

CHAPTER 12 – MISCELLANEOUS

12.1 Water Use Limitations.

In the event of water shortages, emergency conditions, or 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 Chapter shall be reviewed by the Board of Directors. The District may enforce any action taken under these sections, including by disconnection of a customer's water service.

12.2 Expansion of Facilities - District Financing.

As the need arises, as determined solely by the District and its Board, the District will construct major facilities required to provide an adequate water supply, including transmission mains, reservoirs, or pumping stations, in general conformity with its capital improvements plan from proceeds of General Obligation Bond sales. At the discretion of the Board of Directors, and as funds are available, the District may construct main extensions and other improvements which are required to improve or reinforce the distribution system.

12.3 Special Conditions.

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

12.4 Effective Date.

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

12.5 Continuity.

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

12.6 Administrative Appeal.

a. Administrative Appeal Process.

An person who is aggrieved by a denial of any water service request may appeal that decision within ten 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 10 days, appeal that decision to the Board of Directors.

b. Rules of Administrative Appeal.

1. Any notice given in accordance with Chapter 12.6(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 30 days of the receipt of the written notice of appeal.
5. Not later than 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.
6. The Board of Directors may reverse the final decision of the General Manager if it is:
 - a. In violation of constitutional or statutory rights, or the Service Rules;
 - 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 direction.

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 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 or the content of any 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.

12.7 Business Impact Statement Appeals.

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