

**RESOLUTION 2019 – 61**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE CALAVERAS COUNTY WATER DISTRICT**

**AMENDING THE DISTRICT RULES AND REGULATIONS  
GOVERNING THE FURNISHING OF WATER AND/OR WASTEWATER  
SERVICES - ARTICLE III, SECTION 21E**

**WHEREAS**, the Board of Directors of the CALAVERAS COUNTY WATER DISTRICT adopted the Rules and Regulations Governing the Furnishing of Water and/or Wastewater Service to Consumers on December 7, 1954; and

**WHEREAS**, the Board added Section 21D - Suspension of Services, and Section 21E - Termination of Services, to Article III by Resolution No. 99-56 on October 13, 1999; and

**WHEREAS**, the Board added Section 21F – Foreclosure Abatement, to Article III by Resolution No. 2008-36 on May 21, 2008; and

**WHEREAS**, the Board amended Section 21E of Article III – Termination of Services, by Resolution No. 2010-78 on November 23, 2010; and

**WHEREAS**, for the purpose of updating said policy, amendments to the current policy have been considered by the Board.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors does hereby rescind in its entirety Section 21E of Article III of the Rules and Regulations Governing the Furnishing of Water and/or Wastewater Service, adopted by Resolution No. 2010-78 on November 23, 2010, and any subsequent resolutions or amendments thereto.

**BE IT FURTHER RESOLVED**, that Section 21E of Article III of the Rules and Regulations Governing the Furnishing of Water and/or Wastewater Service is to be replaced with the policy attached hereto and so incorporated into Article III, is hereby approved by the Board of Directors and shall become effective immediately:

**BE IT FURTHER RESOLVED**, that the remainder of the Rules and Regulations Governing the Furnishing of Water and/or Wastewater Service to Consumers adopted December 7, 1954, and thereafter amended shall remain in full force and effect.

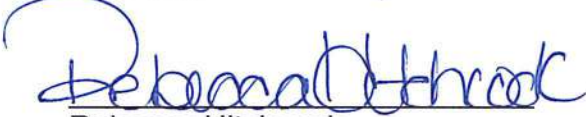
**PASSED AND ADOPTED** this 14<sup>th</sup> day of August 2019 by the following vote:

**AYES:** Directors Secada, Underhill, and Thomas  
**NOES:** Director Davidson and Ratterman  
**ABSTAIN:** None  
**ABSENT:** None

CALAVERAS COUNTY WATER DISTRICT

  
\_\_\_\_\_  
Russ Thomas, President  
Board of Directors

**ATTEST:**

  
\_\_\_\_\_  
Rebecca Hitchcock  
Clerk to the Board

RULES AND REGULATIONS GOVERNING THE FURNISHING OF WATER  
AND/OR WASTEWATER SERVICES  
ARTICLE III

APPLICATION FOR SERVICE RATES AND BILLING

**E. Termination of Services**

**Summary:**

This District policy allows a residential or commercial customer to permanently terminate water and/or wastewater service(s), limited to only certain specific circumstances contained herein, severing the District's obligation to provide service(s) to the parcel. Once a termination occurs, a reinstatement of service(s) depends on the availability of capacity and requires payment of prevailing capacity fee(s).

**Termination:**

The legal-deeded owner of a vacant residential or commercial parcel may apply to terminate their water and/or wastewater service(s) by filing a Termination of Service(s) Request form with the District. This form includes acknowledgment by the customer that after termination, the District is no longer obligated to provide any water and/or wastewater service(s) to the customer's property. Termination of water service is conditioned on the parcel being vacant without any habitable structures, and no recorded use of water for the previous 2 (two) years. If the property has water and wastewater service, both must be terminated concurrently.

Legal-deeded property owners are permitted to apply to terminate irrigation/landscape meters that have not been used for the previous 2 (two) years. Owners of commercial properties must acknowledge that terminating an irrigation meter could lead to an increase in wastewater fees.

Upon receipt of the Termination of Service Request form, the District General Manager will determine if the parcel qualifies for termination under this Policy within 60 days. Within the first 6 (six) months of this policy's adoption, the General Manager has the discretion to allow a customer to terminate service, if the customer provides a reasonable explanation for water usage on the account within the previous 2 (two) years.

In order for the termination of service(s) to be approved, the customer must pay a \$300 administrative fee and an Operations fee (this fee varies by connection) to have the water meter removed and/or the wastewater connection capped. Upon termination of service(s), the District will not refund any capacity fee(s), as they

are attached to the property previously served. However, a credit for the original capacity fee(s) paid when the property first connected to CCWD's water and/or wastewater system will remain attached to the property, and will be credited toward full capacity fee(s) owed at the time the property owner decides to apply to reinstate service. Transfer of capacity fees per Article III, Section 21E.1 of CCWD's Rules and Regulations Governing the Furnishing of Water and/or Wastewater Service is not allowed once service has been terminated.

If the termination of service is approved by CCWD, the applicant is responsible for fees associated with the District recording a Notice of Termination of Water and/or Wastewater Services with the County Clerk Recorder's Office stating the water and/or wastewater service(s) have been terminated to this property.

Termination of service(s) will only occur once the applicant has paid the District all required fees.

**Reinstatement:**

Once a parcel's residential or commercial water and/or wastewater service has been terminated, the parcel is eligible to be reconnected to the District's water and/or wastewater service no sooner than a period of three (3) years after termination, unless the property is sold, in which case the new legal-deeded property owner can apply for service reinstatement once they meet the District's requirements for a new water and/or wastewater connection. Service reinstatement is not guaranteed, and depends on the availability of capacity within the water and/or wastewater system(s). To request reinstatement of water and/or wastewater service(s) for property that previously received treated water or wastewater from the District, the legal-deeded property owner must file a Reinstatement of Service(s) Request form, and this request will be approved or denied by CCWD's General Manager within 60 days of receipt. The applicant must pay a \$300 administrative fee, an Operations fee to reinstate service (this varies by connection) and capacity fee(s). The capacity fee(s) owed will be the amount that would be required for new service(s) to the applicant's property on the date of reinstatement, less any previously paid capacity fee(s) attached to the property.

If the service reinstatement is approved by CCWD, the applicant is responsible for fees associated with the District recording a Notice of Reinstatement of Water and or Wastewater Services with the County Clerk Recorder's Office stating the water and/or wastewater service(s) is being reinstated.

Reinstatement of service(s) will only occur once the applicant has paid the District all required fees.

**Appeals:**

The General Manager's determination on termination and reinstatement requests is final, unless a customer appeals the determination to the Board of Directors within 30 days of the District's written denial.