

CHAPTER 4
ADMINISTRATIVE

TABLE OF CONTENTS

SECTION 1 – ADMINISTRATIVE.....	81
SECTION 2 – SEVERABILITY.....	84

SECTION 1 - ADMINISTRATIVE

4-1.1 Interpretation and Application

Except as specifically provided otherwise in these Service Rules, the GM shall have discretion in the interpretation and application of these Service Rules, with the exception of the adjustments of any rates, fees, or charges. This discretion shall be exercised to maintain equity among users and customers with full documentation, which will accomplish the intent of the Service Rules, policies, and procedures of the CSWRD, and protect the public health, safety, and welfare.

4-1.2 Adjustment of Complaints

The GM shall have the power of discretion in the interpretation and application of these Service Rules, except adjustment or rebate of charges, if with reasonable judgment and with full documentation, the intent of the Service Rules would not be accomplished and an inequity would result by their strict application.

4-1.3 Water Use Limitations

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

4-1.4 Expansion of Facilities - CSWRD Financing

As the need arises, as determined solely by the CSWRD, the CSWRD will construct major facilities required to provide an adequate water and wastewater supplies, including but not limited to, wells, collection mains, transmission mains, reservoirs, and pumping stations, in general conformity with its Master Plan from proceeds of General Obligation Bond sales. As funds are available, the Board may direct the CSWRD to construct main extensions and other improvements that are required to improve or reinforce the distribution system.

4-1.5 Special Conditions

In the event that conditions arise which are not specifically covered by these Service Rules, the Board may take whatever action, including establishing rates and charges that, in their discretion, is warranted.

4-1.6 Customer's Premises

CSWRD employees shall have the right to access to customer's property at all reasonable hours for any purpose related to the furnishing of service and protection of water quality. Except where specifically authorized for purpose of conservation, employees are prohibited from entering upon customer's premises to engage in repair or alteration of customer piping and fixtures.

4-1.7 Effective Date

These rules, rates, and regulations shall become effective on the date specified by the Board in its motion for adoption.

4-1.8 Continuity

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

4-1.9 Administrative Appeal

a. Administrative Appeal Process

An applicant or customer who is aggrieved by a denial of any water or sewer service request may appeal that decision within 10 days from written notice of the denial by the CSWRD. Written notice of appeal shall be served upon the GM, who shall conduct a review of the grounds alleged for appeal. Upon receipt of the GM's decision, the aggrieved party has 10 days to appeal that decision to the Board.

b. Service Rules of Administrative Appeal

1. Any notice given in accordance with these Service Rules, 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 GM shall be conducted and completed within 30 days of the receipt of the written notice of appeal.
5. Not later than thirty days from the date of notice of appeal from the action of the GM, the Board shall set the date for the public hearing at a regular meeting of the Board, within not less than thirty days.
6. The Board may reverse the final decision of the GM if it is:
 - a) In violation of constitutional, statutory or Coyote Springs Water Resources Service Rules rights.
 - b) Clearly erroneous in view of the reliable probative a substantial evidence of the hearing.
 - c) Arbitrary or capricious or characterized by abuse of direction.

c. Hearing Procedure

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

1. The proceedings shall be reported either stenographically or by a phonographic reporter, or any other similar or successor reporting method.
2. Oral evidence shall be taken only upon oath or affirmation.
3. Every party to a hearing shall have 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 CSWRD 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.

4-1.10 Business Impact Statement Appeals

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

SECTION 2 - SEVERABILITY

These Service Rules shall be construed to give effect to the purposes and objectives state herein. If these Service Rules or any portion thereof are ever invalidated by a court of competent jurisdiction, the remainder shall not be affected and shall continue in full force and effect, unless to do so would cause an absurd result.

Any other regulations, rules, or orders or parts thereof, which are inconsistent with or conflict with any part of these regulations, are hereby repealed to the extent of such inconsistency or conflict.