

**PALMDALE WATER DISTRICT
RESOLUTION NO. 22-17
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
PALMDALE WATER DISTRICT IMPLEMENTING ADDITIONAL EXCEPTIONS AND
RESTRICTIONS UNDER MANDATORY
STAGE 2 OF THE WATER SHORTAGE CONTINGENCY PLAN**

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

WHEREAS, California is experiencing a third consecutive dry year with 93% of the State classified as being in a severe drought; and

WHEREAS, due to inadequate precipitation and legal restrictions on the flow of State Water Project water to Southern California, California is experiencing shortages in water supplies; and

WHEREAS, the State Water Project allocation for 2022 has been established at a critically low 5% 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 and local aquifer levels have declined to the post 2013-2015 drought levels that occurred in 2016, when the District produced a limited supply of 8,473 acre feet of groundwater; and

WHEREAS, current available supplies are insufficient to meet projected customer demand in 2022; and

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

WHEREAS, Palmdale Water District customers have responded effectively in previous droughts by conserving and preserving available water supplies.

WHEREAS, Palmdale Water District has made significant investments in local programs and projects to improve water supply reliability, including supplemental water supply contracts, local water storage projects, water conservation, water recycling and other strategies to stretch supplies, and will continue to do so; and

WHEREAS, on April 21, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to drought for two counties in the state of California; and

WHEREAS, the District adopted Stage 1 of its 2015 Water Shortage Contingency Plan on April 26, 2021, and urged customers to voluntarily reduce their water use by 15%; and

WHEREAS, on May 21, 2021, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to drought for forty-one counties in the state of California; and

WHEREAS, on July 8, 2021, Governor Gavin Newsom issued Executive Order N-10-21 recognizing the continued state of drought in California and called on all Californians to voluntarily reduce their water use by 15%; and

WHEREAS, the District adopted Voluntary Stage 2 of its 2020 Water Shortage Contingency Plan on August 9, 2021 and continued to urge rate payers to voluntarily reduce their water use by 15%; and

WHEREAS, on October 9, 2021, Governor Gavin Newsom further issued a Proclamation of a State of Emergency due to drought for the entire state of California, reaffirmed the call for all Californians to reduce their water use by 15%, and called on the State Water Resource Control Board to adopt emergency regulations prohibiting certain wasteful water practices; and

WHEREAS, on March 28, 2022, Governor Gavin Newsom further issued Executive Order N-7-22 that reaffirmed the April 21, 2021, May 10, 2021, and October 9, 2021 proclamations of State of Emergency due to drought and the provisions of Executive Order N-10-21 and called on the State Water Resource Control Board to adopt an emergency regulation that would require all urban water suppliers who have submitted a Water Shortage Contingency Plan to, at a minimum, adopt level 2 of their Plan and to consider banning non-functional turf in the commercial, industrial, and institutional sectors; and

WHEREAS, on June 10, 2022, the State of California Office of Administrative Law approved the emergency action taken by the State Water Resources Control Board pursuant to sections 11346.1 and 11349.6 of the Government Code to adopt the new regulation which requires urban water suppliers to ban the irrigation of non-functional turf with potable water in commercial, industrial, and institutional sectors; 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, 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.

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 is a critically low (5%) allocation.
- 2) Production of water from the PWD’s groundwater wells beyond the 2016 production of 8,473 acre-feet may have undesirable effects on the local aquifer levels and ground water production equipment.

3) Voluntary water conservation measures have not resulted in the recommended 15% reduction in consumption when compared to 2020.

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

5) 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 2 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 is a reduction in water use of twenty percent (20%) when compared against usage in 2020, this goal is mandatory through May 1, 2023. The General Manager is authorized to implement Action 1 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 water waste prohibitions and mandatory regulations and to enforce them in accordance with the District's existing Waste of Water Policy:

1. Water Waste Prohibitions:
 - a. Application of potable water to outdoor landscapes in a manner that causes runoff.
 - b. Failure to repair water leaks or to adjust sprinkler overspray in a timely manner.
 - c. Hosing of hardscape surfaces, except where health and safety needs dictate.
 - d. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
 - e. Irrigation with potable water of ornamental turf on public street medians.
 - f. Watering of outdoor landscapes within 48 hours of measurable rainfall.
 - g. Car washing and outside cleaning activities except when performed with buckets and automatic hose shutoff devices.

- h. The serving of drinking water other than upon request in eating or drinking establishments.
- i. Failure of operators of hotels and motels to provide guests with the option of choosing not to have towels and linens laundered daily. (The hotel or motel shall prominently display notice of this option in each guestroom.)
- j. Inefficient use of water for construction purposes.
- k. Irrigation with potable water outside of newly constructed homes and buildings not delivered by drip or microspray.

2. Mandatory Regulations:

- a. No lawn, landscape, or other turf area shall be watered more often than three (3) days per week nor during the hours between 10:00 a.m. and 6:00 p.m. Water days will be set as follows: Mondays, Wednesdays and Saturdays only.
 - i. Exemptions:
 - 1. Watering hour restrictions are lifted during the months of November, December, January, February, and March.
 - 2. Watering of turf in athletic fields, turf used for recreation, or turf used for community purposes.
 - 3. Commercial nurseries, golf courses, parks, school yards, and other public open spaces may request approval of a modified watering schedule in the event that public use necessitates it.
 - 4. 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 6:00 p.m.
 - 5. Watering delivered by microspray, drip irrigation, or by hand.
- b. The issuance of potable water construction meters shall be suspended.
- c. Irrigating turf at commercial, industrial, and institutional properties is banned per State Water Resources Control Board.

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 2: Water Rationing: A twenty percent (20%) reduction in water deliveries to all District customers.

Action 3: Adoption of a 0.8 Drought Factor: Upon specific authorization by the Board of Directors, the General Manager shall apply a phased drought factor to the outdoor allocation usage tier (Tier 2).

1. Stage 2: Drought Factor: A 0.8 drought factor (twenty percent - 20%) reduction will be applied to the outdoor usage tier (Tier 2). This will be effective on water use as of June 1, 2022.

Action 4: 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 2: Drought Surcharge: A 40-cent surcharge on all non-essential usage tiers (Tiers 3-5). This will be effective on water use as of June 1, 2022.

Section 5: Duration of Water Emergency: The regulations, restrictions, and actions set forth herein shall take full force and effect on May 1, 2022 and shall remain in full force and effect through May 1, 2023 or until otherwise changed or lifted by authorization of the Board of Directors.

Section 6: Appeal: Decisions made by the District under the regulations set forth in this Resolution may be appealed by customers in accordance with the procedure set forth in the District's 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 customers willfully violating the conservation measures set forth herein or such other penalty or restriction as may be allowed by law. The Stage 2 fines and assessment period under the 2020 Water Shortage Contingency Plan will be set as follows:

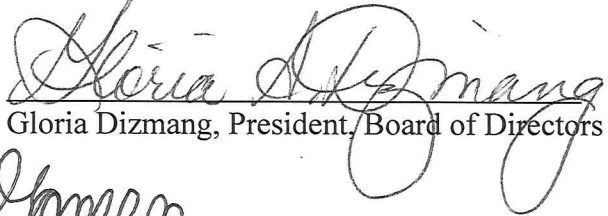
1. First violation-The customer shall be notified in writing. The notice shall include a warning that further violations could result in stricter penalties.
2. A second violation is punishable by a fine of up to \$50.
3. A third violation is punishable by a fine of up to \$250.
4. A fourth violation is punishable by a fine of up to \$500.
5. A fifth violation may result in termination of service and a \$1,000 reconnection fee.
6. Any violations occurring within twelve months of each other will be considered consecutive and result in escalating penalties. The period for assessing consecutive penalties may be extended beyond 12 months by resolution of the Board.

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: May 1, 2022

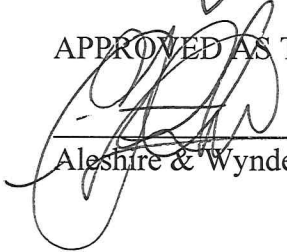
BE IT FURTHER RESOLVED, that the Board of Directors finds that the provisions of this Resolution are exempt from the provisions of the California Environmental Quality Act as an action to mitigate emergency conditions and as a rate setting measure pursuant to Public Resources Code §21080(b)(4) and (8).

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Palmdale Water District held on June 27, 2022.


Gloria Dizmang, President, Board of Directors


Kathy MacLaren-Gomez, Secretary, Board of Directors

APPROVED AS TO FORM:


Aleshire & Wynder, LLP, District Legal Counsel