

**PALMDALE WATER DISTRICT
RESOLUTION NO. 09-04**

**RESOLUTION OF THE BOARD OF DIRECTORS
OF PALMDALE WATER DISTRICT
DECLARING A WATER SHORTAGE EMERGENCY CONDITION
AND ADOPTING REGULATIONS AND RESTRICTIONS
ON THE DELIVERY AND CONSUMPTION
OF WATER FOR PUBLIC USE**

WHEREAS, Palmdale Water District ("District") is a water district empowered to provide water service within District boundaries; and

WHEREAS, due to persistent inadequate rainfall, California is suffering from a chronic and continuing water shortage which is predicted to severely impact the District's service area; and

WHEREAS, precipitation remains substantially below normal locally, particularly in the watersheds of the sources of water supply serving Southern California and many communities in the state are suffering water shortages; and

WHEREAS, the District relies on rainfall and water supply from the State Water Project to meet its water needs; and

WHEREAS, State Water Project deliveries to the District have been reduced by eighty-five percent (85%) in response to the continuing arid conditions and could be exacerbated further by legal restrictions on the flow of State Water Project water through the Bay-Delta; and

WHEREAS, these arid conditions and reduced supplies from the State Water Project have led to a greater reliance on groundwater to meet the needs of District customers with the corresponding depletion of groundwater supplies in the District's service area; and

WHEREAS, the District's ability to rely upon and entitlement to utilize groundwater is under attack in a basin adjudication action now pending in the court system; and

WHEREAS, with increasing water demand and limitations on water supplies, it is anticipated that the District will not have enough water to meet customer demand for water for the remainder of this year; and

WHEREAS, the ordinary demands and requirements of the District customers cannot be satisfied without depleting the available water supply to such an extent that there would be insufficient available water for human consumption, sanitation and fire protection; and

WHEREAS, following due public notice, the conduct of a public hearing and the making of findings as required by law, the District has the power and authority to adopt mandatory water conservation measures within its boundaries; and

WHEREAS, if following the District's implementation of both a voluntary water conservation program and water conservation regulations, it is determined such measures have not resulted in the necessary reduction in consumption, further and more severe measures may be required; and

WHEREAS, due to the critical water shortage, the District now finds it necessary to adopt additional water conservation measures, including mandatory water rationing and a moratorium on new connections, which measures shall be implemented should present conditions continue to the point where there is imminent danger of insufficient water available for human consumption, sanitation and fire protection.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Palmdale Water District as follows:

Section 1: Findings: The Board of Directors of the District hereby finds and declares as follows:

- 1) The State Water Project water available to the District has been reduced by eighty-five percent (85%), with no guarantee that the District will receive emergency water deliveries.
- 2) Continued production of water from the groundwater basin without proportionate recharge of the basin through stream runoff, rainfall and snow melt, could result in irreparable damage to the storage capacity of the basin aquifers and impair the long-term water delivery capability of the District;
- 3) Voluntary water conservation measures have not resulted in the necessary reduction in consumption;
- 4) At present the anticipated water available to the District is insufficient to meet anticipated demands;
- 5) Should existing circumstances continue, or should the District lose its water production capacity, there will be insufficient water available for human consumption, sanitation and fire protection;
- 6) Any additional connections to the District's system would create additional burden and demand on the system that could not be met by existing supplies, and would further endanger the District's ability to provide water for human consumption, sanitation and fire protection.

Section 2: Declaration of Water Shortage Emergency: The Board of Directors of the District, in accordance with the foregoing findings, hereby determines and declares the existence of an emergency condition of water shortage within its service area, and further determines and declares that the regulations and restrictions on delivery of water and consumption of water within its service area as hereinafter set forth are necessary, in the sound discretion of the Board of Directors of the

District, to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

Section 3: Authorization to Implement Restrictions on Water Consumption: The Board of Directors of the District hereby authorizes the General Manager of the District to take specific steps to meet water conservation goals and avoid an imminent danger that the District will be unable to supply sufficient water for human consumption, sanitation, and fire protection, to implement the regulations and restrictions on water consumption as hereinafter set forth.

Section 4: Conservation Goal and Authorized Actions. The initial conservation goal of the District is a reduction in water use of ten percent (10%), which goal is subject to adjustment from time to time based upon demands, supplies, and conservation, with an ultimate conservation goal of a reduction in water use of 20% by 2020. The General Manager is authorized to implement Action 1, Paragraphs 1 through 9 of this resolution to meet said conservation goal.

Action 1. Mandatory Water Conservation Regulations. The General Manager shall take all steps necessary to advise the District's customers of the following mandatory regulations and to enforce them in accordance the District's existing Waste of Water Policy:

1. There shall be no hose washing of sidewalks, walkways, buildings, walls, patios, driveways, parking areas or other paved surfaces, or walls, except to eliminate conditions dangerous to public health or safety or when required as surface preparation for the application of architectural coating or painting.
2. Washing of motor vehicles, trailers, boats and other types of equipment shall be done only with a hand-held nozzle for quick rinses, except that washing may be done with reclaimed wastewater or by a commercial car wash using recycled water.
3. No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a closed recycling system.
4. No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered or sale, shall serve drinking water to any customer unless expressly requested and shall display a notice to that effect.
5. All water users shall promptly repair all leaks from indoor and outdoor plumbing fixtures.
6. No lawn, landscape, or other turf area shall be watered more often than three (3) days per week and no more often than every other day

nor during the hours between 10:00 a.m. and 8:00 p.m. Water days will be set as follows: addresses ending in an even number starting on Monday, and; addresses ending in an odd number starting on Tuesday.

Exemptions:

1. No watering hour restrictions during the months of November, December, January, February, and March. Watering can occur between the hours of 10:00 a.m. and 8:00 p.m.
2. The District will allow an exemption from the watering schedule if an ET based controller is installed and operating. *The ET Controller Exemption Form* must be completed and the installation verified by a licensed landscape architect or PWD staff.
7. No water users shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering. If cited, random acts of vandalism will be considered in any appeal.
8. The owner and manager of every hotel, motel, inn, guest house, bed and breakfast facility, and short-term commercial lodging shall post a notice of such shortage and any necessary compliance measures.
9. Commercial nurseries, golf courses, parks, school yards, and other public open space, and landscaped areas shall be prohibited from watering lawn, landscaping, and other turf areas more often than five days per week and between the hours of 10:00 a.m. and 8:00 p.m., except that there shall be no restriction on watering utilizing reclaimed water or where public use requires a modified and approved watering schedule.

Exemptions:

1. No watering hour restrictions during the months of November, December, January, February, and March. Watering can occur between the hours of 10:00 a.m. and 8:00 p.m.
2. The District will allow an exemption from the watering schedule if an ET based controller is installed and operating. *The ET Controller Exemption Form* must be completed and the installation verified by a licensed landscape architect or PWD staff.

3. Watering schedules must be adhered to at all times. The District requires advance written notice of any maintenance activities requiring water use between the hours of 10:00 a.m. and 8:00 p.m.

10. The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety, and welfare. Ongoing water system improvement projects qualifying with the exemption available under Action 2 are also exempt under this section and may continue to use construction meters in accordance with standard District policy.

Action 2: Moratorium on New Connections: Upon specific authorization by the Board of Directors, the General Manager shall impose a moratorium on new connections to the District's water system. Such moratorium shall take effect immediately pursuant to the authority authorized by this Resolution. Water system improvement projects that include new connections, have begun construction, and have not been activated at the time this resolution is effective can be exempted. The exemption is based on certification of the installation, proper programming, and proper operation of District-approved E/T irrigation system controller(s) for all irrigation systems in the project. These include those irrigation systems with separate water service connections and those connected to water service connections used for both irrigation and domestic purposes.

Action 3: Mandatory Water Rationing: Upon specific authorization by the Board of Directors, the General Manager shall the General Manager shall implement a phased water rationing to protect the water supply of the District and to guarantee adequate supply for domestic use, sanitation, and fire protection, as follows:

1. Stage 1: Water Rationing: A twenty percent (20%) reduction in water deliveries to all District customers.
2. Stage 2: Water Rationing: A thirty percent (30%) reduction in water deliveries to all District customers.
3. Stage 3: Water Rationing: A forty percent (40%) reduction in water deliveries to all District customers.

a) A Base water use shall be established for each residential, commercial and industrial consumer of the Palmdale water District corresponding to the amount of water delivered to that consumer during the last annual water year ending on December 31, 2006.

b) Water consumption by a consumer which is in excess of the specified conservation percentage of the base water use, as described in section 5 will be charged at a rate of \$3.00 per 100 cubic feet of water, or fraction thereof, in addition to the current base water rate.

Section 5: Duration of Water Emergency: The regulations, restrictions, and actions set forth herein shall take full force and effect immediately upon authorization by the Board of Directors and shall remain in full force and effect until the supply of water available for distribution within the District service area has been replenished or augmented, as determined by the General Manager such that a sufficient supply of water is available for human consumption, sanitation, and fire protection, or until further action by the Board of Directors.

Section 6: Appeal: Decisions made by the District under the regulations set forth in this Resolution may be appealed by consumers in accordance with the procedure set forth in the District Rules and Regulations.

Section 7: Violation: A violation of the regulations and restrictions set forth herein may result in a fine and/or result in the discontinuance of service to consumers willfully violating the conservation measures set forth herein or such other penalty or restriction as may be allowed by law.

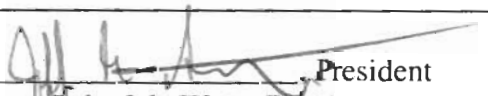
Section 8: Severability: If any portion of this Resolution is found to be unconstitutional or invalid, the District hereby declares that it would have enacted the remainder of this Resolution regardless of the absence of any such valid part.

Section 9: Effective Date: This Resolution shall take effect immediately.


BE IT FURTHER RESOLVED, that the Board of Directors finds that the provisions of this Resolution are exempt from the provisions of the California Environmental Quality Act as an action to mitigate emergency conditions and as a rate setting measure pursuant to Public Resources Code §21080(b)(4) and (8); and

BE IT FURTHER RESOLVED, that this resolution supersedes and replaces Resolution No. 07-09 adopted by the District on November 14, 2007, which resolution is hereby rescinded and of no further force or effect.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on March 11, 2009.



President
Palmdale Water District



Secretary
Palmdale Water District