

DIVISION X. CONSTRUCTION OF WATER LINES

~~Section 10.01. Definitions~~

For the purposes of this Division, the specified terms are defined as follows:

- A. "Developer" means any person, excluding those persons contracting with the District, who installs or causes to be installed one or more structures which will be connected to the District water distribution system.
- B. "Main line extension" is any extension of the main line between the existing District main line and the lots which are being improved or which are owned by the developer. A main line extension does not include a main line constructed within the tract of land which is being improved or which is owned by the developer.

~~Section 10.02. Financial Responsibility for Construction of Water Line~~

A developer who installs or causes to be installed any part of the District distribution system is financially responsible for the installation, and all incidents thereof, of the distribution system, including the water main and the service connection.

~~Section 10.03. Construction of Distribution System~~

- A. When a developer proposes to construct a main line and/or one or more service connections, the developer may perform such construction, subject to the requirements of the District.
- B. When the developer performs the tap between a service connection constructed by the developer and a main line constructed by the developer, no service connection fee shall be charged. Other connection fees, including plant availability charges, and fixture unit fees, shall be charged as set forth in Division VI.
- C. Notwithstanding any other provisions of this Chapter, the installation of meters, and all equipment associated with meters, shall be performed by District personnel, as set forth in Division III, and shall be charged to the developer, as set forth in Division VI.
- D. Except as specified in Section 10.03 A., construction of metered service connections, taps, main line and all other parts of the District's distribution system (excluding private water lines) shall be performed solely by District personnel. The time at which the District shall perform such construction, shall be scheduled with the District at the time the permit is issued.

Any time-and-material construction costs not covered by the service connection fee in Division VI, or the Drop In or Metered Service Charges in Division VI, shall be charged to the developer in addition to any other fees required by this Chapter. The District may require the payment of one or more deposits towards the District's construction costs, prior to and during construction.

~~Section 10.04. Performance Guarantee~~

A developer shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for or the construction of water mains or distribution systems. The surety bond, cash or security shall be in the sum of 100 percent (100%) of the estimated cost of the work, or in such other sum as may be fixed by the Board. The surety bond, cash or security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the distribution system for a period of one year following the completion and acceptance of the work by the District.

~~Section 10.05. Liability~~

The District and its officers, agents and employees shall not be liable for any injury or death to any person or damage to any property arising from the performance of any work by a developer. The developer shall indemnify, protect, defend, and shall hold harmless the District and its officers, agents and employees from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, attorneys' fees, and other fees, and interest incurred in defending the same or in seeking to enforce this provision. The developer shall be solely liable for any defects in the performance of the developer's work or any failure which may arise therefrom.

~~Section 10.06. Formation of Improvement District~~

A. When a developer installs or causes to be installed any part of the District water distribution system, the developer may request in writing that the District form an improvement district, pursuant to the California County Water District Law or other law, to include that real property which is served and benefited (or to be served and benefited) by the water distribution system caused to be installed, by the developer.

B. The District may agree to form an improvement district only after receiving the developer's written request for formation thereof and the developer's written agreement to pay all sums reasonably incurred by the District in the formation and operation of the improvement district.

C. If the District agrees to form an improvement district, the developer shall pay the District an initial fee, to be determined by the District, towards the District's cost of forming the improvement district. The District shall not take any steps towards the formation of the improvement district until it receives this initial fee.

D. The developer may withdraw the request for the formation of an improvement district if no prejudice will result therefrom to the District or its customers.

E. The developer shall be liable for all costs reasonably incurred by the District in the formation and operation of the improvement district whether or not the improvement district is formed.

~~Section 10.07. Size of New Main Line~~

The District may require the developer to install a main line larger than that necessary to adequately serve the developer's proposed construction. When the District requires the installation of a larger main line, the District shall either (a) pay the difference in cost, as determined by the District, between the size necessary to serve the developer's construction and the larger main line or (b) perform the installation itself subsequent to the receipt from the developer of a sum sufficient to cover the cost of installation, and other necessary expenses, of the main line required by the developer.

~~Section 10.08. District's Option to Construct Facilities~~

Whenever a developer applies for an assurance of water service or a water permit which involves the extension of the District's main line, the District, at its sole option may install such facilities subsequent to the developer's advancement to the District of funds sufficient to cover the costs of construction and other necessary expenses.

Upon completion of construction, the District shall refund any funds advanced in excess of the actual cost to be borne by the developer.

~~Section 10.09. Application for Main Line Extension Agreement~~

Whenever a developer applies for a permit or an assurance of water service which involves a main line extension, the developer may also apply to the District for a main line extension agreement, which provides for partial reimbursement to the developer of the developer's costs of constructing the main line extension. The District may accept the application and approve a main line extension agreement.

~~Section 10.10. Main Line Extension Agreement~~

Whenever a developer enters into a main line extension agreement with the District, the agreement may provide for a refund to the developer as follows:

A. Within the limits specified herein, when the main line extension has been installed at the developer's sole expense, the developer shall be entitled to a sum up to 25% of the plant availability charge component of the connection fees received by the District for hook-ups into the main line extension paid for by the developer.

B. Any amounts collected by the District for plant availability charge component of the connection fees, subject to Section 10.10 A, shall be refunded to the developer within ninety days following the date of collection; provided that no refund shall be made for collections made after five (5) years from the date of completion of the extension.

C. The total amount to be refunded to the developer shall not exceed 25% of the net amount paid by the developer to the District for the extension, if installed by the District, or 25% of the estimated cost, as determined by the District, for such extension if installed by the developer.

Section 10.11. Dedication Requirements

An offer of dedication of that portion of the distribution system, including the service connection and all appurtenances, which is located on the District's side of the service connection and not located on the owner's or customer's private property shall be included in any application for the construction of the water distribution system. The person who causes the plans for the construction of the water distribution system to be prepared shall present an "offer of dedication" signed and acknowledged, on forms provided by the District, with any plans for the construction which were presented to the District. The District shall not accept for dedication any portion of the water distribution system which is not constructed in conformity with the requirements of the District. When the construction of the sewer has been completed and accepted by the District, the water distribution system offered for dedication shall become part of the District's distribution system.

~~Notice to Developer:~~ Prevailing Wages may have to be paid to employees and subcontractors on construction of facilities which are later to be dedicated to the District.

Section 10.12. Initiation of Water Service

To initiate water service, a permittee shall deliver to the District a written request for the initiation of water service at least two (2) working days prior to the date water service is to be made available.