

**Sacramento County Water Agency Code  
Title 1**

**PROVISIONS**

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- 1.10 Judicial Review of Agency Decisions
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## **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be applicable and controlling with respect to all subjects included in this Code in lieu of all ordinances which are superseded and replaced by this Code.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. (WAO-0069 § 1, 2007)

#### **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. (WAO-0069 § 1, 2007)

#### **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. (WAO-0069 § 1, 2007)

**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all ordinances of the Sacramento County Water Agency, except for Ordinance 18, and the following ordinances are hereby repealed as of the effective date of this Code: Ordinances 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24 and 25.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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**JUDICIAL REVIEW OF AGENCY DECISIONS  
CHAPTER 1.10**

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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**ADMINISTRATION  
CHAPTER 1.15**

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	Changes in Construction Contracts
1.15.070	Informal Contract Bidding Procedures Under California Uniform Public Construction Cost Accounting Act (CUPCCAA)

**1.15.010 Appeals.**

Unless otherwise expressly provided, 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 or implementation 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. (WAO-0092 § 1, 2015; WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

#### **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. (WAO-0069 § 1, 2007)

#### **1.15.060 Changes in Construction Contracts.**

The Sacramento County Executive Officer, the Assistant County Executive, the Chief Deputy County Executive for Municipal Services, the Agency Engineer and their designees are hereby authorized on behalf of, and in the name of, the Agency to order changes, alterations, or additions of work being performed under construction contracts, and execute and authorize payment of such orders in accordance with the provisions of the Public Contract Code, Section 20142. Change Orders issued and executed pursuant to the authority conferred by this Section shall be in accordance with the monetary limits stated in the Public Contract Code, Section 20142. (WAO-0093 § 1, 2016; WAO-0092 § 2 & 3, 2015; WAO-0072 § 2, 2008; WAO-0069 § 1, 2007)

#### **1.15.070 Informal Contract Bidding Procedures Under California Uniform Public Construction Cost Accounting Act (CUPCAA).**

A. INFORMAL BID PROCEDURES.

Public Projects, as defined by the California Uniform Public Construction Cost Accounting Act (Section 22000 et seq. of the Public Contract Code), may be let to contract by informal procedures as set forth in Section 22032 et seq. of the Public Contract Code.



**B. CONTRACTORS LIST.**

The Water Agency shall adopt the list of contractors developed and maintained by the County of Sacramento in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

**C. NOTICE INVITING INFORMAL BIDS.**

Where a public project is to be performed and the estimated cost does not exceed the mandatory limits for informal bidding as specified in Public Contract Code section 22032, et seq., a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with subsection (B) of this Section, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission pursuant to Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids; provided however,

1. If there is no list of qualified contractors maintained as identified in subsection (B) of this Ordinance for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting formal bids may be sent exclusively to such contractor or contractors.

**D. MAILING OF NOTICES.**

All mailing of notices to contractors and construction trade journals pursuant to subsection (C) of this Section shall be completed not less than 10 calendar days before bids are due. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.

**E. AWARD OF CONTRACTS.**

1. The County Purchasing Agent, the Chief Deputy County Executive for Municipal Services and Director of the Department of Water Resources (acting as Sacramento County Water Agency Engineer), and their designees, are each authorized to award informal contracts pursuant to this Section within the monetary limit specified in Public Contract Code section 22032 as such limit may be adjusted by the State Controller from time to time.

2. If all bids received are in excess of the monetary limit specified in Public Contract Code section 22032, the Board of Directors may, by passage of a resolution by a four-fifths vote, award the contract, at the monetary limit specified in Public Contract Code section 22034(f) or less to the lowest responsible bidder, if the Board determines the construction cost estimate was reasonable.

**F. DEFINITIONS.**

The following terms shall be ascribed the following meanings:

1. "Purchase" or "Purchases" shall mean any contractual arrangement or transaction involving payment: (a) for the acquisition of title to property; (b) for the use by rental, lease or otherwise of personal property; (c) for the provision of services by independent contract or otherwise; or (d) any combination of the foregoing;

2. "Personal Property" includes materials, supplies, machinery, furnishing equipment and any other tangible article required for the conduct of business of the Water Agency;

3. "Services" shall mean any labor of a specialized or short-term or intermittent nature required in the conduct of operations of the Water Agency which may lawfully be performed by contract with private parties, and which excludes any labor subject to any limitation on contracting authority;

4. "Emergency" shall mean an unforeseen circumstance in which an immediate purchase is necessary in order to avoid a substantial hazard to life, health or property or a serious interruption of the operation of the Sacramento County Water Agency;

5. "Patented or Proprietary Items" shall mean supplies, materials, or equipment which are produced only by one manufacturer or are available from only one source; or services which are available from one provider thereof. (WAO-0092 § 3, 2015; WAO-0088 § 1, 2014; WAO-0072 § 2, 2008; WAO-0069 § 1, 2007)

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

Section(s):

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. (WAO-0069 § 1, 2007)

## ENFORCEMENT CHAPTER 1.25

Sections:

- 1.25.005      Responsibility
- 1.25.010      Violations
- 1.25.020      Administrative Penalty
- 1.25.030      Administrative Penalty Amounts

### **1.25.005      Responsibility.**

The Agency Engineer is charged with enforcement of this Code and with the coordination of all Agency and County officials and departments in order to achieve its purpose. The Agency Engineer may take such other steps and may apply to such court or courts as have jurisdiction to grant relief as will abate and restrain and enjoin any person from taking any action contrary to the provisions of this Code. (WAO-0092 § 4, 2015)

### **1.25.010      Violations.**

- A.      Violating any provision contained in this Code is an infraction.
- B.      Violating any provision of this Code following a violation notice from the Agency Engineer shall constitute a misdemeanor, and upon conviction the violating person may be punished by a fine up to \$1,000 or imprisonment in the County jail for up to six (6) months, or both.
- C.      Violating any provision of this Code constituting water waste or unauthorized use of Agency water is a public nuisance.
- D.      Any violation of this Code may be remedied by injunction or other civil proceeding pursuant to direction by the Board of Directors.
- E.      Violating any provision of this Code shall be subject to an administrative penalty as set forth in this Chapter.
- F.      Each person commits a separate offense each and every day during any portion of which a violation of any provision of this Code is committed, continued, or permitted. Any violation persisting more than one twenty-four (24) hour period is a continuing violation.
- G.      The penalties and remedies authorized by this chapter are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this Code or any other applicable law or regulation. (WAO-0092 § 4, 2015)

### **1.25.020      Administrative Penalty.**

- A.      A notice of a violation and administrative penalty shall be provided according to Chapter 1.15 of this Code, except the publication requirements shall not apply. A notice of violation and administrative penalty shall be directed to the owner or occupant of the premises where the violation occurred.
- B.      A party provided notice of a violation and administrative penalty may appeal the notice by filing a written appeal with the Agency Engineer no later than fifteen (15) days after the notice of violation and administrative penalty is issued. The appeal must specify the grounds for appeal and shall provide the appellant's address and telephone number.

C. Upon timely receipt of an appeal, the Agency Engineer shall set the matter for a review hearing at the earliest practical date. The Agency Engineer shall provide written notice of the hearing to the appellant no less than seven (7) days prior to the date of the hearing. At the hearing, a Hearing Officer meeting the pertinent qualifications of Government Code Sections 27720 et seq. shall hear relevant evidence presented by the appellant and Agency staff, and may uphold, modify, or rescind the notice of violation and administrative penalty. The Hearing Officer shall provide the appellant a written determination, which shall be the final administrative determination of the matter. The Hearing Officer's determination shall advise that the time limit and manner for judicial review is governed by California Government Code 53069.4, or its successor statute.

D. The failure of the owner or occupant of the premises where the violation occurred to file a timely notice of appeal shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust the owner's and occupant's administrative remedies for the notice of violation and administrative penalty.

E. Upon determining after an appeal that an administrative penalty shall be imposed, or upon issuance of a notice of violation and administrative penalty and expiration of the appeal period with no appeal filed, the administrative penalty amount shall be included on the bill for water service provided to the premises where the violation occurred and shall be collected together with the water service fees for the premises. (WAO-0092 § 4, 2015)

#### **1.25.030 Administrative Penalty Amounts.**

The following penalties may be imposed for any violation of this Code. Penalties identified in this section may be imposed to the owner of the premises where the violation occurs regardless of whether the violation is committed by the owner of the premises.

A. First Violation During Any Twelve (12) Month Period. No penalty shall be imposed, but a written notice describing the violation and the penalties for subsequent violations shall be issued to the owner and occupant (if different than the owner) of the premises where the violation occurred.

B. Second Violation During Any Twelve (12) Month Period. A penalty of \$100 shall be imposed.

C. Third Violation During Any Twelve (12) Month Period. A penalty of \$200 shall be imposed.

D. Each Additional Violation During Any Twelve (12) Month Period. A penalty of \$500 shall be imposed. (WAO-0092 § 4, 2015)

## DEFINITIONS CHAPTER 1.30

Sections:

1.30.005	Definitions
1.30.010	Agency
1.30.020	Agency Act
1.30.030	Agency Engineer
1.30.040	Appeal
1.30.050	Board Of Directors
1.30.060	Board Of Supervisors
1.30.070	Code
1.30.080	County
1.30.085	Director
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. (WAO-0069 § 1, 2007)

**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). (WAO-0069 § 1, 2007)

**1.30.020 Agency Act.**

The Legislative Act creating the Sacramento County Water Agency, codified at West's Water Code Appendix, Section 66. (WAO-0069 § 1, 2007)

**1.30.030 Agency Engineer.**

The Director of the Sacramento County Department of Water Resources of the Sacramento County Municipal Services Agency or his or her designee. (WAO-0072 § 3, 2008; WAO-0069 § 1, 2007)

**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. (WAO-0069 § 1, 2007)

**1.30.050 Board of Directors.**

The legislative body of the Sacramento County Water Agency, also referred to herein at times as the "Board". (WAO-0069 § 1, 2007)

**1.30.060 Board of Supervisors.**

The legislative body of the County of Sacramento. (WAO-0069; 0072)

**1.30.070 Code.**

The Sacramento County Water Agency Code. (WAO-0069 § 1, 2007)

**1.30.080 County.**

The County of Sacramento. (WAO-0069 § 1, 2007)

**1.30.085 Director.**

The Director of the Sacramento County Department of Water Resources.

(WAO-0069 § 1, 2007)

**1.30.090 Gender.**

The masculine gender includes the feminine and neuter. (WAO-0069 § 1, 2007)

**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.

(WAO-0069 § 1, 2007)

**1.30.110 Shall - May.**

The term "shall" is mandatory and the term "may" is permissive. (WAO-0069 § 1, 2007)

**1.30.120 State.**

The State of California. (WAO-0069 § 1, 2007)