

**KINNELOA IRRIGATION DISTRICT
RESOLUTION NO. 2015-5-19B**

**RESOLUTION OF THE BOARD OF DIRECTORS
OF KINNELOA IRRIGATION DISTRICT
DECLARING EMERGENCY WATER CONSERVATION RESTRICTIONS
AND ADOPTING STATE WATER RESOURCE CONTROL BOARD REGULATIONS
ON THE DELIVERY AND CONSUMPTION
OF WATER FOR PUBLIC USE**

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

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

WHEREAS, on April 25, 2014 and April 1, 2015, Governor Edmund G. Brown Jr. further issued executive orders to strengthen the state's ability to manage water and habitat effectively in drought conditions; and

WHEREAS, on May 20, 2014, the Board of Directors of the District passed Resolution 2014-5-20 urging heightened water conservation by customers in response to drought; and

WHEREAS, Water Code section 1058.5 grants the State Water Resources Control Board (SWRCB) 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 SWRCB adopted findings regarding the existing statewide drought conditions and that such conditions will likely continue for the foreseeable future, and 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 in accordance with Water Code Section 375, the District has the power and authority to adopt mandatory water conservation measures within its boundaries; and

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

WHEREAS, on August 19, 2014, the Board of Directors of the District passed Resolution 2015-8-19 implementing mandatory conservation actions in response to drought for a duration of 270 days; and

WHEREAS, the District now desires to comply with the current SWRCB emergency water conservation regulations by taking actions to reduce water use within its service area,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Kinneloa Irrigation District as follows:

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

1) On May 5, 2015, the State Water Resources Control Board adopted additional *Emergency Water Conservation Regulations* that require the Kinneloa Irrigation District to either reduce water use by 25 percent, or reduce outdoor irrigation to no more than two days per week;

2) The lack of rainfall limits the natural replenishment of groundwater basins and limitations on imported water preclude the use of such imported water to replenish groundwater basins. Continued production of groundwater without proportionate recharge of the basin 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) Previous voluntary water conservation measures have not resulted in the 25% reduction required in the *Emergency Water Conservation Regulations*;

4) 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: Determination of Need for Water Conservation Measures: The District's Board of Directors, in accordance with the foregoing findings, hereby 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, 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 District's Board of Directors hereby authorizes the District's General Manager to take specific steps to implement the required water use restrictions as hereinafter set forth.

Section 4: Mandatory Conservation Actions. The General Manager shall take all steps necessary to advise the District's customers of the following mandatory (except to the extent necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency) water conservation actions and to enforce them in accordance with applicable law and District policy:

1. No ornamental landscape, lawn or other turf area shall be watered more often than two (2) days per week (for purposes of this regulation, a week shall be deemed to commence at 12:01 a.m. on Sunday morning and end at midnight on the following Saturday night) and no more often than every three days nor during the hours between 9:00 a.m. and 6:00 p.m.

2. 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.

3. There shall be no application of potable water to driveways, sidewalks, patios, parking areas or other paved surfaces.

4. Washing of motor vehicles, trailers, boats and other types of equipment shall be done only with a hand-held nozzle or other device that causes the hose to cease dispensing water immediately when not in use, except that vehicle washing may be done with reclaimed wastewater or by a commercial car wash using recycled water.

5. No potable 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 recirculating system.

6. All water users shall promptly upon discovery repair all leaks from indoor and outdoor plumbing fixtures and irrigation devices.

7. Commercial nurseries, and schools shall be prohibited from watering lawn, landscaping, and other turf areas more often than five days per week and between the hours of 9:00 a.m. and 6:00 p.m., except that there shall be no restriction on watering when utilizing recycled water or where public use requires a modified and approved watering schedule. The District requires advance written notice of any maintenance activities requiring water use between the hours of 9:00 a.m. and 6:00 p.m.

8. The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses 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.

9. No potable water shall be used outdoors during and within 48 hours following measureable rainfall.

Section 5: Duration of Water Emergency: The regulations, restrictions, and actions set forth herein shall take full force and effect immediately upon the Board of Directors' adoption of this resolution and shall remain in full force and effect for 270 days 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.

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 May 19, 2015.

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).

BE IT FURTHER RESOLVED, that the Board of Directors authorizes its General Manager to revise the District's *Water Conservation Program* to be consistent with this Resolution and incorporate the revision in the *Rules and Regulations of the Kinneloa Irrigation District*.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Kinneloa Irrigation District held on May 19, 2015.



Steven G. Sorell, Chairman

ATTEST:



Timothy J. Eldredge, Secretary