

RESOLUTION NO. 797

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAGUNA BEACH COUNTY WATER DISTRICT OF ORANGE COUNTY, CALIFORNIA CALLING FOR ACTIVATION OF THE DISTRICT'S "LEVEL 1 - WATER SUPPLY SHORTAGE ALERT (WATER ALERT)" PURSUANT TO DISTRICT ORDINANCE 100

WHEREAS, Article 10, Section 2 of the California Constitution declares that waters of the State of California are to be put to beneficial use, and that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, the State of California is experiencing record dry year conditions, with 2014 projected to become the driest year on record; and

WHEREAS, now in its third consecutive year of a drought, annual precipitation levels in the State of California are inadequate to fill key reservoirs throughout the State; and

WHEREAS, the Colorado River Basin drought has stretched into a 14th year of drought, continuing to negatively impact storage levels; and

WHEREAS, the Laguna Beach County Water District depends on imported water from Northern California and the Colorado River; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety, and welfare; and

WHEREAS, on January 17, 2014, the Governor declared a State of Emergency in California due to the current drought conditions and called for statewide voluntary twenty percent (20%) conservation of water and requested that local agencies implement water shortage contingency plans; and

WHEREAS, on March 27, 2014, the Laguna Beach County Water District adopted Resolution 791 encouraging residents and businesses to take the necessary actions to reduce their water usage through enhanced water use efficiency measures in an effort to extend stored water supplies and prepare for a prolonged drought; and

WHEREAS, on April 25, 2014, the Governor issued an Executive Order to Redouble State Drought Actions, and called on all Californians to redouble their efforts to conserve water, and directed the State Water Resources Control Board to adopt emergency regulations pursuant to Water Code section 1058.5 to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices; and

WHEREAS, on July 2, 2014, the State Water Resources Control Board adopted Resolution 2014-0031, adopting regulations requiring mandatory actions (“Emergency Drought Regulations,” now codified as Title 23, Regulations 863, 864, and 865), with key parts of the Emergency Drought Regulations being:

Regulation 864 applies to all water users by prohibiting:

- 1) The application of potable water to any driveway or sidewalk;
- 2) Use of potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures;
- 3) Use of a hose that dispenses potable water to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle; and
- 4) Use of potable water in a fountain or decorative water feature, unless the water is recirculated. Recycled water is not mandated, but encouraged for fountain use.

Regulation 865 requires in pertinent part that urban water suppliers, which means those that have more than 3,000 water connections or that supply more than 3,000 acre-feet of water annually such as the Laguna Beach County Water District, do either of the following:

- 1) Implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water their water shortage contingency plans at a level that triggers mandatory restrictions on outdoor water use; or
- 2) Submit a request to the Executive Director of the State Water Resources Control Board for approval of an alternate plan that includes allocation-based rate structures, with the Executive Director having discretion to approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

WHEREAS, on July 28, 2014, the State of California through the Office of Administrative Law approved the Emergency Drought Regulations pursuant to sections 11346.1 and 11349.6 of the California Government Code, with these regulations effective on July 28, 2014 and set to expire on April 25, 2015; and

WHEREAS, the Laguna Beach County Water District adopted Ordinance No. 100 on June 16, 2009, Establishing a Water Use Efficiency & Water Supply Shortage Program for Users of Potable Water Provided by the District, otherwise known as being the Laguna Beach County Water District’s Water Shortage Contingency Plan; and

WHEREAS, despite the ongoing and commendable conservation efforts of the residents and businesses within the Laguna Beach County Water District, the Laguna Beach County Water District hereby determines that additional reduction in consumer demand is necessary pursuant to the Emergency Drought Regulations, thereby triggering the need for immediate action for implementing the appropriate stage of the Water Shortage Contingency Plan, with the Laguna Beach County Water District's intention being for it and the residents and businesses to be compliant with the Emergency Drought Regulations and to further help ensure a reliable and adequate water supply is available.

NOW, THEREFORE BE IT RESOLVED, that the Laguna Beach County Water District finds pursuant to the State's Emergency Drought Regulations that Ordinance 100, Section VIII, a Level 1 - Water Supply Shortage Alert (Water Alert)("Level 1 Water Alert") exists and immediate implementation of the Level 1 Water Alert is needed, which provides for the following measures in addition to existing conservation efforts and measures as set forth in the Water Shortage Contingency Plan:

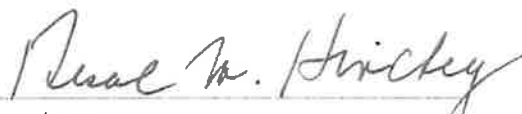
- 1) Limits on Watering Days. Watering lawns, landscaping and other vegetated areas is limited to no more than three (3) days per week.
- 2) Timeframe to Fix Leaks, Breaks or Malfunctions in water users' pipelines, fixtures, or facilities. Loss or escape of water through breaks, leaks or other malfunctions in the water users' plumbing, distribution or irrigation system must be fixed in no more than forty-eight (48) hours following notification from the District - unless other arrangements are made with the District or the system is shut off while waiting for repairs. The District, at its sole discretion, may temporarily shut-off service if unable to contact the account holder on record.

ADOPTED, SIGNED, AND APPROVED this 7th day of August, 2014.



President

ATTEST:



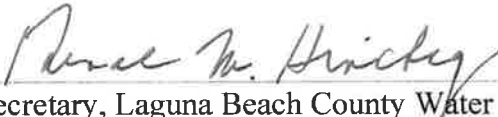
Secretary

CERTIFICATION

I, Renae M. Hinchey, Secretary of the Laguna Beach County Water District, of Orange County, California, do hereby certify that the foregoing Resolution No. 797 was duly adopted at a regular meeting of the Board of Directors of said District, held on the 7th day of August, 2014, by the following vote of Members of the Board:

AYES:	Directors: - Boyd, Whalen, Pearson
NOES:	Directors: - None
ABSENT:	Directors: - Dicterow, Iseman

And I further certify that Kelly H. Boyd as President, and Renae M. Hinchey, as Secretary, signed and approved said Resolution on the 7th day of August, 2014.


Secretary, Laguna Beach County Water District

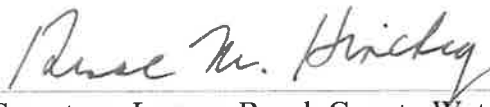
(District Seal)

STATE of CALIFORNIA)

) ss.

COUNTY OF ORANGE)

I, Renae M. Hinchey, Secretary of the Laguna Beach County Water District of Orange County, California, do hereby certify that the foregoing is a full, true and clear copy of Resolution No. 797 passed and adopted by the Board of Directors of said District at a regular meeting hereof held on August 7, 2014. In witness whereof, I have hereunto set by hand and affixed the official seal of said district this 7th day of August, 2014.


Secretary, Laguna Beach County Water District

(District Seal)