

AGENDA

NOTICE OF REGULAR MEETING

TIME: 6 p.m.

DATE: Tuesday, September 7, 2021

PLACE: Teleconference

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, the Board meeting will be held via Teams Teleconference.

The District Boardroom will be closed to the public.

The public may observe and comment by electronic means as described on Page 3.

See Page 3 of the Agenda Packet for Teams Teleconference Access Information

Our mission is to protect public health and the environment by providing reliable and sustainable water, recycled water, and wastewater services in a safe, efficient, and fiscally responsible manner.

1. CALL TO ORDER
2. PLEDGE TO THE FLAG
3. ROLL CALL – Members: Goel, Halket, Johnson, Rubio, Vonheeder-Leopold
4. SPECIAL ANNOUNCEMENTS/ACTIVITIES
5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)
At this time those on the teleconference call are encouraged to address the Board on any item of interest that is within the subject matter jurisdiction of the Board and not already included on tonight’s agenda. Comments should not exceed five minutes. The President of the Board will recognize each speaker, at which time the speaker should introduce him/herself, and then proceed with his/her comment. Written comments of five minutes or less and received by 5 p.m. on the day of the meeting will be read into the meeting record.
6. AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS)
7. CONSENT CALENDAR
Matters listed under this item are considered routine and will be enacted by one Motion, in the form listed below. There will be no separate discussion of these items unless requested by a Member of the Board or the public prior to the time the Board votes on the Motion to adopt.
 - 7.A. Approve Regular Meeting Minutes of August 17, 2021
Recommended Action: Approve by Motion
8. BOARD BUSINESS
 - 8.A. Receive Presentation on Alameda County Local Agency Formation Commission Draft Countywide Municipal Services Review on Water, Wastewater, Flood Control, and Stormwater Services
Recommended Action: Receive Presentation

- 8.B. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists
Recommended Action: Approve by Motion
- 8.C. First Reading of Ordinance Revising District Code Section 1.50.030 Regarding Discontinuation of Service and Adopt New Discontinuation of Residential Water Service for Nonpayment Policy
Recommended Action: Introduce Ordinance, Waive Reading by Motion, and Adopt Policy by Resolution
- 8.D. Receive Report on Water Supply Conditions and Provide Direction on Declaration of a Water Shortage Emergency
Recommended Action: Receive Report and Provide Direction
- 8.E. First Reading of Ordinance Revising District Code Chapter 4.10 General Regulations and Protective Measures and Chapter 4.20 Potable Water Use and Protective Measures
Recommended Action: Introduce Ordinance and Waive Reading by Motion
- 8.F. Operation of a Joint Residential Recycled Water Fill Station in 2022
Recommended Action: Direct by Motion

9. REPORTS

9.A. Boardmember Items

- Joint Powers Authority and Committee Reports
LAVWMA – August 18, 2021
DSRSD/City of Dublin Liaison – August 19, 2021
- Submittal of Written Reports for Day of Service Events Attended by Directors
- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

9.B. Staff Reports

- Event Calendar
- Correspondence to and from the Board

10. CLOSED SESSION

The Board will convene its closed session on a separate teleconference line and return to the open teleconference call for Item 11 when the closed session is completed.

10.A. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6

Agency Negotiators: Dan McIntyre, General Manager
Jan Lee, Assistant General Manager
Carol Atwood, Administrative Services Director
Michelle Gallardo, Human Resources and Risk Manager

Employee Organizations: 1. Stationary Engineers, Local 39
2. Mid-Management Employees Bargaining Unit
3. Professional Employees Bargaining Unit

Additional Attendees: Douglas E. Coty, General Counsel
Dania Torres Wong, Sloan Sakai Yeung & Wong LLP

- 10.B. Public Employee Performance Evaluation Pursuant to Government Code Section 54957
Title: General Manager

11. REPORT FROM CLOSED SESSION

12. ADJOURNMENT

All materials made available or distributed in open session at Board or Board Committee meetings are public information and are available for inspection during business hours by calling the District Secretary at (925) 828-0515. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.

Teams Teleconference Access Information

Dublin San Ramon Services District Regular Board Meeting Tuesday, September 7, 2021

If the public wishes to provide comments during Agenda Item 5 – Public Comment, or on any of the agenda items, please join the meeting using the teleconference instructions below, or email written comments to the Board of Directors at board@dsrsd.com by 5 p.m., Tuesday, September 7, 2021. Written comments, of five minutes or less, will be read into the meeting record during the public comment portion of the agenda or during discussion of the subject of the comment.

To Join by Computer or Device:

1. Click [Join Meeting](#).
2. Select how you want to join the Teams meeting.
3. Click “**Join now**.” You can personalize your video and audio preferences before or after joining.
4. Public participants would wait for the meeting host to admit you.
5. You must unmute yourself when you wish to speak by clicking the microphone icon, which is also used to mute yourself when you finish speaking.

To Join by Phone Only:

1. Dial **(831) 256-7773** USA Toll from any telephone.
2. Enter Conference ID **773 925 72#** when prompted. DO NOT PRESS *.
3. Wait for the meeting host to admit you. If you are unsuccessful in joining, hang up and dial in again.
4. You must unmute yourself when you wish to speak by pressing *6, which is also used to mute yourself when you finish speaking.

Video Teleconference Meeting Instructions and Information:

- Stay muted unless speaking.
- Listen for prompts to know when public comments are solicited.
- You must unmute yourself when you wish to speak during Public Comment or during discussion of a particular agenda item. The meeting host can mute but cannot unmute participants.
- Announce yourself and speak slowly and clearly when commenting.
- Call (925) 875-2224 if you experience any technical difficulties.

Boardmembers and staff will be attending the meeting via teleconference. The Board will convene any Closed Sessions on a separate teleconference line and return to the open teleconference meeting for the next agenda item when the Closed Session is completed. The open teleconference meeting will be muted during this time and will resume for the Closed Session report and meeting adjournment.

The Boardroom is closed to the public.

All votes during the meeting will be taken by roll call vote.

**DUBLIN SAN RAMON SERVICES DISTRICT
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

August 17, 2021

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, this Board meeting was held via Teams teleconference. The District Boardroom is closed to the public; however, the public may observe and comment by calling in to the teleconference meeting per the instructions provided on page 4 of the agenda. As required by the Brown Act, all votes were taken by roll call vote due to the attending Directors participating via teleconference.

1. CALL TO ORDER

A regular meeting of the Board of Directors was called to order at 6 p.m. by President Johnson.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Ann Marie Johnson, Vice President Richard M. Halket, Director Marisol Rubio, Director Arun Goel, and Director Georgean M. Vonheeder-Leopold.

District staff present: Dan McIntyre, General Manager; Jan Lee, Assistant General Manager; Carol Atwood, Administrative Services Director/Treasurer; Judy Zavadil, Engineering Services Director/District Engineer; Jeff Carson, Operations Director; Douglas E. Coty, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES

New Employee Introduction:

Wendy Lam, Accountant II

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:03 p.m. No public comment was received.

6. AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS) – No changes were made.

7. CONSENT CALENDAR

Director Rubio MOVED for approval of the items on the Consent Calendar. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

7.A. Approve Regular Meeting Minutes of July 20, 2021 – Approved

7.B. Approve Special Meeting Minutes of July 27, 2021 – Approved

7.C. Accept Regular and Recurring Reports: Treasurer's Report, Outstanding Receivables Report, Employee Reimbursements Greater than \$100, and Utility Billing Receivables by Cycles Report, and Approve Discontinuance of Utility Billing Receivables by Cycle Report – Approved

- 7.D. Authorize Execution of Consent to Common Use Agreements with California Department of Transportation (Caltrans) for Stoneridge Drive On-Ramp – Approved

8. BOARD BUSINESS

- 8.A. Accept Donation of Four Eagle Scout Projects for the DSRSD Demonstration Garden

Administrative Services Director Atwood reviewed the item for the Board and welcomed the Eagle Scouts to present their projects.

Director Atwood presented Eagle Scout Elijah Hunt's pagoda project. Eagle Scouts Rohan Krishnamoorthi, Sidharth Anand, and Arsh Goyaland of Boy Scout Troop 905, and their Eagle Coach Mr. Paul Flynn, presented their completed projects (pagoda paver floor and pathways, compost bins, and display board) and thanked the Board for the opportunity to benefit the District and the community. They also thanked Ms. Atwood for supporting their efforts to enhance the garden renovation. The Board thanked them and applauded their "awesome" contributions to the DSRSD garden.

Director Goel MOVED to Accept the Donation of Four Eagle Scout Projects for the DSRSD Demonstration Garden. Director Rubio SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.B. Receive Presentation and Approve Resolution Supporting Nomination of the Association of California Water Agencies (ACWA) Vice President Pamela Tobin for President of ACWA for a Two-Year Term Beginning January 1, 2022

General Manager McIntyre reviewed the item for the Board and introduced Ms. Pamela Tobin who gave a verbal presentation regarding her qualifications and vision for the ACWA President position.

Vice President Halket MOVED to Approve Resolution No. 44-21, Approving Support of the Nomination of Pamela Tobin for President of the Association of California Water Agencies for a Two-Year Term Beginning January 1, 2022. Director Rubio SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.C. Receive Presentation and Approve Resolution Supporting Nomination of the Association of California Water Agencies (ACWA) Boardmember and Orange County Water District Director Cathy Green for Vice President of ACWA for a Two-Year Term Beginning January 1, 2022

General Manager McIntyre reviewed the item for the Board and introduced Ms. Cathy Green who gave a verbal presentation regarding her qualifications and vision for the ACWA Vice President position.

Director Rubio MOVED to Approve Resolution No. 45-21, Approving Support of the Nomination of Cathy Green for Vice President of the Association of California Water Agencies for a Two-Year Term Beginning January 1, 2022. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.D. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

Assistant General Manager Lee reviewed the item for the Board. She also explained that staff is monitoring pending legislation to allow virtual Board meetings beyond the current Brown Act exception made by the Governor's Executive Order N-29-20 which expires September 30.

Speaker: Mr. Jason Ching (DSRSD Associate Engineer) – Mr. Ching read a statement on behalf of 33 employees petitioning the Board to delay staff's return to the office due to uncertain pandemic conditions. The District's Safe Return to Onsite Work Plan tentatively calls for all remote staff to return full-time by September 30.

Speaker: Ms. Sara Tom (DSRSD Administrative Assistant II) – Ms. Tom stated her support for the petition and for the District staff who signed it. She stated that several of the staff who signed the petition are in attendance at this evening's meeting.

Vice President Halket MOVED to Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.E. Receive Progress Report on the Strategic Plan for Fiscal Years Ending 2020 and 2021

General Manager McIntyre reviewed the item for the Board and highlighted key accomplishments and upcoming activities for each of the District's nine strategic goals.

The Board complimented staff on expeditiously and thoroughly meeting several of its strategic objectives during the trying pandemic emergency and ongoing changes, especially given the size of the organization. The Board commended staff and expressed its appreciation for their accomplishments.

9. REPORTS

9.A. Boardmember Items

- Joint Powers Authority and Committee Reports – None
- Submittal of Written Reports for Day of Service Events Attended by Directors

Director Vonheeder-Leopold submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the California Association of Sanitation Agencies (CASA) conference August 10–12 in San Diego, including the Board of Directors meeting on August 11. She summarized the activities and discussions at the meetings.

Director Rubio submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the CASA conference August 10–12 in San Diego. She summarized the activities and discussions at the meeting.

- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

Director Vonheeder-Leopold requested two agenda items be scheduled for an upcoming meeting:

- Invite and recognize the Dublin CASA scholarship recipient
- Discuss the employee petition presented this evening regarding the District's Safe Return to Onsite Work Plan.

Director Goel requested that the Safe Return to Onsite Work Plan item requested by Director Vonheeder-Leopold include other jurisdictions' return to onsite work plans, including vaccination policies.

9.B. Staff Reports

- Event Calendar – General Manager McIntyre reported on the following:
 - A LAVWMA Board meeting will be held tomorrow evening (August 19) at 6 p.m.
 - A Zone 7 Water Agency Board meeting will be held tomorrow evening (August 19) at 7 p.m.
- Correspondence to and from the Board on an Item not on the Agenda was included in the agenda packet.

10. CLOSED SESSION

At 7:03 p.m. the Board went into Closed Session.

10.A. Threat to Public Services or Facilities Pursuant to Government Code Section 54957
Consultation with: Dan McIntyre, General Manager

10.B. Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8
Property: Recycled Water Supply
Agency Negotiators: Dan McIntyre, General Manager
Jan Lee, Assistant General Manager
Negotiating Parties: East Bay Municipal Utility District (EBMUD)
DSRSD-EBMUD Recycled Water Authority (DERWA)
Under Negotiation: Price and Terms of Agreement

11. REPORT FROM CLOSED SESSION

At 8:17 p.m. the Board came out of Closed Session. President Johnson announced that there was no reportable action.

12. ADJOURNMENT

President Johnson adjourned the meeting at 8:17 p.m.

Submitted by,

Nicole Genzale, CMC
Executive Services Supervisor/District Secretary



TITLE: Receive Presentation on Alameda County Local Agency Formation Commission Draft Countywide Municipal Services Review on Water, Wastewater, Flood Control, and Stormwater Services

RECOMMENDATION:

Staff recommends the Board receive a presentation on the Alameda County Local Agency Formation Commission Draft Countywide Municipal Services Review on Water, Wastewater, Flood Control, and Stormwater Services from the Commission’s Executive Director, Rachel Jones.

DISCUSSION:

On July 8, 2021, the Alameda County Local Agency Formation Commission (Alameda LAFCO) released a Public Draft of the Countywide Municipal Services Review (MSR) on the provision of Water, Wastewater, Flood Control, and Stormwater Services. State law directs LAFCOs to regularly prepare MSRs in conjunction with updating each local agency’s sphere of influence. The intent of the MSR is to inform the Commission regarding the availability and sufficiency of governmental services relative to current and future community needs. The MSR is an important tool for LAFCO in fulfilling its legislative mandate to coordinate efficient and logical development of local government agencies and services. MSRs statutorily inform required sphere of influence updates and may also lead the Commission to take other actions under its authority, such as forming, consolidating, merging, or dissolving cities and special districts. The Draft MSR does not contain any determinations that would suggest altering the current provision of water or wastewater services in the county.

DSRSD staff provided comments on the Administrative Draft and the Public Draft MSR. Aside from clarifying and correcting information relative to the services provided by DSRSD, staff’s comments emphasized the importance of recycled water and potable reuse in providing a resilient water supply in the region and the need for closer collaboration between water and wastewater agencies. The public comment period ended on August 23, 2021.

The Alameda LAFCO Executive Officer, Rachel Jones, requested to meet with the Board to discuss the Alameda LAFCO MSR. Ms. Jones will provide a presentation on the MSR at the September 7, 2021 Board meeting.

The Public Draft MSR can be viewed on the Alameda LAFCO website at: [Alameda LAFCO MSR - Public Draft for public review 7-21-21.pdf \(acgov.org\)](#). Alameda LAFCO will hold a public hearing to consider the adoption of the final report and its recommendations either at its September or November 2021 regular meeting.

Originating Department: Engineering Services	Contact: J. Zavadil	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	9 of 65	



TITLE: Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Motion, a continuation of the State of Emergency response to the COVID-19 pandemic, as declared by the General Manager and confirmed and ratified by Resolution No. 26-20 and find that there exists a need for continuing the District's COVID-19 emergency which the Board last confirmed on August 17, 2021.

DISCUSSION:

On March 16, 2020, the General Manager, as the District’s Emergency Manager per the Emergency Response Plan policy (P300-16-2), declared a District State of Emergency in response to the COVID-19 pandemic and state and local public health orders that limited the operations of certain businesses and activities to protect public health and slow the spread of the virus. District emergency plans were aggressively implemented to allow for operational flexibility in meeting the challenges of COVID-19, while providing essential water and wastewater services. On March 25, 2020, the Board of Directors approved Resolution No. 26-20, which confirmed the continuation of the District State of Emergency and directed the General Manager to report on progress at least at every regularly scheduled meeting until the State of Emergency is terminated.

Since the first Bay Area Shelter-in-Place order was issued on March 16, 2020, the State of California, Alameda County Health Officer, and California Division of Occupational Safety and Health (Cal/OSHA) have implemented and modified several COVID-19 restrictions that affect DSRSD’s safety practices and operations. These COVID-19 restrictions have evolved based on changing pandemic conditions.

On June 15, 2021, Governor Newsom ended the statewide Stay-at-Home order and tier system of COVID-19 restrictions, allowing the economy to fully reopen. On June 17, 2021, Cal/OSHA approved revisions to the COVID-19 Emergency Temporary Standard (ETS) to align COVID-19 workplace safety regulations with federal and state guidance adopted in June 2021.

On August 2, 2021, eight Bay Area health officials, including Alameda County, issued local health orders requiring all individuals to wear a face covering indoors in workplaces and public settings regardless of their vaccination status. This new local requirement is limited to face coverings and takes precedence over Cal/OSHA requirements on face coverings.

There have been no substantive changes since the last update to the Board. The District is in compliance with all applicable COVID-19 regulations for the workplace. The California State of Emergency for COVID-19 remains in effect and community transmission of COVID-19 remains high within our service area, largely because of the more transmissible Delta variant. To assure proper staffing and support of critical operational functions, staff is requesting the Board find that there still exists a need to continue the COVID-19 State of Emergency reflected by Resolution No. 26-20.

Originating Department: Office of the General Manager	Contact: J. Lee	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		10 of 65



TITLE: First Reading of Ordinance Revising District Code Section 1.50.030 Regarding Discontinuation of Service and Adopt New Discontinuation of Residential Water Service for Nonpayment Policy

RECOMMENDATION:

Staff recommends the Board of Directors (1) waive, by Motion, the first reading of an Ordinance that, if adopted, will revise provisions of the District Code, Section 1.50.030, that governs discontinuation of services, (2) schedule the Ordinance for a second reading and adoption at the September 21, 2021 Board meeting, and (3) approve, by Resolution, the adoption of the Discontinuation of Residential Water Service for Nonpayment policy.

SUMMARY:

In September 2018, Governor Brown signed Senate Bill 998 (SB 998), the Water Shutoff Protection Act, into law to provide additional protections for residential water customers before the discontinuation of water service due to nonpayment of water bills. The new law requires all public water systems with more than 200 connections to have a written policy on discontinuation of residential water service, which includes adequate noticing and repayment options for low-income customers before shutting off water service. The written policy must be posted in multiple languages on the water purveyor’s website. This report updates the District’s existing procedures related to delinquent accounts and discontinuation of water service and establishes a policy to comply with SB 998 requirements.

DISCUSSION:

Per Section 106.3 of the California Water Code, all Californians have the right to safe, accessible, and affordable water. In recent years, the State has become progressively concerned with increasing water rates and the need to minimize the number of Californians who lose access to water service due to their inability to pay. On September 28, 2018, Governor Brown signed SB 998, the Water Shutoff Protection Act, into law to provide additional procedural protections for residential water customers with delinquent bills before the discontinuation of water service. The new law applies to residential services, including single-family residences, multi-family residences, and mobile homes.

The Utility Billing & Customer Services Division of DSRSD is tasked with the billing and collection of utility accounts and has existing internal procedures and guidelines regarding the collection of delinquent utility accounts for all types of customers within the legal framework of the District Code and the California Public Utilities Code. Staff considers and reviews requests for extensions of payment due dates or for other payment arrangements for all accounts. The review includes an examination of past payment history, current financial considerations, or any other pertinent factors in determining both the customer’s ability to pay and the severity of harm that would be caused by the disruption of water service.

Staff works with customers to develop payment arrangements that are fair and equitable and will only move to discontinue residential water service or levy the property tax roll for over 90-day delinquencies, as a last resort. It is anticipated that on October 1, 2021, the District will be permitted to reinstate water turn off procedures previously suspended during COVID-19, re-establishing the incentive to pay delinquencies in a timely manner. In addition, the District Code currently gives authority to assess delinquent charges on the property tax roll. Section 4.40.120 specifically provides for collection of water charges using the tax roll, including delinquencies. Sections 5.30.120 and 5.30.140 provide similar authorities regarding wastewater rates and charges. For both owner-occupied and tenant-occupied single-family residential units, the District has both remedies at its disposal. Multi-family properties with a landlord as the customer of record never have the water service discontinued due to nonpayment.

Originating Department: Administrative Services	Contact: K. Richards	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: \$1,000 and Water Enterprise (Fund 600)	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Marked-up District Code Chapter 1.50	

SB 998 requires all public water systems with more than 200 connections to have a written policy on discontinuation of residential water service and for that policy to be available in multiple languages and posted on the water purveyor's website. The proposed new policy and the proposed revisions to Section 1.50.030 of the District Code are attached and recommended to refine language to ensure transparency, ease of understanding, and alignment with state law.

Key highlights of SB 998 are summarized below:

- **Expanded Timeline for Payment** – May not discontinue residential water service until payments are delinquent for at least 60 days. After that time, the water system must attempt to provide notice to customers by telephone or in writing, and provide information about appeals, extensions, and alternative repayment options.
- **Special Medical or Financial Circumstances** – May not discontinue residential water service if all the following take place:
 - a primary care provider certifies that the discontinuation of water service will pose a serious or potentially fatal threat to a resident,
 - the customer demonstrates inability to pay, and
 - the customer is willing to enter into an alternative payment arrangement.
- **Service Restoration Charge Limits** – Must limit certain low-income customers' reconnection fees to no more than \$50 during regular business hours and \$150 during non-regular hours.
- **Individually Metered Residential Service Occupant Rights** – Must attempt to provide notice to renters and mobile home residents that their service may be discontinued due to delinquent payments by their landlords, and that the residents have the right to become customers of the water system without paying the past-due amounts on the landlords' accounts.
- **Annual Reporting Requirements** – Must annually report to the Board the number of times the system has discontinued service due to inability to pay and post this number on the website.
- **Economic Impacts** – Will offer DSRSD customers greater flexibility in making payment arrangements and help minimize water shutoffs due to nonpayment of water and sewer bills.
- **Fiscal Impacts** – Will provide for certain extended timelines for collection of unpaid water and sewer charges. However, these charges would ultimately still be collected and therefore staff expects minimal impacts to the Water and Sewer Operating Funds.

The District has been following the requirements of SB 998 since its effective date as to providing customers with expanded timelines for payment, accommodations for special medical or financial circumstances, service restoration charge limits, and individually metered residential service occupant rights. This Board item will provide the formal policy, which starts the policy translation efforts for the District website and the beginning of the annual reporting requirements.

Chapter 1.50

NONPAYMENT OF FEES AND CHARGES

Sections:

- 1.50.010 Assessment of late charges.
- 1.50.020 Charge for collection.
- 1.50.030 Discontinuance of services.
- 1.50.040 Remedies for collection and enforcement.
- 1.50.050 Authorization of General Manager.
- 1.50.060 Liability for payment.
- 1.50.070 Charge for unpaid returned checks.

1.50.010 Assessment of late charges.

Unless otherwise provided in this code or on the face of the District's bill, a fee or charge set forth in the code is due when billed and is then payable at the District office or the post office box designated by the District. Fees and charges shall become past due if payment is not received by the District within 30 days of the billing date shown on the bill. At the time an account becomes past due, a late charge will be assessed on the past due amount outstanding at a rate established by separate ordinance or resolution duly adopted from time to time by the Board of Directors. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 305, 2004; Ord. 327, 2010.]

1.50.020 Charge for collection.

If the District determines that it is necessary to collect a fee or charge due to the District, a charge for collection, in addition to the amount outstanding (including all late charges), shall be assessed. A charge for collection includes reasonable attorney's fees necessary to collect overdue fees or charges. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.030 Discontinuance of services.

The District may discontinue any or all services or facilities being provided to a customer (including but not limited to those services or facilities for which a fee or charge has not been paid), or request the withholding of such services or facilities by the agency rendering or providing them, in the event the customer has neither paid the amount outstanding nor established a District-approved payment arrangement plan or deferral within ~~47 days~~60 days from the billing date shown on the bill. Services shall not be reestablished until all conditions for reinstatement of services, as set forth in this code, are satisfied. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.040 Remedies for collection and enforcement.

Remedies for the collection and enforcement of fees or charges are cumulative and may be pursued alternatively or consecutively as determined by the District. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.050 Authorization of General Manager.

The General Manager of the District is authorized to pursue, or to decline pursuant to Chapter 1.90 DSRSDC, Special Agreements, Arrangements or Relief, to pursue, all legal remedies and appropriate collection means for the enforcement and collection of a fee or charge prescribed by this code and shall report annually to the Board of Directors on the status of delinquent fees. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.060 Liability for payment.

Owners, their tenants, or other users of property with respect to which a service charge is delinquent are jointly and severally liable for payment. [Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.070 Charge for unpaid returned checks.

A charge for unpaid returned checks will be assessed in an amount established by separate ordinance or resolution duly adopted from time to time by the Board of Directors. [Ord. 305, 2004; Ord. 327, 2010.]

ORDINANCE NO. _____

AN ORDINANCE OF DUBLIN SAN RAMON SERVICES DISTRICT AMENDING SECTION 1.50.030 OF THE DISTRICT CODE TO INCLUDE REVISIONS REGARDING DISCONTINUATION OF SERVICES DUE TO SENATE BILL 998

WHEREAS, District Code Section 1.50.030, Discontinuation of Services, was established to authorize the District to discontinue any or all services being provided to a customer in the event the customer has neither paid the amount outstanding nor established a District-approved payment arrangement plan; and

WHEREAS, District Code Section 4.40.140, Collection for Water Deliveries, states that once notice is provided discontinuation of service is governed by District Code Section 1.50.030, Discontinuation of Services; and

WHEREAS, on September 28, 2018, Governor Brown signed SB 998, the Water Shutoff Protection Act, into law to provide additional procedural protections for residential water customers with delinquent bills before the discontinuation of water service; and

WHEREAS, the Discontinuation of Residential Water Service for Nonpayment policy was established to set forth the District's current business practice and procedures; and

WHEREAS, the Board wishes to update the District Code to align with the requirements of SB 998 and the Discontinuation of Residential Water Service for Nonpayment policy.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Dublin San Ramon Services District as follows:

1. Section 1.50.030 of the District Code entitled "Discontinuation of Services" is hereby revised in the form in which it appears in Exhibit "A." Notwithstanding the preceding sentence, wherever a provision of the new Section 1.50.030 is substantially the same as the previous version of Section 1.50.030, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

2. The General Manager, or his/her designee, is further authorized and directed to make further non-substantive administrative changes, as approved by District General Counsel, to Section 1.50.030, as respectively set forth in Exhibit "A" (including revisions in formatting as may be suggested by the publisher) for consistency and ease of reference within sixty (60) days from date of adoption.

3. This Ordinance shall become effective thirty (30) days after its adoption.

Ord. No. _____

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 21st day of September, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary

Chapter 1.50

NONPAYMENT OF FEES AND CHARGES

Sections:

- 1.50.010 Assessment of late charges.
- 1.50.020 Charge for collection.
- 1.50.030 Discontinuance of services.
- 1.50.040 Remedies for collection and enforcement.
- 1.50.050 Authorization of General Manager.
- 1.50.060 Liability for payment.
- 1.50.070 Charge for unpaid returned checks.

1.50.010 Assessment of late charges.

Unless otherwise provided in this code or on the face of the District's bill, a fee or charge set forth in the code is due when billed and is then payable at the District office or the post office box designated by the District. Fees and charges shall become past due if payment is not received by the District within 30 days of the billing date shown on the bill. At the time an account becomes past due, a late charge will be assessed on the past due amount outstanding at a rate established by separate ordinance or resolution duly adopted from time to time by the Board of Directors. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 305, 2004; Ord. 327, 2010.]

1.50.020 Charge for collection.

If the District determines that it is necessary to collect a fee or charge due to the District, a charge for collection, in addition to the amount outstanding (including all late charges), shall be assessed. A charge for collection includes reasonable attorney's fees necessary to collect overdue fees or charges. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.030 Discontinuance of services.

The District may discontinue any or all services or facilities being provided to a customer (including but not limited to those services or facilities for which a fee or charge has not been paid), or request the withholding of such services or facilities by the agency rendering or providing them, in the event the customer has neither paid the amount outstanding nor established a District-approved payment arrangement plan or deferral within 60 days from the billing date shown on the bill. Services shall not be reestablished until all conditions for reinstatement of services, as set forth in this code, are satisfied. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.040 Remedies for collection and enforcement.

Remedies for the collection and enforcement of fees or charges are cumulative and may be pursued alternatively or consecutively as determined by the District. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.050 Authorization of General Manager.

The General Manager of the District is authorized to pursue, or to decline pursuant to Chapter 1.90 DSRSDC, Special Agreements, Arrangements or Relief, to pursue, all legal remedies and appropriate collection means for the enforcement and collection of a fee or charge prescribed by this code and shall report annually to the Board of Directors on the status of delinquent fees. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.060 Liability for payment.

Owners, their tenants, or other users of property with respect to which a service charge is delinquent are jointly and severally liable for payment. [Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.070 Charge for unpaid returned checks.

A charge for unpaid returned checks will be assessed in an amount established by separate ordinance or resolution duly adopted from time to time by the Board of Directors. [Ord. 305, 2004; Ord. 327, 2010.]

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT ADOPTING THE DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR NONPAYMENT POLICY

WHEREAS, in September 2018, Senate Bill 998 was enacted to add the Water Shutoff Protection Act (the Act) to the California Health and Safety Code Sections 116900 et seq., establishing additional safeguards related to the discontinuation of residential water service for non-payment; and

WHEREAS, the Act requires that Dublin San Ramon Services District (District) adopt a written policy regarding the discontinuation of residential water service due to nonpayment; and

WHEREAS, the District desires to adopt a policy that complies with the requirements of the Act and the requirements of existing laws, and also includes the District's procedures and practices regarding collection of active delinquent accounts, including notifications and the discontinuation of water service; and

WHEREAS, Section 1.50.030 of the District Code states the District may discontinue any or all services or facilities being provided to a customer in the event the customer has neither paid the amount outstanding nor established a District-approved payment arrangement plan; and

WHEREAS, Section 4.40.140 of the District Code outlines collection for water deliveries and states that discontinuance of service is governed by District Code Section 1.50.030, Discontinuance of Services.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, that the new Discontinuation of Residential Water Service for Nonpayment Policy, attached hereto as Exhibit "A" and incorporated herein as thoughtfully set forth, is hereby approved.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 7th day of September, 2021, and passed by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary



Policy

Policy No.: Click here to enter text.	Type of Policy: Finance
Policy Title: Discontinuation of Residential Water Service for Nonpayment	
Policy Description: Authorize the General Manager to Approve Discontinuation of Residential Water Service Due to Nonpayment	
Approval Date: Click here to enter a date.	Last Review Date: 2021
Approval Resolution No.: Click here to enter text.	Next Review Date: 2025
Rescinded Resolution No.: N/A	Rescinded Resolution Date: N/A

It is the policy of the Board of Directors of Dublin San Ramon Services District:

To authorize the General Manager or designee to approve discontinuation of residential water service arising from nonpayment of billed usage charges. Such discontinuations are to be conducted in accordance with Dublin San Ramon Services District (DSRSD) Code Chapter 1.50 Nonpayment of Fees and Charges, in addition to the “Water Shut-off Protection Act” (California Health and Safety Code Division 104 Part 12 Chapter 6) which has established specific requirements for water systems to follow when discontinuing residential water service due to nonpayment of charges.

1. Purpose of the Policy

The purpose of this policy is to define the conditions and procedures for discontinuing residential water service due to account holders’ nonpayment of water charges, including how account holders and/or occupants are notified by this policy, how they may obtain a payment arrangement or alternative payment schedule, how they may contest or appeal water charges, and how they may restore service after it has been discontinued for nonpayment.

2. Posting of the Policy

This policy will be posted on the District’s website. In addition to English, this policy will be made available in Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by at least 10% of the people (currently no other language meets this criteria) residing in the DSRSD service area.

3. Collection timeline for Utility Bills

- a. Per DSRSD Code §4.40.140, bills are due upon receipt and past due 30 days from the billing date. The billing due date is printed on the bill sent to the account holder.
- b. If the utility bill remains unpaid 30 days after the bill date, late fees and/or interest charges in amounts established by separate District ordinance or resolution will be added to the bill.

Policy No.:	Policy Title: Discontinuation of Residential Water Service for Nonpayment
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unpaid balance, and a “Late Payment Notice” will be mailed to the account holder. This notice will request that payment be made within 23 days from the date printed on the notice.

- c. If the utility bill remains unpaid 23 days after the “Late Payment Notice” was sent to the account holder, telephonic contact with the account holder will be attempted, after which, if the bill remains unpaid, a “Final Notice” will be mailed to the account holder. This notice will require payment to be made within 7 days from the delivery date. If payment is not received within the 7 days, the utility service may be discontinued without further notification attempts. The District will offer to provide this policy in writing and offer to discuss options to avert discontinuation of service if the telephonic contact is successful.

4. Payment Arrangement, Deferred Payment, and Alternative Payment Schedule

Upon receipt of a “Late Payment Notice” an account holder can request a payment arrangement, a temporary deferment, or an alternative schedule to make the required payments (a “payment plan”). DSRSD may choose which payment arrangement to accept as long as the outstanding balance is paid within a 12-month period.

5. Special Medical and Financial Circumstances

Water service shall not be discontinued for nonpayment if **ALL** of the following conditions are met:

- a. The property owner, or tenant of the property owner, submits the certification of a primary care provider that discontinuation of service will be life threatening or pose a serious threat to the health and safety of a resident of the premise where service is provided, **AND**
- b. The account holder demonstrates financial inability to pay for residential service within the normal billing cycle. (Account holder is deemed unable to pay if any member of the household is a current recipient of CalWORKS, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the account holder declares that the household’s annual income is less than 200 percent of the federal poverty level.), **AND**
- c. The account holder is willing to enter into a payment arrangement, a temporary deferral or alternative payment schedule consistent with this policy.

The District may choose which payment option to offer and accept. It should result in repayment of the outstanding balance in no more than 12 months. Payment arrangements longer than 12 months may be granted if the General Manager or designee finds that a longer period is necessary to avoid undue hardship on the customer based on the circumstances of the individual case.

If for 60 days or more, the account holder fails to comply with the payment plan or the account holder does not pay the current charges while under the payment plan, then residential water service may be 19 of 65

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discontinued after a final notice to discontinue service is posted at the property.

6. Landlord Customers of Single-Family Residential Properties

When the account holder is a landlord and the account is delinquent and subject to discontinuation of service, the District shall make good faith effort to inform the residential occupants, by means of written notice hand-delivered or mailed to the service address, that service will be terminated at least 10 days prior to the termination. The notice shall also inform the occupants that they have the right to become account holders without being required to pay any amount that may be due on the delinquent account. The water system may require the tenant to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. The water system is not required to make service available to the tenants unless they agree to the terms and conditions of service.

7. Landlord Customers of Multi-Family Residential Properties

When the account services a multi-family residential building, the District will not discontinue service for nonpayment of charges. Pursuant to DSRSD Code §4.40.120, unpaid utility charges on residential multi-family buildings may be added as a special assessment to the property owner’s Alameda County or Contra Costa County property tax bill. No resident of a multi-family residential building will have their services discontinued due to the delinquency of a property owner.

8. Procedure for Customers to Contest or Appeal a Utility Bill

An account holder who desires to appeal or dispute the accuracy of the charges on a utility bill shall, no later than 30 days from the date of the original bill, submit a written notice to the Utility Billing & Customer Services Supervisor. The account holder must provide the reason or reasons for which the appeal or contest is based such as an erroneous water meter reading. The Utility Billing & Customer Services Supervisor, or designee, is authorized to correct an erroneous bill. The account holder shall be given written notification of the decision regarding the dispute. The Utility Billing & Customer Services Supervisor, or designee, will investigate claims relating to the accuracy of the amount billed, but will not review claims concerning level of service, general level of rates, pending rate changes, source of water, or similar matters.

If an account holder disagrees with the decision of the Utility Billing & Customer Services Supervisor, or designee, the account holder may appeal that decision to the General Manager. The General Manager, or designee, may review the accuracy of the amount billed, but will not review appeals under this procedure concerning level of service, general level of rates, pending rate changes, source of water and similar matters.

Any account holder who, pursuant to this policy, submits an appeal or contests the accuracy of the water consumption shown on a bill, shall not have service discontinued for nonpayment during the pendency of any investigation or appeal, provided the customer keeps current the account for services rendered as charges accrue in each subsequent billing period.

9. Contact DSRSD about Your Bill

An account holder may call 925-828-8524 to discuss options to avert discontinuance of service for non-payment.

Policy No.:	Policy Title: Discontinuation of Residential Water Service for Nonpayment
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TITLE: Receive Report on Water Supply Conditions and Provide Direction on Declaration of a Water Shortage Emergency

RECOMMENDATION:

Staff recommends the Board of Directors receive a report on Water Supply Conditions and provide direction on declaration of a Water Shortage Emergency.

DISCUSSION:

On September 1, 2021, the Zone 7 Water Agency (Zone 7) Board of Directors declared a drought emergency and a Stage 2 Water Shortage Emergency requiring mandatory conservation from the retailers of 15% as compared to 2020. Zone 7's Water Shortage Contingency Plan states, "If the water supply cannot meet planned water demands in the current year or the following dry year, the extent of the water shortage condition will be determined." Based on current conditions and a review of reasonable scenarios, Zone 7 projects that water supply may not meet planned water demands next year and anticipates a shortage between 11% and 19%.

Calendar year 2021 is a critically dry year and is the second dry year in a row. The Zone 7 State Water Project (SWP) allocation this year is 5%, which will provide only 4,000 acre-feet of projected system demand of 56,000 acre-feet. As a result, the primary source of supply this year will be stored water, both from the local groundwater basin and from the groundwater banks in Kern County. Zone 7 has also invested in water transfers from the Mojave Water Agency and other programs of 10,000 acre-feet.

On July 8, 2021, Governor Gavin Newsom issued Executive Order No. N-10-21, which called for 15% voluntary water conservation statewide. On July 12, the Tri-Valley water retailers and Zone 7 issued a second joint press release calling for 15% voluntary conservation to conform with the Governor's executive order.

A low initial SWP allocation is anticipated for 2022 based on water supply in Oroville and San Luis Reservoirs and assuming dry hydrologic conditions for the remainder of calendar year 2021. The initial allocation will be released in December of this year. If conditions are severe, there could be periods of delta outages, greatly reducing Zone 7 options for providing water supply. Although the Tri-Valley has abundant supply of water in the Kern County groundwater banking program, if there are delta outages, there would be no way to access that stored water. Moreover, water transfer opportunities that are being used this year would not be available next year.

Beginning in March 2021, Zone 7 requested 10% voluntary conservation relative to 2020 water demands. The retailers joined in this messaging, and Zone 7 and the retailers increased the requests to 15% conservation in line with the Governor's statewide request. Actual conservation was at 7% overall for July 2021 versus July 2020 for treated and untreated water, significantly falling short of the conservation target.

In addition to declaring a Stage 2 Water Shortage Emergency, Zone 7 also declared a Local Drought Emergency which allows Zone 7 to expedite implementation of construction projects, specifically the Valley Pump Station, to improve water supply reliability. A Local Drought Emergency Declaration by Zone 7 allows the procurement of construction and equipment purchase contracts in an expedited manner without going through the formal bid process.

As in the 2013–2016 drought, operational constraints are a key driver in the Local Drought Emergency Declaration. If there are delta outages, Zone 7 must rely on the groundwater basin and limited supplies in Lake Del Valle. Although the groundwater basin storage has well over two years of water supply, there are constraints in the rate of withdrawal from the groundwater basin and transmission of the water. Zone 7 has multiple wells in the groundwater basin, however, the

Originating Department: Engineering Services	Contact: J. Zavadil	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	22 of 65	

rate at which the water can be extracted is limited. Additionally, the Zone 7 transmission system was designed to move water from east to west. With delta outages, the groundwater pumps must operate at higher pressures to move water from west to east, which reduces well production. The Valley Pump Station will assist in moving water from the western side of the valley to the east.

In response to the direction by Zone 7 to begin mandatory 15% conservation, staff will bring forward a recommendation for the Board to declare a Water Shortage Emergency at the September 21, 2021 Board meeting. In parallel, staff will recommend amending the District Code to be consistent with the recently adopted Water Shortage Contingency Plan. At the September 7, 2021 Board meeting, staff will recommend the first reading of an ordinance to amend the District Code to align the water shortage stages with those required by the California State Department of Water Resources and provide the water use restrictions and District enforcement actions for each Water Shortage Stage. At the September 21, 2021 Board meeting, staff will recommend the Board adopt the ordinance as well as adopt a resolution declaring a Stage 2 Water Shortage Emergency requiring actions to achieve 15% conservation as compared to 2020. The resolution will reference the newly adopted ordinance, which will not be in effect for 30 days. However, staff will continue to message the need for water conservation to the District's customers and will begin to review customer usage and notify customers of overuse.



TITLE: First Reading of Ordinance Revising District Code Chapter 4.10 General Regulations and Protective Measures and Chapter 4.20 Potable Water Use and Protective Measures

RECOMMENDATION:

Staff recommends the Board of Directors 1) waive, by Motion, the first reading of an Ordinance that, if adopted, will revise provisions of the District Code Chapter 4.10 General Use Regulations and Protective Measures and Chapter 4.20 Potable Water Use Regulations and Protective Measures and 2) schedule the Ordinance for a second reading, a public hearing, and adoption at the September 21, 2021 Board meeting.

SUMMARY:

On June 15, 2021, the Board adopted the District’s 2020 Urban Water Management Plan and Water Shortage Contingency Plan (WSCP). The WSCP defined six water shortage stages ranging from 10 percent to over 50 percent shortage conforming with the state’s required stages and provided appropriate District actions to close the water shortage gap at each stage. Staff proposes to revise the District Code to reflect the adopted WSCP.

DISCUSSION:

In general, staff proposes moving the District Code sections related to short-term water emergencies, water shortage emergencies, and prohibition of water waste from Chapter 4.10 General Use Regulations and Protective Measures to Chapter 4.20 Potable Water Use Regulations and Protective Measures and revising and supplementing the text on water shortage emergencies. Moving these sections to Chapter 4.20 allows for the information to be segregated into specific sections making it easier to locate and more transparent to the public. The revisions to the code will align the code with the adopted WSCP and provide more detail on the water use restrictions at each stage.

Additionally, it is proposed to add a code section regarding enforcement of the water use restrictions. In the last drought from 2014 to 2016, much of the information staff is proposing to add to the code was provided through an urgency ordinance effective during a local drought emergency proclamation. When the Board ended that proclamation, the urgency ordinance lapsed. Staff proposes to have the District’s regulatory framework permanently reside in the District Code. The revisions to the code will allow for more consistent and clear water use regulations when the Board declares a water shortage emergency. A marked-up version of the amended code sections showing the proposed changes is included as Attachments 1 and 2. A clean version of the proposed changes is shown in Exhibits A and B to the Ordinance. Below is a summary of the proposed changes.

- Move the definitions for Emergency Response Plan, Water Emergency, and WSCP, from Section 4.10.010 General Use Regulations and Protective Measures, Definitions to a new Section 4.20.060 Potable Water Use Regulations and Protective Measures, Definitions. Also delete several definitions from Section 4.10.010 that are no longer needed.
- Revise Section 4.20.010 Purpose and Policy to include water conservation.
- Move the text from Section 4.10.030(G) (prohibitions on water waste) to a new Section 4.20.030.
- Delete sections related to water emergencies and shortage levels from Section 4.10.030 General Use Regulations and Protective Measures, Regulation of Water Usage and create a new code section, 4.20.040 Water Emergencies under Chapter 4.20 Potable Water Use Regulations and Protective Measures.

Originating Department: Engineering Services	Contact: J. Zavadil	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Marked-up District Code Chapter 4.10 Attachment 2 – Marked-up District Code Chapter 4.20	

- The new Section 4.20.040 includes provisions on short-term water emergencies, defines water shortage stages consistent with the 2020 WSCP, outlines water use restrictions at each water shortage stage, and provides for the imposition of water shortage rates.
- Add a new code Section, 4.20.050 Water Shortage Violations and Enforcement, to include provisions on District enforcement of water restrictions and applicable penalties, including a waiver of violation process.
- Add a new code Section 4.20.060, Definitions, to define key terms.

District General Counsel has reviewed the proposed revisions to the code. General Counsel also determined a public hearing is not required for the first reading of the Ordinance to revise these chapters of the District Code. Public notification requirements include the publishing of an ordinance summary after both the first and second readings. The summary is to be published on the District website and in a newspaper of general circulation. Staff will fully comply with notification requirements and will report on the first reading and ordinance summary at the September 21, 2021 Board meeting.

Staff proposes the second reading of the ordinance and a public hearing be scheduled for September 21. If adopted, it will go into effect 30 days later.

Chapter 4.10
GENERAL USE REGULATIONS AND PROTECTIVE MEASURES

Sections:

- 4.10.010 Definitions.**
- 4.10.020 Purpose and policy.**
- 4.10.030 Regulation of water usage.**
- 4.10.040 Provision of water service.**
- 4.10.050 Account required for service.**
- 4.10.060 Point of delivery – Responsibility for handling and risk of loss.**
- 4.10.070 Ownership of and access to mains, water meters and service lines.**
- 4.10.080 Damage to District facilities or property.**
- 4.10.090 Prohibition of cross-connections – Backflow prevention.**
- 4.10.100 Obstruction of water facilities prohibited.**
- 4.10.110 State laws.**
- 4.10.120 Suspension or termination of deliveries.**
- 4.10.130 Interference with District employees.**

4.10.010 Definitions.

In the construction of this title, the general definitions set forth in DSRSDC 1.20.080, Definitions, shall apply except where contrary definitions are set forth in this chapter or as otherwise stated in DSRSDC 1.20.080, Definitions. The following definitions shall apply to this title, unless such definitions would be inconsistent with the manifest intent of the Board of Directors or the context clearly requires otherwise.

“Alameda County Environmental Management Department (Alameda County EMD)” refers to the local health protection agency for most areas of Alameda County.

“Approved backflow prevention device” means a device that has been approved by the California Department of Health Services and is on the District’s current list of approved backflow prevention devices.

“Approved backflow prevention device tester” means a tester who possesses a current and valid American Water Works Association (AWWA) certificate as a general backflow prevention device tester.

“Approved use” means an application of recycled water in a manner, and for a purpose, designated in a recycled water use license issued by the District and in compliance with all applicable regulatory agency requirements.

“Back pressure” means the flow of water or other liquid, mixture or substances under pressure into the District’s potable water distribution system caused by a higher pressure in the customer’s facilities relative to the pressure in the District’s facilities.

“Back siphonage” means the flow of water or other liquid, mixture or substances from the customer’s facilities into the District’s water distribution system, caused by a sudden pressure drop in the District’s facilities.

“Contra Costa County Environmental Management Department (Contra Costa County EMD)” refers to the local health protection agency for most areas of Contra Costa County.

~~“Emergency response plan” means the emergency response plan, as amended from time to time and approved by the General Manager for implementation, required pursuant to the “California Emergency Services Act,” codified as Chapter 7, California Emergency Services Act, of Division 1, General, of Title 2, Government of the State of California, of the Government Code, beginning with Section 8550.~~

“Greenbelt areas” means the area that includes, but is not limited to, golf courses, cemeteries, parks, and landscaping.

“Normal supply conditions” means that District water supplies are adequate or more than adequate to meet the ordinary demands and requirements of District’s water customers and users for that year and for a reasonable planning time horizon.

“On-site supervisor” means the customer’s representative, who is available to the District at all times, has the authority to carry out any requirements of the District, and is responsible for the installation, operation and maintenance of the recycled and potable water systems. The on-site supervisor is also responsible for prevention of potential hazards.

“Recycled water use license” means a license issued by the District to the customer, which outlines monitoring, self-inspection, reporting, and site-specific requirements, as required by the California Regional Water Quality Control Board. This license allows the customer to use recycled water in accordance with the Dublin San Ramon Services District Code, standards, ordinances, policies, guidelines and all applicable regulatory agency requirements.

“Secondary effluent” means treated wastewater that meets the requirements of the District NPDES discharge permit governing wastewater disposal, as it may be amended from time to time.

~~“Shortage” means a situation in which the supply of water available to the District for distribution and sale to water customers and users, as the result of a general condition such as drought or other seasonal or climatic shortage, or regulatory restrictions, including but not limited to those intended to protect special status species, may not be adequate to meet ordinary demands without reducing the supply to the extent that there would be insufficient water for human consumption, sanitation, fire protection, and other beneficial uses. Each of the four stages of a water supply shortage are defined below. A water shortage condition may be declared by the Board or may be determined to exist pursuant to DSRSDC 4.10.030(C)(1), Water Supply Shortage Condition, or may be determined or declared to exist by the District’s General Manager.~~

~~“Stage 1 water supply shortage” means that, as declared by the Board, there are identifiable events that lead to a reasonable probability that, in the next few years, District potable water supplies will not be adequate to meet the ordinary demands and requirements of the District’s water customers and users.~~

~~“Stage 2 water supply shortage” means that, as declared by the Board, there are identifiable events that lead to a reasonable conclusion that, in the current or upcoming year, District potable water supplies may not be adequate for the ordinary demands and requirements of District water customers and users.~~

~~“Stage 3 water supply shortage” means that, as declared by the Board, there are identifiable events that lead to a reasonable conclusion that, in the current year, water supplies will not be adequate to meet the ordinary demands and requirements of District water customers and users.~~

~~“Stage 4 water supply shortage” may be declared by the Board if (a) verifiable water use data conclusively establish that District water customers and users are not achieving the target water use reduction previously adopted by the Board in the resolution declaring a Stage 3 water supply shortage; or (b) new identifiable events occur that require increasing the target water use reduction; or (c) the Board determines that there are multiple District water customers and users who are repeatedly violating the Stage 3 water use restrictions.~~

~~“State of California Department of Public Health (state DPH)” refers to the State of California Department of Public Health, Division of Drinking Water and Environmental Management – San Francisco District.~~

~~“Water emergency” means that, as declared by the General Manager, a specific identifiable discrete event or sudden unexpected occurrence, including without limitation a storm, flood, fire, or an unexpected equipment outage, the failure of a dam, levee, treatment plant, pump, pipeline or other conduit, or a catastrophic event, including, but not limited to, a regional power outage, an earthquake, or other disaster, has occurred that causes a disruption, or creates an imminent threat of disruption, in the water supply to all or a group of District water customers and users.~~

~~“Water shortage contingency and drought plan” means the planning document, as amended from time to time and adopted by the Board, setting forth an urban water shortage contingency analysis comprising a required component of the urban water management plan as specified in the “Urban Water Management Planning Act,” codified as Part 2.6, Urban Water Management Planning, of Division 6, Conservation, Development, and Utilization of State Water Resources, in the Water Code, beginning with Section 10620. The water shortage contingency and drought plan is comprised of analysis required to be included in the urban water management plan adopted by the Board from time to time. [Ord. 329, 2012. Prior legislation: Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]~~

4.10.020 Purpose and policy.

This title sets forth uniform requirements for the use of water, potable and recycled, furnished by the District. The objectives of this title are to:

- A. Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety, or detrimental to the environment, from developing from or in connection with the distribution of water.
- ~~B. Limit use of water furnished by the District to what is reasonable and beneficial under the circumstances, to prevent the waste of water and to promote conservation of potable water and the use of recycled water.~~
- ~~C.~~B. Prevent the introduction of contaminants into the District’s water system.
- ~~D.~~C. _____ Maintain conformance to regulatory requirements regarding water use.
- ~~E.~~D. Provide for fees that equitably distribute the cost of operation, maintenance, and improvement of the District’s water system to those who benefit.

This chapter shall govern the use of all water furnished by the District and shall apply to all users thereof. The District may establish classes of service and may change such classifications as

circumstances warrant, in the District's sole discretion. This chapter provides for monitoring, compliance and enforcement activities resulting from or in connection with the use of water furnished by the District; and provides for the setting of rates, charges and fees for the equitable distribution of costs resulting from the District's water system. [Ord. 329, 2012. Prior legislation: Ord. 298, 2003; Ord. 327, 2010.]

4.10.030 Regulation of water usage.

- A. All water furnished by the District or used within the water service area of the District shall be subject to the regulations set forth in this title, in this chapter, and other provisions of this code from time to time in effect except those that are determined by the General Manager to be inapplicable. By applying for or receiving water service from the District, each user of water furnished by the District covenants and agrees to comply with and to be bound by such regulations.
- B. The District Engineer and the officers and agents of the District shall have unrestricted access at reasonable hours to all premises to which the District provides services to inspect water facilities, meters or other measuring apparatus, and to see that the rules and regulations of the District regarding the installation of water facilities, the taking and use of water are being observed.
- ~~C. The District may regulate the time and quantity of water use in such manner as will ensure an equitable supply to all consumers.~~
 - ~~1. Water Supply Shortage Condition. The General Manager shall notify the Board as soon as practical if he or she determines that the quantity of water available at any time is, or is expected to be, less than the total demand, and such shortage is expected to last more than 30 calendar days. The Board may consider further restrictions and prohibitions on the use of water when water shortage is expected to last more than 30 days. Water use restrictions, rates, enforcement actions and penalties shall be implemented in stages, as generally described below and as more specifically declared by District's Board by separate resolution after the appropriate notice is given.~~
 - ~~a. Stage 1 Water Supply Shortage. Stage 1 is voluntary and is imposed when only a minimal reduction in water usage is required. When Stage 1 is in effect, the District shall encourage its water customers and users to implement best water management and conservation practices set forth in the water shortage contingency and drought plan.~~
 - ~~b. Stage 2 Water Supply Shortage. Stage 2 is imposed when a moderate reduction in water usage is required. It can be voluntary or mandatory as may be declared by resolution adopted by the Board.~~
 - ~~i. If the Board declares Stage 2 to be voluntary, the District shall encourage its water customers and users to implement additional best water management and conservation practices set forth in the water shortage contingency and drought plan.~~
 - ~~ii. If the Board declares Stage 2 to be mandatory, it shall identify the water use restrictions set forth in the water shortage contingency and drought plan with which its water customers and users must comply.~~
 - ~~iii. If Stage 2 is initially declared to be voluntary, the Board may, by separate resolution adopted after the appropriate notice is duly given, declare that Stage 2 is being made mandatory. Said declaration can only be made if verifiable water use data clearly establish that the target water use reduction by District water customers and users is not being achieved. Said declaration shall identify those additional water use restrictions set forth within the water shortage contingency and drought plan with which its water customers and users must comply.~~

~~c.— Stage 3 Water Supply Shortage. Stage 3 is mandatory and is imposed when a severe reduction in water usage is required. The resolution declaring the Stage 3 water supply shortage shall identify the specific additional water use restrictions set forth in the water shortage contingency and drought plan with which its water customers and users must comply, and shall include the charges for excess use and the penalties or fines that may be levied by District for successive violations of these water use restrictions.~~

~~d.— Stage 4 Water Supply Shortage. Stage 4 is mandatory and is imposed when a critical reduction in water usage is required. The resolution declaring the Stage 4 water supply shortage may establish, or authorize staff to establish, a specific water use allocation for any or all District water customers and users. Upon clear evidence of violation or violations of a water use allocation so established, the District may levy fines; install a flow restrictor or restrictors in the water service line; lock out the water service (unless failure to meet health and safety requirements appears to be imminent); and may enter nonresidential private premises to install submeters for monitoring compliance with the provisions of the water use allocation as established and/or with the water use restrictions set forth in the water shortage contingency and drought plan.~~

~~2.— Water Emergency. The General Manager is hereby authorized to declare a water emergency and, if so declared, shall initiate implementation of the appropriate provisions of the District's emergency response plan. As soon as possible after such a declaration, the General Manager shall make a full report on the water emergency to the Board. During a water emergency, the General Manager and his/her designees may take all steps necessary to protect and preserve District's water system, and to protect the health and safety of District water customers and users, including but not limited to locking out nonessential water services, obtaining and making available temporary water supplies, and temporarily relocating facilities connecting to District water customers and users.~~

~~3.— In addition to the foregoing, water customers and users are subject to Chapter 1.30 DSRSDC, Enforcement, which provides general penalties, remedies for violations, penalties of increasing severity, and imposition of costs. Violations of this section, including the provisions of the water shortage and drought contingency plan and the emergency response plan incorporated herein, may be punishable as misdemeanors or infractions, depending on the severity of the violation. The General Manager is authorized to apply penalties as he or she deems appropriate, including flow restriction, submetering, and discontinuance of water service, until the violation is corrected. The District may also seek damage and/or remedies, including fees or fines and the amount of costs incurred by the District to investigate and correct the violation.~~

~~4.— The District also reserves the right at any time to allocate its available water supply among its customers in a manner that it determines to be in the public interest in the event of shortage for any reason:~~

~~a.— If the General Manager determines that the quantity of water available at any time is, or is expected to be, less than the total demand, and such shortage is expected to be of a duration of less than 30 calendar days, the General Manager may prescribe and enforce rules governing allocation and use of water.~~

~~b.— In implementing subsection (C)(4)(a) of this section, the General Manager shall be guided by the following guidelines applicable to the allocation of supply during shortages:~~

~~i.— No service shall be extended to new customers until the Board determines that the shortage no longer exists;~~

~~ii.— Service to critical community service facilities, including, without limitation, hospitals and emergency shelters, shall take precedence over service to residential, commercial, institutional and industrial customers;~~

- ~~iii.—Potable water service to residential, commercial, institutional, industrial and nonirrigation customers shall take precedence over service to irrigation customers in accordance with the water shortage contingency plan adopted by the Board;~~
- ~~iv.—Once residential customers are receiving a supply sufficient to meet their minimal health and safety requirements, potable water service to commercial, institutional, and industrial customers (for nonirrigation uses) shall take precedence over other uses of such water;~~
- ~~v.—Service to customers within the District boundaries shall take precedence over service outside the District boundaries~~

- D. No person, except one authorized by the District, shall turn on or turn off the water at any connection or open or close any gate valve or other device for regulating the flow measurement of water on the water mains or other District facilities.
- E. No customer or other user of the District's water system shall use, or permit the use of, water for service to or upon any land other than that described in, and permitted under, the application made by the customer or user for water service. In addition, the use of the water connection is limited to the units covered by the water service application. Continued use of water in violation of this section after notice given in the manner, if any, required by law to the customer may result in discontinuance of water service.
- F. Except as provided in DSRSDC 4.40.160, Submetering for tenants, no customer within the District boundaries may enter into a contract to resell any water purchased from the District without the special permission of the Board, and, except as provided in DSRSDC 4.40.160, Submetering for tenants, the price of any water to be sold shall be at no more than the rate for such service fixed by the Board. The District shall have the right but not the duty to audit the records of anyone reselling water purchased from the District. No customer outside of the District will be permitted to resell water purchased from the District under any condition. Continued sales of water after service of notice by registered mail to the customer may result in discontinuance of water service.

~~G.—The recipients of water delivered by the District shall put the water only to reasonable and beneficial use. No customer or other user of the District's water system shall knowingly waste or permit the waste of water including, but not limited to, waste through leakage of defective or inoperable plumbing, piping or other water use equipment, gutter flooding, single pass cooling systems in new constructions, nonrecirculating systems in a new conveyer car wash and commercial laundry systems, and nonrecycling decorative water fountains. Using water suitable for potable domestic use for nonpotable uses, including irrigation of cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, when suitable recycled water is available to an area, for which the District has recycled water purveyorship authority, is a waste of water. Continued waste of water after service of notice by registered mail to the customer may result in discontinuance of water service. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 238, 1991; Ord. 239, 1991; Ord. 273, 1997; Ord. 327, 2010.]~~

4.10.040 Provision of water service.

- A. **Service Delivery.** The District shall undertake to deliver a continuous and sufficient supply of water of suitable quality within a pressure range sufficient for its efficient utilization by its customers. By accepting water service from the District, water customers are deemed to have accepted all conditions of water quality, pressure, and flow. The District makes no warranty, express or implied, about any aspect of such service and shall not be liable for interruptions in supply or variations in water quality or pressure. To the extent practical, the District shall undertake to give advance notice of such interruptions or variations. The District reserves the right at any time to shut off delivery for the purpose of maintaining, repairing, altering, or changing the size of its facilities.
- B. **Water Pressure.** The District Engineer shall from time to time establish water pressure ranges for all customers, and the District shall undertake to furnish water within the range thus established. In accepting water, water customers are deemed to have accepted all conditions of pressure and flow. In circumstances where, as solely and conclusively determined by the District Engineer, it is not reasonably feasible to provide service within the pressure range as thus determined, the District may furnish water service on the additional terms and conditions described in the following sentence. To obtain water service in such circumstances, each customer shall install and maintain, at his or her sole expense, a pump or other pressure-adjusting device and such other facilities sufficient to maintain pressure within an acceptable pressure range at each intended point of use, and shall present to the District appropriate evidence of the installation.
- C. **Water Meter Reading.** Water meters shall be read by the District on a regular basis, usually bimonthly. Special meter readings may be taken because of change of customer, changes of water meter or water meter size, or at other times as determined necessary by the District. The District shall estimate the quantity of water used in whatever manner it considers most appropriate if a water meter cannot be read or in the event that a water meter has not registered or has registered incorrectly.
- D. **Water Meter Testing.**
 - 1. **Testing Initiated by Customer.** Any customer may request that the water meter be examined and tested by the District for the purpose of ascertaining whether it is registering correctly, if the customer believes the water meter is over-registering the amount of water being delivered. The procedures therefor shall be as established by the District. Cost of testing and adjustment of charges for water meters shall be in accordance with DSRSDC 4.40.170, Meter testing – Charges.
 - 2. **Testing Initiated by District.** The water meter may be examined and tested by the District for the purpose of ascertaining whether or not it is registering correctly. The procedures therefor shall be as established by the District. Cost of testing and adjustment of charges for water meters shall be in accordance with DSRSDC 4.40.170, Meter testing – Charges. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.050 Account required for service.

- A. **Need for an Account.** Except as provided in DSRSDC 4.30.070, Sale of recycled water at recycled water treatment facilities, the District shall furnish water only to a customer who has a current account, including a current address and the name of the person responsible for making payments on the account.
- B. **Requests for Water Service.** Approval of an application for service in accordance with Chapter 3.40 DSRSDC, Application for Services, is required to initiate service for the first time to

a particular parcel. Requests for water service to parcels that have previously received water service shall be made during the District office's regular posted business hours. In case of an emergency (as determined by the District), the District shall accept requests during nonregular business hours.

- C. **Need for Water Meter.** Water service will be provided only through a water meter assigned to a particular account. A water meter may be moved by the District at the request of a customer from one location to another on the property, upon payment of the cost of a new meter assembly fee in accordance with DSRSDC 3.70.060, Meter assembly installation fee – Water, plus a labor and materials charge for reinstallation of the meter assembly in the new location.
- D. **Reinstatement.** If the District, for any reason authorized by this code or by applicable law, terminates water service, service shall not be reestablished until all charges described in Chapter 4.40 DSRSDC, Rates and Charges, have been paid for services rendered by the District with respect to the premises for which service has been terminated.
- E. **Liability of Owner and Tenant.** An owner, tenant, or other user of property with respect to which such charges are delinquent are jointly and severally liable for payment to the fullest extent permitted by law. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 148, 1979; Ord. 212, 1987; Ord. 238, 1991; Ord. 239, 1991; Ord. 247, 1992; Ord. 273, 1997; Ord. 299, 2003; Ord. 327, 2010.]

4.10.060 Point of delivery – Responsibility for handling and risk of loss.

- A. The point of delivery of water delivered by the District shall, except as set forth in the next sentence, be the discharge side of the District's water meter, or at the point of connection of a fire service line to the District's water main. The District Engineer shall determine, in his or her discretion, the point of delivery of water that does not pass through a water meter.
- B. The District is responsible for the handling and transmission of water up to the designated point of delivery of water to the customer. Each customer shall bear the risk of loss, and shall be responsible for the carriage, control, handling, storage, distribution and use of all water furnished by the District from and beyond the point of delivery.
- C. By applying for or receiving water service from the District, each customer served by the District shall hold the District harmless from any damage suffered by the District and shall indemnify the District from liability or claim of liability for property damage or personal injury, including death, resulting from the carriage, control, handling, storage, distribution or use of water after it passes the point of delivery.
- D. By applying for or receiving water service from the District, each customer served by the District agrees that the District and its officers, agents, or employees shall not be liable for damages resulting from the control, carriage, handling, use, disposal, or distribution of water supplied by the District to a customer, after such water has been delivered to the point of connection of such customer, or in the case of delivery to customers who are water purveyors or truck haulers, after such water has left the District's distribution facilities. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.070 Ownership of and access to mains, water meters and service lines.

- A. The District retains the ownership of water mains, water meters, and connecting service lines on the "upstream" (street) side of the water meter. The customer owns, operates, and maintains all water piping and appurtenances on the customer side of the water meter, including backflow prevention device, pressure-regulating valve, and shut-off valve. For services to fire sprinkler systems, the customer owns water piping from the point of connection of the fire service at the water main, downstream of the isolation valve, to the building structure. No additional charge

will be made upon change of ownership of the property unless the character of the service is changed.

- B. A fire hydrant on a District main is the property of the District. The cost of installation or removal is the responsibility of the property owner who requests such installation or removal, except by prior specific agreement with the District.
- C. The District shall provide a shut-off valve on the District's side of the water meter. The property owner shall install, for his ordinary usage and at his own expense, a shut-off valve and/or a pressure-regulating valve on the property side of the water meter. The property owner's shut-off valve and/or pressure-regulating valve shall not be installed within the District's meter box.
- D. The General Manager and other officers, employees, and agents of the District shall have unrestricted access to all District facilities described in this section, and to premises to which water service is supplied by the District, and may periodically inspect the supply system, water meters or other measuring apparatus to see that the rules and regulations of the District regarding the taking, use or waste of water are being observed. General penalties and other provisions for enforcement of violations of the Dublin San Ramon Services District Code are set forth in Chapter 1.30 DSRSDC, Enforcement.
- E. Operation and inspection of all of the District facilities, up to and including the water meter, shall be under the management and control of the District. No persons except authorized employees, agents, or contractors of the District shall have the right to enter upon, inspect, operate, adjust, change, alter, move, or re-locate any portion of the District facilities or any of the District's property.
- F. The District is the sole owner of the District facilities, and of equipment, supplies, warranties, rights-of-way, encroachment permits, and licenses that are acquired therefor. Water meters shall be owned by the District. All facilities on the customer side of the point of connection to the water meter shall be owned, operated, and maintained by the water customer. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 90, 1971; Ord. 118, 1975; Ord. 129, 1977; Ord. 273, 1997; Ord. 327, 2010.]

4.10.080 Damage to District facilities or property.

- A. No user of water from the District's water system shall create conditions that result in damage to or reduced life of the District's distribution facilities, or impairment of water quality in the District's system. Customers or other users of water from the District's water system shall reimburse the District for costs of repair to the District facilities and other damages resulting from the operations or other activities of the customer.
- B. It shall be unlawful and a violation of this Code for any person to tamper with, alter, destroy, or otherwise render inoperative any flow restricting device, service valve, meter, hydrant, or any other water system facility, equipment or device installed, operated or maintained by District. Any damage occurring to a water meter or other appliances, including without limitation flow restricting device, service valve, hydrant, or any other water system facility, equipment or device, pipes or any other property of the District caused directly or indirectly by lack of due care by the customer is the sole responsibility of the customer, who must pay for the damage on presentation of a bill.
- C. Before beginning planting operations or construction work, the owner or his or her agent shall ascertain from the District Engineer the location of mains, structures, and other facilities belonging to the District. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.090 Prohibition of cross-connections – Backflow prevention.

- A. A cross-connection, or any type of connection which permits a back pressure or back siphonage from an outside source into the District's mains, is prohibited. A connection between recycled water and potable water lines is prohibited. If both recycled water and potable water lines are present at the customer's facilities, the customer shall install a backflow prevention device on the customer's potable water system. The District may require the customer to install a backflow prevention device approved by the District on the customer's side of the pertinent water meter(s), at the expense of the customer. The General Manager may reduce or suspend deliveries to any customer or other user of water if the General Manager determines that the customer or other user of water has failed to install and appropriately maintain required devices to protect the District's facilities, and that a substantial risk of damage exists, whether or not the customer's failure was willful or negligent.
- B. A District water connection to a source of possible cross-connection or contamination from back pressure or back siphonage shall be provided with an approved backflow prevention device. The type of device required shall be as specified in the District's most current Standard Procedures, Specifications and Drawings, and an approved certified backflow testing organization recognized and accredited by the California Department of Public Health pursuant to Health and Safety Code, Division 1, Part 2, Chapter 7.5, Section 1010 et seq.
- C. The approved backflow prevention device shall be installed in conformance with the installation requirements contained in the District's most current Standard Procedures, Specifications and Drawings, and in a location accessible at all times to District personnel for inspection.
- D. The costs of the approved backflow prevention device, its maintenance and inspection are the responsibility of the customer. Testing of the device must be performed by an approved backflow prevention device tester, who is on the District's current list of approved testers.
- E. In a case where the water supply to a customer cannot be interrupted for backflow prevention device testing and maintenance, the District may require the customer to supply two backflow prevention devices of the same design and type in parallel.
- F. A previously installed device which does not conform to current standards may remain in operation until such time as it requires replacement, any incidents of backflow have occurred, any changes are to be made to the premises it serves, or any change in use of the premises occurs. Should any one of the aforementioned events occur, the previously installed device shall be replaced with a current approved device. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]

4.10.100 Obstruction of water facilities prohibited.

No person shall place upon or about any District valve box, manhole, blowoff, air relief valve, water meter, meter box or vault, or any distribution or delivery facilities or appurtenances, any object, materials, debris, landscaping, planting or structure of any kind so as to prevent free access to said items, facilities, or appurtenances at all times. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.110 State laws.

For the protection of public water supplies, many offenses are, by state law, made misdemeanors for which the offender may be criminally prosecuted. These include, but are not necessarily limited to: Section 374.7, Penal Code: Littering or dumping waste matter into any reservoir or other body of water. Section 498, Penal Code: Diverting utility services, preventing a water meter from accurately measuring, tampering with District property, making an unauthorized connection or receiving water service through one of the preceding acts.

Section 592, Penal Code: Stealing water, taking water without authority or by making unauthorized connections.

Section 607, Penal Code: Injuring tanks, flumes, reservoirs, etc.

Section 624, Penal Code: Breaking, cutting or obstructing pipes, etc.

Section 625, Penal Code: Taking water after works have been closed or meter sealed.

Section 117000, Health and Safety Code: Fouling or polluting ponds and reservoirs.

In addition, the District may, under Sections 1882 through 1882.6 of the Civil Code, file suit in civil court to enjoin those who divert utility services, make an unauthorized reconnection, tamper with District property, or receive water service through one of the preceding activities, and/or to recover three times the amount of actual damages, plus the cost of the suit and reasonable attorney's fees. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.120 Suspension or termination of deliveries.

- A. Whenever the General Manager determines maintenance of the District's facilities requires suspension of delivery of water at any point or points of connection or at any other location, such delivery may be suspended without liability on the part of the District; provided, except in cases of emergency, advance notice of such suspension of service shall be given in the manner, if any, required by law to the affected customer or customers. The District will attempt to schedule interruptions of service at such times as will provide the least inconvenience to the customer.
- B. The General Manager may order the suspension or termination of water deliveries to any customer when any of the following conditions occur:
 1. When so ordered by health or regulatory authorities having jurisdiction.
 2. When, in the judgment of the General Manager:
 - a. The customer has failed to satisfy all requirements of the Dublin San Ramon Services District Code or has in any way endangered the public health and safety or the safety and integrity of the distribution facilities, or has violated a California Department of Health Services order or operating permit, a Regional Water Quality Control Board order, a recycled water use license, any California Department of Public Health reuse criteria, or any law, regulation, agreement, order, permit, guideline, or standard relative to water; or
 - b. The District is unable to deliver properly and adequately treated potable or recycled water, whether or not due to a shortage; or
 - c. The requirements of the California Department of Public Health, and any amending or superseding provisions related to the quality of potable water or recycled water, are not being met.
 3. If the Regional Water Quality Control Board or other authority changes the requirements for treating or delivering recycled water to a level the District determines it cannot reasonably meet or cannot reasonably meet without costly additional treatment.
- C. Water service shall not be reinstated unless and until the General Manager determines that adequate measures or means have been taken by the user to comply with the Dublin San Ramon Services District Code, prevent recurrence of such endangerment or violation, or of any other such endangerment or violation. Water service shall be reinstated at the customer's expense except when the service or wastewater collection was suspended for the reasons specified in subsection (B)(2)(b) of this section. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.130 Interference with District employees.

It shall be unlawful and a violation of this Code for any person to interfere with, harass, intimidate, or otherwise obstruct any employee, officer or agent of District in lawfully carrying out any duty under, or performing any act pursuant to this Code. [Ord. 329, 2012.]

Chapter 4.20
POTABLE WATER USE REGULATIONS AND PROTECTIVE MEASURES

Sections:

- 4.20.010** Purpose and policy.
4.20.020 Provision of potable water service.
4.20.030 Prohibition of water waste.
4.20.040 Water emergencies and shortages.
4.20.050 Water use violations and enforcement.
4.20.060 Definitions.

4.20.010 Purpose and policy.

This chapter sets forth uniform requirements, in addition to those set forth in Chapter 4.10 DSRSDC, General Use Regulations and Protective Measures, for the use of water furnished from the District's potable water system. The ~~additional~~ objectives of this chapter ~~is~~are to:

- A. ~~M~~aintain conformance to regulatory requirements regarding potable water use.
B. Limit use of water furnished by the District to what is reasonable and beneficial under the circumstances, to prevent the waste of water and to promote conservation of potable water.

This chapter shall govern all use of potable water furnished by the District. This chapter provides for monitoring, compliance and enforcement activities resulting from the use of potable water furnished by the District. [Ord. 327, 2010.]

4.20.020 Provision of potable water service.

Water furnished from the District's potable water system is subject to the following provisions in addition to the provisions set forth in DSRSDC 4.10.050, Account required for service, which apply to all water service furnished by the District.

- A. Pursuant to the affirmative vote on Measure K directing the District to initiate fluoridation of the District's potable water supply in the November 5, 1974, general election, and the enactment of District Resolution No. 44-74, the General Manager shall take the necessary steps and means to add sufficient amounts of an approved fluoride compound to all potable water for consumers served by the District, to produce and maintain as far as possible at all times in all parts of the distribution system a level of fluoride acceptable under the federal Safe Drinking Water Act, as amended, pursuant to California Health and Safety Code Section 116430(b)(1).
- B. Analysis and design of potable water distribution systems shall be based upon requirements as determined, on a case-by-case basis if need be, by the fire department(s) or district(s) with jurisdiction over the general area to be served thereby. The District shall undertake to maintain a minimum of 20 psi residual pressure at each hydrant under appropriate conditions as determined by the District Engineer. [Ord. 69, 1969; Ord. 110, 1974; Ord. 118, 1975; Ord. 204, 1986; Ord. 270, 1996; Ord. 273, 1997; Ord. 327, 2010.]

4.20.030 Prohibition of water waste.

The recipients of water delivered by the District shall put the water only to reasonable and beneficial use at all times. No customer or other user of the District's potable water system shall knowingly waste or permit the waste of water including but not limited to:

- A. Waste through leakage of defective or inoperable plumbing, piping, or other water-use equipment.
- B. Landscape irrigation in a manner that causes runoff.
- C. Single-pass cooling systems in new construction.
- D. Non-recirculating systems in a new conveyor car wash and commercial laundry systems.
- E. Non-recycling decorative water features.
- F. Use of water suitable for potable domestic use for non-potable uses, including irrigation of cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, when suitable recycled water is available to an area, for which the District has recycled water purveyor authority.

4.20.040 Water Emergencies

- A. Water Emergency. Pursuant to California Water Code Section 350 and Subsection (C) of this section, the Board of Directors may declare a water shortage emergency following a public hearing. Notwithstanding the foregoing, in the event of a wildfire or a breakage or failure of any dam, pump, pipeline, conduit, or other condition, described in DSRSDC 4.20.060, causing an immediate emergency or water shortage, the General Manager is hereby authorized to declare a water emergency and, if so declared, shall initiate implementation of the appropriate and necessary provisions of the District's emergency response plan and/or Water Shortage Contingency Plan. As soon as possible after such a declaration, the General Manager shall make a full report on the water emergency to the Board. During any such water emergency, the General Manager and his/her designees may take all steps necessary to protect and preserve the District's water system, and to protect the health and safety of District water customers and users, including but not limited to locking out nonessential water services, obtaining and making available temporary water supplies, and temporarily relocating facilities connecting to District water customers and users.
- B. Consistent with the authorities in this section, the District also reserves the right at anytime to allocate its available water supply among its customers in a manner that it determines to be in the public interest in the event a water shortage condition exists for any reason.
 - 1. If the General Manager determines that the quantity of water available at anytime is, or is expected to be, less than the total demand, and such shortage is expected to be of a duration less than 30 calendar days, the General Manager may prescribe and enforce rules governing allocation and use of water.
 - 2. In implementing subsection (B)(1) of this section, the General Manager shall be guided by the following guidelines applicable to the allocation of supply during shortages:
 - a. No service shall be extended to new customers until the Board determines that the shortage no longer exists;
 - b. Service to critical community service facilities, including, without limitation, hospitals and emergency shelters, shall take precedence over service to residential, commercial, institutional, and industrial customers;

- c. Potable water service to residential, commercial, institutional, industrial and non-irrigation customers shall take precedence over service to irrigation customers in accordance with the Water Shortage Contingency Plan adopted by the Board;
- d. Once residential customers are receiving a supply sufficient to meet their minimal health and safety requirements, potable water service to commercial, institutional, and industrial customers (for non-irrigation uses) shall take precedence over other uses of such water;
- e. Service to customers within the District boundaries shall take precedence over service outside the District boundaries.

C. Water Shortage Emergency. The District's Board of Directors is authorized, pursuant to California Water Code Section 350, to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the District will not be able to or cannot satisfy the normal demands and requirements of water consumers without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

1. The Board, by resolution, will declare a water shortage emergency indicating the water shortage stage consistent with the District's Urban Water and Water Shortage Contingency Plan and implement water use regulations and enforcement actions and penalties as generally described in DSRSDC 4.20.030, 4.20.040, and 4.20.050 and as more specifically declared by the resolution and the then-current Water Shortage Contingency Plan. The Board may also adopt water shortage rates per DSRSDC 4.40.030.
2. It shall not be necessary to implement any water shortage stage prior to another; the water shortage stages may be implemented in any reasonable order and shall continue to be in effect until the Board makes a determination to terminate the applicable water shortage stage.
3. A Stage 1 Water Shortage will be declared when the District has determined that the water supply is not sufficient to meet normal demand and a reduction in water use up to 10 percent is required. The customers shall strive to reduce water use by 10 percent and the following regulations on water use shall be applicable.
 - a. Any and all use of potable water in violation of District Code Section 4.20.030.
 - b. Automatic Shut-off valves are required for any washing of hard surfaces, buildings, fences, vehicles or machinery from a hose. Customers shall repair or stop all water leaks within the customers' plumbing system upon discovery or within 24-hours of notification by the District.
 - c. Landscape irrigation during and within 48-hours after measurable rainfall is prohibited.
4. A Stage 2 Water Supply Shortage will be declared when the District has determined a reduction in water use up to 20 percent is required. The following regulations on water use shall be applicable.
 - a. All of the prohibitions and restrictions required under a Stage 1 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Landscape irrigation is limited to occur between the hours of 6:00 p.m. and 9:00 a.m. the following day.
 - c. Potable landscape irrigation shall be limited to no more than three non-consecutive days per week. The Board, by resolution, may set forth an

- additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded.
- d. The use of potable water for construction and dust control is prohibited. All potable water construction meters are required to be replaced by recycled water construction meters.
- e. Washing of hard surfaces, buildings, fences, vehicles or use of potable water for washing and/or machinery is prohibited , except for building exteriors and fences for the sole purpose of repainting or making repairs. Pressurized washers are required to be equipped with a quick action shut-off nozzle.
- f. Cleaning of windows using a direct connection to the potable water supply is prohibited.
- g. Lodging establishments must offer to opt-out of daily linen service.
- h. Restaurants, café, cafeteria, or other public places where food is sold, served, or offered for-sale shall only serve water upon request.
- i. Commercial kitchens are required to use pre-rinse spray valves.
5. A Stage 3 Water Supply Shortage will be declared when previous water conservation targets have not been met or when the District has determined a reduction in water use up to up to 30 percent is required. The following regulations on water use shall be applicable.
- a. All of the prohibitions and restrictions required under a Stage 2 Water Supply Shortage shall all be in effect and shall be mandatory.
- b. Potable landscape irrigation shall be limited to no more than two non-consecutive days per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.
- c. Residential customers water use will be limited to a weekly amount as declared by resolution of the District Board to achieve the required conservation target for the shortage.
6. A Stage 4 Water Supply Shortage will be declared when previous water conservation targets have not been met or when the District has determined a reduction in water use up to 40 percent is required. The following regulations on water use shall be applicable.
- a. All of the prohibitions and restrictions required under a Stage 3 Water Supply Shortage shall all be in effect and shall be mandatory.
- b. Potable landscape irrigation shall be limited to no more than one day per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by present irrigation professionals who remain on-site directly observing the system are excluded. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.
- c. The initial filling of the pools, spas, or ponds using potable water is prohibited.

- d. Pools, spas, or ponds are allowed to drain and refill only for health or structural needs.
- e. Pools must be covered when they are not used to prevent evaporation and should be equipped with recirculating pump(s).
- f. Vehicle washing at commercial facilities is limited to washing without direct connection to the water supply or a recirculating water system.
- 7. A Stage 5 Water Supply Shortage will be declared when water conservation targets have not been met or when the District has determined a reduction in water usage up to 50 percent is required.
 - a. All of the prohibitions and restrictions required under a Stage 4 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Use of Potable water for filling or refilling decorative ponds, basins, lakes, waterways, and fountains is prohibited.
 - c. Spray irrigation for new developments or replacement projects is prohibited. District's Board, as declared by resolution, may consider a moratorium or net-zero demand increase on new potable connections.
- 8. A Stage 6 Water Supply Shortage will be declared when water conservation targets have not been met or when the District has determined a reduction in water use greater than 50 percent is required.
 - a. All of the prohibitions and restrictions required under a Stage 5 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. No landscape irrigation is allowed. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.

4.20.050 Water use violations and enforcement.

- A. A District customer who intentionally or unintentionally violates water use regulations of this Chapter will be subject to the following penalties and enforcement provisions, in accordance with DSRSDC 1.30.010.
 - 1. When there is evidence that a customer is using water in a manner that appears likely to lead to a violation of this Chapter, that customer may be issued either an oral or written warning. Notwithstanding the foregoing, a warning is not a prerequisite to the issuance of a Notice of Violation.
 - 2. The water use violation and the assessment of penalty will be communicated to the customer via a written Notice of Violation.
 - 3. For first violations, customers shall be subject to a penalty of \$250.
 - 4. For second violations, customers shall be subject to a penalty of \$500.
 - 5. For third violations, customer shall be subject to a penalty of \$1,000.
 - 6. For fourth and subsequent violations, customer shall be subject to reductions in the amount of water delivered to the customer, as determined by the District, at its sole discretion.
 - a. If feasible and if sufficient to prevent a reoccurrence if the violation, a flow restrictor or other physical limitation shall be installed on the customer's meter connection to limit the water delivered to meet minimum health and safety needs.

- b. If a flow restrictor or other physical limitation is not feasible, as determined by the District at its sole discretion, then the customer's service connection shall be disconnected from the District water system.
- B. The District may also seek damage and/or remedies, including fees or fines and the amount of costs incurred by the District to investigate and correct the violation. Full payment of all outstanding penalties and certification by the customer that the violation has been corrected shall be required before the flow restrictor or other physical limitation will be removed or service restored.
- C. Violations of more than one regulation are separate violations each of which shall be subject to separate and independent enforcement in accordance with the provisions of this Section.
- D. Waiver of Violation. A customer may submit a written application for Waiver of Violation related to water use violations on the District's form to the District's General Manager or designee. The General Manager or designee may grant a waiver of a particular violation if the customer's justification is deemed to be reasonable and if the customer has mitigated the cause of the violation.
1. A customer may appeal a denial of an application for a Waiver of Violation within ten (10) calendar days by submitting a written appeal to the Board of Directors. The Board of Directors shall consider written appeals of a denial of an application for a Waiver of Violation and make the final determination regarding the waiver request at a regular Board of Directors meeting.
- E. Administrative penalties pursuant to this section are to be imposed pursuant to the authority provided in California Government Code section 53069.4, or such additional authority as may later be approved by the Governor pursuant to the California Emergency Services Act or Executive Order, or by action of the California Legislature. The purpose of any administrative penalties assessed pursuant to this section is to assure future compliance by customers through the imposition of increasingly significant fines and penalties so as to create a meaningful disincentive to commit future violations of the rules and regulations contained and referenced herein.
- F. The General Manager is authorized and directed to establish appropriate administrative procedures consistent with the provisions of this Section, and to take reasonable and appropriate action to fully implement the provisions of this Section.

4.20.060 Definitions

"Emergency Response Plan" means the emergency response plan, as amended from time to time and approved by the General Manager for implementation, required pursuant to the "California Emergency Services Act," codified as Chapter 7, California Emergency Services Act, of Division 1, General, of Title 2, Government of the State of California, of the Government Code, beginning with Section 8550.

"Water Emergency" means that, as declared by the General Manager, a specific identifiable discrete event or sudden unexpected occurrence, including without limitation a storm, flood, fire, or an unexpected equipment outage, the failure of a dam, levee, treatment plant, pump, pipeline or other conduit, or a catastrophic event, including, but not limited to, a regional power outage, an earthquake, or other disaster, has occurred that causes a disruption, or creates an imminent threat of disruption, in the water supply to all or a group of District water customers and users.

“Water Shortage Contingency Plan” means the planning document, as amended from time to time and adopted by the Board, setting forth an urban water shortage contingency analysis comprising a required component of the urban water management plan as specified in the “Urban Water Management Planning Act,” codified as Part 2.6, Urban Water Management Planning, of Division 6, Conservation, Development, and Utilization of State Water Resources, in the Water Code, beginning with Section 10620. The water shortage contingency plan is comprised of analysis required to be included in the urban water management plan adopted by the Board from time to time. [Ord. 329, 2012. Prior legislation: Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]

ORDINANCE NO. _____

AN ORDINANCE OF DUBLIN SAN RAMON SERVICES DISTRICT AMENDING SECTIONS 4.10.010, 4.10.020, 4.10.030, 4.20.010 OF THE DISTRICT CODE AND ADDING SECTIONS 4.20.030, 4.20.040, 4.20.050, 4.20.060 TO THE DISTRICT CODE TO UPDATE WATER EMERGENCY AND WATER SHORTAGE EMERGENCY PROVISIONS

WHEREAS, on June 15, 2021, the Board adopted the District’s 2020 Urban Water Management Plan and Water Shortage Contingency Plan (WSCP) defining six water shortage stages ranging from 10 percent to over 50 percent shortages conforming with the state’s required stages and providing appropriate District shortage response actions at each stage; and

WHEREAS, the Board wishes to update the District Code for consistency with the adopted Water Shortage Contingency Plan water shortage stages and provide more detail on the water use restrictions at each water shortage stage; and

WHEREAS, the Water Shortage Contingency Plan water shortage stages provided for herein shall supersede any conflicting provisions previously approved by any prior ordinance, resolution, or other action of the Board of Directors; and

WHEREAS, the addition of Sections 4.20.030, 4.20.040, 4.20.050, 4.20.060 to District Code Chapter 4.20, and related revisions to Chapter 4.10, allows for information related to water emergencies and water shortage emergencies to be segregated into individual sections making it easier to locate and more transparent to the public.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Dublin San Ramon Services District as follows:

1. Chapter 4.10 of the District Code, entitled “General Use Regulations and Protective Measures,” is hereby amended as provided for in Exhibit “A,” which is attached hereto and incorporated herein as if fully set forth. Notwithstanding the preceding sentence, wherever a provision of the new Chapter 4.10 is substantially the same as the previous version of Chapter 4.10, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

2. Chapter 4.20 of the District Code, entitled “Potable Water General Use Regulations and Protective Measures,” is hereby amended as provided for in Exhibit “B,” which is attached hereto and incorporated herein as if fully set forth. Notwithstanding the preceding sentence, wherever a provision of the new Chapter 4.20 is substantially the same as the previous version of Chapter 4.20, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

Ord. No. _____

3. The General Manager, or the person or persons to whom such task may from time to time be delegated, is further authorized and directed to make further non-substantive administrative changes for publishing the District Code, as approved by District General Counsel, to Chapters 4.10 and 4.20, as respectively set forth in Exhibit "A" and Exhibit "B" (including revisions in formatting as may be suggested by the publisher) for consistency and ease of reference within sixty (60) days from date of adoption.

4. This Ordinance shall become effective and operative thirty (30) days after its adoption.

5. Except as may be otherwise provided for in Section 1 and 2 herein and upon this Ordinance becoming effective and operative, this Ordinance, and the water shortage stages described in Exhibit "A" and Exhibit "B" shall supersede in full all previously approved water shortage states, and actions described therein, previously approved by any prior ordinance, resolution, or other action of the Board of Directors.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 21st of September, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary

Chapter 4.10
GENERAL USE REGULATIONS AND PROTECTIVE MEASURES

Sections:

- 4.10.010 Definitions.**
- 4.10.020 Purpose and policy.**
- 4.10.030 Regulation of water usage.**
- 4.10.040 Provision of water service.**
- 4.10.050 Account required for service.**
- 4.10.060 Point of delivery – Responsibility for handling and risk of loss.**
- 4.10.070 Ownership of and access to mains, water meters and service lines.**
- 4.10.080 Damage to District facilities or property.**
- 4.10.090 Prohibition of cross-connections – Backflow prevention.**
- 4.10.100 Obstruction of water facilities prohibited.**
- 4.10.110 State laws.**
- 4.10.120 Suspension or termination of deliveries.**
- 4.10.130 Interference with District employees.**

4.10.010 Definitions.

In the construction of this title, the general definitions set forth in DSRSDC 1.20.080, Definitions, shall apply except where contrary definitions are set forth in this chapter or as otherwise stated in DSRSDC 1.20.080, Definitions. The following definitions shall apply to this title, unless such definitions would be inconsistent with the manifest intent of the Board of Directors or the context clearly requires otherwise.

“Alameda County Environmental Management Department (Alameda County EMD)” refers to the local health protection agency for most areas of Alameda County.

“Approved backflow prevention device” means a device that has been approved by the California Department of Health Services and is on the District’s current list of approved backflow prevention devices.

“Approved backflow prevention device tester” means a tester who possesses a current and valid American Water Works Association (AWWA) certificate as a general backflow prevention device tester.

“Approved use” means an application of recycled water in a manner, and for a purpose, designated in a recycled water use license issued by the District and in compliance with all applicable regulatory agency requirements.

“Back pressure” means the flow of water or other liquid, mixture or substances under pressure into the District’s potable water distribution system caused by a higher pressure in the customer’s facilities relative to the pressure in the District’s facilities.

“Back siphonage” means the flow of water or other liquid, mixture or substances from the customer’s facilities into the District’s water distribution system, caused by a sudden pressure drop in the District’s facilities.

“Contra Costa County Environmental Management Department (Contra Costa County EMD)” refers to the local health protection agency for most areas of Contra Costa County.

“Greenbelt areas” means the area that includes, but is not limited to, golf courses, cemeteries, parks, and landscaping.

“Normal supply conditions” means that District water supplies are adequate or more than adequate to meet the ordinary demands and requirements of District’s water customers and users for that year and for a reasonable planning time horizon.

“On-site supervisor” means the customer’s representative, who is available to the District at all times, has the authority to carry out any requirements of the District, and is responsible for the installation, operation and maintenance of the recycled and potable water systems. The on-site supervisor is also responsible for prevention of potential hazards.

“Recycled water use license” means a license issued by the District to the customer, which outlines monitoring, self-inspection, reporting, and site-specific requirements, as required by the California Regional Water Quality Control Board. This license allows the customer to use recycled water in accordance with the Dublin San Ramon Services District Code, standards, ordinances, policies, guidelines and all applicable regulatory agency requirements.

“Secondary effluent” means treated wastewater that meets the requirements of the District NPDES discharge permit governing wastewater disposal, as it may be amended from time to time.

“State of California Department of Public Health (state DPH)” refers to the State of California Department of Public Health, Division of Drinking Water and Environmental Management – San Francisco District.

4.10.020 Purpose and policy.

This title sets forth uniform requirements for the use of water, potable and recycled, furnished by the District. The objectives of this title are to:

- A. Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety, or detrimental to the environment, from developing from or in connection with the distribution of water.
- B. Prevent the introduction of contaminants into the District’s water system.
- C. Maintain conformance to regulatory requirements regarding water use.
- D. Provide for fees that equitably distribute the cost of operation, maintenance, and improvement of the District’s water system to those who benefit.

This chapter shall govern the use of all water furnished by the District and shall apply to all users thereof. The District may establish classes of service and may change such classifications as circumstances warrant, in the District’s sole discretion. This chapter provides for monitoring, compliance and enforcement activities resulting from or in connection with the use of water furnished by the District; and provides for the setting of rates, charges and fees for the equitable distribution of costs resulting from the District’s water system. [Ord. 329, 2012. Prior legislation: Ord. 298, 2003; Ord. 327, 2010.]

4.10.030 Regulation of water usage.

- A. All water furnished by the District or used within the water service area of the District shall be subject to the regulations set forth in this title, in this chapter, and other provisions of this code

from time to time in effect except those that are determined by the General Manager to be inapplicable. By applying for or receiving water service from the District, each user of water furnished by the District covenants and agrees to comply with and to be bound by such regulations.

- B. The District Engineer and the officers and agents of the District shall have unrestricted access at reasonable hours to all premises to which the District provides services to inspect water facilities, meters or other measuring apparatus, and to see that the rules and regulations of the District regarding the installation of water facilities, the taking and use of water are being observed.
- C. No person, except one authorized by the District, shall turn on or turn off the water at any connection or open or close any gate valve or other device for regulating the flow measurement of water on the water mains or other District facilities.
- D. No customer or other user of the District's water system shall use, or permit the use of, water for service to or upon any land other than that described in, and permitted under, the application made by the customer or user for water service. In addition, the use of the water connection is limited to the units covered by the water service application. Continued use of water in violation of this section after notice given in the manner, if any, required by law to the customer may result in discontinuance of water service.
- E. Except as provided in DSRSDC 4.40.160, Submetering for tenants, no customer within the District boundaries may enter into a contract to resell any water purchased from the District without the special permission of the Board, and, except as provided in DSRSDC 4.40.160, Submetering for tenants, the price of any water to be sold shall be at no more than the rate for such service fixed by the Board. The District shall have the right but not the duty to audit the records of anyone reselling water purchased from the District. No customer outside of the District will be permitted to resell water purchased from the District under any condition. Continued sales of water after service of notice by registered mail to the customer may result in discontinuance of water service.

4.10.040 Provision of water service.

- A. **Service Delivery.** The District shall undertake to deliver a continuous and sufficient supply of water of suitable quality within a pressure range sufficient for its efficient utilization by its customers. By accepting water service from the District, water customers are deemed to have accepted all conditions of water quality, pressure, and flow. The District makes no warranty, express or implied, about any aspect of such service and shall not be liable for interruptions in supply or variations in water quality or pressure. To the extent practical, the District shall undertake to give advance notice of such interruptions or variations. The District reserves the right at any time to shut off delivery for the purpose of maintaining, repairing, altering, or changing the size of its facilities.
- B. **Water Pressure.** The District Engineer shall from time to time establish water pressure ranges for all customers, and the District shall undertake to furnish water within the range thus established. In accepting water, water customers are deemed to have accepted all conditions of pressure and flow. In circumstances where, as solely and conclusively determined by the District Engineer, it is not reasonably feasible to provide service within the pressure range as thus determined, the District may furnish water service on the additional terms and conditions described in the following sentence. To obtain water service in such circumstances, each customer shall install and maintain, at his or her sole expense, a pump or other pressure-adjusting device and such other facilities sufficient to maintain pressure within an acceptable

pressure range at each intended point of use, and shall present to the District appropriate evidence of the installation.

- C. **Water Meter Reading.** Water meters shall be read by the District on a regular basis, usually bimonthly. Special meter readings may be taken because of change of customer, changes of water meter or water meter size, or at other times as determined necessary by the District. The District shall estimate the quantity of water used in whatever manner it considers most appropriate if a water meter cannot be read or in the event that a water meter has not registered or has registered incorrectly.
- D. **Water Meter Testing.**
 - 1. **Testing Initiated by Customer.** Any customer may request that the water meter be examined and tested by the District for the purpose of ascertaining whether it is registering correctly, if the customer believes the water meter is over-registering the amount of water being delivered. The procedures therefor shall be as established by the District. Cost of testing and adjustment of charges for water meters shall be in accordance with DSRSDC 4.40.170, Meter testing – Charges.
 - 2. **Testing Initiated by District.** The water meter may be examined and tested by the District for the purpose of ascertaining whether or not it is registering correctly. The procedures therefor shall be as established by the District. Cost of testing and adjustment of charges for water meters shall be in accordance with DSRSDC 4.40.170, Meter testing – Charges. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.050 Account required for service.

- A. **Need for an Account.** Except as provided in DSRSDC 4.30.070, Sale of recycled water at recycled water treatment facilities, the District shall furnish water only to a customer who has a current account, including a current address and the name of the person responsible for making payments on the account.
- B. **Requests for Water Service.** Approval of an application for service in accordance with Chapter 3.40 DSRSDC, Application for Services, is required to initiate service for the first time to a particular parcel. Requests for water service to parcels that have previously received water service shall be made during the District office’s regular posted business hours. In case of an emergency (as determined by the District), the District shall accept requests during nonregular business hours.
- C. **Need for Water Meter.** Water service will be provided only through a water meter assigned to a particular account. A water meter may be moved by the District at the request of a customer from one location to another on the property, upon payment of the cost of a new meter assembly fee in accordance with DSRSDC 3.70.060, Meter assembly installation fee – Water, plus a labor and materials charge for reinstallation of the meter assembly in the new location.
- D. **Reinstatement.** If the District, for any reason authorized by this code or by applicable law, terminates water service, service shall not be reestablished until all charges described in Chapter 4.40 DSRSDC, Rates and Charges, have been paid for services rendered by the District with respect to the premises for which service has been terminated.
- E. **Liability of Owner and Tenant.** An owner, tenant, or other user of property with respect to which such charges are delinquent are jointly and severally liable for payment to the fullest extent permitted by law. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 148, 1979; Ord. 212, 1987; Ord. 238, 1991; Ord. 239, 1991; Ord. 247, 1992; Ord. 273, 1997; Ord. 299, 2003; Ord. 327, 2010.]

4.10.060 Point of delivery – Responsibility for handling and risk of loss.

- A. The point of delivery of water delivered by the District shall, except as set forth in the next sentence, be the discharge side of the District’s water meter, or at the point of connection of a fire service line to the District’s water main. The District Engineer shall determine, in his or her discretion, the point of delivery of water that does not pass through a water meter.
- B. The District is responsible for the handling and transmission of water up to the designated point of delivery of water to the customer. Each customer shall bear the risk of loss, and shall be responsible for the carriage, control, handling, storage, distribution and use of all water furnished by the District from and beyond the point of delivery.
- C. By applying for or receiving water service from the District, each customer served by the District shall hold the District harmless from any damage suffered by the District and shall indemnify the District from liability or claim of liability for property damage or personal injury, including death, resulting from the carriage, control, handling, storage, distribution or use of water after it passes the point of delivery.
- D. By applying for or receiving water service from the District, each customer served by the District agrees that the District and its officers, agents, or employees shall not be liable for damages resulting from the control, carriage, handling, use, disposal, or distribution of water supplied by the District to a customer, after such water has been delivered to the point of connection of such customer, or in the case of delivery to customers who are water purveyors or truck haulers, after such water has left the District’s distribution facilities. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.070 Ownership of and access to mains, water meters and service lines.

- A. The District retains the ownership of water mains, water meters, and connecting service lines on the “upstream” (street) side of the water meter. The customer owns, operates, and maintains all water piping and appurtenances on the customer side of the water meter, including backflow prevention device, pressure-regulating valve, and shut-off valve. For services to fire sprinkler systems, the customer owns water piping from the point of connection of the fire service at the water main, downstream of the isolation valve, to the building structure. No additional charge will be made upon change of ownership of the property unless the character of the service is changed.
- B. A fire hydrant on a District main is the property of the District. The cost of installation or removal is the responsibility of the property owner who requests such installation or removal, except by prior specific agreement with the District.
- C. The District shall provide a shut-off valve on the District’s side of the water meter. The property owner shall install, for his ordinary usage and at his own expense, a shut-off valve and/or a pressure-regulating valve on the property side of the water meter. The property owner’s shut-off valve and/or pressure-regulating valve shall not be installed within the District’s meter box.
- D. The General Manager and other officers, employees, and agents of the District shall have unrestricted access to all District facilities described in this section, and to premises to which water service is supplied by the District, and may periodically inspect the supply system, water meters or other measuring apparatus to see that the rules and regulations of the District regarding the taking, use or waste of water are being observed. General penalties and other provisions for enforcement of violations of the Dublin San Ramon Services District Code are set forth in Chapter 1.30 DSRSDC, Enforcement.
- E. Operation and inspection of all of the District facilities, up to and including the water meter, shall be under the management and control of the District. No persons except authorized employees, agents, or contractors of the District shall have the right to enter upon, inspect,

operate, adjust, change, alter, move, or re-locate any portion of the District facilities or any of the District's property.

- F. The District is the sole owner of the District facilities, and of equipment, supplies, warranties, rights-of-way, encroachment permits, and licenses that are acquired therefor. Water meters shall be owned by the District. All facilities on the customer side of the point of connection to the water meter shall be owned, operated, and maintained by the water customer. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 90, 1971; Ord. 118, 1975; Ord. 129, 1977; Ord. 273, 1997; Ord. 327, 2010.]

4.10.080 Damage to District facilities or property.

- A. No user of water from the District's water system shall create conditions that result in damage to or reduced life of the District's distribution facilities, or impairment of water quality in the District's system. Customers or other users of water from the District's water system shall reimburse the District for costs of repair to the District facilities and other damages resulting from the operations or other activities of the customer.
- B. It shall be unlawful and a violation of this Code for any person to tamper with, alter, destroy, or otherwise render inoperative any flow restricting device, service valve, meter, hydrant, or any other water system facility, equipment or device installed, operated or maintained by District. Any damage occurring to a water meter or other appliances, including without limitation flow restricting device, service valve, hydrant, or any other water system facility, equipment or device, pipes or any other property of the District caused directly or indirectly by lack of due care by the customer is the sole responsibility of the customer, who must pay for the damage on presentation of a bill.
- C. Before beginning planting operations or construction work, the owner or his or her agent shall ascertain from the District Engineer the location of mains, structures, and other facilities belonging to the District. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.090 Prohibition of cross-connections – Backflow prevention.

- A. A cross-connection, or any type of connection which permits a back pressure or back siphonage from an outside source into the District's mains, is prohibited. A connection between recycled water and potable water lines is prohibited. If both recycled water and potable water lines are present at the customer's facilities, the customer shall install a backflow prevention device on the customer's potable water system. The District may require the customer to install a backflow prevention device approved by the District on the customer's side of the pertinent water meter(s), at the expense of the customer. The General Manager may reduce or suspend deliveries to any customer or other user of water if the General Manager determines that the customer or other user of water has failed to install and appropriately maintain required devices to protect the District's facilities, and that a substantial risk of damage exists, whether or not the customer's failure was willful or negligent.
- B. A District water connection to a source of possible cross-connection or contamination from back pressure or back siphonage shall be provided with an approved backflow prevention device. The type of device required shall be as specified in the District's most current Standard Procedures, Specifications and Drawings, and an approved certified backflow testing organization recognized and accredited by the California Department of Public Health pursuant to Health and Safety Code, Division 1, Part 2, Chapter 7.5, Section 1010 et seq.

- C. The approved backflow prevention device shall be installed in conformance with the installation requirements contained in the District’s most current Standard Procedures, Specifications and Drawings, and in a location accessible at all times to District personnel for inspection.
- D. The costs of the approved backflow prevention device, its maintenance and inspection are the responsibility of the customer. Testing of the device must be performed by an approved backflow prevention device tester, who is on the District’s current list of approved testers.
- E. In a case where the water supply to a customer cannot be interrupted for backflow prevention device testing and maintenance, the District may require the customer to supply two backflow prevention devices of the same design and type in parallel.
- F. A previously installed device which does not conform to current standards may remain in operation until such time as it requires replacement, any incidents of backflow have occurred, any changes are to be made to the premises it serves, or any change in use of the premises occurs. Should any one of the aforementioned events occur, the previously installed device shall be replaced with a current approved device. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]

4.10.100 Obstruction of water facilities prohibited.

No person shall place upon or about any District valve box, manhole, blowoff, air relief valve, water meter, meter box or vault, or any distribution or delivery facilities or appurtenances, any object, materials, debris, landscaping, planting or structure of any kind so as to prevent free access to said items, facilities, or appurtenances at all times. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.110 State laws.

For the protection of public water supplies, many offenses are, by state law, made misdemeanors for which the offender may be criminally prosecuted. These include, but are not necessarily limited to: Section 374.7, Penal Code: Littering or dumping waste matter into any reservoir or other body of water. Section 498, Penal Code: Diverting utility services, preventing a water meter from accurately measuring, tampering with District property, making an unauthorized connection or receiving water service through one of the preceding acts.

Section 592, Penal Code: Stealing water, taking water without authority or by making unauthorized connections.

Section 607, Penal Code: Injuring tanks, flumes, reservoirs, etc.

Section 624, Penal Code: Breaking, cutting or obstructing pipes, etc.

Section 625, Penal Code: Taking water after works have been closed or meter sealed.

Section 117000, Health and Safety Code: Fouling or polluting ponds and reservoirs.

In addition, the District may, under Sections 1882 through 1882.6 of the Civil Code, file suit in civil court to enjoin those who divert utility services, make an unauthorized reconnection, tamper with District property, or receive water service through one of the preceding activities, and/or to recover three times the amount of actual damages, plus the cost of the suit and reasonable attorney’s fees. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.120 Suspension or termination of deliveries.

- A. Whenever the General Manager determines maintenance of the District’s facilities requires suspension of delivery of water at any point or points of connection or at any other location, such delivery may be suspended without liability on the part of the District; provided, except in cases of emergency, advance notice of such suspension of service shall be given in the manner, if any, required by law to the affected customer or customers. The District will attempt to

schedule interruptions of service at such times as will provide the least inconvenience to the customer.

- B. The General Manager may order the suspension or termination of water deliveries to any customer when any of the following conditions occur:
 - 1. When so ordered by health or regulatory authorities having jurisdiction.
 - 2. When, in the judgment of the General Manager:
 - a. The customer has failed to satisfy all requirements of the Dublin San Ramon Services District Code or has in any way endangered the public health and safety or the safety and integrity of the distribution facilities, or has violated a California Department of Health Services order or operating permit, a Regional Water Quality Control Board order, a recycled water use license, any California Department of Public Health reuse criteria, or any law, regulation, agreement, order, permit, guideline, or standard relative to water; or
 - b. The District is unable to deliver properly and adequately treated potable or recycled water, whether or not due to a shortage; or
 - c. The requirements of the California Department of Public Health, and any amending or superseding provisions related to the quality of potable water or recycled water, are not being met.
 - 3. If the Regional Water Quality Control Board or other authority changes the requirements for treating or delivering recycled water to a level the District determines it cannot reasonably meet or cannot reasonably meet without costly additional treatment.
- C. Water service shall not be reinstated unless and until the General Manager determines that adequate measures or means have been taken by the user to comply with the Dublin San Ramon Services District Code, prevent recurrence of such endangerment or violation, or of any other such endangerment or violation. Water service shall be reinstated at the customer's expense except when the service or wastewater collection was suspended for the reasons specified in subsection (B)(2)(b) of this section. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.130 Interference with District employees.

It shall be unlawful and a violation of this Code for any person to interfere with, harass, intimidate, or otherwise obstruct any employee, officer or agent of District in lawfully carrying out any duty under, or performing any act pursuant to this Code. [Ord. 329, 2012.]

Chapter 4.20
POTABLE WATER USE REGULATIONS AND PROTECTIVE MEASURES

Sections:

- 4.20.010** Purpose and policy.
4.20.020 Provision of potable water service.
4.20.030 Prohibition of water waste.
4.20.040 Water emergencies and shortages.
4.20.050 Water use violations and enforcement.
4.20.060 Definitions.

4.20.010 Purpose and policy.

This chapter sets forth uniform requirements, in addition to those set forth in Chapter 4.10 DSRSDC, General Use Regulations and Protective Measures, for the use of water furnished from the District's potable water system. The objectives of this chapter are to:

- A. Maintain conformance to regulatory requirements regarding potable water use.
- B. Limit use of water furnished by the District to what is reasonable and beneficial under the circumstances, to prevent the waste of water and to promote conservation of potable water.

This chapter shall govern all use of potable water furnished by the District. This chapter provides for monitoring, compliance and enforcement activities resulting from the use of potable water furnished by the District. [Ord. 327, 2010.]

4.20.020 Provision of potable water service.

Water furnished from the District's potable water system is subject to the following provisions in addition to the provisions set forth in DSRSDC 4.10.050, Account required for service, which apply to all water service furnished by the District.

- A. Pursuant to the affirmative vote on Measure K directing the District to initiate fluoridation of the District's potable water supply in the November 5, 1974, general election, and the enactment of District Resolution No. 44-74, the General Manager shall take the necessary steps and means to add sufficient amounts of an approved fluoride compound to all potable water for consumers served by the District, to produce and maintain as far as possible at all times in all parts of the distribution system a level of fluoride acceptable under the federal Safe Drinking Water Act, as amended, pursuant to California Health and Safety Code Section 116430(b)(1).
- B. Analysis and design of potable water distribution systems shall be based upon requirements as determined, on a case-by-case basis if need be, by the fire department(s) or district(s) with jurisdiction over the general area to be served thereby. The District shall undertake to maintain a minimum of 20 psi residual pressure at each hydrant under appropriate conditions as determined by the District Engineer. [Ord. 69, 1969; Ord. 110, 1974; Ord. 118, 1975; Ord. 204, 1986; Ord. 270, 1996; Ord. 273, 1997; Ord. 327, 2010.]

4.20.030 Prohibition of water waste.

The recipients of water delivered by the District shall put the water only to reasonable and beneficial use at all times. No customer or other user of the District's potable water system shall knowingly waste or permit the waste of water including but not limited to:

- A. Waste through leakage of defective or inoperable plumbing, piping, or other water-use equipment.
- B. Landscape irrigation in a manner that causes runoff.
- C. Single-pass cooling systems in new construction.
- D. Non-recirculating systems in a new conveyor car wash and commercial laundry systems.
- E. Non-recycling decorative water features.
- F. Use of water suitable for potable domestic use for non-potable uses, including irrigation of cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, when suitable recycled water is available to an area, for which the District has recycled water purveyor authority.

4.20.040 Water Emergencies

- A. Water Emergency. Pursuant to California Water Code Section 350 and Subsection (C) of this section, the Board of Directors may declare a water shortage emergency following a public hearing. Notwithstanding the foregoing, in the event of a wildfire or a breakage or failure of any dam, pump, pipeline, conduit, or other condition, described in DSRSDC 4.20.060, causing an immediate emergency or water shortage, the General Manager is hereby authorized to declare a water emergency and, if so declared, shall initiate implementation of the appropriate and necessary provisions of the District's emergency response plan and/or Water Shortage Contingency Plan. As soon as possible after such a declaration, the General Manager shall make a full report on the water emergency to the Board. During any such water emergency, the General Manager and his/her designees may take all steps necessary to protect and preserve the District's water system, and to protect the health and safety of District water customers and users, including but not limited to locking out nonessential water services, obtaining and making available temporary water supplies, and temporarily relocating facilities connecting to District water customers and users.
- B. Consistent with the authorities in this section, the District also reserves the right at anytime to allocate its available water supply among its customers in a manner that it determines to be in the public interest in the event a water shortage condition exists for any reason.
 - 1. If the General Manager determines that the quantity of water available at anytime is, or is expected to be, less than the total demand, and such shortage is expected to be of a duration less than 30 calendar days, the General Manager may prescribe and enforce rules governing allocation and use of water.
 - 2. In implementing subsection (B)(1) of this section, the General Manager shall be guided by the following guidelines applicable to the allocation of supply during shortages:
 - a. No service shall be extended to new customers until the Board determines that the shortage no longer exists;
 - b. Service to critical community service facilities, including, without limitation, hospitals and emergency shelters, shall take precedence over service to residential, commercial, institutional, and industrial customers;

- c. Potable water service to residential, commercial, institutional, industrial and non-irrigation customers shall take precedence over service to irrigation customers in accordance with the Water Shortage Contingency Plan adopted by the Board;
- d. Once residential customers are receiving a supply sufficient to meet their minimal health and safety requirements, potable water service to commercial, institutional, and industrial customers (for non-irrigation uses) shall take precedence over other uses of such water;
- e. Service to customers within the District boundaries shall take precedence over service outside the District boundaries.

C. Water Shortage Emergency. The District's Board of Directors is authorized, pursuant to California Water Code Section 350, to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the District will not be able to or cannot satisfy the normal demands and requirements of water consumers without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

1. The Board, by resolution, will declare a water shortage emergency indicating the water shortage stage consistent with the District's Urban Water and Water Shortage Contingency Plan and implement water use regulations and enforcement actions and penalties as generally described in DSRSDC 4.20.030, 4.20.040, and 4.20.050 and as more specifically declared by the resolution and the then-current Water Shortage Contingency Plan. The Board may also adopt water shortage rates per DSRSDC 4.40.030.
2. It shall not be necessary to implement any water shortage stage prior to another; the water shortage stages may be implemented in any reasonable order and shall continue to be in effect until the Board makes a determination to terminate the applicable water shortage stage.
3. A Stage 1 Water Shortage will be declared when the District has determined that the water supply is not sufficient to meet normal demand and a reduction in water use up to 10 percent is required. The customers shall strive to reduce water use by 10 percent and the following regulations on water use shall be applicable.
 - a. Any and all use of potable water in violation of District Code Section 4.20.030.
 - b. Automatic Shut-off valves are required for any washing of hard surfaces, buildings, fences, vehicles or machinery from a hose. Customers shall repair or stop all water leaks within the customers' plumbing system upon discovery or within 24-hours of notification by the District.
 - c. Landscape irrigation during and within 48-hours after measurable rainfall is prohibited.
4. A Stage 2 Water Supply Shortage will be declared when the District has determined a reduction in water use up to 20 percent is required. The following regulations on water use shall be applicable.
 - a. All of the prohibitions and restrictions required under a Stage 1 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Landscape irrigation is limited to occur between the hours of 6:00 p.m. and 9:00 a.m. the following day.

- c. Potable landscape irrigation shall be limited to no more than three non-consecutive days per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded.
 - d. The use of potable water for construction and dust control is prohibited. All potable water construction meters are required to be replaced by recycled water construction meters.
 - e. Washing of hard surfaces, buildings, fences, vehicles or use of potable water for washing and/or machinery is prohibited , except for building exteriors and fences for the sole purpose of repainting or making repairs. Pressurized washers are required to be equipped with a quick action shut-off nozzle.
 - f. Cleaning of windows using a direct connection to the potable water supply is prohibited.
 - g. Lodging establishments must offer to opt-out of daily linen service.
 - h. Restaurants, café, cafeteria, or other public places where food is sold, served, or offered for-sale shall only serve water upon request.
 - i. Commercial kitchens are required to use pre-rinse spray valves.
5. A Stage 3 Water Supply Shortage will be declared when previous water conservation targets have not been met or when the District has determined a reduction in water use up to up to 30 percent is required. The following regulations on water use shall be applicable.
- a. All of the prohibitions and restrictions required under a Stage 2 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Potable landscape irrigation shall be limited to no more than two non-consecutive days per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.
 - c. Residential customers water use will be limited to a weekly amount as declared by resolution of the District Board to achieve the required conservation target for the shortage.
6. A Stage 4 Water Supply Shortage will be declared when previous water conservation targets have not been met or when the District has determined a reduction in water use up to 40 percent is required. The following regulations on water use shall be applicable.
- a. All of the prohibitions and restrictions required under a Stage 3 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Potable landscape irrigation shall be limited to no more than one day per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by present irrigation professionals who remain on-site directly observing the system are excluded. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during

- non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.
 - c. The initial filling of the pools, spas, or ponds using potable water is prohibited.
 - d. Pools, spas, or ponds are allowed to drain and refill only for health or structural needs.
 - e. Pools must be covered when they are not used to prevent evaporation and should be equipped with recirculating pump(s).
 - f. Vehicle washing at commercial facilities is limited to washing without direct connection to the water supply or a recirculating water system.
7. A Stage 5 Water Supply Shortage will be declared when water conservation targets have not been met or when the District has determined a reduction in water usage up to 50 percent is required.
- a. All of the prohibitions and restrictions required under a Stage 4 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Use of Potable water for filling or refilling decorative ponds, basins, lakes, waterways, and fountains is prohibited.
 - c. Spray irrigation for new developments or replacement projects is prohibited. District's Board, as declared by resolution, may consider a moratorium or net-zero demand increase on new potable connections.
8. A Stage 6 Water Supply Shortage will be declared when water conservation targets have not been met or when the District has determined a reduction in water use greater than 50 percent is required.
- a. All of the prohibitions and restrictions required under a Stage 5 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. No landscape irrigation is allowed. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.

4.20.050 Water use violations and enforcement.

- A. A District customer who intentionally or unintentionally violates water use regulations of this Chapter will be subject to the following penalties and enforcement provisions, in accordance with DSRSDC 1.30.010.
 - 1. When there is evidence that a customer is using water in a manner that appears likely to lead to a violation of this Chapter, that customer may be issued either an oral or written warning. Notwithstanding the foregoing, a warning is not a prerequisite to the issuance of a Notice of Violation.
 - 2. The water use violation and the assessment of penalty will be communicated to the customer via a written Notice of Violation.
 - 3. For first violations, customers shall be subject to a penalty of \$250.
 - 4. For second violations, customers shall be subject to a penalty of \$500.
 - 5. For third violations, customer shall be subject to a penalty of \$1,000.

6. For fourth and subsequent violations, customer shall be subject to reductions in the amount of water delivered to the customer, as determined by the District, at its sole discretion.
 - a. If feasible and if sufficient to prevent a reoccurrence if the violation, a flow restrictor or other physical limitation shall be installed on the customer's meter connection to limit the water delivered to meet minimum health and safety needs.
 - b. If a flow restrictor or other physical limitation is not feasible, as determined by the District at its sole discretion, then the customer's service connection shall be disconnected from the District water system.
- B. The District may also seek damage and/or remedies, including fees or fines and the amount of costs incurred by the District to investigate and correct the violation. Full payment of all outstanding penalties and certification by the customer that the violation has been corrected shall be required before the flow restrictor or other physical limitation will be removed or service restored.
- C. Violations of more than one regulation are separate violations each of which shall be subject to separate and independent enforcement in accordance with the provisions of this Section.
- D. Waiver of Violation. A customer may submit a written application for Waiver of Violation related to water use violations on the District's form to the District's General Manager or designee. The General Manager or designee may grant a waiver of a particular violation if the customer's justification is deemed to be reasonable and if the customer has mitigated the cause of the violation.
 1. A customer may appeal a denial of an application for a Waiver of Violation within ten (10) calendar days by submitting a written appeal to the Board of Directors. The Board of Directors shall consider written appeals of a denial of an application for a Waiver of Violation and make the final determination regarding the waiver request at a regular Board of Directors meeting.
- E. Administrative penalties pursuant to this section are to be imposed pursuant to the authority provided in California Government Code section 53069.4, or such additional authority as may later be approved by the Governor pursuant to the California Emergency Services Act or Executive Order, or by action of the California Legislature. The purpose of any administrative penalties assessed pursuant to this section is to assure future compliance by customers through the imposition of increasingly significant fines and penalties so as to create a meaningful disincentive to commit future violations of the rules and regulations contained and referenced herein.
- F. The General Manager is authorized and directed to establish appropriate administrative procedures consistent with the provisions of this Section, and to take reasonable and appropriate action to fully implement the provisions of this Section.

4.20.060 Definitions

"Emergency Response Plan" means the emergency response plan, as amended from time to time and approved by the General Manager for implementation, required pursuant to the "California Emergency Services Act," codified as Chapter 7, California Emergency Services Act, of Division 1, General, of Title 2, Government of the State of California, of the Government Code, beginning with Section 8550.

“Water Emergency” means that, as declared by the General Manager, a specific identifiable discrete event or sudden unexpected occurrence, including without limitation a storm, flood, fire, or an unexpected equipment outage, the failure of a dam, levee, treatment plant, pump, pipeline or other conduit, or a catastrophic event, including, but not limited to, a regional power outage, an earthquake, or other disaster, has occurred that causes a disruption, or creates an imminent threat of disruption, in the water supply to all or a group of District water customers and users.

“Water Shortage Contingency Plan” means the planning document, as amended from time to time and adopted by the Board, setting forth an urban water shortage contingency analysis comprising a required component of the urban water management plan as specified in the “Urban Water Management Planning Act,” codified as Part 2.6, Urban Water Management Planning, of Division 6, Conservation, Development, and Utilization of State Water Resources, in the Water Code, beginning with Section 10620. The water shortage contingency plan is comprised of analysis required to be included in the urban water management plan adopted by the Board from time to time. [Ord. 329, 2012. Prior legislation: Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]

TITLE: Operation of a Joint Residential Recycled Water Fill Station in 2022

RECOMMENDATION:

Staff recommends the Board of Directors direct staff, by Motion, to negotiate an agreement with the City of Pleasanton and the City of Livermore to develop and operate a joint residential recycled water fill station in 2022, if there are mandatory restrictions for irrigation.

SUMMARY:

In June 2021, the Board directed staff to explore with the City of Livermore and the City of Pleasanton the feasibility of developing and operating a joint residential recycled fill station in 2022. Staff from Livermore and Pleasanton have expressed an interest in partnering on a joint residential recycled water fill station at DSRSD’s property on Gleason Drive in Dublin. The next step would be to negotiate a formal agreement for developing and operating a fill station, which could be operational by June 1, 2022, if mandatory restrictions on irrigation are in effect.

BACKGROUND:

In 2014, in response to continuing and worsening drought conditions, all the water agencies of the Tri-Valley declared a local drought emergency and implemented mandatory water conservation measures. Most notably, these included a common limit of no more than two days of outdoor irrigation a week. To provide an alternative for residents in the DSRSD service area with trees or landscaping that required more water than the potable limits, DSRSD developed and implemented a residential recycled water fill station program at the Regional Wastewater Treatment Plant (WWTP) for residential customers. DSRSD’s effort was particularly innovative, requiring special approvals from the State Water Resources Control Board (SWRCB) to allow the program under the District’s existing recycled water permit. The fill station served as a model for other Bay Area agency fill stations that are currently operating. Ultimately, DSRSD received awards from WaterReuse California and the California Association of Sanitation Agencies for the implementation of its residential recycled water fill station program.

Typically, residential recycled water users would utilize 280-gallon totes to haul recycled water loads of up to 2,000 pounds.



Figure 1 – Filling a 280-gallon tote

Originating Department: Office of the General Manager	Contact: D. McIntyre	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: Initial DSRSD commitment of \$60,000 from the Water Enterprise (Fund 600) to begin project development	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	62 of 65	

DSRSD's residential fill station was popular with residents in the Tri-Valley and beyond. The number of permitted customers in 2015 rose to over 3,600, and the amount of recycled water consumed in the residential fill station program increased to 28.2 million gallons, representing about 2.7 % of the recycled water produced that year. On individual days, the fill station use accounted for up to 5 % of the recycled water produced. Customers were not limited to DSRSD's service area. Interest in the fill station extended throughout the Tri-Valley and as far as San Bruno, Salida, Pittsburg, Newark, Los Gatos, Foster City, and Alameda. The distribution of fill station users was:

- Dublin – 17.5%
- San Ramon – 12.5%
- Pleasanton – 45%
- Other non-DSRSD customers – 25%

With good precipitation in the early months of 2016, on June 21, 2016, the District terminated the local drought emergency declaration, and ended mandatory water conservation measures. Although mandatory conservation measures were ended, the District continued operation of the fill station. In 2016, the number of active individual users declined to 1,800 and fill station use fell to 14.2 million gallons, about half of the previous peak level.

On December 20, 2016, the Board reviewed operational and financial options for the fill station. The DERWA (DSRSD-EBMUD Recycled Water Authority) Recycled Water Treatment Plant Expansion Project was planned to start in January 2017 and continued through the summer of 2018. The project entailed significant construction activity in and around the WWTP gate area which would create traffic conflicts with residential recycled water haulers and potential unsafe conditions. To avoid conflicts with the project construction, the Board directed closure of the fill station.

In July 2020, the Board's decision to keep the fill station closed was incorporated into an update of the District's Water Recycling policy which stated the District would provide recycled water for off-haul to residential customers only in times of mandatory potable water conservation.

DISCUSSION:

On June 1, 2021, the Board of Directors reviewed a number of options for reopening a fill station, in light of the worsening two-year drought and the Tri-Valley water agencies' call for 10% voluntary water conservation. Issues considered by the Board included:

- **Recycled Water Supply** – During the peak irrigation season, all of DSRSD's recycled water supply is already committed to the DERWA recycled water program. Because of fully subscribed demand for recycled water, DERWA had requested a moratorium on new recycled water connections.
- **Finances** – The original residential recycled water program was an expensive program, costing up to \$500,000 per year to operate. All of the program costs fell on DSRSD water ratepayers, even though DSRSD water ratepayers received slightly less than 30% of the program benefits.
- **Staffing Resources** – Given the current DSRSD staffing situation, combined with the ongoing impact of the coronavirus pandemic, there are insufficient staffing resources available in 2021 to reactivate a program.
- **Ongoing Construction at Wastewater Treatment Plant** – Construction traffic at the WWTP would conflict with the safe operation of a residential recycled water fill station.

The Board directed staff to explore a joint Tri-Valley recycled water fill station in 2022, and to report back to the Board. Options to be explored included operation of a facility at some other location in Pleasanton, or in Livermore, or at DSRSD's vacant Gleason Property in Dublin.

Staff have discussed a number of concepts with the staff from Pleasanton and Livermore. Although neither Pleasanton nor Livermore are interested in operating a joint fill station at one of their facilities or properties, they are interested in partnering on a joint fill station in 2022 at DSRSD's Gleason Property, located at the northeast corner of Arnold Drive and Gleason Drive in Dublin. This facility could potentially open by June 1, 2022. An aerial photograph of the District's Gleason Property is shown in Figure 2, looking north.



Figure 2 – DSRSD Gleason Property (looking north)

Staff from all agencies are supportive of developing a joint project in anticipation that the drought will continue into 2022. However, if the drought situation improves significantly in early 2022, the joint fill station project would not be built and implemented. Under this scenario, the District and its partners would incur project development costs that would not be recovered, but a portion of the work could likely be used for a future project.

Staff from the three agencies have developed the following general framework that outlines the key roles and responsibilities for each agency and addresses some of the challenges to operating a fill station:

- 1) **Collaboration.** DSRSD, Livermore, and Pleasanton would collaborate on the development and operation of the joint fill station, to be operational by June 1, 2022, if mandatory irrigation restrictions are in effect for the Tri-Valley in 2022.
- 2) **Site.** DSRSD would make available its Gleason Property in Dublin at no cost as the site for a Tri-Valley joint residential fill station for a period of 5–10 years. DSRSD would be responsible for all project development of a Gleason Drive project, including plans, environmental review, city permits, and state agency permits for operation of a fill station. DSRSD would be responsible for having recycled water improvements (plumbing) installed, either through an on-call contract, or by soliciting bids. Pleasanton would be responsible for installing surface improvements (pavement, striping, signage, and driveways).
- 3) **Staffing.** Livermore would be responsible for hiring and providing temporary employees to staff the fill station. DSRSD would be responsible for training of staff at the fill station.
- 4) **Cost-sharing.** The estimated site improvements at the Gleason Property would be funded equally by DSRSD, Livermore, and Pleasanton. Project development and construction costs are estimated at \$300,000. In addition to estimated project development costs of \$300,000, annual joint operating costs, which include recycled water treatment and labor costs, are estimated at \$300,000. These costs could be partially reimbursed by the fee program (described below).
- 5) **Program fee.** The agencies would jointly develop a cost recovery fee program. Preliminarily, the thought is to establish a “season pass” program for a fee of \$100. Revenues would be used to partially offset program costs, and would be shared equitably by DSRSD, Livermore, and Pleasanton. Pleasanton would serve as the treasurer

and collect the fees for the program. Once each year, Pleasanton would distribute the proceeds to the three agencies.

- 6) Recycled water supply. To provide a water supply, Livermore and Pleasanton would work together to have Livermore provide additional recycled water to augment service on the east side of Pleasanton on peak days. Preliminarily, this amount is estimated to be up to 30 million gallons per year, delivered on peak days. This would reduce Pleasanton's demand on the DERWA recycled water program, freeing up (offsetting) the new demand from the operation of the fill station at Gleason Drive.
- 7) Schedule. The improvement of the Gleason Property would begin in April of 2022. However, if a wet weather this winter indicated that mandatory reductions in irrigation were unlikely in summer of 2022, construction would be suspended and deferred to a future severe drought year. The "go/no-go" decision would be made jointly by the agencies no later than April 1.

Next Steps:

If the DSRSD Board concurs with staff's recommendation, a final agreement committing the DSRSD, Livermore, and Pleasanton to a joint residential recycled water fill station would be negotiated by staff, and presented to the city councils and DSRSD Board for final approval later this fall. The Livermore and Pleasanton Councils have not yet discussed a joint fill station. DSRSD, as the primary project sponsor, is the first agency to have its Board consider going forward with a joint project.

Staff also recommends that this project concept be discussed with EBMUD (East Bay Municipal Utility District) staff and the DERWA Board at the next DERWA Board meeting currently scheduled for September 27, 2021. Given the current recycled water supply limitations and DERWA's request for a moratorium on new connections to the system, it will be important for DSRSD to explain how additional recycled water supply for the joint residential fill station is being acquired through an exchange between Livermore and Pleasanton. The program is being designed to specifically avoid supply impacts to current DERWA recycled water customers, and as a recycled water partner, there may also be opportunities for EBMUD customers to use the joint residential fill station.

It should be noted that there will be significant engineering, operations, and management staff time to complete negotiation of an agreement and to begin developing this concept, with much of that initial time not reimbursed. Certain other activities would be deferred to prioritize this project.

Staff recommends, because of timing constraints, that the District begin "at-risk" design and environmental review immediately, prior to negotiation and approval of a formal agreement, to meet the June 1, 2022 operational target. Up to the first \$60,000 of "at-risk" work would be shared by DSRSD, Livermore, and Pleasanton.