

SACRAMENTO COUNTY



SACRAMENTO COUNTY WATER AGENCY CODE TITLE 1 & 2

**EFFECTIVE
August 16, 2004**

**Sacramento County Water Agency FEE Plan
&
Engineers Report
Zones 11A, 11B & 11C**

**SACRAMENTO COUNTY
WATER AGENCY CODE
TITLES 1**

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Sacramento County Water Agency Code

Title 1

On June 15, 2004, Ordinance No WAO-0053 was approved by the Board of Directors of the Sacramento County Water Agency, a statutorily created district operating under the authority of and pursuant to the provisions of the Sacramento County Water Agency Act (California Water Code, Appendix, Chapter 66, commencing at Section 66-1 et seq.), updating Title 1, dated March 3, 1996 and replaced in entirety as merged herewith.

SACRAMENTO COUNTY WATER AGENCY

ORDINANCE NO. WAO- 0053

AN ORDINANCE AMENDING WATER AGENCY ORDINANCE NO. WAO-0026 RELATED TO TITLE ONE OF THE SACRAMENTO COUNTY WATER AGENCY CODE

2 PAGES

SECTION 5. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Directors on June 8, 2004 and on June 8, 2004 further reading was waived by the unanimous vote of the Directors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Director Niello, seconded by Director Dickinson, the foregoing ordinance was passed and adopted by the Board of Directors of the County of Sacramento, State of California, this 15th day of June, 2004, by the following vote:

AYES: Directors, Dickinson, Niello, Nottoli

NOES: Directors, None

ABSENT: Directors, Collin, Johnson

[Signature of Roger Dickinson]

Vice Chairperson of the Board of Directors of Sacramento County Water Agency

In accordance with Section 25103 of the Government Code of the State of California a copy of this document has been delivered to the Chairman on JUN 15 2004

By: [Signature of Faye Rowd] Deputy Clerk, Board of Directors



ATTEST: [Signature of Cindy A. Turner] Clerk of the Board of Directors

FILED

JUN 15 2004

BOARD OF DIRECTORS By: [Signature of Cindy A. Turner] Clerk of the Board

GENERAL PROVISIONS

TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.05 Code Adoption
- 1.10 Judicial Review of Agency Decisions
- 1.15 Administration
- 1.20 Voting by the Board of Directors
- 1.30 Definitions

CODE ADOPTION
CHAPTER 1.05
CODE ADOPTION

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1.05.010 Code Adopted - Effective Day. This Code, as compiled from the ordinances of the Sacramento County Water Agency, is the official code of the Agency. This Code shall take effect sixty days after adoption. This Code shall be applicable and controlling with respect to all subjects included in this Code in lieu of all ordinances which are superseded and replaced by this Code. Three copies of this Code shall be permanently retained on file with the Clerk of the Board of Directors for use and examination by the public.

1.05.015 Purpose of Codification. The purpose of this Code is to compile in one document and place, the ordinances of the Sacramento County Water Agency. Such compilation will make the laws of the Agency more accessible, readable and understandable to those persons governed by such laws, and by those persons administering such laws.

1.05.020 Title - Citation - Reference. This Code shall be known as the "Sacramento County Water Agency Code." It shall be sufficient to refer to this Code as the "Sacramento County Water Agency Code" in any prosecution for violation of any provision of this Code in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all/or any part of this Code as an addition to, amendment to, correction of, or repeal of the "Sacramento County Water Agency Code." References to this Code may be to the titles, chapters, sections and subsections of the "Sacramento County Water Agency Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this Code.

1.05.030 Repeal - Exceptions. This Code consists of all ordinances of the Sacramento County Water Agency, except for Ordinance 18, and the following ordinances are hereby repealed as of the effective date of this Code: Ordinances 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24 and 25.

Ordinance 18 or parts thereof are excluded from this repeal and its effect shall be the same as if this code had not been adopted.

1.05.040 Continuity Of Provisions. The provisions of this Code, insofar as they are substantially the same as previously existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

1.05.050 Actions And Proceedings Continued. No actions or proceedings commenced before this Code takes effect, and no right accrued, is effected by the provisions of this Code, but all procedure thereafter taken shall conform to the provisions of this Code so far as possible.

1.05.060 Licenses And Permits Continued. Any rights given by license, permit or certificate under any ordinance repealed by this Code are not affected by the enactment of this Code or by such repeal; but such rights shall hereafter be exercised according to this Code.

1.05.070 Reference. Whenever reference is made to any portion of this Code or of any other laws of the state, county or Agency, the reference applies to all amendments and additions now or hereafter made.

1.05.080 Delegation. Whenever, by this Code, a power is granted to a public officer or a duty is imposed upon a public officer, the power may be exercised or the duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless expressly provided otherwise by this Code.

1.05.090 Interpretation. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

1.05.100 Applicability Of Chapter. Unless the provision or the context otherwise requires, the general provisions, rules of construction and definitions set forth in this chapter shall govern the construction of this Code.

1.05.110 Title, Chapter, And Section Headings. Title, chapter, and section headings do not govern, limit, modify or in any way affect the scope, meaning or intent of the provisions of any title, chapter or section.

1.05.120 (Not Used)

1.05.130 Severability. If any title, chapter, section, subdivision, sentence, clause, phrase or provision of this Code, or the application thereof, to any person or circumstances, is held to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code, or the application of such provisions to other persons or circumstances shall not be affected thereby.

1.05.140 Application to Government Agencies. The provisions of this Code shall apply to all government agencies, their officers, employees, or agents, to the extent authorized by law.

1.05.150 Time Of Day. Whenever a certain hour or time of day is specified in this Code, such hour or time shall be standard time or daylight savings time, whichever is in current use in the County.

1.05.160 Liability. No provision of this Code shall be construed as imposing upon the Agency any liability or responsibility for personal injury or property damage resulting from any activity or condition, which arises or exists by virtue of any provision or requirement of this Code, including construction, installation or repair of any facility; equipment or property, or from any defect therein; nor shall the Agency or any officer or employee thereof be held as assuming any liability or responsibility by reason of any inspection authorized herein.

JUDICIAL REVIEW OF AGENCY DECISIONS
CHAPTER 1.10
JUDICIAL REVIEW OF AGENCY DECISIONS

Sections:

- 1.10.010 State Law Applicable
- 1.10.020 Judicial Review - 90-Day Limit
- 1.10.030 Record Preparation - Costs
- 1.10.040 Notice

1.10.010 State Law Applicable. Pursuant to the provisions of Section 1094.6 of the Code of Civil Procedure, the provisions of said section are made applicable to the decisions of the Board of Directors of the Sacramento County Water Agency, and to the decisions of all other commissions, boards, officers and agents of the Sacramento County Water Agency, except where a limitation of actions is otherwise provided by this Code.

1.10.020 Judicial Review - 90-Day Limit. Judicial review of any decision subject to the provisions of this chapter and Code of Civil Procedure Section 1094.6 may be had only if the Petition for Judicial Review is filed within 90 days after the decision becomes final; provided, that pursuant to the provisions of Section 1094.6(d) of the Code of Civil Procedure, if the petitioner files a request for the record within 10 days after the date the decision becomes final, the time within which a petition for judicial review may be filed shall be extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record, if he has one.

1.10.030 Record Preparation - Costs.

- (A) As provided in Section 1094.6, any person who requests preparation of the administrative record shall be responsible for the payment of the actual costs of transcribing or otherwise preparing the record. Actual costs shall include, but not be limited to: the salary and fringe benefit rates of pay by the Agency or County to personnel for time consumed in typing a transcript and reproducing, assembling and compiling the transcript and exhibits; the unit cost (including pro-rated rental) of equipment utilized in reproduction; the cost of materials and supplies; and the cost to the Agency or County of having a transcript typed when testimony has been recorded by a court reporter. Each board, commission, officer, employee or agent whose decision will be subject to the limitations established by this chapter, may, from time to time, by resolution in the case of such boards and commissions and by written order in the case of such officers, employees and agents, determine and promulgate unit costs of preparing the record.
- (B) Before commencing preparation of a transcript or other record, the officer or employee responsible for preparation shall estimate the actual total cost. Preparation of the record shall not be commenced until the person requesting preparation of the record has deposited the full amount of the cost estimate.
- (C) If the deposit exceeds the actual costs, the difference shall be refunded. If the actual cost exceeds the estimate, the difference shall be paid when the record is delivered.
- (D) The limitations of action, shall not be extended pursuant to the provision of Section 1094.6(d) or Section 1.10.020 of this Code, beyond 90 days after the decision becomes final, unless the petitioner deposits pursuant to the provisions of subsection (b) of this section, the estimated actual total cost of preparing the transcript within 10 calendar days after he has been furnished with the written estimate of such cost.

1.10.040 Notice. Every written decision or notice thereof to which the provisions of this chapter and Section 1094.6 of the Code of Civil Procedure apply, shall refer to and be accompanied, by attachment, by a copy of the provisions of this chapter.

ADMINISTRATION
CHAPTER 1.15
ADMINISTRATION

Sections:

- 1.15.010 Appeals
- 1.15.020 Appeal Fees
- 1.15.030 Appeal Hearings
- 1.15.040 Actions On Appeals
- 1.15.050 Notices
- 1.15.060 Violations

1.15.010 Appeals. If the applicant for any permit authorized or required by any title to this Code, the permittee, or other persons are dissatisfied with any determination made by the Agency Engineer, or other officers or agents of the Sacramento County Water Agency, regarding the interpretation, implementation or enforcement of the provisions contained in any title to this Code, such person may appeal to the Board of Directors. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the Clerk of the Board of Directors not later than fifteen (15) calendar days after the date of the action being appealed. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived.

1.15.020 Appeal Fee. The Board of Directors shall by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.

1.15.030 Appeal Hearings. Not later than the next regularly scheduled meeting following thirty (30) calendar days after the date of filing an appeal within the time and in the manner prescribed by Section 1.15.010, the Board of Directors shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the Agency Engineer and the officer or agent whose determination is the subject of the appeal, the applicant or permittee, and the appellant not later than ten days preceding the date of the hearing.

1.15.040 Actions On Appeals.

- (A) The Board of Directors shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including the granting of any permit authorized or required by any title to this Code. Any hearing may be continued from time to time.
- (B) At the conclusion of the hearing, the Board of Directors shall prepare a written decision which either grants or denies the appeal, and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be filed with the Clerk of the Board of Directors. The Clerk shall serve such decision on the applicant or permittee, the appellant, and the Agency Engineer. The decision of the Board of Directors shall become final upon the date of filing and service of the written decision with respect to any appeal.

1.15.050 Notices.

- (A) Except as otherwise specifically set forth, any notice authorized or required by this Code shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States mail, first class postage prepaid, and addressed to the party to whom it is directed.
- (B) Except as otherwise specifically set forth, whenever a provision in this Code requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once not later than ten (10) calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the County. The same type of notice shall also be served on each permittee whose permit may be affected by the action taken at the conclusion of the hearing.

1.15.060 Violations.

- (A) Violation of any of the provisions contained in this Code shall constitute an infraction subject to a fine of one hundred dollars for each day or any portion thereof a violation continues.
- (B) Violation of any of the provisions of this Code following notice from the Agency Engineer advising of the violation and ordering a cessation thereof, shall constitute a misdemeanor, and upon conviction the violating person may be punished by a fine not in excess of \$1000 or by imprisonment in the County jail for not more than six months, or by both. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Sacramento County Water Agency is committed, continued, or permitted by any such person.
- (C) Violation of any of the provisions of this Code may be remedied by injunction or other civil proceeding commenced in the name of the Agency pursuant to direction by the Board of Directors.

VOTING BY THE BOARD OF DIRECTORS
CHAPTER 1.20
VOTING BY THE BOARD OF DIRECTORS

Sections:

1.20.010 Voting By The Board Of Directors

1.20.010 Voting By The Board Of Directors. If action by the Board of Directors is a tie vote on any matter, whether or not the matter is before the Board on appeal, the Board may, following the tie vote, and in advance of adjournment of the meeting during which the tie vote occurred, continue the matter for further consideration and determination to a time and date certain not later than 30 calendar days following the date on which the tie vote occurred. If the matter is not continued for further consideration and determination in the manner specified above, such tie vote shall be deemed to constitute a denial or disapproval effective on the date the tie vote occurs of the matter (and in the case of an appeal, denial of the action requested by the application, as distinguished from denial of the appeal), and such action shall be deemed to be final and not subject to reconsideration. If during the meeting to which consideration and determination is continued pursuant to this section another tie vote occurs, the matter shall, effective on the date of such continued meeting, be deemed denied in the manner described above and the action shall be deemed to be final in the manner prescribed above. During the meeting to which consideration and determination is continued pursuant to this section, no new or additional evidence shall be received or considered unless any public hearing required by law has been reopened and any notice thereof required by law has been given.

DEFINITIONS
CHAPTER 1.30
DEFINITIONS

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1.30.060	Board Of Supervisors
1.30.070	Code
1.30.080	County
1.30.090	Gender
1.30.100	Person
1.30.110	Shall - May
1.30.120	State

1.30.005 Definitions. As used in this Code, the following words and phrases shall have the meaning given in this chapter.

1.30.010 Agency. The Sacramento County Water Agency, a statutorily created district operating under the authority of and pursuant to the provisions of the Sacramento County Water Agency Act (California Water Code – Appendix, Chapter 66, commencing at Section 66-1 et seq).

1.30.020 Agency Act. The Legislative Act creating the Sacramento County Water Agency, codified at West's Water Code Appendix, Section 66.

1.30.030 Agency Engineer. The Administrator of the Public Works Agency or his authorized representative.

1.30.040 Appeal. A request for a review of the Agency Engineer's determination or action pursuant to, or interpretation of, any provision of this Code.

1.30.050 Board Of Directors. The legislative body of the Sacramento County Water Agency, also referred to herein at times as the "Board".

1.30.060 Board Of Supervisors. The legislative body of the County of Sacramento.

1.30.070 Code. The Sacramento County Water Agency Code.

1.30.080 County. The County of Sacramento.

1.30.085 Director. The Director of the Sacramento County Department of Water Resources.

1.30.090 Gender. The masculine gender includes the feminine and neuter.

1.30.100 Person. Any natural person, firm, association, joint venture, joint stock company, partnership, club, company, corporation, business trust, or organization of any kind.

1.30.110 Shall - May. The term "shall" is mandatory and the term "may" is permissive.

1.30.120 State. The State of California.