

ORDINANCE NO. 2015-1

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE ARMONA COMMUNITY SERVICES DISTRICT
DECLARING DROUGHT EMERGENCY
AND INSTITUTING SPECIFIED
WATER CONSERVATION MEASURES IN RESPONSE THERETO**

The Board of Directors of the Armona Community Services District ("District") does hereby find and determine:

A. WHEREAS, the District is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

B. WHEREAS, the District provides potable water to the residents in its service area; and

C. WHEREAS, the District water supply is exclusively obtained from percolating ground water occurring beneath the District; and

D. WHEREAS, said ground water is supplied to the District by two ground water wells designated Well 1 and Well 2; and

E. WHEREAS, Well 1 is the primary water supply well for the District; and

F. WHEREAS, Well 2 is used as a back up water supply well, and to supply water at times of heavy demand; and

G. WHEREAS, 2015 is the fourth year of a continuing severe drought; and

H. WHEREAS, both static and pumping water levels in the District's wells have been dropping due to the continued drought; and

I. WHEREAS, in July 2012, the pump in Well 1 was lowered 60 feet after breaking suction; and

J. WHEREAS, in September 2012, the pump in Well 1 again broke suction and was lowered another 250 feet (for a total of 310 feet) and is now set at a depth of 550 feet below ground level; and

K. WHEREAS, in July 2013, the pump in Well 2 broke suction and was lowered 100 feet, and is now set at 345 feet; and

L. WHEREAS, on January 17, 2014, the Governor proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

M. WHEREAS, on April 25, 2014, the Governor proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

N. WHEREAS, on September 18, 2014, the Governor promulgated Executive Order B-26-14 ordering procedures streamlined for relief efforts for families with drinking water shortages due to the drought; and

O. WHEREAS, on December 22, 2014, the Governor promulgated Executive Order B-28-14 extending certain provisions of the Proclamations of January 17, 2014 and April 25, 2014, to May 31, 2016; and

P. WHEREAS, on April 1, 2015, the Governor promulgated Executive Order B-29-15 ordering the State Water Resources Control Board (Water Board) to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016 and that these restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013; and

Q. WHEREAS, Executive Order B-29-15 further provides that the orders and provisions contained in the January 17, 2014 Proclamation, the April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified by Executive Order B-29-15; and

R. WHEREAS, the Water Board issued temporary emergency regulations on March 27, 2015, and adopted final emergency regulations on May 5, 2015, which require small water suppliers (those with fewer than 3,000 service connections) like the District to either limit outdoor irrigation to no more than two times per week or to institute measures that achieve a 20% reduction in use compared to 2013; and

S. WHEREAS, Executive Order B-29-15 requires at 25% reduction as compared to 2013 water use; and

T. WHEREAS, on May 5, 2015, the Water Board adopted Resolution No. 2015- 0032, entitled "To Adopt an Emergency Regulation for Statewide Urban Water Conservation;" and

U. WHEREAS, Resolution No. 2015-0032 adopted emergency water conservation regulations imposing mandatory restrictions on outdoor landscape irrigation and other specified uses of water; and

V. WHEREAS, the emergency regulations adopted by Resolution No. 2015-0032 (codified at 23 Cal. Code Regs. §§ 863-866, effective May ____, 2015) further provide at Section 865(e)(1) that, to promote water conservation, each distributor of a public water supply that is not an urban water supplier shall take one or more of the following actions: (A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or (B) Implement another mandatory conservation measure or measures intended to achieve a 25 percent reduction in potable water consumption by the persons it serves relative to the amount consumed in 2013; and

W. WHEREAS, Article X, Section 2 of the California Constitution provides that because of the conditions prevailing in the State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or

unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare, and further provides: The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water; and

X. WHEREAS, pursuant to California Water Code § 106 it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

Y. WHEREAS, California Water Code § 350 provides that the governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

Z. WHEREAS, the health, safety and welfare of all persons receiving water from the District requires that the District maintain an uninterrupted water supply from its groundwater wells; and

AA. WHEREAS, the Board finds and determines that during periods of drought, water shortages, and other water shortage emergencies, the general health, safety and welfare requires that the District maximize the beneficial use of its available water supplies to the fullest extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health, safety, and welfare.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT ORDAINED by the Board of Directors of the Armona Community Services District, that the District hereby adopts the following policies to be effective immediately and throughout the duration of the drought emergency:

1. A state of drought emergency is hereby declared for the District, to remain in effect until further action by the Board.
2. A Water Conservation Stage 1 ("Stage 1") emergency is hereby declared. Stage 1 applies during periods when the District is able to meet all of the water demands of its customers. Water is a limited natural resource and must be used efficiently and economically to meet the health and safety needs of the District. All normal water efficiency programs and water conservation regulations of the District are in full force and effect during Stage 1. In addition, the measures below are adopted for the duration of the emergency.
3. The District hereby finds and determines that the above findings and determinations are true and correct and are incorporated herein.

4. All measures herein are mandatory.
5. The unreasonable use or unreasonable method of use of water is prohibited. Unreasonable uses of water shall include, but are not limited to, the following:
 - (a) allowing water to leave the service recipient's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;
 - (b) failing to repair a water leak; and
 - (c) using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate public safety or sanitation hazards.
6. Outdoor water use shall conform to the following. Lawns and/or ground covers may be watered and landscaping/pastures may be irrigated, including construction meter irrigation, only during the following designated hours and designated days:
 - (a) lawns and/or ground cover may be watered and landscaping may be irrigated for properties with odd number street addresses only on Wednesdays and Sundays before 10:00 a.m. and after 7:00 p.m.;
 - (b) lawns and/or ground cover may be watered and landscaping may be irrigated for properties with even number street addresses only on Tuesdays and Saturdays before 10:00 a.m. and after 7:00 p.m.; and
 - (c) watering of lawns, ground cover and irrigated landscaping is prohibited on Mondays, Thursdays, and Fridays and on any day of the week between 10:00 a.m. to 7:00 p.m.
 - (d) Irrigation timers shall be adjusted to comply with the provisions hereof.
 - (e) Notwithstanding the provisions herein, the use of greywater to irrigate fruit trees, lawns, ground covers, ornamental trees and shrubs is permitted on any day and at any time; provided, however, that greywater may only be used in accordance with all applicable regulations.
 - (f) All open hoses shall be equipped with automatic, positive shut-off nozzles.
 - (g) Swimming pools, hot tubs, spas, ponds, and fountains shall be equipped with recirculating pumps.
 - (h) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District.
 - (i) No person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.
 - (j) No person shall allow water to leave his or her property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.
 - (k) Washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle for quick rinses. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

- (l) Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of the District.
- (m) Restaurants shall not serve water to customers except when specifically requested by the customer.

7. This Ordinance shall be enforced as follows:

- (a) All violations of any of the above restrictions shall require a written report on a form to be prescribed by the District which shall require the following information:
 - (i) the date of the alleged violation;
 - (ii) the location (e.g., as by street address, etc.) of the alleged violation;
 - (iii) the circumstances of the alleged violation and the provisions of this Ordinance that were or are being allegedly violated;
 - (iv) the name and address of the person reporting the alleged violation.
- (b) Upon the receipt of a report of an alleged violation, the District shall cause to be sent, within five (5) business days of the receipt of such report, a notice to the billing address of the property at which the alleged violation occurred, such notice to include the following information:
 - (i) a copy of the report of the alleged violation submitted per section 7(a);
 - (ii) notification that the person allegedly committing the alleged violation has the right to request a hearing before the Board regarding the report of the alleged violation and alleged facts and circumstances thereof;
 - (iii) notification that if no hearing is requested, the alleged violation shall be presumed to have occurred as reported;
- (c) in the event a hearing is requested, the Board shall set the date, time and location of the hearing (which may occur as part of a regular or other Board meeting), and shall cause such notice of hearing to be sent to the billing address for the property where the alleged violation was reported to have occurred.
- (d) Upon the holding of such hearing, the Board shall hear such evidence and comments as the alleged violator, the person reporting the alleged violation, and any other member of the public, shall place before the Board, and having closed the hearing the Board shall make its determination with respect to the alleged violation, specifying the particulars thereof and the nature of the alleged violation in event it is determined that a violation occurred.
- (e) Upon the determination that a violation occurred, or in the event that no hearing was requested, the violator shall forthwith be notified with a warning, which shall state:
 - (i) that the first offence shall be documented by a written warning;
 - (ii) that a second offense within a 12-month period commencing upon the date of the first offense shall result in a \$15.00 fine added to the offender's water bill after the giving of such notice;
 - (iii) that a third offense within such 12-month period shall result in a \$25.00 fine added to the offender's water bill;
 - (iv) that a fourth offense within such 12-month period shall result in a \$50.00 fine added to the offender's water bill; and
 - (v) that the fifth offense within any such 12-month period shall be deemed a flagrant violation of this Ordinance and a waste of water or unreasonable use, or unreasonable method of use of water, and shall result in installation of a

flow restrictor to the offender's service connection with the costs of such installation billed to the offender and added to the offender's water bill.

8. If any provisions of this Ordinance are in conflict with each other, District Water Service regulations, any other rule, regulation, resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.
9. If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions or sections of this Ordinance shall not be affected, it being the intent of the Board in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality or other invalidity of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.
10. This Ordinance is adopted pursuant to mandate promulgated by Water Board Resolution No. 2015-0032 and Executive Order B-29-15.
11. This Ordinance shall not apply to the District.
12. This Ordinance is effective immediately upon its adoption as a measure for the immediate preservation of the public health, safety and welfare.

WHEREFORE, this Ordinance is passed and adopted by the Board of Directors of the Armona Community Services District on June 9, 2015, by the following vote:

AYES: Camacho, Bittner, Dillon, Maciel
NOES: None
ABSENT: Venegas
ABSTAIN: None

ATTEST:


CANDIDA VENEGAS, SECRETARY


JAMES MACIEL, PRESIDENT,
BOARD OF DIRECTORS

CERTIFICATE OF SECRETARY

I, Candida Venegas, the duly appointed and acting Secretary of the Board of Directors of Armona Community Services District, do hereby declare that the foregoing is a true and complete copy of an Ordinance that was duly passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District, duly called and held at the Armona Community Center located at 11115 "C" Street, Armona, CA 93202, on June 9, 2015.

DATED: June 9, 2015.


CANDIDA VENEGAS, SECRETARY

PUBLIC NOTICE

ARMONA COMMUNITY SERVICES DISTRICT

NOTICE OF ADOPTION OF ORDINANCE NO. 2015-1

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE ARMONA COMMUNITY SERVICES DISTRICT
DECLARING DROUGHT EMERGENCY
AND INSTITUTING SPECIFIED
WATER CONSERVATION MEASURES IN RESPONSE THERETO**

PLEASE TAKE NOTICE:

The following is a summary of Ordinance No. 2015-1 prepared by the office of the attorneys for the Armona Community Services District:

Ordinance No. 2015-1 ("the Ordinance") adopts water conservation measures in response to the water conservation mandates promulgated by the Governor in Executive Order No. B-29-15 and as further mandated by the State Water Resources Control Board in its Resolution No. 2015-0032.

The Board vote on the Ordinance was: AYES—Directors Maciel, Comacho, Bittner, Dillon; NOES—None; ABSENT—Director Venegas; ABSTAIN—None.

Ordinance No. 2015-1 was adopted on June 9, 2015, and is effective immediately upon its adoption as a measure for the immediate preservation of the public health, safety and welfare.

The full text of the Ordinance is available for review during regular hours at the District Office, located at 10956 14th Avenue, Armona, California 93202. Phone: (559) 584-4542.

DATED: June 10, 2015.

**GRISWOLD, LaSALLE, COBB,
DOWD & GIN, L.L.P.**

By: /S/ Raymond L. Carlson
RAYMOND L. CARLSON
Attorneys for Armona Community
Services District

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PUBLIC NOTICE

**ARMONA COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS**

**NOTICE OF PROPOSED ORDINANCE
ADOPTING WATER CONSERVATION REGULATIONS**

The following is a summary of proposed Ordinance No. 2015-1 prepared by the office of the attorneys for Armona Community Services District:

Ordinance No. 2015-1 ("the Ordinance") adopts water conservation regulations to implement the requirements of State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation," and to implement the requirements of Executive Order B-29-15. These water conservation regulations include limitation of outdoor landscape watering to two days per week, the prohibiting of outdoor watering to run off yards into streets, gutters, or onto adjacent properties, and the requirement to use shut off valves on hoses when washing vehicles.

A certified copy of the full text of the proposed Ordinance is posted at the District Office, and is available for review and inspection during regular office hours at the District Office, located at 10956 14th Avenue, Armona, California 93202. Phone: (559) 584-4542.

References: Government Code §§ 25124(b), 61060(a), 61060(b), Water Code § 375.

DATED: May 20, 2015.

GRISWOLD, LaSALLE, COBB,
DOWD & GIN, L.L.P.

By: /S/ Raymond L. Carlson
RAYMOND L. CARLSON
Attorneys for Armona Community
Services District

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