

ORDINANCE NUMBER 28

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE MONTE VISTA WATER DISTRICT,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA,
ESTABLISHING RULES AND REGULATIONS FOR THE
INSTALLATION OF WATER MAIN LINES AND METERS REQUIRED
TO SERVICE NEW AND EXISTING DEVELOPMENT AND
WATER RATES AND MISCELLANEOUS FEES

THE BOARD OF DIRECTORS OF THE MONTE VISTA WATER DISTRICT DOES
HEREBY ORDAIN:

Section 1: Application Procedures

- (a) Any person or entity who desires to provide a water system for or within a tract of land which is proposed to be subdivided or otherwise developed shall be required to make written application therefore with the District. The application shall contain the following information.
 - 1. The name and address of the subdivider or developer and of the project manager;
 - 2. The legal description of the property involved;
 - 3. The location of said property; and
 - 4. Three (3) copies of the parcel map or tract map and/or preliminary approved water map.

Section 2: Investigation

- (a) Upon receipt by the District of the written application, the General Manager shall review the application and upon his approval thereof shall make an investigation and site check of the proposed subdivision or development and thereafter report his findings to the Board of Directors. Thereafter, the District shall advise the applicant in writing of the cost of improvements described in the application. The cost figure furnished by the District shall be effective and binding upon the District for a period of ninety (90) days only. Thereafter, the District may elect to extend such period for an additional ninety (90) days or may resubmit to the applicant, upon his request, a revised cost figure.

- (b) In any case wherein an applicant requires any storage, pumping, or related facilities for the subdivision or development, such application shall be submitted to the Board of Directors of the District for its consideration and approval.

Section 3: Fees and Deposits

- (a) Subdividers and developers shall be required to pay in advance the following fees and make deposits to the District for providing water service. The rates therefore will be in accordance with the applicable Rate Resolution then in effect, as it may be established from time to time.
 1. A connection fee for each required service for existing facilities and future facilities required to provide and maintain the District's water system.
 2. A fee for each required service, which shall include meter and installation thereof.
 3. A fee for each fire service which shall include a detector check and installation thereof.
 4. Prior to approval of the subdivision map, the applicant shall be charged a fee for design and/or review of the water system map in accordance with the applicable Rate Resolution then in effect, as it may be established from time to time.
 5. A cost for General Administration based on a percentage for said time as determined and established by the District from time to time.
 6. A deposit in the amount of the estimated construction cost, including General Administration costs, for providing water service to said development. Upon completion of construction, the subject work order shall, within ninety (90) calendar days, be audited and any difference between the estimated and actual cost shall be refunded to the developer, if in excess of actual cost, or if the cost of construction exceeds the estimate, developer shall be required to pay the difference.
- (b) The subdivider or developer shall, at his sole cost, provide all onsite piping and connections at the property line.

Section 4: Construction and Specifications

- (a) The size, type, and quality of materials and location of all water lines shall be as specified by the District. All construction shall be performed by the District or by a contractor selected through the formal bidding procedures set forth by the County Water District Law; Division 12, Section 30000 et. seq. of the State Water Code, or when the developer elects to furnish the contractor, the District shall, within its sole discretion and in the best interest of the District, inspect and supervise the work to guarantee that it conforms with AWWA standards.

Section 5: Reimbursement Agreements

- (a) The District may offer to enter into a reimbursement agreement with any and all developers. The term of the reimbursement agreement shall not exceed ten (10) years. Each reimbursement agreement will be created to best conform with that certain development. The reimbursement agreement may be based on front footage, acreage, or any other conditions that will create equity to any pipeline extension or improvement associated with a development.
- (b) The Board of Directors shall retain the authority and determine when it is economical, practical, and feasible to create a reimbursement agreement with itself for underdeveloped properties when the District uses public funds for extensions and improvements in the best interest of the District.

Section 6: Property of the District

- (a) All facilities and equipment as described in the application shall become the sole property of the District. Also, the subdivider or developer shall provide and grant easements and rights-of-way to the District as necessary to provide service to any development.

Section 7: Establishing Water Rates

- (a) The Monte Vista Water District shall set water rates for municipal, agricultural, and industrial uses pursuant to the rules and regulations of the County Water District Law, Division 12, Section 30000 et. seq. of the State Water Code. The water rates and associated fees will be in accordance with the applicable Rate Resolution then in effect, as it may be established from time to time.

Section 8: Establishing Miscellaneous Fees

- (a) The Monte Vista Water District shall set miscellaneous fees and charges from time to time in accordance with the applicable Rate Resolution then in effect.

Section 9: Validity

- (a) If any section, sub-section, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10: Effective Date

- (a) This Ordinance shall be effective from and after July 1, 1998.

Section 11: Repeal and Rescind

- (a) That upon adoption of this Ordinance, Ordinance 24 is hereby repealed and rescinded in its entirety.

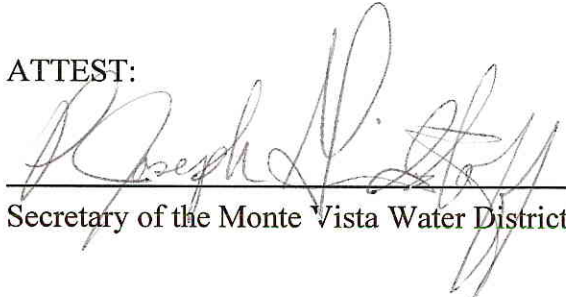
The President of the Board of Directors shall sign this Ordinance and the Secretary shall attest to the same. The Secretary shall cause this Ordinance to be published within ten (10) days after its adoption, at least once in a newspaper of general circulation which is distributed within the boundaries of the Monte Vista Water District.

ADOPTED THIS 27 day of May 1998.



President of the Board of Directors

ATTEST:



Secretary of the Monte Vista Water District