

## RESOLUTION NO. 2016-1230

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRABUCO CANYON WATER DISTRICT MAKING CERTAIN FINDINGS, PROVIDING FOR ACTIVATION OF DESIGNATED MEASURES UNDER EXISTING WATER CONSERVATION AND WATER SUPPLY SHORTAGE ORDINANCE AND PROGRAM AND TAKING RELATED ACTIONS

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**WHEREAS**, the Trabuco Canyon Water District (“District” or “TCWD”) is a county water district organized and operating pursuant to California Water Code (“Water Code”) Sections 30000 and following; and

**WHEREAS**, pursuant to statutory authority, the Board of Directors (“Board”) of TCWD has previously adopted Ordinance No. 2008-18 (“Ordinance No. 2008-18”) on December 18, 2008, adopting and enacting a Water Conservation and Water Supply Shortage Program (“Program”); and

**WHEREAS**, Ordinance No. 2008-18, which incorporates the Program, establishes permanent water conservation standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergencies, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies as determined by the Board; and

**WHEREAS**, Ordinance No. 2008-18 is on file with TCWD’s Secretary and is incorporated herein by this reference; and

**WHEREAS**, TCWD has the authority, pursuant to Ordinance No. 2008-18 and State law to adopt water conservation requirements and programs to promote and effectuate wise water use and avoid water wastage; and

**WHEREAS**, periodic droughts are a historical fact in the State of California (“State”); and

**WHEREAS**, on January 17, 2014, the Governor of the State (“Governor”) declared a State of Emergency to exist throughout the State due to severe drought conditions; and

**WHEREAS**, on April 1, 2015, the Governor directed certain emergency drought measures to go into effect; and

**WHEREAS**, on July 16, 2014, March 17, 2015, and May 5, 2015, the California State Water Resources Control Board (“SWRCB”) has adopted various drought-related emergency regulations for urban water conservation; and

**WHEREAS**, as set out in information and documentation provided to this Board, the water supply conditions in the State improved during the winter of 2015-2016; and

**WHEREAS**, the Metropolitan Water District of Southern California (“MET”) has rescinded its prior water shortage allocations and provided statements that it has three (3) years of water supply available to water agencies in the State; and

**WHEREAS**, the Municipal Water District of Orange County (“MWDOC”) has also provided TCWD with confirmation of its ability to meet water supply requirements for the next three (3) years; and

**WHEREAS**, the SWRCB, by virtue of its May 18, 2016, revisions to its Emergency Regulations, has changed the amount of water conservation it requires of TCWD; and

**WHEREAS**, directives issued by the Governor and the SWRCB permanently prohibit certain activities which are deemed to waste water; and

**WHEREAS**, water conservation continues to be essential in order to meet the water reliability goals of TCWD because California remains in an abnormally dry to an exceptionally drought condition and water storage levels in some State reservoirs are significantly below normal for this time of year; and

**WHEREAS**, the Board has received additional information concerning the State’s current and anticipated water supply conditions and impacts and effects on TCWD’s water supply conditions; and

**WHEREAS**, the quality and quantity of supplemental imported water is under the control of other agencies, and may be subject to conditions beyond the control of MET, MWDOC and/or TCWD; and

**WHEREAS**, TCWD derives the water which it delivers to its customer from local groundwater and waters imported from outside TCWD’s boundaries; and

**WHEREAS**, a declaration of a Level 1 Water Supply Shortage will help to avoid or lessen the impact of the current water supply shortage by further stressing upon the water customers of TCWD the need to conserve water and by prohibiting certain uses of water; and

**WHEREAS**, the Board, based on the foregoing, desires to make certain findings and determinations concerning TCWD’s water supply conditions; and

**WHEREAS**, the Board, based on the factors, information and conditions described herein, has determined that it is appropriate at this time to direct certain actions, as set out herein, pursuant to the provisions of Ordinance No. 2008-18 and the Program; and

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TRABUCO CANYON WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.**        **Recitals.** The Board does hereby find and determine that the foregoing recitals and above-referenced determinations are true and correct.

**Section 2.**        **Authority.** The actions of this Resolution are authorized pursuant to State law, the provisions of Ordinance No. 2008-18 and the Program included therein.

**Section 3.**        **Findings.**

(a) Under the provisions of Ordinance No. 2008-18, the Board finds and determines that a water shortage or threat of a water shortage exists, such that it is necessary to activate the Water Conservation and Water Supply Emergency Program, based upon the occurrence of the following condition;

(1) a general water supply shortage due to limited supplies and drought conditions.

(b) The Board finds and determines that that the Level II Water Supply Shortage implemented by Resolution No. 2015-1210 no longer exists.

**Section 4. Declaration of Level I Water Supply Shortage; Actions for Implementation; Prohibited Actions and Uses of Water.**

(a) Pursuant to Section X(a) of Ordinance No. 2008-18 and the Program, the Board hereby determines and declares that the need for Level I Water Supply Shortage Conditions exist and such Level is necessary to address existing water supply and shortage conditions.

(b) The Board directs that certain Level I Water Supply Shortage Conditions set out in Ordinance No. 2008-18 and the Program shall be implemented upon the Effective Date of this Resolution (as defined herein) and as provided for in Ordinance No. 2008-18 and the Program.

(c) Except as provided for in Attachment "A" to this Resolution, the provisions of Level I Water Supply Shortage Conditions set out in Ordinance No. 2008-18 and the Program shall be effective as set forth herein.

(d) In addition to the foregoing, the Water Conservation Measures set out in Attachment "A" to this Resolution shall also be effective as of the Effective Date.

(e) All corresponding provisions of Ordinance No. 2008-18 and the Program affected by this implementation shall be in effect as set out therein.

(f) All notice(s) required pursuant to Ordinance No. 2008-18 and the Program by reason of the adoption of this Resolution shall be provided.

**Section 5. Prior Actions Superseded.** Resolution No. 2015-1210, adopted by this Board on May 15, 2015, shall be superseded by the provisions and directives hereof upon the Effective Date.

**Section 6. Further Actions.** The General Manager and legal counsel to the District and the District's staff and consultants are authorized to take any and all actions necessary to implement the directives and intention of this Resolution.

**Section 7. Prior Actions Ratified.** All actions heretofore taken by the General Manager, officers, employees, consultants and agents of the TCWD with respect to the actions set forth herein are hereby approved, confirmed and ratified.

**Section 8. No Other Actions or Amendment.** Except as directed herein, the provisions of Ordinance No. 2008-18 and the Program shall not be otherwise amended.

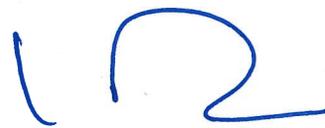
**Section 9. Effective Date.** This Resolution shall be effective August 1, 2016 ("Effective Date"), which is more than 10 days after the adoption of this Resolution as provided for under Section X(a) of Ordinance No. 2008-18 and related State law.

**Section 10. Effectiveness of Resolution.** The findings, determinations, directives and actions set out in this Resolution shall remain in force and effect until repealed, amended, rescinded or modified by action of the Board.

**ADOPTED, SIGNED, and APPROVED** this 20<sup>th</sup> day of July, 2016.

**TRABUCO CANYON WATER DISTRICT:**

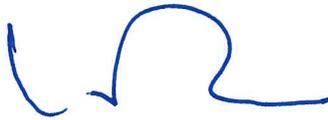
  
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President/Vice President

  
\_\_\_\_\_  
District Secretary

STATE OF CALIFORNIA        )  
  ) ss.  
COUNTY OF ORANGE        )

I, Michael Perea, Secretary of the Board of the Trabuco Canyon Water District, do hereby certify that the foregoing resolution was duly adopted by the Board of such District at a meeting of such Board held on the 20<sup>th</sup> day of July, 2016, of which meeting all of the members of the Board had due notice and at which a quorum thereof were present and acting throughout and for which notice and an agenda was prepared and posted as required by law and that at such meeting such resolution was adopted by the following vote:

- AYES:           Dopudja, Acosta, Mandich, Safranski
- NOES:           None
- ABSTAIN:       None
- ABSENT:        Haselton



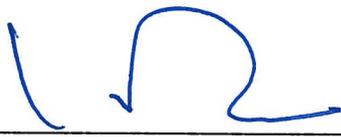
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District Secretary,  
Trabuco Canyon Water District

STATE OF CALIFORNIA        )  
  ) ss.  
COUNTY OF ORANGE        )

I, Michael Perea, Secretary of the Board of the Trabuco Canyon Water District, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2016-1230 of such Board and that the same has not been amended or repealed.

Dated this 20<sup>th</sup> day of July, 2016.

  
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District Secretary,  
Trabuco Canyon Water District

## ATTACHMENT A

### WATER CONSERVATION MEASURES ENACTED BY RESOLUTION NO. 2016-1231

#### LEVEL 1 WATER SUPPLY SHORTAGE ACTIONS

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##### **Obligation to Fix Leaks, Breaks or Malfunctions:**

All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the District unless other arrangements are made with the District.

##### **Pavement/Surface Washing:**

Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas except to alleviate immediate fire or sanitation hazards.

##### **OTHER PROHIBITED USES:**

In addition to the other requirements set out herein, as set out in directives from the Governor and the SWRCB the following water uses, water use practices are prohibited;

1. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
2. Irrigation with potable water of ornamental turf on public street medians.

The provisions and restrictions set out in Sections VI(e), VI(h), and VI(g) of Ordinance No. 2008-18 shall remain in effect.

#### **SCHEDULE FOR WATERING DAYS/DURATION**

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Watering or irrigating of lawn, landscape or other vegetated area(s) with potable water is limited to a maximum of four (4) days per week as provided for in Ordinance No. 2008-18 and shall be subject to the duration limits set out in Ordinance No. 2008-18.