

General Policy and Rules and Regulations of TCWD

CHAPTER 10: OTHER DISTRICT RULES, POLICIES AND PROCEDURES

Section 10.1 General.

This Chapter includes other policies, procedures and related materials of the District which are not included in the text of these Rules and Regulations, but which are still policies, requirements, directives, determinations and procedures of the District. The following are included in these Rules and Regulations by this reference or as otherwise stated in this Chapter 10.

Section 10.2 Standards for Compliance with California Environmental Quality Act (CEQA).

Pursuant to the provisions of the County Water District Law, and related California law, the District has adopted Resolution No. 87-408 providing for standards for compliance with the provisions of the California Environmental Quality Act ("CEQA"). The provisions of Resolution No. 87-408 are incorporated within these Rules and Regulations by this reference. The District reserves the right to amend, update or modify the determinations and directions set forth within Resolution No. 87-408 from time to time as may be required to conform with provisions of California law or other requirements. Further specifics on this topic may be found within Resolution No. 90615, as updated, revised or amended from time to time.

Section 10.3 Communications License Facilities.

Pursuant to the provisions of California law, the District has adopted its "Rules and Regulations (Policy and Procedures) for Communications Facilities Licenses" providing for policies and standards for the provision of Communications Facilities Licenses by the District. The provisions of Rules and Regulations (Policy and Procedures) for Communications Facilities Licenses are incorporated within these Rules and Regulations by this reference. The District reserves the right to amend, update or modify the determinations and directions set forth within the Rules and Regulations (Policy and Procedures) for

Communications Facilities Licenses from time to time as may be required to conform with provisions of California law or other requirements.

Section 10.4 Tort Claims Act Procedures.

Pursuant to the provisions of the County Water District Law, and related California law, the District has adopted Resolution No. 2003994 providing for standards for the provision of claims to the District under the Government Tort Claims Act, including, but not limited to, a required submission form for tort claims submitted to the District. The provisions of Resolution No. 2003-994 are incorporated within these Rules and Regulations by this reference. The District reserves the right to amend, update or modify the determinations and directions set forth within Resolution No. 2003-994 from time to time as may be required to conform with provisions of California law or other requirements. Further specifics on this topic may be found within Resolution No. 2003-994, as updated, revised or amended from time to time.

Section 10.5 Public Records Act; Access to Public Records.

Pursuant to the provisions of California law, the District has adopted Resolution No. 88-512 providing for standards for compliance with the provisions of the California Public Records Act and for providing access to public records of the District. The provisions of Resolution No. 88512 are incorporated within these Rules and Regulations by this reference. The District reserves the right to amend, update or modify the determinations and directions set forth within Resolution No. 88512 from time to time as may be required to conform with provisions of California law or other requirements. Further specifics on this topic may be found within Resolution No. 88-512, as updated, revised or amended from time to time.

Section 10.6 Records Retention Act Policy.

The District has a Records Retention Act Policy. The District reserves the right to amend, update or modify the determinations and directions set forth in the Policy from time to time as may be required to conform with provisions of California law or other requirements.

Section 10.7 Emergency Plans and Procedures.

The District has adopted, through the Board and the General Manager, various determinations, directives, plans and procedures in order to address local and area-wide emergency conditions, including, but not limited to, Statewide emergencies as declared by the Governor of the State of California.

The determinations, directives, plans and procedures relating to such emergencies shall, where necessary, have the force and effect of these Rules and Regulations in order to allow the District to continue to operate and meet the needs of its customers during an emergency condition.

The District reserves the right to amend, update or modify the determinations, directives, plans and procedures relating to such emergencies from time to time as may be required to conform with provisions of California law, determinations of the District or other requirements.

Section 10.8 District Employees, Personnel & Salary Policy and Related Employee Matters, Policies and Directives.

Pursuant to the provisions of the County Water District Law, including, but not limited to, Water Code Sections 30544, 30580(b), 30580(c), 30580(d), 31004 and 31022, the District has the power to employ employees and laborers and, through the directives of the Board and actions of the General Manager, provide for the conditions of their employment with the District and related matters. The authority for the retention, management and compensation of District Employees has been delegated to the General Manager, subject to the policies and directives of the Board. To facilitate such employment and retention of District Employees and otherwise in conformance with State and federal law, the District has adopted the Policies, Rules, Requirements and directives with regard to District Employees described herein. Other policies and directives may be adopted by the Board.

10.8.1 Personnel and Salary Policy.

The District has adopted the Trabuco Canyon Water

District Personnel and Salary Policy concerning District Employees. Such Policy is incorporated herein by this reference as of its most recent update or amendment. Copies of such Policy are made available to District Employees upon employment and thereafter from time to time. District Employees are made aware of changes to such Policy promptly after they are made. Copies of such Policy are available as public records to the public pursuant to the District's Public Records Act Policy.

The District reserves the right to amend, update or modify the District's Personnel Salary Policy from time to time as may be required to conform with provisions of California law, determinations of the District or other requirements.

10.8.2 Injury and Illness Prevention Policy.

The District has adopted the Trabuco Canyon Water District Injury and Illness Prevention Policy concerning District Employees. Such Policy is incorporated herein by this reference as of its most recent update or amendment. Copies of such Policy are made available to District Employees upon employment and thereafter from time to time. District Employees are made aware of changes to such Policy promptly after they are made. Copies of such Policy are available as public records to the public pursuant to the District's Public Records Act Policy.

The District reserves the right to amend, update or modify the District's Injury and Illness Prevention Policy from time to time as may be required to conform with provisions of California law, determinations of the District or other requirements.

10.8.3 Code of Conduct and Expense Reimbursement Guidelines.

The District has adopted the Trabuco Canyon Water District Code of Conduct and Expense Reimbursement Guidelines concerning District Employees. Such Policy is incorporated herein by this reference as of its most recent update or amendment. Copies of such Policy are made available to District Employees upon employment and thereafter from time to time. District Employees are made aware of changes to such Policy promptly after they are made. Copies of such Policy are available as public records

to the public pursuant to the District's Public Records Act Policy.

The District reserves the right to amend, update or modify the District's Code of Conduct and Expense Reimbursement Guidelines from time to time as may be required to conform with provisions of California law, determinations of the District or other requirements.

Section 10.9 Rules and Regulations Regarding Dove Lake Property.

Pursuant to the provisions of the County Water District Law and related California law, the District has adopted Resolution No. 94-767 providing for rules and regulations relating to the Dove Lake Property. The provisions of Resolution No. 94-767 are incorporated within these Rules and Regulations by this reference. The District reserves the right to amend, update or modify the determinations and directions set forth within Resolution No. 94-767 from time to time as may be required to conform with provisions of California law or other requirements. Further specifics on this topic may be found within Resolution No. 94-780, as updated, revised or amended from time to time.

Section 10.10 Reference to Other District Policies, Guidelines, Procedures and Requirements (Related Rules).

Pursuant to its authority to adopt and implement rules and regulations, the District may, from time to time, adopt rules and regulations separate from these Rules and Regulations to address specific operations and circumstances. Such shall collectively be referred to as the "Related Rules". The Related Rules currently include all of the following:

- a. Design Criteria and Standard Drawings for Water and Sewer Facilities (adopted June, 2002);
- b. System Atlas, Water, Sewer and Reclaimed Systems (adopted June, 2002);
- c. Five Year Financial plan (adopted October, 2000);

- d. Water, Wastewater and Reclaimed Water Master Plan (adopted December, 1999);
- e. Urban Water Management Plan (adopted December, 2000);
- f. California Safe Drinking Water Act and laws (as adopted by the State of California);
- g. California Division of Occupational Safety and Health Regulations (as adopted by the Department of Industrial Relations);
- h. California Environmental Quality Act (as adopted by the State of California); and
- i. Other related rules as developed by the District and approved by the Board may apply.

It is the intention of the District that such Related Rules shall be considered to be part of the overall Rules and Regulations of the District and incorporated herein by reference upon adoption, revision or amendment. The Related Rules shall be considered to be of equal authority with these Rules and Regulations. In the event of a conflict as between these Rules and Regulations; the following guidelines, in order of priority, shall apply:

- a. Every effort shall be made to harmonize the relevant provisions to avoid a conflict;
- b. In the event of a conflict, the more specific provision(s) shall apply, or be effective, over the more general provision(s); and
- c. If necessary, the General Manager, or the Board, as applicable, shall issue an interpretation of the provision(s) in questions.

Section 10.11 Other Reference Documents and Materials.

- 10.11.1 Use of Reference Materials. The District, and its Directors, Employees, agents and consultants may from time to time use other reference documents and materials for purposes of making determinations, rendering decisions, determining rulings, and providing information to members of the public, Customers of the District and other persons

or parties.

- 10.11.2 Use of Other Reference Materials. The District expressly reserves the right to utilize other reference materials, and documents other than those listed within these Rules and Regulations in order to reach such decisions, determinations, rulings and other communications with persons or parties in order to accomplish the purposes and responsibilities of the District and to comply with the directives and interpretations of these Rules and Regulations.