

**RULE XVI**

**APPEAL PROCEDURE**

1. **GENERAL APPEAL PROCEDURE:**

Disposition by the Water District Management of customer complaints, rulings on hearings, the interpretation or application of any of the Rules and Regulations herein, or customer objection to any of the Rules and Regulations may be appealed and presented to the Water District Board by stating such objection in writing and mailing or delivering same to the General Manager of the Water District at the Principal Office of the Water District. Except for objections to the provisions of any Rule or Regulation, or the interpretation or administration of such Rule and Regulation, an appeal from the disposition of a customer complaint or ruling on a management hearing shall be mailed or delivered to the General Manager within sixty (60) days of the management's disposition of such complaint or ruling on a management hearing. Upon receipt of such written notice of appeal, the General Manager shall schedule the hearing of such appeal before the Water District Board no later than the next regular meeting of the Water District Board occurring after the expiration of ten (10) days from the receipt of such written appeal. The General Manager shall send written notification of the hearing date of the appeal by mail to the customer's or applicant's last known address at least five (5) days prior to such hearing date. At the hearing the customer or applicant may appear in person or by agent or counsel, and may present witnesses or other evidence to support the complaint. The Management may also present a response and evidence thereon at the conclusion of the customer or applicant's presentation and evidence. The decision of the Board shall be by majority vote and rendered at the conclusion of the hearing or within ten (10) days, and any delayed decision shall be in writing and mailed to the customer or

applicant within ten (10) days of the conclusion of the hearing to the customer's or applicant's last known address. However, nothing herein shall preclude the Water District Board from changing or modifying its decision at anytime with respect to changes in the Rules and Regulations for the interpretation or administration of the Rules and Regulations. Pending the hearing and disposition of any appeal timely filed, no discontinuance of water service and no delinquency charge shall be imposed upon the appealing customer or applicant until final decision of the appeal by the Water District Board.

2. APPEAL PROCEDURE - CONSERVATION AND EMERGENCY WATER SHORTAGE RULES:

Any customer, or any governing body of a distribution area being furnished wholesale water by the District may appeal the substance, form, classification or enforcement of Rule III, paragraph number 3 (CONSERVATION OF WATER) or Rule III, paragraph number 4 (EMERGENCY WATER SHORTAGE) by delivering a written Notice of Appeal to the Office of the General Manager of the Water District at the principal office of the Water District. Upon receipt of such written notice of appeal, the General Manager or the person in charge of the District office at that time shall schedule the hearing of such appeals before a member (or members) of the Water District Board no later than 8:00 p.m. of the following day, unless the customer appealing or his designee delivering the written objection to the District Office consents to such later hearing. The person delivering such objection shall then be immediately notified of the time and place for the hearing. At the hearing the customer or other appellant may appear in person or by Agent or Counsel, and may present witnesses or other evidence to support the complaint. The Board shall furnish a Certified Shorthand Reporter to record the

proceedings. The Management may also present a response and evidence thereon at the conclusion of the customer's or other appellant's presentation and evidence. The decision of the Board Member shall be rendered at the conclusion of the hearing. Such ruling shall be controlling and subject to enforcement as herein provided until and unless the ruling is reversed by the Water District Board at a duly convened Regular or Special Meeting after consideration of the record. Such review by the Water District Board may be obtained within one (1) week of the original hearing by written request for such review filed by the customer or other appellant in the same manner as the original notice of appeal. However, nothing herein shall preclude the Water District Board from changing or modifying the effect of its decision at any time by adopting Amendments to the aforementioned Emergency Rules and Regulations. Pending the hearing and disposition of any appeal, the discontinuation of water service may be imposed by the Water District Management consistent with its good faith interpretation of the provisions of paragraph number 3 and number 4 of Rule III.

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