

RESOLUTION NO. 2014-1204

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRABUCO CANYON WATER DISTRICT DECLARING AND IMPLEMENTING A LEVEL 1 WATER SUPPLY SHORTAGE/WATER WATCH CONDITION AND AUTHORIZING ACTIONS NECESSARY TO IMPLEMENT AND ENFORCE SUCH CONDITION

WHEREAS, the Trabuco Canyon Water District (“District” or “TCWD”), pursuant to provisions of the California Water Code (“Water Code”) adopted Ordinance 2008-18 on December 17, 2008 (“Ordinance 2008-18”), setting forth TCWD’s Water Conservation Program, inclusive of both permanent water conservation requirements and three program levels to address conditions of water supply shortages; and

WHEREAS, TCWD has adopted a Urban Water Management Plan, which includes a Water Shortage Contingency Plan that incorporates the provisions of Ordinance 2008-18 (“Water Shortage Contingency Plan”); and

WHEREAS, on July 15, 2014, the State Water Resources Control Board (“SWRCB”) adopted Resolution No. 2014-0038 (“SWRCB Resolution”), wherein the SWRCB adopted emergency regulations for Statewide urban water conservation (“SWRCB Regulations”), which were subsequently approved by the Office of Administrative Law (“OAL”) on July 28, 2014; and

WHEREAS, SWRCB Regulation Section 865 calls for all California public agency water suppliers, which includes TCWD, to implement all the requirements and actions of the stage of its Water Shortage Contingency Plan that impose mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water; and

WHEREAS, SWRCB Regulation Section 864 calls for prohibitions as to the use of potable water for certain watering activities, including specifically, except where 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, against: (i) the application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures; (ii) the use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use; (iii) the application of potable water to driveways and sidewalks; and (iv) the use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system; and

WHEREAS, the Permanent Water Conservation Requirements, adopted by TCWD and currently in place pursuant to the provisions of Ordinance 2008-18 and the Water Shortage Contingency Plan, meet the requirements of SWRCB Regulations 864 and 865, and, as such, TCWD is currently in compliance with the State water conservation requirements resulting from the adoption of the SWRCB Resolution; and

WHEREAS, the TCWD Board of Directors (“Board”) has concluded a water supply shortage does and will exist, based on the Governor’s declaration of a State of Emergency due to severe drought conditions, as set forth in Governor’s Proclamation No. 1-17-2014, and the lack of any guarantee that winter precipitation that will alleviate the existing drought conditions, such that consumer demand reduction, in the manner contemplated by Section VII of Ordinance No. 2008-18 (hereinafter, “Level 1 Water Supply Shortage”), is necessary to ensure sufficient water supplies will be available to meet anticipated demands; and

WHEREAS, Section VII of Ordinance No. 2008-18 permits the District Board of Directors (“Board”) to implement certain additional water conservation measures during a declared Level 1 Water Supply Shortage, including (1) prohibition against all non-essential water use; (2) limitation on watering days; (3) limitation on water duration based on five minutes of watering per day per station; (4) imposition of an obligation to fix leaks, breaks, and malfunctions; and (5) prohibitions against pavement/surface washing except to alleviate immediate fire or sanitation hazards.

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

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference, and the Board hereby adopts such recitals as findings of the Board.

Section 2. Declaration of Level 1 Water Supply Shortage. The Board hereby declares the existence of a Level 1 Water Supply Shortage, and directs, in addition to the Permanent Water Conservation Requirements already in place, the implementation of the additional water conservation measures set forth in Subdivisions one and two (maximum watering days per week) of Section VII(b) of Ordinance No. 2008-18. Pursuant to the requirements of Ordinance No. 2008-18, the provisions and requirements of this Section 2 shall become effective ten (10) days after the adoption of this Resolution. The Level 1 Water Supply Shortage condition and the water conservation measures directed in this Section shall remain in effect until altered by action of the Board.

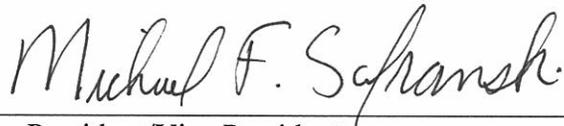
Section 3. Notice. The General Manager, or his designee, is hereby directed and authorized to provide notice of this Resolution, as required under Ordinance No. 2008-18, by publishing a copy of this Resolution in a newspaper used for the publication of official notices within five days following the adoption of this Resolution, and providing such other notice as deemed reasonable and appropriate by the General Manager to notify the customers within TCWD’s boundaries of the applicable water conservation measures and the effective date thereof.

Section 4. Other Actions. The Board hereby delegates authority to the General Manager, or his designee, to cause or take any such action(s) reasonably necessary to effectuate the purpose of this Resolution or carry out the directives hereof.

Section 5. Effective Date. Except as set out in Section 2, above, this Resolution shall be effective upon adoption.

ADOPTED, SIGNED, and APPROVED this 31st day of July, 2014.

TRABUCO CANYON WATER DISTRICT:



President/Vice President



Secretary/Assistant 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 said District at a meeting of said Board held on the 31st day of July, 2014, 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 said meeting such resolution was adopted by the following vote:

AYES: Safranski, Mandich, Acosta, Dopudja

NOES: None

ABSTAIN: None

ABSENT: Haselton



Secretary of the Board,
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. 2014-1204 of such Board and that the same has not been amended or repealed.

Dated this 31st day of July, 2014.



Secretary of the Board,
Trabuco Canyon Water District