PALMDALE WATER DISTRICT
RESOLUTION NO. 15-9

RESOLUTION OF THE BOARD OF DIRECTORS OF PALMDALE WATER DISTRICT DECLARING CONTINUED EMERGENCY WATER CONSERVATION RESTRICTIONS AND REAFFIRMING STATE WATER RESOURCES CONTROL BOARD REGULATIONS FOR THE PURPOSE OF ACHIEVING THE MANDATORY PRESCRIBED 32% REDUCTION IN POTABLE WATER USE

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

WHEREAS, due to inadequate snowfall and rainfall, opposition to the development and construction of water supply facilities, and legal restrictions on the flow of State Water Project water to Southern California, California in general, and the Antelope Valley, in particular, is experiencing shortages in water supplies; and

WHEREAS, the State Water Project allocation for 2015 has been established at a critically low 20% and deliveries have, therefore, been drastically curtailed in response to the inadequacy of water supplies; and

WHEREAS, groundwater supplies which provide a supplemental source of water to the District, are limited in nature, being subjected to increased demands, and now subject to legal rulings arising from a groundwater basin adjudication action that further limit the District groundwater supplies; and

WHEREAS, conservation of water by all District consumers that have not already conserved will help relieve the problems caused by the shortage in water supplies; and

WHEREAS, the District has attempted, through its public information program, to advise and alert the consumers to the serious nature of the water supply situation. Customers have made significant progress in water use efficiency from pre-2009 by exceeding the State required 20% reduction by the year 2020 under SBX 7-7, but the District has not experienced any significant reduction in consumer demand compared to 2013; and

WHEREAS, on January 17, 2014, Governor Edmund G. Brown Jr. issued a Proclamation January 17, 2014 declaring a State of Emergency to exist in California due to severe drought conditions; and

WHEREAS, on April 25, 2014, Governor Edmund G. Brown Jr. further issued an Executive Order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water; and

WHEREAS, on April 1, 2015, Governor Edmund G. Brown Jr. further issued an Executive Order to re-affirm the orders and provisions contained in the January 17, 2014 Proclamation, the April 25 Proclamation, and Executive Orders B-26-14 and B-28-14 and mandated further restrictions and programs for the purpose of achieving a statewide reduction in potable water use through February 28, 2016; and

WHEREAS, on May 5, 2015, The State Water Resource Control Board adopted Resolution 2015-0032, prescribing mandatory 32% conservation for Palmdale Water District from June 1, 2015-February 28, 2016 compared to the same months in 2013; and further affirmed the restrictions and programs specified in Executive Order B-29-15; and

WHEREAS, the District adopted Resolution No. 14-9 on May 14, 2014 urging heightened water conservation by customers in response to drought and the April 25, 2014 Governor's Proclamation; and

WHEREAS, Water Code Section 1058.5 grants the State Water Resources Control Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation;" and

WHEREAS, on July 15, 2014, the State Water Resources Control Board adopted emergency water conservation regulations prohibiting all individuals from engaging in certain water use practices and would require mandatory conservation-related actions of public water suppliers during the current drought emergency; and

WHEREAS, following the making of findings as required by law, the District has the power and authority to adopt mandatory water conservation measures within its boundaries pursuant to Part 5 of the Irrigation District Law, codified at Division 11 of the California Water Code; and

WHEREAS, the District is required to comply with State law, including regulations adopted by the State Water Resources Control Board (SWRCB), codified at Title 23 of the California Code of Regulations and is authorized pursuant thereto to implement its requirements; and

WHEREAS the District now desires to comply with the SWRCB emergency water conservation regulations and to implement the Stage 3 Water Shortage Emergency Plan contained in the District's 2010 Urban Water Management Plan, including mandatory water rationing which measures shall be implemented.

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) On July 15, 2014, the State Water Resources Control Board issued mandatory Emergency Water Conservation Regulations prohibiting all individuals from engaging in certain water use practices and requiring the District to implement its mandatory water conservation measures.

2) The State Water Project water available to the District is a critically low (20%) allocation.

3) 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.

4) Voluntary water conservation measures have not resulted in the recommended 25% reduction in consumption.

5) At present, without supplemental supplies, the anticipated water available to the District is insufficient to meet anticipated demands.

6) Should existing drought conditions continue, or should the District lose its water production capacity, there may be insufficient water available for human consumption, sanitation and fire protection.

Section 2: Declaration of Stage 3 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, regulations, and restrictions on water consumption as hereinafter set forth.

Section 4: Conservation Goal and Authorized Actions. The conservation goal of the District and the State Water Board is a reduction in water use of thirty-two percent (32%) when compared against usage in 2013, which goal is mandatory through February 28, 2016. The General Manager is authorized to implement Action 1 Paragraphs 1 through 13 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 with 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 for sale, shall serve drinking water to any customer unless expressly requested and shall display a notice to that effect.

5. All water users shall repair all leaks from indoor and outdoor plumbing fixtures within one week of discovery.

6. No lawn, landscape, or other turf area shall be watered more often than two (2) days per week nor during the hours between 10:00 a.m. and 6:00 p.m. Water days will be set as follows: Wednesdays and Saturdays only.

7. Irrigation with potable water of ornamental turf on public street medians is prohibited.

8. Irrigation with potable water outside of newly constructed homes and buildings not delivered by drip or microspray is prohibited.

Under Stage 3 exemption 6b. is revoked.

Exemptions:

a. No watering hour restrictions during the months of November, December, January, February, and March. Watering can occur between the hours of 6:00 a.m. and 6:00 p.m.

b. ~~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.~~

9. 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.

10. No water shall be applied to outdoor landscapes during and within 48 hours of measurable rainfall.

11. 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.

12. 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 no more than two (2) days a week (Wednesdays and Saturdays) and between the hours of 6:00 a.m. and 6:00 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.

    Under Stage 3 exemption 6c is revoked.

    Exemptions:

    a. Athletic field watering can occur between the hours of 6:00 p.m. and 10:00 a.m. the following morning.

    b. No watering hour restrictions during the months of November, December, January, February, and March. Watering can occur between the hours of 6:00 a.m. and 6:00 p.m.

    c. ~~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.~~

    d. 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 6:00 a.m. and 6:00 p.m.

13. 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 are also exempt

under this section and may continue to use construction meters in accordance with standard District policy.

Action 2: Mandatory Water Rationing: Upon specific authorization by the Board of Directors, 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 3: Water Rationing: An over thirty percent (30%) reduction in water deliveries to all District customers.

Action 3: Adoption of Drought Surcharge: Upon specific authorization by the Board of Directors, the General Manager shall implement a phased drought surcharge to cover costs due to lost revenue during mandatory water cutbacks.

1. Stage 1: Drought Surcharge: A 45 cent surcharge on all non-essential usage tiers (Tiers 2-6). This will be effective on water use as of June 1, 2015.

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 through February 28, 2016 or until otherwise directed by the SWRCB.

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 will result in progressive warnings, fines, 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. The Stage 3 fines under Water Shortage Emergency Plan (2010 UWMP) will be set as follows:

1. First violation will result in a documented warning.
2. Second violation will result in fine of $50.
3. Third violation will result in a fine of $500.
4. Fourth violation will result in discontinuance of service with a $1,000 water waste fine to reconnect service.

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).

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on May 27, 2015.

President, Board of Directors
Palmdale Water District

Secretary, Board of Directors
Palmdale Water District

APPROVED AS TO FORM:

Aleshire & Wynder, LLP
District Legal Counsel