbursement from the previous owner. Failure to comply with the Notice of Violation, however, shall cause the District to take such actions as are set forth in this chapter 1.08 of the District Code. (*Ord. 07-1*)

## **Chapter 1.12 NOTICE PROCEDURE**

1.12.010 Giving notice where not otherwise provided.

1.12.020 Method of service.

1.12.030 When service by mail is complete.

1.12.035 When service by facsimile is complete.

1.12.040 Computation of time.

**Section 1.12.010 Giving notice where not otherwise provided.**

Whenever this Code requires the giving of notice and the manner of giving notice is not otherwise specified, the notice shall be in writing. If a right may be exercised or an act is to be done, and the notice of it is required to be given but the time within which the notice must be given is not specified, absent an emergency situation, such as sewage spilling on the ground, the notice shall be given at least ten days prior to the time the right must be exercised or the act must be done. In the event of a sewage spill, District employees may enter private property upon reasonable attempt to advise property owner and/or tenant without prior written notice.

**Section 1.12.020 Method of service.**

Whenever notice is required to be given by the terms of this Code and the manner of service of the notice is not otherwise specified, the notice shall be served either personally or by first class mail in a sealed envelope with postage prepaid, addressed to the person at his last known mailing address and deposited in a facility maintained by the United States Postal Service, or by facsimile transmission, to the facsimile number maintained by the District's Administrative Department, and to such other person at such facsimile number which is provided to the District, provided such person has given the District written permission for service by facsimile. (Standard Specifications Section 10.04.H)

**Section 1.12.030 When service by mail is complete.**

In the case of service by mail, service is complete at the time the notice is deposited in the United States mail, but any prescribed period of notice and any right or duty to do any act or make any response within any prescribed period or on a date certain after the service of the notice by mail shall be extended five days if the place of address is within the State of California, ten days if the place of address is outside of the State of California but within the United States, and twenty days if the place of address is outside of the United States.

**Section 1.12.035 When service by facsimile is complete.**

In the case of service by facsimile, service is complete at the time of transmission, but any prescribed period of notice and any right or duty to do any act or make any response within any prescribed period or on a date certain after the service of the notice by facsimile shall be extended by two business days of the District.

**Section 1.12.040 Computation of time.**

The time in which any action provided by this Code 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.

## **Chapter 1.14 ADMINISTRATIVE ENFORCEMENT**

- 1.14.010 Application of ordinance.
- 1.14.020 Authority of enforcement officer.
- 1.14.030 Authority to inspect property.
- 1.14.040 Notice of violation.
- 1.14.050 Order to show cause hearing.
- 1.14.060 Time allowed for abatement.
- 1.14.070 Imposition of penalties.
- 1.14.080 Appeal of NOV.
- 1.14.090 Enforcement stayed during appeal.
- 1.14.100 Appeal hearings.
- 1.14.110 Decision of the hearing officer or hearing body and abatement order.
- 1.14.120 Payment and collection of penalty.
- 1.14.130 Appeal to the District Board.
- 1.14.140 Judicial review of penalties.
- 1.14.150 Judicial review of abatement orders.
- 1.14.160 Recovery of costs of abatement.
- 1.14.170 Cost accounts.
- 1.14.180 Remedies cumulative.
- 1.14.190 Summary abatement procedure.
- 1.14.200 Conflict.

**Section 1.14.010 Application of ordinance.**

The provisions of this ordinance govern (1) the abatement of nuisances and violations of District regulations, and (2) the imposition of fines or penalties for violations of District regulations. (*Ord. 19-5*)

**Section 1.14.020 Authority of enforcement officer.**

An enforcement officer shall have the authority to gain compliance with the District's Code and its ordinances, including the power to issue a notice of violation ("NOV") as described below, the power to inspect public and private property, the power to record a notice of violation against any property related to the violation, and the power to carry out the provisions of an abatement order.

**Section 1.14.030 Authority to inspect property.**

Pursuant to Government Code section 61069, the District may request an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. The warrant shall state the location which it covers and shall state its purposes. A warrant may authorize District employees to enter property only to do one or more of the following: (1) Inspect to determine the presence of public nuisances that the District has the authority to abate (2) Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance. (3) Determine if a notice to abate a public nuisance has been complied with.

(b) Where there is no reasonable expectation of privacy and subject to the limitations of the United States Constitution and the California Constitution, District employees may enter any property within the District for any of the following purposes: (1) Inspect the property to determine the presence of public nuisances that the district has the authority to abate. (2) Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance. (3) Determine if a notice to abate a public nuisance has been complied with.

**Section 1.14.040 Notice of violation.**

A. Whenever an enforcement officer finds that a provision of this Code has been violated, including but not limited to a failure to comply with a term or condition imposed by any agreement, entitlement, permit, license or environmental document issued or approved by or on behalf of the District or a failure to comply with any other laws the violation of which constitutes a nuisance condition, and such officer elects to pursue administrative enforcement, he or she may issue the responsible party an NOV, except that an NOV is not required if the enforcement officer determines that summary abatement is required. Such NOV shall be served on the responsible party in the manner described in subsection B of this section. The enforcement officer shall include the following information in the NOV:

1. The date and location of the violation, including the address or other description of the location where the violation occurred or is occurring and a brief description of the conditions observed that constitute a violation;

2. The name(s) of the responsible party(ies), if known;
3. The code section(s) being violated and a description of the section(s);
4. Actions required to correct, abate or mitigate the nuisance condition or code violation, and a period of time during which action(s) shall be commenced and completed, considering the factors listed in Section 1.14.060;
5. An order prohibiting the continuation or repeated occurrence of a nuisance condition or violation of this code described in the NOV;
6. Except when the enforcement officer orders the responsible party to appear at a hearing to show cause pursuant to Section 1.14.050, a statement that the person upon whom the NOV is served may appeal the determination that there is/are violation(s) as alleged, that the person who was served with the NOV is the responsible party, or that the amount of any administrative fine imposed is warranted. The NOV will instruct the person being served as to the proper procedure and time frame for submitting an appeal;
7. If applicable, notice that failure to correct or abate the listed violations in the NOV within the time specified will subject the responsible party to a penalty pursuant to Section 1.14.070. If a penalty will be imposed, the NOV shall include the amount of the penalty;
8. The signature of the citing enforcement officer and District contact information (address, telephone number) for additional information.

B. The NOV shall be served upon the responsible party or owner personally or by United States mail, first-class postage prepaid, and if by such mail, it shall be sent to the last known address listed on the most recent tax assessor's records. In the case of personal service, service shall be deemed complete at the time of such delivery. In the case of service by first-class mail, service shall be deemed complete at the time of deposit into the United States mail. Where service is by first-class mail, a copy of the NOV shall be conspicuously posted at the affected property when reasonably practicable for a period of not less than three calendar days prior to the first date that commencement of corrective action or abatement is to be undertaken. The failure to receive an NOV sent via first-class mail shall not affect the validity of the enforcement proceedings.

C. Proof of service shall be certified by a written declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner of service, and the date and place of posting, if applicable. The declaration shall be affixed to a copy of the NOV and retained by the enforcement officer.

D. The failure of an NOV to satisfy all of the requirements of this provision shall not affect the validity of any other enforcement proceedings under this code.

#### **Section 1.14.050      Order to show cause hearing.**

An NOV issued by an enforcement officer may include an order requiring the responsible party to appear at a hearing to show cause why such nuisance condition or other code violation should not be abated by the District at the responsible party's expense. Such hearing shall be referred to as an order to show cause hearing, or OSC hearing. All OSC hearings shall be conducted pursuant to the procedures set forth in Sections 1.14.100 and 1.14.110 and the other provisions of this ordinance.

**Section 1.14.060 Time allowed for abatement.**

In any NOV or abatement order issued, the time allowed for abatement shall be a "reasonable time" based upon the circumstances of the particular violation, taking into consideration the means required to abate the violation, the period of time that the violation has existed, and the potential threat to public health and safety created by the violation. If the violation pertains to sewage or sanitary issues but does not pose an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, the responsible party shall be provided not less than fifteen days in which to abate or otherwise remedy the violation. The determination of timely compliance, abatement, mitigation or elimination of the violation shall be made by the enforcement officer, hearing officer, or other authorized District official.

**Section 1.14.070 Imposition of penalties.**

Any nuisance condition which the District has the power to abate, or violation of any provision of this code, including a failure to comply with a term or condition imposed by any agreement, entitlement, permit, license or environmental document issued or approved by or on behalf of the District, may subject the responsible party to a penalty imposed pursuant to Government Code Section 53069.4. Whether to impose a penalty shall be within the discretion of the enforcement officer.

A. The amount of any penalty that may be imposed for a violation that would otherwise be an infraction shall not exceed the amounts set forth in Government Code Section 36900(b), as amended from time to time. The amount of any penalty that may be imposed for all other violations (i.e., violations that would otherwise be misdemeanors) shall not exceed one thousand dollars. Each date in which any such violation continues may be deemed a separate offense. In determining the amount of a penalty, the following factors should be taken into consideration:

1. Duration of the violation;
2. Frequency, reoccurrence, or number of violations by the same person;
3. Seriousness of the violation and/or its impact on the community and/or the degree of culpability of the responsible party;
4. Justification, if any, for the existence, or continuance, of the violation;
5. Whether the violation is susceptible to restoration or other mitigation;
6. Good faith efforts to mitigate the violation or to come into compliance, pursuant to the terms of the NOV or abatement order;
7. Sensitivity of any affected resource;
8. Any profits or other economic benefit realized by the responsible party resulting, directly or indirectly, from the violation;
9. The District's or Department's schedule of administrative penalties; and
10. Such other factors as justice may require.

B. Each and every day during any portion of which a nuisance condition or ordinance violation exists or continues may be deemed a separate and distinct violation for purposes of

setting the amount of penalty to be imposed. Any penalty imposed will accrue on a daily basis from the date the penalty becomes effective until the violation is corrected.

C. Any penalty amount is a debt owed to the District. In addition to all other means of enforcement, a penalty may be enforced as a personal obligation of the responsible party.

D. The hearing officer, in his/her discretion, may suspend the imposition of any applicable penalty for a period of time not to exceed sixty days during which the responsible party has demonstrated a willingness to correct the violations listed in the NOV or comply with an abatement order, or has applied for permits required to achieve compliance and such permit applications are actively pending before, or have already been issued by, the county, the state, or other appropriate governmental agency, or under any other circumstances that would justify a suspension of the penalty.

#### **Section 1.14.080 Appeal of NOV.**

A. A person or entity named as the responsible party in an NOV may appeal the determination that there is/are violation(s) as alleged in the NOV, that the person or entity who was served with the NOV is the responsible party, that a penalty or the amount of a penalty is warranted, or any other terms of an NOV. If an OSC hearing has been scheduled pursuant to Section 1.14.050, the OSC hearing shall serve as the appeal hearing authorized by this section.

B. Any person appealing an NOV must do so in writing to the District Secretary.

#### **Section 1.14.090 Enforcement stayed during appeal.**

Enforcement of an NOV or penalty shall be stayed during the pendency of an appeal there from which is properly and timely filed, unless the District obtains an order from a court of competent jurisdiction requiring or authorizing the abatement of the condition that is the subject of the District's enforcement efforts, or unless the nuisance or violation is one that creates an immediate threat to health or safety.

#### **Section 1.14.100 Appeal hearings.**

A. An appeal hearing based on a request for hearing shall be set for a date not less than three days nor more than forty-five days from the date the request for hearing is received unless the enforcement officer determines that the matter is urgent or that good cause exists for an extension of time, in which case the hearing date may be shortened or extended, as warranted by the circumstances.

B. A hearing under authority of this section shall be conducted according to the procedures set forth herein. The failure of the responsible party or other interested party to appear at the hearing following proper notice shall constitute a waiver of the right to be heard and a failure by such party to exhaust his/her administrative remedies.

1. When a request for hearing is received, the District Secretary shall set the time and place for hearing pursuant to subsection A of this section, and shall serve a notice of hearing either personally or by U.S. mail, first-class postage prepaid, to the appellant at

the address provided in the request for hearing form. The time for such hearing shall be no sooner than ten days from the date of service of the notice of hearing. If the code enforcement officer submits a written report concerning the NOV to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five (5) days before the hearing.

2. At the place and time set forth in the notice of hearing, the hearing officer or hearing body shall conduct a hearing on the alleged violations. Any responsible party or other interested person(s) may appear and offer evidence as to whether a violation has occurred and/or whether the violation continues to exist, whether the person cited in the NOV is the responsible party for any such violation, whether a penalty or the amount of a penalty is warranted, or any other matter pertaining thereto. Evidence presented by the enforcement officer or other official of the District tending to show that a violation occurred and that the person named on the NOV is the responsible party shall establish a prima facie case that a violation, as charged, actually existed and that the person named in the NOV is the responsible party for the violation. The burden of proof shall then be on the responsible party to refute such evidence. The standard to be applied for meeting such burden shall be a preponderance of evidence.

3. The hearing officer or hearing body shall consider written or oral testimony or other evidence regarding the violation presented by the responsible party, the owner, the occupant, any officer, employee, or agent of the District, and any other interested party. Evidence offered during a hearing must be credible and relevant in the estimation of the hearing officer, but formal rules governing the presentation and consideration of evidence shall not apply.

4. The hearing officer or hearing body shall conduct the hearing, order the presentation of evidence, and make any rulings necessary to address procedural issues presented during the course of the hearing.

5. After receiving all of the evidence presented, the hearing officer or hearing body may then deliberate and consider what action, if any, should be taken, or may adjourn the hearing and take the matter under consideration.

#### **Section 1.14.110 Decision of the hearing officer or hearing body and abatement order.**

A. Within ten days following the conclusion of the hearing, the hearing officer or hearing body shall make a decision regarding the issues presented during the course of the hearing, and the decision shall be based on a preponderance of the evidence. After making a decision, the hearing officer or hearing body may issue an abatement order, ordering abatement, or a penalty order, ordering the imposition of a penalty. If the hearing officer or hearing body finds that no violation occurred, that the violation was corrected within the specified time period, or that the person cited is not the responsible party, the hearing officer or hearing body may issue an administrative order to reflect those facts.

B. The responsible party and any interested party requesting a copy of an abatement order, penalty order or administrative order shall be served with a copy of said order in the same manner as used for service of a notice of hearing as described in Section 1.14.040(B). Proof of service of the abatement order, penalty order or administrative order shall be certified by a written declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner that service was made.

C. Abatement orders and penalty orders shall become effective and enforceable immediately after announcement or service of such order unless the order includes a later effective date. It shall include a statement of the right to have the order judicially reviewed in the manner and in the time frames specified in Section 1.14.140.

D. An abatement order may include any combination of the following remedies:

1. Impose or uphold a penalty, subject to Government Code Section 53069.4.
2. Issue a "cease and desist" order requiring the responsible party, or any agent, representative, employee, or contractor of the responsible party, to immediately stop any act, conduct, or condition that is a violation of this code. A cease and desist order issued pursuant to this section shall be effective upon issuance and shall be served on the responsible party in the manner specified in Section 1.14.040(B).
3. Require the responsible party to correct or eliminate any violation, including a proposed schedule for correction or elimination of said violation within a reasonable time. If a violation pertains to sewage or sanitary issues and the violation does not create an immediate threat to health or safety, the responsible party shall be provided at least fifteen calendar days to correct, abate, or otherwise remedy the violation.
4. Require the responsible party, or authorize the District or Department, to restore a site or location that has been damaged or disturbed as a result of a violation of this code to a previolation condition. Any order authorizing the District to undertake restoration efforts shall include provisions for the District to recover all restoration costs and expenses, including administrative costs, from the responsible party.
5. Require the responsible party, or authorize the District or Department, to mitigate any damage or disturbance to protected or environmentally sensitive areas as a result of any violation, including without limitation off-site replacement of damaged or destroyed natural resources where on-site restoration or mitigation is not feasible, as determined by the District. Any order authorizing the District to undertake mitigation efforts shall include provisions for the District to recover all costs of abatement, including mitigation costs and expenses, from the responsible party.
6. Authorize the District to abate or cause the abatement of a nuisance condition where the responsible party has refused or has otherwise neglected to take steps to correct or eliminate said conditions. The abatement order shall specify that if the District undertakes to abate or eliminate any nuisance condition, the District shall be entitled to recover its costs of abatement, including reasonable attorneys' fees, incurred in performing such work. Such costs may be recovered by the District as a personal obligation and/or through a lien or a special assessment on the affected property as provided in Section 1.14.140.
7. Sustain, modify, or overrule an NOV issued by an enforcement officer.
8. Any other order or remedy that serves the interests of justice.

E. The District may seek to enforce any abatement order by confirmation from a court of competent jurisdiction. Any abatement order that is judicially confirmed may be enforced through all applicable judicial enforcement measures, including without limitation, contempt proceedings upon a subsequent violation of such order.

F. A penalty order imposes or upholds a penalty, subject to Government Code Section 53069.4.

**Section 1.14.120 Payment and collection of penalty.**

A. If a penalty is imposed and the responsible party fails to appeal the penalty as specified in Section 1.14.030, or if a penalty order is issued, the responsible party shall pay the amount of the penalty within thirty days of the effective date of the penalty, unless an extension of time is requested by the party against whom the penalty is imposed and the request is granted by the District. Any penalty imposed shall be payable to the District.

B. The amount of any unpaid penalty may be collected by commencement of a civil action to collect such penalty, or in any other manner provided by law for the collection of debts, including assignment of the debt to a collection agency. Amounts assigned for collection are subject to collection agency rules, regulations and policies.

C. The payment of a penalty by or on behalf of any responsible party shall not relieve such party from the responsibility of correcting, removing or abating the nuisance condition, or performing restoration where required, nor prevent further proceedings, or any other authority to achieve the correction, removal or abatement of the nuisance, or any required restoration.

**Section 1.14.130 Appeal to the District Board.**

A person or entity named as the responsible party in an NOV may appeal the determination of the hearing officer or hearing body in the same manner as set forth in Section 1.14.090. Any such appeal will be heard by the District Board, whose determination shall be final.

**Section 1.14.140 Judicial review of penalties.**

A. Any responsible party against whom a penalty has been imposed and who has exhausted the administrative remedies provided in this code or other applicable law may obtain judicial review of said penalty pursuant to Government Code Section 53069.4 by filing an appeal to the Contra Costa County superior court, subject to the time limits described therein. Any such appeal shall be filed as a limited civil case. Written notice of the subject time limits shall be given to all responsible parties against whom a penalty is imposed in substantially the following form:

"The time within which judicial review of the penalty imposed by this order must be sought is governed by Government Code Section 53069.4. Judicial review must be sought not later than twenty days after service of the order imposing or confirming such penalty."

B. This section shall not be deemed to revive any cause of action or grounds for relief through a special proceeding that is barred by law or equity.

**Section 1.14.150 Judicial review of abatement orders.**

A. Any responsible party who is aggrieved by a decision of a hearing officer, or of a board, commission, department, agency, or person authorized to render such a decision on behalf of the District, and who has exhausted the administrative remedies provided in this Code, or any other applicable law, shall have the right to seek judicial review of such decision by filing a

petition for writ of mandate in accordance with Code of Civil Procedure Section 1094.5. A petition for writ of mandate must be filed within ninety days after the administrative decision becomes final (as determined in Code of Civil Procedure Section 1094.6).

B. Written notice of the time limitation in which a party may seek judicial review of an abatement order shall be given to all responsible parties in the matter by the District in substantially the following form:

"Judicial review of this decision may be sought by following the procedure outlined in Code of Civil Procedure Section 1094.5. Judicial review must be sought not later than the ninetieth day following the date on which this decision becomes final, except that where a shorter time is provided by any state or federal law, such shorter time limit shall apply."

C. This section shall not be deemed to revive any cause of action or grounds for relief through a special proceeding that is barred by law or equity.

D. All costs of preparing an administrative record that may be recovered by a local agency pursuant to Code of Civil Procedure section 1094.5(a) or successor statute shall be paid by the petitioner prior to delivery of the record to petitioner.

#### **Section 1.14.160 Recovery of costs of abatement.**

A. The District may elect to recover its costs to abate nuisance conditions or other code violations, including without limitation the costs of any appeals hearing or OSC hearing (including staff time necessary to prepare for and attend an appeals hearing or OSC hearing), any reinspections required to determine or confirm that compliance has been achieved, production of all staff reports, environmental tests or measurements that are deemed necessary or appropriate by the enforcement officer or as deemed necessary by the District, and reasonable attorneys' fees.

B. The cost or expenses associated with the abatement of a nuisance condition, and any penalties, whether imposed or levied judicially or administratively, may be enforced by adding the cost of correction to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred.

C. Notice of the recovery of costs pursuant to this section shall be given to the owner by certified mail, and shall contain the relevant information.

#### **Section 1.14.170 Cost accounts.**

A. If any order authorizes the District to abate a nuisance condition, the District official responsible for such abatement shall keep an accounting of the cost of abatement along with any other recoverable costs, and shall render a written report ("the cost report") to the District Board showing the cost of removing and/or abating the nuisance condition and describing the work performed. The cost report shall be agendaized as a "public hearing" item by the District Secretary at a subsequent District Board meeting following the required notice periods.

B. At least ten days prior to the submission of the cost report to the District Board, the District Secretary, or his/her designee, shall cause a copy of the cost report to be mailed to the responsible party and/or to the owner of the property where the nuisance condition existed. If

the nuisance concerns real property, a copy of the cost report shall be mailed to the owner(s) at the address shown for such owner(s) on the last tax roll. The District Secretary, or his/her designee, shall also cause a notice of hearing to be mailed to the same person(s) or entity receiving a copy of the cost report. The notice of hearing shall set forth the date, time and location of the District Board meeting at which the cost report shall be submitted to the District Board.

C. At the time and place fixed for receiving and considering the cost report, the District Board shall hear a summary of the cost report and any objections by the responsible party or property owner against whom such costs are being charged or against whose property an abatement lien or special assessment may be imposed. After considering the cost report and any objections thereto, the District Board may make such modifications to the cost report as it deems appropriate, after which the report may be confirmed by order of the District Board.

D. A copy of a Board order confirming costs against the responsible party shall be served on the responsible party within ten days of such order in the manner described in Section 1.14.040(B). Any responsible party against whom costs of abatement and any other costs are awarded by Board order shall have the right to seek judicial review of such order by filing a petition for writ of mandate in accordance with Code of Civil Procedure Section 1094.5.

**Section 1.14.180 Remedies cumulative.**

The remedies provided for in this chapter shall be cumulative and not exclusive, and shall be in addition to any and all other remedies available to the District.

**Section 1.14.190 Summary abatement procedure.**

Notwithstanding any other provision of this code, whenever, in the reasonable judgment of the enforcement officer, the existence or continuance of any violation of this code or any nuisance condition poses an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, an enforcement officer may act immediately and without prior notice or hearing to abate such violation or condition. The expense or cost resulting from such summary abatement shall be enforceable as a personal obligation of the responsible party and may be recovered by adding the cost of collection to the sewer service charge, as described in Section 1.14.160.

**Section 1.14.200 Conflict.**

To the extent that there is any conflict between the provisions of this chapter and other provisions of the District Code, the provisions of this chapter shall govern.

## **Chapter 1.16 COMMISSION AND BOARD CONSIDERATION OF STAFF DECISIONS**

- 1.16.005 Final decision by staff.
- 1.16.006 Request for Commission consideration of staff decision.
- 1.16.007 Request for Commission consideration does not stay staff decision.
- 1.16.008 Procedure for taking appeal or requesting Commission consideration of staff decision.
- 1.16.009 Requests for Commission consideration and hearing.
- 1.16.010 Request for Board consideration of staff decision.
- 1.16.015 Request for Board consideration does not stay staff decision.
- 1.16.020 Procedure for taking appeal or requesting Board consideration of staff decision.
- 1.16.030 Requests for Board consideration and hearing.
- 1.16.040 Board determination final.

**Section 1.16.005 Final decision by staff.**

Staff must render a final decision relative to a matter before a person who may be aggrieved by such decision can request consideration of such decision by the District Board. A person may obtain a final decision by staff relative to any matter by requesting in writing such decision, directing the request to the staff member with whom the person has primarily communicated relative to the matter subject to the decision, or to the General Manager. Staff must render a final written decision *within forty-five days of the District's receipt of the request for a final decision*. If no final decision is rendered within such time, the person may request the District Board to consider such matter pursuant to this chapter.

**Section 1.16.006 Request for Commission consideration of staff decision.**

A person aggrieved by a final decision of an officer or employee of the District under this Code may request consideration of such decision by a Commission of the District.

**Section 1.16.007 Request for Commission consideration does not stay staff decision.**

A request for Commission consideration of a final decision of any officer or employee of the District does not prevent the District from acting, refusing to act, or continuing to act relative to the decision which is complained of in the request for Commission consideration and does not prevent the District from pursuing any enforcement procedure, penalty or remedy which may be available to the District as a result of any violation of this Code, the terms of any District permit, the requirements of the District Standard Specifications, or other rule, order, or regulation of the District.

**Section 1.16.008 Procedure for taking appeal or requesting Commission consideration of staff decision.**

Wherever this Code provides that an action, decision or order may be appealed, or consideration by a Commission of such action, decision or order may be sought, and the procedure for such appeal or consideration is not specifically provided for, the person appealing or seeking consideration shall file a written notice of appeal or request for Commission consideration of staff decision with the Secretary of the District *within ten days of receiving Notice of Violation, decision or order*. The provisions of this chapter shall govern such appeal or Commission consideration. The provisions of this chapter shall not, however, govern appeals for which a specific appeal procedure is provided, including but not limited to, those which may be contained in a memorandum of understanding between the District and a certified employee organization.

**Section 1.16.009 Requests for Commission consideration and hearing.**

Upon receiving a request for Commission consideration of a staff decision, the Secretary shall set the matter for hearing at a regular meeting of that Commission and shall give the person requesting Commission consideration written notice of the time and place of hearing *at least ten*

*days before the hearing.* The Commission shall hold the hearing within forty-five days of the date of the request for Commission consideration is filed. This time may be extended by agreement. Each affected party will be given an opportunity to make an oral and/or documentary presentation at the hearing. Ordinarily no verbatim recording or stenographically recorded transcript of the hearing will be provided by the District. The only official records kept as a matter of course by the District of a hearing on Commission consideration of a staff decision will be the minutes taken by the Secretary of the District and such documents as may be submitted to the Commission at or prior to the hearing by the District staff, Commission members, affected parties or their representatives, or other members of the general public. Any plans or documentation of more than two pages in length which the Commission is asked to consider at the hearing must be submitted to the Secretary of the District at least four working days prior to the hearing. No language in this provision may be construed as allowing the stay of any action, decision or order for which Commission consideration is sought during the period a request for consideration is pending, unless upon showing of good cause, the Commission president or a duly designated Commission Hearing Officer grants such a stay.

**Section 1.16.010 Request for Board consideration of staff decision.**

A person aggrieved by a final decision of an officer, employee or Commission of the District under this Code may request consideration of such decision by the Board of Directors.

**Section 1.16.015 Request for Board consideration does not stay staff decision.**

A request for Board consideration of a final decision of any officer or employee of the District does not prevent the District from acting, refusing to act, or continuing to act relative to the decision which is complained of in the request for Board consideration and does not prevent the District from pursuing any enforcement procedure, penalty or remedy which may be available to the District as a result of any violation of this Code, the terms of any District permit, the requirements of the District Standard Specifications, or other rule, order, or regulation of the District.

**Section 1.16.020 Procedure for taking appeal or requesting Board consideration of staff decision.**

Wherever this Code provides that an action, decision or order may be appealed or consideration by the District Board of such action, decision or order may be sought, and the procedure for such appeal or consideration is not specifically provided for, the person appealing or seeking consideration shall file a written notice of appeal or request for Board consideration of staff decision with the Secretary of the District *within ten days of receiving Notice of Violation, decision or order.* The provisions of this chapter shall govern such appeal or Board consideration. The provisions of this chapter shall not, however, govern appeals for which a specific appeal procedure is provided, including but not limited to, those which may be contained in a memorandum of understanding between the District and a certified employee organization.

**Section 1.16.030      Requests for Board consideration and hearing.**

Upon receiving a request for Board consideration of a staff decision, the Secretary shall set the matter for hearing at a regular meeting of the Board of Directors and shall give the person requesting Board consideration written notice of the time and place of hearing *at least ten days before the hearing*. The Board of Directors shall hold the hearing within forty-five days of the date of the request for Board consideration is filed. This time may be extended by agreement. Each affected party will be given an opportunity to make an oral and/or documentary presentation at the hearing. Ordinarily no verbatim recording or stenographically recorded transcript of the hearing will be provided by the District. The only official records kept as a matter of course by the District of a hearing on Board consideration of a staff decision will be the minutes taken by the Secretary of the District and such documents as may be submitted to the Board at or prior to the hearing by the District staff, Board members, affected parties or their representatives, or other members of the general public. Any plans or documentation of more than two pages in length which the Board is asked to consider at the hearing must be submitted to the Secretary of the District at least four working days prior to the hearing. No language in this provision may be construed as allowing the stay of any action, decision or order for which Board consideration is sought during the period a request for consideration is pending, unless upon showing of good cause, the Board president or a duly designated Board Hearing Officer grants such a stay.

**Section 1.16.040      Board determination final.**

Any and all determinations of the Board arising from a request for Board consideration of a staff decision are final and conclusive.

## **Chapter 1.20 RESPONSIBILITY FOR DEFECTS**

1.20.010 Correction of defects.

1.20.020 Liability for defects.

**Section 1.20.010      Correction of defects.**

When a defect results from a violation of the Code, the person responsible for the defect shall correct it after the General Manager gives notice to do so. If the person does not correct the defect within the time limit stated in the notice, given pursuant to Section 1.08.010, the District may correct it at the violator's expense.

**Section 1.20.020      Liability for defects.**

When a person performs work under this Code, the District is not liable for loss or damage resulting from a defect or failure in the performance of the work, and the person performing the work shall hold the District free and harmless from all liability which results directly or indirectly from the work.

## **Chapter 1.24 SPECIAL CIRCUMSTANCES AND AGREEMENTS**

1.24.010 Relief from ordinances or regulations because of special circumstances.

1.24.020 Relief from charges because of special circumstances.

1.24.030 Emergency action.

1.24.040 Special agreements.

**Section 1.24.010 Relief from ordinances or regulations because of special circumstances.**

The Board may, upon its own motion or upon written application, modify or suspend or relieve the application of an ordinance or regulation if it finds that the ordinance or regulation is unjust or inequitable because of special circumstances.

**Section 1.24.020 Relief from charges because of special circumstances.**

If the Board finds that a charge is unjust or inequitable because of special circumstances, it may upon its own motion or upon written application of an owner or occupant of premises, fix a fair and equitable charge.

**Section 1.24.030 Emergency action.**

This Code is not intended to prevent a person from protecting property and public health in the event of disaster or danger. However, a person who performs work in this event shall report it and obtain proper inspection and clearance at the earliest opportunity.

**Section 1.24.040 Special agreements.**

This Code does not prevent a special agreement, contract or arrangement by the Board when the Board finds that it is necessary and of benefit to the District.

## **TITLE 2     ADMINISTRATION**

Chapter 2.04 BOARD OF DIRECTORS

Chapter 2.06 COMMISSIONS OF THE DISTRICT

Chapter 2.08 GENERAL MANAGER

Chapter 2.12 SECRETARY OF THE DISTRICT

Chapter 2.14 TREASURER OF THE DISTRICT

Chapter 2.16 COUNSEL FOR THE DISTRICT

Chapter 2.18 ENGINEERING CONSULTANT

Chapter 2.20 CONFLICT OF INTEREST CODE

Chapter 2.22 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Chapter 2.23 ZONES

Chapter 2.24 BUDGETS

Chapter 2.26 FINANCIAL AUDIT

Chapter 2.28 FUNDS

Chapter 2.30 CAPITAL FINANCING

Chapter 2.32 PROTECTION OF PROPERTY

Chapter 2.34 INFORMAL BIDDING POLICY

Chapter 2.36 PURCHASING AND MATERIALS POLICY

Chapter 2.38 REIMBURSEMENT FOR EXPENSES

Chapter 2.40 JOINT USE AGREEMENT

Chapter 2.42 WASTEWATER DISCHARGE PERMIT CONDITIONS

Chapter 2.44 EMERGENCY RESPONSE

Chapter 2.46 SANITARY SEWER OVERFLOW REPORTING

## **Chapter 2.04 BOARD OF DIRECTORS**

- 2.04.002 Composition and duties.
- 2.04.003 Term of office.
- 2.04.005 Ethical behavior.
- 2.04.010 Selection and term of President and Vice President.
- 2.04.020 Appointment of committees.
- 2.04.030 Compensation of Board Members.
- 2.04.035 Benefits for Board Members.
- 2.04.040 Time and place of regular meetings.
- 2.04.050 Holidays.
- 2.04.060 Adjournment of meetings.
- 2.04.070 Special meetings—Calling—Notice.
- 2.04.080 Order of business.
- 2.04.090 Vacancies on the Board.
- 2.04.100 Spokesman for the Board.

**Section 2.04.002    Composition and duties.**

A legislative body of five members known as the Board of Directors shall govern the District. The board of Directors shall establish policies for the operation of the District. The Board of Directors shall provide for the implementation of those policies, which is the responsibility of the District's General Manager. (Government Code Section 61040(a))

No person shall be a candidate for the Board of Directors unless he/she is a voter of the District. A member of the Board of Directors shall not be the General Manager, the District Treasurer, or any other compensated employee of the District. (Government Code Section 61040(e))

**Section 2.04.003    Term of office.**

The term of office of each member of the Board of Directors is four years or until his/her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election. (Government Code Section 61042)

**Section 2.04.005    Ethical behavior.**

District Directors shall exercise their independent judgment on behalf of the interests of District residents, property owners, and the public as a whole in furthering the purposes and intent of the Community Services District Law and the State Health and Safety Code. Directors shall strive with every action taken to demonstrate responsibility and trustworthiness as public officials. Directors shall be subject to the ethics training requirements contained in AB 1234 regardless of whether they receive compensation for their service.

**Section 2.04.010    Selection and term of President and Vice President.**

The Board shall elect from its Members a President and a Vice-President at the first meeting of December, to be installed at the first regular meeting in January and to serve for a one-year period. (Government Code Section 61043(b))

The Board follows an annual rotation policy in electing officers.

**Section 2.04.015    Appointment of Commissions.**

When the Board considers it necessary for the efficient transaction of business, it may approve the creation of a commission for the purpose of overseeing a department of the District. The Board shall appoint members of the commission by resolution, following policy adopted by Resolution No. 06/07-10 or as may change from time-to-time. (Government Code Section 61048)

**Section 2.04.020    Appointment of committees.**

When the Board considers it necessary for the efficient transaction of business, it may approve

the creation of a committee for the purpose of reviewing, investigating and recommending with reference to a particular matter. The President shall appoint the members of the committee. (Government Code Section 61048)

**Section 2.04.030 Compensation of Board Members.**

It is the policy of the District that Board Members and Commissioners shall receive no compensation. The amount of compensation for Directors of the Crockett Community Services District, shall in no event exceed ~~be~~ one hundred dollars per meeting. Compensation shall not be for more than a total of one meeting per calendar month. Only publicly noticed meetings shall count towards compensation. (Government Code Section 61047)

**Section 2.04.035 Benefits for Board Members.**

It is the policy of the District that Board Members shall not be eligible for any personal related benefits program, to include health and welfare benefits, insurance of any kind, pension plans and annuities. District Public Officials and Management Liability Insurance shall be provided by the District.

**Section 2.04.040 Time and place of regular meetings.**

The regular meetings of the Board of Directors are normally on the fourth Wednesday of each calendar month at the Crockett Community Center, 850 Pomona Avenue, Crockett, California. Meetings shall be held in the evening to accommodate public attendance, the exact time to be 7:00 PM or as from time to time fixed by the Board. (Res. No. 06/07-03)

**Section 2.04.050 Holidays.**

If the day fixed for a regular meeting of the Board falls on or near a holiday, the meeting shall be held on such alternate Wednesday as may be fixed by the Board of Directors at the same hour specified for the regular meeting.

**Section 2.04.060 Adjournment of meetings.**

Adjournment by Board of Directors. The Board of Directors may adjourn a regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time.

Adjournment by Secretary. If all Members are absent from a regular or adjourned regular meeting, the Secretary 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 same manner as provided in Section

54956 of the Government Code (Brown Act) for special meetings unless this notice is waived as

provided for special meetings.

Adjourned Meeting is a Regular Meeting. When a regular or adjourned regular meeting is adjourned, the resulting adjourned regular meeting is a regular meeting for all purposes.

Hour at Which Adjourned Meeting to be Held. When an order of adjournment of a meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

#### **Section 2.04.070 Special meetings--Calling--Notice.**

Calling Special Meetings. A special meeting may be called at any time by the President or by a majority of the Members of the Board, by delivering personally or by mail written notice to each Member of the Board, and to each local newspaper of general circulation, radio or television station requesting notice in writing.

Delivery and Contents of Notice. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the legislative body.

When Notice Not Necessary. Such written notice may be dispensed with as to any Director, who at or prior to the time of the meeting convenes, files with the Secretary a written waiver of notice. Such written notice may also be dispensed with as to a Director who is actually present at the meeting at the time it convenes.

#### **Section 2.04.080 Order of business.**

The order of business of the Board of Directors meetings shall be established by the Secretary of the District.

The Board of Directors may at any meeting consider any item of business out of order.

#### **Section 2.04.090 Vacancies on the Board.**

Any vacancy in the office of a member elected to the Board of Directors shall be filled pursuant to Government Code Section 1780. (Government Code Section 61042)

#### **Section 2.04.100 Spokesman for the Board**

The President of the Board of Directors is authorized to speak for the Board and the District. No other person is so authorized absent specific delegation by the President or by the Board.

## **Chapter 2.06 COMMISSIONS**

Section 2.06.010 Commissions Created.

Section 2.06.020 Appointment, Vacancy, Removal.

Section 2.06.030 Eligibility Rules and Procedures.

Section 2.06.040 Term of Office.

Section 2.06.050 Compensation, Expenses.

Section 2.06.060 Designated Authority

**Section 2.06.010 Commissions Created.**

The following Commissions are hereby created as advisory bodies of the District:

- a. *Crockett Sanitary Commission* – consisting of five seats, and a quorum shall be defined as three.
- b. *Port Costa Sanitary Commission* - consisting of five seats, and a quorum shall be defined as three.
- c. *Recreation Commission* – consisting of seven seats, and a quorum shall be a majority of the occupied seats.

**Section 2.06.020 Appointment, Vacancy, Removal.**

Commission members shall be appointed by Resolution of the Board of Directors to serve collectively as advisors to the Board.

The Board may accept the resignation of a Commissioner at any time and declare that seat vacant. Alternately, the Board may declare that a Commission seat is vacant for any of the following reasons:

- a. A Commissioner has failed to attend three out of any six Commission meetings in sequence, except for reason of temporary illness or injury, or work-related if the District office is notified in advance.
- b. A Commissioner has failed to be present during substantial portions of six Commission meetings in a row, except for reason of temporary illness or injury.
- c. A Commissioner has acted in a manner not in compliance with the District Code, or not in compliance with State Government Code, or for cause.

The District Board generally prefers to make such determinations after receiving the recommendations of its Commissioners. If a Commission is unable to make such a recommendation (*e.g., a tie vote or lack of a quorum*), the District Board may at any time act on its own to declare a vacancy on a Commission.

When a commission vacancy exists, that commission shall advertise for applicants for no less than 30 days, shall interview all applicants in open session, shall conduct its selection process in open session, and shall make its recommendation to the District Board for appointment.

Commissioners may be removed by the Board without cause, notice or hearing. The District Board shall have sole authority and responsibility for removal of commissioners from appointed office (Government Code Section 61048).

**Section 2.06.030 Eligibility Rules and Procedures.**

Commissioners must be residents of the zone over which their commission has jurisdiction. Each commission shall elect a chairperson and vice-chairperson from their commission each

January, to serve through the calendar year. An officer may be reelected by the commission. A paid employee of Crockett CSD may serve concurrently as commissioner. A department manager may serve concurrently as commissioner. No member of the District Board may serve concurrently as commissioner.

The Ralph M. Brown Act applies to all commissions as subsidiary bodies. Commissions shall hold regularly scheduled public meetings each month, which meetings shall encourage public participation. Commission meeting agendas shall be prepared and posted in the same manner as required for the District Board. Commission meeting minutes shall be prepared and approved in the same manner as used by the District Board. Commissions can meet in closed session only in accordance with the Ralph M. Brown Act. Commissions may appoint standing committees and ad-hoc committees as needed, which must also act in accordance with the Brown Act. Such committees may include public members.

Conflict of interest regulations of the Fair Political Practices Commission that apply to the District Board also apply to commissions of the District.

**Section 2.06.040 Term of Office.**

The term of office of a commissioner shall be 24 months. A commissioner may be reappointed by the District Board for an unlimited number of terms, sequential or otherwise. Terms shall be staggered.

**Section 2.06.050 Compensation, Expenses.**

Members of Commissions shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in performance of official duties as approved by the General Manager.

**Section 2.06.060 Designated Authority.**

The District Board has delegated some of its authority to the existing Sanitary and Recreation Commissions of the District. A Statement of Policy, originally adopted on August 27, 2008, is describes the operational parameters of the delegation of authority from the District Board to the Commissions. Commissions shall have the authority required to accomplish delegated actions, but shall not act on issues outside their individual areas of concern. The Commissions may not re-delegate any authority delegated to them by the District Board. The policy may be added to or rescinded in part or in whole from time to time by the District Board. The policy is to be kept in the District office and be made available upon request.

## **Chapter 2.08 GENERAL MANAGER**

Section 2.08.010 Chief executive officer.

Section 2.08.020 Appointment and qualifications of General Manager.

Section 2.08.030 Authority and responsibility.

Section 2.08.040 Duties.

Section 2.08.050 General Manager may employ assistants.

Section 2.08.060 Employee bond

**Section 2.08.010 Chief executive officer.**

There is created the office of General Manager (also known as District Manager). The General Manager is the chief executive officer of the District and the Chief Engineer.

**Section 2.08.020 Appointment and qualifications of General Manager.**

The Board shall appoint the General Manager by resolution. The General Manager shall be highly qualified, which can be met by having graduated from an accredited college or university with a bachelor's degree with major work in business or public administration, engineering, construction or a field related to any of the above or possessing relevant administrative experience sufficient to perform the duties required of the position. (Government Code Section 61050)

**Section 2.08.030 Authority and responsibility.**

The General Manager of the District has the administrative authority and responsibility for the operation of the District and the enforcement of all District rules and regulations, including authority to execute all contracts, warrants, releases, receipts, and similar documents for and on behalf of the District in accordance with California Health and Safety Code Section 6487. The General Manager shall have spending authority up to \$5,000 but may be given provisional approval by the Board President for urgent expenses above that limit. Under emergency conditions as defined by Resolution No. 97-98-04, the General Manager shall have spending authority up to \$50,000 subject only to notification of the Board President as soon as possible.

**Section 2.08.040 Duties.**

The General Manager shall:

Establish departments and organize the functions of the District;

Recommend rules and regulations for adoption, including specifications and requirements controlling the construction, repair, maintenance and operation of sewage systems.

Collect fees and charges, issue permits and maintain records of all transactions.

Implement policies of the Board of Directors for the operations of the District. (Government Code Section 61051)

Appoint, supervise, discipline, and dismiss District employees, except those employees who are appointed by resolution of the Board.

Supervise the District's facilities and services.

Supervise the District's finances.

**Section 2.08.050 General Manager may employ assistants.**

Upon approval of the Board of Directors, the General Manager may appoint assistants. Each appointment shall be made in accordance with the employment procedures specified in Title 4 of this Code. The General Manager may delegate authority to said assistants.

**Section 2.08.060 Employee bond.**

The Board of Directors may require the General Manager to be bonded. The District shall pay for such bond. (Government Code Section 61050(f))

## **Chapter 2.12 SECRETARY OF THE DISTRICT**

2.12.010 Secretary of the District.

2.12.020 Appointment and qualifications of the Secretary of the District.

2.12.030 Authority and responsibility.

2.12.040 Duties.

2.12.050 Record of meetings.

2.12.060 Records retention.

2.12.070 Employee bond.

**Section 2.12.010 Secretary of the District.**

There is created the office of the Secretary of the District. The Secretary of the District acts as staff to the Board of Directors.

**Section 2.12.020 Appointment and qualifications of the Secretary of the District.**

The Board of Directors shall appoint the Secretary of the District. The Board shall establish the qualifications of the Secretary of the District and the method of selection.

**Section 2.12.030 Authority and responsibility.**

The Secretary of the District reports to the Board of Directors and shall serve as Secretary of the District within the meaning of the California Health and Safety Code.

**Section 2.12.040 Duties.**

The Secretary of the District shall:

Make independent decisions as necessary to implement Board requests, decisions, and official actions;

Serve as custodian of the official records of the District;

Implement a comprehensive records retention policy;

Attend and record the minutes of meetings of the District Board and such additional committee meetings, conferences and hearings as may from time to time be required;

Participate and coordinate with management group in meetings and projects.

Comply with the many requirements of the Brown Act.

Comply with the Public Records Act while protecting the confidentiality of documents as provided by law.

Ensure that all legal requirements are being met by the District.

Prepare ordinances, resolutions, and revisions to the District Code needed to maintain currency.

Implement the public relations and customer service policies of the District.

**Section 2.12.050 Record of meetings.**

Meeting minutes approved by the Board shall be the sole official record of meetings held by the District. No transcriptions, voice recordings, video recordings or televised proceedings shall be made, or provided by the District.

**Section 2.12.060 Records retention.**

The Secretary shall develop and implement a records retention policy that follows all legal requirements and industry standards while protecting the District's interests.

**Section 2.12.070 Employee bond.**

The Board of Directors may require any employee or officer to be bonded. The District shall pay for such bond. (Government Code Section 61050(f))

## **Chapter 2.14 SELECTION OF TREASURER**

2.14.005 Selection of Treasurer.

**Section 2.14.005 Selection of Treasurer.**

The County Treasurer of Contra Costa County shall serve as the Treasurer of the District.  
[Government Code Section 61050]

If the Board of Directors designates an alternative depository pursuant to Section 61053, the Board of Directors shall appoint a District Treasurer who shall serve in place of the County Treasurer. [Government Code Section 61050]

## **Chapter 2.16 COUNSEL FOR THE DISTRICT**

2.16.010 Counsel for the District.

2.16.020 Duties.

2.16.030 License to practice law.

2.16.040 Experience.

**Section 2.16.010 Counsel for the District.**

Under direction of the District Board, and in coordination with the General Manager, the District Counsel shall act as attorney for the District in all matters affecting affairs and administration of the District, except in those matters where special counsel are from time to time employed for specific responsibilities.

**Section 2.16.020 Duties.**

The Counsel for the District shall act as attorney for the District as required in all matters affecting District affairs, except in those areas, or subject matters, where special counsel are from time to time employed and special responsibilities assigned to said special counsel. .

Within the foregoing limitation, and in fulfilling duties as attorney for the District, the District Counsel shall: attend meetings of the District Board and such additional committee meetings, conferences and hearings as may from time to time be required to provide legal counsel and guidance; oversee application of the Ralph M. Brown Act to District meetings and maintain records in conformance with said act; prepare opinions as to applicable law when required by the circumstances, or requested by the District Board or the executive officer of the District; prepare such legal documents, including contracts and conveyances, as may be required, and to prosecute and defend such litigation as the interest of the District shall require; assist officers and employees of the District by advice upon legal matters related to the administration of the District, and engage in such research, studies and reports as may be indicated in the progress of his work.

The Counsel for the District shall practice law independent of District work in an office maintained at his/her own expense, including any necessary stenographic and research services either directly employed or contracted out; provided, however, that such practice, and the clients represented therein, shall not conflict with his responsibility to the District.

**Section 2.16.030 License to practice law.**

The District Counsel shall be admitted to practice law in California and shall have active membership in the California State Bar.

**Section 2.16.040 Experience.**

The District Counsel shall have two years' comprehensive experience in the law of special districts, eminent domain, state and federal environmental protection, state and federal grant administration, legislative draftsmanship, and conduct of public hearings.

## **Chapter 2.18 ENGINEERING CONSULTANT**

2.18.010 Engineering Consultant.

2.18.020 Duties.

2.18.030 License to practice engineering.

2.18.040 Experience.

**Section 2.18.010      Engineering Consultant.**

Under direction of the District Board, and in coordination with the General Manager, the Engineering Consultant shall advise the District in all matters of sanitary and civil engineering, except in those matters where project engineers are from time to time employed for specific responsibilities.

**Section 2.18.020      Duties.**

In fulfilling duties as Engineering Consultant for the District, the Engineering Consultant shall: attend meetings of the District Board and such additional committee meetings, conferences and hearings as may from time to time be required to provide engineering counsel and guidance; prepare such engineering documents as may be required; assist officers and employees of the District by advice upon engineering matters; and engage in such research, studies and reports as may be directed by the Board or General Manager.

The Engineering Consultant shall be a practicing engineer, working in an office maintained at his/her own expense, provided, however, that such practice, and the clients represented therein, shall not conflict with his/her responsibility to the District.

**Section 2.18.030      License to practice engineering.**

The Engineering Consultant shall be licensed to practice sanitary engineering in California.

**Section 2.18.040      Experience.**

The Engineering Consultant shall have six years' experience in sanitary engineering, environmental protection, and state and federal grant/loan programs.

## **Chapter 2.20 CONFLICT OF INTEREST CODE**

2.20.010 Purpose.

2.20.020 Designated positions.

2.20.030 Disclosure statements.

2.20.040 Place and time of filing.

2.20.050 Form of disclosure statements.

2.20.060 Disqualification.

**Section 2.20.010 Purpose.**

Pursuant to the provisions of Government Code Sections 87300 et seq., the Board of Directors of the District adopts the conflict of interest code set out in this chapter. Nothing contained in this chapter is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this chapter are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated in this section, and this chapter shall be interpreted in a manner consistent therewith. (Res. No. 98-99-02)

**Section 2.20.020 Designated positions.**

The Board shall from time to time establish by resolution designated positions of officers and employees deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

**Section 2.20.030 Disclosure statements.**

Each designated employee shall file an annual statement (Form 700) disclosing that employee's interest in investments, real property, and income designated as reportable under the category to which the employee's position is assigned.

**Section 2.20.040 Place and time of filing.**

All designated employees required to submit a statement of financial interests shall file the original with the Secretary of the District.

The Secretary of the District who receives the statement of financial interest shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

A designated employee required to submit a statement of financial interest shall submit an initial statement within thirty days after assuming office or, if subject to confirmation, thirty days after being appointed or nominated.

Annual statements shall be filed no later than March 31st by all designated employees. Such statement shall cover the period of the preceding calendar year.

A designated employee required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this chapter by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

**Section 2.20.050 Form of disclosure statements.**

Disclosure statements required to be filed under this chapter for any category of reportable interests shall be on the forms provided by the Clerk of the Board of Supervisors.

**Section 2.20.060 Disqualification.**

Designated employees shall disqualify themselves from making or participating in the making of any governmental decision when it is reasonably foreseeable that a financial interest of the designated employee may be materially affected by the decision. A designated employee shall not be required to disqualify himself with respect to any matter that could not be legally acted upon or decided without his participation.

**Chapter 2.22 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT**

2.22.001 Purposes.

2.22.010 Scope of applicability.

2.22.020 Copies on file.

**Section 2.22.001 Purposes.**

Local guidelines implementing the purposes and provisions of the California Environmental Quality Act, referred to in this chapter as "CEQA," have been promulgated and adopted by the California Secretary for Resources. The District shall comply with the applicable State CEQA guidelines as promulgated from time to time by the California Secretary for Resources, and the District shall by resolution adopt these applicable guidelines and appropriate amendments thereto and shall pass such resolutions as necessary for their implementation. In the event that there is any conflict between the applicable CEQA guidelines promulgated by the California Secretary for Resources and those adopted by the District by resolution, the regulations adopted by the California Secretary for Resources shall prevail.

**Section 2.22.010 Scope of applicability.**

These guidelines apply to all discretionary projects approved or carried out by the District Board that may have a significant effect on the environment.

**Section 2.22.020 Copies on file.**

The full text of the District's CEQA guidelines, including the resolution of adoption and the state CEQA guidelines as incorporated by reference, will be kept in the office of the Secretary of the District.

## **Chapter 2.24 BUDGETS**

2.24.010 Annual budgets.

2.24.020 Ten-year revenue program.

**Section 2.24.010 Annual budgets.**

The District shall prepare and adopt annual budgets, making appropriations for District operations, facility maintenance, capital replacements and capital improvements for the coming fiscal year. The District shall also prepare revised budgets when needed to prevent a budget exceedence. All budgets shall be approved and adopted by resolution of the Board prior to July 1 each year. (Government Code Section 61110).

Budgets shall also be prepared and adopted for each individual department of the District, prior to July 1 each year.

**Section 2.24.020 Ten-year revenue program.**

The District shall annually review and update a ten-year revenue program as a working document helpful in predicting revenue needs and creating strategies to develop additional revenue in an orderly and timely fashion.

## **Chapter 2.26 FINANCIAL AUDIT**

2.26.005 System of accounting

2.26.010 Financial audit reports.

2.26.020 State Controller's Report.

**Section 2.26.005      System of accounting.**

The District shall adopt a system of accounting that shall completely and at all times show the District's financial condition. The system of accounting shall adhere to the State Controller's Unified System of Accounting and generally accepted accounting principles. (Government Code Section 61053(c)(3))

**Section 2.26.010      Financial audits.**

The District shall annually contract with a certified public accountant to perform an audit of District finances in accordance with generally accepted accounting standards, as required by Government Code Section 26909. The audit reports must be filed with County Auditor and the State Controller within twelve months of the end of the fiscal year under examination. The District Board shall receive and review the audit reports when delivered, and shall consider the recommendations of the auditor for implementation. (Government Code Section 61118(a))

**Section 2.26.020      State Controller's Report.**

The Annual Report of Financial Transactions required by Government Code Section 53891 shall also be prepared by a certified public accountant and must be submitted to the State Controller and County Auditor no later than January 31 following the close of the fiscal year. This report shall be posted in a conspicuous location on the District web site or made available to the public upon request at a cost not to exceed 25 cents per copy. (Gov't Code Section 53893.) (Government Code Section 61118(b)).

## **Chapter 2.28 FUNDS**

- 2.28.010 Establishment of funds.
- 2.28.020 Property tax fund.
- 2.28.030 Crockett Sanitary Dept. operating fund.
- 2.28.033 Port Costa Sanitary Dept. operating fund.
- 2.28.036 Recreation Dept. operating fund.
- 2.28.038 Maintenance Dept. operating fund.
- 2.28.040 Crockett Sanitary Dept. sewer construction fund.
- 2.28.050 Crockett Sanitary Dept. capital reserve fund.
- 2.28.060 Bond fund.
- 2.28.070 Transfer between funds.
- 2.28.080 Investments

**Section 2.28.010 Establishment of funds.**

Each of the following funds is established:

1. Bond fund.
2. Operating funds.
3. Sewer construction fund (s).
4. Capital reserve fund (s).

The Board may establish such other funds by resolution as it considers necessary or convenient.

**Section 2.28.020 Property tax fund.**

Money to be Deposited in Fund #3240 or subsequently identified county fund number to receive property tax funds. The property tax fund consists of the following:

1. Property taxes deposited by the State and County.

Use of Fund. This fund may be used only to receive property tax revenues collected for benefit of the Recreation Dept., the Crockett Sanitary Dept., and the Maintenance Department for services provided to the town of Crockett.

**Section 2.28.030 Crockett Sanitary Dept. operating fund.**

Money to be Deposited in Fund #3426. The operating fund consists of the following:

1. Sewer service charge revenues.
2. Property tax revenue transferred from Fund #3240.
3. Operating expense revenue accounts.
4. Capital expense revenue accounts.
5. Earnings on invested funds.
6. Other money that the Board directs to be deposited.

Use of Fund. This fund may be used only for providing sewer service in Crockett and related purposes as prescribed by law. It shall be maintained at sufficient level to meet the needs of the Crockett Sanitary Dept. for six months and to cover fluctuations in revenue.

**Section 2.28.033 Port Costa Sanitary Dept. operating fund.**

Money to be Deposited in Fund #3425. The operating fund consists of the following:

1. Sewer service charge revenues.
2. Operating expense revenue accounts.
3. Capital expense revenue accounts.
4. Earnings on invested funds.
5. Other money that the Board directs to be deposited.

Use of Fund. This fund may be used only for providing sewer service in Port Costa and related purposes as prescribed by law. It shall be maintained at sufficient level to meet the needs of the Port Costa Sanitary Dept. for six months and to cover fluctuations in revenue.

**Section 2.28.036 Recreation Dept. operating fund.**

Money to be Deposited in Fund #3241. The operating fund consists of the following:

1. Recreation special tax revenues.
2. Property tax revenue transferred from Fund #3240.
3. Operating expense revenue accounts.
4. Capital expense revenue accounts.
5. Earnings on invested funds.
6. Other money that the Board directs to be deposited.

Use of Fund. This fund may be used only for providing recreation facilities and services in Crockett and Port Costa and for related purposes as prescribed by law. It shall be maintained at sufficient level to meet the needs of the Recreation Dept. for six months and to cover fluctuations in revenue.

**Section 2.28.038 Maintenance Dept. operating fund.**

Money to be Deposited in Fund #3242. The operating fund consists of the following:

1. Property tax revenue transferred from Fund #3240
2. Grants and donations.
3. Operating expense revenue accounts.
4. Capital expense revenue accounts.
5. Earnings on invested funds.
6. Other money that the Board directs to be deposited.

Use of Fund. This fund may be used only for providing maintenance services and capital improvements for District-owned properties, principally the Memorial Hall also known as the American Legion Hall. It need not be maintained at sufficient level to meet the needs of the Maintenance Dept. for six months and to cover fluctuations in revenue.

**Section 2.28.040 Crockett Sanitary Dept. sewer construction fund.**

Money to be Deposited in Fund #3427. The sewer construction fund consists of the following:

1. Connection charges.
2. Annexation charges.
3. Fixture charges.
4. Earnings on invested funds.
5. That portion of service charges as may be fixed by the Board.
6. Other money as directed by the Board.

Use of Fund. This fund is intended for capital improvements to the Crockett sewage treatment plant and collection system, and it shall be used as prescribed by law. It shall be maintained at sufficient level to protect the District against uncontrollable events and emergencies.

**Section 2.28.050 Crockett Sanitary Dept. capital reserve fund.**

Money to be deposited in Fund #3429. The capital reserve fund consists of the following:

1. Money as directed by the Board.
2. Earnings on invested funds.

Use of fund. The fund is dedicated for expansion, major repair or replacement of the Crockett wastewater treatment facilities, as required by State Revolving Fund loan contracts signed by the District and the State Water Resources Control Board. (Res. No. 00-01-02)

Growth of fund. The fund shall be maintained for the time period and at the levels required by State loan contracts.

#### **Section 2.28.060 Bond Fund.**

Money to be Deposited in Fund. The bond fund, if established, consists of the following:

1. Assessments levied for payment of principal and interest of the bonds issued by the District.
2. Earnings on invested funds.
3. Other money that the Board directs to be deposited.

Use of Fund. This fund may be used only for wastewater facility or recreation facility bond retirement.

#### **Section 2.28.070 Transfer between funds.**

The General Manager shall transfer monies between funds as needed to carry out the policies of the Board, without the need of specific instructions or resolutions of the Board. The exception is that a four-fifths vote of the total membership of the Board of Directors is required to transfer funds out of the Crockett capital reserve fund. (Government Code Section 61112(c))

#### **Section 2.28.080 Investments.**

The District Board shall adopt an investment policy and shall review that policy annually in accordance with Government Code Section 53646(a)(2). (Res. No. 06/07-15)

## **Chapter 2.30 CAPITAL FINANCING**

2.30.010 Capital financing.

2.30.020 State loan contracts.

2.30.030 State loan contract requirements.

2.30.040 County loan contract.

2.30.050 Private bank loan contracts.

**Section 2.30.010 Capital financing.**

Whenever the Board of Directors determines that the amount of revenue available to the District or any of its zones is inadequate to acquire, construct, improve, rehabilitate, or replace the facilities authorized by this division, or for funding or refunding any outstanding indebtedness, the Board of Directors may incur debt and raise revenues pursuant to Government Code Sections 61125-31 or any other provision of law.

**Section 2.30.020 State loan contracts.**

The District (formerly the Crockett-Valona Sanitary District) has entered into low interest loan contracts with the State in order to fund major capital improvements cost-effectively. In addition to making annual payments to repay these loans, the District shall fulfill other requirements imposed by the State through loan contracts #00-822-550-0 and 01-805-550-0. These loans mature in 2021 and 2022.

**Section 2.30.030 State loan contract requirements.**

To fulfill the requirement that a dedicated source of revenue be maintained to provide reasonable assurance of loan repayment, the District has dedicated a portion of Crockett's annual sewer service revenue to debt service.

To fulfill the requirement that all recipients of SRF loans shall create a dedicated wastewater capital reserve fund for expansion, major repair or replacement of their wastewater treatment facilities, the District has established Capital Reserve Fund #3429. This fund has been built up at a minimum rate of one-half of one (0.5) percent of the loan amount each year over a period of ten (10) years, with minimum fund balance requirement as follows:

Year	Loans received	Min. fund balance
2002	\$675,356	
2003		\$ 3,377
2004		\$ 6,754
2005		\$10,131
2006		\$13,508
2007		\$16,885
2008		\$20,262
2009		\$23,639
2010		\$27,016
2011		\$30,393
2012		\$33,770

All interest earned on deposits in the fund shall remain in the fund for the uses specified. Any amounts expended from the fund shall be replaced by depositing at a minimum annual rate of ten (10) percent of the expended amount.

To fulfill the requirement that a report on fund activities and status be submitted to the State five years after the date of the final revenue program approval and every five years thereafter for the life of the loans, the District shall submit such reports to the State in 2006, 2011, 2016 and 2021.

The District has established an official file for the loan projects that has adequately documented all significant actions relative to the projects, as required. These records shall be retained for a minimum of 36 years after project completion, that being through year 2038. All agency records relative to the projects shall be subject at all reasonable times to inspection, copying and audit by the State Water Resources Control Board and the U.S. Environmental Protection Agency, or any authorized representatives thereof.

**Section 2.30.040 County loan contract.**

Pursuant to LAFCO Resolution No. 04-22, the District assumed all liabilities of Port Costa Sanitation District No. 5. This included a loan of County money for upgrade of sewage facilities in Port Costa with a 10-year term of semi-annual payments to Contra Costa County. This loan was refinanced through an inter-department loan and has been paid off.

**Section 2.30.050 Private bank loan contracts.**

To undertake two costly sewer projects in Crockett, the District (formerly the Crockett-Valona Sanitary District) has entered into a low-interest loan contract through the Municipal Finance Corp. with a 20-year term of semi-annual payments to City National Bank. This loan matures in 2026.

Pursuant to LAFCO Resolution No. 04-22, the District assumed all liabilities of Port Costa Sanitation District No. 5. This included a low-interest loan contract through the Municipal Finance Corp. with a 20-year term of semi-annual payments to WestAmerica. This loan was refinanced through an inter-department loan and matures in 2025.

## **Chapter 2.32 PROTECTION OF PROPERTY**

2.32.010 Damage of District property.

2.32.020 Occupancy prohibited.

2.32.030 Real property.

**Section 2.32.010      Damage of District property.**

No person shall damage or tamper with District property without authorization to do so.

To protect property and to preserve the peace at facilities owned or managed by the District, the Board of Directors may confer on designated uniformed District employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

**Section 2.32.020      Occupancy prohibited.**

No person may occupy a building or structure receiving sewer service from the District until the premises meets all rules and regulations of the District.

**Section 2.32.030      Real property.**

When acquiring, improving, or using any real property, the District shall comply with Article 5 (commencing with Section 53090) of Chapter 1 of Part 1 of Division 2 of Title 5, and Article 7 (commencing with Section 65400) of Chapter 1 of Division 1 of Title 7.

When disposing of surplus land, the District shall comply with Article 7 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

## **Chapter 2.34 INFORMAL BIDDING POLICY**

2.34.010 Purpose.

2.34.020 Policy.

2.34.030 UPCCAA Bidding Thresholds for District Projects.

2.34.040 Notice to Contractors Inviting Informal Bids.

2.34.050 Rejection of Bids.

2.34.060 Prohibition on Splitting Projects to Evade Bidding Thresholds.

**Section 2.34.010 Purpose.**

To establish a Board Policy on informal bidding pursuant to the Uniform Public Construction Cost Accounting Act ("Act") (Public Contract Code §§ 22000-22045) (*Ord. 19-7*)

**Section 2.34.020 Policy.**

1. District projects, as defined by the Act and in accordance with the limits listed in § 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in § 22032, et seq., of the Public Contract Code.
2. The District Board delegates the authority to award informal contracts to the General Manager or his designee upon acceptance by the respective Commission and approval by the District Board.

**Section 2.34.030 UPCCAA Bidding Thresholds for District Project.**

1. District projects of sixty thousand dollars (\$60,000) or less, or the applicable limits under the Act as amended, may be performed by the employees of the District by force account, by negotiated contract, or by purchase order.
2. District projects of two hundred thousand dollars (\$200,000) or less, or the applicable limits under the Act as amended, may be let to contract by informal bidding procedures as set forth in the Act.
  - a. If a District project was let to contract by informal bidding under the UPCCAA procedures, then Board approval is required for a change order to the public project that would cause the total cost of the project to exceed two hundred thousand dollars (\$200,000) or the applicable limits under the Act as amended.
3. District projects of more than two hundred thousand dollars (\$200,000), or the applicable limits under the Act as amended, must be let to contract by formal bidding procedures.

**Section 2.34.040 Notice of Contractions Inviting Informal Bids.**

1. The District will maintain a list of qualified contractors, identified by categories of work. Contractors on the list for the category of work being bid must be mailed, faxed, or emailed a notice inviting informal bids at least 10 calendar days before bids are due.
2. Alternatively, the District may elect to mail, fax, or email a notice inviting informal bids to the applicable construction trade journals specified in § 22036 of the Public Contract Code.
3. The notice inviting informal bids must describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

**Section 2.34.050      Rejection of Bids.**

1.      In its discretion, the District may reject any bids by providing written notice pursuant to the terms of PCC § 22038.
2.      If a contract is awarded, it must be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses.
3.      If no bids are received through the formal or informal procedure, the project may be performed by the employees of the District by force account, or negotiated contract without further complying with the Act.

**Section 2.34.060      Prohibition on Splitting Projects to Evade Bidding Thresholds.**

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Act requiring work to be done by contract after competitive bidding.

## **Chapter 2.36 PURCHASING AND MATERIALS POLICY**

2.36.010 Policy.

2.36.020 Contract for Construction Services.

2.36.030 Preference policies.

**Section 2.36.010 Policy.**

It is the Crockett Community Services District's policy to perform procurement activities in conformance with all applicable laws and the highest ethical standards of business conduct. Formal policies and procedures shall be adopted pursuant to Government Code Section 61063.

The District will contract for purchase, rent or lease of materials, supplies and equipment, and services for the District's use with the objective that such goods and services will be available at the proper time, in the proper place, in quantity, quality, and price so as to receive maximum value; and to maintain inventories of goods at minimum levels consistent with the user department's needs while allowing the maximum conservation of the District's funds.

**Section 2.36.020 Contracting for construction services.**

Contracting for construction services shall comply with CSD Law, Chapters 4-8, and the Public Contracts Code, including Sections 20682-83. Uniform Public Construction Cost Accounting Act ("Act") (Public Contracting Code Sections 22000-22045) allows the District to establish informal bidding procedures under the Act. The threshold above which a construction contract must be bid is controlled by the Act as defined and set by District Code Chapter 2.34.

**Section 2.36.030 Preference policies.**

The District has not adopted preference policies favoring woman-owned businesses, minority-owned businesses, small businesses or local businesses.

The District reserves the right to adopt any of the above policies when it serves the public interest within District boundaries.

## **Chapter 2.38 REIMBURSEMENT FOR EXPENSES**

2.38.010 Policy.

**Section 2.38.010 Policy.**

It is the Crockett Community Services District's policy to pay registration fees for Directors to attend meetings, workshops, seminars, conferences and training sessions directly related to District business. Directors shall not be reimbursed for travel expenses, telephone, meals or lodging, whether or not such expenses are directly related to District business, unless such expenses are incurred with specific, prior authorization of the Board. Receipts or other supporting documentation shall be required for reimbursement.

District employees shall not be reimbursed for any expenses related to District business unless such expenses are incurred with specific, prior authorization of the respective Department Manager or General Manager.

## **Chapter 2.40 JOINT USE AGREEMENT**

2.40.010 Joint Use Agreement.

**Section 2.40.010 Joint Use Agreement.**

The Crockett Community Services District (formerly the Crockett-Valona Sanitary District) entered into a Joint Use Agreement with C&H Sugar Company on November 9, 1976 for the joint use of the new wastewater treatment plant in Crockett. Pursuant to paragraphs 1(d) of that Agreement, the starting date of the thirty-year term of that Agreement was April 27, 1979. The expiration date, subject to renewal, was therefore April 26, 2009. In the event that either party should choose to terminate the Joint Use Agreement, a notice period of four (4) years is required by paragraph 1.(e) of the Joint Use Agreement.

The wastewater outfall into the Carquinez Strait has always been and remains the sole property of the District.

## **Chapter 2.42 WASTEWATER DISCHARGE PERMIT**

2.42.010 Crockett wastewater discharge permit.

2.42.015 Port Costa wastewater discharge permit.

2.42.020 Crockett waste discharge special requirements

2.42.025 Port Costa waste discharge special requirements.

**Section 2.42.010      Crockett wastewater discharge permit.**

The Crockett Community Services District and C&H Sugar Company have jointly applied for and received reissuance of National Pollutant Discharge Elimination System (NPDES) Permit No. CA0005240 to discharge treated wastewater into waters of the State. The latest permit was issued April 11, 2018 by Order No. R2-2018-0012 of the Regional Water Quality Control Board. The District and C&H Sugar Co. are jointly responsible for meeting all permit requirements. However, under the terms of the Joint Use Agreement, C&H has sole responsibility for the operation and management of the wastewater treatment plant and for the various testing and reporting requirements associated with the treatment plant. The District is responsible for the municipal sewage collection system, including pumping stations and force mains.

**Section 2.42.015      Port Costa wastewater discharge permit.**

The Crockett Community Services District (formerly County Sanitation District #5) applied for and received reissuance of National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037885 to discharge treated wastewater into waters of the State. The latest permit was issued December 12, 2018 by Order No. R2-2018-0053 of the Regional Water Quality Control Board.

**Section 2.42.020      Crockett waste discharge special requirements.**

The Crockett Sanitary Dept. bears responsibility for certain reporting requirements set forth in the Crockett discharge permit. These include a Sanitary Sewer Management Plan, reporting of sanitary sewer overflows, an updated contingency plan, a Pollution Prevention Plan, and progress reports every two years on settleable solids reduction. Additional requirements may be imposed by future discharge permits.

**Section 2.42.025      Port Costa waste discharge special requirements.**

The Port Costa Sanitary Dept. bears responsibility for all reporting requirements set forth in the Port Costa discharge permit. Special requirements include a Sanitary Sewer Management Plan, reporting of sanitary sewer overflows, an updated contingency plan and a Pollution Prevention Plan. Additional requirements may be imposed by future discharge permits.

## **Chapter 2.44 EMERGENCY RESPONSE**

2.44.010 Emergency response.

2.44.020 Types of emergencies.

**Section 2.44.010      Emergency response.**

The General Manager shall designate himself/herself or another employee to be the first responder to all emergency notifications, 24 hours a day. This individual shall be responsible for organizing a full and complete response to each emergency situation and for preparing and filing interim and final incident reports required by regulatory agencies.

**Section 2.44.020      Types of emergencies.**

Every incidence of sanitary sewer overflow (“SSO”) or other discharge of sewage from the facilities of the District, no matter how small, shall be considered an emergency that requires immediate response and corrective action. Discharge of sewage from private building sewers shall also require immediate response by the District to investigate and pursue correction of, but such incidents shall not be the responsibility of the District to report or to correct at public expense.

Physical damage to District facilities may be considered an emergency situation when there is loss of property or a significant decrease in the reliability of District facilities to perform essential services.

## **Chapter 2.46 SANITARY SEWER OVERFLOW REPORTING**

2.46.010 Sanitary sewer overflows.

2.46.020 Reporting.

**Section 2.46.010 Sanitary sewer overflows.**

It is the District's responsibility to protect public health and the environment through safe and reliable collection, treatment and disposal of domestic wastewater. Every incidence of sanitary sewer overflow ("SSO") or other discharge of sewage from the facilities of the District, no matter how small, shall be considered an emergency that requires immediate response and corrective action.

**Section 2.46.020 Reporting.**

The General Manager shall designate himself/herself or another employee to make all required notifications and reports of sanitary sewer overflows, air quality concerns, and other potential violations of environmental regulations, in accordance with current instructions of the State Water Resources Control Board, Regional Water Quality Control Board, Bay Area Air Quality Management District and other regulatory agencies. This individual shall be responsible for full and complete disclosure, within the required timeframe, of such incidents, to include responding to subsequent enquiries from investigating agencies.

## **TITLE 4 PERSONNEL**

Chapter 4.04 GENERAL PROVISIONS

Chapter 4.08 EQUAL OPPORTUNITY

Chapter 4.12 CLASSIFICATIONS

Chapter 4.16 EXAMINATIONS AND APPOINTMENTS

Chapter 4.20 LAYOFFS

Chapter 4.24 EMPLOYER-EMPLOYEE RELATIONS

Chapter 4.28 EMPLOYEE SAFETY

## **Chapter 4.04 GENERAL PROVISIONS**

4.04.010 Declaration of policies.

4.04.020 Board authorization of positions and recognition of appointments.

4.04.040 Personnel Policy & Procedures Manual

**Section 4.04.010 Declaration of policies.**

It is the policy of the District to evaluate and select employees on the basis of merit and to determine individual merit through performance and competitive evaluations.

**Section 4.04.020 Board authorization of positions and recognition of appointments.**

The Board shall authorize all positions provided in this chapter and shall be advised on all appointments to all such positions.

**Section 4.04.040 Personnel policy and procedures manual.**

The Board approved Personnel Policy and Procedures Manual generally describes the employment relationship between the District and its employees.

## **Chapter 4.08 EQUAL OPPORTUNITY**

4.08.010 Equal employment opportunity.

4.08.015 Disability accommodation.

4.08.020 Prohibited conduct.

4.08.030 Unlawful harassment.

4.08.040 Retaliation prohibited.

4.08.050 Investigation.

4.08.060 Dissemination of policy

**Section 4.08.010 Equal employment opportunity.**

It is the policy of the District to:

1. Recruit, hire and/or promote for all job classifications without regard to sex, sexual orientation and identity, gender, gender identity, gender expression, pregnancy, childbirth, breastfeeding or related medical condition, race, religious creed, color, national origin or ancestry, physical or mental disability, AIDS/HIV, medical condition, marital status, domestic partnership, age, genetic information, political activities or affiliations, or any other basis protected by federal, state or local law or ordinance or regulation, whether verbal, non-verbal, visual or physical.
2. Base decisions of employment upon an individual's qualifications as related to the position being filled.
3. Make promotion decisions based upon the individual's qualifications as related to the requirements of the position for which the employee is being considered.
4. Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, returns from layoffs, District-sponsored training, education, and tuition assistance will be administered without regard to sex, sexual orientation and identity, gender, gender identity, gender expression, pregnancy, childbirth, breastfeeding or related medical condition, race, religious creed, color, national origin or ancestry, physical or mental disability, AIDS/HIV, medical condition, marital status, domestic partnership, age, genetic information, political activities or affiliations, or any other basis protected by federal, state or local law or ordinance or regulation, whether verbal, non-verbal, visual or physical.
5. When contracting for supplies or service, to continue to do so without regard to sex, sexual orientation and identity, gender, gender identity, gender expression, pregnancy, childbirth, breastfeeding or related medical condition, race, religious creed, color, national origin or ancestry, physical or mental disability, AIDS/HIV, medical condition, marital status, domestic partnership, age, genetic information, political activities or affiliations, or any other basis protected by federal, state or local law or ordinance or regulation, whether verbal, non-verbal, visual or physical.

**Section 4.08.015 Disability accommodation.**

In accordance with applicable federal and state law protecting qualified individuals with known disabilities, the District will attempt to accommodate applicants or employees unless doing so would create an undue hardship on the District. Any qualified applicant or employee with a disability who requires accommodation in order to perform the essential functions of his/her position or desired position, should contact the General Manager and request such accommodation.

**Section 4.08.020 Prohibited conduct.**

It is the District's policy that all employees shall not be subject to any acts of unlawful harassment by any employee or other person and that members of the public shall not be subject to any acts of unlawful harassment by an employee of the District in the performance of their duties. It is also the District's policy that all employees are entitled to a workplace that is free of violence or threats of violence.

Any acts involving unlawful harassment, violence, or threats of violence in the workplace shall be subject to appropriate disciplinary action up to and including termination. In cases where the harasser is not an employee, the District will take the necessary steps to ensure that the offending behavior stops and that the employee is protected from further unlawful harassment, violence, and/or threats of violence.

#### **Section 4.08.030 Unlawful harassment.**

It is against the District's policy for any employee or other person to subject another employee or other person to sexual harassment or harassment including harassment and discrimination based on sex, sexual orientation and identity, gender, gender identity, gender expression, pregnancy, childbirth or related medical condition, race, religious creed, color, national origin or ancestry, physical or mental disability, AIDS/HIV, medical condition, marital status, domestic partnership, age, genetic information, political activities or affiliations, or any other basis protected by federal, state or local law or ordinance or regulation, whether verbal, non-verbal, visual or physical.

Acts of sexual harassment, which are prohibited by this policy, includes, but is not limited to, unwelcome sexual activity directed toward another employee, other unwelcome verbal or physical conduct of a sexual nature (e.g., lewd comments or gestures, intentional physical contact of a sexual nature, the display in the workplace of sexually-suggestive objects or pictures) when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for either special treatment or for adverse employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Prohibited acts of harassment on basis other than sex include, but are not limited to, unwelcome verbal or physical conduct because of a person's membership in a protected group (e.g. epithets, slurs, derogatory jokes or comments, display in the workplace of offensive or derogatory objects or pictures) that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The District specifically prohibits any of the behaviors outlined in this policy and any similar conduct. The fact that the person who engaged in the improper behavior did not intend the behavior to be sexual, racial or some other form of prohibited harassment or discrimination may not be considered a defense.

#### **Section 4.08.040 Retaliation prohibited.**

Retaliation against any employee for refusing a sexual advance, for refusing a request, demand or pressure for sexual favors or activity, for reporting an incident of possible sexual or other

unlawful harassment to the District, or for filing a charge of discrimination is prohibited, and, if proven, shall subject the offending party to appropriate disciplinary action.

**Section 4.08.050 Investigation.**

Any acts of harassment or discrimination should be immediately reported to a supervisor, manager, or to the General Manager.

All complaints of harassment or discrimination will be promptly and objectively investigated. Appropriate disciplinary action will be taken when the results of such investigation warrant a finding of harassment or discriminatory treatment.

**Section 4.08.060 Dissemination of policy.**

In order that the equal employment opportunity, prohibited conduct, and workplace violence policies of the District are understood and known within the District, the following activities have and will be undertaken:

1. The sections of this Code on equal opportunity, disability accommodation, prohibited conduct, harassment, and workplace violence will be made available to all the individual employees of the District.
2. In advertising for District personnel, an equal opportunity clause will be included.

## **Chapter 4.12 CLASSIFICATIONS**

- 4.12.010 Adoption of class descriptions and salaries.
- 4.12.020 Standards of establishing class of employment.
- 4.12.030 Description of classification.
- 4.12.040 Change of classifications.
- 4.12.050 Employment status.
- 4.12.060 Independent contractors.

**Section 4.12.010 Adoption of class descriptions and salaries.**

Class descriptions covering all positions of District employment, if classifications are used by the District, and a schedule of salaries for each position, shall be approved, amended and adopted or abolished by the Board of Directors.

**Section 4.12.020 Standards of establishing class of employment.**

Each class of employment shall include positions sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class. The same qualifications and tests of fitness for appointment and the same salary range shall apply.

**Section 4.12.030 Description of classifications.**

Each class description shall specify the general duties and responsibilities and the desired qualifications for each position in the class; however, the description of duties does not limit the authority of the District to assign other duties or to direct and control the work of employees.

**Section 4.12.040 Change of classifications.**

The Board may amend or abolish a class and it may establish, amend or abolish provisions relating to a class or positions within a class. A copy of any revised or amended class description shall be available for review at the District office.

**Section 4.12.050 Employment status.**

The District employs persons in four different kinds of status. These are temporary, regular probationary (trainee), regular and regular part-time. The District also accepts contributions of time and skills from volunteers, interns and consultants, none of whom shall be considered employees of the District.

**Section 4.12.060 Independent contractors.**

Common law rules are used to distinguish "independent contractors" from "employees". An independent contractor is someone who contracts to do a piece of work according to his/her own methods, and is subject to his/her employers' control only as to the end product or final result of work, and not as to the means and manner in which the work is performed.

## Chapter 4.16 EXAMINATIONS AND APPOINTMENTS

- 4.16.010 Examinations.
- 4.16.020 Grounds for disqualification.
- 4.16.030 Grading standards.
- 4.16.040 Medical report.
- 4.16.050 Duration of eligibility list.
- 4.16.060 Removal from eligibility list.
- 4.16.070 Appointments.
- 4.16.080 Temporary appointments.
- 4.16.090 Special emergency appointments.
- 4.16.100 Provisional appointments.
- 4.16.110 Delegation of authority.
- 4.16.120 Probationary period.
- 4.16.130 Limits to appeal rights.

#### **Section 4.16.010 Examinations.**

- A. Except for those Board-appointed positions identified in Section 4.16.070(A), the District shall hold an examination(s) to establish an eligibility list for appointments to each class of position to be filled.
- B. The examination shall be oral or written or a demonstration of physical ability or skills or any combination thereof. Each examination shall test objectively the skills, knowledge and ability necessary for the position to be filled.
- C. Examinations are categorized as follows:
  - 1. Personnel Advancement Examination(s). The District may provide a personnel advancement procedure to allow employees who qualify to advance to a designated higher level, non-supervisory position for those classes where the personnel advancement policy is in effect.
  - 2. Open/Promotional Examinations. In the case of positions other than those identified in Section 4.16.070(A), open/promotional examinations will take place when, (a) no current eligibility list exists and/or the personnel advancement procedure is not in order and, (b) when it is determined that there is a need to fill such positions, and (c) when the vacancy is not to be filled as part of the District's trainee program, and (d) when the vacancy is not filled by a lateral transfer.
  - 3. Special Appointments. In the case of Board-appointed positions, as defined in Section 4.16.070(A), the appointment shall be made on a case-by-case basis.

#### **Section 4.16.020 Grounds for disqualification.**

The District may refuse to examine, or after examination may disqualify any applicant, or it may remove his or her name from an eligibility list, on any of the following grounds:

- A. That the applicant does not meet the minimum qualifications of the position;
- B. That the applicant does not successfully pass each part of the examination procedure;
- C. That a physical handicap or disability makes a person unable to perform the essential duties of the position and reasonable accommodation as required by law cannot be made by the District;
- D. That a documented history of conduct, which when considered in the light of the particular duties of the position applied for, renders the person unfit to perform the duties.

#### **Section 4.16.030 Grading standards.**

To qualify for appointment, an applicant must pass each part of an examination. Examinations shall be prepared consistent with Section 4.16.010. The District shall establish the standards for grading an examination, prior to its administration, giving consideration to the kind of examination, number of candidates, and the needs of the District. The grading of an examination shall be under the supervision of the General Manager.

#### **Section 4.16.040 Medical report.**

Each candidate for appointment may be subject to a medical examination and report by a licensed physician approved by the District. Temporary and seasonal candidates are excluded from the medical report requirement. The purpose of the medical report is to establish the

physical fitness of prospective employees for the position offered. The District will pay the cost for the initial medical examination and required report. The examination shall be conducted within one month of appointment.

External candidates for appointment also shall be required to be tested for alcohol or illegal substances. A positive test result is grounds for disqualification from consideration for employment.

**Section 4.16.050 Duration of eligibility list.**

An established list shall be effective for six months unless depleted or extended by the District, but in no event shall an extension of the list exceed twelve months. The District may abolish or extend any eligibility list with approval of the General Manager.

**Section 4.16.060 Removal from eligibility list.**

The District may remove the name of a person from an eligibility list for any cause set forth in Section 4.16.020 or for the following:

- A. Failure to respond to notice within five days after the District (1) receives verification of receipt of certified mail, or (2) determines that the individual cannot be located after making a reasonable effort to do so;
- B. Request by applicant that his/her name be removed from the eligibility list;
- C. Refusal by the applicant to accept a regular appointment offered by the District.

**Section 4.16.070 Appointments.**

Management level positions, including but not limited to general manager, district secretary and department managers, are Board-appointed positions, and such appointments shall be so adopted by resolution.

The District shall make all other staff level appointments from the appropriate District eligibility list. The District may either make a temporary appointment, an emergency appointment, or a provisional appointment as provided in Sections 4.16.080, 4.16.090 and 4.16.100.

**Section 4.16.080 Temporary appointments.**

The District may from time to time require the services of temporary personnel to perform those duties and responsibilities normally performed by existing personnel. A temporary appointment is limited to twelve months, except as specified in memoranda of understanding and does not qualify the appointee for the retirement plan, the insurance plans, vacation and sick leave allowances, or other employment rights and benefits that may be made available to some regular employees. The Board may establish a rate of compensation for a temporary employee different from that of a regular employee.

The Board may create specific temporary classes at their discretion with compensation and benefits to be determined by the Board.

**Section 4.16.090 Special emergency appointments.**

If the District finds that there is a threat of a work stoppage, it may make emergency appointments effective for a period of ninety working days. Any appointee may receive not more than two successive emergency appointments for an effective total combined maximum appointment period of one hundred eighty working days. A special emergency appointee shall be considered a temporary employee as described in Section 4.16.080. Such appointments are considered additional positions, and shall be confirmed by the Board as soon as is reasonably possible after the appointments are made by the District.

**Section 4.16.100 Provisional appointments.**

The District may appoint an existing employee to a vacated position, on a provisional basis, for a period generally not less than thirty days nor more than one year regardless of whether the appointed employee is on an established eligibility list for that position. The provisional appointment does not grant to any individual so appointed any permanent rights to the position or relinquish any rights to the position held by the employee prior to such appointment.

**Section 4.16.110 Delegation of authority.**

The Board delegates to the General Manager the authority to conduct employment and personnel-related activities, including but not limited to those matters covered by Sections 4.12.030, 4.16.010, 4.16.020, 4.16.030, 4.16.050, 4.16.060, 4.16.070, 4.16.080, 4.16.090, 4.16.100, 4.16.120 and 4.16.130.

**Section 4.16.120 Probationary period.**

Each person appointed to a regular or regular part-time position shall serve a probationary period that shall not be less than six months nor more than twelve months of actual time served in that position. During the probation period, an employee may be dismissed at any time and for any reason not otherwise prohibited by law by either the Board or the General Manager. This discharge is at the sole discretion of the District with no recourse under the grievance or appeals provision.

If a promoted, regular employee is found to be unable to adequately perform the duties of the new position during the probationary period, the employee may demote back to the previously held position.

**Section 4.16.130 Limits to appeal rights.**

An employee having an employment status as provided in Sections 4.16.080, 4.16.090 or 4.16.120 shall not have the rights of appeal to the Board in case of a suspension, demotion or dismissal.

## **Chapter 4.20 LAYOFFS**

4.20.010 Grounds for layoff.

4.20.020 Preference where position is reestablished.

4.20.030 Procedures for determination of layoff.

4.20.040 Seniority.

**Section 4.20.010      Grounds for layoff.**

Any employee(s) may be laid off when the position(s) is no longer necessary, or for reasons of economy, or lack of work, or lack of funds, or if the position can be consolidated with another position, or for such reason(s) that the Board of Directors deems sufficient for abolishing the position(s).

In the case of consolidation of positions, the salary range for the higher classification may prevail when an employee is currently occupying that consolidated position.

**Section 4.20.020      Preference where position is reestablished.**

If the Board abolished a position and within two years of abolishment, either: (1) reestablishes the position, or (2) creates a new position that involves substantially the same or comparable duties and responsibilities previously performed, or (3) approves of a positional classification previously occupied or at a lesser classification level with qualification requirements and experience possessed by the person laid off, the person who occupied such position before it was abolished shall have preference on the eligibility list created for such position.

**Section 4.20.030      Procedures for determination of layoff.**

A.      In Same Class.

1. When a reduction in force becomes necessary, layoff shall be accomplished in inverse order of total District seniority within the affected class except as may be provided by applicable federal or state regulations. For purposes of this rule, total District seniority shall be defined as in Section 4.20.040. An employee's tenure in a class is his/her length of service in that classification and service in any higher classification.

2. Before any regular employee in an affected class is laid off, all appointees working in affected classes in the same department under emergency, temporary, or probationary appointments shall be separated from District employment.

3. Any employee subject to layoff as a result of being in a promotional probationary status in a new department may be allowed to demote in lieu of layoff to the employee's former classification and department as identified in the organization chart.

B.      Demotion to Lower Class. An employee in a classification affected by a reduction in force may, in lieu of layoff, elect to demote to a lower classification, provided that such employee had held tenure in the lower classification. When both the employee demoting and the employee in the lower paying class have equal total District service, the employee in the lower paying classification would be laid off or demoted first. Reduction in force or demotion in lieu of layoff in one department shall not affect employees in another department.

C.      Notification of Layoff. Notice of layoff shall be given to all employees, except temporary and emergency employees, *at least thirty calendar days prior to the effective date of layoff.*

D.      Duration of Reemployment List. Names of persons laid off shall be carried on a reemployment list *for twenty-four months.* If, after a layoff, the working force is increased, the District shall offer each appointment from the established reemployment list in reverse order of

layoff, hiring the most recently laid off first. Persons appointed to regular positions of the same classification and status as previously held shall be dropped from the list. Persons reemployed in a lower classification or on a temporary or part-time basis shall be continued on the list for the higher regular position. Any person rejecting an offer of reemployment to a previously held regular position of the same classification and status shall be dropped from the list. Any person who does not respond *within five working days* to a certified letter offering such employment shall be dropped from the list, unless an acceptable reason is given.

E. A decision by the District to engage in a layoff shall not be subject to appeal.

**Section 4.20.040 Seniority.**

An employee's seniority at the District is based upon total length of continuous service in the District's employ in other than temporary employment status, regardless of position or class. A layoff, an authorized medical leave of absence, leave authorized under Family and Medical Leave Act or termination and subsequent reemployment within a six-month period is not considered a break in continuous service, and therefore, can be used to bridge two interrupted periods of District employment; however, the break in service time is not computed in total seniority.

## **Chapter 4.24 EMPLOYER-EMPLOYEE RELATIONS**

- 4.24.010 Policy.
- 4.24.020 Employee rights.
- 4.24.030 Representation unit--General provisions.
- 4.24.040 Certification of employee organization.
- 4.24.050 Modification of established representation unit.
- 4.24.060 Decertification of employee organization.
- 4.24.070 Individual employees.
- 4.24.080 Validity.
- 4.24.090 Employees meeting on District time.
- 4.24.100 Meet and confer process.
- 4.24.110 Administration of employer/employee ordinance.

**Section 4.24.010 Policy.**

It is the policy of the District to establish uniform procedures for its employees to participate in the process of meeting and conferring regarding wages, hours and other terms and conditions of employment, and to provide the means for discussion and resolution of matters of mutual interest, with the intent of fostering harmonious employer/employee relations.

The employer/employee policies and procedures set out in this chapter shall be used in determining representation units, recognizing employee organizations, resolving disputes and governing employee organizational activities on District property and District time.

**Section 4.24.020 Employee rights.**

Each employee of the District, except elected officials, and the General Manager, District Counsel and Secretary of the District shall have the following rights:

To form, join and participate in the activities of employee organizations for the purpose of representation on matters of wages, hours and working conditions.

No employee shall be subjected to intimidation, restraint, coercion or discrimination because of exercising these employee rights.

**Section 4.24.030 Representation unit--General provisions.**

A. For the purposes stated in this chapter, the District Board of Directors shall establish appropriate representation units based upon the broadest internal and occupational community of interest, history of representation, the effect of the unit on efficient operation of the District, and sound employer-employee relations, subject to the following limitations:

1. No District classification and no employee shall be included in more than one representation unit.
2. The following classifications are designated as executive management positions:
  - General Manager
  - Secretary of the District
  - Counsel for the District
3. The management group of employees shall represent themselves in matters of wages, benefits and working conditions with the Board of Directors and shall not be included in the same representation unit with non-management employees or management support/confidential employees. Classifications within the unit are adopted by resolution of the Board of Directors.
4. The management support/confidential representation unit is recognized as the bargaining unit for all management support and confidential employees. Management support and confidential employees are defined as professional employees, confidentially designated employees, or employees in a supervisory or superintendent position. Management support and confidential employees shall not be included in the same representation unit with non-management or non-confidential employees. Classifications within this unit are adopted by resolution by the Board of Directors.

5. Professional employees may be included in a representation unit with nonprofessional employees unless, in a vote of all affected professional employees, a majority of such professional employees voting in a secret ballot election choose not to be included in such a unit. Certification of employee organizations representing a unit composed of professional employees shall follow the provisions of Section 4.24.040.

6. No employee organization is currently recognized as the bargaining unit for all regular employees.

B. The General Manager or his/her designee, using the criteria set forth in this chapter, shall make the initial determination of all questions that may arise as to whether classifications or employees included in a representation unit are in fact management, professional, management support/confidential employees, or general employees. Any action of the Director of Administration or his/her designee in determining issues contained in this section which are not satisfactory to the employee organization(s) shall be resolved in the meet and confer process, and where that process fails, through the State Conciliation Service as described in Section 3507.1 of the Meyers-Milias-Brown Act.

#### **Section 4.24.040 Certification of employee organization.**

A. An employee organization may be certified as the exclusive representative of a representation unit for the purposes stated in this chapter.

B. Any employee organization may petition in writing during the month of October of the final year of a memorandum of understanding to represent the employees in a representation unit as established in Section 4.24.030. At the time the petition is filed, that employee organization must meet the following minimum requirements and the petition must be filed with the General Manager or his/her designee in a written statement of representation signed by the presiding officer of the employee organization:

1. The name and address of the organization and the names, titles and addresses of its current officers; and
2. A statement that the employee organization is or is not a chapter or local of, or affiliated directly with, a regional, state, national or international organization, and if so, the name and address of each such regional, state, national or international organization; and
3. A copy of the employee organization's adopted constitution and/or bylaws; and
4. A statement that the organization has no restriction on membership based on race, color, creed, national origin, age, gender, sexual orientation or physical handicap in any classification contained within the representation unit; and
5. Written proof in the form of a signed petition by employees within the Representation unit, dated *within thirty calendar days prior the date on which the petition is filed*, to establish that at least thirty-five percent of the eligible employees within the Representation unit have designated the employee organization to represent them in their employee relations with the District.

C. The Board of Directors shall direct the staff to hold a secret ballot election conducted by the State Conciliation Service, or under other terms as mutually agreed upon by the District and all employee organizations involved. This secret ballot election must be held *no sooner than twenty calendar days after the final determination of the appropriate representation unit or units*,

*and not more than forty calendar days after such determination.* This time period may be extended by the mutual agreement of the District and all employee organizations involved. The District and the employee organizations concerned shall meet and confer on the procedures for conducting an election by eligible employees. Such employee elections shall be held within an established representation unit to determine the choice of an employee organization, or to resolve conflicting claims to representation, upon petition by thirty-five percent or more of the eligible employees in an established representation unit. In any representation election, the choice of no organization shall be on the ballot unless there is a runoff election.

1. In an election where none of the choices receives a majority of the valid ballots cast, a runoff election shall be conducted between the two choices receiving the largest number of ballots cast. This election shall be held *within thirty days of the prior election.*

2. Except as provided above for runoff elections, there shall be no new certification elections for a period of one year following any such election under this section.

3. An employee organization that receives a majority of the valid votes cast in a representation election and that has all of the minimum qualifications as stated in paragraphs 1 through 5 of subsection B of this section, shall be certified by the Board of Directors as the certified employee organization for the established representation unit.

D. A decision of the Board of Directors dismissing a claim for certification by an employee organization pursuant to the chapter shall be valid and effective for a period of one year.

#### **Section 4.24.050      Modification of established representation unit.**

A petition for modification of a representation unit must be filed with the General Manager or his/her designee *during the month of October of the final year of a memorandum of understanding.* A petition for modification of a representation unit may be filed by a group of employees in a representation unit. Such petitions must contain the signatures of fifty-one percent or more of the employees in any proposed representation unit.

Such petition shall be based on the factors set forth in 4.24.030, or shall be based on substantial changes in District functions, organizational structure or job classifications.

Such petition shall describe the proposed modified representation unit based upon the classes within the classification plan of the District and shall set forth the reasons for the proposed modification.

The General Manager or his/her designee, using the criteria set forth in this chapter, shall determine if the representation unit should be modified. Any action of the General Manager or his/her designee in determining if a representation unit should be modified may be contested by the employee organization(s) involved and may be subject to the meet and confer process. If necessary, the parties may seek the assistance of the State Conciliation Service pursuant to Section 3507.1 of the Meyers-Milias-Brown Act.

#### **Section 4.24.060      Decertification of employee organization.**

A. A decertification petition alleging that a current certified employee organization no longer represents a majority of the employees in an established representation unit may be filed with the General Manager or his/her designee after the incumbent organization has been recognized for at least one full year. Such petition must be filed with the **General Manager** or his/her

designee during the *month of October of the final year of a memorandum of understanding*. Such a decertification petition shall then contain the following information and documentation:

1. The name of the established representation unit and of the incumbent certified employee organization sought to be decertified as the representative of that unit;
2. An allegation that the incumbent certified employee organization no longer represents a majority of the employees in the unit and any other relevant and material facts relating thereto;
3. Written proof of employee support, dated within thirty calendar days prior to the filing of the petition, that at least thirty-five percent of the current employees in the unit no longer desire to be represented by the incumbent certified employee organization;
4. When the decertification petition also requests certification of another organization, then that petition shall include those requirements as set forth in Section 4.24.040 B(1) through (5).

B. Upon receipt of a decertification petition, the General Manager or his/her designee shall place the matter on the agenda of the next regularly-scheduled meeting of the Board of Directors, or as soon thereafter as is reasonably possible. If the employee petition is found to be valid, then the Board shall direct District staff to arrange a secret ballot election by State Conciliation Service. The majority representative shall be decertified if the results of a secret ballot election show that employees of the unit no longer desire representation by that organization, as indicated by the vote for "no organization" or another recognized organization, as specified in the voting criteria cited in Section 4.24.040. In the event of a tie vote, the incumbent certified employee organization shall not be decertified. The results of the election become binding and final.

C. A notice of decertification shall be sent by certified mail by the General Manager or his/her designee whenever an employee organization is voted to be decertified by a majority of the voting employees. The notice shall be delivered to the last known officer(s) of the employee organization.

D. In the event the incumbent employee organization is decertified, the decertification shall not negate the terms of the then-existing memorandum of understanding between the District and that organization. Acceptance of the terms of such a memorandum of understanding shall be a condition required by the Board of Directors in granting recognition to a new organization as the certified employee organization for the representation unit.

#### **Section 4.24.070 Individual employees.**

Nothing in this chapter shall be construed to restrict or in any way modify the right of an individual employee to present matters involving his/her employment relationship with the District.

#### **Section 4.24.080 Validity.**

Nothing contained in this chapter shall be deemed to modify or abrogate existing legal rights and responsibilities of the District or its employees or employee organizations.

If any part or section of this chapter is found to be contrary to existing law or laws subsequently adopted by any court of proper jurisdiction, the remainder shall not be affected thereby.

#### **Section 4.24.090 Employees meeting on District time.**

A. District employees shall be allowed to attend meetings held by the District during regular working hours on District time only under the following circumstances:

1. If their attendance is required at a specific meeting by District management;
2. If their attendance is sought by the hearing officer for presentation of testimony or other reasons;
3. If they are designated as an officer, shop steward or member representative, in which case they may utilize a reasonable time at each level of the proceedings to assist an employee in processing a grievance, but at all times must inform their immediate supervisor when leaving and upon returning to work. The District may deny such requests if another representative has been released from work for the same purpose.

B. In addition, official representatives of a certified employee organization(s) shall be allowed time off on District time during regular working hours when formally meeting and conferring in good faith on matters within the scope of representation; provided, that the number of such representative(s) shall not exceed four and that advance arrangements for the time away from his/her work station or assignment are made with the appropriate supervisor.

C. When formally meeting and conferring in good faith, District Board representatives shall not exceed four members.

D. Employees who, during the course of their workday are required to accommodate association-related business, shall report that time on their timesheet in an established employee relations account.

#### **Section 4.24.100 Meet and confer process.**

If a written request to meet and confer is presented to or from an employee representative unit or to or from the District Board representatives, the two groups shall meet and confer in good faith at a reasonable time and place in regard to matters relating to wages, hours and terms and conditions of employment. Each group shall consider in good faith all proposals presented; however, meeting and conferring in good faith does not in any way obligate either party to make concessions or agree to proposals.

If agreement is reached between Board representative(s) and representatives of the employee unit(s), they shall jointly prepare and sign the terms of a proposed memorandum of understanding, which shall not be binding on either party. The employee representative(s) shall submit the terms of the proposed memorandum of understanding to his/her membership for ratification prior to presenting it to the Board of Directors of the District for consideration. The memorandum of understanding only shall become effective upon its approval by the District Board of Directors. The Board of Directors is not required to agree to any proposed written memorandum of understanding.

If any provision of this Title directly conflicts with a subsequently negotiated provision of a memorandum of understanding, the memorandum of understanding shall prevail.

Upon written notification by either party that negotiations are deadlocked, the involved parties may mutually agree upon the designation of a mediator, who shall then conduct mediation sessions with the parties in an attempt to resolve the impasse. If the involved parties cannot mutually agree to the designation of a mediator, then mediation shall be conducted pursuant to Government Code Section 3507.1 or any other superseding statute.

Costs of mediation shall be divided one-half to the District and one-half to the recognized employee representation unit participating in the mediation.

**Section 4.24.110 Administration of employer/employee ordinance.**

A. The District's General Manager or his/her designee shall be the District's principal representative and spokesperson in all matters covered under this chapter and shall have the authority to administer or delegate the administration of the provisions therein.

B. The rights of the District include, but are not limited to, the exclusive right to determine the missions of its constituent departments and divisions; set standards of services; determine the procedures and standards of selection for employment and promotion; direct and assign its employees; require overtime, when necessary, for operations of the District; take disciplinary action; direct, classify and assign its employees; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of District operations, including, but not limited to, the contracting and subcontracting of production, service maintenance or other type of work performed by the District; determine the methods, means and personnel by which District operations are to be conducted; determine the content of job classifications; take all necessary actions 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 District rights shall not conflict with the express provisions of this chapter or applicable laws.

1. The rights, powers and authority of the Board of Directors of the District in all matters, including the right to maintain any legal action, shall not be modified or restricted by this chapter.

2. 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 (Sections 3500, et seq.), as amended.

C. Any employee who encourages, causes or participates in any unlawful strike, walkout, stoppage, slowdown or impeding of work, or any other concerted interference with the conduct of the District's operations, shall be subject to immediate discharge or other discipline at the sole discretion of the District; however, nothing in this section precludes the employee from exercising any rights of appeal under an applicable memorandum of understanding.

D. With the exception of those meetings referenced in Section 4.24.090, a certified employee organization may, with prior notice to and approval of the General Manager or his/her designee, hold no more than two meetings per year during normal working hours of the District. Meetings referenced in this section shall only take place at 4 PM unless the District and employee organization otherwise agree to a mutually acceptable time. If the meeting is to be held on District premises, they then must comply with the scheduling requirements of the area in which they propose to have their meeting.

E. Certified employee organization(s) and representative unit(s) shall be allowed to use designated portions of bulletin boards in public portions of District buildings provided that the information displayed is within the scope of representation, is not offensive, obscene, or profane, and that the responsible party appropriately posts and removes the information.

F. Representative(s) of a certified employee organization(s) or representative unit(s) shall be allowed reasonable access to work locations to discuss employee-related matters. The representative shall first notify the designated District representative in advance of the need for such access, shall not interfere with any work activities without District authorization, and shall

comply with all safety rules and regulations in effect at that work location.

G. Representative(s) of a certified employee organization(s) or representation unit(s) shall be permitted to place a supply of literature at specific locations in District buildings if arranged in advance with the General Manager or his/her designee and provided such materials are not offensive, obscene, or profane.

## **TITLE 5    PERMITS AND LICENSES**

Chapter 5.04    GENERAL PROVISIONS

Chapter 5.08    INSURANCE AND OTHER PERMIT REQUIREMENTS

Chapter 5.10    PERMIT ENFORCEMENT PROVISIONS AND REMEDIES

Chapter 5.12    SUSPENSION OR REVOCATION OF PERMITS

Chapter 5.16    SEWER IMPROVEMENT AGREEMENTS

## **Chapter 5.04 GENERAL PROVISIONS**

- 5.04.010 Permits required for sewer work.
- 5.04.015 Properly licensed contractors.
- 5.04.020 Failure to obtain permit.
- 5.04.025 Permit form and agreement.
- 5.04.030 Inspection.
- 5.04.040 Notice that work is ready for inspection.
- 5.04.050 Changes in terms of permit.
- 5.04.060 Effective period of permits.
- 5.04.070 Permits not transferable.
- 5.04.080 Substitution of contractors.
- 5.04.090 Obtaining permit by fraud or misrepresentation.
- 5.04.100 Encroachment permits.

**Section 5.04.010 Permits required for sewer work.**

Prior to engaging in any of the following activities within the annexed boundaries of the District, a person shall pay the required fees and shall obtain a permit from the District:

Contractor's Permit. A contractor (which must be properly licensed by the State of California) proposing to perform any construction, excavation, repair, rebuilding, alteration or reconstruction of any public or private sewer, or proposing to connect any private sewer to a public sewer facility shall obtain a contractor's permit.

If a contractor seeking a contractor's permit has previously violated this Code, the terms of a District permit, the requirements of the District Standard Specifications, or other rule, order or regulation of the District, and such violation has resulted in costs of correction to the District as set forth in Section 1.08.090, or has resulted in a Notice of Violation that still remains in effect, the contractor shall not be issued a contractor's permit until such costs have been paid to the District or such Notice of Violation has been rescinded.

Homeowner's Permit. An owner proposing to perform any construction, excavation, repair, rebuilding, alteration or reconstruction of any house sewer that is or will be located on property owned by the owner that is or will be connected to the owner's principal place of residence, and which sewer will not be taken over by or dedicated to the District, shall obtain a homeowner's permit. The sewer work must be personally performed by the owner.

In addition to those permits specified in this section, the District Board or the General Manager shall have the authority to require additional permits for any activities or projects as are reasonably necessary to protect the health and safety of the public, or the property of the District, or to ensure that operations of the District comply with all applicable laws.

**Section 5.04.015 Properly licensed contractors.**

All contractors doing sewer work within the District shall be properly licensed in accordance with the State of California Contractors License Law and the California Contractors State License Board rules and regulations. Acceptable license classifications are: "A"--General Engineering Contractor; "C-34"--Pipeline; "C-36"--Plumber; and "C-42"--Sanitation Systems; and/or those classifications that may be promulgated in the future by the State of California that provide for performance of like work. The sewer work that contractors with C-36 licenses may perform is restricted to private side sewers from public sewer mains to buildings, excluding connections to the public sewer mains.

**Section 5.04.020 Failure to obtain permit.**

Failure to obtain a permit when required by Section 5.04.010 is a violation of this Code. When such a required permit is not obtained, the District may employ any enforcement mechanism set forth in Section 5.10.020 or as otherwise provided by Standard Specifications Section 10, by this Code or at law. The person committing the violation may be subject to a fine or imprisonment as set forth in Standard Specifications Section 10-04 or in Section 1.08.060 of this Code. It is the responsibility of the current record parcel owner where the sewer or proposed sewer is located, the record parcel owner at the time a permit was required, but not obtained, the record parcel owner at the time of the District's discovery of failure to obtain a permit, and the contractor, if any, to ascertain that all permit requirements have been met.

**Section 5.04.025 Permit form and agreement.**

The General Manager will prescribe the form of permits and may require such reasonable information in any such permit as the General Manager deems necessary for the protection of the public and the District.

Contractor's permits shall be signed by the contractor that will perform the work or its authorized agent. Homeowner's permits shall be signed by the property owner. The agent shall have its signature, and documentation demonstrating agency to the satisfaction of the District, on file at the District prior to signing any permit. By signing or causing the signing of the permit required by the District, the permittee agrees to comply with the District Code, the terms of the permit, the requirements of the District Standard Specifications, and other rules, orders and regulations of the District and further agrees to accept liability for any violation thereof. The permittee may be required to sign a permit under penalty of perjury.

**Section 5.04.030 Inspection.**

A holder of a contractor's or homeowner's permit shall arrange for ongoing inspections, as required by the District, and obtain final District inspection of any work performed under a permit issued by the District before placing any constructed, reconstructed, rebuilt, altered or repaired sewer into service. Prior to signing off on the work performed under any such permit issued by the District, the District shall inspect the work performed under the permit. If the work performed under any permit does not conform to the permit, pertinent District Code sections, rules, orders, regulations, requirements and specifications, or if the permit holder does not arrange for required District inspections, the District may employ any enforcement mechanism set forth in Sections 5.10.020 and 5.10.030 or as otherwise provided by Standard Specification Section 10-4, this Code or general law.

**Section 5.04.040 Notice that work is ready for inspection.**

The holder of the permit shall advise the District when the work is going to start and when the work will be ready for inspection on a normal working day by giving notice to this effect, at least twenty-four hours in advance of the time inspection is desired.

**Section 5.04.050 Changes in terms of permit.**

The District reserves jurisdiction over every permit issued by the District for any purpose. At any time before any work or activity under any permit is complete, the District may for good cause change any term of the permit. This section applies to all permits outstanding on the date this section takes effect as well as to all permits issued subsequent to the effective date of this section.

**Section 5.04.060 Effective period of permits.**

Contractor's permits and homeowner's permits are normally effective for a period of 180 days from the date they are issued, unless stated otherwise on the permit. For abatement of nuisance, the General Manager may issue a permit that is effective for as little as three (3) days.

For new building construction, the General Manager may issue permits effective for two (2) years. The District may specify the effective period for any other permit issued by the District. The expiration date of a permit will be shown on the permit. (Ord. No. 78-79-2). The General Manager shall have discretion to extend or not extend any permit but only for a short time. A process for appeal of staff decisions is set forth in District Code Chapters 1.16 and 10.20.

**Section 5.04.070 Permits not transferable.**

A permit is not transferable. The work covered by a contractor's permit must be performed by the licensed contractor that obtained the permit, or by the licensed contractor's employees. West County Waste District issues permits good for one year, then charges again if permit expires.

**Section 5.04.080 Substitution of contractors.**

In instances where a contractor fails to perform or otherwise fails to carry out or abide by the terms of its permit, an owner may substitute a new contractor for the current contractor by giving the District written notice of the reasons the current contractor will no longer be engaged and the name of the new contractor. The new contractor shall obtain a new permit and complete the work in accordance with District requirements.

**Section 5.04.090 Obtaining permit by fraud or misrepresentation.**

It is a violation of this Code to obtain any permit by fraud or misrepresentation. Any permit obtained by fraud or misrepresentation is voidable. This section applies regardless of the source of the information appearing on the permit.

**Section 5.04.100 Encroachment permits.**

Encroachments are conditions or activities that result in significant interference with easement rights of the District in regards to sanitary sewers. Significant interference is an activity or condition that has potential to damage or inhibit access to District wastewater facilities, or which will result in excessive expenses to the District to use an easement for its intended purpose.

An encroachment permit is required from the District before anyone shall create a significant interference with any sewer easement of the District. (Ord. No. 01-2; Standard Specifications Section 8)

## **Chapter 5.08 INSURANCE AND OTHER PERMIT REQUIREMENTS**

5.08.010 Insurance required.

5.08.015 County encroachment permit required.

5.08.020 State excavation permit required.

5.08.025 Security bonds required.

5.08.030 District ownership of security.

**Section 5.08.010 Insurance required.**

A contractor who applies for a contractor's permit shall obtain and maintain:

1. Workers' compensation insurance as required by California law;
2. General and automobile liability insurance in amounts of at least \$500,000 per occurrence or as established by resolution of the Board, from time to time, after a public hearing. Upon establishment by resolution, the amounts shall be published once in a newspaper of general circulation. A copy of the amounts shall be maintained in the District offices and made available to the public upon request.

It is the contractor's sole responsibility to obtain and maintain workers compensation and general and automobile liability insurance. This section is not intended, nor was any previous version of this section intended, to create or impose any duty upon the District to ensure that contractor obtains and maintains this insurance. The District may, however, investigate contractor's insurance coverage at any time. Failure of the contractor to obtain and maintain the insurance as set forth in this section may cause the denial and/or revocation of contractor's permit, at the sole and absolute discretion of the District.

It is intended that the requirements of this section are in addition to and not the substitute for other requirements imposed upon permittees by law or contract, including, but not limited to, insurance, indemnification, and warranty requirements imposed upon certain District contractors in provisions such as the general conditions and special conditions of District contracts. (Standard Specifications Section 13-02)

**Section 5.08.015 County encroachment permit required.**

All permittees shall obtain encroachment permits from Contra Costa County prior to beginning work in the public right-of-way, including streets and sidewalks.

**Section 5.08.020 State excavation permit required.**

A contractor who applies for a contractor's permit shall obtain and maintain a trench and/or excavation permit issued by the Division of Occupational Safety and Health, State of California. Any person performing work without obtaining and maintaining a state trench and/or excavation permit shall be subject to the enforcement provisions and remedies contained in Chapter 5.10. This section is not intended to create or impose any duty upon the District to ensure that a contractor obtains and maintains such permit.

**Section 5.08.025 Security bonds required.**

All permittees shall post security bonds with the District prior to issuance of sewer construction permits. (Standard Specifications Section 10-03)

**Section 5.08.030 District ownership of security.**

The District has required contractors to deposit with the District security before receiving a permit. In instances where a contractor receives final inspection of its work or fails to complete its work and does not obtain other sewer permits for a period of three years after the date of the

final inspection or last day of work, the security previously required by and delivered to the District becomes the property of the District in accordance with general law after required notice, if not claimed or if no verified complaint is filed and served.

## **Chapter 5.10 PERMIT ENFORCEMENT PROVISIONS AND REMEDIES**

- 5.10.010 Enforcement provisions and remedies cumulative.
- 5.10.020 Failure to obtain permit--Corrective order.
- 5.10.030 Non-conforming work under a contractor's or homeowner's permit--Corrective order.
- 5.10.040 District may correct work and collect costs.
- 5.10.050 Collection of costs resulting from violation.

**Section 5.10.010 Enforcement provisions and remedies cumulative.**

The specific enforcement provisions and remedies with respect to District permits issued for sewer work that are provided for in this chapter and this Title are cumulative to any other enforcement provisions, penalties and remedies that the District may have available under any provision of this Code or general law, and by choosing to use a particular enforcement procedure, penalty or remedy, the District does not waive the right to pursue any or all other enforcement procedures, penalties and remedies allowed by this Code or general law.

**Section 5.10.020 Failure to obtain permit--Corrective order.**

When a permit required by this chapter is not obtained, the District may order the person in violation of the permit requirement to comply with the permit procedure; to desist from further work; to remove existing work; to disconnect from the District collection system any sewer line constructed, excavated, repaired, rebuilt, altered or reconstructed without the necessary permit; and/or to expose completed work for inspection. The District may also enforce any other penalties or remedies as may be provided by Standard Specifications Section 10-04, this Code or at law.

**Section 5.10.030 Non-conforming work under a contractor's or homeowner's permit—corrective order.**

If the work performed or activity conducted under any contractor's permit or homeowner's permit violates any term of that permit or does not conform to pertinent District Code sections, rules, orders, regulations or specifications, or if the permit holder does not arrange for required District inspections, the District may refuse to sign off on the work and may order the permit holder and/or the current owner of the property where the sewer which is the object of the work is located, or both, to desist from further work, remove existing work, disconnect from the District collection system any sewer line constructed, excavated, repaired, rebuilt, altered or reconstructed, expose completed work for inspection, and may enforce any other penalties or remedies as may be provided by Standard Specifications Section 10-04, this Code or general law.

**Section 5.10.040 District may correct work and collect costs.**

Collection of Costs Following Notice. If a permit holder has in the determination of the District, following notice of the violation pursuant to Section 1.08.010 or Standard Specifications Section 10-04, failed to correct any work that does not conform to the terms of the permit or to pertinent District Code sections, rules, orders, regulations or specifications within the time specified in the notice of violation, the District may correct, or contract for the correction of the work and recover the costs of the correction directly from the permit holder pursuant to Section 5.10.050 and Standard Specifications Section 10-04.

District May Correct Without Notice in Any Emergency. If in the opinion of the General Manager work done in violation of the terms of a permit or of this Code or other District rules, orders, regulations or specifications creates an emergency threatening the health or safety of the public or the property, facilities or interests of the District, and should, therefore, be corrected immediately, the District may immediately undertake such emergency work and collect the

reasonable cost of the work directly from the permit holder pursuant to Section 5.10.050 and Standard Specifications Section 10-04.

**Section 5.10.050      Collection of costs resulting from violation.**

Whenever a person fails to obtain a permit as required by Section 5.04.020 or Standard Specifications Section 10, fails to notify the District that work is beginning or the work performed or activity conducted under a permit is ready for inspection as required by Section 5.04.040, fails to pay fees or charges, fails to comply with pertinent District Code sections, rules, orders, regulations and specifications, or violates any term of any permit, the District may recover, in addition to all other charges, fees or penalties, an amount determined by the District to defray the additional cost to the District of any additional inspection, any necessary correction of any work, any damage to District property or facilities, and any other costs to the District that may result from the violation. (Standard Specifications Section 10)

## **Chapter 5.12 SUSPENSION OR REVOCATION OF PERMITS**

5.12.010 Suspension or revocation of permits.

5.12.020 Procedure for suspension.

5.12.030 Procedure upon revocation.

**Section 5.12.010      Suspension or revocation of permits.**

The General Manager may suspend and/or the Board may revoke any permit if the permit holder fails or refuses to comply with each provision of the permit, pertinent provisions of this Code, the specifications, rules and regulations of the District, the orders of District staff, or pertinent rules and regulations of a federal or state agency.

**Section 5.12.020      Procedure for suspension.**

If grounds exist for the suspension of a permit under Section 5.12.010, the General Manager may suspend the permit by giving notice of suspension to the permit holder specifying the grounds for suspension and stating that the permit is suspended and giving the effective date of suspension. The suspension of the permit continues until the permit holder removes the grounds for suspension to the satisfaction of the District, or the grounds for the suspension have been otherwise cured to the satisfaction of the District.

**Section 5.12.030      Procedure upon revocation.**

If grounds exist for the revocation of a permit under Section 5.12.010, the General Manager may temporarily suspend the permit pending a hearing and determination by the Board on the revocation of the permit. In such case, the District shall give the permit holder notice stating that the permit is temporarily suspended and shall state the grounds upon which the permit is sought to be revoked. The notice shall also specify the time and place of hearing upon the question of revocation. The District shall give the permit holder at least ten days' notice of the hearing. This notice shall be served in the manner prescribed by Section 1.12.020. Such hearings shall permit an oral and/or written presentation by each party involved relating to the revocation. No court reporter or transcript of said hearing shall be provided by the District. Any determination of the Board shall be final.

## **Chapter 5.16 SEWER IMPROVEMENT AGREEMENTS**

- 5.16.010 Requirement for agreement and security.
- 5.16.020 Agreement form.
- 5.16.030 Security form.
- 5.16.040 Disposition of security in the form of cash or check deposit.
- 5.16.050 Condition for release of security.
- 5.16.060 Notice of requirement.
- 5.16.070 Effective date and completion date.
- 5.16.080 Actions against security.
- 5.16.090 Reduction of security.
- 5.16.100 Return of security.

**Section 5.16.010 Requirement for agreement and security.**

Findings and Declaration of Purpose. The Board finds that the property owner and his/her agent planning new public sewer installations as improvements to serve and develop his/her property must provide assurance that, once the work is started, it shall be diligently prosecuted to specified completion. The reason for requiring a sewer improvement agreement and security, as provided by this chapter, is to assure the District's independence from private developments and to protect the District by means of an indemnification agreement, while also assuring a complete and serviceable public sewer system in accordance with plans and specifications for the work as reviewed by the District.

Execution and Submittal for Proposed Public Sewer Facilities. The owner of the property to be served by and undertaking the private work of planning and installing new public sewer facilities or his/her properly authorized agent shall execute an owner's sewer improvement agreement and deposit security with the District in the amount and in one of the forms required by Section 5.16.030 for each separate project proposed. The District may require documentation properly demonstrating agency before accepting the signature of an agent. The owner shall deposit an executed agreement form and security with the District before any contractor's permit for the work can be issued.

Execution and Submittal for Proposed Private Sewer Facilities. The owner of the property to be served by and undertaking the private work of planning and installing new private sewer facilities, such as private site collector systems, serving more than one building or structure, such as apartment complexes, or his/her properly authorized agent shall execute an owner's sewer improvement agreement for each separate project proposed. The District may require documentation properly demonstrating agency before accepting the signature of an agent. The owner shall deposit an executed agreement form with the District before any contractor's permit for the work can be issued. No security is required for the above-mentioned private sewer facilities.

**Section 5.16.020 Agreement form.**

The General Manager may prescribe the form of the owner's sewer improvement agreement

**Section 5.16.030 Security form.**

The form of the security for the work shall be a bond written by a surety admitted to write bonds within the State of California, unless the amount of the security is fifty thousand dollars or less, in which case the form of the security may be a bond, as stated, or cash, cashier's check, or certificate of deposit.

Security for performance of the terms of the agreement shall be in the amount of one hundred percent of the estimated or bid cost of all sanitary sewer work which will become a part of the public sewer system.

**Section 5.16.040 Disposition of security in the form of cash or check deposit.**

The District shall place cash and cashier's checks, which are deposited as security, in a trust account or bank deposit box. The District shall give the depositor a receipt for such deposit.

Since security in the form of cash or cashier's check is not required, no interest is payable on a cash or check deposit.

**Section 5.16.050 Condition for release of security.**

Conditions for release of the security are that the owner shall comply with each term of the owner's sewer improvement agreement, all terms and conditions of any applicable District permit, all applicable provisions of the District Code and all applicable laws, rules, regulations, orders and specifications of the District and of federal and state agencies. The security shall guarantee the owner's faithful performance of the agreement, the diligent completion of the construction of the sewer improvements in accordance with plans and specifications reviewed by the District, and the correction of faulty workmanship and the replacement of defective materials for a period of one year after the work is determined by the General Manager or his/her designate to be satisfactorily completed and the work is finally accepted. The security shall also guarantee the payment of all sums and amounts due persons performing and/or furnishing labor and materials for the construction of the work.

**Section 5.16.060 Notice of requirement.**

District staff shall advise owners of the requirement for the owner's sewer improvement agreement and security in writing after plans for the work have been received by the District for preliminary plan review.

**Section 5.16.070 Effective date and completion date.**

Effective Date. The owner's sewer improvement agreement shall become effective on the date set forth as the "effective date" on the agreement form.

Completion Date. The date all work required by the provisions of the District's Standard Specifications and this Code is completed, inspected, and finally accepted by the District in writing shall be the actual completion date of the sewer improvements. Any completion date entered on the agreement or bond form shall be considered only an estimate by the Engineer of such actual date of completion of sewer improvements.

District staff shall notify the owner in writing of the work's completion and final acceptance and the date the one-year guarantee period thereafter shall begin.

**Section 5.16.080 Actions against security.**

If the owner or the owner's contractor fails to satisfactorily complete the work by the estimated completion date as set forth in the owner's sewer improvement agreement, or if the owner fails to correct defects during the one-year guarantee period, or if the owner otherwise violates any term of the owner's sewer improvement agreement and the General Manager so determines, the General Manager may declare a forfeiture or partial forfeiture of the security in such amount as may be determined necessary to complete or correct the work or remedy the violation. Action against the owner's security shall be processed by District staff with the assistance of District's legal counsel. By entering into an owner's sewer improvement agreement, whether by

his/her signature or that of an agent, the owner is deemed to have waived any requirement of prior notice as a prerequisite to the District claiming or proceeding against the owner's security. The affected owner shall be notified in writing by District staff of any such claim against his/her security at least ten days prior to the commencement of legal action against the security in accordance with Section 1.08.010. The affected owner shall have the right to request consideration by the Board of Directors regarding any such claim against his/her security in the manner provided by this Code for Board consideration of staff decisions. The District may, in addition to the mechanisms set forth in this Section, take any such additional legal action as it may deem appropriate against the owner and/or against all other responsible persons or entities.

#### **Section 5.16.090      Reduction of security.**

The General Manager may reduce the amount of the security during the progress of the work if the General Manager deems such reduction is justified and warranted. The determination as to whether the security shall be reduced and to what extent it shall be reduced remains in the discretion of the District.

Upon completion of the work as provided for in Section 5.16.070 and providing no claims or actions have been taken against the security as provided for in Section 5.16.080, the security may be reduced to an amount not less than ten percent of the original amount. The determination as to whether the security shall be reduced and to what extent it shall be reduced remains in the discretion of the District.

#### **Section 5.16.100      Return of security.**

Upon expiration of the one-year period after acceptance, providing no forfeiture or partial forfeiture of the security has been declared, and no claims nor actions against the security are outstanding, and no faulty workmanship or defective materials are observed, the remaining security shall be returned to the owner.

## **TITLE 6 FEES AND CHARGES**

Chapter 6.02 GENERAL PROVISIONS

Chapter 6.04 PERMIT AND LICENSE FEES

Chapter 6.08 ANNEXATION CHARGES

Chapter 6.12 CAPACITY FEE PROGRAM

Chapter 6.16 SPECIAL CONDITION EQUALIZATION CHARGES

Chapter 6.20 REIMBURSEMENT FEES

Chapter 6.24 SEWER SERVICE CHARGE

Chapter 6.26 ANNUAL INDUSTRIAL PERMIT FEES

Chapter 6.28 USE OF TAX ROLL FOR COLLECTION

Chapter 6.30 SCHEDULE OF CHARGES FOR PERMITS, INSPECTIONS, AND PLAN REVIEW .

Chapter 6.32 SCHEDULE OF ANNEXATION CHARGES.

Chapter 6.34 SCHEDULE OF CAPACITY FEES.

Chapter 6.36 SCHEDULE OF SEWER SERVICE CHARGES

**Chapter 6.02            GENERAL PROVISIONS**

6.02.010 Authority.

6.02.020 Voting requirements.

**Section 6.02.010 Authority.**

The Board of Directors may charge a fee to cover the cost of any service which the District provides or the cost of enforcing any regulation for which the fee is charged. No fee shall exceed the costs reasonably borne by the District in providing the service or enforcing the regulation for which the fee is charged. (Government Code Section 61123)

**Section 6.02.020 Voting requirements.**

Voting requirements to adopt rates, charges and fees are set forth by State law. A simply majority vote of the Board of Directors will suffice in the adoption of sewer service rates and other charges and fees of the District.

## **Chapter 6.04 PERMIT AND LICENSE FEES**

6.04.010 Fees for permits, inspection, and plan review.

6.04.020 Disposal of septic tank wastes not permitted.

6.04.030 Time of payment.

6.04.040 Schedule of fees.

**Section 6.04.010 Fees for permits, inspections, and plan review.**

The Board shall from time to time, after a public hearing, establish by ordinance the fees to be charged by the District for such things as permits, inspections, plan review and miscellaneous engineering and inspection work.

The rate-setting ordinance shall set forth in an exhibit thereto the full text of the schedule of rates to be charged. The schedule of rates, as may from time-to-time be amended, shall be maintained in the District Secretary's office and is available to the public upon request. (*Ord. 93-1 and 19-4*)

A. New Construction or Replacement Sewer Permit - Each person shall obtain a Private or Building Sewer Permit prior to beginning construction of any new building sewer, private sewer, side sewer or lateral, whether such construction is new construction, replacement or relaying of an existing sewer, provided the private or building sewer connects to the sewerage system of the District. A Sewer Permit Fee for such construction or replacement of a private sewer will be set by resolution of the Board of Directors. The fee is payable prior to the date for initiation of construction. Services provided for this fee will include no more than two inspection visits to the construction site.

B. Repair Sewer Permit - Each person shall obtain a Private or Building Sewer Permit prior to beginning repair of any building sewer, private sewer, side sewer or lateral, provided the private or building sewer connects to the sewerage system of the District. This includes point repairs and/or replacement of less than half the length of a building sewer. A Private or Building Sewer Repair Permit Fee for such construction will be set by resolution of the Board of Directors. The fee is payable prior to the date for initiation of construction. Services provided for this fee will include no more than one inspection visit to the construction site.

C. Additional Inspection Fee - When inspection visits to a construction site are required in excess of the number allowed within the permit fee paid, an "Additional Inspection Fee" will be charged for each additional inspection visit to the construction site. An Additional Inspection Fee will be set by resolution of the Board of Directors. The fee is payable at the time of additional inspection.

C. Public Sewer Plan Review and Inspection Fees - Each person proposing to construct a public sewer main or system of public sewer mains which are intended to be connected to the sewerage system the District, shall submit the construction drawings for review by the District prior to commencement of construction. The applicant shall deposit with the District, or District's agent, a fee for the costs incurred by or on behalf of the District in the plan review and inspection activities related to the construction of the proposed public sewer main(s). Said fee shall be in an amount equal to five percent (5%) of the estimated cost of said proposed public sewer main(s). District staff may, in its discretion, determine that the projected cost for provision of the plan review and inspection services is less than five percent (5%) of the estimated cost of said main(s) in a particular project and in those cases shall require deposit of a lesser sum in an amount not to exceed the projected actual costs. The payment of applicable Public Sewer Plan Review and Inspection Fees shall be required at the time of submission of the plans for review.

**Section 6.04.020 Disposal of septic tank wastes not permitted.**

Disposal of residential septic tank, cesspool, or holding tank wastes into the District sewer system is not permitted. All such septic tank wastes are prohibited wastes.

**Section 6.04.030 Time of payment.**

Each fee prescribed in this chapter is due at the time of application and the District may not issue the permit or license as the case may be until the applicant pays the fee.

**Section 6.04.040 Schedule of fees.**

Fees for permits, inspections and plan review have been set forth in Section 6.30.010.

## **Chapter 6.08 ANNEXATION CHARGES**

- 6.08.010 Finding.
- 6.08.020 Annexation charge.
- 6.08.030 Determination of annexation charge.
- 6.08.040 Time of payment of annexation charge.
- 6.08.050 Inclusion of charge in special assessments.
- 6.08.060 Schedule of annexation charges.

**Section 6.08.010 Findings.**

The Board of Directors finds that the District incurs substantial administrative and related costs associated with the processing of petitions for annexation of new territory to the District. The Board of Directors further finds that it is necessary to impose an annexation charge, in addition to the capacity connection charge, upon the owners of territory when such territory is annexed to the District in order to recover the administrative and related costs resulting from the annexation.

**Section 6.08.020 Annexation charge.**

The Board shall from time to time, after a public hearing, establish by ordinance a schedule of annexation charges for recovery of the District's costs associated with annexation of real property situated outside the boundaries of the Sanitary District.

Upon establishment, the schedule of annexation charges shall be published once at least fifteen days prior to its effective date in a newspaper of general circulation in the District's service area, such as the West County Times. A copy of the schedule of costs shall be maintained in the District offices and made available to the public upon request. (*Ord. 90-91-100*)

**Section 6.08.030 Determination of annexation charge.**

The owner of real property that is annexed to the District shall as a condition of annexation pay to the District an annexation charge consisting of the sum of all administrative and related costs incurred by the District that are associated with the annexation of the new territory, including but not limited to any fees or charges incurred by the District in processing of the petition, conducting of the annexation proceeding, corresponding, communicating or interacting with the Local Agency Formation Commission having jurisdiction over the annexation or any other state or local government agency regarding the annexation and the costs of any necessary inspections.

Any such costs incurred by the District for any new territory shall be assessed among the owners of the properties within the new territory in a fair and equitable manner.

The District shall fix the annexation charge as a condition of annexation of the property to the District at the time the property owner petitions the District for annexation. If the property owner does not file the proper documents to complete annexation proceedings within three months from the date the District fixes the annexation charge, the District may review the amount of the charge or other decisions or findings of the District and modify them if circumstances have so changed that the amount of the charge or conditions originally fixed no longer reflect the purposes for which they were imposed.

**Section 6.08.040 Time of payment of annexation charge.**

The annexation charge is due when a petition to annex the territory is submitted to the District. However, the District Board may consider granting a deferment of payment for an entire territory or for an individual property within the territory until the District's issuance of permit(s) to connect to the public sewer, for new connection(s) for the territory or individual property. In the event

deferment is granted, that property or portions thereof, shall be charged its proportionate share of the total annexation charge due at the time of the District's issuance of permit(s) to connect to the public sewer.

**Section 6.08.050      Inclusion of charge in special assessments.**

The annexation charge may be collected by or included in a special assessment upon the property benefited.

**Section 6.08.060      Schedule of annexation charges.**

Annexation charges have been set forth in Section 6.32.010.

## **Chapter 6.12 CAPACITY FEE PROGRAM**

- 6.12.010 Findings.
- 6.12.020 Adoption by ordinance.
- 6.12.030 General provisions.
- 6.12.040 Residential capacity fees.
- 6.12.050 Non-residential capacity fees.
- 6.12.060 Change of use.
- 6.12.070 Capacity fee credits.
- 6.12.080 No repeal of prior fees.
- 6.12.090 Schedule of capacity fees, rates and charges.
- 6.12.100 Special Circumstances Regarding Payment.

## **Section 6.12.010 Findings.**

The Board of Directors finds as follows:

A. District customers have made a substantial investment in existing District wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal services and facilities that will benefit new users.

B. The purpose of the Capacity Fee Program is to provide for each new user, by payment of a capacity fee at the time of initial connection of a building or facility on their property to the District's sewer system or, subsequently, when creating an added burden, to equalize their investment with the investment of other existing users in the value of all District assets.

C. New users within the District service area, 1) generate an added burden on the District's wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal services and facilities, and 2) would contribute to degradation of the overall level of wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal services and facilities provided by the District absent the expenditures for services and facilities to be funded through the revenues collected pursuant to this chapter.

D. For the District to provide an adequate level of service within its service area, renovation, replacement, upgrading and improvement of existing facilities to maintain their capacity, and construction of new and/or expanded facilities to increase capacity is necessary.

E. The capacity fees to be collected pursuant to this chapter are required to ensure that new users contribute their appropriate share of the necessary funding for District services and needed upgrades, replacements, renovations and improvements of existing District wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities to maintain their capacity, and to add to and/or expand these facilities in the future when needed or as required to meet legal and regulatory requirements (all of which services and facilities will ultimately be shared by current and future users), and for equitable adjustment of capital contributions as between new, current and contractual users.

F. The portion of the revenues collected pursuant to this chapter designated for equalization of investment between existing and new users in capital assets (including land, wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities, and the Sewer Construction Fund balance) shall be used to maintain capacity in existing facilities through life-cycle replacement, renovation, upgrading and improvement, to add to and/or expand these facilities in the future when needed or as required to meet legal and regulatory requirements (all of which services and facilities will ultimately be shared by current and future users), for equitable adjustment of capital contributions as between new, current and contractual users, and to fund a portion of the prudent reserve requirements of the Sewer Construction Fund, as may be established from time to time at the discretion of the Board of Directors. The capital facility needs and prudent reserve requirements of the Sewer Construction Fund are set forth in the District's Capital Improvement Budget and Five-year Revenue Program, which are revised and updated every year.

G. The portion of the revenues collected pursuant to this chapter designated for equalization of investment between existing and new users shall be used to fund the new users' portion of the prudent reserve requirements of these funds, as such requirements may be established from time to time at the discretion of the Board of Directors.

H. The facts and evidence establish that there is a strong and reasonable relationship between the necessity for maintenance of capacity in existing facilities and construction of new and/or expanded facilities to increase capacity, and the added burden created by each of the

particular user groups set forth in Section 6.12.090, Schedule of Capacity Fees, Rates and Charges, for which the corresponding fees are to be charged, and there is a strong and reasonable relationship between the fees' intended use and the added burden created by each particular user group for which the fees are charged.

I. The fees expected to be generated from the Capacity Fee Program will not exceed the total of all actual costs reasonably allocable to the services and facilities needed to serve new users.

J. Based on an accounting of the sources of funds that have contributed to the Sewer Construction Fund balance, and the historic use of revenues from that fund, all funds currently within the Sewer Construction Fund should be allocated to needed upgrades, replacements, renovations and improvements of existing District wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities to maintain their capacity, and to add to and/or expand these facilities in the future when needed or as required to meet legal and regulatory requirements, and for equitable adjustment of capital contributions as between new, current and contractual users.

K. Regarding compliance with the California Environmental Quality Act (CEQA), the Board of Directors finds as follows:

1. The revenues generated by the capacity fees collected pursuant to the provisions of this chapter are to be used, in part, for equalizing investment in the capital costs of facilities constructed in the past that have provided capacity to be shared by current and future users, including, among others, treatment plant expansions and pump station improvements. All such past projects providing capacity to be shared between current and future users were initiated and completed in keeping with the requirements of CEQA.

2. The Capacity Fee Program provided for in this chapter will not in itself result in an expansion of facilities to provide for growth outside of the existing service area. The revision of the Capacity Fee Program is not in itself a project as defined by CEQA and will not in itself result in any specific project nor result in any direct physical change in the environment. An Environmental Impact Report, or other appropriate CEQA compliance documentation, will be prepared prior to the undertaking of any "project" to be funded in whole or in part by the revenues collected pursuant to the Capacity Fee Program contained herein. The Capacity Fee Program rationally relates fees charged with the cost of providing services and facilities capacity for new users and current users who change the use of their connected buildings or facilities.

3. The District has complied with the requirements of the California Environmental Quality Act with regard to the ordinance codified in this chapter and adopting the Capacity Fee Program in that a notice of exemption has been prepared setting forth Public Resource Code Section 15273 (district CEQA guidelines Section 17.7 (a) (4)» as the basis for this exemption, for the reasons set forth in subsections (K)(1) and (2) of this section, such a notice of exemption has been filed pursuant to law.

Based on these findings, the Board of Directors has adopted the Capacity Fee Program set forth in the provisions of this chapter to ensure adequate funding of all needed upgrades, replacements, renovations and improvements of existing District wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities to maintain their capacity, additions to and expansions of the capacity of these facilities in the future when needed or as required to meet legal and regulatory requirements (all of which services and facilities will ultimately be shared by current and future users), for equitable adjustment of capital contributions as between new, current and contractual users, and prudent reserve requirements

of the Sewer Construction Fund occasioned by the added burden on District services and facilities attributable to new users and current users who change the use of their connected buildings or facilities; and to provide that each new user and each current user who changes the use of his/her connected buildings or facilities pays his/her fair share of the cost of District services and facilities. It is the intent of this chapter that the Capacity Fee Program together with the other revenue programs of the District provide sufficient funds to meet the capital cost requirements of providing capacity throughout the effective period of the current and successive capital improvement plans. It is the further intent of this chapter that the factors to be considered in calculating future capital costs and projecting needed revenues shall include, but not be limited to, growth projections, the current costs of facility construction, current fund balance or deficit, projected increased costs of facility construction, the differential cost in providing service between various areas of the District, current and anticipated changes in governmental regulation, inflation, debt service, and the time value of money.

### **Section 6.12.020 Adoption by ordinance.**

The District Board of Directors may, 1) establish zones recognizing areas where a significant differential in the cost of providing services and facilities exists, 2) adopt capacity fees, rates and charges for residential units within each zone, and 3) adopt the residential unit equivalence (RUE) factors and the units of measure for each nonresidential user group by ordinance upon a two-thirds vote after conducting a properly noticed public hearing to receive comments on such rates, fees and charges as may be proposed for Board of Directors' consideration from time to time. The rates and RUE factors set forth in the ordinance shall be based on an engineering application of the principles set forth in this chapter. The residential capacity fees, and a table of equivalents, which sets forth the unit of measure and the RUE factor for each nonresidential user group and each zone shall be included in Section 6.12.090, Schedule of Capacity Fees, Rates and Charges.

### **Section 6.12.030 General provisions.**

A. Definitions. The following terms shall have the meaning set forth below for the purposes of this chapter.

1. Added Burden. "Added burden" means any of the following:

- a. A connection of any building or facility on a parcel to the sewer system for the first time;
- b. An existing connection from a parcel where the estimated volume of flow or the strength of the wastewater discharged from such parcel will be increased due to construction of additional units of measure, or a change in use of the buildings or facilities on the parcel. This increase in flow or strength shall include an existing connection from a nonresidential parcel where the units of measure attributable to such parcel has at any time been increased, including any combination of increases over time once such increases are known to the parcel owner and/or discovered by the District, whichever comes first. If more than one independent operation exists on a single parcel, an added burden shall also mean an existing connection where the number of residential unit equivalents attributable to any independent operation has increased due to a

differing use. If a single and integral operation spans two or more contiguous parcels, the increase shall be measured against the total number of residential unit equivalents attributable to the operation.

c. An existing connection from a parcel where capacity fees were never paid or where inaccurate information was given which resulted in a lesser fee having been paid than would have been required with a correct calculation of the fee.

2. Business owner. "Business owner" means the proprietor of a business or the person possessing the license to operate a business.

3. Capacity Fee. A charge (connection charge) permitting an "added burden" on the facilities of the District.

4. Change of Use. "Change of use" means any imposition of an added burden or significant lessening of burden on District services and facilities that occurs after the initial connection from the parcel to the District sewer system for which applicable fees have been paid. "Change of use" includes, but is not limited to, any alteration of the use of a parcel that requires the parcel to be reclassified to a different user group or any alteration of the use of a parcel by the parcel or business owner which significantly affects the burden on District services or facilities. "Change of use" shall also include additions, renovations, modifications, construction, reconstruction or redevelopment of an existing nonresidential parcel or of buildings or facilities on such a parcel which results in a net increase in units of measure even though the user will remain within the same user group. "Change of use" includes the addition of any new residential unit to an existing residential parcel. A change of use may increase or lessen the burden.

5. Non-residential User. A "non-residential user" includes all users who have a connection or are initially connecting to the District's sewer system where the land use of the parcel is other than for residential units (as the term is defined within this Code), including, but not limited to, all commercial, industrial, service-related and governmental uses.

6. Parcel. A "parcel" means real property upon which a separate assessor's parcel number has been established.

7. Parcel Owner. A "parcel owner" means any person or entity listed in the most recent Equalized Assessor's Parcel Roll as owner of the subject property or the current owner if a change in ownership has occurred subsequent to the last publishing of the Equalized Assessor's Parcel Roll.

8. Person. A "person" means any individual, partnership, committee, association, corporation, foundation, public agency or any other organization or group of individuals, public or private.

9. Residential Unit Fee. A "residential unit fee" is defined as any of the capacity fees set by the Board of Directors for a residential unit within a zone.

10. Residential Unit Equivalence Factor. A "residential unit equivalence (RUE) factor" is defined as the factor used in determining the added burden placed on the system by any user other than a single family residence (SFR) and shall be established based on the equivalency to the burden (in terms of capacity) that a typical single family residence places

on the District's sewerage system, taking into account both volume of flow and wastewater strength.

11. Residential Unit. A "residential unit" is defined as the unit of measure for the use of any parcel or portion of a parcel as a single-family residence, and its RUE factor shall be 1.00. Other dwelling units including, but not be limited to, apartments, condominiums, townhouses, mobile homes and other forms of property use providing for separate, independent habitation, such as in-law units, household worker quarters or "granny" units, shall each be assigned an RUE factor that may be more or less than 1.00.

12. Unit of Measure. A "unit of measure" means the basic unit used by the District in quantifying the degree of use for a particular use of a parcel. Each prospective user within a particular user group shall be evaluated with regard to the added burden placed on the sewerage system based upon a predetermined unit of measure for that user group. Units of measure may include criteria such as the number of dwelling units, structure square footage, parcel acreage, fixture units, seating capacity, number of beds and/or number of employees or customers anticipated, or other units of measure determined to be appropriate.

B. Administration. The General Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed on the General Manager may be delegated to persons acting in the beneficial interest of, or in the employ of the District.

C. Use of Capacity Fee Revenues. All Capacity Fee revenue collected pursuant to the provisions of this chapter shall be separately accounted for and used as follows:

1. The portion of the revenues collected pursuant to this chapter designated for equalization of investment between existing and new users in capital assets (including land, wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities, and the Sewer Construction Fund balance) shall be used to maintain capacity in existing facilities through life-cycle replacement, renovation, upgrading and improvement, to add to and/or expand these facilities in the future when needed or as required to meet legal and regulatory requirements (all of which services and facilities will ultimately be shared by current and future users), for equitable adjustment of capital contributions as between new, current and contractual users, and to fund a portion of the prudent reserve requirements of the Sewer Construction Fund, as may be established from time to time at the discretion of the Board of Directors, all of which assets benefit, directly or indirectly, both current and new users. These revenues may also be used to repay any debt incurred in the financing of such life-cycle replacements, renovations, upgrades and improvements, additions to or expansion of District wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities. The capital facility needs and prudent reserve requirements of the Sewer Construction Fund are set forth in the District's Capital Improvement Budget and Five-year Revenue Program, which are revised and updated every year.

2. The portion of the revenues collected pursuant to this chapter designated for equalization of investment between existing and new users in the Operating Fund and balance shall be used to fund the new users' portion of the prudent reserve requirements of these funds, as such requirements may be established from time to time at the discretion of the Board of Directors.

D. Time for Payment and Penalties for Delinquent Payment. Payment of capacity fees shall be due and made prior to the time of imposition of any added burden. If a new connection is proposed by the user making application for a permit, payment shall be made at the time of the District's issuance of a permit to connect to the public sewer. For a change of use where no new connection is proposed by the user, payment shall be due and made at the time the District reviews building plans related to the change of use. If an added burden occurs without payment of capacity fees, *payment shall be due at the time of the District's discovery of the added burden.*

Under ordinary circumstances, where a connection permit is sought, or where the District

receives prior notice of a proposed change in use, unpaid fees and/or charges *shall become delinquent forty-five days after mailing*, or personal delivery of, a notification of fees and/or charges that are due.

Under circumstances where the District does not receive a request for a connection permit or building plans for review prior to a change of use occurring, the fees and charges shall become delinquent either at the time when the new connection or change in use occurs, at the time of subsequent discovery of the unreported new connection or change in use, or *forty-five days after notice of fees and charges being due is provided to the user by mail or personal delivery*, at the discretion of the General Manager after consideration of the facts of the particular situation.

Penalties for delinquent capacity fees shall be in accordance with Section 1.08.080, "Penalties for Delinquent Payments". The penalties expressed therein shall be cumulative with, and in addition to, any and all other remedies that the District may have in law or equity. The District shall be entitled to recover its attorneys' fees under this chapter, in addition to any fees, penalties, interest or other amounts to which the District may be entitled.

E. Persons Responsible for Payment of Capacity Fees. The person(s) jointly and severally responsible for the payment of capacity fees, including such fees as may arise out of an added burden due to change of use, are: 1) the parcel owner at the time the added burden occurs, 2) the tenant or business owner (user) in the case of a nonresidential use, 3) the wastewater utility service permit applicant, and 4) the parcel owner at the time the District discovers an unpaid or delinquent capacity fee, if those persons are not one and the same person or entity. The liability for payment of such fees, in the event the fees are not paid when initially due by the parcel owner or the agent or assignee thereof, shall be joint and several among the persons mentioned herein, but such joint and several liability for a payment shall not limit any party's rights of contribution or indemnity against other parties. It is the intent of this chapter that the parcel owner at the time the added burden occurs should be ultimately liable as between the persons jointly responsible for payment of the fee as set forth in this chapter, absent the existence of legally effective contractual provisions between the responsible parties to the contrary.

The parcel owner shall be responsible for notifying prospective purchasers of the existence of unpaid or delinquent capacity fees, whether disputed or not. Prospective purchasers of parcels are similarly responsible for directly verifying with the District that capacity fees have been paid, since existence of unpaid or delinquent fees may not be apparent from title report information.

F. Additional Fee. The revenues provided by collection of the capacity fees pursuant to the provisions of this chapter shall be in addition to all revenue otherwise collected by the District, including, but not limited to, ad valorem taxes, federal and state grants, contract revenue, investment income, annexation charges, sewer service charges, operating and maintenance fees and charges, reimbursements, and charges imposed under TITLE 10, "Source Control (Pretreatment)", of this Code.

G. Authority to Inspect Parcels. In order to effect the powers of this chapter and pursuant to Section 6523.2 of the Health and Safety Code of the state, the General Manager and the General Manager's authorized representatives are given the power and authority to enter upon privately-owned parcels for the purpose of inspection of sanitary and waste disposal facilities including, but not limited to, ascertaining the nature of such facilities, the type of activities taking place, the number of plumbing fixtures therein, whether violations of the District Code provisions exist, and any other facts or information reasonably necessary to ascertain the applicability of any fees or charges to such parcels, or the amount of such fees or charges, including fees for added burden as a result of change of use. This power is subject to any constitutional protections provided for at law; however, failure of a user or prospective user to allow reasonable access to the District for inspection as set forth in this chapter shall be sufficient cause for denying wastewater utility service and connection to the District's sewer system, or for

terminating existing wastewater utility service and connection to the District's sewer system. This power and authority is in addition and complementary to the rights established in Section 1.08.020, "Right to Enter on Private Property", and such other rights to enter upon private property as may be available to the District under prevailing law.

H. Not Refundable. Capacity fees, once paid to the District shall not be refundable, even when a project is abandoned.

I. Limited Transferability. A capacity fee, once paid to the District for a project that does not go forward, is transferable to a subsequent property owner one time for a different project. Change in commercial project design may require additional capacity fee based on plumbing fixtures.

J. No Expiration. Capacity fees, once paid, do not expire when the companion permit expires. However, if a new permit has to be issued, the applicant must pay any incremental capacity fee that may result from a change of rates in the interim.

#### **Section 6.12.040 Residential capacity fees.**

A. Policy. Any new residential connection shall be subject to payment of capacity fees in an amount that will fund its proportionate share. of the cost of District services and needed upgrades, replacements, renovations and improvements of existing District wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities to maintain their capacity, and to add to and/or expand these facilities in the future when needed, all of which services and facilities will ultimately be shared by current and future users. These facility costs shall be estimated pursuant to the policies and findings set forth within this chapter.

B. Establishment of Zones. The District Board of Directors, with regard to providing capacity for new users, has established and may, in the future, establish zones within the District as a whole in order to more equitably establish fees for locations within the District having significantly differing costs for wastewater utility services and facilities. By establishment of these zones, all parcels for which the estimated cost of providing wastewater utility services and facilities is similar shall be included within the same zone. Zone 1 shall include all parcels served completely by the gravity collection system, whereas Zone 2 shall include all parcels that require District-operated sewage pumping facilities to convey their wastewater to the gravity collection system. The fees established for Zone 1 and Zone 2 shall differ in proportion to the difference in costs attributable to providing capacity for new users within each zone. The Board of Directors may establish additional zones, by ordinance, as circumstances may from time to time warrant.

C. Basis for Capacity Fees. Capacity fees for residential units shall be set from time to time as provided in this chapter based on the District's determination of the then-current value of all District assets divided by the then-current number of residential unit equivalents receiving District wastewater utility service. The residential unit fees established pursuant to the provisions of this chapter shall be representative of both the volume of flow and strength characteristics for an average residential unit as determined by wastewater industry standards and specific studies undertaken by the District and other sewerage entities. Fees for multiple residential units shall be determined by multiplying the number of individual residential units by the standard residential unit fees for the zone within which the units are located, then by a factor determined by the District that relates average apartment (APT) water consumption to that of the average SFR.

D. Additional Residential Units. Each residential unit shall be subject to each of the

residential unit fees for the zone within which the residential unit is located as set forth in this chapter.

In the event a separate additional residential unit is constructed on a parcel, whether or not in compliance with applicable government regulations, additional capacity fees for that residential unit shall become due. The creation of a dwelling space that accommodates an additional separate living area within a parcel, whether or not said additional separate living area is constructed within the original building or is a detached building, shall subject the parcel to assessment of applicable additional residential unit fees.

*An additional separate living area shall be defined as an area designed for the purpose of separate habitation that 1) will be, or can be, physically separated by a wall or door from other residential units on the parcel, and 2) contains both a bathroom and kitchen, as well as a multipurpose or bedroom area, and an exterior entrance.* The time for payment of capacity fees for the added burden arising from the construction of a separate additional residential unit shall be as set forth in Section 6.12.030(D), "Time for Payment and Penalties for Delinquent Payment".

### **Section 6.12.050 Non-residential capacity fees.**

A. Policy. Capacity fees shall be charged for each new connection of a non-residential building or facility, for each new tenant space within a shell building for which capacity fees have not been previously paid, and for each change of use from residential to non-residential or from one non-residential user group to another which creates an added burden. It is the policy of the District that non-residential users pay their proportionate share of the costs of District services and needed upgrades, replacements, renovations and improvements of existing District wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities to maintain their capacity, and to add to and/or expand these facilities in the future when needed, all of which services and facilities will ultimately be shared by current and future users. Capacity fees for non-residential users shall be determined based on the relationship of the non-residential user's flow and strength demands to that of an average residential unit. The differentiation in fees between zones as set forth in Section 6.12.040(B), shall also apply to non-residential users.

B. Use of Residential Unit Equivalence Factors. There shall be established a system of residential unit equivalence factors (hereafter in this chapter referred to as "RUE factors") for each identifiable non-residential user within the District. The RUE factor shall be determined by considering wastewater flow and wastewater strength parameters for each user in relation to the demand of an average residential unit. The wastewater flow and wastewater strength parameters shall be determined based on flow and strength data available within the wastewater treatment industry, as well as data obtained from studies of the characteristics of the wastewater flow within the District. The factors considered in developing the RUE shall include the wastewater flow and wastewater strength comparison between residential and non-residential use, or the District may omit consideration of wastewater strength when setting RUE factors. An allocation of costs between flow and strength parameters based on their respective contribution to the added burden may be employed. (Ord. No. 02-1; Ord. No. 93-2)

### C. Calculation of the Capacity Fees for Nonresidential Uses.

1. The capacity fees for any parcel within the District's boundaries imposing an added burden on the sewerage system shall be based on actual or anticipated use and shall equal the product of the

estimated number of residential unit equivalents (RUE) that will result from the added burden, as determined in subsection (D)(2) of this section, and the capacity fee rates determined pursuant to the provisions of this chapter.

2. Calculation of the Number of Residential Unit Equivalents Being Connected. The actual use of the sewerage system shall be calculated in terms of RUE by methods set forth in Ordinance No. 93-2 and its successors

3. For the purpose of determining the number of RUE attributable to a non-residential user, the flow, BOD and total suspended solids concentrations shall be based on the following, including any estimated sanitary wastewater contribution:

a. For new users, information required by the application or in the permit for industrial wastewater discharge as set forth in Title 10, "Source Control (Pretreatment)", of this Code, or other such credible information as may be developed at the discretion of the General Manager in accordance with accepted engineering standards; or

b. For existing dischargers, information referenced in Title 10, "Source Control (Pretreatment)", or in the application or permit for industrial wastewater discharge, or other such credible information as may be developed at the discretion of the General Manager in accordance with accepted engineering standards, including District monitoring data.

E. Capacity Fees for Shell Buildings. Capacity fees for shell buildings, that is, buildings with finished exteriors and unfinished interiors, shall be calculated by application of the appropriate user group unit of measure and RUE factors included in Section 6.12.090, "Schedule of Capacity Fees, Rates and Charges", to the entire building. For example, fees for business office shell buildings shall be based on the business offices user group (Use Code OB) unit of measure and RUE factors, fees for retail shell buildings shall be based on the retail sales user group (Use Code BR) unit of measure and RUE factors, and warehouse shell buildings shall be based on the warehouses user group (Use Code IW) unit of measure and RUE factors.

F. Special Studies. The fee structure adopted by the Board of Directors provides procedures for determining the capacity fees for certain non-residential user groups by use of a special study. The user groups for which special studies are required to set the capacity fees for particular users within the group include those user groups where there is widely varying data as to wastewater flow and strength between users in that group and for which no RUE factors have been established by ordinance. The user groups that require special studies are so designated in Section 6.12.090, "Schedule of Capacity Fees, Rates and Charges".

If an individual user within a user group believes that the applicable capacity fees as determined by use of established units of measure and RUE factors is unreasonably high based on the user's anticipated site-specific wastewater flow and strength, that user may request that a special study be conducted by District staff to determine the appropriate capacity fee. Such study shall be undertaken upon payment by the user of the cost for such study.

All special studies, whether required by this chapter or pursuant to a user request, shall be based upon an engineering application of the principles set forth in this chapter and to the particular wastewater flow and strength factors of the user subject to the special study.

If the special study is completed prior to the time payment of capacity fees is due, the amount of the payment shall be based on the results of the special study. However, if the special study is requested fewer than thirty calendar days prior to the time payment of capacity fees is due, and the special study cannot be completed prior to the time such payment is due, the user shall pay capacity fees determined by application of the units of measure and RUE factors included in Section 6.12.090, "Schedule of Capacity Fees, Rates and Charges". If the subsequently completed special study results in a capacity fee that exceeds the initial fee actually paid by

more than ten percent, the user shall be responsible for the difference, and will be billed therefore. If the special study results in a capacity fee that is more than ten percent less than the initial fee actually paid, the District will refund the difference to the parcel owner.

G. Reevaluation of Fee. In the event that a user's connection is permitted after a special study has been conducted which may, in the judgment of the General Manager, result in discharge of wastewater with unusual characteristics or where the flow and strength characteristics of that user's wastewater may be difficult to estimate prospectively, such user's capacity fee determination may be subject to a reevaluation study after a period of from one to five years of observation. Separate metering of the water supplied to such user's facility, either by use of the water utility's meter or by private meter, may be required by the District to facilitate the reevaluation study. If the reevaluation study demonstrates that the capacity fees previously imposed do not reflect the actual flow and strength characteristics of the user's discharge, then an additional fee may be imposed or refund issued thereafter based on the actual flow and strength characteristics as determined by the reevaluation study.

The user shall be responsible for payment of any additional fee within thirty days of receipt of a District invoice therefore if the reevaluated fee is more than ten percent greater than the actual capacity fee originally paid.

#### **Section 6.12.060      Change of use.**

A. Added Burden. Any change of use for a parcel that results in an added burden on the District's facilities will subject that parcel to additional capacity fees for the added burden. Any person who causes an added burden to be imposed shall pay capacity fees in accordance with this chapter. With respect to discharges that constitute an increase in the existing strength and/or quantity of wastewater attributable to a particular parcel or operation which is already connected to the District's sewerage system, such additional capacity fees shall be determined based on the added burden placed on the sewerage system as measured by the applicable unit of measure and RUE factors. When change in use requires that the parcel be reclassified to a different user group, the applicable fees shall be calculated using the RUE factors for the new user group.

B. It shall be the duty of the owner of the parcel as well as any other person made responsible under this chapter for payment of fees, to notify the District of any added burden imposed upon the owner's parcel or within the operations thereon prior to the change of use or immediately upon learning of the change of use, whichever comes first. If an added burden has occurred without payment of capacity fees when due as set forth in Section 6.12.030(0), "Time for Payment and Penalties for Delinquent Payment", payment of the fees shall be due from the time of imposition of the added burden or from the time of the District's discovery of the added burden, at the discretion of the General Manager.

#### **Section 6.12.070      Capacity fee credits.**

No capacity fee credits for demolition and reconstruction or other change in use will be allowed except as specifically provided in this section.

A. Capacity Fees Not Transferable. Capacity fees are not a commodity and may not be sold, traded, transferred, or otherwise alienated. Capacity fees may not be transferred as between parcels, except in the case of re-parcelization or consolidation of parcels for the

purpose of development thereon.

B. Demolition/Change in Use Credits. A credit may be considered by the District Board where new construction replaces a demolished building, if fees were paid and required District inspections performed on the demolished building. The credit for a demolished building shall be equal to the capacity fees that would be paid if the demolished building were to be connected under the terms of this chapter, based on the capacity fees, rates and charges in effect at the time the credit is requested.

A credit for a change of use of a parcel may be allowed where fees were paid and required District inspections performed if the new use imposes a greater burden on the District's services and facilities. The determination of a credit shall be based upon the RUE factors and the units of measure existing immediately prior to the construction of the improvement or occurrence that brought about the change of use when compared to the same factors after the change in use.

The credit provided above shall be based on the highest use (the greatest burden on the District) for which capacity fees (or other predecessor connection fees) have been paid, at the capacity fees in effect at the time the credit is requested.

It shall be the responsibility of the applicant requesting a credit to demonstrate to the reasonable satisfaction of the General Manager the user group and the unit of measure which was applied to a demolished building or the building for which there was a former use; further, the applicant shall demonstrate that such building was legally connected to the sewer system and that fees for such connection were paid to the District. In the case that a demolition credit is claimed, the applicant shall demonstrate that the building's side sewer has been properly abandoned. The credits provided for above shall be available for change of use (including demolition and reconstruction) on the same parcel and are not transferable. Credits shall be allocable to the owner of such parcel at the time of change of use.

C. Allocation of Capacity Fee Credits. Previously paid capacity fees run with the parcel. Past fee payments that are in excess of current fees due (credits) belong to the parcel owner. Credits may be transferred from one tenant space to another on the same parcel in accordance with written directions from the parcel owner. Where credits are available, they will be calculated on the same basis as the current fees due.

D. Payment for Capacity Fee Credits Not Applicable. Credits as calculated pursuant to the provisions of this chapter will be applied as an offset against fees which become due subsequent to building demolition and reconstruction or at the time of other change of use. No direct cash refund or payment for any such credits will be made by the District, even if the demolition and reconstruction or other change in use produces a net reduction in burden (RUE) on the subject parcel.

#### **Section 6.12.080 No repeal of prior fees.**

The ordinance amending this chapter shall not repeal the District's existing ordinances regarding the collection of capital improvement fees (connection charges). Nothing in the ordinance amending this chapter is intended to repeal, extinguish, suspend or allow to lapse any obligation to pay fees under prior ordinances nor fees calculated under prior ordinances. It is the specific intent of this chapter that all obligations to pay fees arising before the date this ordinance becomes effective shall remain in effect.

**Section 6.12.090      Schedule of capacity fees, rates and charges.**

The Board of Directors has adopted the capacity fees, rates and charges for Crockett, as set forth in Ordinance No. 04-1 pursuant to the provisions of this chapter, to ensure adequate funding of (1) all needed upgrades, replacements, renovations and improvements of existing District wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal facilities to maintain their capacity; (2) additions to and expansions of the capacity of these facilities in the future when needed or as required to meet legal and regulatory requirements (all of which services and facilities will ultimately be shared by current and future users); (3) for equitable adjustment of capital contributions as between new, current and contractual users; (4) for prudent reserves requirements of the Crockett Sewer Construction Fund occasioned by the added burden on District services and facilities attributable to new users and current users who change the use of their connected buildings or facilities; and (5) to provide that each new user and each current user who changes the use of his/her connected buildings or facilities pays his/her fair share of the cost of District services and facilities.

Capacity fees, rates and charges for Crockett are set forth in District Code Section 6.34.010.

Capacity fees, rates and charges for Port Costa are set forth in District Code Section 6.34.020.

**Section 6.12.100      Special Circumstances Regarding Payment.**

As adopted by Ordinance No. 99-1, if appropriate, by reasons of special circumstances, the District may enter into an agreement with the owner(s) of premises subject to a connection charge and the parcel(s) of which such premises are a part, providing for payment of such charge at a time or times different from that otherwise provided in Section 6.12.030(D) of the District Code. Such agreement may provide for payment of a connection charge in installments over a period not to exceed that authorized in California Health and Safety Code Section 5474 and as such Section may be amended or superseded. Such agreement may also provide for payment of interest on the unpaid balance of the connection charge at a rate of not more than that authorized in California Health and Safety Code Section 5474 and as such Section may be amended or superseded. An agreement for payment of a connection charge in installments may also provide for making the unpaid connection charge installments and interest a lien against the parcel(s) of which the premises subject to the connection charge are a part, following notice and hearing as provided by state law. Such agreement may also provide for the inclusion of such unpaid amounts, including interest, in the parcel's property tax bill. Such agreement may also provide for the acceleration of all installment payments and accrue interest upon the failure of such owner to timely make any payment required under such agreement.

## **Chapter 6.16 SPECIAL CONDITION EQUALIZATION CHARGES**

6.16.010 Findings.

6.16.020 Equalization charge.

**Section 6.16.010 Findings.**

The Board of Directors finds that under certain special conditions, capital improvements to District facilities may have been constructed in the past or may be constructed in the future, by the District or by others under District programs, for which all benefited property is not assessed its fair share of the cost of such improvements under fees and charges established under other chapters of this Title (Fees and Charges). The Board also finds that where such improvements have been made it may be necessary to impose an equalization charge on the owners of property at the time of connection to the District's sewerage system to provide for equity and to fairly distribute the cost of the improvements among all property benefiting from the improvements.

**Section 6.16.020 Equalization charge.**

The Board may from time to time, after conducting a properly noticed public hearing, establish equalization charges for particular property to equalize the investment in, and fairly and equitably distribute the cost of, certain capital improvements to District facilities for which other fees and charges do not apply among all property benefiting from the improvements.

## **Chapter 6.20 REIMBURSEMENT FEES**

- 6.20.010 Policy statement, findings, declaration of purpose and definitions.
- 6.20.020 Eligibility to establish reimbursement accounts.
- 6.20.030 Installer submittals.
- 6.20.040 Reimbursement fees.
- 6.20.050 Adoption of reimbursement fees by ordinance.
- 6.20.060 Notice to affected property owners.
- 6.20.070 Effective date of reimbursement fees.
- 6.20.080 Collection of reimbursement fee deposits.
- 6.20.090 Installer's maximum recovery of costs.
- 6.20.100 Apportionment of reimbursement funds when more than one installer.
- 6.20.200 Funds and accounts.
- 6.20.210 Adjustment of reimbursement fees and installer's maximum recoveries.
- 6.20.220 Timing for payment of reimbursement fees and deposits.
- 6.20.230 Expiration of reimbursement fees.
- 6.20.240 District not liable.
- 6.20.250 Effect of chapter.

**Section 6.20.010 Policy statement, findings, declaration of purpose and definitions.**

A. It is the policy of the District that public sewage facilities be designed and installed to provide for gravity wastewater utility service to the ultimate tributary service area projected for such facilities, and that the costs for such facilities be fairly and equitably distributed among those customers who will use the facilities.

B. The Board of Directors finds:

1. That it is in the public interest for the District to require installers to design and construct public sewage facilities having capacity that exceeds the need attributable to and reasonably related to development of their property to avoid replacement of existing, or construction of additional parallel public sewage facilities to serve properties not provided capacity when the public sewers were first designed and constructed, since such replacement or additional construction results in:

- a. Increased District capital, operations and maintenance expense;
- b. Public inconvenience;
- c. Reduction in the efficiency of collection system operations; and
- d. Potential public health hazards.

2. That construction of public sewage facilities that are sized and designed to provide wastewater utility service to properties other than those owned or to be developed by the installer is necessary for orderly and proper extension of wastewater utility service to all such properties which could reasonably be served.

3. That it is therefore necessary to require installers to design and construct public sewage facilities having capacity that exceeds the need attributable to and reasonably related to development of their property.

4. That the cost of public sewage facilities should be fairly and equitably distributed among those customers who will ultimately use the facilities, so that the incremental cost to properly size and design such facilities does not prevent the installation of proper public sewage facilities consistent with the policy stated in this section.

5. That rebate accounts, and rebate fees and charges established under prior ordinances, remain in full effect and shall be considered to be reimbursement accounts, and reimbursement fees under this chapter.

C. The purpose of this chapter is to require that public sewage facilities have adequate capacity and are configured to handle the sewage flow from the property that could reasonably be served by the facilities, and to provide for fair and equitable distribution of the costs of such facilities through a reimbursement program. The rules and procedures for establishment of reimbursements, and the collection and disbursement of reimbursement funds are governed by this chapter.

D. The following definitions apply to this chapter:

1. "Standard facilities" means public main, local street and collector sewers installed using conventional construction techniques, and ordinary appurtenances to such public sewers, such as manholes and rodding inlets.

2. "Special facilities" means public trunk sewers, interceptor sewers, pumping stations, or public main, local street and collector sewers that require special, unconventional installation techniques, such as tunnels, micro-tunnels, creek or channel crossings requiring bridges, trestles, culverts, and/or channel modifications, greater than twenty foot trench depth requiring use of trench less technologies and/or unusually costly shoring or traffic control measures, or other non-standard appurtenances of unusually high cost.

3. "Installer" means a property owner or developer who is financially responsible for installation of standard or special facilities, the capacity of which exceeds the need attributable to and reasonably related to development of his/her property.

4. "Bonds" means the project improvement security required by the District to guarantee satisfactory completion and warranty of the standard or special facilities by the Installer, and payment by the Installer to contractors, subcontractors, and others providing equipment, labor or materials for construction of the facilities.

#### **Section 6.20.020 Eligibility to establish reimbursement accounts.**

A. Standard Facilities. The installer of a public sewage facility that is a standard facility may apply to establish a reimbursement account for the facility by making the post-construction submittals as required by Section 6.20.030 A.

Alternatively, the installer may apply for early establishment of a reimbursement account by completing all of the submittals required by Section 6.20.030 A, substituting estimates of the costs of engineering, right-of-way, construction and bonds for the standard facility, acceptable to the General Manager, in place of the contracts and receipts documenting the actual costs therefore. In the case of such early establishment of a reimbursement account, the installer shall also complete the post-construction submittal of contracts and receipts documenting to the satisfaction of the General Manager the actual costs of engineering, right-of-way, construction and bonds for the standard facility required by Section 6.20.030(A)(4), *no later than six months after the District's acceptance of a standard facility*, to remain eligible to receive reimbursements under this chapter.

B. Special Facilities. To be eligible to establish a reimbursement account for a special facility, the prospective installer shall obtain the approval of the General Manager prior to the issuance of a District permit for the construction of the facility. The installer may apply to establish a reimbursement account for the facility by making the preconstruction submittals required by Section 6.20.030 B. To remain eligible to receive reimbursements under this chapter after the District's acceptance of the special facility, the installer shall also complete the post-construction submittals required by Section 6.20.030 C.

C. The General Manager will determine whether establishing a reimbursement account is justified by evaluating submittals from the installer. If the General Manager determines that properties other than those owned or to be developed by the installer could reasonably be physically connected directly to the facility in the case of standard facilities, or could reasonably be served by the facility in the case of special facilities, the installer shall be eligible to establish a reimbursement account.

In addition, the installer of a special facility shall be eligible to establish a reimbursement account prior to construction of the special facility, when properties that could reasonably be served by the special facility in the future receive interim service through use of temporary facilities.

#### **Section 6.20.030 Installer submittals.**

A. Post-Construction Submittals for Standard Facilities. *No later than six months after the District's acceptance of a standard facility*, the installer shall submit all of the following to the General Manager:

1. A scale map delineating the standard facility as well as all parcels that could reasonably be physically connected directly to the standard facility; and
2. A list of all parcels that could reasonably be physically connected directly to the standard facility including each owner's name, address, county assessor's parcel number and current

zoning; and

3. A statement disclosing any agreements regarding the sharing of the standard facility costs that exist between the installer and any other party or parties; and
4. Contracts and receipts documenting to the satisfaction of the General Manager the actual costs of engineering, right-of-way, construction and bonds for the standard facility.

B. Preconstruction Submittals for Special Facilities. To provide for evaluation and approval of reimbursements for a special facility prior to the issuance of a District permit for the construction of the facility, the prospective installer shall submit all of the following to the General Manager *at least thirty days prior to time of his/her application for the permit.*

1. A scale map delineating the special facility, as well as all parcels that could reasonably be served by the special facility; and
2. A list of all parcels that could reasonably be served by the special facility including each owner's name, address, county assessor's parcel number and current zoning; and
3. A statement disclosing any agreements regarding the sharing of the special facility costs that exist between the installer and any other party or parties; and
4. Estimates satisfactory to the General Manager of the costs of engineering, right-of-way, construction and bonds for the special facility.

C. Post-Construction Submittals for Special Facilities. In addition to the preconstruction submittals required by Section 6.20.030 B, *no later than six months after the District's acceptance of a special facility*, the installer shall submit all of the following to the General Manager:

1. Contracts and receipts documenting to the satisfaction of the General Manager the actual costs of engineering, right-of-way, construction and bonds for the special facility;
2. Copies of the maps, parcel lists and statements regarding existing agreements for the sharing of the special facility costs submitted pursuant to Section 6.20.030 B, updated to show any changes.

#### **Section 6.20.040 Reimbursement fees.**

A. Reimbursement fees will be calculated by dividing the sum of all allowable costs of the standard or special facility by the total number of connections or residential unit equivalents that could reasonably be physically connected directly to the facility in the case of standard facilities, or could reasonably be served by the facility in the case of special facilities. Reimbursement fees will be determined based on consideration of the following:

1. Costs that are allowable for inclusion in the calculation of reimbursement fees are those that are directly related to the planning, design and construction of the standard or special facility, including payments to contractors and engineers, securing bonds, and acquiring right-of-way for the project. Ineligible costs include, but are not limited to, attorneys' fees, financing costs, and the installer's overhead and office expenses related to the coordination and supervision of contractors engaged to perform project work.
2. The total number of connections or residential unit equivalents that could reasonably be physically connected directly to the facility in the case of standard facilities, or could reasonably be served by the facility in the case of special facilities will be determined considering zoning regulations of the agency having jurisdiction for determining land use policy in the area to be served, the configuration of the District's existing sewage facilities, the character of development

adjacent to the reimbursement area, and site topography.

B. The Board of Directors recognizes that the above listed factors may not be the only basis for determining reimbursement fees in every case, and therefore authorizes the General Manager to exercise his/her judgment in determining the actual reimbursement fee that applies when, in his/her opinion, modifications are justified.

**Section 6.20.050 Adoption of reimbursement fees by ordinance.**

The District Board of Directors shall adopt reimbursement fees for particular standard and special facilities, from time to time, by ordinance upon a two-thirds vote, after having conducted a properly noticed public hearing, at which oral or written presentations could be made, as part of a regularly scheduled meeting.

**Section 6.20.060 Notice to affected property owners.**

*At least ten days prior to the public hearing to receive comments regarding the adoption of reimbursement fees, the District shall notify the property owner or owners of record of the properties to which such reimbursement fees will be applicable, as identified on the last equalized assessment roll, by U.S. mail of the time and place of the public hearing. The notice shall include a general description of the District's reimbursement fee program, a description of the standard or special facilities installed or to be installed which give rise to the particular reimbursement fee proposed, and the initial amount of the proposed fee.*

**Section 6.20.070 Effective date of reimbursement fees.**

The reimbursement fee for a particular standard or special facility shall become effective *seven days after publication of the ordinance adopting the reimbursement fee for the particular facility.*

**Section 6.20.080 Collection of reimbursement fee deposits.**

To ensure that all property owners pay their fair and equitable share of the cost of standard and special facilities, the General Manager may establish reimbursement fee deposit accounts, determine reimbursement fee deposit amounts, and collect such reimbursement fee deposits from property owners who apply to connect their property directly to a standard facility, or to a public sewer upstream of and tributary to a special facility, prior to adoption of a reimbursement fee for the facility. The amount of the reimbursement fee deposit shall be determined by the General Manager by the method of Section 6.20.040, substituting estimates of the costs of engineering, right-of-way, construction and bonds for the facility in place of the actual costs therefore. When the reimbursement fee applicable to the facility is adopted by the Board of Directors, the reimbursement fee deposit shall be used to pay the reimbursement fee applicable to the property. Any portion of the deposit, including interest calculated in accordance with California Government Code Section 53079, remaining after payment of the applicable reimbursement fee shall be returned to the property owner. If the applicable reimbursement fee exceeds the deposit, the property owner shall be invoiced by U.S. mail for the difference, and shall pay such amount to the District *within sixty days of receipt of such invoice.* If no applicable

reimbursement fee is adopted within one year of the date of the District's acceptance of the facility, the deposit, including interest calculated in accordance with California Government Code Section 53079, shall be returned to the property owner.

The District may accept securities in lieu of cash deposits in accordance with current law.

**Section 6.20.090      Installer's maximum recovery of costs.**

An installer's maximum recovery of costs for installation of a standard or special facility will be calculated as the sum of all allowable costs of the standard or special facility, less the share of the cost for the installer's use of the standard or special facility based upon the number of installer connections or residential unit equivalents as determined by the General Manager pursuant to Section 6.20.040. The installer's maximum recovery shall also be reduced by the sum of all applicable reimbursement program administration charges that may be established from time to time by the District Board of Directors, and by the sum of all reimbursement fees waived by the installer pursuant to agreements regarding the sharing of costs between the installer and any other party or parties.

**Section 6.20.100      Apportionment of reimbursement funds when more than one installer.**

Where there is more than one installer of a standard or special facility, reimbursement funds collected shall be disbursed in proportion to the allowable costs of the project funded by each of the installers and in consideration of the total number of potential connections or residential unit equivalents, as determined by the General Manager.

**Section 6.20.200      Funds and accounts.**

Funds collected by the District under this chapter shall be placed in segregated accounts for each project for which reimbursement fees or deposits are established. Between January 1st and April 1st of each year, the District will review each account to determine which accounts have fund balances. The District will notify each installer by U.S. mail to the last known address of the installer of any accumulated funds collected from connectors. Upon written request by the installer, the District will disburse the accumulated funds.

The record of each reimbursement account shall show the amount of the installer's maximum recovery of costs as determined pursuant to Section 6.20.090 and as adjusted pursuant to Section 6.20.210. When this amount is collected and paid, collection of reimbursement fees and payments to the installer shall cease, and the reimbursement account shall be closed.

If a request for disbursement of funds is not received from the installer within three years, after an initial District notification, and after two additional yearly notifications have been sent, the funds shall become the property of the District in accordance with general law, if not claimed, or if no verified complaint is filed and served. The District will close the reimbursement account and deposit said funds in the District's Sewer Construction Fund. Said notice and deposit dissolves any and all claim the installer may have had to the reimbursement funds, and the District's collection of reimbursement fees for the standard or special facility shall cease.

**Section 6.20.210      Adjustment of reimbursement fees and installer's maximum recoveries.**

A.      If at any time the General Manager determines that the allowable costs or the total number of connections or residential unit equivalents that could reasonably be physically connected directly to the facility in the case of standard facilities, or could reasonably be served by the facility in the case of special facilities, deviate from the determinations used in calculating the reimbursement fees pursuant to Section 6.20.040, he/she may recalculate the reimbursement fees to be collected from future connectors. If reimbursement fees are recalculated, future connectors may pay a reimbursement fee different from that paid by previous connectors. In the case of such recalculation, the District will not be responsible for collecting additional reimbursement fees from or refunding excess reimbursement fees to previous connectors.

B.      The General Manager shall review installer's maximum recoveries and reimbursement fees from time to time to adjust for the increase or decrease in the value of facilities over time. A review will be undertaken on an account within the year prior to collection of any reimbursement fees payable to that account. The Engineering News Record (ENR) Construction Cost Index shall be the basis for any adjustment and no other interest component will be considered.

C.      There shall also be an annual adjustment for depreciation based on the useful life of the standard or special facility. *The useful life of standard or special facilities for purposes of this chapter is seventy-five years for sewers and forty years for pumping stations.*

**Section 6.20.220      Timing for payment of reimbursement fees and deposits.**

Payment of applicable reimbursement fees and deposits shall be made prior to the time of the District's issuance of a Contractor's or Homeowner's Permit to connect to a public sewer

**Section 6.20.230      Expiration of reimbursement fees.**

Each reimbursement fee adopted pursuant to this chapter shall automatically expire on the twentieth anniversary of the date of the District's acceptance of the standard or special facility for which the reimbursement fee was established. The District's collection of such reimbursement fees shall cease on such expiration date. Any funds remaining in the account as of the expiration date shall be disbursed pursuant to Section 6.20.200, and the reimbursement fee account shall be closed.

**Section 6.20.240      District not liable.**

The District provides the reimbursement program as a convenience for installers and is not liable to any person for failure to establish or collect reimbursements.

**Section 6.20.250      Effect of chapter.**

This chapter or any action taken pursuant hereto does not create any right, title or interest in any property. The Board may change or repeal any portion of this chapter at any time. No property right becomes vested by operation of this chapter and the District is not liable for

damage of any nature related to any change or repeal of any portion of this chapter.

## **Chapter 6.24 SEWER SERVICE CHARGE**

- 6.24.010 Findings and purposes.
- 6.24.020 Basis of charge.
- 6.24.025 Out-of-agency service contracts.
- 6.24.030 Rates.
- 6.24.035 Notification of rate changes.
- 6.24.040 Power to inspect premises.
- 6.24.050 Enforcement.
- 6.24.060 Vacancy.
- 6.24.070 Refunds.
- 6.24.080 Adjustments.
- 6.24.090 Effective date of charges.
- 6.24.100 Due date of charges.
- 6.24.110 Delinquency date.
- 6.24.120 Where payable.
- 6.24.130 Billing.
- 6.24.140 Persons responsible.
- 6.24.150 Penalties for nonpayment--Lien.
- 6.24.160 Collection of charges on tax roll.
- 6.24.170 Government or public premises.

**Section 6.24.010 Findings and purposes.**

The Board finds and determines that the protection of the environment is of the highest priority and that it is necessary and desirable to aid in the protection of that environment by building improved sewerage facilities for the collection, treatment and disposal of sewage in the Crockett and Port Costa zones

To accomplish this basic aim, the Board finds and determines that it is necessary to establish a sewer service charge in the manner set forth in this chapter. All users shall pay a user charge to the District for wastewater collection, treatment and disposal services. This sewer service charge shall be in addition to the fee imposed on certain users for the administration of the source control program as set forth elsewhere in this Title. The sewer service charge shall reflect the quantity, quality and flow of the wastewater of the user and will be based on the District's operating and maintenance, capital replacement and capital improvements costs for the collection, treatment and disposal of the wastewater. The sewer service charge shall be set from time to time by ordinance of the District Board. (Government Code Section 61115(a)(1))

**Section 6.24.020 Basis of charge.**

The basis of the sewer service charge is a fair and equitable distribution of sewer system costs to the benefited users of the sewer system as prescribed by the State and the United States Environmental Protection Agency. "Benefited user" is defined as an owner of improved property connected to the public sewer system.

As a predominantly residential service agency, the basic unit charge established in this chapter by the District is that necessary to recover the sum of total system and plant operation, maintenance, and replacement costs, and general administration and accounting cost for providing service to an average single-family dwelling unit, and shall be a flat rate per year per living unit. The basic unit charge for other users of the system shall be in units of one hundred cubic feet of sewage discharged to the sewer system.

Certain other costs of the District, as defined in the District's five-year revenue program, include recovery of capital costs. These capital improvement costs for plant and sewer system shall be financed, as much as possible, from revenues derived from ad valorem taxes, fixture charges, annexation charges, agency contracts, and connection charges. The necessary charges shall be established by ordinance of the Board of Directors of the District and reviewed annually. Charges shall be based on the use of the sewer system for the most recent fiscal year for which water consumption data is available in January from EBMUD for Crockett zone and in July from Contra Costa Water District for Port Costa zone.

**Section 6.24.025 Out-of-agency service contracts.**

Subject to approval by the Local Agency Formation Commission, the District may provide sewer services to properties outside District boundaries by service contract. The District has provided service to C&H Sugar Company, Crockett Cogeneration, along with businesses on the Crockett waterfront, from time to time, by out-of-agency contract. The District is currently providing sewer service to one property in Port Costa pending annexation.

**Section 6.24.030 Rates.**

The rates for the sewer service charge shall be established by ordinance of the Board of Directors of the District and reviewed annually. The rates shall be computed in accordance with the five-year revenue program of the District.

The residential (SFR) basic unit charge and apartment (APT) basic unit charge shall be single flat rates. The APT basic unit charge shall be the minimum amount charged any billing category.

The properties to be affected by the sewer service charge and the schedule of rates shall be fixed and amended from time to time by ordinance of the Board of Directors.

**Section 6.24.035 Notification of rate changes.**

Pursuant to State law, the District shall first notify all property owners of proposed rate changes prior to taking any such action, as provided in Section 6.24.160.

**Section 6.24.040 Power to inspect premises.**

In order to effect the powers of this section and pursuant to Section 6523.2 of the Health and Safety Code of the State, the District's General Manager and his authorized representatives are given the power and authority to enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities, including, but not limited to, ascertaining the nature of such premises, the type of activities carried on therein, the number of plumbing fixtures situate therein, and any other facts or information reasonably necessary to ascertain the applicability of any charges to such premises, or the amount of such charges.

**Section 6.24.050 Enforcement.**

In the event of the failure of any owner to pay when due any charges applicable to premises owned by him, the District may enforce payments of such delinquent charges in any of the following manners:

A. The District may have such premises disconnected from the sanitary sewer system. In the event such disconnection should create a public hazard or nuisance, the General Manager or his representatives may enter upon the premises for the purposes of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace. The owner of such premises shall have a duty to reimburse the District for all expenses incurred by District in disconnecting any such premises, or in doing other things authorized by this section; and no reconnection shall be made until all such charges are paid.

B. The General Manager may institute action in any court of competent jurisdiction to collect any charges that may be due and payable in the same manner as any other debts owing to the District may be collected.

C. Any and all delinquent payments may be placed on the tax roll, and collected with property taxes, as provided in this chapter.

D. Such other action may be taken as may be authorized by law and by the Board.

**Section 6.24.060 Vacancy.**

No credit, adjustment or refund of any kind shall be made upon evidence that the premises or any part thereof are vacant unless found to be uninhabitable by reason of lack of plumbing fixtures for either a kitchen or a bathroom.

**Section 6.24.070 Refunds.**

When, upon application by a property owner, any refund becomes due and owing by virtue of action of the Board or by virtue of any error made in ascertaining the charge applicable to any customer, the Board may authorize a refund from the Operating Fund.

**Section 6.24.080 Adjustments.**

It is the intent of the provisions of this chapter, in establishing different sewer service charges for different categories of properties, to reflect the benefit from such service to each property. If, in respect to any customer, the Board should find that the charge is inequitable, or unfair because of unusual circumstances, it may establish a special service charge for such customer, differing from those otherwise established, that will bear a closer relationship to the benefit received from the District system. Such special charge may be revoked at any time by the Board whenever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

The owner of any premises, who by reason of special circumstances finds that the applicable rates are unjust or inequitable as applied to his premises, may make written application to the Board, stating the circumstances and requesting a different basis of charges for such premises. If such application is approved, the Board may fix and establish fair and equitable rates for such premises to be effective as of the date of such application and continuing during the period of such special circumstances.

**Section 6.24.090 Effective date of charges.**

The abovementioned sewer service charges shall become effective on dates set by specific ordinance.

**Section 6.24.100 Due date of charges.**

The initial payment of sewer service charges shall be made on the next property tax roll or, in the case of properties to be billed directly, as stated in the invoices for service. Sewer service charges shall become due and payable in accordance with the due dates stated on property tax bills or, in the case of properties to be billed directly, as of the date of mailing of the billing as provided in Section 6.24.130.

**Section 6.24.110 Delinquency date.**

Except as otherwise provided elsewhere in this chapter, or by service contract, each sewer service charge shall be delinquent if not paid on or before the thirtieth day immediately following

the date upon which such charge became due and payable.

**Section 6.24.120      Where payable.**

Except as otherwise provided elsewhere in this chapter, all sewer service charges shall be payable at the office of the Contra Costa County Tax Collector, if billed on the property tax roll, or as otherwise noted on the billing.

**Section 6.24.130      Billing.**

Except as provided elsewhere in this chapter, the General Manager shall ascertain the amount of each sewer service charge applicable to each premises in the District, and, if not billed on the tax roll, shall mail to the owner of each such premises in the District, on or about November 1 of each year, a bill for the sewer service charges which are then due and payable. Such bills shall be mailed to the person or persons listed as the owners on the last equalized assessment roll of the county at the address shown on such assessment roll, or to the successor in interest of such owner, if the name and address of such successor in interest is known to the General Manager. Each bill so mailed shall contain a statement that a delinquency in payment for thirty days shall constitute a lien against the lot or parcel against which the charge is imposed and that when recorded shall have the force, effect and priority of a judgment lien for three years unless sooner released or otherwise discharged. Failure of the General Manager to mail any such bill or failure of any owner to receive any such bill, shall not excuse the owner of any premises from the obligation of paying any sewer service charge for any premises owned by him.

**Section 6.24.140      Persons responsible.**

The owner of any premises is and shall be responsible for payment of any and all sewer service charges applicable to premises owned by him. It shall be and is the duty of each such owner to ascertain from the General Manager the amount and due date of any such charge applicable to premises owned by him and to pay such charge when due and payable. It also shall be and is the duty of all owners of all premises to inform the General Manager immediately of all circumstances, and of any change or changes in any circumstances, that will in any way affect the applicability of any charge to premises owned by him or the amount of any such charge.

**Section 6.24.150      Penalties for nonpayment--Lien.**

Except as otherwise provided in this chapter for collection of sewer service charges through general tax law, whenever a delinquency charge shall occur for nonpayment, penalties shall accrue in accordance with Section 1.08.060. After delinquency for thirty days such unpaid charge and penalties shall constitute a lien upon the lot or parcel of land against which the charge was levied. (Government Code Section 61115(a)(3)(C))

**Section 6.24.160      Collection of charges on tax roll.**

A. Pursuant to the provisions of Division 5, Part 3, Chapter 6, Article 4 of the Health and Safety Code of the State, and subject to the exceptions set forth in this chapter, the District

elects, as an alternative procedure for the collection of sewer service charges prescribed or imposed by the provisions of this chapter to have all such sewer service charges for each fiscal year collected on the tax roll in the same manner, by the same persons and at the same time as, and together with and not separately from its general taxes. (Government Code Section 61115(b))

B. The General Manager is directed to annually prepare and file with the District Secretary before the first day of June, or as set by the State Health and Safety Code, a written report containing a description of each and every parcel of real property receiving the sewer services hereinabove mentioned and the amount of the sewer service charge for each parcel for the forthcoming fiscal year, in conformity with the charges prescribed herein. Providing and excepting that: the sewer service charges for any and all governmental or public premises or for any premises that are not subject to taxation on the tax roll shall not be included in the report, but shall be collected in accordance with other provisions of this Code. The parcels of real property included in the report may be described by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code of the State and on file in the office of the County assessor, or by reference to plats or maps on file in the office of the District.

C. The District Secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published prior to the date set for hearing in a newspaper of general circulation printed and published within the District. The publication of the notice shall be once a week for two successive weeks, or as set by State law. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the fourteenth including therein the first day.

D. Whenever the Board should propose changes in the schedule of sewer service charges, the District Secretary shall also cause a written notice of the amount of the charge and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is assessed on the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the District Secretary, in accordance with Division 5, Part 3, Chapter 6, Article 4 of the Health and Safety Code and State Proposition 218.

E. If the Board adopts the report for the forthcoming year, July 1 to June 30, inclusive, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years, but notice by publication as hereinabove provided shall be adequate.

F. At the time stated in the abovementioned notice, the Board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the District finds that protest is made by owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall not be changed.

G. Upon the conclusion of the hearing, the Board may adopt, revise, change, reduce or modify and change or overrule any or all objections, and shall make its determination upon each charge as described in the report, which determination shall be final.

H. On or before the tenth of August of each year following such final determination, the District Secretary shall file with the County Auditor a listing of charges to be placed on the property tax roll and a resolution adopted by the Board authorizing placement on the tax roll, and the County Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

I. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the date prescribed by law as the lien date for general property taxes.

J. The County Tax Collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

K. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the District and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

L. All laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to, those pertaining to matters of delinquency, collection, cancellation, refund and redemption, are applicable to such charges.

M. The Tax Collector may in his discretion issue separate bills for such charges and separate receipt for collection on account of such charges. The County shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges in an amount to be fixed by the Board of Supervisors of the County.

N. If any premises within the District are omitted from the abovementioned report or the tax roll, either because the charge therefore shall not have yet been ascertained by the General Manager as of the date of the report or for any other reason, the sewer service charge for each premises shall be collected in the manner provided elsewhere in this chapter. If the charge for any premises, as shown on the report for the forthcoming fiscal year should be less than that which should be the charge therefore under the provisions of this chapter, the balance of the charge shall be collected in the manner provided elsewhere in this chapter.

#### **Section 6.24.170 Government or public premises.**

The provisions of this chapter shall apply to governmental or public premises as well as to premises that are not governmental or public premises. As used in this section, "governmental or public premises" means and includes premises that are owned, controlled or used by (a) the United States government or any department or agency thereof, (b) the State of California or any department or agency thereof, (c) Contra Costa County or any department or agency thereof, (d) any school district, (e) any other governmental or public entity.

## **Chapter 6.26 ANNUAL INDUSTRIAL PERMIT FEES**

6.26.010 Annual industrial permit fees.

**Section 6.26.010      Annual industrial permit fees.**

The Board shall from time to time, after a public hearing, establish by ordinance the annual industrial permit fee to be charged by the District for the purpose of partially recovering the industrial pretreatment program costs from industries that are permitted in the program as set forth in Title 10 of this Code.

The annual industrial permit fee ordinance shall set forth in an exhibit thereto the fees or schedule of charges. The fees or schedule of charges, as specifically set forth in the exhibit, is codified in Chapter 6.30 of this Code, and shall be maintained in the District Secretary's office and is available to the public upon request.

## **Chapter 6.28 USE OF TAX ROLL FOR COLLECTION**

6.28.010 District may elect to use tax roll for collection.

**Section 6.28.010 District may elect to use tax roll for collection.**

The District may elect to use the tax roll on which general District taxes are collected for the collection of current or delinquent charges for services and facilities furnished by the District. The election is pursuant to Government Code Section 61115(b).

**Chapter 6.30 SCHEDULE OF CHARGES FOR PERMITS, INSPECTIONS, AND PLAN REVIEW.**

6.30.010 Charges.

**Section 6.30.010 Charges**

The District has adopted Ordinance No. 93-1 and amended by Ordinance No. 19-4 setting forth a schedule of charges for private sewer permit fees and public sewer review and inspection fees.

The following chart displays the charges currently in effect within the Crockett Community Services District:

**Private and Building Sewer Permit and Inspection Fees**

Permit Fee – New Building Sewer or Replacement (Includes 2 inspections only)	\$60.00
Permit Fee – Building Sewer Repair (Includes 1 inspection only)	\$30.00
Permit Fee – Per additional Inspection	\$20.00

**Public Sewer Plan Review and Inspection Fees**

Five percent (5%) deposit of the estimated cost of said proposed public sewer main(s)

All inspection work performed by the District during hours other than between 8 a.m. and 4:30 p.m. shall be considered as overtime inspection work. The fee for overtime inspection, established by the District's Cost of Services hourly billable rate, shall be charged to and paid by the Contractor. If amounts owed for such services are not paid within thirty (30) days from the date of billing, no final inspections will be made on work in progress, no additional overtime will be allowed, and no permits for additional work will be issued until the amounts owed plus delinquent charges are paid. If amounts owed for such services are not paid within sixty (60) days from the date of billing, such amounts will be deducted from the Contracts cash deposit bond held by the District, and no additional permits for work will be issued until the value of said cash deposit bond is restored to its original amount.

Additionally, the District has often needed to utilize the expertise of the West County Wastewater District and/or our District Consulting Engineer for development plan review, special lateral or sewerage pump applications, and sewer construction inspection. Consequently, the schedule of charges used by the West County Wastewater District and/or Consulting Engineer, as it may be amended from time to time, is hereby adopted by the Crockett Community Services District for all environmental and development-related services obtained from West County Wastewater District or our Consulting Engineer.

**Chapter 6.32      SCHEDULE OF ANNEXATION CHARGES**

6.32.010 Charges.

**Section 6.32.010 Charges**

The District has adopted Ordinance No. 90-91-100 setting forth a schedule of annexation charges.

The following chart displays the charges currently in effect within the Crockett Community Services District:

For Single Family Residential Dwelling Units	\$1,036.00 per unit
For Multiple Residential Dwelling Units	\$ 691.00 per unit
For Commercial and Public Use Facilities	\$4,140.00 per acre

**Chapter 6.34**

**SCHEDULE OF CAPACITY FEES, RATES AND CHARGES**

6.34.010 Charges in Crockett zone.

6.34.020 Charges in Port Costa zone.

## Section 6.34.010 Charges in Crockett zone

The District has adopted Ordinance No. 04-1 setting forth a schedule of connection charges as part of its Capacity Fee program.

The following chart displays the charges currently in effect in Crockett (Ord. 04-1).

1. For single family residential dwelling units within Crockett: \$2,425.00
2. For multiple residential dwelling units within Crockett (per unit): \$1,617.00
3. For Commercial and Public Use Facilities in Crockett (based on sum of fixture charges listed below:

### For Ordinary Plumbing Fixtures:

Toilet	\$ 323.00
Floor Drain	\$ 242.00
Lavatory	\$ 162.00
Bath or Shower	\$ 162.00
Laundry Outlet	\$ 162.00
Kitchen Sink	\$ 162.00

### For Special Commercial and Public Use:

Garbage Grinder and Disposal	\$ 202.00 (+ \$202.00 per ¼ hp.)
Floor Drain, Gas Station, Garage, Restaurant, Fountain, Grocery Store, Meat Market, Kennel, Cleaning Plant	\$ 242.00
Urinal	\$ 162.00
Drinking Fountain	\$ 81.00
Grease Trap	\$ 242.00
Dental Lavatory	\$ 81.00
Clothes Washer	\$ 162.00
Dishwasher	\$ 242.00
Floor Drain, Self Service Car Wash	\$ 487.00

### Special Rates by Use:

Drive thru Car Wash	Special Study
Convalescent Hospital, Rest Home, Hospital, Group Home (per bed)	\$ 364.00
School (per classroom)	\$ 720.00
Shell Structures with Incomplete Tenant Improvements* (per 1,000 sq. ft. gross bldg. area)	\$1,615.00

\*Connection charges to be reevaluated and rebilled on fixture unit basis upon completion of tenant improvements.

**Section 6.34.020 Charges in Port Costa zone**

The following chart displays the charges currently in effect in Port Costa:

For all Buildings	\$5,500.00
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## **Chapter 6.36 SCHEDULE OF SEWER SERVICE CHARGES**

6.36.010 Charges in Crockett zone.

6.36.020 Charges in Port Costa Zone

**Section 6.36.010 Charges in Crockett zone**

The 2018/19 rates for sewer service for users of the Crockett sewer system were adopted by Ordinance No. 18-2 for the fiscal year beginning July1, 2018, and shall continue thereafter in effect until further action of the Board of Directors.

The following chart displays the charges currently in effect:

	USER CLASSIFICATION	FY 2018/19 SEWER USE CHARGE
	Single Family Residence (SFR)	\$789 per year per SFR*
	Apartment (APT)	\$624 per year per APT*
	Non-residential Accounts	\$624 plus \$12.45 per 100 cubic feet of water consumption in excess of 5927 cubic feet per year
	Mixed-use Accounts	\$624 plus \$12.45 per 100 cubic feet of water consumption in excess of 5927 cubic feet per year (min. \$624 per APT) (min. \$789 per SFR)

\*Based on average discharge of sewage per unit of the user classification.

**Section 6.36.020 Charges in Port Costa zone**

The 2018/19 rates for sewer service for users of the Port Costa sewer system were adopted by Ordinance No. 18-3 for the fiscal year beginning July1, 2018, and shall continue thereafter in effect until further action of the Board of Directors.

The following chart displays the charges currently in effect:

	USER CLASSIFICATION	FY 2018/19 SEWER USE CHARGE
	Single Family Residence (SFR)	\$1,973 per year per SFR*
	Apartment (APT)	\$1,973 per year per APT
	Non-residential Accounts	\$1,973 plus \$33.44 per 100 cubic feet of water consumption in excess of 5901 cubic feet per year
	Mixed-use Accounts	\$1,973 plus \$33.44 per 100 cubic feet of water consumption in excess of 5901 cubic feet per year (min. \$1,973 per APT)

\*Based on average discharge of sewage per unit of the user classification.

## **TITLE 7      PARKS AND RECREATION FACILITIES**

Chapter 7.04   GENERAL PROVISIONS

Chapter 7.08   USE PERMITS

Chapter 7.12   PROHIBITED ACTS

Chapter 7.16   ENFORCEMENT AND PENALTIES

Chapter 7.20   SCHEDULE OF FINES AND PENALTIES

## **Chapter 7.04 GENERAL PROVISIONS**

7.04.010 Purpose.

7.04.020 Definitions.

7.04.025 Posted park rules.

7.04.030 Compliance with rules required.

7.04.040 Emergency closures.

7.04.050 Scheduling.

**Section 7.04.010 Purpose.**

The purpose of this chapter is to regulate the use of parks and recreation facilities of the District for the optimum use and enjoyment of the residents of Crockett and Port Costa; to establish standards to prevent the misuse and destruction of the facilities; and to establish regulations to promote the safety and comfort of users of the facilities as well as persons residing or owning property in the vicinity of the facilities. (*Ord. 19-3*)

**Section 7.04.020 Definitions.**

For the purpose of this chapter, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein:

“Commission” means the Recreation Commission of Crockett Community Services District.

“District” means the Crockett Community Services District.

“General Manager” means the District General Manager or his/her authorized representative.

“Park” means and includes all grounds, buildings, improvements and areas dedicated by the District for use by the public for outdoor recreation or open space purposes, and any part, portion or area thereof, whether developed or undeveloped or over which the District has acquired right of use for such purposes.

“Person” means any person, firm, partnership, association, corporation, company, or organization of any kind.

“Plaza” means the landscaped plaza located at Second & Pomona, Crockett.

“Pool” means the fence-enclosed aquatics center, with its swimming pool, wading pool, indoor and outdoor spaces.

“Recreation facilities” means and includes all grounds, buildings, improvements and areas dedicated by the District for use by the public for indoor or outdoor recreation.

“Vehicle” means any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages, strollers, and wheelchairs, and for vehicles in the service of the District.

**Section 7.04.025 Posted park rules.**

The General Manager may post rules and regulations for specific parks in some conspicuous place in the parks to which they apply. Such rules and regulations shall be consistent with this chapter, and for the purpose of protecting users of the parks, park property, and the public health, safety and welfare. Violation of these posted rules and regulations is an infraction, provided that such rules and regulations have been approved by resolution of the Recreation Commission.

**Section 7.04.030 Compliance with rules required.**

Any person entering, being in or remaining in or upon any park or recreation facility of the District shall comply with the provisions of this chapter, all other related provisions of this Code, and any posted park rules.

**Section 7.04.040 Emergency closures.**

The General Manager shall have the authority to close any part or portion of any park or recreation facility and require the exit of all persons therein when it is determined that conditions exist in said park or portion thereof which present hazard to the park or to public safety.

**Section 7.04.050 Scheduling.**

The General Manager shall have the authority to schedule and regulate the time, place and manner of recreational, maintenance and/or construction activities in or upon any park or recreation facility, in order to prevent congestion and to secure the maximum use thereof for the comfort and convenience of all.

## **Chapter 7.08 USE PERMITS**

- 7.08.010 Temporary exclusive use permit—Issuance conditions.
- 7.08.020 Rental agreements--Community Center—Rules and regulations.
- 7.08.030 Special event permits—Aquatics Center—Rules and regulations.
- 7.08.040 Special event permits—Downtown Plaza—Rules and regulations.
- 7.08.050 Temporary exclusive use permit—Rules compliance—Liability—Transferability.
- 7.08.060 Temporary exclusive use permit—Insurance.

**Section 7.08.010 Temporary exclusive use permit—Issuance conditions.**

Park and recreation facilities designated by the General Manager shall be made available for the temporary exclusive use of persons subject to the issuance of a permit by the General Manager and subject to any reasonable conditions relating to the use thereof and/or the payment of any reasonable fees therefore as may be hereafter adopted by the District. Exclusive use permits may take the form of rental agreements, special event permits, or reservations. Any user who has made a reservation has priority over a user who has not made a reservation.

**Section 7.08.020 Rental agreements---Community Center---Rules and regulations.**

The Crockett Community Center is a historic building available for rental events. Detailed “Rules and Regulations for Use” of this facility have been published and are incorporated herein by reference, as they may be revised from time to time by resolution of the Commission.

**Section 7.08.030 Special event permits---Aquatics Center---Rules and regulations.**

The Aquatics Center is available for rental events when not otherwise open for public use. Rules and regulations for private use of this facility have been published and are incorporated herein by reference, as they may be revised from time to time by resolution of the Commission.

**Section 7.08.040 Special event permits---Downtown Plaza---Rules and regulations.**

Crockett’s downtown Plaza is a landscaped facility for informal public use that is operated and maintained by the Crockett Improvement Association. It may be available from time to time for special events, as permitted by the Crockett Improvement Association. Rules and regulations for permitted special events have been published and are incorporated herein by reference, as they may be revised from time to time by decision of the Crockett Improvement Association.

**Section 7.08.050 Temporary exclusive use permit—Rules compliance—Liability—Transferability.**

A permittee shall comply with all recreation facility rules and regulations, and all applicable ordinances and laws. A permittee shall be liable to the District for any and all damage to facilities owned by the District that results from the activity of the permittee. No permit for temporary exclusive use of any facilities shall be transferred without the consent in writing of the General Manager.

**Section 7.08.060 Temporary exclusive use permit—Insurance.**

The General Manager may require a permittee to provide public liability and property damage insurance and indemnification provisions as may be appropriate to protect the park and recreation facilities and the public using such areas and facilities.

## **Chapter 7.12 PROHIBITED ACTS**

- 7.12.010 Merchandising, advertising and signs—Prohibited acts.
- 7.12.020 Hours.
- 7.12.030 Activities in parks—Prohibited acts.
- 7.12.040 Activities in downtown plaza—Prohibited acts.
- 7.12.050 Activities in aquatics center—Prohibited acts.
- 7.12.060 Activities in tennis courts—Prohibited acts.
- 7.12.070 Injury or misuse of park—Prohibited acts.
- 7.12.080 Animals in parks—Prohibited acts.
- 7.12.090 Operation of bicycles, skates, skateboards, non-motorized scooters and motorized vehicles—Prohibited acts.
- 7.12.100 Consumption of alcoholic beverages prohibited—Exceptions.

**Section 7.12.010 Merchandising, advertising and signs—Prohibited acts.**

Unless expressly authorized by the General Manager, no person, while in any park shall:

- A. Sell, vend, peddle, expose, offer for sale, teach, offer to instruct, sponsor a program or service for a fee, except any permitted community organization of Crockett or Port Costa, permitted vendor, regularly licensed concessionaire or independent contractor acting by and under the authority and regulation of the General Manager;
- B. Announce, advertise or call the public attention in any way to any article or service for sale or hire; or
- C. Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever; nor shall any person erect or cause to be erected any sign whatever in any park. An exception is made with respect to signs advertising the events of Crockett and Port Costa community organizations, which shall be allowed under the following guidelines:
  - 1. Signs must be professionally made;
  - 2. Signs may not be posted more than 4 weeks before the event;
  - 3. Signs must be removed within 24 hours after the event;
  - 4. Signs may be posted only on the fence at the corner of Rolph & Pomona;
  - 5. Signs must be attached only by ties that will not harm the fence paint;
  - 6. Any sign not meeting the requirements of this section will be removed.

**Section 7.12.020 Hours.**

All parks and recreation facilities therein, including parking lots serving said areas, shall be closed to the public one (1) hour after sunset and shall remain closed until sunrise the following day with the following exceptions:

- A. Such areas may remain open during any program conducted or authorized by the District and for one (1) hour after the completion thereof;
- B. Lighted courts will be closed as posted;
- C. Students are prohibited from using parks during school hours.

**Section 7.12.030 Activities in parks—Prohibited acts.**

Unless expressly authorized by the General Manager, no person, while in any park shall:

- A. Practice, play or in any way engage in the sport of archery;
- B. Play or engage in active sports or games except on areas suitable and set apart for such use, and with suitable equipment and performed in a manner as to provide for reasonable protection to both individuals and property;

- C. Operate powered or line-attached model crafts of any kind or description except in areas provided for such specific activities;
- D. Camp, lodge or remain overnight;
- E. Bring, land or cause to descend any aircraft, balloon, parachute, hang glider or other apparatus used for aviation purposes;
- F. Play, practice or in any way engage in the game of golf except in areas provided for such specific purposes;
- G. Interfere with the permitted use and enjoyment of a user who has a temporary exclusive use permit;
- H. Picnic or lunch in a place where notice has been placed prohibiting the consumption of food;
- I. Consume, possess, sell, serve, or cause to be served, any alcoholic beverage of any kind in any park area or facility without the appropriate liquor license and the appropriate permit fees and insurance fees paid to the District;
- J. Give, present or engage in any exhibition, show, play, performance, dance or concert for money, checks, credit or representative of value that is redeemable in money without the appropriate permit fees paid to the District;
- K. Use electrical amplifying equipment. Authorized use shall be subject to the following conditions: the number of loudspeakers, their volume, location, direction, power output and the hours during which they may be used shall be subject to written approval of the General Manager;
- L. Operate a portable gas or solar-powered generator to power any electrical equipment unless as a condition attached to a temporary exclusive use permit issued pursuant to Chapter 7.08;
- M. Use any restroom, washroom or dressing facility not provided for his/her sex, other than a child under the age of six (6) years accompanied by a parent or a disabled person accompanied by an attendant;
- N. Fire, possess, sell, display or discharge any firecracker, torpedo or similar fireworks (including safe and sane fireworks);
- O. Possess, shoot, discharge or otherwise operate any firearm, pellet gun, bb gun, paintball marker or paint gun, airsoft gun or any other weapon or projectile device that is propelled by explosives, spring, compressed air or gas, or electric device;
- P. Possess other dangerous weapons potentially putting persons or animals at risk, including but not limited to slingshots, hunting knives, machetes, daggers, swords, axes, hatchets, or martial arts weaponry;

- Q. Throw rocks or other projectiles likely to cause injury or damage to any person, animal or property;
- R. Erect an inflatable jump house, inflatable slide or other temporary play structure; or
- S. Fire or discharge any type of rocket. Authorization by the General Manager shall not relieve any person so authorized from complying with all applicable ordinances and laws and securing all necessary permits otherwise required.

**Section 7.12.040 Activities in downtown plaza—Prohibited acts.**

Unless expressly authorized by the Crockett Improvement Association, as the builder and designated operator of Crockett's downtown Plaza, no person while in the Plaza shall:

- A. Sell, vend, peddle, expose, offer for sale, teach, offer to instruct, sponsor a program or service for a fee, except any permitted community organization of Crockett or Port Costa, permitted vendor, regularly licensed concessionaire or independent contractor acting by and under the authority and regulation of the Crockett Improvement Association;
- B. Consume, sell or distribute alcohol;
- C. Use barricades or other methods to exclude the public from use of the Plaza;
- D. Ride a bicycle, skates, skateboard or any motorized vehicle;
- E. Play music at a volume that disturbs the quiet enjoyment of the Plaza or its residential neighbors;
- F. Operate lighting after 10:00 PM;
- G. Swim, bathe or wade in the Plaza water feature;
- H. Remain in the Plaza between 10:00 PM and 6:00 AM.

**Section 7.12.050 Activities in aquatics center—Prohibited acts.**

In order to prevent injury, illness or death to users of the aquatics center, no person (including employees), while in the aquatics center of the District, shall:

- A. Disobey the commands of District lifeguards or District management staff;
- B. Disobey the rules and regulations posted in the aquatics center;
- C. Engage in risky behavior or misbehavior, including but not limited to, running, rough and boisterous play, use of profanities, misusing the diving board, diving onto swimmers, or holding others under water;
- D. Engage in smoking;

- E. Be in possession of, or under the influence of, alcohol or controlled substances;
- F. Be in possession of glass bottles or other glass items;
- G. Be in possession of sunflower seeds or other such food items that will clog pool filters;
- H. Have refreshments or edibles outside the designated eating area;
- I. Have or be suspected of having any type of communicable disease;
- J. Have any infection, cough, cold or sores, or bandages;
- K. Use floatation devices or artificial swimming devices except as authorized by a lifeguard;  
or
- L. Play music at a volume that disturbs the quiet enjoyment of the aquatics center or its neighborhood.

**Section 7.12.060 Activities in tennis courts—Prohibited acts.**

Courts are to be used for tennis only and are to be used on a first-come first-served basis. Any other type of equipment is strictly prohibited. No person, while on the tennis courts of the District, shall:

- A. Wear footwear other than soft rubber-soled shoes;
- B. Bring a bicycle, skates, skateboard or other vehicle onto the courts;
- C. Occupy a court for longer than one (1) hour if others are waiting to play;
- D. Hold a court while waiting for a partner to arrive if others are waiting to play; or
- E. Bring any animal onto the courts.

**Section 7.12.070 Injury or misuse of park—Prohibited acts.**

No person while in any park shall:

- A. Possess, use, dump, deposit, place or leave any glass containers, including bottles, and broken glass;
- B. Dump, deposit, place or leave any ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, dead animals, refuse or other trash except in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence;
- C. Throw, discharge or otherwise deposit or cause or permit to be placed into the waters of any fountain, storm sewer, sanitary sewer or drain flowing into waters of the State, any

substance, matter or thing, liquid, solid or gas, which materially impairs the usefulness of such water for persons or the habitability of such water for any animal, bird, fish or reptile that drinks, swims in or otherwise uses such water;

F. Cut, trim, prune, break, dig up, pluck, remove or take away or in any manner injure or destroy any turf, tree, bush, shrub, flower or plant;

E. Destroy, deface, mark or write upon, paint upon, or otherwise mar or injure any park property, including paved surfaces, buildings or structures;

F. Make any campfire or bonfire;

G. Use barbecue equipment in any place other than in areas provided for that purpose. Barbeques may not be left unattended. Used coals and ashes should be left in place and may not be disposed of anywhere else in parks;

H. Use or attempt to use or interfere with the use of any table, space or facility within said park which at that time is reserved for any other person or group, which has received a permit from the General Manager therefore; or

I. Spill, drop, or otherwise leave any paintballs, paint, or stain, even if temporary.

#### **Section 7.12.080 Animals in parks—Prohibited acts.**

Unless expressly authorized by the General Manager, no person while in any park shall:

A. Capture, hunt, molest, injure, frighten, trap, kill, tease or hurt, throw or otherwise project objects at any wild or domestic fowl, animal, reptile, fish or bird;

B. Except as provided in 7.12.080C below, let loose or permit to run at large, lead or otherwise bring any horse or other animal, reptile, bird or fowl of any kind; nor bring any living thing that constitutes a safety hazard or a public nuisance as defined in Section 3479 of the California Civil Code;

C. Permit a dog in any park unless such dog is under complete control of its owner or custodian at all times and led by a leash of suitable strength not more than six (6) feet in length. Dogs, even leashed dogs, are prohibited in all children's play areas;

D. Leave any animal in any place without provision for its proper care;

E. Abandon any animal, bird, fish or reptile in any park; or

F. Permit any animal to defecate upon a park unless the person immediately removes the feces and properly disposes of it.

**Section 7.12.090      Operation of bicycles, skates, skateboards, non-motorized scooters and motorized vehicles—Prohibited acts.**

To provide for reasonable protection to both individuals and property, no person while in any park shall:

- A.      Ride a bicycle, skates, skateboard or other vehicle. Notwithstanding the above, a bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or paved area reserved for pedestrian use;
- B.      Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available;
- C.      Park any motorized vehicle in a District park or recreational area or facility;
- D.      Bring any motorized vehicle into a District park or recreational area or facility;
- E.      Bring a bicycle, skates, skateboard or other vehicle onto the tennis courts.

**Section 7.12.100      Consumption of alcoholic beverages prohibited—Exceptions.**

Unless expressly authorized by the General Manager, it shall be unlawful for any person to consume any alcoholic beverage in parks and recreation facilities, except inside the Crockett Community Center.

## **Chapter 7.16 ENFORCEMENT AND PENALTIES**

7.16.010 Violation—Penalty.

7.16.020 Restitution.

7.16.040 Appeals.

**Section 7.16.010 Violation—Penalty.**

Pursuant to the authority in Government Code Section 61064, violations of the requirements of this chapter, including the terms of any permit issued pursuant thereof, will be deemed infractions; except that second and subsequent violations within a one-year period may be charged as misdemeanors. Infractions and misdemeanors may result in eviction or banishment from District property, confiscation of unpermitted or illegal items, fines, or arrest.

**Section 7.16.020 Restitution.**

In addition to, and not in lieu of, any other penalties that may apply to violations of this Chapter, the District may seek a court order of restitution in small claims court or pursuant to California Penal Code Section 1202.4 or other applicable law. Subject to applicable law, the District may seek restitution in an amount sufficient to fully reimburse the District for every economic loss incurred as a result of a violation of this Chapter. Such amounts may include, but are not limited to, amounts necessary to cover the cost of replacing or repairing damage to District property including staff time, interest, and attorney's fees incurred to collect restitution.

**Section 7.16.040 Appeals.**

Any person aggrieved by a District staff determination of a violation may request consideration of this decision by the Commission, in accordance with the procedures set forth in District Code Chapter 1.16. A person aggrieved by the final decision of the Commission may further appeal to the District Board in the same manner.

## **Chapter 7.20 SCHEDULE OF FINES AND PENALTIES**

7.20.010 Fines and penalties.

**Section 7.20.010 Fines and Penalties.**

A schedule of fines and penalties for violations of Title 7 was adopted by Resolution No. 09/10-09 on November 18, 2009. The following chart displays the fines and penalties applicable within the boundaries of the Crockett Community Services District:

First time violations of the following shall be deemed infractions,  
with a fine set at ..... **\$20.00**

Section

- 7.12.010 Merchandising, advertising and signs—Prohibited acts.
- 7.12.020 Hours.
- 7.12.030 Activities in parks—Prohibited acts.
- 7.12.040 Activities in downtown plaza—Prohibited acts.
- 7.12.050 Activities in aquatics center—Prohibited acts.
- 7.12.060 Activities in tennis courts—Prohibited acts.
- 7.12.070.A-C,H Injury or misuse of park—Prohibited acts.
- 7.12.080 Injury or misuse of park—Prohibited acts.
- 7.12.090 Operation of bicycles, skates, skateboards, non-motorized scooters and motorized vehicles—Prohibited acts.
- 7.12.100 Consumption of alcoholic beverages.

Second time violations of the above within a one-year period shall be deemed infractions,  
with a fine set at ..... **\$50.00**

Third time violations of the above within a one-year period shall be deemed infractions,  
with a fine set at ..... **\$100.00**

Additional violations of the above within a one-year period shall be deemed misdemeanors,  
with a fine per repeat violation set at ..... **\$500.00**

Notwithstanding the collection of fines, the District may also evict or banish the violator from District property, confiscate unpermitted or illegal items, seek restitution for all costs incurred to repair or replace damaged District property, and/or seek the arrest of the violator.

First time violations of the following shall be deemed misdemeanors,  
with a fine set at ..... **\$100.00**

Section

- 7.12.070.D-G,I Injury or misuse of park—Prohibited acts.

Second time violations of the above within a one-year period shall be deemed misdemeanors,  
with a fine set at ..... **\$200.00**

Third time violations of the above within a one-year period shall be deemed misdemeanors,  
with a fine set at .....**\$500.00**

Notwithstanding the collection of fines, the District may also evict or banish the violator from District property, confiscate unpermitted or illegal items, seek restitution for all costs incurred to repair or replace damaged District property, and/or seek the arrest of the violator.

## **TITLE 9     SEWERS**

Chapter 9.04 PRIVATE SEWAGE DISPOSAL

Chapter 9.08 DESIGN AND CONSTRUCTION OF PUBLIC SEWERS

Chapter 9.10 BUILDING SEWER INFLOW & INFILTRATION CONTROL

Chapter 9.20 ABANDONING OF SEWERS

Chapter 9.24 ACCEPTANCE OF INTERESTS IN REAL PROPERTY

Chapter 9.26 REGULATING EASEMENT ENCROACHMENT

## **Chapter 9.04 PRIVATE SEWAGE DISPOSAL**

9.04.040 Design, construction and maintenance of private sewage disposal systems.

**Section 9.04.040      Design, construction and maintenance of private sewage disposal systems.**

The design, construction and maintenance of private sewage disposal systems, septic tank systems, or any method of sewage disposal other than through the system of the District is governed by the ordinances, rules and regulations of the County and the State.

## **Chapter 9.08 DESIGN AND CONSTRUCTION OF PUBLIC SEWERS**

- 9.08.005 Standard Specifications.
- 9.08.010 Planning, design and construction.
- 9.08.020 Sewage facilities to be built for ultimate service.
- 9.08.030 Purpose of requirement of backwater overflow prevention devices.
- 9.08.040 Responsibility for backwater overflow prevention devices.
- 9.08.041 Finding regarding exceptions to requirement for backwater overflow prevention devices.
- 9.08.050 Tapping into District sewer.
- 9.08.060 Addenda and Revisions to Standard Specifications.

**Section 9.08.005      Standard Specifications.**

The Standard Specifications for sewerage shall govern requirements, design, and all work in connection with sewer construction and/or projects financed by private individuals within the jurisdiction of the Crockett Community Services District of Contra Costa County, California. The jurisdiction of the District includes the entire sewerage system and its appurtenances from the point of connection with the building plumbing to the discharge terminus of the treatment plant outfall. *(Ord. 19-6)*

**Section 9.08.010      Planning, design and construction.**

Public sewers shall be planned, designed, constructed, installed and repaired in accordance with this Title and the plans and specifications of the District and the orders of the General Manager.

**Section 9.08.020      Sewage facilities to be built for ultimate service.**

Sewage facilities connected to the District system shall be designed and constructed in a manner consistent with service to the ultimate tributary service area.

**Section 9.08.030      Purpose of requirement of backwater overflow prevention devices.**

When stoppages occur in sanitary sewers, there exists the potential of adverse public and private health impacts and damage to property resulting from sewage overflow and backflooding on public and private property. It is the purpose of Section 9.08.040 to protect the health and safety of residents of the District and to minimize the possibility of damage to property by requiring the proper installation and maintenance of backwater overflow prevention devices pursuant to the directives of the District Standard Specifications Section 4-02.B.11.

**Section 9.08.040      Responsibility for backwater overflow prevention devices.**

All property owners shall install and maintain a backwater overflow prevention device on any side sewer that is connected, or is intended for connection to, the District sewer system. In this Code, the term "backwater overflow prevention device" includes both backwater overflow devices and backwater check valves and shutoff systems, and any other devices the District may approve for such purposes. All backwater overflow prevention devices shall comport with District Standard Specifications Section 4-02.B.11 and shall be maintained so as to provide for their continuing function as designed.

New Side Sewer Installations or Alterations or Repairs to Existing Side Sewer Installations. No person shall install, alter, or repair a side sewer that is connected, or is intended for connection to the District sewer system without installing a backwater overflow prevention device of the type and in the manner prescribed in the District Standard Specifications and any permit requirements as required by Title 5 of this Code, except as provided for in Section 9.08.041.

Maintenance Requirements. All backwater overflow prevention devices shall comport with the District Standard Specifications and be maintained so as to provide for their continuing function as designed. All backwater overflow prevention devices shall be accessible at all times and shall be free from any obstructions, including, but not limited to, rocks, soil, vegetation, grass, trees, bushes, plants, landscaping, concrete, asphalt or other ground coverings that may impair the function of and accessibility to the devices.

Elevation Requirements. All backwater overflow prevention devices shall be installed at an elevation that protects the property from damage. It is the property owner's responsibility to either confirm that the backwater overflow prevention device is at the proper elevation, or to obtain competent assistance from a licensed plumber or contractor to confirm its proper elevation. If any subsequent modification of the property results in the backwater overflow prevention device being at an improper elevation, the property owner shall adjust the backwater overflow prevention device to the proper elevation. Should it be determined that property damage is sustained as the result of backwater overflow prevention device located at an improper elevation, the property owner shall be responsible for any such damage.

Failure to Follow the Backwater Protection Device Requirements. Any property owner whose property has no backwater overflow prevention device, or has a defective or improperly installed backwater overflow device, shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed device to prevent such damage.

**Section 9.08.041 Finding regarding exceptions to requirement for backwater overflow prevention devices.**

The District finds, in Section 9.08.030, that backwater overflow prevention devices are necessary to prevent overflow and back-flooding, to protect the health and safety of District residents and to minimize the possibility of damage to property. The District also finds that some property owners may prefer to apply for an exception to the requirements herein for installing a backwater overflow prevention device, or that it may be impracticable for select residences where backwater overflow prevention devices were not installed when the residence was first built.

Additionally, the District finds that failing to install a backwater overflow prevention device may pose a serious risk to the health, safety and property of District residents; hence, if a property owner chooses not to install a backwater overflow prevention device the property owner should bear all liability arising from sewage overflow or back-flooding caused by the failure to install such a device. The District and its officers, agents and employees shall not be liable for any injury or death to any person or damage to any property caused by the failure of a property owner to install a backwater overflow prevention device.

Exceptions to Requirement for Backwater Overflow Prevention Devices; Waiver and Assumption of Liability. A property owner who is required to install a backwater overflow prevention device under Section 9.08.040 for a building previously connected to the District sewer system may apply for an exception to the requirements herein to install such a device.

If a property owner applies for any exception pursuant to this subsection, the exception will be either granted or denied by the District. If the exception is granted, an agreement for exception wherein the property owner expressly assumes the risk of all damage related to any sewage

overflow or back-flooding of the subject side sewer that occurs due to the lack of such a device on the side sewer will be recorded with the Contra Costa County Recorder's Office, as required below.

Procedure for Obtaining Exception. A property owner requesting an exception shall apply by written letter for exception to the requirements regarding installation of a backwater overflow prevention device on a form acceptable to the District. The application shall describe clearly the technical, cost, practical and/or aesthetic reasons why installation of such a device is not possible or practical. The District shall review the application and grant or deny the application. If the exception is granted, the property owner requesting the exception shall execute a recordable agreement for exception acknowledging the owner's assumption of the risk and waiver of liability against the District from all overflows impacting the property for which the exception is requested. Once executed, the waiver and assumption of risk shall be recorded with the Contra Costa Recorder's Office so as to become part of the property's chain of life.

**Section 9.08.050 Tapping into District sewer.**

No person or entity other than a contractor authorized by the District shall tap any new, repaired or altered sewer line into a District public sewer. The contractor authorized by the District shall perform any tapping into a District sewer subject to any inspection required by this Code.

**9.08.060 Addenda and Revisions to Standard Specifications.**

Addenda to the Standard Specifications may be issued periodically and will be made available to the Public and Contractors at the District office. Substantial additions, amendments, corrections, or repeals of all or any part or portion of the Standard Specifications may be made by Resolution adopted by the District Board. Users of the Standard Specifications are urged to review the latest addenda to apprise themselves of changes put into effect. (*Ord. 19-6*)

## **Chapter 9.10 BUILDING SEWER INFLOW & INFILTRATION CONTROL**

- 9.10.010 Purpose of Certificate of Compliance.
- 9.10.020 Certificate of Compliance requirement.
- 9.10.025 Condominium Owners Homeowners Associations.
- 9.10.030 Sewer videotape/testing.
- 9.10.040 Repair or replacement.
- 9.10.050 Exception.
- 9.10.060 Hardship deferrals for building sewer repair or replacement.

### **Section 9.10.010 Purpose of Certificate of Compliance.**

The District has determined that significant public cost results from intrusion of rain water, ground water and other exterior sources of water, known collectively as “inflow & infiltration” (I&I). In addition, the SWRCB General Waste Discharge Requirement (WDR), adopted in May, 2006, requires all public sanitary sewer collection systems greater than one mile in length to develop and implement a written Sewer System Management Plan (SSMP). The goal of the SSMP is to “provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. This will help reduce and prevent sanitary sewer overflows (SSO), and to mitigate any SSOs that do occur.” One component of that program is to minimize I&I to eliminate SSOs.

A building sewer shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the pipe, damaged or missing clean-out, damaged or missing backwater overflow protection device, inflow, infiltration of extraneous water, or other conditions likely to substantially increase the chance for a lateral blockage. A building sewer shall also be considered defective if it contains unpermitted materials, or lacks a manufactured connection to the main sewer, or is otherwise in violation of the District Standard Specifications. If within a period of one year, a building sewer suffers more than one blockage resulting in an overflow, that building sewer shall be considered defective.

Storm water can invade defective building sewers and overload the District’s sewer system, causing blockage and backups, causing sewer overflows, and occasionally overloading wastewater treatment facilities. Defective building sewers can also leak raw sewage into the ground, infiltrating the drainage system that flows to the bay, which is a public health hazard. To reduce these environmental, health and financial impacts to the public, and to comply with the statewide WDR, the District hereby requires that all building sewers shall be maintained in reliable condition and be repaired or replaced when they have deteriorated to a point where they may allow infiltration. Each building sewer shall be free of any structural defects, cracks, breaks or missing portions. All joints shall be tight and all pipes shall be sound. Connection to the building sewer of drains, roof leaders, or conduits carrying irrigation drainage, rain water or liquids other than sewage (inflow) shall be prohibited. (*Ord. 07-1*)

### **Section 9.10.020 Certificate of Compliance requirement.**

To further the public purpose of I&I reduction, the property owner (Owner) shall obtain a Certificate of Compliance from the District prior to the close of escrow for the sale or other transfer in a non-probate transaction of any property from which a building sewer is connected to the District sewage system. The Certificate of Compliance shall certify that the building sewer is operating properly, is not leaking into the ground, and is not allowing infiltration or inflow of drainage, rainwater or ground water. Alternatively, the Owner may submit to the District prior to close of escrow a signed contract to have the building sewer replaced, and shall either submit corresponding escrow instructions to withhold funds in the amount specified in the

contract, or shall post an equivalent cash bond, or equivalent security acceptable to the District, in the amount of a signed estimate plus associated fees with the District to guarantee compliance. The bond is refundable upon certification of compliance.

For properties sold or transferred in a probate proceeding, the Certificate of Compliance shall be obtained within sixty (60) days after the probate sale or transfer.

A transfer of ownership between family members, where there is no reassessment of property value by the County, does not require testing or a Certificate of Compliance.

### **Section 9.10.025     Condominium Owners and Homeowners Associations.**

Owners of individual condominium units shall not be subject to Section 9.10.020 "Certificate of Compliance requirement" as individuals. Where building sewer are owned as common property of a homeowners association, that homeowners association shall be required to obtain a Certificate of Compliance for all building sewers and site collector sewers, commonly known as the site collector system, of the condominium properties. (*Ord. 19-2*)

- A. Requirements for testing. Within one (1) year of the final passage of this section, the homeowners' association of any condominium buildings constructed before January 1, 1994 shall obtain a Certificate of Compliance from the District for the site collector system serving its buildings. Thereafter, the homeowners' association shall obtain a new Certificates of Compliance from the District for the site collector system at ten (10) year intervals.

Exceptions: This paragraph shall not apply to any condominiums where the District determines that the installation or total replacement of the site collector system has been performed to District standards within the last fifteen (15) years.

- B. Testing procedure and requirements. All condominium buildings will be required to comply with testing procedures outlined in Chapter 9 of the District Code.

### **Section 9.10.030     Sewer videotape/testing.**

To obtain a Certificate of Compliance, the Owner shall submit a videotape of the building sewer, prepared by a plumbing contractor. The District shall determine compliance and prepare and mail a Certificate of Compliance or a Deficiency Report within one week. Alternatively, the Owner may elect to replace the entire building sewer.

**Section 9.10.040      Repair or replacement.**

The Owner shall obtain a permit from the District and carry out the sewer repairs or replacement as indicated in the Deficiency Report. Following inspection of all work, the District shall witness an air test of the building sewer by the Owner's contractor. A replaced or repaired building sewer shall not be covered or backfilled until it has been inspected by a representative of the District. Upon satisfactory completion of permitted work, the District shall prepare and mail a Certificate of Compliance to the Owner.

**Section 9.10.050      Exception.**

The District shall issue a Certificate of Compliance upon evidence that a building sewer has been newly constructed or replaced within the past ten (10) years, or has been certified within the past five (5) years, under District permit. No work done without District permit shall qualify for this exception.

**Section 9.10.060      Hardship deferrals for building sewer repair or replacement.**

In the event that the repair or replacement of a Building Sewer, either before the close of escrow in a non-probate sale or within sixty (60) days of a probate sale or transfer, would result in undue hardship inconsistent with the purpose of intent of this Ordinance, a request for hardship status may be submitted to the District. The District Board shall make a hardship finding only if the requesting property owner presents facts that clearly demonstrate that in the District's determination the property owner's payment for and completion of a Building Sewer repair or replacement at the required time would result in an undue hardship. If hardship status is granted, the following deferrals shall apply. In the case of a non-probate sale, the property owner who is selling the property (and the property owner who is purchasing the property) shall have up to six months after the close of escrow to repair, replace, or restore the building sewer. In the case of a probate sale, the property owner who is purchasing the property shall have up to six extra months to repair or replace the building sewer, in addition to his or her 60 days from the date of the probate sale.

For the purposes of this section, undue hardship shall be defined as (1) the severe illness or incapacitation of the property owner; (2) the immediate transfer or removal of the property owner from the state, thereby making the hiring of a contractor to repair or replace the Building Sewer impractical or overly burdensome; or (3) any physical or financial situation that would render compliance with the time limits for the repair or replacement of Building Sewer extraordinarily difficult or impractical. The property owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship.

Any property owner to whom a hardship finding is granted shall be given written notice of the

finding. Said notice shall inform the property owner that the Building Sewer repair or replacement requirement is only deferred up to six additional months—not waived entirely. In the case of non-probate sales, a copy of the notice shall be sent to both the property owner who is selling the property and to the purchaser of the property.

## **Chapter 9.20 ABANDONING OF SEWERS**

9.20.010 Permit required.

9.20.020 Establishment of fee.

9.20.030 Construction.

9.20.040 Responsible parties.

9.20.050 Responsible parties—Special circumstances.

**Section 9.20.010 Permit required.**

A permit must be obtained before a sanitary sewer or facility that is connected to the District collection system is abandoned, including the abandonment of a side sewer or lateral sewer.

Unless and until the District has determined that a lateral sewer has been properly abandoned under permit, that property shall be deemed to be receiving sewer service and shall be charged appropriately for continued service. In the event that structures receiving sewer service have been destroyed, demolished or otherwise removed, the lateral sewer(s) shall be deemed to remain open to rainwater, groundwater, mud and debris having a negative impact on the sewer system. Consequently, such property shall continue to be charged for sewer service until the District has determined that all lateral sewers have been properly abandoned under permit.

**Section 9.20.020 Establishment of fee.**

The District Board may from time to time set fees for the issuance of permits, inspections, and/or the physical work associated with abandonments.

**Section 9.20.030 Construction.**

The abandoning of sewers shall be done in accordance with the District's Standard Specifications and other District procedures as may be developed.

**Section 9.20.040 Responsible parties.**

The owner of the private sewer at the time of the abandonment is responsible for all costs as may be associated with abandoning sewers in a manner that complies with District Standard Specifications and procedures. In the event a property is being improved or redeveloped, the owner or person proposing the improvements or redevelopment which requires the abandonment work shall also be responsible for obtaining permits, paying applicable fees and charges, and selecting a contractor to perform the abandonment work. Such work shall be done prior to connection of any structures to the public sewer system or demolition of any existing structures, whichever occurs first. In the event that a sewage facility is abandoned without a permit, the owner of the property at the time the abandonment is discovered by the District will be responsible for payment of the appropriate abandonment fees and charges and for the work to abandon the sewage facility in accordance with Section 9.20.030, Construction.

**Section 9.20.050 Responsible parties--Special circumstances.**

When due to development taking place, whether it be new development or redevelopment, a public sewer or public sewage facility is to be abandoned, the developer, person, agency or entity seeking approval of the development requiring such abandonment shall be responsible for all work, costs and fees associated with the abandonment authorized by this chapter, and such fees shall be due at the time of plan review.

If any development causes or requires the abandonment of an existing side sewer or lateral sewer that services a property not owned by the person or entity undertaking the development, the person or entity undertaking the development shall be responsible for obtaining permission of the owner and paying the costs and fees authorized by this chapter associated with that abandonment.

## **Chapter 9.24 ACCEPTANCE OF INTERESTS IN REAL PROPERTY**

9.24.010 Irrevocable offers of dedication, requirement of acceptance.

9.24.020 Grants of easement—Acceptance

**Section 9.24.010 Irrevocable offers of dedication, requirement of acceptance.**

When a subdivision map for an area partially or completely within the District's boundaries, or for an area that is intended to be annexed to the District pursuant to the development of that subdivision, is submitted to any local public agency for approval pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.), the dedication of an easement or other interests in real property for sewer purposes on the map shall be deemed to be an irrevocable offer of dedication operating in favor of the District.

Prior to District approval of sewer plans, including sewers proposed to be within easements not presently owned by the District and not included within a subdivision map that has been submitted to a local public agency for approval pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.), the party seeking approval of the sewer plans shall be required to satisfactorily demonstrate current ownership of the property over and across which the proposed sewer easements included on the plans will run, and properly execute irrevocable offer(s) of dedication to the District from the owner(s) for any such easement(s) necessary for the sewer lines contained in the proposed plan.

An irrevocable offer of dedication of an easement or other interests in real property for sewer purposes, including all Subdivision Map Act dedications, shall be accepted by the District only by resolution of the Board. No offer of dedication to the District of any interests in real property is accepted unless or until accepted by resolution of the Board. Receipt and recordation by the District of the irrevocable offer of dedication instrument shall not constitute acceptance of the irrevocable offer of dedication and shall operate as a rejection of the offer of dedication unless and until a resolution of acceptance is adopted by the Board. No District staff member, employee or agent is authorized to accept dedication on behalf of the District.

The Board may, by resolution, grant authority to District staff to receive offers of dedication for recording. To the extent the Board grants such authorization, District staff may receive such offers for recording without further Board action, but the recording of the offer of dedication does not constitute acceptance of the offer of dedication. Acceptance of an offer of dedication will only occur if it meets the terms and conditions of this section.

**Section 9.24.020 Grants of easement--Acceptance.**

Notwithstanding the rights and prerogatives granted under this chapter, the District reserves to itself the power to acquire grants of easements for sewer purposes when, in its discretion, it determines that it is advisable to do so. The grants of easements shall not be accepted by the District until accepted by formal resolution of the Board.

## **Chapter 9.26 REGULATING EASEMENT ENCROACHMENT**

- 9.26.010 Purpose and policy.
- 9.26.020 Definitions.
- 9.26.030 District Declaration Concerning Existing Easements.
- 9.26.040 District Policies Concerning Future Acquisition of Easements and Property Rights.
- 9.26.050 Creation of District Easements.
- 9.26.060 Minimum Standards for Easements.
- 9.26.070 Unlawful Acts.
- 9.26.080 Authorized and Unauthorized Encroachments.
- 9.26.090 Encroachment Permits.
- 9.26.100 Encroachment Permit Conditions.
- 9.26.110 Other Regulations.
- 9.26.120 Grandfathering.
- 9.26.130 Removal and Restoration of Improvements that are Disturbed by District Activities.

**Section 9.26.010 Purpose and policy.**

Ordinance No. 01-2 was adopted on November 28, 2001 establishing policies, standards and requirements for District easements and regulating easement encroachment.

**Section 9.26.020 Definitions.**

For the purposes of Section 9.26, the following terms have the meanings specified below.

“Easement” means a property right, however created, by which the owner of the right is entitled to make specified uses of the real property of another person; the term “easement” includes “reserve,” “sewer reserve,” or “utility reserve”.

“Encroachment” means an activity or condition that results in significant interference with the District’s easement rights. As used in Section 9.26, there are two classes of encroachments:

Class One encroachments These are encroachments that are likely to result in significant interference with District easements unless adequate safeguards and/or mitigation measures are taken. Examples of Class One encroachments ordinarily include: fences, gates, driveways, paved parking areas, modest landscaping, cuts, and fills.

Class Two encroachments These are encroachments that are likely to result in significant interference with District easements. Examples of Class Two encroachments ordinarily include: permanent structures such as buildings (including garages or outbuildings), swimming pools, permanent decks, reinforced concrete surfaces, substantial landscaping structures, and retaining walls. Class Two encroachments also include temporary structures that are not readily removable from the easement, are likely to cause root intrusion, or are prone to interfere with operations of District wastewater facilities, such as: trees, large bushes, overgrown vegetation, large accumulations of stored materials, and other activities and conditions prohibited by this Ordinance or by law.

“Property owner” means the fee owner of the servient tenement to the District’s easement.

“Significant interference” means, with respect to encroachments on District easements, an activity or condition that has the potential to damage or to inhibit access to District wastewater facilities, that may or will result in delay or excessive cost to the District to use the easement for its intended purposes, or that may or will result in blockage or damage to District wastewater facilities.

“Wastewater facilities” means pipelines, pump stations, or any other structures, equipment, and machinery, including appurtenances to them, that are used to collect, convey, treat, dispose of, and reuse wastewater. District wastewater facilities are those wastewater facilities that are maintained by the District. District wastewater facilities do not include private service laterals, even if the private service laterals serve more than one property.

**9.26.030 District Declaration Concerning Existing Easements.**

The District asserts and hereby declares that it has acquired easements containing District-owned wastewater facilities by grant, dedication, reservation, prescription, necessity, or other equitable or legal means whether or not recorded or unrecorded instruments reflect the existence of such easements.

Subject to its right to abandon or relinquish ownership of any wastewater facilities that are no longer in use and that are not required for future District needs, the District claims that as of November 28, 2001, it has acquired and owns easement rights for all District wastewater facilities that are located in or on private property, whether or not the District's easement rights are evidenced by a recorded written instrument or other writing providing notice of the District's claimed easement rights.

**9.26.040. District Policies Concerning Future Acquisition of Easements and Property Rights.**

The following District policies apply to easements acquired by the District November 28, 2001:

1. Wherever feasible, District-owned wastewater facilities will be located in and on lands owned by the District, in public lands to which the District has largely unrestricted access or in public streets, roads, highways, or other public rights-of-way in which, by law, the District is entitled to construct, install, operate, and maintain its facilities.
2. District wastewater facilities should not be installed in easements over private property unless:
  - a. Installation in a Section 9.26.040 location is not possible, would be impracticable, or would be unduly burdensome; and
  - b. The District's easement rights shall be sufficient to enable the District to operate and maintain its facilities without excessive cost or other undue difficulty.

**9.26.50 Creation of District Easements.**

1. District easements may be created in any manner allowed by law.
2. Notwithstanding Section 9.26.50.1 above, easements to be conveyed to the District should ordinarily be created by express grant, reservation, or irrevocable dedication set forth in a written instrument eligible for recordation in official records of the County of Contra Costa. The form and content of the instrument shall be acceptable to the District, but shall not be effective until the instrument has been duly delivered to, approved by, and accepted by the District or a dedication, whether pursuant to the Subdivision Map Act, or otherwise has been accepted.

**9.26.60 Minimum Standards for Easements.**

Unless expressly waived by the District for good cause, an easement conveyed to the District after November 28, 2001, and all easements currently existing, to the extent this language is not in conflict with terms in the existing easement documents, shall be subject to the following minimum standards:

1. For the purpose of exercising its principal easement rights, the District shall also be afforded the right of ingress and egress to, from, along, on, in, above, and below the surface of the land encompassed by the easement.
2. The easement shall be subject to the provisions of this Section and to other rules and regulations promulgated by the District.
3. Easements may either be for the exclusive benefit of the District or nonexclusive. If the easement is nonexclusive, other users of the territory encompassed by the easement shall be prohibited from interfering with the District's easement rights.
4. In the case of easements for pipelines, the easement shall have a horizontal width of not less than ten (10) feet, unless the existing easement documents provide otherwise, or where such width is infeasible.

**9.26.070 Unlawful Acts.**

It is unlawful for any person to:

1. Cause or permit an unauthorized encroachment on a District easement;
2. After notice, within the time specified in the notice, fail to abate or otherwise remove or discontinue any action or condition that results in an unauthorized encroachment;
3. Abandon any items of property, including motor vehicles, on or within a District easement;
4. Deposit any debris, garbage, trash, toxic substance, liquid or solid waste, dirt, rock, or other form of refuse on or within a District easement;
5. Cause, permit, or maintain any activity or condition off or outside the territory of a District easement that causes directly or indirectly a significant interference with the District's easement rights, or
6. Cause or permit any activity or condition on or within a District easement that constitutes a public or private nuisance.

**9.26.080 Authorized and Unauthorized Encroachments.**

A property owner may make use of the land over which the District has an easement, if those uses do not result in significant interference with the easement. For example, lawns, flowerbeds, loose paving stones, and similar landscaping features would not ordinarily cause significant interference with a District easement used for subsurface wastewater facilities.

Except as provided in Section 9.26.090, Class One and Class Two encroachments are not authorized and shall not be maintained or permitted on District easements.

The owner of the property over which the District has an easement and any other person who has caused or permitted an unauthorized encroachment to exist is obligated to promptly remove and eliminate the encroachment, within the time specified in the notice.

#### **9.26.090 Encroachment Permits.**

The owner of a property over which the District has an easement who wishes to maintain a Class One encroachment or to obtain Grandfather relief for a Class Two encroachment, shall apply for and obtain a District Encroachment Permit.

The District shall establish and the applicant shall comply with such procedures as are required to process and act on the application, including payment of applicable fees, completion of approved application forms, and submission of specified information needed to evaluate the application.

An Encroachment Permit shall be issued if:

1. The applicant has fully complied with all District requirements and procedures pertaining to issuance of the Encroachment Permit;
2. The applicant has accepted and agreed to all conditions upon which the Encroachment Permit is proposed to be issued (see Section 9.26.100);
3. With respect to Class One encroachments, the District finds that as conditioned, the Encroachment Permit shall ensure that the Class One encroachments authorized by the Encroachment Permit will not result in significant interference with the District's easement ; and
4. With respect to Grandfathered Class Two encroachments, the District finds that as conditioned, the Encroachment Permit shall to the greatest extent reasonably possible preserve the District's easement rights while at the same time, in the interest of fairness and substantial justice, make appropriate allowances for justifiable concerns of the property owner. (See Sections 9.26.100 and 9.26.120.)

#### **9.26.100 Encroachment Permit Conditions.**

The District shall not issue an Encroachment Permit unless conditioned as follows:

1. The applicant shall be obliged to fully perform and satisfy all conditions and time requirements included in the Encroachment Permit;
2. When required by the District, the applicant shall cooperate with the District and shall execute a written instrument in recordable form that, when recorded by the District, will place on public record provisions of the Encroachment Permit that are intended to be known and binding upon any person who succeeds to ownership of an interest in the

real property that is subject to the District's easement;

3. The Encroachment Permit shall be subject to all of the provisions of the District Code;
4. With respect to Class One encroachments, the Encroachment Permit shall be conditioned so as to mitigate the effects of the encroachment and safeguard the District's easement rights such that the effect of the mitigation measures and safeguards shall prevent the encroachment from causing significant interference with the District's easement; and
5. With respect to Grandfathered Class Two encroachments, the Encroachment Permit shall include conditions that, to the extent reasonably possible under the circumstances, will:
  - a. Eliminate the encroachment in due course; and
  - b. Until eliminated, alleviate the impacts of the encroachment on the District's easement by requiring mitigation measures and/or safeguards and/or by shifting to the Property Owner and/or other responsible parties any financial detriment that may be suffered by the District due to the existence of the activity or conditions.

#### **9.26.110 Other Regulations.**

By resolution of the District's Board of Directors adopted from time to time as the Board deems necessary and appropriate, the District may promulgate and amend rules, regulations, and procedures to implement the provisions of this Section, including the following:

1. Establish rules, regulations, and procedures concerning applications for and issuance of Encroachment Permits;
2. Set fees and charges for District services related to easements;
3. List and categorize activities and conditions that constitute encroachments; and
4. Establish standard Encroachment Permit conditions applicable to specific activities and conditions including mitigation measures, safeguards, and similar provisions.

#### **9.26.120 Grandfathering.**

An encroachment that was in existence prior to November 28, 2001 may be maintained and shall not be subject to immediate mandatory removal if the encroachment is Grandfathered pursuant to this Section 9.26.120. An encroachment shall be Grandfathered if:

1. The applicant has requested and obtained a waiver from the strict enforcement of the provisions of this Section pursuant to such rules and procedures as may be established by the District; and
2. The applicant shall have applied for and obtained an Encroachment Permit pursuant to Section 9.26.090 of the District Code.

**9.26.130. Removal and Restoration of Improvements that are Disturbed by District Activities.**

Whenever District activities in District easements result in the need for improvements or other activities or conditions of the real property subject to the easement to be removed or otherwise disturbed, the following provisions shall apply:

1. Conditions and Activities Not Constituting Encroachments. The District may, at the expense of the District, temporarily remove or discontinue the activity or condition, and upon completion of the District's activities, the District shall, at the District's expense, restore the activity or condition in kind.
2. Authorized Encroachments. If the encroachment is authorized pursuant to an Encroachment Permit and the Encroachment Permit does not provide otherwise, the Property Owner shall, at no expense to the District, be responsible to restore the encroaching property, landscaping, or structures.
3. Unauthorized Encroachments. Unauthorized encroachments shall be permanently removed by the Property Owner and/or other responsible person and shall not be restored. Removal shall be performed promptly by and at the expense of the Property Owner/responsible parties. If the encroachment has not been removed within the time specified by the notice given by the District, or if the urgency of the District's easement activities requires that the activities be commenced without prior notice, the District may remove the encroachment itself, but the removal costs shall be charged back to the Property Owner/responsible parties.

## **TITLE 10 SOURCE CONTROL (PRETREATMENT)**

Chapter 10.04	GENERAL PROVISIONS
Chapter 10.08	REGULATIONS
Chapter 10.12	ADMINISTRATION
Chapter 10.16	ENFORCEMENT
Chapter 10.20	HEARINGS, APPEALS, AND REQUESTS FOR BOARD CONSIDERATION OF STAFF DECISION
Chapter 10.24	FEEES
Chapter 10.28	WASTE HAULER PROGRAM
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**Chapter 10.04      GENERAL PROVISIONS**

10.04.010 Purpose and policy.

10.04.020 Definitions.

10.04.030 Abbreviations.

10.04.040 Ministerial permit issuance.

10.04.050 Severability.

10.04.060 Conflict.

#### **Section 10.04.010 Purpose and policy.**

This Title sets forth uniform requirements for contributors to the wastewater collection and treatment system of the Crockett Community Services District (hereafter "District") and enables the District to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (Title 40, Code of Federal Regulations, Part 403), which are available on the internet from [www.gpoaccess.gov/uscode/index.html](http://www.gpoaccess.gov/uscode/index.html)

The objectives of this Title are:

- A. To comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, disposal of hazardous wastes and pretreatment of industrial discharges to publicly owned treatment works.
- B. To prevent the introduction of wastes into the District wastewater system that will interfere with the operation of the system or other District operations.
- C. To prevent the introduction of wastes into the District wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system's overall operations.
- D. To prevent introduction of toxic substances to the District wastewater system that could reach the environment in toxic amounts.
- E. To prevent the introduction of wastes into the system that may affect the District's ability to dispose of its ash, sludge, or other residuals.
- F. To improve the opportunity to recycle sludge from the system.
- G. To prevent the introduction of wastes that may be inadequately treated by District facilities and may adversely affect the environment or may cause a violation of the District's NPDES permit or may contribute to the need for modification of the District's NPDES permit.
- H. To protect District personnel while conducting activities related to the collection, treatment and disposal of wastes through the District facilities.
- I. To prevent a public hazard or public nuisance arising from the collection, treatment and disposal of wastes through the District system.
- J. To prevent the introduction of wastes to sewers connected to the District system that could result in the District being classified as a hazardous waste treatment, storage or disposal facility under the laws of the State of California or the United States.
- K. To provide for equitable distribution of the cost of the District's source control program.

This Title provides for the regulation of contributors to the District wastewater collection system through the issuance of permits or permit contracts to certain users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs associated with maintaining a source control program.

This Title shall apply to all discharges within the District, including C&H Sugar Co, and to discharges from other non-governmental or governmental bodies or agencies who are, by contract or agreement with the District, users of the District's treatment plant. Except as

otherwise provided herein, the General Manager of the District shall administer, implement, and enforce the provisions of this Title.

#### **Section 10.04.020 Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Title, shall have the following meanings:

1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq. (US Code, Title 33, Chapter 26 "Water Pollution Prevention and Control")
2. "Authorized representative of industrial user": an authorized representative of an industrial user may be:
  - a. A principal executive officer, if the industrial user is a corporation;
  - b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
  - c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates and if such representative is identified in writing by the individual designated in subsections (a) or (b) above.
3. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees centigrade, expressed in terms of weight and concentration (milligrams per liter, mg/l).
4. "Categorical standards" means the national pretreatment standards that specify quantities or concentrations of pollutants or pollutant properties that may be discharged by industrial users in specified industrial subcategories.
5. "Class I industrial user" means any non-domestic user that will require a significantly greater level of administrative services and/or oversight by the District source control program than a Class II user, based on the unusual character of the wastewater due to its volume, strength, composition, or its derivation from a hazardous waste or substance, or the potential variability in the character of the wastewater, or on the potential for increased administrative cost to the District due to the unusual character of the waste.
6. "Class II industrial user" means any non-domestic user of the District's wastewater disposal system who:
  - a. Has a discharge flow of twenty-five thousand gallons or more per average work day; or
  - b. Contributes process wastewater that makes up five percent or more of the District treatment plant's average dry weather hydraulic or organic capacity; or
  - c. Has in its wastes hazardous pollutants; or
  - d. Is subject to national pretreatment standards; or
  - e. Has in its untreated wastewater pollutants that are in excess of any pretreatment standard or requirement, including any standard identified in this Title or local limits set by resolution of the District Board; or

f. May, in the opinion of the District, have a reasonable potential for adversely impacting, either singularly or in combination with other contributing industries, the District's treatment plant or the ability of the District to meet the objectives of this Title or for violating any pretreatment standard or requirement.

7. "Class III industrial user" means any non-domestic user which may, in the opinion of the District, have an impact on the District's ability to meet the objectives of this Title. This impact may be of a lesser degree than for a Class II industrial user due to the volume, characteristics, or the nature of the process producing the waste. Any non-domestic user which generates hazardous waste, whether or not the wastes are, in the normal course of the industrial process, discharged into the sanitary sewer system, may be considered a Class III industrial user.

A non-domestic user may be classified as a Class III industrial user if any of the hazardous waste is being discharged into the sewer, or if, in the opinion of the District, there is a potential for this waste to be discharged into the sewer, even through accident in non-process or process of handling of the waste. This classification applies to, but is not limited to, those industrial users who are not designated as Class I or Class II users and who are required to have a county hazardous waste facility license. This Class III industrial user category shall also include industrial users who store or use hazardous materials, whether or not a hazardous waste is produced in the industrial or commercial process if, in the determination of the District, a potential exists for a significant impact upon the District facilities due to a release of these materials into the environment. This classification also applies to those industrial users not designated as Class I or Class II industrial users that are required by statute or County regulations to have a hazardous materials response plan and inventory. A Class III industrial user shall also include all varieties of non-domestic users for which the general pretreatment regulations promulgated by the EPA under a 40 CFR 403.8(f)(2)(iii) may require the District to provide an industrial user (IU) notification regarding the applicability of RCRA requirements.

Class III industrial users may be individually designated by the District based on the criteria set forth above or on categorization of the user as a member of a particular business category. Examples of business categories that may be included in the Class III industrial user designation are: analytical and clinical laboratories, dry cleaners and laundries, vehicle maintenance and repair facilities, printing and allied industries, photo processors and pesticide formulators and applicators.

8. "Class IV industrial user" means any non-domestic user that is not included within the definitions and parameters of Class I, Class II or Class III industrial users.

9. "Collection system" means the District pipelines, pump stations, manholes and other similar facilities that accept, collect and convey sanitary sewage to the treatment plant.

10. "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

11. "District" means the Crockett Community Services District.

12. "District Board" means the Board of Directors of the Crockett Community Services District.

13. "District facilities" means all of the District's system of collecting, conveying and treatment including, but not limited to, the collection system and treatment plant. This includes any publicly owned facility connected to the District's collection system that generates wastewater treated at the District treatment plant.

14. "Domestic wastewater" means the liquid, solid and water-carried waste derived from ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer by means of a private conveyance system. The

strength shall be considered to have no more than three hundred milligrams per liter (mg/l) BOD and suspended solids. .

15. "Environmental Protection Agency" (EPA) means the United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

16. "General manager" means the General Manager of the District, District Manager or his/her duly authorized representative.

17. "Hazardous pollutants" means any constituent, or combination of constituents, that is classified as hazardous under state or federal regulations or is included on the federal list of toxic pollutants as specified in 40 CFR 403.

18. "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers and vacuum-pump tank trucks.

19. "Industrial user" means any contributor of industrial waste or wastewater.

20. "Industrial waste" or "wastewater" means all water-carried wastes and wastewater of the community, excluding domestic wastewater, derived from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation. Industrial wastewater may also include wastes of human origin similar to domestic wastewater that have been mixed with industrial wastes or wastewater prior to discharge to the District's facilities.

21. "Interceptor" means a precast or cast-in-place concrete containment device designed to intercept, trap or otherwise prevent grease, sand, flammable liquids or other substances potentially harmful to the sewerage system from entering said system.

22. "Interference" means an act that harms or disrupts the facilities, processes, or operations of the District; or has an adverse effect on the quality of the effluent, sludge, air emissions, or other residuals generated by the District's facilities; or has an adverse effect on the receiving waters; or is likely to endanger life, health, or property or otherwise cause a nuisance; or results in violation of the District's NPDES permit or other permits; or, in the opinion of the District, otherwise adversely affects the District's ability to meet the objectives of Section 10.04.010 of this Title.

23. "National pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) that applies to industrial users..

24. "National Pollution Discharge Elimination System" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

25. "New industrial user" means a person who has not contributed or caused to be contributed industrial waste or wastewater into District facilities from a given building, structure, facility or installation. A "new source" as defined below, is included within the meaning of "new industrial user."

26. "New user" means a person who has not contributed or caused to be contributed waste or wastewater into District facilities from a given building, structure, facility, or installation. A "new source" as defined below, is included within the meaning of "new user."

27. "New source" means a building, structure, facility or installation from which there is, or may be a discharge of pollutants, construction of which began after the publication of the proposed pretreatment standards pursuant to Section 307(c) of the Clean Water Act, which will apply to the source if the standards are promulgated, in accordance with that section provided that:

- a. The source is constructed at a site at which no other source is located;
- b. The source totally replaces the process or production equipment at an existing source; or
- c. The production or wastewater generating process of the source is substantially independent of an existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. See also, "New industrial user" and "New user," supra.

28. "Notice of Violation" means a document informing the user that it has violated this Title and appropriate corrective action must be taken.

29. "Ordinance" or the term "this ordinance" and/or "source control ordinance" and similar uses of the term "ordinance" refers to the entirety of this Title, including any and all amendments thereto.

30. "Pass-through" or "passes through" means a discharge that exits the District wastewater system in quantities or concentrations which, along or with discharges from other sources, has the reasonable potential to cause a violation of the District's NPDES permit.

31. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

32. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

33. "Pollutant" includes sewage or any characteristic of sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any commercial, producing, manufacturing, or processing operation of whatever nature.

34. "Pollution" means an alteration of the quality of the waters of the state by waste to a degree that unreasonably affects:

- a. Such waters for beneficial use; or
- b. Facilities which serve such beneficial uses or which creates a hazard to the public health.

35. "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into District facilities. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

36. "Pretreatment requirement" means any substantive or procedural pretreatment requirement, other than a national pretreatment standard, applicable to industrial users.

37. "Pretreatment standard" means any regulation of the District, state, or EPA containing pollutant discharge limits or other procedural or substantive requirements of the user.

38. "Slug discharge" means a discharge capable of causing adverse impacts to the District, its workers, or the environment, or any pollutant including an oxygen-demanding pollutant released in a discharge at a flow rate and/or pollutant concentration that may cause interference with the operation of the District's sewerage system. The discharge will be considered a slug discharge if the flow rate or concentrations or quantities of pollutants exceed for any time period

longer than fifteen minutes or more than five times the average twenty-four hour concentration, quantity or flow during normal operations. A slug discharge is considered to be a discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill, or a non-customary batch discharge. Batch discharges are intentional, controllable discharges that occur periodically within an industrial user's process (typically the result of a noncontinuous process). Accidental spills are unintentional, largely uncontrolled discharges that may result from leaks or spills of storage containers or manufacturing processes in an area with access to floor drains.

39. "Significant noncompliance (SNC)" means any violation of pretreatment standards or requirements that, in the opinion of the District, constitute significant noncompliance that shall include, but not be limited to, instances of chronic violations of wastewater discharge limits, slug discharges, violations of compliance schedule milestones, failure to provide compliance data, failure to accurately report noncompliance, and any other violation or group of violations as more particularly set forth in Section 10.16.110 of this Title.

40. "Standard industrial classification (SIC)" means a classification pursuant to the standard industrial classification manual issued by the executive office of the President, Office of Management and Budget.

41. "State" means the State of California.

42. "Storm water" means any flow occurring during or following any form of natural precipitation and resulting there from.

43. "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

44. "Trap" means a cast iron or stainless steel containment device used for trapping substances and to prevent grease, sand or flammable liquids from entering the sewerage system.

45. "Treatment plant" means any facility owned by the District that is designed to provide treatment to wastewater.

46. "User" means any person who contributes or causes the contribution of wastewater into District facilities.

47. "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the District's facilities.

48. "Wastewater discharge permit" means a permit issued pursuant to Section 10.12.040 of this Title.

49. "Water Code" means the State Water Code, which is available on the internet from [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

50. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

#### **Section 10.04.030 Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CAC	California Administrative Code
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollution Discharge Elimination System
SIC	Standard industrial classification
USC	United States Code
TSS	Total suspended solids

**Section 10.04.040 Ministerial permit issuance.**

The District Board has determined that the issuance of wastewater discharge permits pursuant to the provisions of this Title is a ministerial act. The District Board further finds that the act of entering into a permit contract is non-ministerial.

**Section 10.04.050 Severability.**

If any provision, paragraph, word, section or article of this Title is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

**Section 10.04.060 Conflict.**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Title are hereby repealed to the extent of such inconsistency or conflict.

## **Chapter 10.08        REGULATIONS**

10.08.010 Permissible discharges.

10.08.020 General discharge prohibition.

10.08.030 Prohibited effects.

10.08.040 Prohibited substances or characteristics.

10.08.050 Prohibited discharge location.

10.08.060 National pretreatment standards.

10.08.070 Specific pollutant limitations.

10.08.080 State and federal requirements and standards.

10.08.090 District's right of revision.

10.08.100 Excessive discharge.

10.08.110 Slug discharges.

10.08.120 Hazardous waste discharges.

**Section 10.08.010 Permissible discharges.**

Wastewater may be discharged into public sewers for collection, treatment and disposal by the District; provided, that such wastewater discharge is in compliance with this Title and the conditions of any industrial wastewater permit and/or permit contract; and further provided, that the user pays all applicable District sewer fees and charges including any penalties or charges assessed under this Title.

**Section 10.08.020 General discharge prohibition.**

No user shall contribute, nor cause to be contributed, any prohibited wastes that will pass through the District's facilities or any pollutant or wastewater that will interfere with the operation or performance of the District's facilities. This prohibition includes any type of pollutant or wastewater as set forth in the prohibition sections of this Title. These general prohibitions apply to all users of the District's facilities whether or not the user is subject to national pretreatment standards or any other national, state, or District pretreatment standards or requirements.

A user shall have an affirmative defense in any enforcement action brought against it alleging a violation of the general prohibitions, including a violation of the specifically prohibited effects or characteristics, where the user can demonstrate:

- A. That the user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would result in a violation of this Title, including a prohibited effect or prohibited characteristic;
- B. The user was in compliance with the existing limits for each pollutant in its discharge that resulted in a violation or, if there were no such existing limits, the user's discharge directly before and during the violation did not change substantially from the user's prior discharges, which occurred when the District remained in compliance with its NPDES permit and with applicable requirements for sewage sludge use or disposal.

**Section 10.08.030 Prohibited effects.**

A user may not discharge, or cause to be discharged, wastewater into any District facility if it contains substances or has characteristics which, either alone or by interaction with other wastewater, cause or threaten to cause:

- A. Damage to District facilities;
- B. Interference or impairment of operation or maintenance of District facilities;
- C. Obstruction of flow in District facilities;
- D. Hazard to human life;
- E. Interference with treatment plant or disposal processes, including recycling or any reclamation processes;
- F. The treatment plant's effluent or any other product of the treatment plant such as

residues, sludge, ash or scum, to be unsuitable for reclamation and reuse. In no case shall substances discharged into the District facilities cause the plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations.

G. The District to violate its National Pollutant Discharge Elimination System (NPDES) permit or the receiving water quality standards;

H. Flammable or explosive conditions;

I. A noxious or malodorous condition, a public nuisance, a hazard to life, or conditions sufficient to prevent normal entry into the sewers or other District facilities for maintenance and repair;

J. Objectionable coloration or other condition in the quality of the District's treatment plant influent that interferes with, or passes through, the treatment plant;

K. Conditions which violate any statute, rule, regulation or ordinance of any public agency, relating to releases of hazardous wastes, hazardous substances or other pollutants to the environment when such release is to a publicly owned sanitary sewer;

L. Any alteration or change of the District's NPDES permit or any additional regulatory supervision, intervention or oversight of the District's operations;

M. Any alteration of the District's treatment plant processes;

N. Any significant alteration of District operations, including, but not limited to, affecting the ability of the District to procure adequate insurance and/or subjecting the District operations to significantly increased potential liability.

#### **Section 10.08.040 Prohibited substances or characteristics.**

A user shall not discharge, or cause to be discharged, directly or indirectly to a District facility any of the following:

A. Any liquids, solids or gases that by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or damage to District facilities or be injurious to human health and safety or to the operation of District facilities. At no time shall a waste stream exceed a closed-cup flash point of less than one hundred forty degrees Fahrenheit or sixty degrees centigrade using the test method specified in 40 CFR 261.21. Also, at no time shall two successive readings on a combustible gas meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. The meter shall be properly calibrated in accordance with the manufacturer's instructions using pentane as the calibration standard. The materials which may be prohibited, if they cause explosive or fire dangers as defined herein include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substance that is a fire or explosion hazard;

B. Any solid or viscous substance in amounts or concentrations that may cause, or threaten to cause, obstruction to the flow in a sewer, or pass-through of, or may interfere with, the operations of any District facilities such as, but not limited to, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, cloth, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, petroleum oil, nonbiodegradable cutting or machine oils, products of mineral origin, mud, cement, grout, glass, grinding or polishing wastes, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, manure, bones, hair, hides or fleshings, entrails or whole blood;

C. Any wastewater having a pH less than 5.5 or equal to or greater than 12.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, humans or animals;

D. Any wastewater containing hazardous pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to human or animal health or safety, create an adverse effect on the waters of the state, or to exceed the limitations set forth in a national pretreatment standard;

E. Any wastewater having a temperature that will inhibit biological activity in the treatment plant resulting in interference or pass-through, but in no case wastewater that causes the temperature at the introduction into the treatment plant to exceed forty degrees centigrade (one hundred four degrees Fahrenheit) or with a temperature at the point of discharge into the District's collection system that exceeds *fifty degrees centigrade (one hundred twenty-two degrees Fahrenheit)*;

F. Any pollutants, including oxygen-demanding pollutants (BOD, COD, etc.) released at a flow rate and/or pollutant concentration that alone or in combination with others, may cause interference or pass-through. Regardless of whether a slug load causes or will cause interference or pass-through, in no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen minutes, more than five times the average twenty-four hour concentration, quantities, or flow during normal operation;

G. Any discharge which results in toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems within any District facility;

H. Any noxious or malodorous liquids, gases or solids;

I. Any wastewater containing any radioactive wastes or isotopes exceeding any limits set forth in CAC, Title 17, Section 30287;

J. Any storm water, groundwater, rainwater, street drainage, subsurface drainage, yard drainage, diatomaceous earth filter backwash or swimming pool drainage, unless a specific permit is issued by the District. The District may approve such discharge only when no reasonable alternative is available or such water is determined to constitute a pollution hazard, if not discharged into the sewer;

K. Any unpolluted water, including but not limited to, cooling water, process water or blow-down from cooling towers or evaporative coolers or any other unpolluted water, unless a permit for such has been obtained from the District prior to the discharge. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available

or such alternative, in the determination of the District, is unacceptable;

L. Any septic tank waste, holding tank waste, portable toilet waste, grease interceptor waste, or oil and sand interceptor waste;

M. Any waste defined as hazardous, by any definition set forth in federal and/or state statutes or regulations, unless such waste has been delisted or decertified by the appropriate federal or state agency, and/or a variance has been granted by the appropriate federal or state agency, including provisions for discharge to a District facility, and said variance provisions are approved by the District;

N. Any substance, waste, wastewater or constituent thereof as may be specifically prohibited or prohibited by concentration levels as may be set forth in local limits adopted by ordinance or resolution of the District Board and a copy of said standards having been placed on file at the District office;

O. Any substance, waste, wastewater or constituent thereof which may by itself, or in combination with other discharges, cause the District to violate any permit conditions related to toxicity of the effluent or otherwise cause or contribute to the potential for toxic substances being released from District facilities into the environment in toxic amounts.

#### **Section 10.08.050 Prohibited discharge location.**

No user shall discharge any wastewater directly into a manhole or other opening in the District sewage system other than through sewer laterals or other sewer connection approved by the District, unless a permit has been obtained for such discharge. A permit will only be issued for such direct discharge in the event the discharge is otherwise in compliance with provisions of this Title and no other alternative is reasonably available in the opinion of the District. Pursuant to the District's Joint Use Agreement with C&H Sugar Co, it may be necessary for the District to obtain permission from C&H prior to issuing a permit for discharge by others.

#### **Section 10.08.060 National pretreatment standards.**

The National Categorical Pretreatment Standards, as set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by this reference into Title 10 of the Code of the Crockett Community Services District. The General Manager shall notify all affected users of the applicable reporting requirements under Sections 10.12.050(8) of this Title. However, if the standards otherwise imposed under this Title are more stringent than the National Categorical Pretreatment Standards, the more stringent standards shall apply.

#### **Section 10.08.070 Specific pollutant limitations.**

No user shall discharge wastewater to a District facility that exhibits any characteristic that is specifically prohibited by an action of the District Board, or any wastewater containing constituents in excess of any specific constituent level limitations as may be set by the District Board. Specific pollutant limitations regarding waste characteristics and/or constituent limits shall be adopted by ordinance or resolution. (Ord. No. 78-79-02)

Any violation of a specific pollutant limitation as may be set forth in a District ordinance or resolution shall subject the user to the same administrative actions, penalties and/or enforcement actions as would be available for any other violation of this Title. The term "Title" as used elsewhere within this Source Control Title, shall be read to include the specific pollutant limitations as may be set forth by ordinance or resolution.

**Section 10.08.080 State and federal requirements and standards.**

In the event that either state or federal requirements and standards for discharges to District facilities are more stringent than the limitations, requirements, and standards set forth in this Title, the most stringent standard or requirement shall apply. Modifications of the federal or state standards and requirements that are more stringent than the limitations, standards and requirements as set forth in this Title and are promulgated subsequent to the adoption of this Title shall be applied to discharges to District facilities at such time and in such manner as is set forth in Section 10.12.040 of this Title.

**Section 10.08.090 District's right of revision.**

The District reserves the right to establish by ordinance or resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Title. No revision of limitations or requirements hereunder shall subject the District to civil liability or penalty for interference with a vested right of any user.

**Section 10.08.100 Excessive discharge.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national pretreatment standards, or in any other pollutant-specific limitation developed by the District or State. An increase in the use of process water that is reasonably proportional to increased production, and that is required for said increase in production, will not be considered an excessive discharge hereunder.

**Section 10.08.110 Slug discharges.**

A. All users shall be prohibited from allowing slug discharges, as elsewhere defined herein, from entering the District's sewerage system.

B. Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this Title. No user who commences contribution to the sewerage system after the effective date of the ordinance codified in this Title shall be permitted to introduce pollutants into the system until the need for slug discharge control plans or procedures

has been evaluated by the District. Facilities to prevent slug discharges of restricted materials shall be provided and maintained at the user's own cost and expense.

C. Certain users will be required to prepare slug discharge prevention and contingency plans (SDPC) containing at least the following information:

1. A description of the discharge practices including non-routine batch discharges;
2. A description of stored chemicals;
3. The procedures for promptly notifying the District of slug discharges, including any discharge that would violate a specific discharge prohibition with procedures for follow-up written notification within five days;
4. If required by the District, procedures to prevent adverse impact from accidental spills, including maintenance and inspection of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building or containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures or equipment for emergency response;
5. If required by the District, follow-up practices to limit the damage suffered by the treatment plant or the environment.

These plans shall be submitted to the District for review and approval. All users required to have SDPC plans shall submit such a plan within three months and complete implementation within six months of notice regarding the requirements of such plan. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Title.

D. In the case of a slug discharge, it is the responsibility of the user to immediately notify the District of the incident. The notification shall include location of the discharge, type of waste, concentration and volume and corrective action. The user shall provide the District with a detailed, written report of this incident in a manner and within the time frame as elsewhere provided in this Title.

E. A notice shall be permanently posted on the user's premises advising the employees who to call in the event of a slug discharge. The user shall ensure that all employees who may cause, or allow such slug discharge to occur, are advised of the emergency notification procedure.

F. Each user who violates any of the requirements of the slug discharge program, or allows a slug discharge to occur, shall be subject to the enforcement provisions of this Title.

#### **Section 10.08.120 Hazardous waste discharges.**

All industrial users shall notify the District, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge to the District's facilities of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261 or as otherwise defined by state statute or regulation.

Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of the discharge (continuous, batch, or other). If the industrial user discharges more than one hundred kilograms of such waste per calendar month to the District's facilities, the notification shall also contain the following information, if known: (1) an identification of the hazardous waste constituents contained in the waste; (2) an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimation of the mass constituents in the waste stream expected to be discharged during the following twelve months.

For existing industrial users, the above-delineated notification must be made pursuant to existing federal regulations. Industrial users who commence discharging after that date, shall provide notification prior to obtaining a discharge permit.

In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume of toxicity of hazardous waste generated to the degree it has determined to be economically practical.

Nothing contained in this section is intended to modify the prohibitions set forth in Section 10.08.040.N.

## **Chapter 10.12      ADMINISTRATION**

- 10.12.010 Wastewater discharges.
- 10.12.020 Responsibility of users.
- 10.12.030 Classes of users.
- 10.12.040 Wastewater discharge permit.
- 10.12.050 Reporting requirements.
- 10.12.060 Monitoring.
- 10.12.070 Signatory requirements.
- 10.12.080 Rights of entry.
- 10.12.090 Pretreatment.
- 10.12.100 Publication of users in significant non-compliance.
- 10.12.110 Records retention.
- 10 12.120 Confidential information.

**Section 10.12.010 Wastewater discharges.**

It shall be unlawful to discharge without a District permit, or permit contract, to any District facility any wastewater except as is authorized by the provisions of this Title.

**Section 10.12.020 Responsibility of users.**

It shall be the responsibility of the user and/or discharger to comply with all of the provisions of this Title. The omission to act by the District and/or the failure of the District to take cognizance of the nature of the operation of the user and/or the properties of the user's wastewater, shall not relieve the user of responsibility to comply with the conditions of this Title, including, but not limited to, such requirements regarding permitting, the pretreatment, monitoring and reporting. It shall be the responsibility of the user to make determinations as to the nature of its operation and wastewater flow and to take such actions as may be required under this Title prior to any discharge of wastewater, whether or not the user has been informed by the District of the requirements which may apply to the user regarding its discharge.

All industrial users who meet the definition of Class I or II and who are currently connected or contribute to the District's facilities, or who propose to connect or contribute to the District facilities, shall make application for a wastewater discharge permit. This application shall be made before connecting to or contributing to the District's facilities, or within ninety days after the enactment of the ordinance codified in this Title, *in the event the user is currently connected and not currently permitted*. All existing industrial users connected to or contributing to the District's facilities and having a current wastewater discharge permit shall be required to obtain a new permit or permit contract upon the expiration of their existing permit.

All Class III industrial users may be required to receive a permit in order to connect to the District facilities or to continue to discharge to District facilities. At such time as the District undertakes such a program to permit Class III users, existing Class III users will be required to apply for a permit within ninety days of notice to said users by personal service, mail or publication. Thereafter it shall be the responsibility of all Class III users prior to connection to obtain a permit.

**Section 10.12.030 Classes of users.**

The District will classify all users in accordance with the principal activity conducted on the premises where the discharge occurs. The purpose of the classification is to facilitate regulation of discharges to District facilities on the basis of each user's waste quality, quantity and flow. The classification shall further provide a means of imposing an appropriate level of oversight, control and enforcement according to the source of the discharge. The classification system will also allow equitable recovery of District capital and operating costs for the source control program. As set forth in the Definition section of this Title, there are two categories of users: domestic users and industrial users. Industrial users are categorized as Class I, II, III or IV.

All users are subject to the prohibitions set forth in this Title, with such federal and state statutes and regulations as may apply, and the specific pollutant limitations as may be promulgated by the District Board either by ordinance or resolution.

Domestic users under normal circumstances will not be required to apply for or receive a wastewater discharge permit as defined in this Title, providing that said domestic user discharges only that wastewater that is consistent with the definition of domestic wastewater set forth herein.

Industrial users may be subject to wastewater discharge permit requirements depending on the volume, characteristics, and origin of their wastewater discharge. Industrial users may be required to supply such information and data concerning their processes, including discharge samples, as may be necessary for the District to determine whether such user should be designated as Class **I**, **II**, **III** or **IV**. Industrial users must, if requested, provide such other information regarding the nature of the entity, its operations, storage and use of chemicals, storage and use of hazardous substances, as may be reasonably necessary to make such determination as to the classification of said user. The District may also require information relating to potential for accidental discharges to a District facility of hazardous or prohibited substances. Such inquiries may include information regarding the current disposal procedures of the user with regard to chemicals and/or substances that are not in the ordinary course of the user's operations discharge to a District facility

The determination by the District regarding the designation of an industrial user as a Class **I** user may be based on the unusual character of the wastewater due to its volume, strength, composition, or its derivation from a hazardous waste or substance, or the potential variability in the character of the wastewater, or on the potential for increased administrative cost to the District due to the unusual character of the waste. Any additional administrative costs to be considered may include increased potential for the administrative oversight by federal, state and local agencies as well as the potential for increased liability exposure and associated legal costs. The District may also take into consideration difficulties in enforcement of this Title under a wastewater discharge permit and the enforcement violation and compliance history of the user with the District, as well as other regulatory agencies

The determination of the District regarding the designation of an industrial user as a Class **II** user may be based on whether the discharge of the wastewater is equal to or greater than twenty-five thousand gallons per average workday flow, or whether the discharge has in its waste hazardous pollutants, or whether the discharge is subject to national pretreatment standard, or whether it has in its untreated wastewater pollutants which are in excess of any pretreatment standard or requirement, including any pretreatment standard or requirement identified in this Title or local limit set by ordinance or resolution of the District Board, or whether it may, in the opinion of the District, have a significant impact, either singularly or in combination with other contributing industries, on the District's ability to meet the objectives of this Title.

A determination by the District regarding the designation of an industrial user as a Class **III** user may be based more on the standards set forth than the definition of a Class **III** industrial user in this Title. This determination may include, but not be limited to, the issue of whether the user stores and/or uses hazardous substances in such quantities in its industrial or commercial processes as may, in the determination of the District, have the potential to be discharged to District facilities by accident or through a slug discharge, causing a measurable increase in the amount of hazardous substances entering the District's facilities.

A Class **IV** industrial user shall include all industrial users who are not determined by the District to be Class **I**, **II** or **III** industrial users. Class **IV** industrial users shall be subject to the

requirements of this Title; however, they will not be required to obtain any industrial discharge permit unless or until such time as they are reclassified as a Class I, II or III industrial user.

#### **Section 10.12.040 Wastewater discharge permit.**

A. Permit Application. Users required, or who may be required, to obtain a wastewater discharge permit shall complete and file with the District, an application in the form prescribed by the District. A new industrial permit fee may be assessed at the time of the application. Existing Class I and Class II users (except those with current permits) shall apply for a wastewater discharge permit within ninety days following the effective date of this Title, and new users shall apply at least thirty days prior to connecting to or contributing to the District's facilities. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, some or all of the following information; but will, in all cases, be required to submit items 16 and 17:

1. Name and address of the operator or owner and location of the facility for which the permit application is being made;
2. SIC number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended, for all operations conducted at the facility;
3. A list of all environmental control permits and hazardous substance release response (spill) plans that are held by or for the facility;
4. Time(s) and duration of all process discharges;
5. Average daily and 15 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any. Flow rates shall be provided for each regulated process stream;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
7. Description of activities, facilities and plant processes on the premises including all materials that are, or could be, discharged, provided such chemicals are present in quantities sufficient to cause harm to the operations of the District or to the environment if released. A description of any and all existing or proposed wastewater pretreatment facilities. Construction drawings and design criteria shall also be submitted;
8. The nature and concentration of any pollutants in the discharge that are limited by a District or state pretreatment standard or requirement or by a national pretreatment standard, or which are otherwise requested by the District. Pollutant data shall be provided for each regulated process stream. In the case of an existing user, a statement regarding whether or not the pretreatment standards and requirements are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards and requirements;
9. The nature and concentration of any pollutants in the discharge that are limited by state or federal standards concerning the release or discharge of any hazardous substance or waste;

10. If additional pretreatment housekeeping, process changes and/or operations will be required to meet the pretreatment standards and requirements; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established by EPA, the state or the District for the applicable standard;

The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

b. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the General Manager including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with the increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established;

11. Each product produced by type, amount, process or processes and rate of production;

12. Type and amount of raw materials processed (average and maximum per day) provided such raw materials are present in quantities sufficient to cause harm to the operations of the District or to the environment if released;

13. Number, type and volume/amount of hazardous substances stored on the premises and a description of the variety of the method of storage and/or the containment device for such substances, provided such substances are present in quantities sufficient to cause harm to the operations of the District or to the environment if released;

14. A description of the spill protection and emergency response procedures used or proposed to be used at the facility;

15. Number and classification of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

16. A signed statement of the authorized representative of the industrial user applicant that the information presented in the permit application is true and accurate to the best of the authorized representative's knowledge, and that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the applicant to meet such standards and requirements;

17. A signed certification of a qualified professional that the applicant is or upon connection will be in compliance with applicable pretreatment standards and requirements on a consistent basis and if not, whether additional O&M and/or pretreatment is required for the applicant to meet such standards and/or requirements;

18. Any other information as may be deemed by the District to be necessary to evaluate the permit application.

B. Permit Application Evaluation. All new industrial users shall arrange for a District representative to conduct a walkthrough site inspection of the user's facilities during the ninety-day period prior to connecting or contributing waste or wastewater to the District's facilities. New industrial users shall submit to the District, within ninety days after commencement of discharge to the District's facilities, an analysis of said discharge delineating wastewater constituents and characteristics including, but not limited to, those mentioned in Section 10.08 of this Title.

The District will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the District may determine that no wastewater discharge permit is required, or the District may determine that the user is either a Class I, Class II or Class III industrial user.

If the District determines that the user is a Class II or Class III industrial user, the District shall issue a wastewater discharge permit subject to the terms and conditions provided in this Title. If the District determines that the user is a Class I user, the District will promulgate a wastewater discharge permit contract subject to the terms and conditions provided in this Title.

C. Permit Conditions. Permits may contain provisions, requirements and standards appropriate to carry out the objectives of this Title, including but not limited to, the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the District's facilities;
2. Limits on the average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions on discharge of said pollutants;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization;
4. Requirements for installation and maintenance of sampling and flow metering facilities;
5. Requirements for monitoring programs, which may include flow metering, sampling locations, methods of sampling, frequency of sampling, number, types and standards for tests and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or periodic compliance reports;
8. Requirements for maintaining and retaining plant records relating to wastewater discharge, and hazardous waste manifests, as specified by the District, and chemical inventories, as specified by the District;
9. Requirements for notification of the District of any new introduction of pollutants or any change in plant processes or in the volume or character of the wastewater constituents being

introduced into District facilities;

10. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the pretreatment facility;

11. Requirements for providing the District with design and construction plans and specifications of the wastewater pretreatment facility whether proposed or in existence;

12. Requirements for providing the District with plans and specifications of the discharger's industrial or commercial operation and/or processes, including such other information as the District may reasonably request that pertains to the industrial user's operation;

13. Requirements for notification of any planned alteration of the proposed or existing wastewater pretreatment system;

14. Requirements for the notification of the District of planned alterations of the operations processes of the industrial user, which could result in an alteration of the user's process discharge or the potential for an accidental spill or slug discharge;

15. Requirements prohibiting bypass of the wastewater pretreatment facility, unless bypass is essential for maintenance, or unavoidable to prevent loss of life, injury or severe property damage;

16. Requirements that the discharger notify the District prior to any proposed bypass other than due to accident or emergency;

17. Requirements to have emergency spill plans on file with the District;

18. Requirements to certify that the industrial user has not, without a permit, discharged hazardous substances through a District facility, which substances have been stored or used in the user's process and which the user contends will not, in the ordinary course of the user's operation, enter the sewer system;

19. Requirements for resampling following a discharge violation and the submittal of reports explaining the cause of the violation and the steps that have been or will be taken to prevent a recurrence of the violation;

20. Requirements for providing access to District personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to the waste stream, including the actual wastewater discharge;

21. Requirements for providing the District with operation and maintenance records for the wastewater pretreatment facility, including periodic updates, as appropriate;

22. The prohibition of dilution as partial or complete substitute for adequate treatment to achieve compliance with permit conditions;

23. Signatory requirements specifying the responsible corporate officer for the industrial user;

24. Other conditions as deemed appropriate by the District to ensure compliance with this Title;

25. Technical provisions or requirements related to the wastewater pretreatment facility that, in the opinion of the District, may be necessary to ensure the adequacy and reliability of the wastewater pretreatment system. These technical conditions may include conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow-through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.

D. Permit Duration. Permits shall be issued for a specified time period, *not to exceed three years*. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall *apply for permit reissuance a minimum of ninety days prior to the expiration of the user's existing permit*. The terms and conditions of the permit may be subject to modification by the District during the term of the permit as limitations or requirements as identified in Chapter 10.08 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit *at least thirty days prior to the effective date of change*. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

E. Wastewater Discharge Permit Contract. The District shall require Class I industrial users to enter into a wastewater discharge permit contract of a term not exceeding five years for connecting to or contributing wastewater to District facilities. The wastewater discharge permit contract shall incorporate the provisions of this Title by reference including all requirements and standards as may be set forth herein or promulgated by the District Board by resolution. The wastewater discharge permit contract may contain all of the permit provisions set forth in Section 10.12.040(C). In addition, the permit contract may contain additional provisions, including but not limited to, the following:

1. Provisions for liquidated damages for discharges in violation of the discharge prohibitions and limitations of this Title and/or of such special prohibitions or limitations as may be set forth in the permit contract. These liquidated damages provisions may be proposed without regard to proof of pass-through, damage to the environment, or interference with District facilities or operations and may be assessed on a strict liability basis for violation of the noted provisions.

2. Requirements for providing proof of insurance, indemnification of the District, and bonding in order to adequately protect the District, in its judgment, from the potential of the increased exposure to liability due to the user's discharge.

3. Provisions for termination of the permit contract and wastewater sewer service for violation of this Title or other wastewater permit contract conditions.

4. Any and all other conditions as may be deemed appropriate by the District to ensure compliance with all provisions of this Title and the objectives set forth herein.

F. Permit Modifications. When a new national categorical pretreatment standard is promulgated, the wastewater discharge permit or permit contract of users subject to such standard shall be revised to require compliance with such standard within the time for compliance prescribed by such standard or within ninety days, whichever is shorter. However, when the time for compliance prescribed by such standard is longer than ninety days, the users

subject to such standard may apply to the General Manager or his designee for an extended time for compliance in a wastewater discharge permit or permit contract. The General Manager or his designee may grant such an extension up to the time for compliance set forth in the national categorical pretreatment standard. Where a user, subject to a national pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 10.12.050(C) of this Title, the user shall apply for a wastewater discharge permit within one hundred eighty days after the promulgation of the applicable national pretreatment standard. In addition, the user with an existing wastewater discharge permit or permit contract shall submit to the General Manager within one hundred eighty days after the promulgation of an applicable Federal Pretreatment Standard the information required by Section 10.12.040(A).

In the event the District determines that it is necessary, in order to comply with the objectives of this Title, to impose more stringent limitations or requirements on discharges to the wastewater disposal system than are set forth in an existing permit (for reasons other than issuance of a new national pretreatment standard), the District shall have the right to require such reasonable modifications of an existing permit to incorporate such more stringent limitations or requirements. In the event such permit modification is required, the user shall be provided with reasonable time to make such modifications to its processes or procedures as may be required to meet the more stringent limitations and requirements.

After consultations with the user, a compliance schedule agreement shall be issued to set forth a reasonable schedule for the user to comply with the more stringent standards. If the permit modification will require construction or acquisition of equipment related to pretreatment, the compliance schedule agreement will provide for up to one hundred eighty days to comply; however, this period may be extended for a period not to exceed an additional one hundred eighty days upon determination by the General Manager that good cause exists for an additional period.

To the extent that the user remains in compliance with the permit conditions in effect prior to amendment during the compliance period, the user shall not be liable pursuant to the terms of this Title for noncompliance with the more stringent standards or requirements during the period of the compliance schedule agreement; provided, that the user is also complying with the terms of the compliance schedule agreement.

G. Permit and Contract Transfer. Wastewater discharge permits and wastewater discharge permit contracts are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned nor transferred nor sold to a new owner, new user, different premises, nor a new or changed operation without the prior approval of the District. However, nothing in this section shall be construed to prevent the application of the terms and conditions of this Title, including enforcement penalties, from applying to a succeeding owner, successor in interest, or other assigns of an existing contract or permit holder.

**Section 10.12.050 Reporting requirements.**

A. Notification of Slug Load or Accidental Discharge or Accidental Spill. It is the responsibility of all industrial users to immediately telephone and notify the District of any slug load or accidental discharge as defined in Section 10.08.040(F) of this Title. Notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

1. Written Notice. *Within five days following the accidental discharge or slug load*, the user shall submit to the General Manager a detailed written report describing the cause of the incident and the measures to be taken by the user to prevent similar future occurrences.

Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to District facilities, fish kills, or any other damage to person or property; nor shall notification relieve the user of any fines, penalties, or other liability which may be imposed by this Title or other applicable law.

2. Notice to Employees. Users who are employers shall permanently post a notice on their bulletin board or other prominent place advising employees who to call in the event of such a discharge. The user shall ensure that all employees who may cause or suffer such discharge to occur are advised of the emergency notification procedure.

B. Prior Notification of Change in Volume or Character of Wastewater. All users shall promptly notify the District in writing (except in emergencies where telephone notification is acceptable), prior to:

1. Any new or increased discharge or any change in nature of their discharge, which discharge does not meet pretreatment standards or requirements or has the reasonable potential to cause the District to violate its NPDES permit or to cause problems to the District wastewater system; and

2. Any substantial change in volume or character of pollutants in their discharge, including listed or characteristic hazardous wastes

C. Baseline Report. All Class I and II industrial users, subject to Categorical Pretreatment Standards, shall submit to the District a baseline report within one hundred and eighty days of the effective date of a Categorical Pretreatment Standard or one hundred and eighty days after final decision on a category determination by EPA or the state, whichever is earlier. The baseline report shall contain the information specified in 40 CFR 403.12(b). The information required for application for a permit under Section 10.12.040(A), and/or for modification of a permit under Section 10.12.040(F) of this Title, may fulfill the requirements of the baseline report. If in submitting information to apply for or modify a permit, the user also intends to fulfill the requirements for the baseline report, the user shall so state.

D. Compliance Report. Within ninety days following the date for final compliance with applicable pretreatment standards or requirements or, in the case of a new user, following commencement of the introduction of wastewater into District facilities, any user subject to pretreatment standards and requirements shall submit to the District a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that are limited by pretreatment standards or requirements, the average and maximum daily flow for these process units, and the actual average production rate for these process units. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and a certified qualified professional. Filing of this compliance report cannot relieve the user of any fines, civil penalties or other liability that may be imposed by this Title or other applicable law, or failure to meet the applicable pretreatment standards or requirements subsequent to the date for final compliance with such applicable standard.

E. Periodic Compliance Reports.

1. Class I and II industrial users shall submit a report to the District twice a year or more frequently as specified in the permit or permit contract. Class III industrial users may be

required to submit periodic compliance reports depending on the nature of their discharge. Periodic compliance reports should be submitted within forty-five days of collection of the wastewater samples. The compliance report shall contain such information as may be deemed by the District to be necessary to ensure compliance with the provisions of this Title. Compliance reports shall, at a minimum, contain the following:

- a. The nature and concentration of pollutants that are limited by pretreatment standards or requirements or which are specified in the permit or permit contract for each regulated waste stream;
- b. A record of average daily flow for the reporting period for each regulated waste stream;
- c. Such other wastewater effluent data as the user has obtained since the last compliance report, whether or not that data is specifically required by the user's permit or permit contract;
- d. Methods utilized by the user in collecting the wastewater sample for analysis, including but not limited to, the sampling device(s) used, the sampling period, the amount of each sample collected, sample handling and preservation techniques used, and date of sample delivery to the laboratory for analysis.
- e. In the event a sample from a periodic compliance report indicates that a constituent is in violation of the allowable concentration levels as set forth in the user's permit or permit contract, the user shall inform the District within the next business day, repeat the sampling and pollutant analysis for the parameter in violation, and submit in writing the results of this second analysis within thirty days of the discovery of the first violation. The initial sampling and analysis report shall be submitted within forty-five days of the initial sampling date with a cover report setting forth the causes of the violation, the remedial actions taken to date in regard to the violation, and the scheduled additional actions which will be implemented to prevent a recurrence.

2. The District may also at any time require a signed statement by the user setting forth management practices and/or material usage practices that have an effect on the nature, volume and quality of the wastewater discharge and/or that potentially will affect the ability to comply with pretreatment standards requirements.

3. The District may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required under paragraph (a) above shall indicate the mass of pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of all sampling and analysis of the discharge, including the flow, concentration and mass of pollutants regulated by the applicable pretreatment standard or requirement. The user shall provide the actual average production rate of the regulated processes during the reporting period.

### **Section 10.12.060 Monitoring.**

#### **A. Monitoring Requirements.**

Any user may be required to provide wastewater sampling and/or monitoring results, or to submit to monitoring by the District to assist the District in establishing the appropriate Class of the user and/or to evaluate compliance with the standards and requirements of this Title.

1. Classification Sampling. All industrial users may be required to sample and analyze their waste stream(s) to determine the appropriate class of the user. Classification sampling shall be at the District's request. The number and type of samples and pollutants analyzed shall be as specified by the District in order to adequately characterize the users' waste stream discharge(s).

2. Baseline Sampling. All Class I and II industrial users shall sample and analyze their regulated waste-stream(s) as part of a permit application or modification of a permit as specified in Sections 10.12.040(A) and 10.12.040(F) of this Title. In addition, all Class I and II industrial users required to submit baseline reports, as specified in Section 10.12.050(C) of this Title, shall sample and analyze their regulated waste stream(s) in accordance with the requirements of 40 CFR 403.12 (b). Samples shall be analyzed for constituents or characteristics including, but not limited to, those mentioned in Chapter 10.08 of this Title and/or in applicable state pretreatment standards or requirements or national pretreatment standards or as otherwise required by the District.

3. Initial Compliance Sampling. All Class I and II industrial users shall sample and analyze their regulated waste stream(s) for the compliance report as specified in Section 10.12.050(C) of this Title. Samples shall be analyzed for those pollutants regulated in the applicable pretreatment standard or requirement or as otherwise required by the District.

4. Periodic Compliance Sampling. All Class I and II industrial users shall sample and analyze their regulated waste stream(s) to evaluate compliance with the user's permit or permit contract. Periodic compliance monitoring shall be conducted at least twice each year unless specified more frequently in the user's permit or permit contract or in the applicable national pretreatment standard. Samples shall be analyzed for those pollutants regulated in the applicable pretreatment standard or requirement or as otherwise required by the District.

5. Confirmation Sampling. Whenever sampling results indicate that the user's regulated waste stream(s) is in violation of any pretreatment standard or requirement, the user shall collect a second sample to assess the degree of violation. For the second sample, the user need only analyze for the pollutant(s) found to be in violation. The user shall provide the District with the results from the confirmation sampling within thirty days of the date the violation was discovered.

6. Sampling and Evaluation Program. If confirmation sampling indicates a second violation, then the District may initiate a sampling and evaluation program (SEP). The SEP will be conducted by the District and may include collection of from three to five samples. The SEP will establish whether there is continued noncompliance by the user. Samples collected during the SEP may be analyzed for other pollutants in addition to the pollutant(s) in violation.

7. Other Compliance Sampling. All Class I, II and III industrial users may be required by the District to conduct compliance sampling in addition to those described above. This could include, but is not limited to, sampling required by the District in an enforcement compliance schedule agreement.

8. District Sampling. The District may collect and analyze samples on its own or request the user to split samples to evaluate compliance with this Title or the user's permit or permit contract. The District also reserves the right to conduct all sampling and analysis for the user with all costs to be paid by the user. In the event that data obtained by the District differs from data provided by the user, the District's data shall be presumed accurate unless and until the user provides substantial evidence otherwise. In the event that the District performs the sampling, whether announced or unannounced, the user may request that the District split its samples and provide one of the split samples for the user's independent analysis.

B. Sampling Procedures. All sampling and testing undertaken for the purpose of compliance with the sampling and reporting requirements of this Title shall be undertaken in the manner set forth herein. Except as otherwise provided in this section, or as otherwise agreed in writing by the District, samples for pH, cyanide, sulfide, phenols, oil and grease, and volatile organics shall consist of grab samples. A minimum of four grab samples shall be taken for the referenced constituents throughout the entire process discharge period. The grab samples for each of the referenced constituents shall be individually preserved and kept separate, and shall be subsequently composited by the testing laboratory prior to analysis. For all other pollutants, composite samples shall be taken at a frequency of at least one sample each hour throughout the entire process discharge period, or a twenty-four hour period as required by the District. Each regulated waste stream shall be sampled and analyzed separately unless the user's permit or permit contract allows for sampling and analyzing the combined waste streams.

The methods of obtaining the sample shall be specified by the District in the user's permit or permit contract. As an alternative, a sampling program proposed by the user shall be submitted to the District for review prior to initiating said program. The District may state special sampling requirements as needed to insure compliance with this Title.

C. Analytical Procedures. All samples shall be pre served and analyzed in accordance with the procedures presented in 40 CFR 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants). Unless approved otherwise by the District, all analyses shall be performed by laboratories certified by the state for the specific pollutants and matrix to be analyzed.

D. Sampling Records. For each sampling event the user shall record and maintain the following information:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
2. Sample preservation used.
3. The dates analyses were performed.
4. Chain of custody of sample.
5. Who performed the analyses.
6. The analytical techniques/methods used.
7. The results of such analyses.

E. Monitoring Facilities. The District may require monitoring facilities to allow inspection, sampling, and flow measurement of regulated discharge to be provided and operated at the user's own expense. The monitoring facility shall be accessible to District staff at all times and should normally be situated on the user's premises, but the District may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall

be provided in accordance with the District requirements and all applicable local construction standards and specifications.

**Section 10.12.070 Signatory requirements.**

All applications, reports or other information submitted to the District must contain the following certification statement:

I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision and in accordance with the system designed to insure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and/or imprisonment for knowing violations.

This statement shall be signed by an authorized representative of the industrial user as defined in 40 CFR 403.12(1)(1-4).

**Section 10.12.080 Rights of entry.**

The District has the right of inspection of the facilities of any user to ascertain whether the objectives of this Title are being met and all standards and requirements are being complied with. Persons or occupants of premises where wastewater is generated or discharged, or where hazardous substances or hazardous wastes are present, shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, analysis, records examination and copying or the performance of any of his/her duties.

The District, or its authorized representative, accompanied by such other representatives of other public agencies as may be appropriate, shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force that would require proper identification and clearance before entry onto the premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the District, along with other authorized representatives, will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Such inspection(s) shall be made with the consent of the owner or possessor of such facilities or, if such consent is refused, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.5) of Part 3 of the Code of Civil Procedure; provided, however, that in the event of an emergency affecting public health or safety, such inspection may be made without consent or the issuance of a warrant. To the extent that the owner or possessor of the premises requires that a warrant be received, the District may, in its discretion, suspend the permit and/or any other right to discharge to sanitary facilities immediately, and such suspension may continue until such time as a warrant has been received and the inspection has been completed. If no violation of this Title, this Code or the permit, if applicable, is found, the suspension shall be lifted. In the event that violations of this Title,

this Code, or the permit, if applicable, are found, then the suspension may, in the discretion of the District, be continued or terminated, or other enforcement remedies may be sought.

The District may choose to inspect the facility to determine compliance with all standards set forth in this Title, this Code and the permit, if applicable, and additionally, such inspections may be undertaken to verify the wastewater flows and strengths reported by the discharger.

**Section 10.12.090 Pretreatment.**

Users shall provide necessary wastewater treatment as required to comply with this Title and shall achieve compliance with all national pretreatment standards within the time limitations as specified by the federal regulations, or this Title or the permit, or permit contract, whichever is earliest. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Title. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be acceptable to, the District prior to the user's initiation of the changes.

**Section 10.12.100 Publication of users in significant non-compliance.**

Pursuant to federal requirements, the District shall annually publish in the largest daily newspaper within the jurisdictional boundaries of the District a list of the users who were in significant noncompliance with any pretreatment requirements or standards during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve months.

**Section 10.12.110 Records retention.**

All records relating to compliance with pretreatment requirements or standards shall be made available to officials of the EPA, State and District, or their authorized representatives. These records shall be retained for a minimum of three years from the date of the compliance report to which these records are applicable or three years from the date any investigation or enforcement action undertaken by the District, state or EPA has been concluded, except when there is unresolved litigation regarding the user or the District to which such records are relevant, or a request of the General Manager of the District for a longer retention, in which cases the records shall be retained until the litigation is concluded (including the expiration of all periods of limitation and of all appeals) or as requested by the General Manager.

**Section 10.12.120 Confidential information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without notification unless the user specifically requests confidentiality

and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

The portions of such information that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to other governmental agencies for uses related to this Title, the National Pollutant Discharge Elimination System (NPDES) and/or the pretreatment program. Those portions of the information shall also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the user furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information

Information and data requested from a user which the user believes to be proprietary and the release of which to the public would substantially impair the operations of the user, may alternatively be provided to the District for its review at the facility of the user rather than provided to the District for its keeping, at the discretion of the District. The burden will be on the user to demonstrate to the satisfaction of the District that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this Title.

In any event, information accepted by the District as confidential, shall not be transmitted to anyone, except the Environmental Protection Agency, the State Water Quality Control Board and/or the Regional Water Quality Control Board, until and unless a ten-day notification is given to the user.

**Chapter 10.16      ENFORCEMENT \***

10.16.010 Enforcement mechanisms.

10.16.020 Informal administrative actions.

10.16.030 Administrative orders and compliance schedules.

10.16.040 Noncompliance with permit and/or permit contract requirements and other applicable fees.

10.16.050 Assessment of charges for obstruction or damage to district facilities or operations.

10.16.060 Suspension or termination of service.

10.16.065 Administrative civil penalties.

10.16.070 Civil action.

10.16.080 Criminal action.

10.16.090 Notification procedures.

10.16.100 Costs.

10.16.110 Responding to significant noncompliance.

\* Portions of Chapter 10.16 are superseded by Chapter 1.14

### **Section 10.16.010 Enforcement mechanisms.**

Chapter 1.14 supersedes the provisions of Chapter 10.16 in many regards.

It is the intent of this section to provide adequate mechanisms to achieve a maximum degree of compliance with this Title by all users. These enforcement provisions apply to all classes of users to the extent such user violates any provision of this chapter or administrative order of the District pursuant to this Title. In order to achieve the maximum degree of compliance desired, the District will use a variety of enforcement mechanisms. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. The District may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Title. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Title is intended to prevent State and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Title that also constitutes a violation of federal or state statutes and regulations, such as: (1) the Clean Water Act (33 U.S.C.A. § 1251, et seq.); (2) the California Porter-Cologne Water Quality Act (California Waste Water Code Section 13000, et seq.); (3) the California Hazardous Waste Control Law (California Health and Safety Code Sections 25100 through 25250); (4) the Resource Conservation and Recovery Act (42 U.S.C.A. § 6901, et seq.); and (5) California Government Code Sections 54739 through 54740.6. The referenced state and federal laws, along with other pertinent laws, provide authority for the District's enforcement mechanisms.

The enforcement mechanisms available to the District for violations of the provisions of this Title, applicable District resolutions and permit or permit contract provisions include the following:

- A. Informal administrative action (including NOVs and warning notices);
- B. Administrative orders;
- C. Institution of sampling and evaluation programs, enforcement compliance schedule agreements, and related administrative orders;
- D. Assessment of charges for obstruction or damage to District facilities or operations;
- E. Suspension or termination of services;
- F. Administrative complaints for administrative civil penalties;
- G. Civil action;
- H. Criminal action.

### **Section 10.16.020 Informal administrative actions.**

District staff may, on an informal basis, take action against a discharger for minor violations or technical or clerical shortcomings of a user or a user's compliance submittals. These informal administrative actions may include informal notices (i.e., telephone calls to the user's representative), Notice of Violation (NOV), informal meetings or informal warning letters. Such action will not prevent a subsequent or concurrent imposition of other enforcement mechanisms.

**Section 10.16.030 Administrative orders and compliance schedules.**

When the District finds that a user has violated the prohibitions or requirements of this Title, or the provisions of a wastewater discharge permit or wastewater discharge permit contract, the District may issue an administrative order directed at those users not complying with such prohibitions, limitations, requirements or provisions to (1) cease to discharge immediately (suspension of service); (2) comply with requirements immediately; or (3) make such changes to their pretreatment facility and procedures immediately as to ensure full compliance.

The District may also issue, under the circumstances set forth above, an order containing a compliance schedule or a time schedule setting forth dates by which specific corrective actions must be completed.

**Section 10.16.040 Noncompliance with permit and/or permit contract requirements and other applicable fees.**

A. Grounds for Instituting Sampling and Evaluation (S & E) Programs. In addition to those grounds set forth in Section 10.12.060 (A)(6), grounds for instituting an S & E program include compliance sampling or District sampling indicating a significant noncompliance (SNC). The S & E program may consist of District sampling of the discharger's wastewater at the first opportunity convenient to the District, upon which daily samples may be taken each day for up to five days. The District or outside laboratory will analyze these samples for the violating constituents and provide notice to the discharger in regard to the results of said sampling. Violations that may occur during the S & E program shall constitute subsequent violations under this Title or under any applicable law.

B. S & E Program Revealing Noncompliance. If the S & E program reveals noncompliance by the user with the prohibitions or specific pollutant limitations specified in this Title or in the user's permit or permit Contract:

1. The user may be assessed all costs incurred during the S & E program for sampling and analysis, including labor, equipment, materials, outside services and overhead.
2. The District may place the user on a compliance schedule or undertake another S & E program. The compliance schedule shall provide for minimum required actions to be undertaken by the discharger to alleviate the violation and a schedule for completion of said actions. The compliance schedule may include interim constituent level maximums. All violations of constituent maximums or other requirements set forth in the compliance schedule, including failure to meet schedule dates shall constitute violations of this chapter and other applicable laws, and each day a discharger fails to meet a schedule date shall constitute a separate violation. Any constituent limit violation during the compliance schedule period shall provide grounds for the institution of an additional S & E program.
3. The District may amend an existing permit through an Enforcement Compliance Schedule Agreement (ESCA). This may be done after consultation with the user when the user has shown good faith in trying to comply but requires additional time for construction and/or acquisition of equipment related to pretreatment. The permit may be amended with the ESCA for a period of up to one hundred eighty days; however, this period may be extended for a period not to exceed an additional one hundred and eighty days upon determination by the General Manager/Chief Engineer that good cause exists for an additional period. No further extensions shall be granted except upon approval of the Board

of Directors.

4. Any other enforcement mechanism set forth in this Title or other applicable law may be commenced.

C. Continued Noncompliance After S & E Program or ESCA. If a discharger remains in noncompliance because corrective action is not taken within a reasonable time after completion of an S & E program or the expiration of an ESCA, an administrative order may be issued. Any of the other enforcement mechanisms set forth in this chapter or applicable laws may also be commenced.

**Section 10.16.050 Assessment of charges for obstruction or damage to district facilities or operations.**

When a user's discharge, whether due to negligence, accident, spill or otherwise, causes an obstruction, damage or any other impairment to the District's operation or facilities, the District may impose a charge on the user for the cost to clean or repair the facility, or costs incurred to resume normal operations. An administrative service fee of twenty-five percent of the District's costs may be added to these charges. The total amount shall be paid within forty-five days of invoicing by the District. If it can be shown that the user's discharge caused or significantly contributed to the District violating its discharge requirements or incurring additional expenses or suffering loss or damage to the operation or facilities, then the user shall be responsible for any costs or expenses, or a prorated portion of such expenses, including assessments or penalties imposed by other agencies or the court on the District.

**Section 10.16.060 Suspension or termination of service.**

A. Suspension of Service. The District may suspend the wastewater treatment service and/or a wastewater discharge permit or permit contract by issuance of a cease and desist order when the District makes the determination that such suspension is necessary. A suspension shall be justified in order to prevent an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of individuals or the environment, causes or may cause interference to the treatment plant or other District operations, or causes or may cause the District to violate any condition of its NPDES permit. Additionally, a permit may be suspended for any of the conditions set forth justifying revocation of permit or termination of permit contract as set forth in subsection B of this section. Nothing in this paragraph will limit the rights of the District to suspend or terminate service pursuant to specific permit or permit contract conditions that may be more stringent.

Any industrial user notified of a suspension of service and/or the wastewater discharge permit or permit contract shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the administrative order, the District shall take such steps as deemed necessary to prevent or minimize damage to the District's facilities or endangerment to persons or the environment. The District may reinstate the wastewater discharge permit, permit contract, and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

B. Revocation of Permit/Termination of Permit Contract. Any user who violates the following conditions is subject to having its permit revoked or permit contract terminated:

1. Any user who knowingly gives or provides a false statement, representation, record,

report, plan, or other document to the District or falsifies, tampers, or knowingly renders inaccurate any monitoring device or method required under this Title;

2. Failure of a user to factually and completely report the wastewater constituents and characteristics of his discharge;

3. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

4. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

5. Failure of a user to notify the District immediately of accidental discharge and/or take appropriate corrective action to prevent a reoccurrence;

6. Failure of a user to file a periodic compliance report or periodic compliance report in such time and in such manner as is required by this Title;

7. Significant violation(s) of the permit or permit contract requirements or conditions and/or violation of this Title. Any violation of the discharge standards where a constituent concentration is determined to be five times the concentration standard set forth in Exhibit A attached to the ordinance codified in this Title and on file in the District office or any series of three or more violations of the same constituent within a one-year period, shall constitute a significant violation;

8. Failure to pay fees and charges or penalties established pursuant to this Title.

C. Immediate Termination of Discharge. In the case of an actual or threatened discharge which reasonably appears to present an imminent danger or threat to the health or welfare of persons, the environment, or the District or its employees or contractors, the District may, after reasonably attempting to informally notify the user, take all necessary steps to halt or prevent such discharge including, but not limited to plugging or physically disconnecting the user's access to the District wastewater system.

#### **Section 10.16.065 Administrative Civil Penalties.**

Pursuant to the authority of California Government Code Sections 54739 to 54740.6, the District Board may issue administrative complaints, conduct administrative hearings and/or impose civil penalties in accordance with the procedures set forth in these sections for violation of the District's requirements

relating to pretreatment of industrial waste or the prevention of the entry of industrial waste into the District's collection system or treatment works. These penalties shall be as follows:

A. In an amount that shall not exceed two thousand dollars for each day for failing or refusing to furnish technical or monitoring reports;

B. In an amount that shall not exceed three thousand dollars for each day for failing or refusing to timely comply with any compliance schedule established by the District;

C. In an amount that shall not exceed five thousand dollars per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District;

D. In an amount that does not exceed ten dollars per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or

adopted by the District.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty days.

As to court actions authorized by the above-referenced sections, District Counsel, or other special counsel designated by the District Board, shall institute appropriate actions to effect statutorily authorized remedies, upon order of the District Board.

#### **Section 10.16.070 Civil action.**

The District Board may direct District Counsel or other special counsel to bring such civil actions as may be available at law or in equity in any court of competent jurisdiction to enforce the provisions of this Title and to recover such charges, fees, penalties and/or damages as may be assessed or may be incurred under the provisions of this Title.

A. Injunction. Whenever a discharge of wastewater is in violation of the provisions of this Title, the District may petition the Superior Court for issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

B. Civil Actions for Penalties. Any user who violates any provision of this Title, permit condition or permit contract condition, or who violates any cease and desist order, prohibition or effluent limitation, shall be liable civilly for a penalty not to exceed twenty-five thousand dollars for each day in which such violation occurs pursuant to California Government Code Section 54740. Pursuant to the authority of the Clean Water Act, 33 U.S.C.A Section 1251, et seq., any user committing a violation of any provision of this Title, which is also a violation of a pretreatment standard, effluent standard or limitation or other applicable provision of the Clean Water Act, shall be liable civilly for a sum not to exceed twenty-five thousand dollars per violation for each day in which such violation occurs. District Counsel, or other special counsel designated by the Board, upon order of the District Board, shall institute such actions as may be appropriate in the appropriate court to impose, assess and recover such sums.

C. Other Civil Actions. The District may require compliance with permit conditions or limitations by issuing administrative orders, including cease and desist orders, and compliance schedules. Said orders are enforceable in a California court of general jurisdiction. The District, however, may directly undertake any court action available at law or equity, including but not limited to a civil action for penalties without first seeking an administrative order or making use of a compliance schedule, and it may concurrently undertake such administrative and court actions as deemed appropriate.

#### **Section 10.16.080 Criminal action.**

A. General Criminal Penalties. Any person who violates any provision of this Title, permit, or permit contract, or who violates any administrative order, prohibition or effluent limitation, is guilty of a misdemeanor, and upon conviction is punishable by a fine not to exceed one thousand dollars or imprisonment for not more than thirty days in the county jail, or both. Each day a violation occurs may constitute a new and separate offense and may subject the violator to an additional full measure of penalties as set forth herein.

B. Falsifying Information. Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan or other document filed or

required to be maintained pursuant to this Title, or wastewater discharge permit, wastewater discharge permit contract, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Title, shall upon conviction be punished by a fine of not more than one thousand dollars or imprisonment for not more than thirty days, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate any device or method, shall constitute a new and separate offense and shall be subject to the penalties contained therein.

Nothing in this section is intended to exclude the potential for prosecution under the applicable perjury statutes of the State of California to the extent such falsification was incorporated in a document signed under the penalty of perjury.

#### **Section 10.16.090 Notification procedures.**

A. Notification to User. Whenever the District finds that any user has violated or is violating the provisions of this chapter, a wastewater discharge permit, wastewater discharge permit contract, or any prohibition, limitation or requirements contained herein, the District may serve upon such person a written notice stating the nature of the violation. Within thirty days of the date of this notice, a plan for the satisfactory correction of the violation shall be submitted to the District by the user.

Whenever the District assesses a penalty or other form of enforcement action under the provisions of this chapter, the District shall serve upon such user a written notice stating the nature of the enforcement action being taken.

B. Notification to District. When a user discovers that it has violated or is violating a provision of the chapter, its wastewater discharge permit, its wastewater discharge permit contract or any prohibition, limitation or requirement contained therein, including a violation as may be caused by accidental discharge or spill, the user shall immediately notify the District upon discovery of such violation. Thereafter, within five days following the accidental discharge or discovery of a violation, the user shall submit to the District a detailed, written report, describing the accidental discharge or violation, and the measures taken by the user to prevent similar future occurrences. This written report regarding the violation may be included as a part of a periodic compliance report, or other report as may be required under this chapter, as long as the written report is provided within the five days of discovery, which notification shall not relieve the user of any expense, penalty, fee or other liability which may be incurred as a result of the violation.

#### **Section 10.16.100 Costs.**

All costs associated with the District's undertaking of enforcement actions pursuant to this Title, including attorney's fees for civil actions undertaken, shall be paid by the user. These costs may include but not be limited to the costs for termination of service, reinstatement of service, compliance sampling and reinstatement of service, compliance sampling and analysis and administrative activities undertaken by the District. However, if the user prevails in an appeal to the Board of Directors or a civil action taken to nullify an enforcement action pursued by the District under this Title, the user shall not be responsible for the costs incurred by the District in pursuing said enforcement action.

#### **Section 10.16.110 Responding to significant noncompliance.**

Any violation of pretreatment standards or requirements (limits, sampling, analysis, reporting, and meeting compliance schedules and regulatory deadlines) is an instance of noncompliance for which the industrial user is liable for enforcement including penalties. However, the District is required to identify violations or patterns of violations by industrial users that are deemed to be instances of significant noncompliance (SNC). To the extent that a violation or pattern of violations is determined to be significant noncompliance, the District shall give additional priority to enforcement actions with regard to that industrial user. Additionally, the determination of significant noncompliance shall be used as the basis for reporting same to the regulatory authorities and publishing of the list of significant noncompliers as is required of the District by law. The following is a guideline of criteria that will be used in determining instances of SNC.

A. Violations of Wastewater Discharge Limits.

1. Chronic Violations. Chronic violations shall be deemed to be present when sixty-six percent of the measurements exceed the daily maximum limit or the average limit for the same parameter in a six-month period (any magnitude of exceeding the limit).
2. Technical Review Criteria Violations. A technical review criteria (TRC) violation occurs if thirty-three percent of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six-month period. Such violations may be deemed significant noncompliance. "TRC" is defined as 1.4 times the average or maximum limit for oil and grease and 1.2 for all other pollutants except pH.
3. Other Effluent Limit Violations. Any other violation(s) of an effluent limit (average or daily maximum) that the District believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through (including adverse effect on any toxicity testing); or endangered the health of the sewage treatment personnel or the public.
4. Danger to Human Health or Welfare. This category also includes any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

B. Violation of Compliance Milestones. Significant noncompliance shall include violations of compliance schedule milestones, contained in any order given to the user by the District, including an ECSA for starting and completing construction, attainment of final compliance by ninety days or more after any scheduled date.

C. Failure to Provide Proper Data. Significant noncompliance shall also include failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within thirty days from the date such reports or other data are due.

D. Failure to Accurately Report. Significant noncompliance status may also be derived from the failure of a user to accurately and promptly report any noncompliance. Any attempt to circumvent the reporting requirements or otherwise withhold noncompliance data from the District shall give rise to SNC status.

E. Other Violations. SNC status may also result from any other violation or group of violations that the District determines may adversely affect its operations or the accomplishment of the objectives of this Title.

**Chapter 10.20**

**HEARINGS, APPEALS, AND REQUESTS FOR BOARD  
CONSIDERATION**

10.20.010 Availability of administrative appeal.

10.20.020 Show cause hearings.

**Section 10.20.010 Availability of administrative appeal.**

Any user, permit applicant, permit or permit contract holder affected by any decision, enforcement action or determination made by the District, interpreting or implementing the provisions of this Title or in any permit or permit contract issued herein, may file with the General Manager a written request for reconsideration of a staff decision, action or determination *within fifteen days of notification of said staff decision, action or determination*. The written request for reconsideration shall detail facts supporting the user's request and such facts shall include a statement listing all relevant facts that shall be considered, including such factors as may not have been known or available to the District at the date of such action. The General Manager shall render a decision on the request for reconsideration *within fifteen days of receipt of the request*, unless the General Manager requests additional information from District staff or the user. The General Manager shall concur, modify or rescind the action, decision or determination previously made or may grant a show cause hearing regarding such a decision, action or determination. If the ruling on the request for reconsideration made by the General Manager is unacceptable, the user may, *within ten days after the date of notification of the General Manager's determination*, file with the District Secretary a request for Board consideration of staff decision in accordance with Chapter 1.16 of this Code.

A user shall not have a right to request Board consideration of staff decision unless the user has complied with the procedures concerning the request for reconsideration by the General Manager, as set forth above.

When a written request for Board consideration of staff decision has been properly filed with the District Secretary, the District Secretary shall schedule the matter to be heard by the District Board *within forty-five days from the date of the filing of the written request*. The District Board shall make a determination arising from the request for Board consideration of staff decision *within fifteen days from the date of the hearing* unless the Board requests additional information from the District staff or the user.

Notwithstanding the foregoing, the statutory appeal procedures set forth in the California Government Code Section 54739, et seq., applicable to administrative civil penalties imposed or sought pursuant to Section 10.16.065 shall exclusively apply to such penalties.

**Section 10.20.020 Show cause hearings.**

The District may order any user who violates any of the provisions of this Title, permit conditions, or permit contract conditions to appear before a designated Hearing Officer to show cause why a proposed enforcement action should not be taken. Notice shall be provided to the user specifying the time and place of the hearing. A notice for a show cause hearing shall set forth the violation, the reasons why an action is to be taken, the proposed enforcement action, and such other information as will notify the user of the nature of the hearing. The user has the burden of proof to demonstrate that the proposed action should not be taken or that the decision, action or determination previously made should be rescinded or modified. A notice of hearing shall be served personally or by registered or certified mail (return receipt requested) *at least ten days before the hearing*. Service of the notice may be made on an agent of the user or officer of the user's business entity.

A District employee or officer may conduct the hearing and take evidence, or the District may designate another independent person to do so. The District shall not, as a matter course, provide for stenographic recording of the hearing; however, the user may provide for such stenographic recordation at its expense.

After the hearing officer has reviewed the evidence, administrative orders may be issued that specifically relate to the issues set forth in the notice of show cause hearing. If the user is dissatisfied with the determination of, or the administrative order issued by, the Hearing Officer, the user may file a written request for Board consideration of staff decision in accordance with Chapter 1.16 of this Code. The request for Board consideration of staff decision shall be filed with the District Secretary *within ten days of the issuance of the determination order of the hearing officer*. The District's Secretary shall calendar the matter before the District Board *within forty-five days of the date of filing of the written request for Board consideration of staff decision*.

**Chapter 10.24      FEES**

10.24.010 Purpose.

10.24.020 Sewer service charges.

10.24.030 Scope of charges and fees for source control program.

10.24.040 Payment of fees, charges and delinquencies.

10.24.050 Reinstatement deposit.

**Section 10.24.010 Purpose.**

It is the purpose of this chapter to provide for both the recovery of costs from users of the District's facilities for the implementation of the source control and related programs established herein, and also to provide for a sewer service fee to be imposed on all nonresidential dischargers to the District sewage system. With regard to the source control and related programs, it is the purpose of this Title to provide for the recovery of costs from the users of those programs. The applicable charges or fees shall be set forth in the District's schedule of operation and maintenance charges and fees. (Code Chapter 6.24)

**Section 10.24.020 Sewer service charges.**

All users shall pay a user charge to the District for wastewater collection, treatment and disposal services. This sewer service charge shall be in addition to the fee imposed on certain users for the administration of the source control program as set forth elsewhere in this Title. The sewer service charge shall reflect the quantity, quality and flow of the wastewater of the user and will be based on the District's operating costs to intercept, treat and dispose of the wastewater. The sewer service charge shall be set from time to time by the District Board. (Code Chapter 6.24)

**Section 10.24.030 Scope of charges and fees for source control program.**

The District may adopt charges and fees to compensate the District for its activities under the source control program, which may include:

- A. Setting up and operating the District's pretreatment program, industrial user notification program and slug discharge program;
- B. Monitoring, sampling, inspection and surveillance procedures;
- C. Reviewing accidental discharge procedures and construction;
- D. Processing permit applications;
- E. Implementation of administrative and legal enforcement measures;
- F. Other fees as the District may deem necessary to carry out the requirements of the programs contained herein.

These fees relate solely to the matters covered by this Title and are separate from all other fees chargeable by the District. These fees and charges may include staff costs, as well as legal, consulting and laboratory costs, associated with the District's activities in implementation of these programs.

**Section 10.24.040 Payment of fees, charges and delinquencies.**

Except as otherwise provided, all fees, charges and penalties made pursuant to the provisions of this Title are due and payable upon receipt of notice thereof. All such amounts shall become delinquent *forty-five days after the date of invoice*.

A penalty for delinquent accounts shall be charged in accordance with the following:

1. *Forty-six days after the date of invoice*, a penalty of ten percent of the base invoice amount, not to exceed a maximum of one thousand dollars;

2. *Ninety days after the date of the invoice*, an additional penalty of ten percent of the base invoice amount shall be imposed, the cumulative total of the penalties will not exceed a maximum of four thousand dollars.

Any invoice outstanding and unpaid after ninety days shall be cause for immediate initiation for permit revocation proceedings.

Penalties charged under this section shall not accrue to those invoices successfully appealed, provided the District receives written notification of said appeal prior to the payment due date. Payment of disputed charges is still required during District review of any appeal submitted by users.

#### **Section 10.24.050 Reinstatement deposit.**

Permit or permit contract users that have been subject to enforcement proceedings may be required to deposit with the District an amount determined by the General Manager prior to permission being granted for further discharges to District facilities. The deposit shall be provided as a security to ensure that the requirements of this Title are complied with, and all fees and charges associated with the user's permit or permit contract are paid. The security may be returned *after one year*, provided that the user has not been subject to any enforcement actions or enforcement fees within that one-year period. The deposit shall be cash or other security acceptable to the District.

**Chapter 10.28      WASTE HAULER PROGRAM**

10.28.010 Waste hauler discharges not permitted.

**Section 10.28.010 Waste hauler discharges not permitted.**

The Board finds that it is not in the best interests of the health and sanitation of the constituents of the Crockett Community Services District that the District receive certain trucked-in wastes at the treatment plant for disposal. It is the intent of the Board that the treatment facility shall only be used for the disposal of wastes that are compatible with the treatment plant process and the continued operation of the treatment plant as a non-RCRA or non-hazardous waste disposal facility. Under the terms of the Joint Use Agreement with C&H Sugar Co., the District has agreed that any water or waste which may contain more than one hundred (100) milligrams per liter of fat, oil or grease, and any domestic or other wastes obtained from a septic tank are prohibited wastes and are not permitted to be discharged to the sewer system of the joint treatment plant. Consequently, the District has no waste hauler program for restaurant grease or septage.

**Chapter 10.32      GREASE, OIL, AND SAND INTERCEPTOR PROGRAM**

10.32.010 Interceptors required.

10.32.020 Administration of interceptor program.

10.32.030 Interceptor maintenance procedures and program.

10.32.040 Enforcement.

**Section 10.32.010 Interceptors required.**

All non-domestic users shall be required to install and maintain a grease, oil and sand interceptor when the General Manager finds that it is necessary for the proper handling of (1) liquid waste containing grease, (2) flammable wastes, (3) sand, or (4) other harmful constituents that may be properly eliminated from the sewerage system by use of an interceptor or trap. An interceptor is not required for a building used solely for residential purposes so long as there exists no common food preparation facility. An interceptor shall be required when the wastewater flow from the building is anticipated to contain grease, flammable substances, sand or other harmful ingredients in amounts or concentrations which, in the discretion of the District, present the possibility of causing or contributing to the fouling of, the blockage of, or other damage to the District sewerage system. (Standard Specifications Section 9)

**Section 10.32.020 Administration of interceptor program.**

The District shall administer an interceptor program that is intended to prevent grease, sand, flammable liquids, and other substances that are likely to block or create a hazard within the sewerage system from entering the system through use of interceptors or traps. The District may require any non domestic user to install an interceptor or trap according to the guidelines set forth in the District's Standard Specifications or other program prior to connection to the District, or at any time after connection to the District if the District discovers or determines subsequent to the connection that the building, facility, or operation of that user produces a waste with characteristics that would require installation of a trap or interceptor pursuant to this Title. The installation of a proper interceptor or trap device shall be the responsibility of the parcel owner and the entity that applies for the connection or industrial user permit, and the owner/proprietor of the business or entity whose operations cause or contribute to the necessity for an interceptor or traps. The District shall determine whether a grease trap, grease interceptor or other interceptor is required on a case by case basis based on an evaluation of objective criteria including, but not limited to, factors such as those listed hereunder:

- A. The type of facility (a restaurant, bakery, cheese factory, yogurt shop, gas station, lube facility, etc.);
- B. The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation);
- C. Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used;
- D. The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service);
- E. The type of foods or other materials used in the cooking, processing or manufacturing operations carried on within the user's facility;
- F. The overall potential for grease-ladened, flammable or sand-ladened discharges;
- G. The existence of devices, procedures or processes that are designed to minimize the amount of grease, sand, oil or other flammable liquids from entering the sewer system.

The design, location and procedures for operation of a required interceptor or trap shall be approved by the District. Such approval shall be obtained prior to the user's connection of the facility to the District's sewerage system, in the event of new construction or remodeling. In instances where a user has already connected and the District determines that an interceptor or trap must be installed, the user shall promptly provide for the installation of the interceptor or trap within a reasonable time frame (as may be set by the District), including providing such design plans and operational plans as may be required. The installation of an interceptor or trap

as required by this Title on an existing user facility shall occur within reasonable time *not to exceed one hundred days after the user has been provided notice of the requirement that an interceptor or trap be installed.* This one hundred-day limit may only be extended by written agreement of the District.

**Section 10.32.030 Interceptor maintenance procedures and program.**

Any user who is required by the District and/or this Title to install and/or operate an interceptor or trap device shall be required to adequately maintain the interceptor or trap device so that such device is in proper working order at all times. Grease and oil interceptors shall be cleaned by a licensed and permitted waste hauler on a periodic basis so as to assure that the interceptor will operate as designed at all times.

Any users who are required to install or have in operation an interceptor or traps pursuant to this Title, shall be required to have a plan of operation or program for their facility that is intended to insure that the interceptor or trap operates as designed to prevent grease, oil, sand or other harmful constituents from entering the sewerage system. These procedures may include adoption of kitchen practices to minimize the grease-laden garbage that ultimately enters the facility's drains and floor traps and/or other such procedures as may be required for the proper operation of the interceptors.

**Section 10.32.040 Enforcement.**

Failure of any user who is required to maintain an interceptor or trap pursuant to this Title and/or pursuant to lawful District direction, shall be subject to each of the enforcement provisions set forth in this Title. The enforcement provisions of this Title shall apply to the failure to instruct personnel, maintain, pump and/or institute a proper grease or flammable substance reduction program.

## **APPENDIX**

ORDINANCE LIST AND DISPOSITION TABLE

RESOLUTION LIST AND DISPOSITION TABLE

ADOPTED POLICY LIST AND DISPOSITION TABLE

EXISTING CONTRACTS AND AGREEMENTS LIST

## ORDINANCE LIST AND DISPOSITION TABLE

### Ordinance Number

1	<del>Sewer construction.</del> Superseded by #71-72-1.
2	<del>Garbage collection.</del> Superseded by #94-2.
60-61-3	<del>Sewer connection fees.</del> Superseded by #71-72-1.
62-63-1	<del>Garbage collection.</del> Superseded by #94-2.
70-1	<del>Garbage collection.</del> Superseded by #94-2.
71-72-1	<del>Sewer connection fees.</del> Superseded by #75-76-2.
73-74-5	<del>Electing to use the property tax roll.</del>
73-74-5a	<del>Setting sewer service charges.</del> Superseded by #74-75-3.
74-75-3	<del>Setting sewer service charges.</del> Superseded by #75-76-7.
74-75-4	<del>Electing to use the property tax roll.</del>
75-76-2	<del>Sewer construction.</del> Superseded by #78-79-2.
75-76-6	<del>Electing to use the property tax roll.</del>
75-76-7	<del>Setting sewer service charges.</del> Superseded by #76-77-5
76-77-5	<del>Electing to use the property tax roll.</del>
76-77-5a	<del>Setting sewer service charges.</del> Superseded by #77-78-10.
77-78-08	<del>Electing to use the property tax roll.</del>
77-78-09	<del>Sewer construction.</del> Superseded by #78-79-2.
77-78-10	<del>Setting sewer service charges.</del> Superseded by #78-79-3.
77-78-12	<del>Setting garbage rates.</del> Superseded by #79-80-1.
78-79-2	<del>Sewer construction.</del> Amended by #90-91-100, Resn 91-92-06, 92-2, 93-1, 99-1, 04-1; Superseded by #19-6.
78-79-3	<del>Electing to use the property tax roll.</del>

78-79-3a	<del>Setting sewer service charges.</del> Superseded by #79-80-3.
79-80-1	<del>Setting garbage rates.</del> Superseded by #84-85-50.
79-80-2	<del>Electing to use property tax roll.</del>
79-80-3	<del>Setting sewer service charges.</del> Superseded by #81-82-01.
80-81-1	<del>Garbage collection.</del> Superseded by #94-2.
80-81-10	<del>Electing to use the property tax roll.</del>
81-82-01	<del>Setting sewer service charges.</del> Superseded by #82-83-02.
81-82-10	<del>Garbage collection.</del> Superseded by #94-2.
82-83-02	<del>Setting sewer service charges.</del> Superseded by #83-7.
83-1	<del>Setting sewer service charges FY 83/84.</del> Superseded by #84-1.
84-1	<del>Setting sewer service charges FY 84/85.</del> Superseded by #85-1.
84-85-50	<del>Setting garbage rates.</del> Superseded by #92-93-08.
85-1	<del>Setting sewer service charges FY 85/86.</del> Superseded by #86-1.
86-1	<del>Setting sewer service charges FY 86/87.</del> Superseded by #87-1.
87-1	<del>Setting sewer service charges FY 87/88.</del> Superseded by #88-1.
88-1	<del>Setting sewer service charges FY 88/89.</del> Superseded by #89-1.
89-1	<del>Setting sewer service charges FY 89/90.</del> Superseded by #90-1.
90-1	<del>Setting sewer service charges FY 90/91.</del> Superseded by #91-1.
<b>90-91-100</b>	Setting connection and annexation charges. Amends #78-79-2. Amended by #04-1.
91-1	<del>Setting sewer service charges FY 91/92.</del> Superseded by #92-1.
92-1	<del>Setting sewer service charges FY 92/93.</del> Superseded by #93-2.
92-2	<del>Requiring backflow prevention/overflow devices.</del> Superseded by #19-6.
<b>93-1</b>	Setting sewer permit fees. Amended by #09-5.
93-2	<del>Setting sewer services charges FY 93/94.</del> Amended by #02-1.

Repealed by #07-2.

- 94-1 ~~Setting sewer service charges FY 94/95.~~ Superseded by #95-1.
- 94-2 ~~Providing for solid waste collection and recycling.~~ Repeals #81-82-10, #80-81-1, #70-1, #62-63-1, and #2.
- 95-1 ~~Setting sewer service charges FY 95/96.~~ Superseded by #96-1.
- 96-1 ~~Setting sewer service charges FY 96/97.~~ Superseded by #98-1.
- 98-1 ~~Setting sewer service charges FY 98/99.~~ Superseded by #99-2.
- 99-1** Allowing delayed payment of connection charges.  
Amends #90-91-100.
- 99-2 ~~Setting sewer service charges FY 99/00.~~ Superseded by #01-1.
- 01-1.1.1 ~~Setting sewer service charges FY 01/02 99/00.~~  
Superseded by #02-1.
- 01-2 Regulating easement encroachments.
- 02-1 ~~Setting sewer service charges FY 02/03.~~ Superseded by #05-2.
- 04-1** Setting connection charges (capacity fees). Amends #90-91-100.
- 05-01** ~~Adopting District Code and Standard Specifications.~~ Amended by #19-6. Superseded by #19-8
- 05-2 ~~Setting Crockett sewer service charges FY 05/06.~~  
Superseded by #06-1.
- 06-1 ~~Setting Crockett sewer service charges FY 06/07.~~  
Superseded by #07-2.
- 07-1** Lateral inspections.
- 07-2 ~~Setting Crockett sewer service charges FY 07/08.~~  
Superseded by #08-1.
- 08-1 ~~Setting Crockett sewer service charges FY 08/09.~~  
Superseded by #09-3.
- 08-2 ~~Setting Port Costa sewer service charges FY 08/09.~~  
Superseded by #09-2.
- 09-1 ~~Condominium sewers.~~ Superseded by 19-2.
- 09-2 ~~Setting Port Costa sewer service charges FY 09/10.~~

- Superseded by #10-3.
- 09-3 ~~Setting Crockett sewer service charges FY 09/10.~~  
Superseded by #10-2.
- 09-4 ~~Park and recreation regulations.~~ Superseded by #19-3.
- 09-5 ~~Setting sewer permit fees.~~ Amends #93-1. Superseded by #19-4.
- 10-1 ~~Administrative enforcement.~~ Superseded by #19-5.
- 10-2 ~~Setting Crockett sewer service charges FY 10/11.~~  
Superseded by #11-2.
- 10-3** ~~Setting Port Costa sewer service charges FY 10/11.~~  
Superseded by #11-1.
- 11-1 ~~Setting Port Costa sewer service charges FY 11/12.~~  
Superseded by #12-1.
- 11-2 ~~Setting Crockett sewer service charges FY 11/12.~~  
Superseded by #13-1.
- 12-1 ~~Setting Port Costa sewer service charges FY 12/13.~~  
Superseded by #13-2.
- 13-1 ~~Setting Crockett sewer service charges FY 13/14.~~  
Superseded by #14-1.
- 13-2 ~~Setting Port Costa sewer service charges FY 13/14.~~  
Superseded by #14-2.
- 14-1 ~~Setting Crockett sewer service charges FY 14/15.~~  
Superseded by # 14-3.
- 14-2 ~~Setting Port Costa sewer service charges FY 14/15.~~  
Superseded by # 14-4.
- 14-3 ~~Setting Crockett sewer service charges FY 15/16.~~  
Superseded by # 15-1.
- 14-4 ~~Setting Port Costa sewer service charges FY 15/16~~  
Superseded by #15-2.
- 15-1 ~~Setting Crockett sewer service charges FY 16/17.~~  
Superseded by #18-2
- 15-2 ~~Setting Port Costa sewer service charges FY 16/17.~~  
Superseded by #16-1

- 16-1                    ~~Setting Port Costa sewer service charges FY 17/18.~~  
Superseded by #18-3.
  
- 18-1                    ~~Amend Standard Sewer Specifications.~~ Superseded by #19-6.
  
- 18-2**                    ~~Setting Crockett sewer service charges FY 18/19.~~  
Superseded by #20-2.
  
- 18-3**                    ~~Setting Port Costa sewer service charges FY 18/19.~~  
Superseded by #20-3.
  
- 19-1                    ~~Informal Bidding Procedures — UPCCAA.~~ Superseded by #19-7.
  
- 19-2**                    ~~Condominium sewers.~~ Superseded by #09-1
  
- 19-3**                    ~~Park and recreation regulations.~~ Superseded by #09-4
  
- 19-4**                    ~~Amending building sewer permit fees.~~ Superseded by #09-5
  
- 19-5**                    ~~Administrative enforcement adding Chapter 1.14.~~ Superseded by  
# 10-1
  
- 19-6**                    ~~Standard Specifications for sewers. Amends #05-1.~~ Superseded  
by #18-1
  
- 19-7**                    ~~Informal Bidding Procedures — UPCCAA.~~ Superseded by #19-1
  
- 19-8**                    ~~Repeal and replace District Code~~ Superseded by #05-1

## RESOLUTION LIST AND DISPOSITION TABLE

### Resolution Number

58-59-0x	<del>Accepting property assessment roll.</del>
58-59-0x	<del>Fixing date of hearing.</del>
<b>58-59-0x</b>	Approving annexation of territory.
<b>59-60-0x</b>	Accepting railroad easement.
59-60-0x	<del>Authorizing sale of sewer bonds.</del>
<b>59-60-0x</b>	Accepting sewer easement.
<b>60-61-0x</b>	Accepting outfall easement.
<b>60-61-1</b>	Accepting sewers.
<b>60-61-2</b>	Accepting sewage treatment plant.
<b>60-61-0x</b>	Accepting tideland deed.
<b>60-61-0x</b>	Accepting tideland deed.
<b>60-61-0x</b>	Accepting tideland deed.
60-61-0x	<del>Authorizing transfer of money.</del>
61-62-0x	<del>Fixing date of hearing.</del>
<b>61-62-0x</b>	Approving annexation of territory.
62-63-0x	<del>Setting property tax rates.</del>
63-64-0x	<del>Setting property tax rates.</del>
64-65-1	<del>Appointing Board Secretary.</del>
64-65-0x	<del>Approving ultimate service boundaries.</del>
64-65-3	<del>Fixing date of hearing.</del>
<b>64-65-0x</b>	Amending agreement with C&H Sugar Co.

<b>64-65-5</b>	Accepting sewer easement.
<b>65-66-1</b>	Approving annexation of territory.
<b>66-67-0x</b>	Approving participation in county disaster organization.
68-69-0x	<del>Authorizing transfer of money.</del>
69-70-0x	<del>Authorizing transfer of money.</del>
70-2	<del>Authorizing application for funding.</del>
69-70-0x	Setting property tax rates.
1	<del>Calling a bond election.</del>
70-71-0x	Authorizing transfer of money.
2	<del>Confirming canvas of votes in bond election.</del>
72-73-0x	Setting property tax rates.
<b>73-1</b>	Authorizing joint powers agreement.
<b>73-74-0x</b>	Authorizing signing of joint powers agreement.
73-74-0x	Setting property tax rates.
73-74-5	<del>Amending agreement with Crockett Garbage Co.</del>
73-74-0x	<del>Overruling objections to use of property tax roll.</del>
74-75-0x	Setting property tax rates.
74-75-0x	Authorizing transfer of money.
74-75-0x	Setting property tax rates.
74-75-0x	<del>Overruling objections to use of property tax roll.</del>
<b>75-76-3</b>	Authorizing purchase of property.
<b>75-76-4</b>	Approving outfall agreement with C&H Sugar Co.
75-76-5	<del>Commending Frank Tacconi.</del>
75-76-0x	<del>Authorizing transfer of money.</del>
75-76-8	<del>Authorizing application for grant funds.</del>

75-76-10	<del>Amending agreement with San Pablo Sanitary District.</del>
76-77-0x	<del>Overruling objections to use of property tax roll.</del>
<b>76-77-1</b>	Implementing air quality mitigations.
76-77-0x	<del>Setting property tax rates.</del>
76-77-2	<del>Calling a bond election.</del>
76-77-3	<del>Requesting consolidation of elections.</del>
76-77-4	<del>Hiring a financial consultant.</del>
76-77-7	<del>Confirming canvas of votes in bond election.</del>
76-77-8	<del>Accepting agreement with Virginia Chemical.</del>
76-77-9	<del>Approving work orders.</del>
76-77-10	<del>Approving engineering contract.</del>
76-77-11	<del>Approving property lease.</del>
76-77-0x	<del>Amending agreement with San Pablo Sanitary District.</del>
76-77-12	<del>Overruling objections to use of property tax roll.</del>
76-77-13	<del>Authorizing services.</del>
76-77-14	<del>Approving sale of bonds.</del>
76-77-49	<del>Approving statement form.</del>
77-78-01	<del>Commending Antone Dowrelie.</del>
77-78-0x	<del>Setting property tax rates.</del>
77-78-2	<del>Accepting sale of bonds.</del>
77-78-3	<del>Consenting to operator of treatment plant.</del>
77-78-0x	<del>Authorizing transfer of money.</del>
77-78-4	<del>Authorizing a call for bids.</del>
77-78-5	<del>Directing engineer to proceed.</del>
77-78-4a	<del>Authorizing amendment to engineering contract.</del>

77-78-5a	Awarding construction contract.
77-78-0x	Authorizing transfer of money.
77-78-6	Authorizing payment for treatment plant.
77-78-7	Reserving payment for treatment plant.
77-78-10	Overruling objections to use of property tax roll.
77-78-11	Amending agreement with Crockett Garbage Co.
78-79-1	Overruling objections to use of property tax roll.
78-79-0x	Amending Resolution # 77-78-10.
78-79-0x	Authorizing transfer of money.
78-79-0x	Authorizing transfer of money.
78-79-4	Requesting consolidation of elections.
78-79-5	Amending agreement with West CC Sanitary District.
79-80-1	Overruling objections to use of property tax roll.
<b>79-80-2</b>	Revising calculation of power costs.
80-81-0x	Overruling objections to use of property tax roll.
<b>80-81-0x</b>	Authorizing sewer connection.
81-82-0x	Overruling objections to use of property tax roll.
82-83-03	Overruling objections to use of property tax roll.
83-84-0x	Overruling objections to use of property tax roll.
83-84-20	Commending Samuel Belleci.
84-85-0x	Overruling objections to use of property tax roll.
84-85-15	Setting rules for District election.
85-86-0x	Overruling objections to use of property tax roll.
86-87-0x	Overruling objections to use of property tax roll.
86-87-01	Endorsing west county burn plant.

<b>86-87-0x</b>	Abandoning sewer easement.
86-87-0x	<del>Setting District election date.</del>
87-88-0x	<del>Overruling objections to use of property tax roll.</del>
88-89-0x	<del>Overruling objections to use of property tax roll.</del>
89-90-01	<del>Overruling objections to use of property tax roll.</del>
<b>01-70-90</b>	Authorizing service agreement with West Contra Costa Sanitary District.
90-91-04	<del>Adopting sewer charge report.</del>
90-91-05	<del>Adopting budget for FY 90/91.</del>
90-91-0x	<del>Overruling objections to use of property tax roll.</del>
90-91-01	<del>Continuing Brown Act requirements.</del>
90-91-0x	<del>Commending Bab Simentacchi.</del>
90-91-0x	<del>Amending conflict of interest code.</del>
90-91-02	<del>Adopting budget for FY 91/92.</del>
90-91-0x	<del>Extending manager's contract.</del>
90-91-03	<del>Adopting revised budget for FY 91/92.</del>
<b>90-91-25</b>	Reserving treatment capacity.
91-92-30	<del>Authorizing membership in solid waste authority.</del>
91-92-01	<del>Adopting sewer charge report.</del>
91-92-02	<del>Revising sewer charge report.</del>
<b>91-92-03</b>	Accepting Crockett Landing sewers.
91-92-0x	<del>Overruling objections to use of property tax roll.</del>
<b>91-92-05</b>	Applying for membership in special districts association.
<b>91-92-06</b>	Allowing use of ABS sewer pipe.
<b>91-92-07</b>	Requesting annexation of Duperu Drive territory.
91-92-08	<del>Adopting budget for FY 92/93.</del>

- 92-92-09 ~~Adopting sewer charge report.~~
- 92-93-01 ~~Overruling objections to use of property tax roll.~~
- 92-93-02 ~~Setting Duperu Drive charges.~~
- 92-93-03** Ordering annexation of Duperu Drive territory.
- 92-93-04 ~~Appointing representative to solid waste authority.~~
- 92-93-05 ~~Approving amendment to solid waste authority JPA MOU.~~
- 92-93-06 ~~Commending Faustino Pagni.~~
- 92-93-07 ~~Ratifying solid waste authority MOU.~~
- 92-93-08 ~~Setting garbage rates.~~
- 92-93-09 ~~Supporting local government financing.~~
- 92-93-10 ~~Adopting budget for FY 93/94.~~
- 93-94-01 ~~Setting manager's salary. (Superseded by later contract.)~~
- 93-94-02** Establishing dry weather flow months.
- 93-94-03 ~~Approving amendment to solid waste authority JPA MOU.~~
- 93-94-04 ~~Approving special district representation on LAFCO.~~
- 93-94-05 ~~Setting term of representative to solid waste authority.~~
- 93-94-06 ~~Appointing representative to special districts association.~~
- 93-94-07 ~~Setting date, time and place of board meetings.~~
- 93-94-08 ~~Ratifying solid waste authority resolution.~~
- 93-94-09 ~~Adopting revised budget for FY 93/94.~~
- 93-94-10 ~~Adopting budget for FY 94/95.~~
- 94-95-01 ~~Overruling objections to use of property tax roll.~~
- 94-95-02 ~~Setting manager's salary. (Superseded by later contract.)~~
- 94-95-03 ~~Confirming publication.~~
- 94-95-04 ~~Establishing mandatory solid waste recycling.~~

94-95-05	Confirming publication.
94-95-06	Commending Carl Heller.
94-95-07	Establishing mandatory solid waste recycling.
94-95-08	Setting garbage rates.
94-95-09	Adopting budget for FY 95/96.
95-96-01	Overruling objections to use of property tax roll.
95-96-02	Commending Peter Milcovich.
95-96-03	Adopting budget for FY 96/97.
96-97-01	Overruling objections to use of property tax roll.
96-97-02	Requesting exercise of street sweeping power.
96-97-03	Overruling objections to use of property tax roll.
96-97-04	Adopting budget for FY 97/98.
<b>97-98-01</b>	Authorizing investment in the LAIF.
<b>97-98-02</b>	Adopting investment policy.
<b>97-98-03</b>	Authorizing participation in mutual aid agreement.
<b>97-98-04</b>	Delegating emergency authority.
97-98-05	Designating representative to State OES.
97-98-06	Requesting consolidation of elections.
97-98-07	Overruling objections to use of property tax roll.
97-98-08	Adopting revised budget for FY 97/98.
97-98-09	Adopting budget for FY 98/99.
97-98-10	Setting rules for District election.
98-99-01	Setting compensation for overtime.
98-99-02	Establishing a conflict of interest code.
<b>98-99-04</b>	Dedicating revenue to repay state loans.

98-99-05	<del>Approving loan application.</del>
<b>98-99-06</b>	Adopting system rehabilitation program.
<b>98-99-07</b>	Adopting Ordinance No. 99-1 (connection charges).
98-99-08	<del>Overruling objections to use of property tax roll.</del>
98-99-09	<del>Adopting budget for FY 99/00.</del>
99-00-01	<del>Adopting negative declaration on loan projects.</del>
<b>99-00-02</b>	Authorizing state land lease amendment.
99-00-03	<del>Authorizing sewer connection for bridge contractor.</del>
99-00-04	<del>Electing medical coverage under CalPERS.</del>
<b>99-00-05</b>	Setting retiree criteria under CalPERS.
99-00-06	<del>Requesting consolidation of elections.</del>
99-00-07	<del>Establishing election requirements.</del>
99-00-08	<del>Overruling objections to use of property tax roll.</del>
99-00-09	<del>Adopting budget for FY 00/01.</del>
99-00-10	<del>Declaring a public nuisance.</del>
<b>00-01-01</b>	Delegating investment authority.
<b>00-01-02</b>	Establishing a capital reserve fund.
00-01-03	<del>Directing termination of sewer service.</del>
00-01-04	<del>Authorizing amended application for state loans.</del>
<b>00-01-05</b>	Authorizing state land lease amendment.
<b>00-01-06</b>	Accepting grant of easement.
00-01-07	<del>Overruling objections to use of property tax roll.</del>
00-01-08	<del>Adopting budget for FY 01/02.</del>
<b>01-02-01</b>	Authorizing mutual assistance agreement.
01-02-02	<del>Confirming publication.</del>

01-02-03	<del>Ordering abatement of nuisance.</del>
<b>01-02-04</b>	Accepting sewer main extension.
01-02-05	<del>Intention to approve retirement contract with CalPERS.</del>
01-02-06	<del>Approving retirement contract with CalPERS.</del>
<b>01-02-07</b>	Authorizing railroad lease amendment.
01-02-08	<del>Ordering collection of abatement costs.</del>
01-02-09	<del>Requesting consolidation of elections.</del>
01-02-10	<del>Establishing election requirements.</del>
01-02-11	<del>Accepting bids for sewer projects.</del>
01-02-12	<del>Commending Stephen Perkins.</del>
01-02-13	<del>Overruling objections to use of property tax roll.</del>
01-02-14	<del>Adopting budget for FY 02/03.</del>
<b>02-03-01</b>	Authorizing investment in the LAIF.
02-03-02	<del>Overruling objections to use of property tax roll.</del>
02-03-03	<del>Adopting budget for FY 03/04.</del>
03-04-01	<del>Ordering collection of delinquent charges.</del>
03-04-02	<del>Electing to be subject to public employee' medical act.</del>
<b>03-04-03</b>	Adopting Ordinance No. 04-1 (connection charges).
03-04-04	<del>Requesting consolidation of elections.</del>
<b>03-04-05</b>	Establishing election requirements.
03-04-06	<del>Overruling objections to use of property tax roll.</del>
03-04-07	<del>Adopting budget for FY 04/05.</del>
03-04-08	<del>Confirming publication.</del>
03-04-09	(not used)
03-04-10	<del>Adopting revised budget.</del>

04-05-01	<del>Ordering collection of delinquent charges.</del>
04-05-02	<del>Ordering collection of delinquent charges.</del>
<b>04-05-03</b>	Adopting policy for septic tank area of Crockett.
04-05-04	<del>Initiating reorganization of districts.</del>
04-05-05	<del>Commending Douglas Tubb.</del>
04-05-06	<del>Adopting negative declaration.</del>
04-05-07	<del>Confirming publication.</del>
04-05-08	<del>Ordering collection of delinquent charges.</del>
04-05-09	<del>Overruling objections to use of property tax roll.</del>
04-05-10	<del>Adopting budget for FY 04/05.</del>
04-05-11	<del>Ordering installation of backwater overflow devices.</del>
04-05-12	<del>Ordering recovery of abatement costs.</del>
04-05-13	<del>Commending Calif. Assn of Sanitation Agencies.</del>
05-06-01	<del>Ordering collection of fine for violation.</del>
05-06-02	<del>Ordering abatement for health hazards.</del>
05-06-03	<del>Ordering abatement for health hazards.</del>
05-06-04	<del>Ordering abatement for health hazards.</del>
05-06-05	<del>Ordering abatement of nuisance.</del>
05-06-06	<del>Ordering recovery of abatement costs.</del>
05-06-07	<del>Ordering abatement of health hazards</del>
05-06-08	<del>Ordering collection of fine for violation.</del>
05-06-09	<del>Overruling objections to use of property tax roll.</del>
<b>05-06-10</b>	Authorizing installment sale contract.
05-06-11	<del>Adopting budget for FY 06/07.</del>
05-06-12	<del>Ordering recovery of abatement costs.</del>

05-06-13	<del>Ordering recovery of abatement costs.</del>
05-06-14	<del>Ordering recovery of abatement costs.</del>
<b>05-06-15</b>	Authorizing installment sale contract.
05-06-1x	<del>Commending Jon Wolthuis.</del>
<b>06/07-01</b>	Adopting District Code and Standard Specifications.
<b>06/07-02</b>	Creating Commissions of the District.
<b>06/07-03</b>	Set time, date and place of Board meetings.
<b>06/07-04</b>	Delegating authority for investments.
<b>06/07-05</b>	Accepting real property.
<b>06/07-06</b>	Accepting grant deed.
<b>06/07-07</b>	Imposing recreation special tax.
06/07-08	<del>Levying recreation tax for FY 06/07.</del>
<b>06/07-09</b>	Appointing department managers.
<b>06/07-10</b>	Adopting commission eligibility rules and procedures.
<b>06/07-11</b>	Adopting conflict of interest code.
<b>06/07-12</b>	Adopting policy regarding affordable housing.
06/07-13	<del>Adopting community center fee schedule.</del> (Superseded by <b>12/13-11</b> )
<b>06/07-14</b>	Setting year of Board elections.
<b>06/07-15</b>	Establishing investment policy.
<b>06/07-16</b>	Accepting grant deed.
06/07-17	<del>Special tax election.</del>
<b>06/07-18</b>	Levying recreation special tax in Port Costa.
<b>06/07-19</b>	Accepting ownership of street lights.
06/07-20	<del>Adopting budget for FY 06/07.</del>
<b>06/07-21</b>	Giving exempt employee status to General Manager.

06/07-22	<del>Overruling objections to use of property tax roll.</del>
06/07-23	<del>Adopting budget for FY 07/08.</del>
06/07-24	<del>Levying recreation special tax.</del>
<b>07/08-01</b>	Intention to join CalPERS retirement system.
07/08-02	<del>Confirm publication.</del>
<b>07/08-03</b>	Adopting sewer system management plan.
<b>07/08-04</b>	Authorizing contract with CalPERS retirement system.
<b>07/08-05</b>	Creating Port Costa Sanitary Commission.
07/08-06	<del>Electing to join CalPERS medical plan. (Ended by 09/10-04)</del>
<b>07/08-07</b>	Adopting Conflict of Interest code.
07/08-08	<del>Ordering recovery of abatement costs.</del>
<b>07/08-09</b>	Allocating property taxes.
<b>07/08-10</b>	Abandoning sewer easement.
07/08-11	<del>Adopting requirements for District election.</del>
07/08-12	<del>Overruling objections to use of property tax roll.</del>
07/08-13	<del>Calling election for setting appropriations limit.</del>
07/08-14	<del>Adopting budget for FY 08/09.</del>
07/08-15	<del>Levying recreation special tax for FY 08/09.</del>
07/08-16	<del>Adopting revised budget for FY 07/08.</del>
08/09-01	<del>Overruling objections to use of property tax roll.</del>
08/09-02	<del>Confirm publication.</del>
08/09-03	<del>Confirm publication.</del>
<b>08/09-04</b>	Creating zones and making regulations applicable
<b>08/09-05</b>	Setting ethics requirements for commissioners. Amended by #09/10-29.
<b>08/09-06</b>	Appointing department manager.

08/09-07	<del>Appointing Commissioners.</del>
08/09-08	<del>Appointing Commissioner.</del>
<b>08/09-09</b>	Authorizing application for park bond grant.
<b>08/09-10</b>	Adopting policy regarding computer usage.
<b>08/09-11</b>	Adopting CEQA findings Measure WW.
08/09-12	<del>Appointing Commissioners.</del>
08/09-13	<del>(not used)</del>
08/09-14	<del>Appointing Commissioner.</del>
08/09-15	<del>Ordering recovery of abatement costs.</del>
08/09-16	<del>Ordering recovery of abatement costs.</del>
08/09-17	<del>Ordering recovery of abatement costs.</del>
08/09-18	<del>Ordering recovery of abatement costs.</del>
08/09-19	<del>Ordering recovery of abatement costs.</del>
08/09-20	<del>Ordering recovery of abatement costs.</del>
08/09-21	<del>Levying recreation special tax for FY 09/10.</del>
08/09-22	<del>Adopting budget for FY 09/10.</del>
09/10-01	<del>Overruling objections to use of property tax roll—Port Costa.</del>
09/10-02	<del>Overruling objections to use of property tax roll—Crockett.</del>
09/10-03	<del>Setting appropriations limit.</del>
09/10-04	<del>Ending CalPERS medical plan</del>
09/10-05	<del>Appointing Commissioner.</del>
09/10-06	<del>Appointing Commissioners.</del>
<b>09/10-07</b>	Accepting grant deed Memorial Hall.
09/10-08	<del>Ordering recovery of abatement costs.</del>
<b>09/10-09</b>	Adopting schedule of fines and penalties.

<b>09/10-10</b>	Setting sewer permit fees.
<b>09/10-11</b>	Appointing department manager.
<b>09/10-12</b>	Creating lateral replacement program.
09/10-13	<del>Appointing Commissioner.</del>
<b>09/10-14</b>	Creating Police Services Commission.
<b>09/10-15</b>	Establishing Maintenance Department fund.
<b>09/10-16</b>	Adopting requirements for election.
<b>09/10-17</b>	Appointing General Manager.
09/10-18	<del>Appointment of Department Manager Kirker.</del>
09/10-19	<del>Overruling objections to use of property tax roll.</del>
09/10-20	<del>Overruling objections to use of property tax roll.</del>
09/10-21	<del>Ordering recovery of abatement costs.</del>
09/10-22	<del>Ordering recovery of abatement costs.</del>
09/10-23	<del>Ordering recovery of abatement costs.</del>
09/10-24	<del>Ordering recovery of abatement costs.</del>
09/10-25	<del>Ordering recovery of abatement costs.</del>
09/10-26	<del>Ordering recovery of abatement costs.</del>
09/10-27	<del>Levying recreation special tax.</del>
09/10-28	<del>Adopting budget for FY 10/11.</del>
<b>09/10-29</b>	Amending ethics training requirements
10/11-01	<del>Setting Appropriations limit for FY 10/11.</del>
10/11-02	<del>Appointing commissioners.</del>
10/11-03	<del>Special service fee.</del>
10/11-04	<del>Liability insurance for volunteers. (Superseded by 13/14-18)</del>
10/11-05	<del>Appoint Commissioner — Recreation.</del>

10/11-06	<del>Appoint Commissioner — Police Liaison.</del>
10/11-07	<del>Appoint Director — District Board.</del>
10/11-08	<del>Appoint Commissioners — Recreation/Crockett Sanitary.</del>
10/11-09	<del>Pool surplus property.</del>
<b>10/11-10</b>	<del>Alternate representative for LAFCO. (Superseded by 13/14-14)</del>
<b>10/11-11</b>	Tax defer member paid contributions IRC 414(h)(2).
<b>10/11-12</b>	Create Carquinez Bridge Advisory Committee.
10/11-13	<del>Collect Abatement charges.</del>
10/11-14	<del>Appoint Commissioners — Crockett Sanitary.</del>
10/11-15	<del>Objection to collection — Port Costa.</del>
10/11-16	(not used)
10/11-17	<del>Reallocating funds — Recreation.</del>
10/11-18	<del>Adopting budget for FY 11/12.</del>
10/11-19	<del>Levying recreation special tax FY 11/12.</del>
11/12-01	<del>Objection to collection — Crockett.</del>
11/12-02	<del>Collection of specific charges.</del>
11/12-03	<del>Collection of specific charges.</del>
11/12-04	<del>Appropriations limit FY 11/12.</del>
11/12-05	<del>Appoint Commissioner — Recreation.</del>
<b>11/12-06</b>	Nepotism Policy.
11/12-07	<del>Community Center surplus property.</del>
11/12-08	<del>Appoint Commissioner — Port Costa.</del>
11/12-09	<del>Appoint Commissioner — Port Costa.</del>
<b>11/12-10</b>	Renaming Police Commission to Committee.
<b>11/12-11</b>	Authorizing increase in Recreation tax.

<b>11/12-12</b>	Proposed ballot measure Recreation tax.
11/12-13	<del>Appoint Commissioner — Port Costa.</del>
11/12-14	<del>Abatement charges.</del>
11/12-15	<del>Appoint Commissioner — Port Costa.</del>
11/12-16	<del>Appoint school liaison — Police Liaison Committee.</del>
<b>11/12-17</b>	Policy for evaluation – General Manager.
11/12-18	<del>Abatement charges.</del>
11/12-19	<del>District election.</del>
<b>11/12-20</b>	Capital asset/capital policy.
11/12-21	<del>Objection to collection — Port Costa.</del>
11/12-22	<del>Objection to collection — Crockett.</del>
11/12-23	<del>Budget for FY 12/13.</del>
11/12-24	<del>Appropriations limit FY 12/13.</del>
12/13-01	<del>Collection of specific charges — 625 First Avenue.</del>
12/13-02	<del>Collection of specific charges — 1335 Francis.</del>
12/13-03	<del>Collection of specific charges — 620 Alhambra.</del>
12/13-04	<del>Appoint Commissioners — Recreation/Crockett Sanitary.</del>
12/13-05	<del>Levy recreation special tax FY 12/13.</del>
12/13-06	<del>Appoint Commissioners — Recreation.</del>
<b>12/13-07</b>	Authorizing investment of monies in LAIF.
<b>12/13-08</b>	Private vehicle reimbursement policy.
12/13-09	<del>Appoint Commissioners — Recreation/Crockett Sanitary.</del>
12/13-10	<del>Appoint member Police Liaison Committee.</del>
<b>12/13-11</b>	Adopting Rental Fee Schedule for Community Center.
<b>12/13-12</b>	Adopting Rules and Regulations for Community Center.

12/13-13	Appoint Commissioner—Crockett Sanitary
12/13-14	Objection to collection—Crockett.
12/13-15	Objection to collection—Port Costa.
12/13-16	Budget FY 13/14.
12/13-17	Levying recreation special tax FY 13/14.
12/13-18	Appropriations limit FY 13/14.
13/14-01	Collection of specific charges—1335 Francis St.
13/14-02	Collection of specific charges—1232 Starr St.
13/14-03	Collection of abatement charges—244 Kendall Ave.
13/14-04	Collection of abatement charges—417 Heald St.
13/14-05	Collection of abatement charges—333 Pomona St.
13/14-06	Re-Appoint Commissioner—Recreation.
13/14-07	Appoint Commissioner—Port Costa Sanitary.
13/14-08	Re-Appoint Commissioner—Port Costa Sanitary.
<b>13/14-09</b>	Appoint Representative – CCCSDA.
13/14-10	Appoint Commissioner—Port Costa Sanitary.
13/14-11	Appoint Commissioner—Port Costa Sanitary.
<b>13/14-12</b>	Adopt Personnel & Procedure Manual.
<b>13/14-13</b>	Adopt CalPERS 457 Plan.
<b>13/14-14</b>	Appoint Representatives—LAFCO. (Superseded by 15/16-18)
<b>13/14-15</b>	Adopt Sewer System Management Plan.
13/14-16	Appoint Director to District Board.
<b>13/14-17</b>	Adopt Employee Safety and Wellness Programs.
<b>13/14-18</b>	Liability insurance for volunteers.
13/14-19	Adopt Election Consolidation.

13/14-20	<del>Levying recreation special tax FY 14/15.</del>
13/14-21	<del>Objection to collection — Crockett.</del>
13/14-22	<del>Objection to collection — Port Costa.</del>
13/14-23	<del>Budget FY 14/15.</del>
13/14-24	<del>Appropriations limit FY 14/15.</del>
14/15-01	<del>Collection of abatement charges — 423 Clark St.</del>
14/15-02	<del>Re-Appoint Commissioners — Recreation/Crockett Sanitary.</del>
14/15-03	<del>Collection of specific charges — 1232 Starr St.</del>
14/15-04	<del>Collection of specific charges — 1335 Francis St.</del>
<b>14/15-05</b>	Vacation Leave Benefits.
14/15-06	<del>Emergency sewer repair — V-00-25 to V-0024.</del>
<b>14/15-07</b>	Accept sewer structure.
14/15-08	<del>Appoint Commissioner — Port Costa Sanitary.</del>
14/15-09	<del>Appoint member — Police Liaison Committee.</del>
<b>14/15-10</b>	Establish Emergency Operations Center – Crockett.
14/15-11	<del>Appoint Director Epperson — District Board.</del>
14/15-12	<del>Re-Appoint Commissioners — Recreation/Crockett Sanitary.</del>
14/15-13	<del>Appoint Commissioner — Crockett Sanitary.</del>
14/15-14	<del>Reallocating Funds FY 14/15 — Recreation.</del>
14/15-15	<del>Levying recreation special tax FY 15/16.</del>
14/15-16	<del>Objection to collection — Crockett.</del>
14/15-17	<del>Objection to collection — Port Costa.</del>
14/15-18	<del>Budget FY 15/16.</del>
14/15-19	<del>Appropriations limit FY 15/16.</del>
15/16-01	<del>Collection of specific charges — 1232 Starr St.</del>

15/16-02	<del>Collection of specific charges—465 Alhambra St.</del>
15/16-03	<del>Collection of specific charges—1523 Francis St.</del>
15/16-04	<del>Collection of specific charges—27 Cooke St.</del>
15/16-05	<del>Collection of abatement charges—341 Virginia Ave.</del>
<b>15/16-06</b>	Appoint Commissioner Faria – Recreation.
15/16-07	<del>Appoint Alternate Commissioner Barassi—Port Costa</del>
<b>15/16-08</b>	Re-appoint Commissioner Cusack – Recreation.
<b>15/16-09</b>	Establish Policy on Tabulation of Written Protests.
<b>15/16-10</b>	Adopt Records Retention Policy.
<b>15/16-11</b>	Re-appoint Commissioners Cusack and Mann – Port Costa.
15/16-12	<del>Declare emergency sewer repair at Heald Court.</del>
15/16-13	<del>Allocate police services co-gen funds.</del> (Superseded 15/16-30)
15/16-14	<del>Appoint Director Brosnan—District Board.</del>
<b>15/16-15</b>	Management Appointment Barnhill.
<b>15/16-16</b>	Re-appoint Commissioner Surges – Port Costa.
<b>15/16-17</b>	Re-appoint Commissioner Guarnieri – Port Costa.
<b>15/16-18</b>	Appoint Representatives – LAFCO.
<b>15/16-19</b>	Dedication at Memorial Hall.
<b>15/16-20</b>	Create Port Costa Advisory Committee.
<b>15/16-21</b>	Modify vacation leave benefits.
<b>15/16-22</b>	Ordering elections and consolidation of elections.
<b>15/16-23</b>	Provide short term and long term disability insurance.
<b>15/16-24</b>	Levying recreation special tax FY 16/17.
15/16-25	<del>Declare emergency sewer repair at Pomona sidewalk.</del>
<b>15/16-26</b>	Overruling objections to collection SUC– Crockett.

<b>15/16-27</b>	Overruling objections to collection SUC– Port Costa.
<b>15/16-28</b>	Adopt Budget FY 16/17.
<b>15/16-29</b>	Appropriations limit FY 16/17.
<b>15/16-30</b>	Allocate police services co-gen funds.
<b>15/16-31</b>	Re-appoint Commissioners – REC and Crockett San.
16/17-01	<del>Collection of specific charges—465 Alhambra.</del>
16/17-02	<del>Collection of specific charges—27 Cooke.</del>
16/17-03	<del>Collection of specific charges—1523 Francis.</del>
16/17-04	<del>Collection of specific charges—1335 Francis.</del>
<b>16/17-05</b>	Accept sewer main extension Port Costa.
<b>16/17-06</b>	Collection of capacity charge and penalty – 1335 Francis.
<b>16/17-07</b>	Collection of capacity charge and penalty – 1514 Francis.
<b>16/17-08</b>	Adopt Alternative Work Schedule Policy.
<b>16/17-09</b>	Hazard Mitigation Planning Partnership.
<b>16/17-10</b>	Appoint Commissioner Beauchemin – Port Costa.
<b>16/17-11</b>	Reduce Memorial Hall Committee by attrition.
<b>16/17-12</b>	Lien against real property – Crockett Marine Service, Inc.
<b>16/17-13</b>	Re-appoint Commissioners – REC and Crockett San.
<b>16/17-14</b>	Re-appoint Commissioner Manzione - Crockett.
<b>16/17-15</b>	Dissolve BH Committee
<b>16/17-16</b>	Designation of Applicant's Agent
<b>16/17-17</b>	Rec Special Tax
<b>16/17-18</b>	Sewer Service Charges – PC
<b>16/17-19</b>	2017/18 Budget
<b>16/17-20</b>	Collection of Specific Charges -1335 Francis

<b>16/17-22</b>	Appropriations Limit
<b>16/17-23</b>	Objection to CVSan Collection
<b>16/17-24</b>	<del>Sewer Use Charge</del> —PCSan (Superseded by 15-2)
<b>17/18-01</b>	Collection of Specific Charges
<b>17/18-02</b>	Collection of Specific Charges – 1523 Francis Street
<b>17/18-03</b>	Collection of Specific Charges – 465 Alhambra Street
<b>17/18-04</b>	Collection of Specific Charges – 27 Cooke Avenue
<b>17/18-05</b>	Collection of Specific Charges – 1235 Lilian Street
<b>17/18-07</b>	Collection of Specific Charges – 701 Edwards Street
<b>17/18-08</b>	Re-Appointing Comm. - Rec
<b>17/18-09</b>	Dog Park
<b>17/18-10</b>	Appoint Comm – PCSan
<b>17/18-12</b>	Re- Appointing Comm - PCSan
<b>17/18-13</b>	Jury Duty
<b>17/18-14</b>	Sick Leave Policy
<b>17/18-15</b>	Re-Appointing Comm - PCSan
<b>17/18-16</b>	Dissolve PCAC
<b>17/18-17</b>	Voting for Special Seat on LAFCO
<b>17/18-18</b>	Voting Alternate on CCCSDA
<b>17/18-19</b>	Hazard Mitigation Plan
<b>17/18-20</b>	Del Mar & Heald Court Project
<b>17/18-21</b>	Publish of Ord. 18-1
<b>17/18-22</b>	Measure WW
<b>17/18-23</b>	Appt. Comm. – CVSan
<b>17/18-24</b>	Election – Directors

<b>17/18-25</b>	Objection to Collection
<b>17/18-26</b>	Objection to Collection
<b>17/18-27</b>	Budget FY 18/19
<b>17/18-28</b>	Appoint Comm - Rec
<b>17/18-29</b>	Rec Special Tax
<b>17/18-30</b>	Appropriations Limit
<b>18/19-01</b>	Collection of Specific Charges – 1235 Lillian
<b>18/19-02</b>	Collection of Specific Charges – 701 Edwards
<b>18/19-03</b>	Collection of Specific Charges – 1335 Francis
<b>18/19-04</b>	Collection of Specific Charges – 1225 Starr
<b>18/19-05</b>	Surplus Property - MH
<b>18/19-06</b>	Re-appt Comm – Rec, PC, CV
<b>18/19-07</b>	Appoint PLC Members
<b>18/19-08</b>	MH Park Grounds
<b>18/19-09</b>	SSMP
<b>18/19-10</b>	Appt Rec Commissioner
<b>18/19-11</b>	UPPAC
<b>18/19-12</b>	Vacation Leave Modification
<b>18/19-15</b>	Reallocating Funds - Rec
<b>18/19-16</b>	Policy on Fiscal Sponsorship
<b>18/19-18</b>	Short and Long-Term Disability Insurance
<b>18/19-19</b>	Annual Recreation Tax
<b>18/19-20</b>	Informal Bidding Procedures
<b>18/19-21</b>	Objections to Collections - Ckt
<b>18/19-22</b>	Objections to Collections - PCSan

<b>18/19-23</b>	Budget FY 2019/20
<b>18/19-24</b>	Standard Specs
<b>18/19-25</b>	Ad Valorem Property Taxes
<b>18/19-26</b>	Salary Schedule of Wages
<b>18/19-27</b>	Appropriations
<b>19/20-01</b>	Collection of Specific Charges – 1235 Lilian
<b>19/20-02</b>	Collection of Specific Charges – 701 Edwards
<b>19/20-03</b>	Collection of Specific Charges – 1225 Starr
<b>19/20-04</b>	Collection of Specific Charges – 1334 Wanda
<b>19/20-05</b>	Collection of Specific Charges – 42 Canyon Lake
<b>19/20-06</b>	Re-appoint Rec Commissioner
<b>19/20-07</b>	Draft Ordinance to Correct – District Code
<b>19/20-10</b>	Re-appoint PCSan Commissioners
<b>19/20-11</b>	Confirming Publication of Ord. 19-8
<b>19/20-12</b>	Reducing the Rec Comm to 5
<b>19/20-13</b>	Re-appoint Joe Surges
<b>19/20-14</b>	Declaring Sewer Emergency
<b>19/20-15</b>	Public Sale – 701 Pomona
<b>19/20-16</b>	<b>NOT USED</b>
<b>19/20-17</b>	Appoint PCSan Commissioner and Alternate
<b>19/20-18</b>	Community Center Alternate Care Site
<b>19/20-19</b>	SSMP
<b>19/20-20</b>	Reappoint Commissioners – Rec and CVSan
<b>19/20-21</b>	Additional Authority of GM During COVID
<b>19/20-22</b>	Atherton Cooke Sewer Project

<b>19/20-23</b>	Carquinez Middle School Sewer Project
<b>19/20-24</b>	Hosselkus Chapel
<b>19/20-25</b>	District Board Elections
<b>19/20-26</b>	Annual Recreation Special Tax 2020/21
<b>19/20-27</b>	Reallocating Funds - Recreation
<b>19/20-28</b>	Objection to Collection - Crockett
<b>19/20-29</b>	Objection to Collection – Port Costa
<b>19/20-30</b>	Adopt Budget
<b>19/20-31</b>	Debt Management Policy
<b>19/20-32</b>	Appropriations Limit
<b>19/20-33</b>	Appoint Commissioner – Port Costa
<b>20/21-01</b>	Collection of Specific Charges – 1334 Wanda
<b>20/21-02</b>	Collection of Specific Charges – 1225 Starr
<b>20/21-03</b>	Collection of Specific Charges – 42 Canyon Lake
<b>20/21-04</b>	Certificate of Acceptance
<b>20/21-05</b>	Sale Agreement with Municipal Finance Corp.

## ADOPTED POLICIES LIST AND DISPOSITION TABLE

### POLICY DATE

1-18-1995	Policy for Accessing Private Property
4-21-2004	Policy for Septic Tank Area of Crockett
5-18-2005	Contractor Bonds (revised 2-24-16)
7-2006	Recreation Department Policy
8-9-2006	Commission Eligibility Rules and Procedures
8-23-2006	Provision of Service to Residential Developments
10-11-2006	Investment Policy
11-8-2006	Deposit Procedure
3-15-2007	Decorations Policy
6-27-2007	Lateral Inspection Criteria
7-25-2007	Recognizing Outstanding Employee Performance
8-22-2007	Fee Waivers and Fee Reductions
9-10-2007	Restitution for Damage to District Property (revised 8-24-11)
1-1-2008	Vacancy Policy for Recreation Commission (revised 11-29-11)
8-27-2008	Delegating Authority to Commissions
8-27-2008	Park Restroom Key Policy
3-25-2009	Computer, E-mail and Internet Use
10-2009	Illness and Injury Prevention
12-16-2009	Administrative Policies and Department Policies (revised and Codified 9/23/2015)
4-28-2010	Administrative Enforcement (Chapter 1.14)
5-26-2010	ADA Compliance
8-24-2011	<del>Neptism in the workplace.</del> Superseded by Personnel Policy

	&Procedures Manual revised 4-27-16
4-25-2012	Policy for Evaluation of General Manager (revised 3-27-13)
<del>8-22-2012</del>	<del>Sick and Vacation Day Benefit Policy.</del> Superseded by Personnel Policy &Procedures Manual revised 4-27-16
5-23-2012	Capital Asset Capitalization Policy.
6-26-2013	Reissuing Outdated Cancelled Checks
6-23-2013	District Owned Vehicle Use
2-26-2014	Personnel Policy & Procedures Manual (revised 2-15-15; revised 11-18-15; revised 4-27-16; revised 3-22-17)
8-26-2015	Protests against New or Increased Fees
9-23-2015	Records Retention
11-16-2015	Alternative Work Schedule
3-27-19	Personnel Policy & Procedures Manual
4-24-19	Fiscal Sponsorship
4-10-20	Emergency Telecommuting Policy
6-24-20	Debt Management Policy
4/1/2020	Emergency Paid Sick Leave Policy

## EXISTING CONTRACTS AND AGREEMENTS

<u>YEAR</u>	<u>AGREEMENT OR CONTRACT</u>	
1959	Union Pacific Railroad:	Lease for road & pipeline easement.
1960	State Lands Commission:	Outfall easement agreement.
1976	C&H Sugar Company:	Joint use agreement.
1976	C&H Sugar Company:	Outfall agreement.
1978	Union Pacific Railroad:	Lease for pipeline easement.
1979	C&H Sugar Company:	Method of splitting power costs.
1981	C&H Sugar Company:	Treatment plant sublease to CVSD.
1981	C&H Sugar Company:	Amendment to joint use agreement.
1990	West County WW District:	Service agreement.
1994	C&H Sugar Company:	Access rights agreement.
2012	Settlement	Service agreement.
2012	C&H Sugar Company:	Sewer use agreement.
2018	State Water Resources: Control Board:	Crockett NPDES permit.
2019	District Counsel:	Fee agreement.
2019	State Water Resources Control Board:	Port Costa NPDES permit.
2019	Valley Operators	Service agreement.
2013	V.W. Housen and associates	Engineering agreement.
2019	Regional Government Services:	Administrative services agreement.
2019	MacDonald Accounting Services	Accounting agreement.