

Title 1

**GENERAL REGULATIONS**

**Chapters:**

- 1.04            Public Use and Maintenance of Right-of-Way**
- 1.08            Public Use of District Facilities**
- 1.10            Public Use of Los Vaqueros Recreation Facilities**
- 1.12            Inspection of District Records**
- 1.24            Smoking in District Facilities**
- 1.28            Commendations**

## Chapter 1.04

### PUBLIC USE AND MAINTENANCE OF RIGHT-OF-WAY

#### Sections:

<b>1.04.010</b>	<b>Scope.</b>
<b>1.04.020</b>	<b>Principles and Objectives.</b>
<b>1.04.030</b>	<b>Actions by Board of Directors.</b>
<b>1.04.040</b>	<b>Limitations on Rights.</b>
<b>1.04.050</b>	<b>Structures and Encroachments.</b>
<b>1.04.060</b>	<b>Canal Service Roads.</b>
<b>1.04.070</b>	<b>Applications for Use—Advance</b>

#### Payments.

<b>1.04.080</b>	<b>Permits—Security Deposit--Forms.</b>
<b>1.04.090</b>	<b>Canal Lining Fencing.</b>
<b>1.04.100</b>	<b>Canal Property-Line Fencing.</b>
<b>1.04.105</b>	<b>Encroachments on Right-of-Way.</b>
<b>1.04.110</b>	<b>Drainage.</b>
<b>1.04.120</b>	<b>Access to Right-of-Way.</b>
<b>1.04.130</b>	<b>Landscaping.</b>
<b>1.04.140</b>	<b>Adjacent Properties.</b>

#### **1.04.010 Scope.**

The regulations codified in this chapter govern the use of the lands of the United States which comprise the right-of-way of the Contra Costa Canal System by individuals, corporations, the District and public entities in accordance with the District's water supply agreement with the United States numbered 175r-3401 amended, its operation and maintenance agreement with the United States numbered 14-06-200-6072A and the recreational management agreement between the United States and East Bay Regional Park District numbered 14-06-200-6023A as amended. (Res. 94-04 Exh. A (part); Reg. 51(a))

#### **1.04.020 Principles and Objectives.**

The following principles and objectives shall control use of the right-of-way:

A. The primary and paramount use and purpose of the right-of-way is for furnishing an adequate and reliable water utility service in a manner that protects the public health and safety. Any other use of the right-of-way is subordinate to, and shall not substantially interfere with, its primary use and purpose.

B. Subject to the foregoing, the right-of-way shall be put to the optimum and maximum uses in the public interest.

C. Subject to the foregoing, excavation, grading and construction on the right-of-way shall be held to the minimum reasonable under the circumstances.

D. The following criteria must be considered and addressed prior to allowing a Contra Costa Water District facility, not directly related to the operation of the Contra Costa Canal System, to be installed within the canal right-of-way:

1. There is measurable economic benefit to either the District or to the surrounding community for the facilities

to be in the right-of-way when compared to other alternative routes;

2. There is no long-term effect that cannot be mitigated regarding the maintenance and usage of the right-of-way for canal system purposes;

3. The proposed facility, if for treated water purposes, shall be primarily for a transmission pipeline facility and appurtenances;

4. The location of the facility shall be selected to minimize visual impact and disruption of the public's use of the trail system. (Res. 94-04 Exh. A (part); Reg. 51(b))

#### **1.04.030 Actions by Board of Directors.**

A. All proposals for conveyances, leases, grants of easement and authorization for construction on the right-of-way shall be reported to the Board of Directors of the District as soon as the preliminary plans therefore are submitted to the District and the District's estimated costs have been advanced in accordance with Section 1.04.080.

B. All licenses and permits for structures or construction on the right-of-way that may be granted by the United States shall be subject to the prior approval of the Board of Directors except for such licenses and permits as are authorized under Section 7.12.050, and such other licenses and permits as the Board may, from time to time, authorize officers of the District to issue. (Res. 00-19 Exh. C; Res. 91-46 Exh. A (part); Reg. 51(c))

#### **1.04.040 Limitations on Rights.**

A. No use of the right-of-way that results in degradation of the quality of the water in the Contra Costa Canal System, creates an unreasonable hazard to persons on the right-of-way or causes damage or risk of damage to any property of the United States or the District, shall be permitted.

B. All excavation, grading and construction on the right-of-way shall be in accordance with District's standard requirements for construction on the Contra Costa Canal System right-of-way and all safety regulations and orders of the state of California and the United States.

C. The District may require the construction and maintenance without cost to the District, of such fences, gates, guard rails and other safety devices as it considers necessary in connection with the proposed use. (Reg. 51(d))

#### **1.04.050 Structures and Encroachments.**

A. Each structure and encroachment on the right-of-way shall be restricted to the smallest portion of the right-of-way reasonably required to accomplish its purpose.

B. Each permanent structure or encroachment on the right-of-way shall, to the greatest extent

practical, be at right angles to the length of the right-of-way. Longitudinal use of the right-of-way will be permitted only when necessary to accommodate public works that cannot reasonably be located elsewhere.

C. All excavation, grading and construction on the right-of-way shall be in accordance with plans and specifications theretofore approved in writing by the District and shall meet or exceed all requirements of the United States, the state of California and local governmental entities with regulatory jurisdiction.

D. No excavation, grading or construction on the right-of-way shall be commenced unless and until all applicable requirements of the National Environmental Protection Act and the California Environmental Quality Act have been complied with, and all necessary District and county or city permits have been issued and are in effect. (Res. 91-46 Exh. A (part); Reg. 51(e))

#### **1.04.060 Canal Service Roads.**

Use of service roads of the Contra Costa Canal System may be authorized for the following purposes, subject to such conditions as the District shall consider appropriate under the circumstances:

A. Accommodation of construction on the canal right-of-way that has been authorized by the District or the United States;

B. Accommodation of construction, tree removal, landscaping, cleanup or other similar non-recurring use on land abutting the canal right-of-way where alternative means of access is limited;

C. Ingress to and egress from parcels of land severed from public roads by the right-of-way;

D. Travel by supervised groups of persons during single-day events, consisting of walking, jogging or running activities sponsored by public entities or responsible organizations;

E. Recreational use under the custody and responsibility of a public entity, as may be permitted by agreement or contract with the District and the United States. (Reg. 51(f))

#### **1.04.070 Applications for Use—Advance Payments.**

Applicants for use of the right-of-way for construction activities, including public entities, shall advance to the District the District's estimate of its costs in connection with the application, including without limitation, engineering, inspection, administration and overhead charges. When the District's actual costs have been computed, the applicant shall pay any excess thereof over the prepaid estimate and any overpayment shall be refunded. (Res. 91-46 Exh. A (part); Reg. 51(g))

#### **1.04.080 Permits—Security Deposit—Forms.**

A. For a structure to be constructed on the right-of-way, both an easement or license and an encroachment permit are required before work can commence. For other uses of the right-of-way, only an encroachment permit is necessary. Encroachment permits shall be issued by District staff prior to

the start of the activity authorized by the permit. A monetary security shall accompany the application for an encroachment permit and shall be deposited with the District to insure that all work is completed to the District's satisfaction. The security shall be the amount of the total construction cost of the facilities within the canal right-of-way or an amount sufficient to repair potential damage to the right-of-way or facilities located thereon as determined by the General Manager or his designee. If the applicant fails to perform the work to the District's satisfaction, the District will then use the security to complete the proposed work.

B. All licenses, permits and encroachments on the right-of-way shall be on forms approved by the District's legal counsel. (Res. 91-46 Exh. A (part); Reg. 51(h))

#### **1.04.090 Canal Lining Fencing.**

Canal lining fencing (also referred to as "safety fencing") is generally a five-foot-high chain-link fence which is installed approximately two feet from the edge of the canal lining (normally on both sides) to protect the safety of the public and District personnel. Canal lining fencing includes four-foot-wide access gates at canal facilities and water diversion facilities, such as turnouts and pumps for canal (raw water) customers, and shall be constructed and installed according to the District's standard fencing details and specifications. Responsibility for installation and maintenance is as follows:

##### **A. Installation**

1. The District will install canal lining fencing consistent with public safety and the operation and maintenance of the canal system.

2. If a public agency has formally accepted operation and maintenance responsibilities for a portion of the canal right-of-way (licensed area), that public agency shall install canal lining fencing, at their expense and as the District determines to be reasonably necessary. Canal lining fencing will be a condition of approval before the right-of-way may be opened to the public.

3. In areas where no public access is possible, such as within the area of the Concord Naval Weapons Station, canal lining fencing will not be installed.

4. In areas where no fencing exists and new development is proposed adjacent to the canal, canal lining fencing is to be installed as part of the development. Where District approval is required for the development, fencing will be a condition of approval. When formal District approval is not required, the District will seek the cooperation of the local government agency to secure this requirement.

**B. Maintenance.**

1. Canal lining fencing installed by the District for public safety and for the operation and maintenance of the canal system will be maintained by the District on a continuing basis.

2. Canal lining fencing required in areas of public use shall be maintained by the public agency that has accepted responsibility for the licensed area. Fence maintenance will be reviewed by the District on an annual basis. (Res. 94-93 § 1: Reg. 51(i))

**1.04.100 Canal Property-Line Fencing.**

Canal property-line fencing (also referred to as "security fencing") is generally a six-foot-high chain-link fence which is installed along the canal right-of-way boundary line (canal property line) to control unauthorized access to the canal right-of-way and delineate the canal right-of-way boundary (unless otherwise licensed). Canal property-line fencing includes sixteen-foot-wide double gates for access to the canal right-of-way at canal crossings (bridges), public streets, and other facilities, and shall be constructed and installed according to the District's standard fencing details and specifications. The District reserves the right to complete property-line fencing in an orderly and planned manner to prevent the following: (1) recurring problems of unauthorized public access, (2) vandalism, (3) recreational operation of motor vehicles within the canal right-of-way, (4) alternative access to private property, and (5) refuse disposal. Responsibility for installation and maintenance is as follows:

**A. Installation**

1. District-installed canal property-line fencing will be installed by the District along the canal right-of-way boundary, unless fencing is installed by others prior to District scheduling.

2. Privately Installed. When property adjacent to the right-of-way is developed, fencing is to be installed at the property line as part of the development. Where District approval is required for the development, fencing will be a condition of approval. Where formal District approval is not required, the District will seek the cooperation of the appropriate local government agency to secure a requirement for fencing. New canal property-line fencing in accordance with this policy shall be installed at the developer's expense.

a. Standard Canal Property-Line Fencing. In general, six-foot-high chain-link fencing will be required. The fencing shall be placed within the canal right-of-way, as close as possible to the property line, and will become the property of the District. The District will assume permanent responsibility for maintenance of the fence.

b. Non-standard Fencing. If requested, the District may approve the use of other fencing materials, in specific instances, only when the alternative fencing material is shown to provide security equivalent to that of chain-link fence, and only when a public agency has entered into a binding agreement with the District for the public agency to

provide continuing inspection, maintenance and replacement on a permanent basis. The fencing shall be placed along the surveyed canal right-of-way boundary, usually six inches within the private property.

3. Other Public Agency Installed. The responsibility of developing new recreational trails shall include the installation and maintenance of canal property-line fencing by other public agencies to prevent trespassing onto the canal right-of-way and to ensure the protection of adjacent private property along the public trails or where public access is prohibited along the canal right-of-way.

a. Standard Canal Property-Line Fencing. A six-foot-high chain-link fence installed along the canal property line. Canal property-line fencing shall be constructed and installed according to the District's standard fencing details and specifications. Canal property-line fencing will be a condition of approval before the right-of-way may be opened to the public.

b. Trail Screen Fencing. Trail screen fencing generally has PVC slats interwoven in the chain-link fencing fabric. Only through specific agreements between the public agency / CCWD / USBR may trail screen fencing materials be substituted for standard canal property-line fencing. The height may vary between six feet to twelve feet, depending on the specific requirements.

4. Existing Trails Without Property-Line Fencing. The District may install canal property-line fencing along the existing areas open to the public as necessary to protect District facilities, eliminate recurring problems of trespassing onto the canal property (i.e., dumping, gardens, permanent structures, vehicles), and delineate the canal right-of-way boundaries.

**B. Maintenance**

1. District Installed. The District will continue to annually inspect and maintain District-installed fencing at the property line abutting the canal right-of-way, unless that portion of the right-of-way has been licensed to a public agency. However, the District will seek recovery of damages for fences damaged by activities of adjacent property owners.

**2. Privately Installed.**

a. Standard Canal Property-Line Fencing. Where six-foot chain-link fencing has been installed by developers along the property line or within the canal right-of-way, the District will perform the necessary annual inspection and maintenance, unless that portion of the right-of-way has been licensed to a public agency.

b. Non-standard Fencing. Maintenance of privately installed property-line fencing not meeting District specifications shall be

the responsibility of the agency requesting the variance.

3. Other Public Agency Installed. During the term of a public agency / CCWD / USBR agreement, the public agency will, at its expense, maintain and promptly repair or replace all fencing in or adjacent to the public areas as necessary and in accordance with the terms of the agreement. (Res. 94-93 § 2; Reg. 51 (j))

**1.04.105 Encroachments on Right-of-Way.**

Existing encroachments onto canal property, discovered at the time of fence construction, will be dealt with on a case-by-case basis. The goal is to eliminate all such encroachments on the right-of-way. A fee schedule for encroachment permits shall be established from time to time by the General Manager and shall not exceed one hundred dollars per year. Achievement of this goal will be subject to the following:

A. Natural Conditions. No trees will be removed unless they are an endangerment to the canal. Every attempt will be made to minimize the impact of fencing on the existing landscape.

B. Non-structural Encroachments. Subject to a review of operational and maintenance concerns, an encroachment permit will be issued by the District with a specific time limit designed to ultimately phase out the encroachment when the use is no longer necessary or the property ownership changes.

C. Structural Encroachment. A license, subject to review of operational and maintenance concerns and recommended by the Board, may be issued by the USBR. To the fullest extent possible, the ultimate goal is to phase out the encroachment or resolve the property issue within a specific time limit, not to exceed when property ownership changes.

A recordable agreement between the District and property owner will be required for structural and non-structural encroachments. (Res. 94-93 § 3)

**1.04.110 Drainage.**

The District's objective is to eliminate the discharge of surface water drainage into the Contra Costa Canal. Where development adjacent to the right-of-way required District approval, the District will continue to require drainage facilities which achieve this objective while, additionally, protecting the canal system from flood damage. The District's staff will maintain contact with local agencies responsible for flood control to secure drainage facilities designed to meet this objective in connection with the development of lands remote from the canal system. (Reg. 51(k))

**1.04.120 Access to Right-of-Way.**

A. The District will continue to permit public access to the right-of-way where appropriate safety fencing is installed adjacent to the canal lining and where a public agency has accepted maintenance responsibility, as in the case of recreational trails.

B. Access will be permitted where required for operation and maintenance of facilities for diversions of water from the canal by small users. Installation of diversion facilities within the right-of-way may be approved in specific

instances when the installation is consistent with public safety and the operation and maintenance of the canal system. Maintenance and repair of facilities installed under this policy will remain the responsibility of the owner. Safety fencing at the canal linking will be maintained by the District in all such cases.

C. Access will be permitted for maintenance of landscaping installed for screening purposes adjacent to the recreational trail system on the canal right-of-way.

D. To protect public safety and to reduce the use of the right-of-way for private purposes, including alternative access to private property and such nuisance uses as recreational operation of motor vehicles and refuse disposal, the District will construct security fencing to prevent unauthorized access to the right-of-way. (Reg. 51(l))

**1.04.130 Landscaping.**

With prior District approval, landscaping may be installed on the right-of-way for screening adjacent to the canal recreational trail system or for decorative purposes. Such landscaping will be permitted only under the terms of a formal agreement providing for its maintenance by others. (Reg. 51(m))

**1.04.140 Adjacent Properties.**

The District shall review and comment on plans for development of properties adjacent to or near the Contra Costa Canal System, and if appropriate recommend conditions thereon to implement the provisions of this chapter. (Res. 91-46 Exh. A (part))

## Chapter 1.08

### USE OF DISTRICT FACILITIES\*

#### Sections:

<b>1.08.010</b>	<b>Purpose of Provisions.</b>
<b>1.08.020</b>	<b>Policy and Conditions for Use.</b>
<b>1.08.030</b>	<b>Approval Required When.</b>
<b>1.08.040</b>	<b>Use Regulations.</b>
<b>1.08.050</b>	<b>District Facilities.</b>

\*Prior history: Reg 52

#### **1.08.010 Purpose of Provisions.**

The regulation codified in this chapter governs the use by any person or group of persons of buildings and properties of the District. Use of the right-of-way of the Contra Costa canal system and facilities appurtenant thereto is covered by Chapter 6.24. (Res. 03-43 (part); Res. 90-74 (a))

#### **1.08.020 Policy and Conditions for Use.**

It shall be the policy of the District to permit reasonable and beneficial use of the buildings and properties of the District, including uses which provide a community service and/or public education, subject to these conditions: first, that such use shall not impair or interfere with the normal operations of the District, its employees, consultants and contractors; second, that political activities in District buildings or on District properties are prohibited; and third, that such use shall not cause, or create a risk of, nuisance, injury to persons, or damage to property. (Res. 04-08 (part); Res. 03-43 (part); Res. 90-74 (b))

#### **1.08.030 Approval Required When.**

Use of the buildings and properties of the District for purposes other than normal business transactions with the District shall be subject to the consent and permission of the District's Board of Directors and shall be on such reasonable terms and conditions as the Board of Directors shall prescribe. (Res. 03-43 (part); Res. 90-74 (c))

#### **1.08.040 Use Regulations.**

A. The meeting room of the Board of Directors, the conference room adjacent thereto in the District Center, and other suitable rooms may be used for meetings at the time specified and in accordance with the terms of a reservation approved by the District.

B. The use by any person or group of persons of rooms on District property shall be subordinate to the requirements of the District and shall not negatively interfere with the normal operations.

C. Any person or group of persons desiring to use a meeting room on District property shall make application to the District and execute an agreement respecting such use on forms provided by the District. The user shall hold the District harmless from any damage or liability resulting from use of a meeting room.

D. Reservations for use of a meeting room on District property will be made at the discretion of the General Manager or his authorized representative. No reservation will be approved more than thirty days prior to the meeting.

E. If requests for use of a meeting room on District property conflict, requests will be approved in the following priority:

1. Meetings and hearings of the legislative body, or of a committee, board or commission, of a governmental agency;
2. Meetings on water matters;
3. Meetings of residents of the District;
4. Meetings with the largest anticipated attendance.

F. Specific rules are as follows:

1. Use of the Board meeting room and the conference room adjacent thereto shall not be permitted on any Wednesday on which a meeting of the Board of Directors or a Board committee is scheduled.

2. Use of a building on District property shall not be likely to result in damage to the building, its furnishings, or to District property, or to increase the maintenance or janitorial expenses of the District.

3. No alcoholic beverage shall be dispensed or consumed on District property. No food or beverage shall be permitted in the Board meeting room.

4. Automobiles shall only be parked within areas designated by the District.

5. The furniture in the Board meeting room shall not be moved or rearranged.

6. No meeting shall be held in the employees' room in the Operations Building unless an employee of the District is present throughout the meeting and is a member of the group holding the meeting. (Res. 03-43 (part); Res. 90-74 (d))

#### **1.08.050 District Facilities.**

The General Manager or designee may execute easements in accordance with Section 1.20.040, and may execute licenses, leases and permits for the use of District facilities in accordance with Section 6.12.050, and such other licenses, leases and permits as the Board of Directors may, from time to time, authorize officers of the District to issue. (Res. 00-19 Exh. D)

## Chapter 1.10

### PUBLIC USE OF LOS VAQUEROS RECREATION FACILITIES

#### Sections:

<b>1.10.010</b>	<b>Scope, Purpose and Intent—Fees and Charges.</b>
<b>1.10.020</b>	<b>Parking Passes—Fees and Charges.</b>
<b>1.10.030</b>	<b>Watershed Use and Access Passes—Fees and Charges.</b>
<b>1.10.040</b>	<b>Fishing Access Passes—Fees and Charges.</b>
<b>1.10.050</b>	<b>Special Event Permit—Fees and Charges.</b>
<b>1.10.060</b>	<b>Boat Rental—Fees and Charges.</b>
<b>1.10.070</b>	<b>Merchandise or Other Services—Fees and Charges.</b>
<b>1.10.080</b>	<b>Los Vaqueros Interpretive Center Meeting Room</b>

#### **1.10.010 Scope, Purpose and Intent—Fees and Charges.**

A. The regulations codified in this chapter set forth the fees and charges to be paid in exchange for the use of the recreational facilities in and around the Los Vaqueros Reservoir, and in the surrounding watershed. Violation of these provisions may also constitute a violation of the District's Ordinance No. 01-01, under which violators may be cited.

B. The purpose of these fees and charges is to pay a reasonable portion of the District's costs for the operation and use of the reservoir for recreational purposes, and the construction, operation and maintenance of recreational structures, facilities and equipment, including necessary sanitary facilities, and for policing and providing fire prevention and suppression services on the watershed lands, and other costs incidental to the recreational use of the reservoir. Subject to that limitation, establishment and modification of recreation fees and charges shall be based primarily upon an annual comparability analysis of the range of recreation fees and charges charged by other public and private entities for comparable services and facilities. The concessionaire will be contractually required to make an annual recreation fee survey and provide their justification and recommendation for fee changes, discounts, incentive and pilot programs. CCWD staff will complete the comparability analysis, evaluate costs, and recommend changes to the District's Board of Directors.

C. The following charges shall become effective on February 1, 2003 and shall remain in effect until amended. Except as otherwise stated, each fee or charge set forth in this chapter is independent of each other fee or charge, and payment of one such fee or charge does not excuse payment of another applicable fee or charge. Although certain fees and charges may be collected at the

time of entry into the Watershed, they are collected for the privilege of using recreational facilities within the watershed, not for the privilege of entering the watershed. There is no fee or charge for entering the watershed. (Res. 03-04 Exh. A (part); Res. 99-43 Exh. A (part))

#### **1.10.020 Parking Passes – Fees and Charges.**

A. Beginning on October 7, 1999, the charges to be paid for parking within the watershed shall vary in accordance to the passenger capacity of the motor vehicle and the status of the owner of the motor vehicle as set forth below:

1. A calendar year parking pass is available only for a car, motorcycle, or small van (less than ten passengers). The charge for a calendar year parking pass is as follows:

Ratepayers who are	
senior citizens (62 or older)	\$70.00
all other ratepayers	75.00
Non-ratepayers who are	
senior citizens (62 or older)	80.00
all others	85.00

2. For purposes of this provision, "ratepayer" means a natural person who pays water rates directly to the District, or to one of the following wholesale municipal customers: the city of Antioch, the city of Pittsburg, the city of Martinez, the Diablo Water District, or the Golden State Water Company.

3. The driver of each motorized vehicle that does not present an unexpired calendar year parking pass for that vehicle, and the driver of each motorized vehicle other than a car, motorcycle or small van (less than ten passengers), shall pay the following charge for a daily parking pass except as noted below:

Daily van/bus with a capacity for:	
21 or more passengers	\$20.00
10-20 passengers	12.00
Daily parking (car/motorcycle/small van):	
all District ratepayers	4.00
senior citizens (62 or older)	
who are not District ratepayers	5.00
all others	6.00

B. No charge shall be collected for parking any vehicle owned and occupied by an individual who, at the time that parking charges are collected, presents suitable documentation, as determined by the individual collecting parking charges, that he or she is a District employee or retiree. Upon leaving the watershed at a time when the applicable entry gate is staffed, each person who has paid for a daily parking pass for a car, motorcycle, or small van within the previous thirty minutes will receive a "Visitor's Refund" of the amount thus paid.

C. The foregoing recreation fees and charges are within the current range of comparable fees charged by other public and private entities for similar uses and facilities. (Res. 03-04 Exh. A (part); Res. 99-43 Exh. A (part))

**1.10.030 Watershed Use and Access Passes–Fees and Charges.**

A. Beginning on October 7, 1999, the charges to be paid for use of trails within the Los Vaqueros watershed shall be one dollar per pass to be collected upon entry (at trailhead) into the watershed. The pass categories are as follows: trail leaders – allows up to thirty persons with special written request and training; adults – (eighteen years and older) allows the immediate family plus three guests; and juniors – (twelve to seventeen years) does not allow guests and the junior pass holder must be accompanied by one other pass holder.

B. The foregoing recreation fees and charges are within the current range of comparable fees charged by other public and private entities for similar uses and facilities. (Res. 03-04 Exh A (part); Res. 99-43 Exh. A (part))

**1.10.040 Fishing Access Passes–Fees and Charges.**

A. Beginning on February 1, 2012, the charges to be paid for a daily fishing access pass for the Los Vaqueros reservoir shall be four dollars and twenty-five cents (\$4.25) per person to be collected at ticket dispensers, entry gate when manned, and the Watershed Office, the Interpretive Center or the Los Vaqueros marina.

B. Except as set forth in the following sentences, each person who is fishing at the Los Vaqueros reservoir shall have in his or her possession a valid fishing access pass issued that same day. Up to four children (fifteen and under), accompanied by a person sixteen years of age or over who possesses a valid daily fishing access pass, may fish under that fishing access pass subject to the daily possession limit of the pass holder. Each accompanied child, over the four allowed, must purchase and have in his or her possession a valid individual fishing access pass issued that same day. Those not accompanied by a person possessing a valid daily fishing access pass must obtain such daily fishing access pass in order to lawfully fish in Los Vaqueros reservoir. Fishing in any stream, pond or water body within the watershed other than the Los Vaqueros reservoir, is unlawful at all times, whether or not the person fishing is in possession of a daily fishing access pass.

C. In addition to the foregoing charges, each participant in a “Fishing Derby” shall pay an additional fishing derby entry fee of three dollars per person for each Fishing Derby (two to four week promotional events) to defray the costs of prizes.

D. The foregoing recreation fees and charges are within the current range of comparable fees charged by other public and private entities for similar uses and facilities.

E. The proceeds from all charges described in this section (other than the fishing derby entry fee) shall be deposited in an interest-bearing and audited account

entitled, “Los Vaqueros Reservoir Fishing Access Fund,” and shall be used for the sole purpose of re-stocking fish in Los Vaqueros reservoir in accord with the re-stocking schedule mandated by the District’s watershed resources manager. The Los Vaqueros reservoir concessionaire shall be contractually obligated to create and manage this “Los Vaqueros Reservoir Fishing Access Fund” as directed by the District’s Watershed and Lands manager. (Res. 12-04 Exh. A (part))

**1.10.050 Special Event Permit–Fees and Charges.**

A. Beginning on October 7, 1999, and continuing through December 31, 2001, the following charges shall be paid for a special event permit:

1. At the time of filing an application, a processing charge of two hundred dollars.

2. At the time of issuance of the permit:

a. Forty dollars per hour per District staff person determined to be necessary or appropriate at the event; and

b. One hundred twenty-five dollars per day for each group picnic site reserved.

B. Upon entry into the Watershed, two dollars per participant and one hundred twenty-five dollars per day for each group picnic site used but not previously paid for.

C. The charges payable at the time of issuance of the permit shall be refunded on receipt by the District of thirty days prior notice of cancellation.

D. The foregoing recreation fees and charges are within the current range of comparable fees charged by other public and private entities for similar uses and facilities. (Res. 03-04 Exh A (part); Res. 99-43 Exh. A (part))

**1.10.060 Boat Rental – Fees and Charges.**

A. Beginning on October 7, 1999, the following deposits shall be made, and charges shall be paid as noted below, for rental and use of electric-motor-powered boats on the Los Vaqueros Reservoir:

1. Deluxe Electric Motor-Powered Boat (deposit and rental charge):

Advance deposit	\$65.00
(cash or major credit card with ID)	
Per hour	25.00
One-half day (3-5 hours)	50.00
Full day (over 5 hours)	65.00

2. Deluxe Electric Motor-Powered Patio Boat (deposit and rental charge):

Advance deposit	\$150.00
(cash or major credit card with ID)	
Per hour	50.00
One-half day (3-5 hours)	100.00
Full day (over 5 hours)	140.00

B. As part of a program entitled the “Fishing Program Incentive,” each person who has caught tagged fish in the Los Vaqueros reservoir and returned the tags to the concessionaire, shall be entitled to a fishing program incentive pass that may be redeemed on a weekday (other than a holiday) for a half-day rental of a small electric-powered boat, after making the required deposit, and subject to availability of such boats.

C. Rental rates for the Deluxe Electric Motor-Powered Boat and for the Deluxe Electric Motor-Powered Patio Boat shall be fifty percent off the rental rates shown in A-1 and A-2, with the exception of Saturday, Sunday and legal holidays, where full rates will be effective.

D. The foregoing recreation fees and charges are within the current range of comparable fees charged by other public and private entities for similar uses and facilities. (Res. 04-04 Exh. A (part); Res. 03-04 Exh. A (part); Res. 99-43 Exh. A (part); Res. 06-02 Exh A (part))

**1.10.070 Merchandise or Other Services – Fees and Charges.**

Charges for merchandise or other services to the public in connection with the public uses of the Los Vaqueros watershed and its facilities shall be as determined by the District’s Watershed and Lands manager from time to time, to the extent feasible within the current range of comparable fees charged by other public and private entities for similar uses and facilities. (Res. 03-04 Exh. A (part); Res. 99-43 Exh. A (part))

**1.10.080 Los Vaqueros Interpretive Center Meeting Room.**

A cleaning deposit of one hundred dollars is required which will be returned if the meeting room is left in a clean condition in accord with the use permit requirements. (Res. 03-04 Exh. A (part))

## Chapter 1.12

### INSPECTION OF DISTRICT RECORDS

#### Sections:

- 1.12.010 Authority and Purpose.**
- 1.12.020 Definitions.**
- 1.12.030 Public Records Open to Inspection.**
- 1.12.040 Copies of Public Records—Fees.**
- 1.12.050 Records Withheld from Public Inspection.**
- 1.12.060 Withholding Records—Exceptions.**

#### **1.12.010 Authority and Purpose.**

The regulation codified in this chapter is adopted pursuant to, and is subject to the provisions of, the California Public Records Act (Government Code Section 6250 et seq.). This chapter sets forth the procedures to be followed for the inspection of public records of the District and for safeguarding the confidentiality of the records of the customers and personnel of the District. (Reg. 53(a))

#### **1.12.020 Definitions.**

For the purposes of this chapter, the following words shall have the meanings ascribed to them.

"Customer records" means the District's records relating to a particular customer of the District, including, without limitation, records of a customer's name and address, the location, type and size of the customer's service connections, the quantities of water delivered to the customer, the charges to, and the payments by, the customer.

"Personnel records" means the personnel, medical and similar files relating to the officers and employees of the District, the disclosure of which would constitute an unwarranted invasion of personal privacy. Employment contracts are not personnel records.

"Public records of the District" means any writing, document, picture or recording relating to the conduct of the public's business that is prepared, owned, used, or retained by the District regardless of physical form or characteristics and which is a public record under the provisions of the California Public Records Act. (Reg. 53(b))

#### **1.12.030 Public Records Open to Inspection**

Except as otherwise expressly provided in this chapter, any public record of the District shall be available for inspection by any person at all times during the regular hours of the office of the District where the record is maintained. (Reg. 53(c))

#### **1.12.040 Copies of Public Records—Fees.**

Subject to the availability of the District's reproducing facilities, the District shall, on request, provide copies of any identifiable public record of the

District. The fees for providing copies of public records or information produced therefrom shall be established from time to time by the General Manager and shall not exceed the actual cost of providing the copy. (Reg. 53(d))

#### **1.12.050 Records Withheld from Public Inspection.**

Except as provided in Section 1.12.060, the following records will be withheld from inspection and copies thereof shall not be provided:

- A. Customer records;
- B. Personnel records;
- C. Records pertaining to pending litigation to which the District is a party of to claims against the District made pursuant to Division 3.6 of Title 1 of the Government Code (Section 810 et seq.) until such litigation of claim has been finally adjudicated or settled;

D. Data related to plant production, water use and similar information obtained in confidence from any person;

E. Preliminary drafts, notes, or intra-District memoranda which are not retained by the District in the ordinary course of its business;

F. Test questions and similar data used in employment examinations;

G. Appraisals, engineering estimates and evaluations made for or by the District relative to the acquisition of property, or to supply and construction contracts, until the property is acquired or the contract executed, subject to the provision of laws relating to eminent domain;

H. Records the disclosure of which is exempted or prohibited by federal or state law, including, without limitation, matters privileged under pro-visions of the Evidence Code. (Reg. 53(e))

#### **1.12.060 Withholding Records—Exceptions.**

Any public record of the District that may be withheld from inspection under the provisions of Section 1.12.030 shall nevertheless be disclosed and copies thereof furnished on any of the following conditions.

A. The Board of Directors, after notice and public hearing, finds and determines that the public interest to be served by disclosing the record outweighs the public interest in withholding it. Notice of the public hearing shall be posted at least ten days prior to the hearing at the District's administration center and at two or more conspicuous places within the District and shall be published once at least ten days prior to the hearing in a newspaper published in the District.

B. In the case of customer records, the customer consents.

C. In the case of personnel records, the officer or employee to whom the records relate consents.

D. A valid warrant or subpoena for the record is served upon the District or the custodian of the record. (Reg. 53(f))

## Chapter 1.24

### SMOKING IN DISTRICT FACILITIES

**Sections:**

<b>1.24.010</b>	<b>Purpose.</b>
<b>1.24.020</b>	<b>Prohibited.</b>
<b>1.24.030</b>	<b>Signage.</b>

**1.24.010 Purpose.**

The purpose of the regulation codified in this chapter is to comply with Ordinance No. 85-52, of the city of Concord, regulating smoking in public places. This chapter shall also apply to the use of all other tobacco products. (Reg. 56(a))

**1.24.020 Prohibited.**

A. Smoking and the use of all other tobacco products in the following places available to and customarily used by the general public and maintained by the District is prohibited at all times.

1. Lobby of the District Center (first and second levels);

2. Elevator in District Center.

B. Smoking and the use of all other tobacco products is prohibited in the following places maintained by this District when publicly occupied:

1. Board of Directors' meeting room;

2. Conference rooms;

3. Any other enclosed place when the public is invited thereto. "Enclosed" means closed in by a roof and four walls with appropriate openings for ingress and egress. (Reg. 56(b))

**1.24.030 Signage.**

"No smoking" signs shall be conspicuously posted in placed affected by this chapter. (Reg. 56(c))

## Chapter 1.28

### COMMENDATIONS

#### Sections:

<b>1.28.010</b>	<b>Guidelines.</b>
<b>1.28.020</b>	<b>Authority.</b>
<b>1.28.030</b>	<b>Resolution.</b>
<b>1.28.040</b>	<b>Commendation.</b>

#### **1.28.010 Guidelines.**

This chapter establishes consistent guidelines for the recognition of individuals by the District. (Res. 93-25 Exh. A (part))

#### **1.28.020 Authority.**

The Board of Directors may bestow recognition on an individual or group by resolution or commendation. (Res. 93-25 Exh. A (part))

#### **1.28.030 Resolution.**

A formal statement of appreciation approved by the Board of Directors.

A. A Board member proposing a resolution at a Board meeting informing the Board for the reasons for recognition. If approved, the resolution is prepared and presented for Board adoption.

B. Upon Board approval, the originating Board member is responsible for presenting the resolution to the recipient.

C. A resolution includes a series of "whereas" clauses that specify the reasons for recognition followed by a formal statement of appreciation. Resolutions are printed in a distinctive format and are signed by the President of the Board of Directors.

##### D. Resolution Criteria:

1. Involvement in an activity directly relating to the mission of the District;

2. Recipient is a public official in an elective position or senior appointive office, and in a position to establish or carry out policies or programs that impact the District;

3. Recipient has a long-standing, significant relationship (beyond the level of routine activities) with the District;

4. The relationship with the District does not economically benefit the individual beyond normal compensation;

5. The relationship impacts the District overall;

6. There is a timely reason for the recognition, such as retirement;

It is not appropriate to provide recognition to person whose primary contact relates to lobbying, political party, religious institutions, or other organizations or activities whose primary purpose is not directly relevant to the mission of the District. (Res. 93-25 Exh. A (part))

#### **1.28.040 Commendation.**

A generalized statement of recognition by a member of the Board of Directors.

A. A Board member proposing a commendation at a Board meeting informs the Board of the reason(s) for recognition. The Board member is responsible for presenting the commendation to the recipient.

B. A commendation does not require the approval of the Board of Directors.

C. A commendation includes statements of recognition by a member of the Board. Commendations are prepared on a preprinted form which is suitable for framing, and is signed by the President of the Board and the individual director.

##### D. Commendation Criteria:

1. Involvement in an activity which may relate to the mission of the District;

2. Recipient is recognized for a notable activity in the community. (Res. 93-25 Exh. A (part))

\*\*\*

