

RULE 111.6 - ALTERNATE ENFORCEMENT

- A. The District Board may refer to its General Counsel administrative actions for violations of District Rules and Regulations which involve complex, continuing or recurring violations, or actions where the potential penalty may exceed ten thousand dollars (\$10,000), or actions for administrative abatement of Public Nuisances.
- B. The action shall commence with the issuance of a written order to the Person responsible for the violation setting forth a description of the observed violation(s), a description of what the Responsible Party is required to do to bring the water use or property into compliance, and the date by which compliance must be achieved. The order provides notice as to administrative penalties that shall accrue if compliance with the order is not achieved by the date listed on the order. The order may be contested through an administrative hearing process. An Administrative Order issued after hearing may contain a requirement to correct any violations determined to exist, together with an order to pay administrative penalties and costs.
- C. An order pursuant to this Rule shall be served in accord with the provisions of Rule 111.7, and shall contain the following information:
 - 1. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;
 - 2. The address or a definite description of the location where the violation occurred;
 - 3. Reference to the section of the Rules and Regulations violated and a description of the circumstances pertaining to the violation;
 - 4. The actions required to correct the violation;
 - 5. The penalty related to the violation, if compliance is not achieved;
 - 6. A prohibition on the continuation or repeated occurrence of the Rules and Regulations violation described in the order;
 - 7. A description of the administrative compliance process, including the time within which the order may be contested and the place from which a request for hearing form may be obtained and an explanation of the consequences of noncompliance with this Rule; and
 - 8. The name and signature of the General Counsel or his delegated agent acting as Enforcement Officer.

- D. Any recipient of a Rule 111.6 order may contest that there was a violation of District Rules and Regulations, or that he or she is the Responsible Party, or that a penalty should not be imposed by completing a request for hearing form and returning it to the District within thirty (30) days from the date of the order.
- E. If the District General Counsel determines that all violations have been corrected within the time specified in the order, no further action shall be taken. Notice of this action shall be forwarded to any party requesting a hearing. If full compliance with each violation is not achieved within the time specified in the order, the General Counsel shall coordinate with an Administrative Law Judge and prepare a written notice of hearing for the judge's signature to be served on the violator and, where real property is involved, a notice of hearing shall be served on the property owner at the address as it appears on the last equalized county assessment roll available on the date the notice is prepared.
- F. Actions brought pursuant to this Rule shall be heard by an Administrative Law Judge (ALJ) retained through the California Office of Administrative Hearings (OAH) in accord with Government Code §27727. Compensation for ALJ services shall be by contract with OAH.
- G. The General Manager is authorized to enter into contract with OAH for these services and to budget for this expense.
- H. The provisions of Rule 113.1 and Rules 114.3 through 119.6 apply to a Rule 111.6 proceeding.

Rule added by Ordinance No. 133 (5/19/2008)