

SECTION 13 - MISCELLANEOUS

13.1 Interpretation and Application

Except for the provisions put forth in Section 1, Water Commitments, the General Manager shall have the power of discretion in the interpretation and application of these Rules, including adjustment or rebate of charges if, in his opinion and with full documentation, the intent of the rules would not be accomplished and an injustice would result by their strict application. This discretion shall be exercised to maintain equity among users, shall accomplish the intent of the Rules, policies, and procedures of the District, and shall protect water resources, and the public health, safety, and welfare.

13.2 Water Use Limitations

In the event of water shortages caused by resource limitations, emergency conditions, or the inability of the delivery system to provide adequate volumes of water, the General Manager shall have the authority to limit water usage. Any actions taken by the General Manager pursuant to this section shall be reviewed by the Board of Directors at its next regularly scheduled meeting in complete compliance with Chapter 241 of Nevada Revised Statutes. The District may enforce any action taken under these sections by any legal means, including disconnection of a customer's water service.

13.3 Expansion of Facilities - System Financing

As required by the demands of the system, and subject to the availability of resources, the District may expand Searchlight facilities. The District may accomplish this through a variety of methods available to it under law and procedure.

13.4 Special Conditions

In the event that conditions arise which are not specifically covered by these Rules, the Board may take whatever action, including establishing rates and charges, which, in its discretion, is warranted to meet the need created by such condition.

13.5 Effective Date

These Rules shall become effective on the date specified by the Board in its motion for adoption.

13.6 Continuity

Adoption of these Rules shall not be construed as a waiver of any right or obligation under any prior agreement, contract or commitment.

13.7 Administrative Appeal Process

- a. An applicant or customer who is aggrieved by a denial of any water service request may appeal that decision within ten (10) days from written notice of the denial by the District. Written notice of appeal shall be served upon the General

Manager, who shall conduct a review of the grounds alleged for appeal. Upon delivery of the General Manager's decision, the aggrieved party may, within ten (10) days, appeal that decision to the Board of Directors.

b. Rules of Administrative Appeal

1. Any notice given in accordance with Section 13.7(a) shall commence to run on the day following the mailing of the decision addressed to the applicant or customer at the address used by such person on his application.
2. The burden of proof is on the party appealing the decision.
3. All notices of appeal shall clearly identify the matter appealed and as concisely as possible, state the argument for reversal of the decision appealed from.
4. Review by the General Manager shall be conducted and completed within thirty (30) days of the receipt of the written notice of appeal.
5. Not later than thirty (30) days from the date of notice of appeal from the action of the General Manager, the Board of Directors shall set the date for the public hearing at a regular meeting of the Board, within not less than thirty (30) days.
6. The Board of Directors may reverse the final decision of the General Manager if it is:
 - a. In violation of constitutional, statutory or Service Rules rights.
 - b. Clearly erroneous in view of the reliable probative and substantial evidence of the hearing; or
 - c. Arbitrary or capricious or characterized by abuse of discretion.

c. Hearing Procedure

The following procedures shall apply to Administrative Appeals heard before the Board of Directors

1. The proceedings shall be reported either stenographically or by a phonographic reporter;
2. Oral evidence shall be taken only upon oath or affirmation.
3. Every party to a hearing shall the right:
 - a. To call and examine witnesses.
 - b. To introduce exhibits relevant to the issues of the case.

- c. To cross-examine opposing witnesses on any matter relevant to the case, even though the matter was not covered in a direct examination.
 - d. To offer rebuttal evidence.
4. The hearing is not conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted and may be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of common law or statutory rule which might make improper the admission of such evidence over objection in an action in a court of law.
5. The Board may take official notice of any generally accepted information or technical or scientific matter, any other fact which may be judicially noticed by the courts of this state and the content of any Las Vegas Valley Water District record or official report. Parties shall be informed of any information, matters or facts so noticed, and shall be given a reasonable opportunity to refute such information, matters or facts.

13.8 Business Impact Statement Appeals

A petition authorized by NRS Chapter 237 shall be filed with the General Manager or her designee. The petition must meet the requirements as set forth in NRS Chapter 237 and will be reviewed by the General Manager within sixty days (60) from receipt. The petition will be scheduled for Board review at the first meeting following the review process.