



FRAZIER PARK PUBLIC UTILITY DISTRICT
4020 PARK DRIVE, P.O. BOX 1525, FRAZIER PARK, CA 93225
TELEPHONE: 661-245-3734 FAX: 661-245-3472
www.frazierparkwater.com



**RESOLUTION BEFORE THE BOARD OF DIRECTORS OF THE
FRAZIER PARK PUBLIC UTILITY DISTRICT ADOPTING
BYLAWS AND RULES AND REGULATIONS**

Adopted at the Regular Meeting, April 13, 2023

The purpose of these Bylaws and Rules and Regulations is to establish the manner in which the Frazier Park Public Utility District ("District") will provide for economical and efficient distribution and use of water within the District.

The District is duly formed and established, and is operating pursuant to the California Public Utility District Act (Public Utilities Code (PUC) Section 15501 *et seq.*), and hereby adopts by way of this Resolution the Bylaws and Rules and Regulations set forth herein, pursuant to the District's authority under applicable law, including without limitation PUC Sections 16072 and 16461.

GOVERNANCE

1. The Board of Directors of the District (the "Board") shall consist of five (5) members who shall be registered voters and reside within the District's boundaries. Directors shall be elected at large for a four (4) year term to be staggered by two (2) years for two (2) Directors (seat #1 and seat #3), or shall be appointed by a majority vote of the Board should a vacancy occur, pursuant to Government Code section 1780. Directors shall serve without salary but shall receive the sum of one hundred dollars (\$100.00) for each duly convened meeting to the extent allowable by current law. Directors may also be reimbursed for expenses incurred as part of FPPUD business, when so authorized by the Board.
2. The Board shall appoint as needed Ad Hoc committee(s) consisting of up to two (2) Board Members. An Ad Hoc is created to research, investigate and report back to the full Board on any topic that requires additional information. Ad Hocs may also be formed for the purpose of covering office duties and staff support if needed and agreed upon in a prior Board Meeting. Directors shall receive a stipend of up to one hundred dollars (\$100.00) for each duly convened or combined meetings of three (3) hours of the Ad Hoc to the extent allowable by current law. Ad Hocs Committees will be reimbursed at a percentage of time spent paid in increments of fifteen (15) minutes.
3. The Board shall appoint as needed Standing committee(s) consisting of up to two (2) Board Members and alternates. A Standing Committee meets at a regularly scheduled date and time and is subject to the Brown Act. Attending Directors or alternates shall receive a stipend of up to one hundred dollars (\$100.00) for each duly convened or combined meetings of three (3) hours of the Standing Committee to the extent allowable by current law. Standing Committees will be reimbursed at a percentage of time spent paid in increments of fifteen (15) minutes.
4. All members of the Board have a responsibility to:
 - a. Attend all Regular and Special Meetings of the Board (unless excused for illness, vacation, or employment responsibilities).
 - b. Take an active part in meetings.
 - c. Serve on at least one committee per term.
 - d. Review Agenda and supporting materials prior to Board and committee meetings.
 - e. Adhere to the District's Conflict of Interest and Ethics Policies, as well as the Brown Act (California Government Code Section 54950 *et seq.*)
 - f. Carry out his/her fiduciary responsibility to the residents of the District.
5. A member of the Board can be recalled pursuant to sections 11000 through 11386 of the California Elections Code.



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6. All members of the Board or any employee specifically named shall be bonded for liability purposes. Those members or employees who are authorized with the District's contracted bank to sign checks or conduct other financial business may be required to be bonded at a higher amount.
7. The positions of President, Vice President, Treasurer and Secretary of the Board of Directors of the FPPUD will be rotated, by seat number, annually at the regular December Board Meeting. A Board Member in office less than six months, who becomes eligible through rotation, must be approved to serve by a majority vote. The positions of President, Vice President, Treasurer and Secretary may be renewed once for one (1) additional year, providing the current Board Member(s) serving is/are nominated for an additional term and the Board agrees by majority vote. The positions of President, Vice President, Treasurer and Secretary are not, for any reason, renewable beyond the two (2) year term limit. The process for rotation of Board Positions will be as prescribed in Resolution #FP-20190214-01. See Addendum A.
8. All bills paid by check against the District shall first be approved by the Board. Checks or drafts of the District must be signed by two (2) Directors listed as signers on the account for amounts totaling under three thousand dollars (\$3,000.00); and any three (3) named Directors' signatures are required for amounts totaling three thousand dollars (\$3,000.00) or more, with the exception of bills paid by credit card, as approved by the Board.
9. When communication with Board Members is necessary via email, and subject to applicable Brown Act limitations, all correspondence shall occur through an email address provided through the District. At no time will personal email accounts be used.
10. **The Board of Directors shall meet on the second (2nd) Thursday of each month at 6:00pm, and fourth (4th) Thursday of each month at 4:00pm, generally at the FPPUD main office or at another location that is duly noticed consistent with the applicable law. The Board may vote to adjust regular meeting dates should they fall on a holiday.**
11. **The Standing Committees of the Board of Directors shall meet generally at the FPPUD main office or at another location that is duly noticed consistent with the applicable law. The Board may vote to adjust regular meeting dates should they fall on a holiday. The Standing Committees shall meet at the following times:**
 - **Accounts Payable Standing Committee: Shall meet on the second (2nd) and fourth (4th) Tuesday of each month at 11:00am.**
 - **State Update Meeting Standing Committee: Shall meet on the third (3rd) Thursday of each month at 10:00am.**
 - **Quarterly Financial Standing Committee: Shall first meet at 11:00am on the third (3rd) Tuesday of January, April, July, and October, and again two (2) weeks after the first meeting.**
12. During Regular and Special Meetings of the Board, public comments shall be limited to five (5) minutes per speaker. Twice the amount of time shall be allotted to a member of the public who utilizes a translator.
13. The Meetings of the Board of Directors shall generally adjourn at or before 9:00pm, or after three (3) hours if there is an alternate meeting time that is duly noticed consistent with applicable law. When the chair announces the hour, any Board Member can move to postpone the time for adjournment, in order to provide the Board with sufficient time to complete the District's business.
14. A Special Meeting may be called at any time by the President of the District or by a majority of Directors per section 54956 of the Brown Act.
15. The District's powers and purposes include the accumulation, preservation, and distribution of water to property owners within the boundaries of the District and such other actions as authorized by applicable law and/or as authorized by the Board.



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FINANCIAL

16. The District's revenues shall be derived in a manner consistent with the District's enabling act and other applicable law, and may be from a variety of sources, including charges for water provided to customers, necessary fees and penalties, property taxation, rental properties, periodic grants and loans, as authorized by the Board.
17. All new applicants for water service shall pay the current service connection fee for each new connection to the distribution system. New connection fees collected will be deposited into the Distribution System Emergency Reserve Account ...4383. In addition, all present and future District customers agree to comply with the District's Rules and Regulations.
18. Any unimproved parcels without water service or improved parcels with service locked off for more than six (6) months shall be assessed a System Stand-By Fee (currently five dollars (\$5.00) per year) per government code section 54984, collected via the Kern County Tax Assessor's Office.
19. The District uses a Metered System for billing. Rates are adjusted upon a proposed vote of Directors and the District conducting a Proposition 218 election. Cost of living increases can be provided for in Proposition 218 majority protest proceedings. The District's billing rates, fees and charges, specifically referenced herein and otherwise, are attached hereto as Addendum B, and as adjusted from time to time pursuant to Proposition 218 majority protest proceedings are available for public review at the District's office during normal business hours, or online at www.frazierparkwater.com.
20. Regardless of water consumption, a base rate for water availability will be charged at the current rate.
21. Property owners, and not lessees or renters, shall bear the full and final responsibility of payment of all water charges on a timely basis. Bills will be sent to the property owner at the address for the applicable property. A property owner wishing for the tenant to receive the water bill from the District at the address for the property must submit a written request to the District in the manner provided in Section 20 below; provided, however, that the District will be under no obligation to accommodate such requests, and will do so to the extent feasible in the District's sole discretion. However, consistent with PUC Section 16469(b), in no event will the District grant a request for water bills to be sent directly to a subsequent tenant if a prior tenant vacated the property leaving any water bill unpaid.
22. Property owners may fill out and sign a "Utility Billing Change of Address and Tenant Name Directive" form allowing a tenant to pay District water bills directly. Incorporating this change does not transfer a property owner's responsibility to pay the water bill and all associated fees and charges should they go unpaid by the named tenant. Both the owner and tenant must present a State Driver License or Identification Card for reproduction, and this form must be signed by both the owner and tenant. This form must be resubmitted for any subsequent tenant should the owner wish the tenant to be billed directly. See Addendum C.
23. Occupants/Tenants have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account, should the water service be subject to suspension due to non-payment. The occupant/tenant must sign and agree to the terms and conditions of service, and verify the customer of record is or was the landlord, manager or agent of the dwelling. Verification may include a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.



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24. Bills for water charges are mailed no later than the first business day of each month and payments are due by the twentieth (20th) of each month. Unpaid balances shall become delinquent if not paid by the due date. Further, failure to pay water charges by the due date will result in a late charge. The District may cause the service to be disconnected pursuant to applicable law for any account that is delinquent in an amount of no less than twenty-five dollars (\$25.00). If service is disconnected, the property owner shall pay a reconnection charge, late charge, and any other expenses incurred by the District resulting from the delinquency and related disconnection, prior to service being restored. See Addendums D and E.
25. In the event a property within the District that is subject to an unpaid bill from the District is transferred, the amount of the unpaid bill together with any applicable late charges, reconnection charges and other expenses shall remain due and payable and shall be collectable by the District against the transferee for said property. Consistent with the foregoing, no water service application by a transferee will be fulfilled if the account for the transferred property remains delinquent.
26. The District reserves the right to have delinquent charges that remain unpaid for a period of six (6) months assessed to the parcel associated with the bill collected via the Kern County Tax Assessor's Office, pursuant to Sections 16469 and 16470 of the PUC. As an alternative, the District reserves the right to record a certificate of unpaid charges with the Kern County Recorder's Office pursuant to Section 16472.1 of the PUC. In either case the delinquent charges shall constitute a lien on the property as provided for in applicable law. When a non-owner occupant has become the customer of record, and the account has been locked off with an account balance delinquent six (6) months or more, the District may elect to use a collections agency to collect the debt. See Addendum F.
27. The District can provide backflow testing for cross connection control devices that are within District boundaries. The fee for each test shall be fifty dollars (\$50.00) per device. If any repairs need to be made, the fee shall be seventy dollars (\$70.00) per hour, plus parts. All fees will be added to the customer's water bill unless paid by check at the time of the test/repairs. All fees collected for backflow testing will be deposited into the Distribution System Emergency Reserve Account ...4383.

CONDITIONS OF WATER SERVICE

28. Owners must provide a grant deed, transfer deed, trust deed, or any other deed that proves property ownership, consistent with California law. New property owners must provide this deed within thirty (30) days of the legal change.
29. Any District customer desiring to temporarily halt water service may notify the District to have the service locked off. The District may satisfy this request or not, in its sole discretion. The District will charge a reconnection fee at the current rate when service is reconnected. Furthermore, after seven (7) years, an abandonment/reconnection fee of seven hundred fifty dollars (\$750.00) will be charged and the meter replaced.
30. District staff and/or those others authorized by the District shall have access at all times to all lands and District water distribution facilities within the District for the purpose of conducting District business. Except in cases of emergency or where otherwise considered impractical, the District shall contact property owners prior to entrance onto their property for purposes of conducting the District's business. Nothing herein shall limit the District's use of any District easements for right-of-ways.
31. Without limiting any rights otherwise reserved by or to the District, any person desiring to encroach upon any District property or easement and/or right-of-way with any fence, pipeline or other encroachment shall first apply for and obtain from the District an encroachment permit. Any such encroachment shall be constructed to the District's specifications at the sole expense of the applicant and maintained under supervision of, and to the satisfaction of, the District. Under no circumstance shall any facilities be constructed that prevent access to District facilities for repair of such facilities. Nothing herein shall limit the District's rights and ability to refuse any request for an



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encroachment.

- 32. District personnel will perform all maintenance, repairs, adjustments, turn-ons and lock offs of and to water facilities and services. Unauthorized individuals tampering with District facilities are subject to immediate termination of service and possible criminal and civil sanctions as prescribed by law, including without limitation California Civil Code 1882.1. In addition, they shall be held liable for all damages including all costs of repair and/or discontinued service. Without limiting the foregoing, the District will charge to any person caught vandalizing a District facility a minimum two hundred dollar (\$200.00) cut lock/curb stops/valves and vandalism fee for each occurrence.
- 33. Any person wasting water by allowing it to run off property boundaries, who plainly and/or needlessly floods or over irrigates any portion of the property or who otherwise disregards the District water conservation policy may be refused the use of water until conditions causing the waste are remedied pursuant to applicable law.
- 34. Every customer of the District shall be responsible for any and all damages inflicted upon the property of the District, and will be responsible for all costs of repair or replacement if required. All the costs associated therewith will be collected from the customer as with any other fee, rate, or charge imposed by the District.
- 35. As a condition for water service, the property owner agrees for itself and on behalf of any tenant to indemnify, hold harmless and assume the defense of the District and its officers, agents and employees for any and all loss, damage, liability, claims or cause of action of every nature whatsoever, for damage to or destruction of property, including the District's property or for injury to or death of persons, in any manner arising out of or incidental to the control, carriage, handling, use, disposal or distribution of water once it has passed the District's meter.
- 36. Nothing contained in these Rules and Regulations shall constitute a waiver by the District or stop the District for asserting any defenses or immunities from liability as provided in law, including, but not limited to, those provided in the Government Claims Act (California Government Code Section 810 *et seq*).
- 37. All other rules and regulations that are in effect when these bylaws are adopted shall remain in effect until changed by Board action at a duly authorized meeting of the Board.
- 38. Any rule or regulation set forth herein that is in conflict with any state or county law, ordinance, or regulation governing special districts shall be void. All other rules and regulations shall remain in effect after these rules and regulations are adopted.

PASSED AND ADOPTED at the Regular Meeting of the Board of Directors of the Frazier Park Public Utility District held on the **13th day of April, 2023** by the following vote M/S/C:
 _____/_____

AYES: - **Directors:**
NOES: -
ABSTAIN: -
ABSENT: -



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Tiffany Matte, Clerk Of The Board
FPPUD

Attest: Gerald Garcia, Secretary,
Board of Directors of the FPPUD

SEAL