



**FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS
SPECIAL BOARD MEETING / PUBLIC HEARING**

NOTICE AND AGENDA

**WEDNESDAY, NOVEMBER 16, 2022
9:00 A.M.**

**FALLBROOK PUBLIC UTILITY DISTRICT
990 E. MISSION RD., FALLBROOK, CA 92028
PHONE: (760) 728-1125**

THIS MEETING WILL BE HELD PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(1)(A), WHICH WAIVES CERTAIN BROWN ACT TELECONFERENCING REQUIREMENTS DURING A PROCLAIMED STATE OF EMERGENCY WHEN STATE OR LOCAL OFFICIALS HAVE IMPOSED OR RECOMMENDED MEASURES TO PROMOTE SOCIAL DISTANCING, AND ALLOWS SOME OR ALL OF THE MEMBERS OF THE FALLBROOK PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS TO ATTEND THIS MEETING TELEPHONICALLY OR VIA VIDEO CONFERENCE. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO ATTEND IN PERSON ARE ENCOURAGED TO PARTICIPATE IN THE MEETING VIA WEB CONFERENCE USING THE BELOW CALL-IN AND WEBLINK INFORMATION. MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE IN THIS MEETING BY ATTENDING IN PERSON AT THE DISTRICT OFFICE LOCATED AT 990 E. MISSION RD., FALLBROOK, CA 92028.

Join Zoom Meeting

<https://us06web.zoom.us/j/82662895501?pwd=ZHVuejVBNTJMTWlXYlpkQWlXN3pHUT09>

MEETING ID: 826 6289 5501

AUDIO PASSCODE: 720961

Dial by your location

+1 346 248 7799 US (Houston); +1 720 707 2699 US (Denver); +1 253 215 8782 US (Tacoma);
+1 312 626 6799 US (Chicago); +1 646 558 8656 US (New York); +1 301 715 8592 US (Washington DC)

Find your local number: <https://us06web.zoom.us/j/82662895501?pwd=ZHVuejVBNTJMTWlXYlpkQWlXN3pHUT09>

PUBLIC COMMENTS: Members of the public may submit public comments and comments on agenda items in one of the following ways:

SUBMIT COMMENTS BEFORE THE MEETING:

- By emailing to our Board Secretary at leckert@fpud.com
- By mailing to the District Offices at 990 E. Mission Rd., Fallbrook, CA 92028
- By depositing them in the District's Payment Drop Box located at 990 E. Mission Rd., Fallbrook, CA 92028

All comments submitted before the meeting by whatever means must be received at least 1 hour in advance of the meeting. All comments will be read to the Board during the appropriate portion of the meeting. Please keep any written comments to 3 minutes.

REMOTELY MAKE COMMENTS DURING THE MEETING: The Board President will inquire prior to Board discussion if there are any comments from the public on each item.

- Via Zoom Webinar go to the "Participants List," hover over your name and click on "raise hand." This will notify the moderator that you wish to speak during oral communication or during a specific item on the agenda.
- Via phone, you can raise your hand by pressing *9 to notify the moderator that you wish to speak during the current item.

MAKE IN-PERSON COMMENTS DURING THE MEETING: The Board President will inquire prior to Board discussion if there are any comments from the public on each item, at which time members of the public attending in person may make comments.

THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT'S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

If you have a disability and need an accommodation to participate in the meeting, please call the Secretary at (760) 999-2704 for assistance so the necessary arrangements can be made.

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

- A. CONSIDER FINDINGS TO CONTINUE HOLDING REMOTE/ TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361

Recommendation:

1. That the FPUD Board of Directors make the following findings by majority vote:
 - a. The Governor-declared COVID-19 State of Emergency remains in effect and the Board of Directors has reconsidered the circumstances of the COVID-19 State of Emergency; and
 - b. State or local officials continue to impose or recommend measures to promote social distancing.
2. That the FPUD Board of Directors determine that, for the next thirty (30) days, the meetings of the Board and committees shall be held pursuant to the provisions of Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENT

Members of the public are invited to address the Board of Directors on any item that is within the subject matter jurisdiction of the legislative body. The Board President may limit comments to three (3) minutes.

II. PUBLIC HEARING -----(ITEM B)

- B. PUBLIC HEARING ON THE IMPOSITION OF PROPOSED INCREASED RATES FOR WATER AND RECYCLED WATER SERVICE CHARGES, AND RATES FOR WASTEWATER SERVICE CHARGES

Recommendation: That the Board open a public hearing to allow the public an opportunity to address the Board concerning the proposal to increase rates for water and recycled water service charges, and rates for wastewater service charges, and, upon hearing all such oral protests and receiving written protests, close the public hearing.

III. ACTION / DISCUSSION CALENDAR -----(ITEM C)

- C. CONSIDER ADOPTING RESOLUTION NO. 5036 SETTING THE MAXIMUM APPROVED RATES AND CHARGES FOR CY 2023 – CY 2027 FOR WATER AND RECYCLED WATER SERVICE CHARGES, AND RATES FOR WASTEWATER SERVICE CHARGES AND APPROVING THE CY 2023 RATES FOR WATER AND RECYCLED WATER SERVICE

CHARGES, AND RATES FOR WASTEWATER SERVICE CHARGES AND
TAKING OTHER RELATED ACTIONS

Recommendation: That the Board adopt Resolution No. 5036 setting the maximum rates and charges and adopting calendar year 2023 rates and charges for water, recycled water and wastewater services.

IV. ADJOURNMENT OF MEETING

DECLARATION OF POSTING

I, Lauren Eckert, Executive Assistant/Board Secretary of the Fallbrook Public Utility District, do hereby declare that I posted a copy of the foregoing agenda in the glass case at the entrance of the District Office located at 990 East Mission Road, Fallbrook, California, at least 24 hours prior to the meeting in accordance with Government Code § 54956.

I, Lauren Eckert, further declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

November 10, 2022
Dated / Fallbrook, CA

/s/ Lauren Eckert
Secretary, Board of Directors

M E M O

TO: Board of Directors
FROM: Paula de Sousa, General Counsel
DATE: November 16, 2022
SUBJECT: Findings to Continue Holding Remote/Teleconference Committee Meetings Pursuant to Assembly Bill 361

Purpose

Consider findings necessary to continue holding remote/teleconference meetings pursuant to Assembly Bill 361.

Summary

As more fully described in the Board memo for the October 25, 2021 Board of Directors meeting related to AB 361, the State of California has adopted legislation (AB 361), which allows public agencies to hold fully or partially virtual meetings under certain circumstances without being required to follow certain standard Brown Act teleconferencing requirements.

Under AB 361, a legislative body holding a fully or partially virtual meeting pursuant to AB 361 must make certain findings at least every thirty (30) days in order to continue holding such meetings. Because the Board of Directors last made the required findings on behalf of the Board and all FPU D Committees more than 30 days ago, the Board of Directors is required to make the findings to proceed with holding this meeting pursuant to AB 361. The findings would remain in effect for the Board of Directors for the next 30 days.

If the Board of Directors desires to hold the meeting in a manner allowing remote participation pursuant to AB 361, the Board must reconsider the COVID-19 State of Emergency, find that the proclaimed COVID-19 State of Emergency still exists, and find either of the following: (1) that state or local officials continue to impose or recommend measures to promote social distancing, or (2) that as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees. Based on the continued COVID-19 State of Emergency and required or recommended social distancing measures, as further described in the October 25, 2021 Board memo, the Board can make the required findings.

If the Board does not make the required findings, any Board members participating remotely would not be able to participate in the rest of the meeting, which may deprive the Board of a quorum and result in meeting cancellation.

Recommended Actions

1. That the FPU D Board of Directors make the following findings by majority vote:

- a. The Governor-declared COVID-19 State of Emergency remains in effect and the Board of Directors has reconsidered the circumstances of the COVID-19 State of Emergency; and
 - b. State or local officials continue to impose or recommend measures to promote social distancing.
2. That the FPUD Board of Directors determine that, for the next thirty (30) days, the meetings of the Board and Committees shall be held pursuant to the provisions of Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section.

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M E M O

TO: Board of Directors
FROM: Fiscal Policy and Insurance Committee (FP&I)
DATE: November 16, 2022
SUBJECT: Consider Adopting Resolution No. 5036 Setting the Maximum Approved Rates and Charges for CY 2023 – CY 2027 for Water and Recycled Water Service Charges, and Rates for Wastewater Service Charges and Approving the CY 2023 Rates for Water and Recycled Water Service Charges, and Rates for Wastewater Service Charges and Taking Other Related Actions

Purpose

On September 21, 2022, the Board approved the 2022 Water, Wastewater and Recycled Water Rate Study (the Financial Plan) and the Proposition 218 Notice (the Notice). The Notice set the time and place for the November 16, 2023 public hearing to receive comments from the public on the Financial Plan.

Summary

In 2017, the District developed a 5-year Financial Plan to stabilize the District's financial position and put it on a path to financial sustainability. With the adoption of calendar year 2022 rates and charges in December of 2021, a new plan was needed to move the District forward.

The District selected Bartle Wells Associates (BWA) to support the development of the 2022 Financial Plan. At the heart of the Financial Plan, is a cost of service study that looks at all of the District's costs, cost allocations and revenue streams to determine necessary rate and charge increases for each of the Districts Enterprises. Working with BWA, the Fiscal Policy and Insurance Committee (the Committee) and the Board have carefully reviewed the District's rate and charge structure and have updated the 5-year Financial Plan, which was adopted by the Board on September 21, 2022.

It is important to note that the Financial Plan establishes the maximum allowable rates and charges. While the maximum rates and charges are established by the Financial Plan, each year the Board carefully reviews the District's current financial position. The focus of this annual review is to determine what level of rate increase is necessary to keep on track with the District's Financial Plan. This approach allows the Board to navigate economic changes and when possible provide rate relief to rate payers. Over the past 5-years the Board has kept rates significantly below the maximum levels adopted in the 2017 Financial Plan.

To solicit stakeholder input and engagement in the development of the Plan, the District has held numerous public meetings and notified the public of the process through social media and ads placed in local publications. The Committee held 6 meetings and the full Board held 2 meetings. Public outreach has also included multiple social media posts and 2 separate ads placed in the Village News to notice stakeholders of the meetings.

Because the Financial Plan was just completed and contains the most current financial data, the Committee is recommending that the calendar year 2023 rates and charges be set at the Notice levels. Going forward, the recommended rates and charges will be set by the Board in December of the preceding calendar year and take into account the District's current financial condition.

Recommended Action

That the Board adopt Resolution No. 5036 setting the maximum rates and charges and adopting calendar year 2023 rates and charges for water, recycled water and wastewater services.

Attachment A
Proposed Changes to Administrative Code
Article 12

Article 12. Water and Sewer Rates and Service Charges.

Water and sewer rates and charges are set to fully recover the District’s costs. In order to help stabilize the revenue of the District during increasing or decreasing sales, the District has established a policy to collect approximately 80% of the District’s fixed water operating costs through the monthly fixed charges and collect the remaining approximately 20% of the District’s fixed operating cost through volumetric water rates. The rates and charges are set based upon cost of service principals that meet legal requirements and industry standards.

Effective January 1, 2023, the following rates for water deliveries to each class of service are established:

Sec. 12.1 Volumetric Water, Recycled Water and Pumping Rates.

For purposes of determining water rates, one unit equals 1,000 gallons:

Domestic (D), Large Lot Domestic (LD), Multi-Unit (M).

1-5 units per month.....\$7.31 per unit

Over 5 units per month.....\$8.06 per unit

Commercial (C), Government (G), Irrigation Only (I).

All usage.....\$7.72 per unit

SAWR - Ag Only (AS).

All usage.....\$5.63 per unit

SAWR - Ag & Home (AT).

1-5 units per month.....\$7.17 per unit

6-17 units per month.....\$6.38 per unit

Over 17 units per month.....\$5.63 per unit

Commercial Ag (CA).

All usage.....\$6.38 per unit

Commercial Ag Domestic (CB).

1-5 units per month.....\$7.31 per unit

Over 5 units per month.....\$6.38 per unit

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- > Multi-Unit (M) (Tier ranges factor residential units, per Article 10.1).
- > 1 - 5 units per month -> \$7.17 per unit
- > 6 - 30 units per month -> \$7.27 per unit
- > Over 30 units per month -> \$8.86 per unit

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- > All usage - \$7.26 per unit
- > Irrigation Only (I).
- > All usage -> \$7.39 per unit

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Water Shortage Emergency Surcharges

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In order to prepare and manage future periods of water shortage and mandatory conservation, the District adopted a water shortage contingency plan called the Water Shortage Response Program (the “Program”). Pursuant to the Program, the District established six Water Shortage Response Levels. Article 17 Water Shortage Response Program provides information on the program and the applicable water use rates.

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Volumetric Recycled Water Rate.

Recycled water furnished within the District service area for any appropriate purpose will be billed at \$6.29 per 1,000 gallons. Recycled water sold outside the District service area will be sold by contract with specific customers.

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Construction Meter.

Water furnished for construction purposes will be billed at \$9.14 per 1,000 gallons.

Volumetric Pumping Charges. (DSA and Toyon only)

Pumping charges for the DeLuz High Pressure Service Area and Toyon Heights shall be furnished at \$0.72 per 1,000 gallons to recover the cost of electricity.

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Sec. 12.2 Monthly Fixed Charges.

Effective January 1, 2023, the following rates and charges are established and shall be collected by the District for water and recycled water service:

Monthly Service Charges for each meter (\$/meter size):

| | Water Charges | Fixed | Recycled Water Charges | Standby Service Charge | Private Services Charge | Fire |
|------------------|---------------|-------|------------------------|------------------------|-------------------------|------|
| 3/4 inch meter | \$60.60 | | \$25.85 | \$17.44 | NA | |
| 1 inch meter | \$96.51 | | \$35.14 | \$24.43 | NA | |
| 1-1/2 inch meter | \$185.46 | | \$58.15 | \$41.75 | NA | |
| 2 inch meter | \$292.64 | | \$85.88 | \$62.61 | \$7.66 | |
| 3 inch meter | \$578.82 | | \$159.91 | \$118.30 | \$8.90 | |
| 4 inch meter | \$900.36 | | \$243.09 | \$180.88 | \$11.03 | |
| 6 inch meter | \$1,793.16 | | \$474.06 | \$354.65 | \$18.70 | |
| 8 inch meter | NA | | NA | NA | \$31.92 | |

NA- Not applicable

For construction meters, a service charge of \$372.72 per month or fraction thereof will be made in addition to the cost of water consumed. This rate is calculated using a factor of 1.5 times the fixed charge for a 2” water meter.

The foregoing fixed charges for water service through various sized meters that are installed or upgraded will be effective commencing the day of installation, regardless of the amount of water used, as long as the consumer's property is actually connected with the District's distribution system. In addition, any request to down size a meter properly filed with the District will receive a fixed charge commensurate with the meter size effective the next billing cycle.

Billings for water furnished to all accounts will be on a monthly basis.

A monthly service charge to cover the District's cost for annual inspection, maintenance, repair and replacement of backflow prevention devices will be made as follows (\$/meter size):

| | |
|----------------------------|----------|
| For each 3/4 inch device | \$6.20 |
| For each 1 inch device | \$7.30 |
| For each 1-1/2 inch device | \$13.50 |
| For each 2 inch device | \$16.19 |
| For each 3 inch device | \$32.35 |
| For each 4 inch device | \$50.56 |
| For each 6 inch device | \$101.09 |

Sec. 12.3 SDCWA Infrastructure Access Charge (IAC).

Effective July, 2023, the following monthly charges are established and shall be collected by the District for San Diego County Water Authority's Infrastructure Access Charge (the "IAC").

Monthly charge for each meter (\$/meter size):

| IAC | |
|------------------|----------|
| 3/4 inch meter | \$4.24 |
| 1 inch meter | \$7.08 |
| 1-1/2 inch meter | \$14.12 |
| 2 inch meter | \$22.60 |
| 3 inch meter | \$45.24 |
| 4 inch meter | \$70.68 |
| 6 inch meter | \$141.32 |

Sec. 12.4 Water Capital Improvement Charge.

For each water account, an additional \$11.11 per month per Equivalent Meter Unit (EMU) shall be added as a Capital Improvement Charge effective January 1, 2023. This charge is solely dedicated to funding water capital improvement projects. The Water Capital Improvement Charge (the "CIC") was implemented to provide a partial funding source for capital projects like the UV treatment facility at the Red Mountain Reservoir and to fund pipeline replacement projects.

The CIC will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February, plus 3% not to exceed 10%. Staff will report back to the Board of Directors no less than every five (5) years with analysis of its

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Deleted: the Metropolitan Water District of Southern California's Readiness-to-Serve (the "RTS") charge and

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necessity. The CIC will be used to fund capital improvement projects or debt service for capital improvement projects. Revenue from the CIC will not be used to fund Operating Costs.

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Fallbrook Public Utility District’s Equivalent Meter Unit (EMU) is associated with meter size as listed below.

| Meter Size | FPUD EMU | Water CIC |
|------------------|----------|-----------------|
| 3/4 inch meter | 1.0 | <u>\$11.11</u> |
| 1 inch meter | 1.67 | <u>\$18.50</u> |
| 1-1/2 inch meter | 3.33 | <u>\$37.03</u> |
| 2 inch meter | 5.33 | <u>\$59.22</u> |
| 3 inch meter | 10.67 | <u>\$118.45</u> |
| 4 inch meter | 16.67 | <u>\$185.08</u> |
| 6 inch meter | 33.33 | <u>\$370.15</u> |

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Sec. 12.5 Billing Periods.

Billing due dates fall on the 10th, 20th, and 30th of the month depending on meter location in the District. All charges for water and sewer services during specified meter read dates are due and payable when rendered. Bills become delinquent the day after the due date. Residential accounts not paid within 30 days of the due date are sent past due statements and the meters are subject to lock-up for non-payment after being delinquent for 60 days (See District Residential Discontinuation of Service Policy available on the District website). Non-Residential accounts not paid within 30 days of the due date are subject to meter lock-up. All water accounts accrue a \$30 Delinquent Processing Fee on the 31st day of delinquency.

Deleted: An additional, a Water CIC Pumping charge of \$.10 per 1,000 gallons is charged and allocated to capital improvements for the DeLuz High Pressure service area and Toyon Heights zone. This Capital Improvement Charge will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February, not to exceed 10% annually.

Accounts not paid within 30 days after lock-up and accounts that have tampered with the meter to obtain water illegally are subject to removal of meters and permanent disconnection of water service. Standby charges will continue to accrue after the meter has been removed.

If a meter has been locked for non-payment for a period of 90 days, it may be placed on Standby Service by FPUD. Standby Service charges will accrue from that time until an application for service restoration has been received by the District.

The District must be notified in a timely manner with the name and mailing address of the new owner or tenant and the upcoming date of transfer. Notification of the transfer of property ownership, or tenancy, is the responsibility of the owner/seller. The District is not responsible for the proration of the final billing if notification is not received prior to the date of sale, or change of tenancy.

Sec. 12.5.1 Unclaimed Funds

Unclaimed funds in an amount less than \$15 or where the depositor’s name is unknown will become FPUD general funds if unclaimed for 1 year.

Unclaimed funds in an amount greater than \$15 become may become FPUD general funds once the following procedure is completed:

1. The FPUD treasurer will publish notice once a week for two (2) successive weeks in a newspaper of general circulation published within FPUD boundaries.
2. The notice will state the amount of unclaimed money, the formal name of the fund in which the money is held, and a statement that the money will become FPUD property after a specified date ("Effective Date"). The Effective Date will be no less than forty-five (45) days nor more than sixty (60) days of the date of the first publication of the notice ("Claim Period").
3. Upon the expiration of the Claim Period, and if there are no claims filed with FPUD or verified lawsuits filed with the superior court, the funds will become FPUD property and may be transferred to FPUD's general fund.

Any person with a claim to such money may file a claim prior to the Effective Date with the FPUD treasurer. Pursuant to Government Code Section 50052, the claim shall include the following information: claimant's name, address, amount of claim, grounds upon which the claim is founded, and any other information that may be required by the FPUD treasurer. FPUD has the right to accept or reject a claim. If the claim is accepted, FPUD will return the money without interest. If FPUD rejects the claim, the claimant may file a verified complaint against FPUD with the superior court within thirty (30) days of receiving notice of FPUD's rejection pursuant to Government Code Section 50052. In the event that the original customer or depositor is deceased, such person's heir, beneficiary, or duly appointed representative may file a claim before the Effective Date as provided in Government Code Section 50052.5.

Sec. 12.6 Meter Locks and Restrictors.

If for any reason, other than District convenience, a water meter shall be locked by the District, the water may not be again turned on to serve the property through such meter until all past due charges plus the Disconnection Processing Fee of Fifty Dollars (\$50) shall have been paid to the District. A Delinquent Processing Fee of \$30 to process and deliver delinquent account notices and a fee of \$100 for broken or damaged locks may also apply. Damage to corporation or angle stop in attempt to restore services locked for non-payment will be billed at actual time and material and added to the water bill.

If flow restrictors are required for any reason in order to implement policies within this Administrative Code, the fees are as follows:

| <u>Meter Size</u> | <u>Installation Fee</u> |
|-------------------------|-------------------------|
| 3/4" and 1" Meters..... | \$144 |
| 1-1/2" and larger..... | \$611 |

Sec. 12.7 Meter Not Registering.

Whenever, for any reason, a meter fails to register correctly, the consumer will be charged an amount for the previous billing period increased or decreased by the

percentage change in total billing by the District for all consumers for the two billing periods.

Sec. 12.8 Water Rates or Service Charges Lien on Property.

In addition to any other remedy provided therein or by law for the collection of any water rate, charges or account, all rates or service charges provided for in this Administrative Code shall be charged and become a charge against the property on which the water is furnished and against the owner thereof, and all charges for water so served to a property shall be and become a lien against the premises upon which the water is used or served.

Standby accounts with a delinquent balance greater than \$500 as of April 1st of each year may be sent notification of intent to place delinquent and unpaid charges on the annual tax roll. The notification will be sent by May 1st and provides the customer 60 days to bring the account current. If the amount is not brought current by July 1st, the portion of the delinquency due as of the prior April 1st may be reported to the County Treasurer for inclusion on the annual taxes levied on the property.

If for any reason or cause the sums of money owing for such water services are not paid as required by the terms and provisions of this Administrative Code, the District shall have the right to shut off such water, and in no case shall service of water be resumed on the same property until all such delinquencies and additional turn-on charges shall have been paid in full. Delinquent bills from former owners or tenants are the responsibility of the present owner.

Sec. 12.8.1 Theft of Water.

Water is defined as stolen from the customer if the water is stolen from the customer's side of the meter. Water stolen from a mainline, hydrant, District pipeline, appurtenance, or tampering with a customer's meter is defined as water being stolen from the District.

Water Stolen from Customer.

Customers who have reported water theft to the District must also notify local law enforcement agencies. The District will require proof of theft from a law enforcement agency that a theft of water occurred. Customer's asking for credit on the bill for water theft will be processed by account type. If a full price M&I customer, the District may discount the estimated amount of water stolen and charge the District's wholesale cost of water for the amount stolen. An estimate of the amount of water stolen will be made by District staff using that customer's usage history. Water sold to agricultural customers, SAWR, and Commercial Ag/Commercial Ag Domestic, is sold at District cost so no discount may be applied. If the stolen water caused the customer's allocation bank to be adversely affected, the District will restore the estimated amount stolen to the customer's allocation bank. If the water theft resulted in an overuse penalty, the District will credit the penalty to the customer for the estimated amount of water stolen.

Water Stolen from District.

Any theft of water from the District will be reported to law enforcement agencies. If the theft is due to meter tampering, the customer will be charged a \$250 fee for tampering with the meter plus time and materials to place the meter back into proper position. If a water theft from the District due to meter tampering occurs again on the same meter, the customer will be charged a \$500 fee for tampering and an item will be brought forward to the Board of Directors to consider discontinuance of service. An estimate of the amount of water stolen will be calculated and billed to the customer's account. Collection of said fees are subject to all District regulations regarding collection of past due accounts.

Sec. 12.9 Volumetric Wastewater Charges.

Wastewater service charges are established upon each property within the District that is connected to a sewer line of the District whether said premises are occupied or unoccupied. Volumetric Wastewater Charges are applied to estimated billable wastewater flows, which are based upon adjusted water deliveries. The charge per killogallon of wastewater flow is shown below:

| User Class | Volumetric Wastewater Charge (\$/kgal) |
|-------------------------------------|--|
| Ag. Domestic (AT) | \$ 10.22 |
| Commercial Ag. Domestic (CB) | \$ 10.22 |
| Residential (LD, D, M) | \$ 10.22 |
| Government (G) | \$ 11.2009 |
| | |
| Commercial – Low Strength* (C L) | \$ 11.09 |
| Commercial – Medium Strength* (C M) | \$ 13.82 |
| Commercial – High Strength* (C H) | \$ 17.66 |

*Appendix A to this Article provides commercial effluent classification.

For the purpose of determining the billable wastewater flows, water deliveries must be converted to wastewater flows returned to the sewer system. To do this conversion, a Return to Sewer Factor is applied. The Return to Sewer factor adjusts the water received by the meter to the estimated flows from the residence or entity into the sewer system. The Return to Sewer Factor applied to the different customer classes are shown below:

| Customer Class | Return to Sewer Factor |
|---|------------------------|
| Residential (Multi-Family, Single Family) | 80% |
| Non-Residential/Commercial | 90% |
| Low / Medium / High | 90% |
| | |
| Government | |
| Low / Medium / High | 90% |
| Schools | 80% |
| Churches | 80% |

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| Customer Class | Return to Sewer Factor |
|--------------------------|------------------------|
| Special | |
| Low / Medium / High | 100% |
| Special 10% RTS (1-10%) | |
| Low / Medium / High | 10% |
| Special 20% RTS (11-20%) | |
| Low / Medium / High | 20% |
| Special 30% RTS (21-30%) | |
| Low / Medium / High | 30% |
| Special 40% RTS (31-40%) | |
| Low / Medium / High | 40% |
| Special 50% RTS (41-50%) | |
| Low / Medium / High | 50% |
| Special 60% RTS (51-60%) | |
| Low / Medium / High | 60% |
| Special 70% RTS (61-70%) | |
| Low / Medium / High | 70% |
| Special 80% RTS (71-80%) | |
| Low / Medium / High | 80% |

Non-residential customers with higher outdoor are evaluated on a case by case basis.

For those Single Family Residences (D, LD, AT, CB), volumetric charges are calculated as follows:

1. The 2-year average winter use is calculated based upon prior year water deliveries that include December, January and February. The average used for wastewater billing is capped at 21.33 units.
2. ~~80%~~ of this water is assumed to be returned to sewer/billable flow.
3. The Volumetric Wastewater Charge (\$/kgal) is applied to this flow.
4. Consumption analysis is performed annually. Appeal for consumption is available.
5. No prior history customer (new customer) will be placed at that customer class median of 6. For customers with at least one winter of use data, that data will be used for their winter average.
6. Use must be > 0 unless customer is on standby.

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For those Multi-Family Residences (M), volumetric charges are calculated as follows:

7. The average winter use is calculated based upon prior year water deliveries that include December, January and February.
8. ~~80%~~ of this water is assumed to be returned to sewer/billable flow.
9. The Volumetric Wastewater Charge (\$/kgal) is applied to this flow.
10. Consumption analysis is performed annually. Appeal for consumption is available.
11. No prior history customer (new customer) will be addressed on a case by case basis.

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All other water customer classes (G, C, A, AS, CA), with the exception of public elementary and public junior high schools:

1. Monthly sewer bill based on actual water sold.

2. The Return to Sewer factor applied to determine the billable flow. Appeals for irrigation and/or water usage which does not get returned to the sewer is available.
3. Customer is classified as high, medium, or low strength (based upon BOD and SS). See attached Appendix A. Appeal for strength classification is available.
4. The applicable Wastewater Volumetric Charge is applied to the billable flow.

Public elementary and public junior high schools:

1. Monthly sewer bill based on per person, per month charge.
2. The public elementary and / or public junior high school district to provide a report each October that documents the number of students and faculty at each site.
3. CY 2023 public elementary school rate is \$1.39 per student and \$2.08 per staff, per month.
4. CY 2023 public junior high school and administrative offices rate is \$2.08 per person, per month.
5. Rates to be increased by the overall percentage increase in wastewater revenues each year.

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Sec. 12.10 Monthly Fixed Wastewater Charge.

For each Residential/Domestic sewer account, which includes D, LD, M, AT, CB accounts, effective January 1, 2023, the Monthly Fixed Wastewater Charge shall be \$18.88 per month per Equivalent Dwelling Unit (EDU). For Comercial (C) and Government (G) accounts, effective January 1, 2023, the Monthly Fixed Wastewater Charge shall be \$12.14 per month per EDU. For all customer types, the EDUs will be calculated per Administrative Code Sections 11.7.2, 11.7.3, or 11.7.4.

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Sec. 12.10.1 Wastewater Capital Improvement Charge.

For each account, an additional \$12.66 per month per Equivalent Dwelling Unit (EDU) shall be added as a Wastewater Capital Improvement Charge Effective January 1, 2023. This charge is dedicated to Wastewater Debt Service and Wastewater Capital Improvements. The Wastewater Capital Improvement Charge has been implemented to partially fund the debt service payments for upgrades to the Wastewater Treatment Plant. EDUs will be calculated per Administrative Code Sections 11.7.2, 11.7.3, or 11.7.4. This Capital Improvement Charge will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February, not to exceed 10%. Staff will report back to the Board of Directors every five (5) years with analysis of its necessity. The Capital Improvement Charge will only be used to fund capital improvement projects or debt service for capital improvement projects. Revenue from the Capital Improvement Charge will not be used to fund Operating Costs.

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ARTICLE 21 (Renumbered as
Article 12 by Resolution 5006)

Sec. 21.1 – Rev. 7/02
Sec. 21.2-21.8.2 – Rev. 9/96
Sec. 21.3 – Rev. 10/96
Sec. 21.4 & 21.9 – Rev. 6/97
Sec. 21.4 – Rev 7/02
Sec. 21.9 – Rev. 10/97
Sec. 21.9 – Rev. 6/04
Sec. 21.9 – Rev. 1/05
Sec. 21.1, 21.3, 21.4, 21.9 – Rev.
6/05
Sec. 21.1, 21.2, 21.4, & 21.9 –
Rev. 6/06
Sec. 21.9, Flat Rate + Metered
Flow – Rev. 7/06
Sec. 21.9 (Flat Rate classification)
– Rev. 10/06
Sec. 21.4 (construction meters),
Sec. 21.5 & Sec. 21.6 – Rev.
12/06
Sec. 21.5 – Rev. 3/07
Sec. Sec. 21.1, 21.2, 21.4 , 21.10,
21.10.1– Rev. 6/07
Sec. 21.5 – Added 6/07
Sec. 21.10.2 – Deleted 6/07
Sec. 21.11 – Added 10/07
Sec. 21.4.1 – Added 12/07; Sec.
21.7 renamed and addition of flow
restrictors – Rev. 12/07
Sec. 21.1, 21.2, 21.4, 21.5, 21.7,
21.10, and 21.11 – Rev. 6/08
Sec. 21.1, 21.2, 21.4, 21.4.1,
21.4.2 (added), 21.5, 21.7, 21.10
(new table), 21.10.1, - Rev. 6/09
Sec. 21.4, 21.10 – Rev. 12/09
Sec. 21.6, 21.9 – Rev. 5/10
Sec. 21.1, 21.2, 21.4, 21.4.1,
21.4.2, 21.5, 21.10, 21.10.1 – Rev.
6/10
Sec. 21.9.1 (added) – Rev. 9/10
Sec. 21.1, 21.4, 21.4.1, 21.4.2,
21.5, 21.10, 21.10.1 - Rev. 6/11
Sec. 21.1, 21.2, 21.4, 21.5, 21.10,
21.10.1 – Rev. 6/12
Sec. 21.1, 21.2, 21.4, 21.5, 21.10,
21.10.1 – Rev. 6/13
Sec. 12.1, 21.2, 21.4, 21.5, 21.9.1,
21.10, 21.10.1 – Rev. 6/14
Sec. 21.1, 21.2, 21.5 – Rev. 1/15
Sec. 21.1, 21.2, 21.3, 21.4, 21.4.2,
21.5, 21.10, 21.10.1 Rev 6/15
Sec. 21, 21.1 – Rev. 11/15
Secs. 21, 21.2, 21.4, 21.5, 21.7,
21.10, 21.10.1 – Rev. 7/16
Secs. 21, 21.1 - Rev. 12/16
All Secs. – Rev. 12/17
Sec. 21.3 – Rev. 6/18
Secs. 21.1, 21.2, 21.3, 21.4, 21.9,
21.10, 21.10.1 – Rev. 12/18
Sec. 21.3 – Rev. 6/19

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| ARTICLE 21 CONTINUED (Renumbered as Article 12 by Resolution 5006) |
| Secs. 21, 21.1, 21.2, 21.3, 21.4, 21.5, 21.9, 21.10, 21.10.1 – Rev 12/19 |
| Secs. 21.5, 21.6, 21.5.1 (added) – Rev. 1/20 |
| Sec 21.3 – Rev 6/20 |
| Secs. 21, 21.1, 21.2, 21.3, 21.4, 21.9, 21.10, 21.10.1 – Rev 12/20 |
| Sec 12.3 – Rev 6/21 |
| Secs. 12, 12.1, 12.2, 12.3, 12.4, 12.6, 12.8, 12.9, 12.10, 12.10.1 – Rev 12/21 |
| Secs. 12.3 – Rev 6/22 |

Attachment B
Proposed Changes to Administrative Code
Article 17

Article 17. Water Shortage Response Program.

Sec. 17.1 Declaration of Policy.

California Water Code Section 375 et seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The Board of Directors hereby establishes a comprehensive water conservation program pursuant to California Water Code Section 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage. Additionally, the California Water Code mandates that water agencies adopt a water shortage contingency plan (WSCP) as part of their Urban Water Management Plan (UWMP). The District's WSCP is a detailed plan for how an urban water supplier, like the District, intends to act in the case of any actual water shortage condition. This Article 17 is consistent with the District's WSCP and is how the District implements its WSCP, and can be amended, as needed, outside of updating the District's UWMP.

Sec. 17.1.1 PSAWR Reduction Program.

The San Diego County Water Authority Permanent Special Agricultural Water Program (PSAWR) provides discounted wholesale supply and treatment pricing for qualified agricultural users within its service area on the basis that participants receive non-firm, interruptible supply up to the maximum allowed per the SDCWA Program. During periods of water shortages imposed by the Metropolitan Water District (MWD), the SDCWA, or due to emergency situations, those customers who are participating in the PSAWR shall abide by the conditions set forth by SDCWA. Administration of the PSAWR Program is incorporated by reference in Article 10 of this Administrative Code.

Sec. 17.1.2 PSAWR Reduction Compliance.

When SDCWA imposes a mandatory use reduction, PSAWR customers must be prepared to reduce consumption by complying with a water allocation, or water use target. Water consumed during each billing period will be compared to the assigned target. Any use below the target will be accumulated and carried forward. The customer's cumulative use will be compared with the cumulative target, and any total usage above the target will be billed at the "above average" rates. This cumulative comparison will continue for the duration of the fiscal year. Below target usage "credits" will be carried forward until the cumulative target is exceeded, at which time, all cumulative "over target" use will be billed at the "above target" rates. The cumulative comparison process will start over in the next fiscal year.

Upon written request, customers shall reserve the right to "group" accounts and adjust, or "smooth", allocations to facilitate compliance.

Sec. 17.2 Findings.

The Board of Directors finds and determines that a water shortage could exist as a result of a general regional water supply shortage due to increased demand or limited supplies.

The Board of Directors also finds and determines that the conditions prevailing within and in the vicinity of the District's service area require that the water resources available be put to maximum beneficial use to the extent to which they are capable, and that the waste or

unreasonable use, or unreasonable method of use, of water be prevented and that the conservation of such water encouraged with a view to the maximum reasonable and beneficial use thereof in the interests of the people of the Fallbrook Public Utility District and for the public welfare.

Sec. 17.3 Application.

The provisions of this Administrative Code shall apply to all water served to persons, customers, and property by the Fallbrook Public Utility District.

Sec. 17.4 Determination and Declaration of Water Supply Conditions.

Sec. 17.4.0 NORMAL CONDITIONS. The District's service area is in a semi-arid climate. Good water management practices dictate that water be used wisely and not wasted at any time. Customers are required to follow the guidelines presented in Sec. 17.8.0 for Normal Conditions at all times. The District will provide public education and outreach efforts to emphasize public awareness of the need to always use water wisely and practice water conservation measures.

Sec. 17.4.1 The General Manager shall monitor the projected supply and demand for water by its customers on a daily basis. The General Manager shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the District to prudently plan for and supply water to its customers, and shall recommend to the Board of Directors that the appropriate level of water conservation/water shortage condition be implemented or terminated in accordance with the applicable provision of this Administrative Code. Based on the recommendation of the General Manager, and based upon all available data, the Board of Directors shall from time to time determine and declare whether the District's water supply is in one of the following "water shortage" conditions:

1. WATER SHORTAGE RESPONSE LEVEL 1 – WATER SHORTAGE NOTICE CONDITION. This level applies when local supply conditions, and/or the District's wholesale water agency notifies the District that due to water shortage or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to ten percent (10%) is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 1 condition. In such an event, the Board of Directors shall take action to implement and increase enforcement of the conservation practices identified in Sec. 17.8.1 and may implement [Water Shortage Emergency Surcharges](#) as specified in 17.8.7.
2. WATER SHORTAGE RESPONSE LEVEL 2 – WATER SHORTAGE WATCH CONDITION. This level applies when local supply conditions, and/or the District's wholesale water agency notifies the District that due to water shortage or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to twenty percent (20%) is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 2 condition. In such an event, the Board of Directors shall take action to implement the Level 2 conservation practices identified in Sec. 17.8.2. During a Level 2 Water Shortage Watch Condition, the District may implement [Water Shortage Emergency Surcharges](#) as specified in 17.8.7, and may

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suspend consideration of annexations to its service area, and any service outside District boundaries.

3. WATER SHORTAGE RESPONSE LEVEL 3 – WATER SHORTAGE ALERT CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency notifies the District that due to cutbacks caused by water shortages or other reduction in supplies, a consumer demand reduction of up to thirty percent (30%) is required in order to have sufficient supplies available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 3 condition. In such an event, the Board of Directors shall implement the mandatory Level 3 conservation measures identified in Sec. 17.8.3. During a Level 3 Water Shortage Alert Condition the District may implement [Water Shortage Emergency Surcharges](#) as specified in 17.8.7, and may suspend consideration of annexations to its service area, and any service outside District boundaries.
4. WATER SHORTAGE RESPONSE LEVEL 4 – WATER SHORTAGE WARNING CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency notifies the District that due to increasing cutbacks caused by water shortages or other reduction of supplies, a consumer demand reduction of up to forty (40%) percent is required in order to have sufficient supplies available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 4 condition. In such an event, the Board of Directors shall implement the Level 4 conservation measures identified in Sec. 17.8.4. During a Level 4 Water Shortage Warning Condition the District may implement [Water Shortage Emergency Surcharges](#) as specified in 17.8.7, and may suspend consideration of annexations to its service area, and any service outside District boundaries.
5. WATER SHORTAGE RESPONSE LEVEL 5 – CRITICAL CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency notifies the District that due to increasing cutbacks caused by water shortages or other reduction of supplies, a consumer demand reduction of up to fifty percent (50%) is required in order to have sufficient supplies available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 5 condition. In such an event, the Board of Directors shall implement the Level 5 conservation measures identified in Sec. 17.8.5. During a Level 5 Critical Condition, the District may implement [Water Shortage Emergency Surcharges](#) as specified in 17.8.7 and may suspend consideration of annexations to its service area, and any service outside District boundaries.
6. WATER SHORTAGE RESPONSE LEVEL 6 – EMERGENCY CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency declares a water shortage emergency pursuant to California Water Code Section 350. A Level 6 Emergency Condition requires a demand reduction of greater than fifty percent (>50%) in order for the District to have maximum supplies available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 6 condition. In such an event, the Board of Directors shall implement the Level 6 conservation measures identified in 17.8.6. During a Level 6 Emergency Condition the District may implement [Water Shortage Emergency Surcharges](#) as specified in 17.8.7, and may suspend consideration of annexations to its service area, and any service outside District boundaries.

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The General Manager is authorized to require submission of water use curtailment plans from those users having the largest effect on overall District consumption in order to protect the minimum supplies necessary to provide for public health, sanitation, and fire protection. Failure to provide curtailment plans in a timely manner or plans that do not meet the required cutbacks shall authorize the District to install flow restrictors at the meter or termination of service.

Sec. 17.5 Implementation of Water Shortage Condition Declarations.

California Water Code Sections 375 et seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity.

The declaration of any level beyond Normal Conditions shall be made by the Board of Directors, and public announcement shall be made to the District's rate payers through direct communication (mail and/or phone notification), physical posting in the District lobby, on the District website and by publication in a newspaper of general circulation and shall become effective immediately upon announcement. Upon adoption of a water shortage condition, the District shall provide notice to customers within (14) days of the Board's declaration.

The declaration shall be reported by the Board of Directors. The Board of Directors shall rescind the declaration, and may adopt such additional rules and regulations to limit water use during the emergency as it deems appropriate.

Sec. 17.6 Duration of Declaration.

As soon as a particular condition is declared to exist, the water conservation measures provided for herein for that condition shall apply to all District water service until a different condition is declared.

Sec. 17.7 Mandatory and Discretionary Use of Recycled Water.

Nothing in this Administrative Code shall prohibit or limit the use of recycled water for any purposes listed herein. No customer of the District shall make, cause, use or permit the use of potable water supplied by the District for construction grading on major subdivisions, paved surface cleaning, or greenbelt uses, including, but not limited to, cemeteries, playing fields, parks, and highway landscaped areas, when, following notice and a hearing, the District finds that recycled water is available under the following conditions:

1. The recycled water is of adequate quality and is available for use.
2. The recycled water may be furnished to such areas at a reasonable cost, equal to or less than the cost of supplying potable domestic water.
3. The State Department of Health Services has determined that such use would not be detrimental to public health.
4. The use of recycled water will not adversely affect downstream water rights, and will not degrade water quality.

Sec. 17.8 Water Conservation Stages.

Sec. 17.8.0 NORMAL CONDITIONS.

During a Normal Condition, customers are required to use water wisely and to practice water conservation measures so that water is not wasted. All water withdrawn from District facilities shall be put to reasonable beneficial use. District water users shall comply with the following water use prohibitions and conservation measures at all times:

1. Do not wash down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Eliminate water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only, unless using drip irrigation.
4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
6. Use re-circulated water to operate ornamental fountains.
7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
8. The irrigation with potable water of ornamental turf on public street medians is prohibited.
9. The application of potable water to outdoor landscapes during or within 48 hours of measurable rainfall is prohibited
10. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the County of San Diego's Landscape Ordinance.

11. Serve and refill water in restaurants and other food service establishments only upon request.
12. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
13. Repair all water leaks within five (5) days of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.
14. Use recycled or non-potable water for construction purposes when available.

During a Water Shortage Response Levels 1-6 condition, the water conservation measures and water use restrictions established by this Article 17 are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies as specified in this Article.

Sec. 17.8.1 WATER SHORTAGE RESPONSE LEVEL 1 – WATER SHORTAGE NOTICE CONDITION.

During a Level 1 Water Shortage Notice condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and increase enforcement of prohibitions of end use to promote a consumer demand reduction of up to ten percent (10%).

All persons using District water shall comply with Normal Conditions water conservation practices during a Level 1 Water Shortage Watch, as identified in Sec. 17.8.0.

Sec. 17.8.2 WATER SHORTAGE RESPONSE LEVEL 2 – WATER SHORTAGE WATCH CONDITION.

During a Level 2 Water Shortage Watch condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of up to twenty percent (20%).

All persons using District water shall comply with Normal Conditions and Level 1 Water Shortage Notice water conservation practices during a Level 2 Water Shortage Watch, as identified in Sec. 17.8.0 and 17.8.1. Additionally, upon declaration of a Level 2 Water Shortage Watch condition, the District will suspend consideration of annexations to its service area except under the following circumstances:

1. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Fallbrook Public Utility District.

Sec. 17.8.3 WATER SHORTAGE RESPONSE LEVEL 3 – WATER SHORTAGE ALERT CONDITION.

During a Level 3 Water Shortage Alert condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of up to thirty percent (30%).

All persons using District water shall comply with Normal Conditions, Level 1 Water Shortage Notice and Level 2 Water Shortage Watch water conservation practices during a Level 3 Water Shortage Alert, as identified in Sec. 17.8.0, 17.8.1 and 17.8.2, and shall also comply with the following additional conservation measures:

1. During the months of June through October, limit residential and commercial landscape irrigation to no more than two (2) days per week on a schedule established by the General Manager and posted by the Fallbrook Public Utility District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the Fallbrook Public Utility District. During extreme Santa Ana conditions (temperature > 80 and easterly winds > 20 mph), one additional day per week of watering is allowed. This section shall not apply to commercial growers or nurseries. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.
2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.
3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 17.8.3 (1), on the same schedule set forth in Section 17.8.3 (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.
4. Repair all leaks within seventy-two (72) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

For Levels 3 and above, the District may establish a water allocation for property served by the Fallbrook Public Utility District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices and allows for the banking and subsequent use of unused allocations.

If the District establishes a water allocation it shall provide notice of the allocation within (14) days of its establishment by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for ongoing water service. The following customer classes are subject to allocations: Commercial Agriculture (CA), Commercial Agriculture

Domestic (CB), Commercial (C), Government (G), and Irrigation (I). Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of 1.5 times the Base Rate, for each unit of usage greater than the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Article.

Sec. 17.8.4 WATER SHORTAGE RESPONSE LEVEL 4 – WATER SHORTAGE WARNING CONDITION.

During a Level 4 Water Shortage Warning condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of up to forty percent (40%).

All persons using District water shall comply with Normal Conditions, Level 1 Water Shortage Notice, Level 2 Water Shortage Watch and Level 3 Water Shortage Alert water conservation practices as identified in Sections 17.8.0, 17.8.1, 17.8.2 and 17.8.3 during a Level 4 Water Shortage Warning condition and shall also comply with the following additional mandatory conservation measures:

1. Water landscaped areas, including trees and shrubs located on residential and commercial properties, in accordance with Section 17.8.3.
2. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this Article.
3. Stop washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
4. Repair all leaks within forty-eight (48) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

Sec. 17.8.5 WATER SHORTAGE RESPONSE LEVEL 5 – WATER SHORTAGE CRITICAL CONDITION.

During a Level 5 Water Shortage Critical condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of up to fifty percent (50%).

All persons using District water shall comply with Normal Conditions, Level 1 Water Shortage Notice, Level 2 Water Shortage Watch, Level 3 Water Shortage Alert and Level 4 Water Shortage Warning water conservation practices as identified in Sections 17.8.0, 17.8.1, 17.8.2, 17.8.3 and 17.8.4 during a Level 5 Water Shortage Critical Condition, and shall also comply with the following additional mandatory conservation measures:

1. Stop all automated landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the Fallbrook Public Utility District has determined that recycled water is available and may be lawfully applied to the use.
 - A. Maintenance of trees and shrubs that are watered on the same schedule set forth in Section 17.8.3 by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
 - B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection Fallbrook Public Utility District having jurisdiction over the property to be irrigated;
 - C. Maintenance of existing landscaping for erosion control;
 - D. Maintenance of plant materials identified to be rare or essential to the wellbeing of rare animals;
 - E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section 17.8.3;
 - F. Watering of livestock; and
 - G. Public works projects and actively irrigated environmental mitigation projects.
2. Repair all water leaks within twenty-four (24) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

The District may establish a water allocation for property served by the District. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for ongoing water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount 1.5 times the Base Rate, for each unit of usage greater than the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Article.

3. (PSAWR) customers participating in the San Diego County Water Authority (SDCWA) PSAWR Program must abide by any PSAWR restrictions that may be in place.

Water consumed during each billing period will be compared to the assigned target. Any use below the target will be accumulated and carried forward. The customer's cumulative use will be compared with the cumulative target, and any total usage above the target will be billed at the "above target" rates. This cumulative comparison will continue for the duration of the fiscal year. Below target usage "credits" will be carried forward until the cumulative target is exceeded, at which time, all cumulative "over target" use will be billed at the "above target" rates and the cumulative comparison process will start over in the next fiscal year.

Sec. 17.8.6 WATER SHORTAGE RESPONSE LEVEL 6 – EMERGENCY CONDITION.

During a Level 6 Emergency Condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of greater than fifty percent (>50%).

All person using District water shall comply with Normal Conditions, Level 1 Water Shortage Notice, Level 2 Water Shortage Watch, Level 3 Water Shortage Alert, Level 4 Water Shortage Warning, and Level 5 Water Shortage Critical water conservation practices as identified in Sections 17.8.0, 17.8.1, 17.8.2, 17.8.3, 17.8.4 and 17.8.5, and shall also comply with the following additional mandatory conservation measures:

The General Manager is authorized to require submission of water use curtailment plans from those users having the largest effect on overall District consumption in order to protect the minimum supplies necessary to provide for public health, sanitation, and fire protection. Failure to provide curtailment plans in a timely manner or plans that do not meet the required cutbacks shall authorize the District to install flow restrictors at the meter or termination of service.

Sec. 17.8.7 Water Shortage Emergency Surcharges

Water Shortage Emergency Surcharges may be implemented during declaration of Levels 1, 2, 3, 4, 5 and 6 described above. Water Shortage Emergency Surcharges would only be in effect during declared drought Levels 1-6. The escalation factors that would be used to calculate "Water Shortage Emergency Surcharges" relative to a given year's normal rates are set forth in the tables below:

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Water Shortage Emergency Surcharges by Level (\$/kgal)

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| | Level 1 Up to 10% Reduction | Level 2 Up to 20% Reduction | Level 3 Up to 30% Reduction | Level 4 Up to 40% Reduction | Level 5 Up to 50% Reduction | Level 6 > 50% Reduction |
|--|--|--|--|--|--|--------------------------------------|
| - | | | | | | |
| - | | | | | | |
| <u>Water Shortage Emergency Surcharges</u> <small>(actual class and tier surcharges will be calculated and adjusted based upon normal rates in effect)</small> | 5% of Normal Rates | 12% of Normal Rates | 20% of Normal Rates | 32% of Normal Rates | 49% of Normal Rates | 74% of Normal Rates |

[*TSAWR customers are not subject to these Water Shortage Emergency Surcharges, though they must implement cuts to water use as implemented during specific drought restrictions or face penalties as discussed above in Section 17.1.2.](#)

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Section 17.9 Water Shortage Emergencies Pursuant to Water Code Section 350 et seq.

Deleted: Monthly Drought Rates by Drought Levels (\$/kgal) ... [1]

In addition to the declaration by the Board of a water shortage condition under this Article 17, the restrictions in this subsection shall apply if the Board of Directors adopts finding supporting a Water Shortage Emergency and does declare a Water Shortage Emergency in the manner and on the grounds provided in Water Code Section 350 et seq. "Water Shortage Emergency" means a condition existing within the District in which the ordinary water demands and requirements of the persons within the District cannot be satisfied without depleting the District's water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection. A water shortage emergency includes a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.

The District may determine no new potable water service will be provided, no new temporary meters will be provided and those in use will be terminated and collected, no permanent meters will be installed, no additional capacity will be sold, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) will be issued, as authorized by Water Code Sections 350 and 356. Exceptions to these restrictions may be allowed under the following circumstances:

1. A valid, unexpired building permit has been issued for the project, all grading has been completed, and the construction of structures has begun; or
2. The project is necessary to protect the public's health, safety, and welfare; or
3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset to the satisfaction of the District.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

Sec. 17.10 Variances.

If, due to unique circumstances, a specific requirement of this Article of the Administrative Code would result in undue hardship to a person using District water or to property upon which the District water is used, that is disproportionate to the impacts to the District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using District water or to

property upon which the District water is used, that is disproportionate to the impacts to the District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

A completed appeal shall describe the specific reason(s) the allocation is causing undue hardship, including the following:

1. Commercial buildings that were empty or partially occupied during base period but are now occupied to a greater degree and require more water.
2. A grove with new trees planted a year before the base period began that, in the third year of growth, would need additional water.
3. Agricultural land used for annual crops that had abnormally low irrigation application during the base year.
4. An unexpected emergency line break, or equipment malfunction that has since been fixed.
5. Loss or reduction of an alternative water source, such as a well or pond.
6. Other, with a detailed description.

Sec. 17.10.1 Application.

Application for a variance shall be a form prescribed by Fallbrook Public Utility District.

Sec. 17.10.2 Supporting Documentation.

The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

Sec. 17.10.3 Required Findings for Variance.

An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the Fallbrook Public Utility District, all of the following:

- A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other Fallbrook Public Utility District customers.
- B. That because of special circumstances applicable to the property or its use, the strict application of this Article would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

- C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the Fallbrook Public Utility District to effectuate the purpose of this chapter and will not be detrimental to the public interest.
- D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

Sec. 17.10.4. Approval Authority.

The General Manager or his/her designee shall exercise approval authority and act upon any completed application no later than 20 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

Sec. 17.10.5 Appeals to Fallbrook Public Utility District Board of Directors.

An applicant may appeal a decision or condition of the General Manager on a variance application to the Fallbrook Public Utility District Board of Directors within 10 days of the written decision upon written request for a hearing. The request shall state the grounds for the appeal. Any determination not appealed within ten (10) days is final. At a public meeting, the Fallbrook Public Utility District Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the Fallbrook Public Utility District Board of Directors is final.

ARTICLE 26 (Renumbered as Article 17
by Resolution 5006)
Sec. 26.6 – Rev. 7/97
Sec. 26.4, Sec. 26.5, Sec. 26.8.2 –
Rev. 10/07
Article 26 revised in its entirety –
6/08
Sec. 26.8.3, 26.9, 26.10 , 26.10.1,
26.10.2, 26.10.3, 26.10.4, 26.10.5,
and addition of Domestic Class and
Multi-Unit Class rates– Rev. 6/09
Sec. 26.8.3 –Rev. 10/09
Sec. 26.8.3 – Rev. 5/11
Sec. 26.8.3 – Rev. 8/14
Sec. 26.11 – Rev 6/15
Secs. 26.1.1, 26.1.2, 26.4, 26.5,
26.8.3, 26.8.5, 26.10, 26.10.1,
26.10.4, 26.10.5, 26.11 – Rev. 3/16
Secs. 26.8.1, 26.8.3 – Rev. 6/16
Secs. 26.8.2, 26.8.3, 26.8.6 – Rev.
12/17
Secs. 26.1.1, 26.1.2, 26.8.5 – Rev.
12/20
Secs. 17.1, 17.1.1,17.1.2, 17.2,
17.4, 17.4.0, 17.4.1,17.5, 17.8.0,
17.8.1,17.8.2,17.8.3,17.8.4,17.8.5,
17.8.6,17.8.7,17.9,17.10.3 -
Rev.06/21

Attachment C
Resolution 5036

RESOLUTION NO. 5036

RESOLUTION OF THE BOARD OF DIRECTORS OF THE FALLBROOK PUBLIC UTILITY DISTRICT, ADOPTING INCREASES IN WATER, RECYCLED WATER, AND WASTEWATER SERVICE CHARGES, ADOPTING PASS-THROUGH ADJUSTMENTS AND INFLATIONARY INCREASES FOR CERTAIN CHARGES, REVISING THE DISTRICT'S ADMINISTRATIVE CODE, AND TAKING OTHER ACTIONS RELATING THERETO

* * * * *

WHEREAS, the Fallbrook Public Utility District ("District") is a public utility district organized and operating pursuant to the Public Utility Districts Act, commencing with section 15501 of the California Public Utilities Code; and

WHEREAS, the District is authorized to fix and collect charges for the provision of services and facilities including water, recycled water, and wastewater services; and

WHEREAS, the District has determined that it is necessary to increase the rates for its water, recycled water, and wastewater services charges (collectively herein, the "Charges") to: (1) maintain the operational and financial stability of the District, including keeping pace with inflation and other cost increases, including but not limited to, wholesale water supply costs; (2) comply with State and Federal regulations governing drinking water and the treatment, disposal, and reuse of wastewater; (3) fund capital infrastructure improvements needed to repair and update the District's aging water, recycled water, and wastewater systems to support safe and reliable service; (4) meet annual debt service funding requirements; and (5) avoid operational deficits and depletion of reserves; and

WHEREAS, the District retained Bartle Wells Associates, an independent public finance consultant, to conduct a cost of service analysis and rate study (the "Rate Study") and assist the District in preparing the proposed rate schedule to provide a cost-effective way for meeting the District's increased revenue requirements for providing water service, recycled water service, and wastewater service. The rate schedule is set forth in Exhibit A hereto and by this reference incorporated herein, and the Rate Study has been made available on the District's website and at the offices of the District for public inspection; and

WHEREAS, the water service charges are comprised of two components: (1) fixed service charges ("Fixed Water Charges") and (2) volumetric water consumption charges ("Volumetric Water Charges" and, collectively, the "Water Charges"); and

WHEREAS, the District's Fixed and Variable Water Charges include monthly charges, based upon meter size for fixed charges and actual water usage for variable charges, for certain of the District's water customers for specific services received including: (1) fixed service charge ("Service Charge"); (2) fixed water capital improvement charge ("Water CIC"); (3) fixed charges for private fire systems ("Private Fire Services Charge"); (4) fixed standby charges ("Standby Service Charge"); (5) fixed San Diego County Water Authority ("SDCWA") infrastructure access charge pass-through charge ("SDCWA IAC Pass-through Charge"); and (6) variable pumping surcharges ("Pumping Surcharge"). Customers not receiving such services do not pay such additional charges; and

WHEREAS, the Fixed Water Charges are levied independently of water use and are based on the size of each customer's water meter; and

WHEREAS, the District imposes the Service Charge as a fixed charge based upon the size of the meter serving the property for the purpose of recovering a portion of the District's fixed costs for providing water service, which include, but are not limited to, billing and customer service costs, meter service costs, and water capacity and standby capacity charges; and

WHEREAS, the District imposes the Water CIC to fund various water capital projects necessary to repair, replace, and upgrade the District's aging water system to support safe and reliable water service to customers of the District, which is charged based on the size of the meter serving the property, and which the District proposes to increase annually pursuant to the Engineering News-Record Construction Cost Index for Los Angeles through February of the preceding year, plus 3%, in an amount not to exceed 10% in any year, in order to recover increased infrastructure costs and capital funding requirements ("Water CIC Inflationary Adjustment"); and

WHEREAS, the District imposes the Private Fire Service Charge as a fixed charge on certain properties that are additionally served by a private fire service line as a condition of extending or initiating water service by the installation of a private fire suppression system, and upon the request of the customer or property owner for delivery of water to the property for the purpose of fire protection services, with the Private Fire Service Charge determined based on the size of the private fire service line serving the property. The Private Fire Service Charge is calculated to recover the costs of providing water to such properties for private fire service protection; and

WHEREAS, the District imposes the Standby Service Charge on certain customers who choose to remain connected to the water system, but have opted to not receive water for a period of time including during peaking periods, in order to compensate the District for fixed costs associated with maintaining a connection to the water system, with the Standby Service Charge determined by the size of the meter serving the property; and

WHEREAS, the Volumetric Water Charge is the variable component of the Water Charge, and is imposed per unit of delivered water during a billing period, with one unit equal to one kilogallon of water; and

WHEREAS, the Volumetric Water Charge is designed to recover water supply, reliability, delivery, and conservation costs, as well as a portion of the District's fixed costs, and contains one to three tiers (depending on customer class) billed as levels of consumption increase depending on customer class, all as set forth in Exhibit A hereto; and

WHEREAS, the District has eight customer classes pursuant to which the Volumetric Water Charge is determined: special agriculture water rate ("Ag SAWR"), special agriculture water rate domestic ("Ag Domestic"), domestic and multi-unit residential (collectively "Residential"), commercial agricultural ("Commercial Ag"), commercial domestic agricultural ("Commercial Domestic Ag"), Commercial, Government, and Irrigation Only; and

WHEREAS, certain customers in the DeLuz High Pressure Service Area ("DSA") and Toyon Heights ("Toyon") will also be charged Pumping Surcharges to compensate the District for the additional cost of electricity necessary to pump water to those areas, imposed per unit of delivered water, with each unit equaling one kilogallon of water. and

WHEREAS, pursuant to section 375 *et seq.* of the California Water Code, the District previously adopted a Water Shortage Response Program (the “Program”), in order to provide policies, procedures, rules and regulations in the event drought or water shortage conditions exist; and

WHEREAS, the Program establishes six water shortage response levels (each a “Level”), which upon declaration will result in a mandatory reduction in water use, during which the District may experience significant losses in revenues due to reductions in the amount of purchased water; and

WHEREAS, to offset the impact on its revenues during specified Levels, the District further proposes to adopt Water Shortage Emergency Surcharges that will replace existing drought rates and become applicable up to the maximum levels authorized upon declaration of one of the Levels set forth in Article 17 of the District’s Administrative Code, in accordance with the procedures set forth therein, in order to ensure sufficient revenue to recover its costs of providing service, all as set forth in Exhibit A hereto; and

WHEREAS, the District has recently declared a Level 2 water shortage response. However, the District has not yet approved the implementation of any drought rates or Water Shortage Emergency Surcharges; and

WHEREAS, the District will continue to purchase a portion of its water from MWD through the SDCWA or another wholesale water agency; and

WHEREAS, the District pays a readiness-to-serve charge (“RTS”) to MWD, which will be included as a part of the monthly fixed Service Charge effective January 1, 2023, and an infrastructure access charge (“IAC”) to SDCWA, which are passed through to customers; and

WHEREAS, the District anticipates that SDCWA will increase the rates of the IAC, and in order to ensure that there are sufficient revenues to provide water services to customers, the District will annually pass through to customers any increases in the IAC for a five year period to reflect any such increases by SDCWA, commencing January 1, 2023 and ending on December 31, 2027, provided however that the District shall not increase either the IAC in any year by more than 10% in such year, in no event shall the rates be increased by more than the cost of providing water service, and the District will provide customers at least 30 days written notice prior to an increase (each a “Pass-through Adjustment”); and

WHEREAS, recycled water service charges are comprised of two components: (1) fixed service charges (“Fixed Recycled Water Charges”), which are determined on the basis of the size of the meter serving a property, and (2) volumetric recycled water charges billed based on metered use (“Volumetric Recycled Water Charges” and, collectively, the “Recycled Water Charges”); and

WHEREAS, the Fixed Recycled Water Charges are designed to recover a portion of the District’s fixed costs of providing recycled water service, which include, but are not limited to, billing and customer service costs, the maintenance and capital costs associated with servicing meters, and the fixed operating and capital costs related to system capacity. The Volumetric Recycled Water Charges recover the costs of providing recycled water service; and

WHEREAS, the Fixed Recycled Water Charges are levied independently of water use and are based on the size of each customer’s recycled water meter; and

WHEREAS, the Volumetric Recycled Water Charge is the variable component of the Recycle Water Charge, and is imposed per unit of delivered recycled water during a billing period, with one unit equal to one kilogallon of recycled water; and

WHEREAS, the Volumetric Water Charge is designed to help recover recycled water supply, reliability, delivery, and conservation costs as set forth in Exhibit A hereto; and

WHEREAS, wastewater service charges are comprised of two components: (1) fixed service charges (“Fixed Wastewater Charges”), including a fixed service charge (“Service Charge”) and a wastewater capital improvements charge (the “Wastewater CIC”) to fund improvements and related debt service for the benefit of the wastewater system, and (2) flow-based wastewater service charges to pay for a portion of the fixed and the variable costs of the wastewater system (“Volumetric Wastewater Charges” and, collectively, “Wastewater Charges”); and

WHEREAS, Fixed Wastewater Charges including the Service Charge and Wastewater CIC are charged based on equivalent dwelling units (“EDUs”) assigned to a property, which are used to estimate the amount of wastewater returned to the sewer and certain assumptions regarding concentration of wastewater discharged, with single family residential customers assigned one EDU and all other customers assigned a fraction of one EDU or one or more EDUs depending on customer classification, all as set forth in Article 11, Section 11.7 of the District’s Administrative Code. Schools are billed monthly charges based upon the number of staff and students assigned to the school; and

WHEREAS, the District further proposes to increase the Wastewater CIC annually pursuant to the Engineering News-Record Construction Cost Index for Los Angeles through February of the preceding year, plus 3%, in an amount not to exceed 10% in any year, in order to recover increased infrastructure costs and capital funding requirements (“Wastewater CIC Inflationary Adjustment”); and

1. **WHEREAS**, the Volumetric Wastewater Charges are determined based on total flow, measured in dollars per kilogallon of flow, and customer class, including Residential/Domestic, Commercial, and Government, with flow for residential customers determined at 80% of average water use (subject to a maximum billed flow of 16 kilogallons per month) based upon the two year average monthly winter water use from December to February, and flow for non-residential customers determined at a 90% return-to-sewer factor set forth in Article 12, as amended pursuant to this Resolution; and

WHEREAS, the Commercial customers are further divided into Low Strength (0-199 average biological oxygen demand (“BOD”) and total suspended solids (“TSS”)), Medium Strength (200-700 average BOD and TSS) and High Strength (above 700 average BOD and TSS); and

WHEREAS, the revenues derived from the proposed Charges will not exceed the funds required to provide the services and shall be used exclusively for the operation and maintenance of the water, recycled water, and wastewater systems; and

WHEREAS, the Charges are equitable to all customer classes; and

WHEREAS, the amount of the proposed Charges will not exceed the proportional cost of

the services attributable to each parcel upon which they are proposed for imposition; and

WHEREAS, the proposed Charges will not be imposed on a parcel unless the services are actually used by, or immediately available to, the owner of the parcel; and

WHEREAS, article XIII D, section 6 of the California Constitution (“Article XIII D”) requires that prior to imposing any new property-related fee such as the Charges, or increase to existing Charges, the District shall provide written notice (the “Notice”) by mail of the proposed increases to the Charges to the record owner of each parcel upon which the Charges are proposed for imposition and any tenant directly liable for payment of the Charges, the amount of the Charges proposed to be imposed on each parcel, the basis upon which the Charges were calculated, the reason for the Charges, and the date time and location of a public hearing (the “Hearing”) on the proposed Charges; and

WHEREAS, pursuant to Article XIII D such Notice is required to be provided to the affected property owners and tenants directly liable for the payment of the Charges not less than forty-five days prior to the Hearing on the proposed Charges; and

WHEREAS, the District did provide such Notice to the affected property owners and tenants in compliance with Article XIII D; and

WHEREAS, a public Hearing was held on November 16, 2022, noticed in the manner and for the time required by law; and

WHEREAS, at the Hearing, the Board of Directors of the District (“Board”) considered all written materials and written protests to the proposed new or increased Charges received prior to the close of the Hearing, and heard oral testimony concerning the establishment and imposition of the proposed Charges, and at the close of the Hearing the District determined that it did not receive written protests against the establishment and imposition of the proposed Charges from a majority of parcels (whether submitted by the affected property owners or tenants directly liable for the payment of such Charges); and

WHEREAS, the Board of Directors now desires to adopt the Charges for a five-year period in the maximum amounts and on the dates set forth in Exhibit A, effective January 1, 2023; provided, however, the Board shall determine each year the rates at which the Charges will be imposed, and may impose such rates for the Charges at a rate lower than those set forth in Exhibit A hereto; and

WHEREAS, the Board further desires to authorize the Pass-through Adjustments for the SDCWA IAC for a five-year period, and to authorize inflationary adjustments for certain of the rates, such as the Water and Wastewater CICs, as described in this Resolution, and to authorize the Water Shortage Emergency Surcharges for a five-year period, in the maximum amounts set forth in Exhibit A;

WHEREAS, the Board of Directors has further determined that it is appropriate to amend Articles 11 and 12 of the District’s Administrative Code to reflect the new and increased Charges, revised drought rates, and Pass-through Adjustments established herein.;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FALLBROOK PUBLIC UTILITY DISTRICT AS FOLLOWS:

1. Incorporation of Recitals:

The Recitals set forth above are made findings of this Board of Directors and are incorporated herein and made an operative part of this Resolution.

2. Inconsistency with other Fees:

To the extent any Charges, including the drought rates and Pass-through Adjustments, established by this Resolution are inconsistent with the Charges, drought rates, or any other fee or charge previously adopted by the Board of Directors; it is the explicit intention of the Board of Directors that the Charges, including the drought rates and Pass-through Adjustments, adopted pursuant to this Resolution shall prevail.

3. Water Charges:

The Board of Directors hereby establishes, adopts and imposes the Water Charges up to the maximum amounts, on the dates, and up to the maximum rates (including associated tier widths) set forth in Exhibit A, attached hereto and incorporated herein by this reference. The maximum rates for monthly Water Charges may be applied to water services provided on and after the effective date of each year as set forth in Exhibit A. The Board shall determine each year the rate at which the Water Charges shall be imposed, provided, however, that the Board may not impose rates for the Water Charges at a level higher than those set forth in Exhibit A hereto. The actual rates to be imposed commencing January 1, 2023, are set forth in Article 12 of the Administrative Code, as amended as set forth in Exhibit B hereto; and

4. Recycled Water Service Fees:

The Board hereby establishes, adopts and imposes the Recycled Water Charges up to the maximum amounts, on the dates, and up to the maximum rates set forth in Exhibit A. The maximum rates for the monthly Recycled Water Charges may be effective and applied to recycled water services provided on and after the effective of each year as set forth in Exhibit A. The Board shall determine each year the rate at which the Recycled Water Charges shall be imposed, provided, however, that the Board may not impose rates for the Recycled Water Charges at a level higher than those set forth in Exhibit A hereto. The actual rates to be imposed commencing January 1, 2023, are set forth in Article 12 of the Administrative Code, as amended as set forth in Exhibit B hereto; and

5. Wastewater Service Fees:

The Board hereby establishes, adopts and imposes the monthly Wastewater Charges up to the maximum amounts, on the dates, and up to the maximum rates set forth in Exhibit A. The maximum rates for the monthly Wastewater Charges set forth in Exhibit A may be effective and applied to wastewater services provided on and after the effective date of each year as set forth in Exhibit A. The Board shall determine each year the rate at which the Wastewater Charges shall be imposed, provided, however, that the Board may not impose rates for the Wastewater Charges at a level higher than those set forth in Exhibit A hereto. The actual rates to be imposed commencing January 1, 2023, are set forth in Article 12 of the Administrative Code, as amended as set forth in Exhibit B hereto; and

6. Pass-Through Adjustments:

(a) The District is hereby authorized to implement any SDCWA IAC Pass-through

Adjustment commencing January 1, 2023, through and including, the calendar year commencing January 1, 2027. Provided, however, that: (1) any increase in the rates for water service fees as a result of any SDCWA IAC Pass-through Adjustment shall not exceed a 10% increase for the SDCWA IAC for such year; and (2) in no event shall such rates be increased as a result of a SDCWA IAC Pass-through Adjustment by more than the cost of providing water service.

(b) Prior to implementing any future increases to the SDCWA IAC as a result of a Pass-Through Adjustment, the District General Manager, or his or her designee, is hereby directed and shall provide written notice of any such rate increases to District customers not less than 30 days prior to the effective date of the rate increases. Any such notice may be provided in the regular billing statements of such District water customers. In the event that a Pass-through is implemented in accordance with this Resolution, the District General Manager, or his or her designee, is hereby directed and shall revise the schedule of rates and charges as set forth in Article 12 of the District's Administrative Code.

7. Inflationary Adjustments:

(a) Each January 1, commencing January 1, 2023, through and including January 1, 2027, the District will be authorized to increase the Water CIC in accordance with the Engineering News Record Construction Cost Index for Los Angeles through February of the preceding year ("ENR CCI") plus 3%, not to exceed 10% annually. The Water CIC may not be increased by more than the cost of providing water service, and the District shall provide all customers at least 30 days' written notice prior to implementing any such increase.

(b) Each January 1, commencing January 1, 2023, through and including January 1, 2027, the District will be authorized to increase the Wastewater CIC in accordance with the ENR CCI, not to exceed 10% annually. Such rates may not be increased by more than the cost of providing service, and the District shall provide all customers at least 30 days' written notice prior to implementing any inflationary adjustment.

8. Water Shortage Emergency Surcharges:

The Board hereby adopts the Water Shortage Emergency Surcharges in the amounts, on the dates, and at the rates set forth in Exhibit A. The surcharges may be implemented only upon the declaration of a drought Level 1, 2, 3, 4, 5, or 6 as provided in Article 17 of the District's Administrative Code. Any surcharges implemented by the Board shall be levied in addition to the Volumetric Water Charge for those customers subject to the surcharges.

9. Authorization:

The General Manager is hereby authorized and directed to take all actions necessary to implement and collect the Charges, including the drought rates and any Pass-through Adjustments, as set forth herein. In addition, the revisions to the Administrative Code set forth substantially in the form of Exhibit B hereto are hereby approved and adopted, and the General Manager is hereby authorized and directed to revise the Administrative Code accordingly.

10. CEQA Compliance:

The Board of Directors finds that the administration, operation, maintenance, and improvements of the District's water, recycled water, and wastewater systems, which are to be

funded by the Charges, including the drought rates and the Pass-through Adjustments, and set forth herein, are necessary to maintain service within the District's existing water, recycled water, and wastewater service areas as described herein. The Board of Directors further finds that the administration, operation, maintenance and improvements of the District's water, recycled water, and wastewater systems, to be funded by the Charges, including the drought rates and the Pass-through Adjustments, will not expand the District's water, recycled, and wastewater systems. The Board of Directors further finds that the adoption of the rates for the Charges, including the drought rates and the Pass-through Adjustments, is necessary and reasonable to fund the administration, operation, maintenance and improvements of the District water, recycled water, and wastewater systems. Based on these findings, the Board determines that the adoption of the Charges, including the drought rates and the Pass-through Adjustments, established by this Resolution are exempt from the requirements of the California Environmental Quality Act pursuant to section 21080(b)(8) of the Public Resources Code and section 15273(a) of the State CEQA Guidelines. The District is authorized to file a notice of exemption pursuant section 15062(a) of the California Code of Regulations. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the District, 990 E Mission Rd, Fallbrook, CA 92028. The custodian for these records is the secretary of the District.

11. Severability:

If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

12. Effective Date of Resolution:

This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the Fallbrook Public Utility District at a special meeting of the Board held on the 16th day of November, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

President, Board of Directors

ATTEST:

Secretary, Board of Directors

EXHIBIT A

**SCHEDULE OF MAXIMUM RATES FOR THE CHARGES
EFFECTIVE JANUARY 1, 2023***

* These are the maximum rates that can be adopted each calendar year in accordance with the State of California Law. Actual increases will be voted on by the Board of Directors before each rate increase. The actual rates effective January 1, 2023, are included in Article 12 of the Administrative Code, as amended by this Resolution.

MAXIMUM RATES FOR WATER CHARGES

| Maximum Water Rates | | | | | | |
|---|-----------------------------------|-------------------------------------|-------------------|-------------------|-------------------|-------------------|
| | Current Water Rates* | Maximum Rates Effective On or After | | | | |
| | | January 1 2023 | January 1 2024 | January 1 2025 | January 1 2026 | January 1 2027 |
| Monthly Fixed Service Charges | | | | | | |
| <i>Billed based on meter size.</i> | | | | | | |
| 3/4" | \$57.91 | \$60.60 | \$64.54 | \$68.74 | \$73.21 | \$77.97 |
| 1" | 88.65 | 96.51 | 102.78 | 109.46 | 116.57 | 124.15 |
| 1-1/2" | 165.42 | 185.46 | 197.51 | 210.35 | 224.02 | 238.58 |
| 2" | 257.59 | 292.64 | 311.66 | 331.92 | 353.49 | 376.47 |
| 3" | 503.36 | 578.82 | 616.44 | 656.51 | 699.18 | 744.63 |
| 4" | 779.84 | 900.36 | 958.88 | 1,021.21 | 1,087.59 | 1,158.28 |
| 6" | 1,547.83 | 1,793.16 | 1,909.72 | 2,033.85 | 2,166.05 | 2,306.84 |
| Volumetric Charges | | | | | | |
| <i>Billed based on metered water use as measured in units of 1,000 gallons (\$/Kgal).</i> | | | | | | |
| Residential: Domestic (D), Large Lot Domestic (LD) & Multi Unit (M) | | | | | | |
| Tier 1: 0-5 Kgal | \$7.17 | \$7.31 | \$7.79 | \$8.30 | \$8.84 | \$9.41 |
| Tier 2: >5 Kgal | 6-30 Kgal: 7.27 >30 Kgal: 8.86 | 8.06 | 8.58 | 9.14 | 9.73 | 10.36 |
| Commercial (C) | \$7.38 | \$7.72 | \$8.22 | \$8.75 | \$9.32 | \$9.93 |
| Government (G) | 7.26 | 7.72 | 8.22 | 8.75 | 9.32 | 9.93 |
| Irrigation Only (I) | 7.39 | 7.72 | 8.22 | 8.75 | 9.32 | 9.93 |
| Agriculture SAWR (AS) | \$5.31 | \$5.63 | \$6.00 | \$6.39 | \$6.81 | \$7.25 |
| Commercial Ag (CA) | 6.15 | 6.38 | 6.79 | 7.23 | 7.70 | 8.20 |
| Agriculture Domestic (AT) | | | | | | |
| Tier 1: 0-5 Kgal | \$7.17 | \$7.31 | \$7.79 | \$8.30 | \$8.84 | \$9.41 |
| Tier 2: 6-17 Kgal | 6.15 | 6.38 | 6.79 | 7.23 | 7.70 | 8.20 |
| Tier 3: >17 Kgal | 5.31 | 5.63 | 6.00 | 6.39 | 6.81 | 7.25 |
| Commercial Domestic Ag (CB) | | | | | | |
| Tier 1: 0-5 Kgal | \$7.17 | \$7.31 | \$7.79 | \$8.30 | \$8.84 | \$9.41 |
| Tier 2: >5 Kgal | 6.15 | 6.38 | 6.79 | 7.23 | 7.70 | 8.20 |
| Pumping Charges (Deluz & Toyon Service Areas) | \$0.88 | \$0.72 | \$0.77 | \$0.82 | \$0.87 | \$0.93 |

* Current Monthly Fixed Service Charges shown also include current MWD Readiness-to-Serve Charges which are transitioned into proposed Monthly fixed Service Charges in future years starting January 1, 2023. Current Residential Volumetric Charges are billed in 3 Tiers, but will be transitioned to 2 Tiers in future years starting January 1, 2023.

| Maximum Other Water Service Charges | | | | | | |
|---|------------------------|--|---|-----------------------|-----------------------|-----------------------|
| | Current Charges | Maximum Charges Effective On or After | | | | |
| | | January 1 2023 | January 1 2024 | January 1 2025 | January 1 2026 | January 1 2027 |
| Water Capital Improvement Charges (CIC) | | | | | | |
| <i>Monthly charge billed based on meter size to all active water service accounts.</i> | | | | | | |
| 3/4" | \$10.10 | \$11.11 | Water CIC Charges will be adjusted each January 1 based on the annual change in the Engineering News-Record Construction Cost Index for Los Angeles through February of the preceding year, plus 3%, subject to a maximum adjustment of 10% per year. | | | |
| 1" | 16.82 | 18.50 | | | | |
| 1-1/2" | 33.66 | 37.03 | | | | |
| 2" | 53.84 | 59.22 | | | | |
| 3" | 107.68 | 118.45 | | | | |
| 6" | 336.50 | 370.15 | | | | |
| SDCWA Infrastructure Access Charges (IAC) | | | | | | |
| <i>Monthly charge billed based on meter size to all active water service accounts.</i> | | | | | | |
| 3/4" | \$4.00 | \$4.24 | SDCWA IAC Charges will be adjusted each January 1 based on the IAC charges adopted by SDCWA in future years, subject to a maximum adjustment of 10% per year. | | | |
| 1" | 6.69 | 7.08 | | | | |
| 1-1/2" | 13.33 | 14.12 | | | | |
| 2" | 21.34 | 22.60 | | | | |
| 3" | 42.75 | 45.24 | | | | |
| 6" | 133.53 | 141.32 | | | | |
| Monthly Fire Service Charges | | | | | | |
| <i>Billed based on service size to customers with private fire service connections.</i> | | | | | | |
| 2" | \$12.25 | \$7.66 | \$8.16 | \$8.69 | \$9.25 | \$9.85 |
| 3" | 13.06 | 8.90 | 9.48 | 10.10 | 10.76 | 11.46 |
| 4" | 14.47 | 11.03 | 11.75 | 12.51 | 13.32 | 14.19 |
| 6" | 19.50 | 18.70 | 19.92 | 21.21 | 22.59 | 24.06 |
| 8" | 28.18 | 31.92 | 33.99 | 36.20 | 38.55 | 41.06 |
| Monthly Standby Fixed Service Charges | | | | | | |
| <i>Billed based on meter size to customers with inactive, standby service.</i> | | | | | | |
| 3/4" | \$25.22 | \$17.44 | \$18.57 | \$19.78 | \$21.07 | \$22.44 |
| 1" | 34.15 | 24.43 | 26.02 | 27.71 | 29.51 | 31.43 |
| 1-1/2" | 56.46 | 41.75 | 44.46 | 47.35 | 50.43 | 53.71 |
| 2" | 83.23 | 62.61 | 66.68 | 71.01 | 75.63 | 80.55 |
| 3" | 154.65 | 118.30 | 125.99 | 134.18 | 142.90 | 152.19 |
| 4" | 235.00 | 180.88 | 192.64 | 205.16 | 218.50 | 232.70 |
| 6" | 458.16 | 354.65 | 377.70 | 402.25 | 428.40 | 456.25 |

WATER SHORTAGE EMERGENCY SURCHARGES

| Maximum Water Shortage Emergency Surcharges | | | | | | |
|--|--|---|---|---|---|--|
| | Level 1 Water Shortage Notice | Level 2 Water Shortage Watch | Level 3 Water Shortage Alert | Level 4 Water Shortage Warning | Level 5 Critical Condition | Level 6 Emergency Condition |
| Water Reduction Target | Up to 10% | Up to 20% | Up to 30% | Up to 40% | Up to 50% | > 50% |
| Maximum Surcharge % | 5.0% | 12.0% | 20.0% | 32.0% | 49.0% | 74.0% |
| Maximum Surcharges (Surcharge % x Residential Tier 2) <u>Effective on or After</u> | <i>Surcharges billed based on metered water use as measured in units of 1,000 gallons (\$/Kgal).</i> | | | | | |
| January 1, 2023 | \$0.40 | \$0.97 | \$1.61 | \$2.58 | \$3.95 | \$5.96 |
| January 1, 2024 | 0.43 | 1.03 | 1.72 | 2.75 | 4.20 | 6.35 |
| January 1, 2025 | 0.46 | 1.10 | 1.83 | 2.92 | 4.48 | 6.76 |
| January 1, 2026 | 0.49 | 1.17 | 1.95 | 3.11 | 4.77 | 7.20 |
| January 1, 2027 | 0.52 | 1.24 | 2.07 | 3.32 | 5.08 | 7.67 |

MAXIMUM RATES FOR RECYCLED WATER CHARGES

| Maximum Recycled Water Rates | | | | | | |
|---|-------------------------------------|--|-----------------------|-----------------------|-----------------------|-----------------------|
| | Current Recycled Water Rates | Maximum Rates Effective On or After | | | | |
| | | January 1 2023 | January 1 2024 | January 1 2025 | January 1 2026 | January 1 2027 |
| Monthly Fixed Service Charges | | | | | | |
| <i>Billed based on meter size.</i> | | | | | | |
| 3/4" | \$25.22 | \$25.85 | \$26.50 | \$27.16 | \$27.84 | \$28.53 |
| 1" | 34.15 | 35.14 | 36.02 | 36.92 | 37.84 | 38.79 |
| 1-1/2" | 56.46 | 58.15 | 59.60 | 61.09 | 62.62 | 64.19 |
| 2" | 83.23 | 85.88 | 88.03 | 90.23 | 92.48 | 94.80 |
| 3" | 154.65 | 159.91 | 163.91 | 168.01 | 172.21 | 176.51 |
| 4" | 235.00 | 243.09 | 249.17 | 255.40 | 261.78 | 268.33 |
| 6" | 458.16 | 474.06 | 485.91 | 498.06 | 510.51 | 523.27 |
| Volumetric Charges | | | | | | |
| <i>Billed based on metered water use as measured in units of 1,000 gallons (\$/Kgal).</i> | | | | | | |
| Recycled Water Sales | \$6.13 | \$6.29 | \$6.45 | \$6.61 | \$6.77 | \$6.94 |

MAXIMUM RATES FOR WASTEWATER CHARGES

| Maximum Wastewater Rates | | | | | | |
|---|---|--|---|---------------------------|---------------------------|---------------------------|
| | Current Wastewater Rates | Maximum Rates Effective On or After | | | | |
| | | January 1 2023 | January 1 2024 | January 1 2025 | January 1 2026 | January 1 2027 |
| Residential / Domestic | | | | | | |
| <i>Includes Single Family (D), Single Family Large Lot (LD), Multi Family (M), Ag Domestic (AT), Commercial Ag (CB)</i> | | | | | | |
| Monthly Fixed Service Charges (\$/EDU) | \$11.08 | \$18.88 | \$26.68 | \$34.48 | \$42.28 | \$50.08 |
| Volumetric Charges (\$/Kgal) | 11.28 | 10.22 | 9.16 | 8.10 | 7.04 | 5.98 |
| Commercial / Government | | | | | | |
| Monthly Fixed Service Charge (\$/EDU) | \$11.08 | \$12.14 | \$12.75 | \$13.39 | \$14.06 | \$14.76 |
| Volumetric Charges | | | | | | |
| Comm - Low Strength (C_L) | \$11.20 | \$11.09 | \$11.64 | \$12.22 | \$12.83 | \$13.47 |
| Comm - Medium Strength (C_M) | 13.81 | 13.82 | 14.51 | 15.24 | 16.00 | 16.80 |
| Comm- High Strength (C_H) | 17.22 | 17.66 | 18.54 | 19.47 | 20.44 | 21.46 |
| Government (G) | 11.20 | 11.09 | 11.64 | 12.22 | 12.83 | 13.47 |
| Schools | | | | | | |
| <i>Monthly charge based on number of students and staff</i> | | | | | | |
| Elementary Students (\$ per student) | \$1.37 | \$1.39 | \$1.46 | \$1.53 | \$1.61 | \$1.69 |
| Junior High Students (\$ per student) | 2.00 | 2.08 | 2.18 | 2.29 | 2.40 | 2.52 |
| School Staff (\$ per staff) | 2.00 | 2.08 | 2.18 | 2.29 | 2.40 | 2.52 |
| Wastewater Capital Improvement Charges (CIC) | | | | | | |
| <i>Monthly charge per Equivalent Dwelling Unit (EDU) billed to all active wastewater accounts.</i> | | | | | | |
| Monthly Wastewater CIC Charges | \$11.68 | \$12.66 | Wastewater CIC Charges will be adjusted each January 1 based on the annual change in the Engineering News-Record Construction Cost Index for Los Angeles through February of the preceding year, subject to a maximum adjustment of 10% per year. | | | |

EXHIBIT B

**REVISIONS TO ARTICLES 12 AND 17 OF THE
FALLBROOK PUBLIC UTILITY DISTRICT
ADMINISTRATIVE CODE
EFFECTIVE JANUARY 1, 2023**

Article 12. Water and Sewer Rates and Service Charges.

Water and sewer rates and charges are set to fully recover the District's costs. In order to help stabilize the revenue of the District during increasing or decreasing sales, the District has established a policy to collect approximately 80% of the District's fixed water operating costs through the monthly fixed charges and collect the remaining approximately 20% of the District's fixed operating cost through volumetric water rates. The rates and charges are set based upon cost of service principals that meet legal requirements and industry standards.

Effective January 1, 2023, the following rates for water deliveries to each class of service are established:

Sec. 12.1 Volumetric Water, Recycled Water and Pumping Rates.

For purposes of determining water rates, one unit equals 1,000 gallons:

Domestic (D), Large Lot Domestic (LD), Multi-Unit (M).

| | |
|------------------------------|-----------------|
| 1-5 units per month | \$7.31 per unit |
| Over 5 units per month | \$8.06 per unit |

Commercial (C), Government (G), Irrigation Only (I).

| | |
|-----------------|-----------------|
| All usage | \$7.72 per unit |
|-----------------|-----------------|

SAWR - Ag Only (AS).

| | |
|-----------------|-----------------|
| All usage | \$5.63 per unit |
|-----------------|-----------------|

SAWR - Ag & Home (AT).

| | |
|-------------------------------|-----------------|
| 1-5 units per month | \$7.17 per unit |
| 6-17 units per month | \$6.38 per unit |
| Over 17 units per month | \$5.63 per unit |

Commercial Ag (CA).

| | |
|-----------------|-----------------|
| All usage | \$6.38 per unit |
|-----------------|-----------------|

Commercial Ag Domestic (CB).

| | |
|------------------------------|-----------------|
| 1-5 units per month | \$7.31 per unit |
| Over 5 units per month | \$6.38 per unit |

Water Shortage Emergency Surcharges

In order to prepare and manage future periods of water shortage and mandatory conservation, the District adopted a water shortage contingency plan called the Water Shortage Response Program (the “Program”). Pursuant to the Program, the District established six Water Shortage Response Levels. Article 17 Water Shortage Response Program provides information on the program and the applicable water use rates.

Volumetric Recycled Water Rate.

Recycled water furnished within the District service area for any appropriate purpose will be billed at \$6.29 per 1,000 gallons. Recycled water sold outside the District service area will be sold by contract with specific customers.

Construction Meter.

Water furnished for construction purposes will be billed at \$9.14 per 1,000 gallons.

Volumetric Pumping Charges. (DSA and Toyon only)

Pumping charges for the DeLuz High Pressure Service Area and Toyon Heights shall be furnished at \$0.72 per 1,000 gallons to recover the cost of electricity.

Sec. 12.2 Monthly Fixed Charges.

Effective January 1, 2023, the following rates and charges are established and shall be collected by the District for water and recycled water service:

Monthly Service Charges for each meter (\$/meter size):

| | Water Fixed Charges | Recycled Water Charges | Standby Service Charge | Private Fire Services Charge |
|------------------|---------------------|------------------------|------------------------|------------------------------|
| 3/4 inch meter | \$60.60 | \$25.85 | \$17.44 | NA |
| 1 inch meter | \$96.51 | \$35.14 | \$24.43 | NA |
| 1-1/2 inch meter | \$185.46 | \$58.15 | \$41.75 | NA |
| 2 inch meter | \$292.64 | \$85.88 | \$62.61 | \$7.66 |
| 3 inch meter | \$578.82 | \$159.91 | \$118.30 | \$8.90 |
| 4 inch meter | \$900.36 | \$243.09 | \$180.88 | \$11.03 |
| 6 inch meter | \$1,793.16 | \$474.06 | \$354.65 | \$18.70 |
| 8 inch meter | NA | NA | NA | \$31.92 |

NA- Not applicable

For construction meters, a service charge of \$372.72 per month or fraction thereof will be made in addition to the cost of water consumed. This rate is calculated using a factor of 1.5 times the fixed charge for a 2” water meter.

The foregoing fixed charges for water service through various sized meters that are installed or upgraded will be effective commencing the day of installation, regardless of the amount of water used, as long as the consumer's property is actually connected with the District's distribution system. In addition, any request to down size a meter properly filed with the District will receive a fixed charge commensurate with the meter size effective the next billing cycle.

Billings for water furnished to all accounts will be on a monthly basis.

A monthly service charge to cover the District's cost for annual inspection, maintenance, repair and replacement of backflow prevention devices will be made as follows (\$/meter size):

| | |
|----------------------------|----------|
| For each 3/4 inch device | \$6.20 |
| For each 1 inch device | \$7.30 |
| For each 1-1/2 inch device | \$13.50 |
| For each 2 inch device | \$16.19 |
| For each 3 inch device | \$32.35 |
| For each 4 inch device | \$50.56 |
| For each 6 inch device | \$101.09 |

Sec. 12.3 SDCWA Infrastructure Access Charge (IAC).

Effective July, 2023, the following monthly charges are established and shall be collected by the District for San Diego County Water Authority's Infrastructure Access Charge (the "IAC").

Monthly charge for each meter (\$/meter size):

| IAC | |
|------------------|----------|
| 3/4 inch meter | \$4.24 |
| 1 inch meter | \$7.08 |
| 1-1/2 inch meter | \$14.12 |
| 2 inch meter | \$22.60 |
| 3 inch meter | \$45.24 |
| 4 inch meter | \$70.68 |
| 6 inch meter | \$141.32 |

Sec. 12.4 Water Capital Improvement Charge.

For each water account, an additional \$11.11 per month per Equivalent Meter Unit (EMU) shall be added as a Capital Improvement Charge effective January 1, 2023. This charge is solely dedicated to funding water capital improvement projects. The Water Capital Improvement Charge (the "CIC") was implemented to provide a partial funding source for capital projects like the UV treatment facility at the Red Mountain Reservoir and to fund pipeline replacement projects.

The CIC will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February, plus 3% not to exceed 10%. Staff will report back to the Board of Directors no less than every five (5) years with analysis of its

necessity. The CIC will be used to fund capital improvement projects or debt service for capital improvement projects. Revenue from the CIC will not be used to fund Operating Costs.

Fallbrook Public Utility District’s Equivalent Meter Unit (EMU) is associated with meter size as listed below.

| Meter Size | FPUD EMU | Water CIC |
|------------------|----------|-----------|
| 3/4 inch meter | 1.0 | \$11.11 |
| 1 inch meter | 1.67 | \$18.50 |
| 1-1/2 inch meter | 3.33 | \$37.03 |
| 2 inch meter | 5.33 | \$59.22 |
| 3 inch meter | 10.67 | \$118.45 |
| 4 inch meter | 16.67 | \$185.08 |
| 6 inch meter | 33.33 | \$370.15 |

Sec. 12.5 Billing Periods.

Billing due dates fall on the 10th, 20th, and 30th of the month depending on meter location in the District. All charges for water and sewer services during specified meter read dates are due and payable when rendered. Bills become delinquent the day after the due date. Residential accounts not paid within 30 days of the due date are sent past due statements and the meters are subject to lock-up for non-payment after being delinquent for 60 days (See District Residential Discontinuation of Service Policy available on the District website). Non-Residential accounts not paid within 30 days of the due date are subject to meter lock-up. All water accounts accrue a \$30 Delinquent Processing Fee on the 31st day of delinquency.

Accounts not paid within 30 days after lock-up and accounts that have tampered with the meter to obtain water illegally are subject to removal of meters and permanent disconnection of water service. Standby charges will continue to accrue after the meter has been removed.

If a meter has been locked for non-payment for a period of 90 days, it may be placed on Standby Service by FPUD. Standby Service charges will accrue from that time until an application for service restoration has been received by the District.

The District must be notified in a timely manner with the name and mailing address of the new owner or tenant and the upcoming date of transfer. Notification of the transfer of property ownership, or tenancy, is the responsibility of the owner/seller. The District is not responsible for the proration of the final billing if notification is not received prior to the date of sale, or change of tenancy.

Sec. 12.5.1 Unclaimed Funds

Unclaimed funds in an amount less than \$15 or where the depositor’s name is unknown will become FPUD general funds if unclaimed for 1 year.

Unclaimed funds in an amount greater than \$15 become may become FPUD general funds once the following procedure is completed:

1. The FPUD treasurer will publish notice once a week for two (2) successive weeks in a newspaper of general circulation published within FPUD boundaries.

2. The notice will state the amount of unclaimed money, the formal name of the fund in which the money is held, and a statement that the money will become FPUD property after a specified date (“Effective Date”). The Effective Date will be no less than forty-five (45) days nor more than sixty (60) days of the date of the first publication of the notice (“Claim Period”).

3. Upon the expiration of the Claim Period, and if there are no claims filed with FPUD or verified lawsuits filed with the superior court, the funds will become FPUD property and may be transferred to FPUD’s general fund.

Any person with a claim to such money may file a claim prior to the Effective Date with the FPUD treasurer. Pursuant to Government Code Section 50052, the claim shall include the following information: claimant’s name, address, amount of claim, grounds upon which the claim is founded, and any other information that may be required by the FPUD treasurer. FPUD has the right to accept or reject a claim. If the claim is accepted, FPUD will return the money without interest. If FPUD rejects the claim, the claimant may file a verified complaint against FPUD with the superior court within thirty (30) days of receiving notice of FPUD’s rejection pursuant to Government Code Section 50052. In the event that the original customer or depositor is deceased, such person’s heir, beneficiary, or duly appointed representative may file a claim before the Effective Date as provided in Government Code Section 50052.5.

Sec. 12.6 Meter Locks and Restrictors.

If for any reason, other than District convenience, a water meter shall be locked by the District, the water may not be again turned on to serve the property through such meter until all past due charges plus the Disconnection Processing Fee of Fifty Dollars (\$50) shall have been paid to the District. A Delinquent Processing Fee of \$30 to process and deliver delinquent account notices and a fee of \$100 for broken or damaged locks may also apply. Damage to corporation or angle stop in attempt to restore services locked for non-payment will be billed at actual time and material and added to the water bill.

If flow restrictors are required for any reason in order to implement policies within this Administrative Code, the fees are as follows:

| <u>Meter Size</u> | <u>Installation Fee</u> |
|-------------------------|-------------------------|
| ¾” and 1” Meters | \$144 |
| 1-1/2” and larger | \$611 |

Sec. 12.7 Meter Not Registering.

Whenever, for any reason, a meter fails to register correctly, the consumer will be charged an amount for the previous billing period increased or decreased by the

percentage change in total billing by the District for all consumers for the two billing periods.

Sec. 12.8 Water Rates or Service Charges Lien on Property.

In addition to any other remedy provided therein or by law for the collection of any water rate, charges or account, all rates or service charges provided for in this Administrative Code shall be charged and become a charge against the property on which the water is furnished and against the owner thereof, and all charges for water so served to a property shall be and become a lien against the premises upon which the water is used or served.

Standby accounts with a delinquent balance greater than \$500 as of April 1st of each year may be sent notification of intent to place delinquent and unpaid charges on the annual tax roll. The notification will be sent by May 1st and provides the customer 60 days to bring the account current. If the amount is not brought current by July 1st, the portion of the delinquency due as of the prior April 1st may be reported to the County Treasurer for inclusion on the annual taxes levied on the property.

If for any reason or cause the sums of money owing for such water services are not paid as required by the terms and provisions of this Administrative Code, the District shall have the right to shut off such water, and in no case shall service of water be resumed on the same property until all such delinquencies and additional turn-on charges shall have been paid in full. Delinquent bills from former owners or tenants are the responsibility of the present owner.

Sec. 12.8.1 Theft of Water.

Water is defined as stolen from the customer if the water is stolen from the customer's side of the meter. Water stolen from a mainline, hydrant, District pipeline, appurtenance, or tampering with a customer's meter is defined as water being stolen from the District.

Water Stolen from Customer.

Customers who have reported water theft to the District must also notify local law enforcement agencies. The District will require proof of theft from a law enforcement agency that a theft of water occurred. Customer's asking for credit on the bill for water theft will be processed by account type. If a full price M&I customer, the District may discount the estimated amount of water stolen and charge the District's wholesale cost of water for the amount stolen. An estimate of the amount of water stolen will be made by District staff using that customer's usage history. Water sold to agricultural customers, SAWR, and Commercial Ag/Commercial Ag Domestic, is sold at District cost so no discount may be applied. If the stolen water caused the customer's allocation bank to be adversely affected, the District will restore the estimated amount stolen to the customer's allocation bank. If the water theft resulted in an overuse penalty, the District will credit the penalty to the customer for the estimated amount of water stolen.

Water Stolen from District.

Any theft of water from the District will be reported to law enforcement agencies. If the theft is due to meter tampering, the customer will be charged a \$250 fee for tampering with the meter plus time and materials to place the meter back into proper position. If a water theft from the District due to meter tampering occurs again on the same meter, the customer will be charged a \$500 fee for tampering and an item will be brought forward to the Board of Directors to consider discontinuance of service. An estimate of the amount of water stolen will be calculated and billed to the customer's account. Collection of said fees are subject to all District regulations regarding collection of past due accounts.

Sec. 12.9 Volumetric Wastewater Charges.

Wastewater service charges are established upon each property within the District that is connected to a sewer line of the District whether said premises are occupied or unoccupied. Volumetric Wastewater Charges are applied to estimated billable wastewater flows, which are based upon adjusted water deliveries. The charge per killogallon of wastewater flow is shown below:

| User Class | Volumetric Wastewater Charge (\$/kgal) |
|-------------------------------------|--|
| Ag. Domestic (AT) | \$ 10.22 |
| Commercial Ag. Domestic (CB) | \$ 10.22 |
| Residential (LD, D, M)) | \$ 10.22 |
| Government (G) | \$ 11.2009 |
| | |
| Commercial – Low Strength* (C_L) | \$ 11.09 |
| Commercial – Medium Strength* (C_M) | \$ 13.82 |
| Commercial – High Strength* (C_H) | \$ 17.66 |

*Appendix A to this Article provides commercial effluent classification.

For the purpose of determining the billable wastewater flows, water deliveries must be converted to wastewater flows returned to the sewer system. To do this conversion, a Return to Sewer Factor is applied. The Return to Sewer factor adjusts the water received by the meter to the estimated flows from the residence or entity into the sewer system. The Return to Sewer Factor applied to the different customer classes are shown below:

| Customer Class | Return to Sewer Factor |
|---|------------------------|
| Residential (Multi-Family, Single Family) | 80% |
| Non-Residential/Commercial | 90% |
| Low / Medium / High | 90% |
| | |
| Government | |
| Low / Medium / High | 90% |
| Schools | 80% |
| Churches | 80% |

| Customer Class | Return to Sewer Factor |
|--------------------------|------------------------|
| Special | |
| Low / Medium / High | 100% |
| Special 10% RTS (1-10%) | |
| Low / Medium / High | 10% |
| Special 20% RTS (11-20%) | |
| Low / Medium / High | 20% |
| Special 30% RTS (21-30%) | |
| Low / Medium / High | 30% |
| Special 40% RTS (31-40%) | |
| Low / Medium / High | 40% |
| Special 50% RTS (41-50%) | |
| Low / Medium / High | 50% |
| Special 60% RTS (51-60%) | |
| Low / Medium / High | 60% |
| Special 70% RTS (61-70%) | |
| Low / Medium / High | 70% |
| Special 80% RTS (71-80%) | |
| Low / Medium / High | 80% |

Non-residential customers with higher outdoor are evaluated on a case by case basis.

For those Single Family Residences (D, LD, AT, CB), volumetric charges are calculated as follows:

1. The 2-year average winter use is calculated based upon prior year water deliveries that include December, January and February. The average used for wastewater billing is capped at 21.33 units.
2. 80% of this water is assumed to be returned to sewer/billable flow.
3. The Volumetric Wastewater Charge (\$/kgal) is applied to this flow.
4. Consumption analysis is performed annually. Appeal for consumption is available.
5. No prior history customer (new customer) will be placed at that customer class median of 6. For customers with at least one winter of use data, that data will be used for their winter average.
6. Use must be > 0 unless customer is on standby.

For those Multi-Family Residences (M), volumetric charges are calculated as follows:

7. The average winter use is calculated based upon prior year water deliveries that include December, January and February.
8. 80% of this water is assumed to be returned to sewer/billable flow.
9. The Volumetric Wastewater Charge (\$/kgal) is applied to this flow.
10. Consumption analysis is performed annually. Appeal for consumption is available.
11. No prior history customer (new customer) will be addressed on a case by case basis.

All other water customer classes (G, C, A, AS, CA), with the exception of public elementary and public junior high schools:

1. Monthly sewer bill based on actual water sold.

2. The Return to Sewer factor applied to determine the billable flow. Appeals for irrigation and/or water usage which does not get returned to the sewer is available.
3. Customer is classified as high, medium, or low strength (based upon BOD and SS). See attached Appendix A. Appeal for strength classification is available.
4. The applicable Wastewater Volumetric Charge is applied to the billable flow.

Public elementary and public junior high schools:

1. Monthly sewer bill based on per person, per month charge.
2. The public elementary and / or public junior high school district to provide a report each October that documents the number of students and faculty at each site.
3. CY 2023 public elementary school rate is \$1.39 per student and \$2.08 per staff, per month.
4. CY 2023 public junior high school and administrative offices rate is \$2.08 per person, per month.
5. Rates to be increased by the overall percentage increase in wastewater revenues each year.

Sec. 12.10 Monthly Fixed Wastewater Charge.

For each Residential/Domestic sewer account, which includes D, LD, M, AT, CB accounts, effective January 1, 2023, the Monthly Fixed Wastewater Charge shall be \$18.88 per month per Equivalent Dwelling Unit (EDU). For Commercial (C) and Government (G) accounts, effective January 1, 2023, the Monthly Fixed Wastewater Charge shall be \$12.14 per month per EDU. For all customer types, the EDUs will be calculated per Administrative Code Sections 11.7.2, 11.7.3, or 11.7.4.

Sec. 12.10.1 Wastewater Capital Improvement Charge.

For each account, an additional \$12.66 per month per Equivalent Dwelling Unit (EDU) shall be added as a Wastewater Capital Improvement Charge Effective January 1, 2023. This charge is dedicated to Wastewater Debt Service and Wastewater Capital Improvements. The Wastewater Capital Improvement Charge has been implemented to partially fund the debt service payments for upgrades to the Wastewater Treatment Plant. EDUs will be calculated per Administrative Code Sections 11.7.2, 11.7.3, or 11.7.4. This Capital Improvement Charge will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February, not to exceed 10%. Staff will report back to the Board of Directors every five (5) years with analysis of its necessity. The Capital Improvement Charge will only be used to fund capital improvement projects or debt service for capital improvement projects. Revenue from the Capital Improvement Charge will not be used to fund Operating Costs.

ARTICLE 21 (Renumbered as Article 12 by Resolution 5006)

- Sec. 21.1 – Rev. 7/02
- Sec. 21.2-21.8.2 – Rev. 9/96
- Sec. 21.3 – Rev. 10/96
- Sec. 21.4 & 21.9 – Rev. 6/97
- Sec. 21.4 – Rev 7/02
- Sec. 21.9 – Rev. 10/97
- Sec. 21.9 – Rev. 6/04
- Sec. 21.9 – Rev. 1/05
- Sec. 21.1, 21.3, 21.4, 21.9 – Rev. 6/05
- Sec. 21.1, 21.2, 21.4, & 21.9 – Rev. 6/06
- Sec. 21.9, Flat Rate + Metered Flow – Rev. 7/06
- Sec. 21.9 (Flat Rate classification) – Rev. 10/06
- Sec. 21.4 (construction meters), Sec. 21.5 & Sec. 21.6 – Rev. 12/06
- Sec. 21.5 – Rev. 3/07
- Sec. Sec. 21.1, 21.2, 21.4 , 21.10, 21.10.1– Rev. 6/07
- Sec. 21.5 – Added 6/07
- Sec. 21.10.2 – Deleted 6/07
- Sec. 21.11 – Added 10/07
- Sec. 21.4.1 – Added 12/07; Sec. 21.7 renamed and addition of flow restrictors – Rev. 12/07
- Sec. 21.1, 21.2, 21.4, 21.5, 21.7, 21.10, and 21.11 – Rev. 6/08
- Sec. 21.1, 21.2, 21.4, 21.4.1, 21.4.2 (added), 21.5, 21.7, 21.10 (new table), 21.10.1, - Rev. 6/09
- Sec. 21.4, 21.10 – Rev. 12/09
- Sec. 21.6, 21.9 – Rev. 5/10
- Sec. 21.1, 21.2, 21.4, 21.4.1, 21.4.2, 21.5, 21.10, 21.10.1 – Rev. 6/10
- Sec. 21.9.1 (added) – Rev. 9/10
- Sec. 21.1, 21.4, 21.4.1, 21.4.2, 21.5, 21.10, 21.10.1 - Rev. 6/11
- Sec. 21.1, 21.2, 21.4, 21.5, 21.10, 21.10.1 – Rev. 6/12
- Sec. 21.1, 21.2, 21.4, 21.5, 21.10, 21.10.1 – Rev. 6/13
- Sec. 12.1, 21.2, 21.4, 21.5, 21.9.1, 21.10, 21.10.1 – Rev. 6/14
- Sec. 21.1, 21.2, 21.5 – Rev. 1/15
- Sec. 21.1, 21.2, 21.3, 21.4, 21.4.2, 21.5, 21.10, 21.10.1 Rev 6/15
- Sec. 21, 21.1 – Rev. 11/15
- Secs. 21, 21.2, 21.4, 21.5, 21.7, 21.10, 21.10.1 – Rev. 7/16
- Secs. 21, 21.1 - Rev. 12/16
- All Secs. – Rev. 12/17
- Sec. 21.3 – Rev. 6/18
- Secs. 21.1, 21.2, 21.3, 21.4, 21.9, 21.10, 21.10.1 – Rev. 12/18
- Sec. 21.3 – Rev. 6/19

ARTICLE 21 CONTINUED

(Renumbered as Article 12 by Resolution 5006)

Secs. 21, 21.1, 21.2, 21.3, 21.4, 21.5, 21.9, 21.10, 21.10.1 – Rev 12/19

Secs. 21.5, 21.6, 21.5.1 (added) – Rev. 1/20

Sec 21.3 – Rev 6/20

Secs. 21, 21.1, 21.2, 21.3, 21.4, 21.9, 21.10, 21.10.1 – Rev 12/20

Sec 12.3 – Rev 6/21

Secs. 12, 12.1, 12.2, 12.3, 12.4, 12.6, 12.8, 12.9, 12.10, 12.10.1 – Rev 12/21

Secs. 12.3 – Rev 6/22

Article 17. **Water Shortage Response Program.**

Sec. 17.1 Declaration of Policy.

California Water Code Section 375 et seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The Board of Directors hereby establishes a comprehensive water conservation program pursuant to California Water Code Section 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage. Additionally, the California Water Code mandates that water agencies adopt a water shortage contingency plan (WSCP) as part of their Urban Water Management Plan (UWMP). The District’s WSCP is a detailed plan for how an urban water supplier, like the District, intends to act in the case of any actual water shortage condition. This Article 17 is consistent with the District’s WSCP and is how the District implements its WSCP, and can be amended, as needed, outside of updating the District’s UWMP.

Sec. 17.1.1 PSAWR Reduction Program.

The San Diego County Water Authority Permanent Special Agricultural Water Program (PSAWR) provides discounted wholesale supply and treatment pricing for qualified agricultural users within its service area on the basis that participants receive non-firm, interruptible supply up to the maximum allowed per the SDCWA Program. During periods of water shortages imposed by the Metropolitan Water District (MWD), the SDCWA, or due to emergency situations, those customers who are participating in the PSAWR shall abide by the conditions set forth by SDCWA. Administration of the PSAWR Program is incorporated by reference in Article 10 of this Administrative Code.

Sec. 17.1.2 PSAWR Reduction Compliance.

When SDCWA imposes a mandatory use reduction, PSAWR customers must be prepared to reduce consumption by complying with a water allocation, or water use target. Water consumed during each billing period will be compared to the assigned target. Any use below the target will be accumulated and carried forward. The customer’s cumulative use will be compared with the cumulative target, and any total usage above the target will be billed at the “above average” rates. This cumulative comparison will continue for the duration of the fiscal year. Below target usage “credits” will be carried forward until the cumulative target is exceeded, at which time, all cumulative “over target” use will be billed at the “above target” rates. The cumulative comparison process will start over in the next fiscal year.

Upon written request, customers shall reserve the right to “group” accounts and adjust, or “smooth”, allocations to facilitate compliance.

Sec. 17.2 Findings.

The Board of Directors finds and determines that a water shortage could exist as a result of a general regional water supply shortage due to increased demand or limited supplies.

The Board of Directors also finds and determines that the conditions prevailing within and in the vicinity of the District’s service area require that the water resources available be put to maximum beneficial use to the extent to which they are capable, and that the waste or

unreasonable use, or unreasonable method of use, of water be prevented and that the conservation of such water encouraged with a view to the maximum reasonable and beneficial use thereof in the interests of the people of the Fallbrook Public Utility District and for the public welfare.

Sec. 17.3 Application.

The provisions of this Administrative Code shall apply to all water served to persons, customers, and property by the Fallbrook Public Utility District.

Sec. 17.4 Determination and Declaration of Water Supply Conditions.

Sec. 17.4.0 NORMAL CONDITIONS. The District’s service area is in a semi-arid climate. Good water management practices dictate that water be used wisely and not wasted at any time. Customers are required to follow the guidelines presented in Sec. 17.8.0 for Normal Conditions at all times. The District will provide public education and outreach efforts to emphasize public awareness of the need to always use water wisely and practice water conservation measures.

Sec. 17.4.1 The General Manager shall monitor the projected supply and demand for water by its customers on a daily basis. The General Manager shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the District to prudently plan for and supply water to its customers, and shall recommend to the Board of Directors that the appropriate level of water conservation/water shortage condition be implemented or terminated in accordance with the applicable provision of this Administrative Code. Based on the recommendation of the General Manager, and based upon all available data, the Board of Directors shall from time to time determine and declare whether the District’s water supply is in one of the following “water shortage” conditions:

1. WATER SHORTAGE RESPONSE LEVEL 1 – WATER SHORTAGE NOTICE CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency notifies the District that due to water shortage or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to ten percent (10%) is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 1 condition. In such an event, the Board of Directors shall take action to implement and increase enforcement of the conservation practices identified in Sec. 17.8.1 and may implement Water Shortage Emergency Surcharges as specified in 17.8.7.

2. WATER SHORTAGE RESPONSE LEVEL 2 – WATER SHORTAGE WATCH CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency notifies the District that due to water shortage or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to twenty percent (20%) is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 2 condition. In such an event, the Board of Directors shall take action to implement the Level 2 conservation practices identified in Sec. 17.8.2. During a Level 2 Water Shortage Watch Condition, the District may implement Water Shortage Emergency Surcharges as specified in 17.8.7, and may

suspend consideration of annexations to its service area, and any service outside District boundaries.

3. WATER SHORTAGE RESPONSE LEVEL 3 – WATER SHORTAGE ALERT CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency notifies the District that due to cutbacks caused by water shortages or other reduction in supplies, a consumer demand reduction of up to thirty percent (30%) is required in order to have sufficient supplies available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 3 condition. In such an event, the Board of Directors shall implement the mandatory Level 3 conservation measures identified in Sec. 17.8.3. During a Level 3 Water Shortage Alert Condition the District may implement Water Shortage Emergency Surcharges as specified in 17.8.7, and may suspend consideration of annexations to its service area, and any service outside District boundaries.
4. WATER SHORTAGE RESPONSE LEVEL 4 – WATER SHORTAGE WARNING CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency notifies the District that due to increasing cutbacks caused by water shortages or other reduction of supplies, a consumer demand reduction of up to forty (40%) percent is required in order to have sufficient supplies available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 4 condition. In such an event, the Board of Directors shall implement the Level 4 conservation measures identified in Sec. 17.8.4. During a Level 4 Water Shortage Warning Condition the District may implement Water Shortage Emergency Surcharges as specified in 17.8.7, and may suspend consideration of annexations to its service area, and any service outside District boundaries.
5. WATER SHORTAGE RESPONSE LEVEL 5 – CRITICAL CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency notifies the District that due to increasing cutbacks caused by water shortages or other reduction of supplies, a consumer demand reduction of up to fifty percent (50%) is required in order to have sufficient supplies available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 5 condition. In such an event, the Board of Directors shall implement the Level 5 conservation measures identified in Sec. 17.8.5. During a Level 5 Critical Condition, the District may implement Water Shortage Emergency Surcharges as specified in 17.8.7 and may suspend consideration of annexations to its service area, and any service outside District boundaries.
6. WATER SHORTAGE RESPONSE LEVEL 6 – EMERGENCY CONDITION. This level applies when local supply conditions, and/or the District’s wholesale water agency declares a water shortage emergency pursuant to California Water Code Section 350. A Level 6 Emergency Condition requires a demand reduction of greater than fifty percent (>50%) in order for the District to have maximum supplies available to meet anticipated demands. The Board of Directors may declare the existence of a Water Shortage Response Level 6 condition. In such an event, the Board of Directors shall implement the Level 6 conservation measures identified in 17.8.6. During a Level 6 Emergency Condition the District may implement Water Shortage Emergency Surcharges as specified in 17.8.7, and may suspend consideration of annexations to its service area, and any service outside District boundaries.

The General Manager is authorized to require submission of water use curtailment plans from those users having the largest effect on overall District consumption in order to protect the minimum supplies necessary to provide for public health, sanitation, and fire protection. Failure to provide curtailment plans in a timely manner or plans that do not meet the required cutbacks shall authorize the District to install flow restrictors at the meter or termination of service.

Sec. 17.5 Implementation of Water Shortage Condition Declarations.

California Water Code Sections 375 et seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity.

The declaration of any level beyond Normal Conditions shall be made by the Board of Directors, and public announcement shall be made to the District's rate payers through direct communication (mail and/or phone notification), physical posting in the District lobby, on the District website and by publication in a newspaper of general circulation and shall become effective immediately upon announcement. Upon adoption of a water shortage condition, the District shall provide notice to customers within (14) days of the Board's declaration.

The declaration shall be reported by the Board of Directors. The Board of Directors shall rescind the declaration, and may adopt such additional rules and regulations to limit water use during the emergency as it deems appropriate.

Sec. 17.6 Duration of Declaration.

As soon as a particular condition is declared to exist, the water conservation measures provided for herein for that condition shall apply to all District water service until a different condition is declared.

Sec. 17.7 Mandatory and Discretionary Use of Recycled Water.

Nothing in this Administrative Code shall prohibit or limit the use of recycled water for any purposes listed herein. No customer of the District shall make, cause, use or permit the use of potable water supplied by the District for construction grading on major subdivisions, paved surface cleaning, or greenbelt uses, including, but not limited to, cemeteries, playing fields, parks, and highway landscaped areas, when, following notice and a hearing, the District finds that recycled water is available under the following conditions:

1. The recycled water is of adequate quality and is available for use.
2. The recycled water may be furnished to such areas at a reasonable cost, equal to or less than the cost of supplying potable domestic water.
3. The State Department of Health Services has determined that such use would not be detrimental to public health.
4. The use of recycled water will not adversely affect downstream water rights, and will not degrade water quality.

Sec. 17.8 Water Conservation Stages.

Sec. 17.8.0 NORMAL CONDITIONS.

During a Normal Condition, customers are required to use water wisely and to practice water conservation measures so that water is not wasted. All water withdrawn from District facilities shall be put to reasonable beneficial use. District water users shall comply with the following water use prohibitions and conservation measures at all times:

1. Do not wash down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Eliminate water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only, unless using drip irrigation.
4. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
6. Use re-circulated water to operate ornamental fountains.
7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
8. The irrigation with potable water of ornamental turf on public street medians is prohibited.
9. The application of potable water to outdoor landscapes during or within 48 hours of measurable rainfall is prohibited
10. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the County of San Diego's Landscape Ordinance.

11. Serve and refill water in restaurants and other food service establishments only upon request.
12. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
13. Repair all water leaks within five (5) days of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.
14. Use recycled or non-potable water for construction purposes when available.

During a Water Shortage Response Levels 1-6 condition, the water conservation measures and water use restrictions established by this Article 17 are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies as specified in this Article.

Sec. 17.8.1 WATER SHORTAGE RESPONSE LEVEL 1 – WATER SHORTAGE NOTICE CONDITION.

During a Level 1 Water Shortage Notice condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and increase enforcement of prohibitions of end use to promote a consumer demand reduction of up to ten percent (10%).

All persons using District water shall comply with Normal Conditions water conservation practices during a Level 1 Water Shortage Watch, as identified in Sec. 17.8.0.

Sec. 17.8.2 WATER SHORTAGE RESPONSE LEVEL 2 – WATER SHORTAGE WATCH CONDITION.

During a Level 2 Water Shortage Watch condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of up to twenty percent (20%).

All persons using District water shall comply with Normal Conditions and Level 1 Water Shortage Notice water conservation practices during a Level 2 Water Shortage Watch, as identified in Sec. 17.8.0 and 17.8.1. Additionally, upon declaration of a Level 2 Water Shortage Watch condition, the District will suspend consideration of annexations to its service area except under the following circumstances:

1. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Fallbrook Public Utility District.

Sec. 17.8.3 WATER SHORTAGE RESPONSE LEVEL 3 – WATER SHORTAGE ALERT CONDITION.

During a Level 3 Water Shortage Alert condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of up to thirty percent (30%).

All persons using District water shall comply with Normal Conditions, Level 1 Water Shortage Notice and Level 2 Water Shortage Watch water conservation practices during a Level 3 Water Shortage Alert, as identified in Sec. 17.8.0, 17.8.1 and 17.8.2, and shall also comply with the following additional conservation measures:

1. During the months of June through October, limit residential and commercial landscape irrigation to no more than two (2) days per week on a schedule established by the General Manager and posted by the Fallbrook Public Utility District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the Fallbrook Public Utility District. During extreme Santa Ana conditions (temperature > 80 and easterly winds > 20 mph), one additional day per week of watering is allowed. This section shall not apply to commercial growers or nurseries. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.
2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.
3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 17.8.3 (1), on the same schedule set forth in Section 17.8.3 (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.
4. Repair all leaks within seventy-two (72) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

For Levels 3 and above, the District may establish a water allocation for property served by the Fallbrook Public Utility District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices and allows for the banking and subsequent use of unused allocations.

If the District establishes a water allocation it shall provide notice of the allocation within (14) days of its establishment by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for ongoing water service. The following customer classes are subject to allocations: Commercial Agriculture (CA), Commercial Agriculture

Domestic (CB), Commercial (C), Government (G), and Irrigation (I). Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of 1.5 times the Base Rate, for each unit of usage greater than the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Article.

Sec. 17.8.4 WATER SHORTAGE RESPONSE LEVEL 4 – WATER SHORTAGE WARNING CONDITION.

During a Level 4 Water Shortage Warning condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of up to forty percent (40%).

All persons using District water shall comply with Normal Conditions, Level 1 Water Shortage Notice, Level 2 Water Shortage Watch and Level 3 Water Shortage Alert water conservation practices as identified in Sections 17.8.0, 17.8.1, 17.8.2 and 17.8.3 during a Level 4 Water Shortage Warning condition and shall also comply with the following additional mandatory conservation measures:

1. Water landscaped areas, including trees and shrubs located on residential and commercial properties, in accordance with Section 17.8.3.
2. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this Article.
3. Stop washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
4. Repair all leaks within forty-eight (48) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

Sec. 17.8.5 WATER SHORTAGE RESPONSE LEVEL 5 – WATER SHORTAGE CRITICAL CONDITION.

During a Level 5 Water Shortage Critical condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of up to fifty percent (50%).

All persons using District water shall comply with Normal Conditions, Level 1 Water Shortage Notice, Level 2 Water Shortage Watch, Level 3 Water Shortage Alert and Level 4 Water Shortage Warning water conservation practices as identified in Sections 17.8.0, 17.8.1, 17.8.2, 17.8.3 and 17.8.4 during a Level 5 Water Shortage Critical Condition, and shall also comply with the following additional mandatory conservation measures:

1. Stop all automated landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the Fallbrook Public Utility District has determined that recycled water is available and may be lawfully applied to the use.
 - A. Maintenance of trees and shrubs that are watered on the same schedule set forth in Section 17.8.3 by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
 - B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection Fallbrook Public Utility District having jurisdiction over the property to be irrigated;
 - C. Maintenance of existing landscaping for erosion control;
 - D. Maintenance of plant materials identified to be rare or essential to the wellbeing of rare animals;
 - E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section 17.8.3;
 - F. Watering of livestock; and
 - G. Public works projects and actively irrigated environmental mitigation projects.
2. Repair all water leaks within twenty-four (24) hours of notification by the Fallbrook Public Utility District unless other arrangements are made with the General Manager.

The District may establish a water allocation for property served by the District. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for ongoing water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount 1.5 times the Base Rate, for each unit of usage greater than the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this Article.

3. (PSAWR) customers participating in the San Diego County Water Authority (SDCWA) PSAWR Program must abide by any PSAWR restrictions that may be in place.

Water consumed during each billing period will be compared to the assigned target. Any use below the target will be accumulated and carried forward. The customer’s cumulative use will be compared with the cumulative target, and any total usage above the target will be billed at the “above target” rates. This cumulative comparison will continue for the duration of the fiscal year. Below target usage “credits” will be carried forward until the cumulative target is exceeded, at which time, all cumulative “over target” use will be billed at the “above target” rates and the cumulative comparison process will start over in the next fiscal year.

Sec. 17.8.6 WATER SHORTAGE RESPONSE LEVEL 6 – EMERGENCY CONDITION.

During a Level 6 Emergency Condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement water conservation practices to ensure that no water is wasted, and promote a consumer demand reduction of greater than fifty percent (>50%).

All person using District water shall comply with Normal Conditions, Level 1 Water Shortage Notice, Level 2 Water Shortage Watch, Level 3 Water Shortage Alert, Level 4 Water Shortage Warning, and Level 5 Water Shortage Critical water conservation practices as identified in Sections 17.8.0, 17.8.1, 17.8.2, 17.8.3, 17.8.4 and 17.8.5, and shall also comply with the following additional mandatory conservation measures:

The General Manager is authorized to require submission of water use curtailment plans from those users having the largest effect on overall District consumption in order to protect the minimum supplies necessary to provide for public health, sanitation, and fire protection. Failure to provide curtailment plans in a timely manner or plans that do not meet the required cutbacks shall authorize the District to install flow restrictors at the meter or termination of service.

Sec. 17.8.7 Water Shortage Emergency Surcharges

Water Shortage Emergency Surcharges may be implemented during declaration of Levels 1, 2, 3, 4, 5 and 6 described above. Water Shortage Emergency Surcharges would only be in effect during declared drought Levels 1-6. The escalation factors that would be used to calculate “Water Shortage Emergency Surcharges” relative to a given year’s normal rates are set forth in the tables below:

| Water Shortage Emergency Surcharges by Level (\$/kgal) | | | | | | |
|--|--|--|--|--|--|--------------------------------------|
| | Level 1 Up to 10% Reduction | Level 2 Up to 20% Reduction | Level 3 Up to 30% Reduction | Level 4 Up to 40% Reduction | Level 5 Up to 50% Reduction | Level 6 > 50% Reduction |
| Water Shortage Emergency Surcharges (actual class and tier surcharges will be calculated and adjusted based upon normal rates in effect) | 5% of Normal Rates | 12% of Normal Rates | 20% of Normal Rates | 32% of Normal Rates | 49% of Normal Rates | 75% of Normal Rates |

*TSAWR customers are not subject to these Water Shortage Emergency Surcharges, though they must implement cuts to water use as implemented during specific drought restrictions or face penalties as discussed above in Section 17.1.2.

Section 17.9 Water Shortage Emergencies Pursuant to Water Code Section 350 et seq.

In addition to the declaration by the Board of a water shortage condition under this Article 17, the restrictions in this subsection shall apply if the Board of Directors adopts finding supporting a Water Shortage Emergency and does declare a Water Shortage Emergency in the manner and on the grounds provided in Water Code Section 350 et seq. “Water Shortage Emergency” means a condition existing within the District in which the ordinary water demands and requirements of the persons within the District cannot be satisfied without depleting the District’s water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection. A water shortage emergency includes a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.

The District may determine no new potable water service will be provided, no new temporary meters will be provided and those in use will be terminated and collected, no permanent meters will be installed, no additional capacity will be sold, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) will be issued, as authorized by Water Code Sections 350 and 356. Exceptions to these restrictions may be allowed under the following circumstances:

1. A valid, unexpired building permit has been issued for the project, all grading has been completed, and the construction of structures has begun; or
2. The project is necessary to protect the public’s health, safety, and welfare; or
3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset to the satisfaction of the District.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

Sec. 17.10 Variances.

If, due to unique circumstances, a specific requirement of this Article of the Administrative Code would result in undue hardship to a person using District water or to property upon which the District water is used, that is disproportionate to the impacts to the District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using District water or to

property upon with the District water is used, that is disproportionate to the impacts to the District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

A completed appeal shall describe the specific reason(s) the allocation is causing undue hardship, including the following:

1. Commercial buildings that were empty or partially occupied during base period but are now occupied to a greater degree and require more water.
2. A grove with new trees planted a year before the base period began that, in the third year of growth, would need additional water.
3. Agricultural land used for annual crops that had abnormally low irrigation application during the base year.
4. An unexpected emergency line break, or equipment malfunction that has since been fixed.
5. Loss or reduction of an alternative water source, such as a well or pond.
6. Other, with a detailed description.

Sec. 17.10.1 Application.

Application for a variance shall be a form prescribed by Fallbrook Public Utility District.

Sec. 17.10.2 Supporting Documentation.

The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

Sec. 17.10.3 Required Findings for Variance.

An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the Fallbrook Public Utility District, all of the following:

- A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other Fallbrook Public Utility District customers.
- B. That because of special circumstances applicable to the property or its use, the strict application of this Article would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

- C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the Fallbrook Public Utility District to effectuate the purpose of this chapter and will not be detrimental to the public interest.
- D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

Sec. 17.10.4. Approval Authority.

The General Manager or his/her designee shall exercise approval authority and act upon any completed application no later than 20 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

Sec. 17.10.5 Appeals to Fallbrook Public Utility District Board of Directors.

An applicant may appeal a decision or condition of the General Manager on a variance application to the Fallbrook Public Utility District Board of Directors within 10 days of the written decision upon written request for a hearing. The request shall state the grounds for the appeal. Any determination not appealed within ten (10) days is final. At a public meeting, the Fallbrook Public Utility District Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the Fallbrook Public Utility District Board of Directors is final.

ARTICLE 26 (Renumbered as Article 17
by Resolution 5006)

Sec. 26.6 – Rev. 7/97

Sec. 26.4, Sec. 26.5, Sec. 26.8.2 –
Rev. 10/07

Article 26 revised in its entirety –
6/08

Sec. 26.8.3, 26.9, 26.10 , 26.10.1,
26.10.2, 26.10.3, 26.10.4, 26.10.5,
and addition of Domestic Class and
Multi-Unit Class rates– Rev. 6/09

Sec. 26.8.3 –Rev. 10/09

Sec. 26.8.3 – Rev. 5/11

Sec. 26.8.3 – Rev. 8/14

Sec. 26.11 – Rev 6/15

Secs. 26.1.1, 26.1.2, 26.4, 26.5,
26.8.3, 26.8.5, 26.10, 26.10.1,
26.10.4, 26.10.5, 26.11 – Rev. 3/16

Secs. 26.8.1, 26.8.3 – Rev. 6/16

Secs. 26.8.2, 26.8.3, 26.8.6 – Rev.
12/17

Secs. 26.1.1, 26.1.2, 26.8.5 – Rev.
12/20

Secs. 17.1, 17.1.1,17.1.2, 17.2,
17.4, 17.4.0, 17.4.1,17.5, 17.8.0,
17.8.1,17.8.2,17.8.3,17.8.4,17.8.5,
17.8.6,17.8.7,17.9,17.10.3 -

Rev.06/21