



**EXECUTIVE COMMITTEE MEETING AGENDA  
TRABUCO CANYON WATER DISTRICT  
32003 DOVE CANYON DRIVE, TRABUCO CANYON, CA  
ADMINISTRATIVE FACILITY, CONFERENCE ROOM  
DECEMBER 7, 2021 AT 4:00 PM**

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**COMMITTEE MEMBERS**

Stephen Dopudja, Committee Chair  
Don Chadd, Committee Member

**DISTRICT STAFF**

Fernando Paludi, General Manager  
Michael Perea, District Secretary

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**AGENDA NOTE:**

*Trabuco Canyon Water District will be holding all upcoming public meetings by Video/Audit Broadcast, and will be available by telephone audio as follows:*

**Telephone Audio:** 1 (669) 900-6833

**Access Code:** 979 8688 5071

*Persons desiring to monitor the Committee meeting agenda items may download the Executive Committee meeting agenda and documents on the internet at [www.tcwd.ca.gov](http://www.tcwd.ca.gov). You may submit public comments by email to the Committee at [mperea@tcwd.ca.gov](mailto:mperea@tcwd.ca.gov). In order to be part of the record, emailed comments on meeting agenda items must be received by the District, at the referenced e-mail address, not later than 10:00 a.m. (PDT) on the day of the meeting.*

**CALL MEETING TO ORDER**

**VISITOR PARTICIPATION**

*Members of the public wishing to address the Committee regarding a particular item on the agenda are requested to complete a speaker card and submit it to staff. The Committee Chair will call on the visitor following the Committee's discussion about the matter. Committees do not constitute a quorum of the Board of Directors and Committee Members cannot make decisions on matters. The Committee makes recommendations only to the Board of Directors. Members of the public will be given the opportunity to speak to the Committee prior to making a recommendation on the matter. For persons desiring to make verbal comments and utilizing a translator to present their comments into English reasonable time accommodations, consistent with State law, shall be provided. Please limit comments to three minutes.*

**ORAL COMMUNICATION**

*Members of the public who wish to make comment on matters not appearing on the agenda are invited to identify themselves and encouraged to make comment at this time. The Committee Chair will call on the visitor following the Committee's discussion about the matter. Committees do not constitute a quorum of the Board of Directors and Committee Members cannot make decision on matters. The Committee makes recommendations only to the Board of Directors. Under the requirements of State Law, Committee Members cannot take action on items not identified on the agenda and will not make decisions on such matters. The Committee Chair may direct District Staff to follow up on issues as may be deemed appropriate. For persons desiring to make verbal comments and utilizing a translator to present their comments into English reasonable time accommodations, consistent with State law, shall be provided. Please limit comments to three minutes.*

**COMMITTEE MEMBER COMMENTS**

**REPORT FROM THE GENERAL MANAGER**

**TRABUCO CANYON WATER DISTRICT  
EXECUTIVE COMMITTEE MEETING AGENDA | DECEMBER 7, 2021**

**ADMINISTRATIVE MATTERS**

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**ITEM 1: EXECUTIVE COMMITTEE MEETING RECAP**

**RECOMMENDED ACTION:**

*Approve the following Executive Committee Meeting Recap and recommend that the Board receive and file the same. (Consent Calendar)*

1. November 8, 2021

**ITEM 2: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING ADOPTION OF ORDINANCE NO. 2021-22, SUPERSEDING ORDINANCE NO. 2008-18 AND ESTABLISHING A WATER CONSERVATION AND SUPPLY SHORTAGE PROGRAM**

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**RECOMMENDED ACTION:**

*Recommend to the Board of Directors adoption of Ordinance No. 2021-22, Superseding Ordinance No. 2008-19 and Establishing a Water Conservation and Supply Shortage Program. (Action Calendar)*

**DISCUSSION MATTERS**

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**ITEM 3: BOARD AGENDA PLANNING CALENDAR**

**RECOMMENDED ACTION:**

*Committee to discuss information at the time of the meeting and take action(s) as deemed appropriate.*

**OTHER MATTERS**

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**ITEM 4: REPORTS OR COMMENTS FROM THE GENERAL MANAGER AND/OR STAFF**

**RECOMMENDED ACTION:**

*Hear other matters from the General Manager and/or Staff.*

**ADJOURNMENT**

**AVAILABILITY OF AGENDA MATERIALS**

*Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Trabuco Canyon Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection at the District Administrative Facility, 32003 Dove Canyon Drive, Trabuco Canyon, California (District Facility). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available in the lobby area of the District Facility at the same time as they are distributed, except that, if such writings are distributed immediately prior to or during the meeting, they will be available in the Boardroom at the District Facility.*

**COMPLIANCE WITH THE REQUIREMENTS OF CALIFORNIA GOVERNMENT CODE SECTION 54954.2**

*In compliance with California law and the Americans with Disabilities Act, if you need special disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, or if you need the agenda provided in an alternative format, please contact the District Secretary at (949) 858-0277 at least 48 hours in advance of the scheduled meeting. Notification 48 hours prior to the meeting will assist the District in making reasonable arrangements to accommodate your request. The District office is wheelchair accessible.*

[www.tcwd.ca.gov](http://www.tcwd.ca.gov)



**TRABUCO CANYON WATER DISTRICT  
EXECUTIVE COMMITTEE MEETING | DECEMBER 7, 2021**

**ADMINISTRATIVE MATTERS**

**ITEM 1: EXECUTIVE COMMITTEE MEETING RECAP**

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The Executive Committee Meeting Recap for the following meeting(s) is attached for Committee review.

**RECOMMENDED ACTION:**

*Approve the following Executive Committee Meeting Recap and recommend that the Board receive and file the same. (Consent Calendar)*

1. *November 8, 2021*

**CONTACTS (staff responsible): PALUDI/PEREA**



## TRABUCO CANYON WATER DISTRICT EXECUTIVE COMMITTEE MEETING RECAP | NOVEMBER 8, 2021

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### **DIRECTORS PRESENT**

Vice President Stephen Dopudja, Committee Chair  
President Don Chadd, Committee Member

### **STAFF PRESENT**

Fernando Paludi, General Manager  
Michael Perea, Assistant General Manager

### **PUBLIC PRESENT**

There were no members of the public present

### **CALL MEETING TO ORDER**

Vice President Dopudja called the November 8, 2021 Executive Committee Meeting to order at 4:00 PM.

### **VISITOR PARTICIPATION**

No visitor participation was received.

### **ORAL COMMUNICATION**

No oral communication was received.

### **COMMITTEE MEMBER COMMENTS**

No comments were received.

### **REPORT FROM THE GENERAL MANAGER**

Mr. Paludi had no comments.

### **BOARD AGENDA MATTERS**

#### **ITEM 1: EXECUTIVE COMMITTEE MEETING RECAP**

Mr. Paludi presented the Executive Committee Meeting Recap for Committee review in accordance with the agenda.

#### **RECOMMENDED ACTION:**

The Committee recommended that the October 11, 2021 Executive Committee meeting recap be forwarded to the Board of Directors for approval (Consent Calendar).

### **DISCUSSION MATTERS**

#### **ITEM 2: BOARD AGENDA PLANNING CALENDAR**

Mr. Paludi presented this matter for Committee consideration, and he provided a handout highlighting certain proposed Board agenda planning calendar updates including, but not limited to:

#### **November 2021**

- El Toro Sewer Lift Station Surge Tank Replacement
- AlertOC Memorandum of Understanding

**TRABUCO CANYON WATER DISTRICT  
EXECUTIVE COMMITTEE MEETING RECAP | OCTOBER 11, 2021**

**December 2021**

- Fiscal Year 2020/2021 Financial Report (Audit)
- Water Conservation Ordinance
- Water Shortage Contingency Plan Level 2 Declaration
- Board Officer Election & Committee/Representative Assignments

**January 2022**

- District Treasurer's Annual Statement of Investment Policy
- Action on Financial Borrowing

Discussion occurred concerning the Orange County Local Agency Formation Commission (OC LAFCO) 2021 Strategic Plan (Plan). Mr. Paludi reported that the Executive Officer of OC LAFCO has requested feedback and input on the proposed methodology and structure of the Plan. The Committee commended OC LAFCO's efforts concerning the proposed Plan and recommended expressing the District's support in writing.

**RECOMMENDED ACTION:**

The Committee recommended the General Manager express the District's support to OC LAFCO for the proposed 2021 Strategic Plan

**OTHER MATTERS**

**ITEM 3: REPORTS OR COMMENTS FROM THE GENERAL MANAGER AND/OR STAFF**

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There were no other matters reported.

**RECOMMENDED ACTION:**

None

**ADJOURNMENT**

Vice President Dopudja adjourned the November 8, 2021 Executive Committee Meeting at 4:33 PM.

**TRABUCO CANYON WATER DISTRICT  
EXECUTIVE COMMITTEE MEETING | DECEMBER 7, 2021**

**ADMINISTRATIVE MATTERS**

**ITEM 2: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING ADOPTION OF ORDINANCE NO. 2021-22, SUPERSEDING ORDINANCE NO. 2008-18 AND ESTABLISHING A WATER CONSERVATION AND SUPPLY SHORTAGE PROGRAM**

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The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the potable water supply in order to avoid or minimize the effects of drought or other shortage within the District's service area.

Several important changes to state laws and regulations related to water conservation and drought planning since 2008 necessitate revisions to the District's current Ordinance No. 2008-18. Perhaps the most relevant of these changes has been the requirement that TCWD and other urban water suppliers prepare and adopt a Water Shortage Contingency Plan (WSCP) that includes proposed water shortage response actions for each of the six standard water shortage levels that correspond to water shortage percentages ranging from 10% to greater than 50%. The District's Board of Directors adopted the TCWD WSCP in June 2021 and it became effective July 1, 2021.

The proposed Ordinance establishes permanent water conservation standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes six levels of water supply shortage response actions, consistent with those in the WSCP, 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. The Ordinance grants the General Manager the authority to determine which of the water conservation requirements listed for each water shortage level will apply. In addition to describing the procedures for declaration and notification of each water supply shortage level, the Ordinance includes a hardship waiver section and a penalty structure for failing to comply with any provisions of the Ordinance.

In response to ongoing drought conditions in California and other western states, the Board will consider adopting a resolution declaring a Water Shortage Level 2 per the District's WSCP at its regular meeting in December 2021. Upon declaration of a Level 2, the District will implement the mandatory Level 2 conservation measures identified in Ordinance No. 2021-22, consistent with the WSCP.

**RECOMMENDED ACTION:**

*Recommend to the Board of Directors adoption of Ordinance No. 2021-22, Superseding Ordinance No. 2008-18 and Establishing a Water Conservation and Supply Shortage Program. (Action Calendar)*

**EXHIBIT(S):**

1. Draft Ordinance No. 2021-22

**CONTACTS (staff responsible): PALUDI/PEREA**

## ORDINANCE NO. 2021-22

### TRABUCO CANYON WATER DISTRICT WATER CONSERVATION PROGRAM ORDINANCE SUPERSEDING ORDINANCE NO. 2008-18 AND TAKING RELATED ACTIONS

THE BOARD OF DIRECTORS OF THE TRABUCO CANYON WATER DISTRICT  
ORDAINS AS FOLLOWS:

#### **Section 1. Authority:**

This Ordinance No. 2021-22 (**Ordinance**) is enacted pursuant to Sections 30000–33901 , including, but not limited to, Sections 31026–31029, Sections 350-359, Sections 375–378, Sections 10609–10609.38, and Sections 10610-10657 of the California Water Code, and Section 53069.4 of the California Government Code. The Trabuco Canyon Water District (**TCWD**) may establish additional guidelines, penalties, cost recovery systems, enforcement procedures and other rules and regulations to assist in the conservation of water. TCWD has the power to restrict the use of water supplied to TCWD customers during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of water supplied to TCWD customers, or the use of water, during such periods. TCWD may prohibit use of such water during such periods for specific uses which TCWD may, from time to time, find to be nonessential.

#### **Section 2. Findings and Determinations:**

The Board hereby finds and determines as follows:

- 2.1. A reliable minimum supply of Potable Water (as defined below) is essential to the public health, safety and welfare of the people and economy of the southern California region.
- 2.2. Southern California is a semiarid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues and situations.
- 2.3. Careful water management, which includes active water conservation measures not only in times of drought but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.
- 2.4. TCWD is a county water district organized and operating pursuant to the laws of the State of California that has, as one of its functions, the authority to provide for the provision of water and water services to its customers.
- 2.5. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and

beneficial use thereof.

- 2.6. California Water Code Section 375 authorizes public agency water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
- 2.7. California Water Code Sections 31026–31029 authorizes county water districts to provide for restrictions and limitations on use of water during drought and/or threatened or existing water shortage situations.
- 2.8. The California State Legislature enacted two policy bills—Senate Bill 606 (Hertzberg) and Assembly Bill 1668 (Friedman)—to establish a new foundation for long-term improvements in water conservation and drought planning to adapt to climate change and the resulting longer and more intense droughts in California. The new laws amended existing law to provide expanded and new authorities and requirements to enable permanent changes and actions for water conservation and drought planning purposes.
- 2.9. TCWD adopted its **WSCP** (as defined below) in June 2021 to be a strategic document designed to prepare for and respond to water shortages. The WSCP is TCWD's operating manual that is used to prevent catastrophic service disruptions through proactive, rather than reactive, management.
- 2.10. TCWD has undertaken various planning efforts and facilities projects to improve and support local water supplies, water reuse and imported water facilities in order to meet water demands of TCWD's current and future customers; however, circumstances do occur, and may occur in the future, which necessitate planning and measures to address water shortages on State-wide and local levels.
- 2.11. The adoption and enforcement of a water conservation and supply shortage program is necessary to manage TCWD's Potable Water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within TCWD. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.
- 2.12. The protection, conservation, and management of local and imported water supplies are one of the main functions of TCWD as a public agency water provider. The Board of Directors of TCWD, based on the actions mandated by the Governor of the State of California, the Metropolitan Water District of Southern California ("**MET**") and the Municipal Water District of Orange County ("**MWDOC**"), and a review of the factual circumstances, has determined the necessity of adopting and implementing a comprehensive, mandatory water conservation plan to reduce overall TCWD usage to meet mandated levels.
- 2.13. Tthe public agencies supplying water to TCWD may mandate water rationing to TCWD because of limited supplies.
- 2.14. It is known that the distribution or storage facilities of public agencies supplying



water to TCWD may become inadequate to meet demands.

- 2.15. That due to circumstances or events beyond the control of TCWD or other public agencies, a major failure of the supply, storage and distribution facilities of the public agencies supplying water to TCWD may occur.

**Section 3. Declaration of Purpose and Intent:**

- 3.1. The purpose of this Ordinance is to establish a water conservation and supply shortage program in order to:
  - a. Reduce water consumption within TCWD through conservation;
  - b. Allow for effective water supply planning;
  - c. Ensure reasonable and beneficial use of water;
  - d. Prevent waste of water at all times;
  - e. Maximize the efficient use of water within the TCWD to avoid and minimize the effect(s) and hardship of water shortage(s) to the greatest extent possible;
  - f. Use water more wisely;
  - g. Strengthen local drought resilience; and
  - h. Improve agricultural water use efficiency and drought planning.
- 3.2. This Ordinance establishes permanent water conservation standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes six 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.

**Section 4. Definitions:**

- 4.1. The following words and phrases whenever used in this Ordinance will have the meaning defined in this Section:
  - a. **“Board”** means the Board of Directors of TCWD.
  - b. **“TCWD”** means the Trabuco Canyon Water District, a county water district organized and operating pursuant to the laws of the State.
  - c. **“Effective Date”** means the date this Ordinance becomes effective.

- d. **“Efficiency Standard”** means the percentage of water delivered to plant roots that is used beneficially.
- e. **”Landscape Irrigation System”** means an irrigation system which is used for watering landscape, greenbelts and similar which may include pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
- f. **“Ordinance”** means this Ordinance No. 2021-22 as adopted, and as such may be amended by TCWD from time to time.
- g. **“Person”** means any natural person, property owner, renter, or lessee, as well as any corporation, partnership, government entity or subdivision, trust, estate, cooperative association, homeowners’ association, joint venture, business entity, or other similar entity, or the property management company, property manager, agent, employee or representative of any of the above.
- h. **”Potable Water”** means water which is suitable for drinking.
- i. **“Reclaimed Water”** means non-Potable Water which has been treated at a wastewater treatment facility and is available for irrigation use.
- j. **“Recycled Water”** means non-Potable Water collected by TCWD from dry season water flow or storm water flow and is available for irrigation use
- k. **“Single Pass Cooling Systems”** means equipment where water is circulated only once to cool systems and/or equipment before being disposed of.
- l. **“State”** means the State of California.
- m. **“Water Waste”** means uses of water which are prohibited or limited, going beyond the purpose of necessary or intended use, including area runoff, and which could reasonably be prevented.
- n. **“Water Conservation Coordinator”** is TCWD’s General Manager or his/her designee(s) or such other officer(s) or employee(s) of TCWD as TCWD may direct.
- o. **”WSCP”** is TCWD's 2020 Water Shortage Contingency Plan adopted in June 2021.

**Section 5. Application:**

- 5.1. The provisions of this Ordinance apply to any Person in the use of any Potable Water provided by TCWD.

- 5.2. The provisions of this Ordinance will apply within TCWD's boundaries and to TCWD customers.
- 5.3. The provisions of this Ordinance do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
- 5.4. The provisions of this Ordinance do not apply to the use of Reclaimed Water or Recycled Water, with the exception of Section 6.
- 5.5. This Ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. This Ordinance will not act to repeal, supersede or amend any federal, State or local law, ordinance or regulation relating to protection of water quality or control of drainage or runoff (including, but not limited to, any and all NPDES permits or requirements which may be applicable in such instance) or exempt any Person or party from compliance therewith.

**Section 6. Permanent Water Conservation Requirements - Prohibition Against Waste:**

The following water conservation requirements will be effective at all times while this Ordinance is in effect (unless otherwise specifically determined and directed by the Board). Violations of this Section will be considered waste and an unreasonable use of water.

- 6.1. **Limits on Watering Hours:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 8:00 a.m. and 6:00 p.m. Pacific Standard Time on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, with drip irrigation, manually watering to establish new landscape, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- 6.2. **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water using a Landscape Irrigation System or a watering device that is not continuously attended is limited to no more than ten minutes watering per station, per day. This Subsection does not apply to Landscape Irrigation Systems that exclusively use very low flow drip type irrigation systems when no emitter produces more than two gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% Efficiency Standard.
- 6.3. **No Watering While Raining:** No Person shall allow lawns, groundcover, shrubbery, other landscape material, or open ground, to be watered during or after measurable rainfall for 48 hours. Automatic irrigation controllers may be turned off manually, or connected to a rain shutoff device. All irrigation controllers associated with dedicated landscape meters shall have a rain shutoff device which

overrides the program in the event of rainfall.

- 6.4. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, parking lot, driveway, street, alley, gutter or ditch is prohibited.
- 6.5. **No Irrigating Turf with Drinking Water on Public Medians:** Irrigating turf with drinking water on public medians is prohibited.
- 6.6. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container or a low volume, high-pressure cleaning machine or broom.
- 6.7. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected is prohibited. Property owners are obligated to fix leaks or breaks in the plumbing system within seven days. For irrigation applications, if unattended malfunctions are observed to be causing excessive loss of water, TCWD may, at its sole discretion, turn off the irrigation to the affected area until such time the property owner can respond to correct the malfunction.
- 6.8. **Recirculating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use recirculated water is prohibited.
- 6.9. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited, except by use of a handheld bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This Subsection does not apply to any commercial car washing facility.
- 6.10. **Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments shall prominently display notice of this option in each bathroom using clear and easily understood language. Commercial visitor-serving facilities must also ensure that such facility displays, in places visible to all customers, placards or decals approved by TCWD, promoting public awareness of the need for water conservation.
- 6.11. **No Installation of Single Pass Cooling Systems:** Installation of a Single Pass

Cooling System is prohibited.

- 6.12. **No Installation of Non-recirculating Commercial Car Wash and Laundry Systems:** Installation of non-recirculating water systems is prohibited in commercial car wash and laundry systems. All commercial conveyor car wash systems which use TCWD water must have installed operational recirculating water systems or must have secured a waiver of this requirement from TCWD.
- 6.13. **Large Landscape Areas – Rain Sensors:** Large landscape areas, defined as a lawn, greenbelt, landscape, or other vegetated area, or combination thereof, equal to more than one acre of irrigable land, including parks, cemeteries, golf courses, school grounds, and playing fields, that use Landscape Irrigation Systems to water or irrigate, must use Landscape Irrigation Systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapo-transpiration sensors to set an efficient water use schedule.

## **Section 7. Level 1 Water Supply Shortage**

- 7.1. A Level 1 water supply shortage exists when TCWD notifies its water users that due to drought or other supply reductions, a consumer demand reduction of up to 10% is necessary to make more efficient use of water and respond to existing water conditions. TCWD will implement the mandatory Level 1 conservation measures identified in this Ordinance. The type of event that may prompt TCWD to declare a Level 1 water supply shortage may include, among other factors, a finding that its wholesale water provider calls for extraordinary water conservation.
- 7.2. **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section 6, the following water conservation requirements may be applied during a declared Level 1 water supply shortage to elicit a voluntary customer demand reduction of up to 10%:
  - a. **Increase Public Awareness:** TCWD will increase public awareness of the water supply messaging and will call for voluntary conservation.
  - b. **Encourage Voluntary Outdoor Water Use Efficiency:** In combination with increased public awareness, customers will be encouraged to use water efficiently, particularly outdoors with efficient irrigation practices.
  - c. **Promote Rebates for Indoor and Outdoor Water Use Efficiency:** In combination with increased messaging, TCWD will promote existing rebates and incentives from MWDOC and MET, and augment rebates where feasible.
  - d. **Require Water Users to Fix Leaks:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be

repaired within 72 hours of notification by TCWD unless other arrangements are made with TCWD.

- e. **Reinforce Permanent Water Conservation Measures:** Reinforce and promote the Permanent Water Conservation Measures.

The General Manager shall determine which of the water conservation requirements listed above will apply during a Level 1 water supply shortage.

**Section 8. Level 2 Water Supply Shortage**

- 8.1. A Level 2 water supply shortage exists when TCWD notifies its water users that due to drought or other supply reductions, a consumer demand reduction of up to 20% is necessary to make more efficient use of water and respond to existing water conditions. Upon declaration of a Level 2 water supply shortage condition, TCWD will implement the mandatory Level 2 conservation measures identified in this Ordinance.
- 8.2. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6 and 7, the following additional water conservation requirements may be applied during a declared Level 2 water supply shortage:
  - a. **Expanded Public Awareness:** TCWD will expand public awareness of the water shortage situation while leveraging regional outreach and marketing efforts by MWDOC and MET.
  - b. **Targeted Outreach to Irrigation Customers Using Drinking Water:** TCWD will target communication and outreach to dedicated irrigation customers using drinking water.
  - c. **Voluntary Watering Day Limits:** Customers are encouraged to voluntarily limit watering or irrigating of lawn or landscaped area with Potable Water to three days per week April through October and one day per week November through March. Exceptions to the water days limit include:
    - i. Drop emitters or in-line drip systems;
    - ii. Irrigating by use of a handheld bucket or similar container;
    - iii. Irrigating by a handheld hose equipped with a positive self-closing water shut off nozzle; or
    - iv. Irrigating for short periods of time for the express purpose of adjusting or repairing an irrigation system.
  - d. **Requirement for Water Users to Fix Leaks:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be

repaired within 48 hours of notification by TCWD unless other arrangements are made with TCWD.

- e. **Targeted Outreach to Commercial Agriculture and Nurseries:** Commercial agriculture and nurseries using drinking water will be consulted regarding the conservation measures to be taken to achieve water savings.
- f. **Encouraging Recreational Water Features Best Practices:** All pool owners and operators and their agents or contractors shall, to the extent feasible, adhere to TCWD's Best Management Practices in the WSCP for the construction and operation of water use efficient recreational water features, such as pools or spas.
- g. **Voluntary Drinking Water Served Upon Request:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are encouraged to refrain from providing drinking water to any Person unless expressly requested.

The General Manager shall determine which of the water conservation requirements listed above will apply during a Level 2 water supply shortage.

**Section 9. Level 3 Water Supply Shortage**

- 9.1. A Level 3 water supply shortage exists when TCWD declares a water shortage emergency condition pursuant to California Water Code Section 350 and notifies its residents and businesses that up to 30% consumer demand reduction is required to ensure sufficient supplies for human consumption, sanitation and fire protection. TCWD must declare a water supply shortage emergency in the manner and on the grounds provided in California Water Code Section 350.
- 9.2. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6-8, the following water conservation requirements may be applied during a declared Level 3 water supply shortage:
  - a. **Targeted Outreach and Assistance to High Water Users:** TCWD will target outreach and assistance to high use customers to achieve further water savings through expanded onsite water use surveys.
  - b. **Enhanced Conservation Program Activity:** TCWD may enhance water conservation program activities or incentive levels to further increase customer participation in activities that lead to long-term structural water savings.
  - c. **Watering Day Limits:** Watering or irrigating of lawn or landscaped area with drinking water is limited to three days per week April through

October and one day per week November through March. Exceptions to the water days limit include:

- i. Drip emitters or in-line drip systems;
  - ii. Irrigating by use of a handheld bucket or similar container, or with a hand-held hose equipped with a positive self-closing water shut off nozzle;
  - iii. Irrigating for short periods of time for the express purpose of adjusting or repairing an irrigation system; or
  - iv. Irrigating for maintenance of existing landscape necessary for fire protection.
- d. **Irrigation Limits on Commercial Agriculture and Nurseries:** Commercial agriculture and nursery use of drinking water is reduced by 30% of five-year average use monthly .
- e. **Requirement for Water Users to Fix Leaks:** All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within 24 hours of notification by TCWD unless other arrangements are made with TCWD.
- f. **Limits on Use of Potable Water for Construction:** The use of recycled or non-Potable Water, when available, is required for construction purposes. Potable or drinking water for construction purposes shall only be permitted by, and in accordance with the provisions of, a construction water use permit obtained from TCWD Chief Engineer or their designee, otherwise, Recycled Water is to be used.
- g. **Limits on Street Sweeping with Drinking Water:** The use of recycled or non-Potable Water, when available, is required for street sweeping purposes.
- h. **Reduce Frequency of Line Cleaning and Flushing:** TCWD, to the extent feasible, will minimize the use of or flushing of drinking water when performing operational duties including, but not limited to, sewer line cleaning, fire hydrant flushing, valve exercising, and angle stop repairs.

The General Manager shall determine which of the water conservation requirements listed above will apply during a Level 3 water supply shortage.

**Section 10. Level 4 Water Supply Shortage**

- 10.1. A Level 4 water supply shortage exists when TCWD declares a water shortage emergency condition pursuant to California Water Code Section 350 and notifies



its residents and businesses that up to 40% consumer demand reduction is required to ensure sufficient supplies for human consumption, sanitation and fire protection. TCWD must declare a water supply shortage emergency in the manner and on the grounds provided in California Water Code Section 350.

- 10.2. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6–9, the following water conservation requirements may be applied during a declared Level 4 water supply shortage:
- a. **Watering Day Limits:** Watering or irrigating of lawn or landscaped area with drinking water is limited to two days per week April through October and one day per week November through March. Exceptions to the water days limit include:
    - i. Drip emitters or in-line drip systems;
    - ii. Irrigating by use of a handheld bucket or similar container, or with a hand-held hose equipped with a positive self-closing water shut off nozzle;
    - iii. Irrigating for short periods of time for the express purpose of adjusting or repairing an irrigation system; or
    - iv. Irrigating for maintenance of existing landscape necessary for fire protection.
  - b. **Limits on Commercial Agriculture and Nurseries:** Commercial agriculture and nursery irrigation with drinking water is limited to 60% of monthly five-year average use.
  - c. **Prohibition on Vehicle Washing:** Washing of autos, trucks, trailers, boats, airplanes or other types of mobile equipment is prohibited. Washing is permitted at commercial car wash facilities. The use of water by all types of commercial car washes shall be reduced in volume by 50%.
  - d. **Prohibition on Filling Decorative Water Features:** Filling, refilling, or adding water to decorative water features that use Potable Water is prohibited.
  - e. **No New Potable Water Service:** Upon declaration of a Stage 4 condition, no new Potable Water service will be provided, no new temporary meters or permanent meters will be provided, and no will-serve letters will be issued, except under the following circumstances:
    - i. TCWD approved plans and specifications have been issued;
    - ii. A valid permit has been issued for the project;

- iii. The project is necessary to protect the public health, safety, and welfare; or
- iv. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of TCWD.

The General Manager shall determine which of the water conservation requirements listed above will apply during a Level 4 water supply shortage.

**Section 11. Level 5 Water Supply Shortage**

- 11.1. A Level 5 water supply shortage exists when TCWD declares a water shortage emergency condition pursuant to California Water Code Section 350 and notifies its residents and businesses that up to 50% or more consumer demand reduction is required to ensure sufficient supplies for human consumption, sanitation and fire protection. TCWD must declare a water supply shortage emergency in the manner and on the grounds provided in California Water Code Section 350.
- 11.2. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6-10, the following water conservation requirements may be applied during a declared Level 5 water supply shortage:
  - a. **Expand Enforcement and Outreach to High Users:** TCWD will expand its efforts to target and assist over-budget accounts, including escalating enforcement of any and all mandatory restrictions that the accounts are not in compliance with, pursuant to any declared water shortage stage.
  - b. **Flow Restrictors to Non-Compliant Accounts:** TCWD may require a flow restrictor to be installed on services where the account holder is non-responsive to outreach and other mandatory restrictions, pursuant to any declared water shortage stage.
  - c. **Prohibition on Watering Turf with Drinking Water:** Watering or irrigating of lawn or turf with Potable Water is prohibited. Exemptions to this prohibition may be made for municipal parks with active recreational fields, such as parks with athletic fields, however, the applied water must be limited to the amount which will just keep the turfgrass alive to minimize affects to public health and safety.
  - d. **Watering Day Limits:** Watering or irrigating of trees, woody shrubs, or food-producing crops for residential use with drinking water is limited to one day per week in all months. Additional watering is only permitted if irrigating for maintenance of existing landscape necessary for fire protection.

- e. **Limits on Commercial Agriculture and Nurseries:** Commercial agriculture and nursery irrigation with drinking water is limited to 50% of monthly five-year average use.
- f. **Prohibition on Filling All Recreational Water Features:** Filling, re-filling, or adding of Potable Water to recreational water features such as pools or spas that do not adhere to TCWD's Best Management Practices is prohibited.

The General Manager shall determine which of the water conservation requirements listed above will apply during a Level 5 water supply shortage.

**Section 12. Level 6 Water Supply Shortage**

- 12.1. A Level 6 water supply shortage exists when TCWD declares a water shortage emergency condition pursuant to California Water Code Section 350 and notifies its residents and businesses that greater than 50% or more consumer demand reduction is required to ensure sufficient supplies for human consumption, sanitation and fire protection. TCWD must declare a water supply shortage emergency in the manner and on the grounds provided in California Water Code Section 350.
- 12.2. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6-11, the following water conservation requirements may be applied during a declared Level 6 water supply shortage:
  - a. **Conduct Emergency Public Outreach:** TCWD would conduct emergency public outreach, as part of TCWD's overall emergency response programs. Messaging to focus on limiting water to essential uses only.
  - b. **Water Supply Allocation, as Necessary:** As deemed necessary, an allocation of water supply under a Water Shortage Stage 6 condition, beyond the TCWD's shortage response actions under the Water Shortage Stages outlined in this Section, may be implemented.
  - c. **Prohibition on Watering with Drinking Water:** All outdoor irrigation with Potable Water is prohibited with the exception of maintenance of existing landscape necessary for fire protection.
  - d. **Prohibition on Commercial Nurseries Using Drinking Water:** Commercial agriculture and nursery irrigation with Potable Water is prohibited.
  - e. **Prohibition of Vehicle Washing:** Washing of autos, trucks, trailers, boats, airplanes or other types of mobile equipment is prohibited. Washing is also prohibited at a commercial car wash.

- f. **Other Water Response Shortage Action, as Needed:** TCWD reserves the right to implement other shortage response actions to appropriately respond to a water shortage emergency.

The General Manager shall determine which of the water conservation requirements listed above will apply during a Level 6 water supply shortage.

**Section 13. Procedures for Determination / Notification of Water Supply Shortage**

- 13.1. **Declaration and Notification of Level 1 & 2 Water Supply Shortage:** The existence of Level 1 and Level 2 water supply shortage conditions may be declared by resolution adopted by the Board at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to the Level 1 or Level 2 conditions, as determined by the Board, will take effect on the tenth day after the date the shortage level is declared and identified. Within five days following the declaration of the shortage level, TCWD will publish a copy of the resolution in a newspaper used for publication of official notices. Upon the cessation of a Level 1 or Level 2 water supply shortage condition will be determined by the Board, and notice thereof provided in the same manner as set forth above. If TCWD establishes a water allocation, it will provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which TCWD customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be effective on the fifth day following the date of mailing or at such later date as specified in the notice.
- 13.2. **Declaration and Notification of Levels 3–6 Water Supply Shortage:** The existence of Levels 3–6 water supply shortage conditions may be declared in accordance with the procedures specified in Water Code Sections 350–52. The mandatory conservation requirements applicable to the Level conditions, as determined by the Board as set forth herein will take effect on the tenth day after the date such shortage emergency is declared. Within five days following the declaration of such shortage emergency, TCWD will publish a copy of the resolution in a newspaper used for the publication of official notices pursuant to Government Code Section 6061. If TCWD establishes a water allocation, it will provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which TCWD customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be effective on the fifth day following the date of mailing or at such later date as specified in the notice.

**Section 14. Hardship Waiver**

- 14.1. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a Person using water or to property upon which water is used, that is disproportionate to the impacts to TCWD water users generally or to similar property or classes of

water users, then the Person may apply for a waiver to the requirements as provided in this Section 15.

14.2. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a Person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

- a. **Application:** Application for a waiver will be on a form prescribed by TCWD and will be accompanied by a non-refundable processing fee in an amount set by resolution of TCWD.
- b. **Supporting Documentation:** The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant in support of such application.
- c. **Required Findings for Variance:** An application for a waiver shall be denied unless the Water Conservation Coordinator finds, based in the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of TCWD or its Agent, all of the following:
  - i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other TCWD residents and businesses;
  - ii. That because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on the property or use that exceeds the impacts to TCWD residents and businesses generally.
  - iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of TCWD to effectuate the purpose of this Ordinance and will not be detrimental to the public interest; and
  - iv. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.
- d. **Approval Authority:** The Water Conservation Coordinator will exercise approval authority and act upon any completed application no later than ten days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver will be promptly notified

in writing of any action(s) taken. Unless specified otherwise at the time a waiver is approved, the waiver applies to the subject property during the term of the mandatory water supply shortage condition.

- e. **Appeals to TCWD:** An applicant may appeal a decision or condition of the Water Conservation Coordinator on a waiver application to the Board within ten days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the Board will act as the approval authority and review the appeal de novo by following the regular waiver procedure. The decision of the Board will be final.

## **Section 15. Penalties and Violations**

- 15.1. **Civil Penalties:** Pursuant to Water Code Section 377 and Government Code Section 53069.4, civil penalties for failure to comply with any provisions of the Ordinance will be as follows:
  - a. **First Violation:** TCWD will issue a written warning and deliver a copy of this Ordinance in Person or by mail.
  - b. **Second Violation:** A second violation within one year after the first violation is punishable by a fine not to exceed \$100.
  - c. **Third Violation:** A third violation within one year after the first violation is punishable by a fine not to exceed \$200.
  - d. **Fourth and Subsequent Violations:** A fourth and any additional violation within one year after the first violation is punishable by a fine not to exceed \$500. In addition, TCWD may also undertake the following actions:
    - i. **Water Flow Restrictor:** In addition to any fines, TCWD may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of 48 hours.
    - ii. **Termination of Service:** In addition to any fines and the installation of a water flow restrictor, TCWD may disconnect and/or terminate a customer's water service.
  - e. Pursuant to Water Code Section 377(e), commencing on the 31st day after TCWD notifies a Person of a violation, and subject to applicable notice and hearing requirements, the Person additionally may be civilly liable in

an amount not to exceed \$10,000 plus \$500 for each additional day on which the violation continues.

- 15.2. **Cost of Flow Restrictor and Disconnecting Service:** A Person or entity that violates this Ordinance is responsible for payment of TCWD's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per TCWD's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device will be paid to TCWD before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
- 15.3. **Separate Offenses:** Each day that a violation of this Ordinance occurs is a separate violation.
- 15.4. **Notice and Hearing:**
- a. Pursuant to Water Code Section 377, TCWD will issue a Notice of Violation complaint by mail or personal delivery at least 30 days before taking any enforcement action described herein and such notice will describe the enforcement action(s) to be taken and the basis for the proposed penalty. A customer may request a hearing on the Notice of Violation by filing a written request for a hearing with TCWD within 14 days after receipt of the notice. If a customer does not submit a timely request for a hearing, the Notice of Violation will be final. Upon receipt of a timely request for a hearing, a hearing on the violation will be scheduled in a timely manner, and TCWD will mail written notice of the hearing to the customer at least 30 days before the date of the said hearing.
  - b. The hearing may be before the Water Conservation Coordinator, the General Manager, or their respective designee(s), and will involve such processes and presentation of information and evidence as TCWD may so direct in writing.
  - c. Pending a hearing, TCWD may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water level condition.

**Section 16. Severability**

If any Section, Subsection, sentence, clause or phrase in this Ordinance or the application thereof to any Person or circumstance is for any reason held invalid, the validity of the remainder of the Ordinance or the application of such provision to other Persons or circumstances will not be affected thereby. TCWD hereby declares it would have passed this Ordinance and each Section, Subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more Sections, Subsections, sentences, clauses, or phrases or the application thereof to any Person or circumstance be held invalid.

**Section 17. Application of Law**

The terms, provisions and conditions of this Ordinance not otherwise set forth herein will be interpreted pursuant to State law.

**Section 18. Superseding Prior Ordinance**

Ordinance No. 2008-18 of the Trabuco Canyon Water District is hereby repealed and superseded by this Ordinance No. 2021-22 upon this Ordinance No. 2021-22 becoming effective.

**ORDAINED and APPROVED** this 16<sup>th</sup> day of December, 2021.

TRABUCO CANYON WATER  
DISTRICT:

\_\_\_\_\_  
President/Vice President

\_\_\_\_\_  
Secretary

DRAFT



STATE OF CALIFORNIA            )  
  )ss.  
COUNTY OF ORANGE            )

I, Michael Perea, Secretary of the Board of Trabuco Canyon Water District, do hereby certify that the foregoing Ordinance was duly adopted by the Board of said District at a meeting of said Board held on the 16<sup>th</sup> day of December, 2021, 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:

NOES:

ABSTAIN:

ABSENT:

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Secretary of the Board  
Trabuco Canyon Water District

DRAFT

STATE OF CALIFORNIA            )  
  )ss.  
COUNTY OF ORANGE            )

I, Michael Perea, Secretary of the Board of Trabuco Canyon Water District, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2021-22 of such Board and that the same has not been amended or repealed.

Dated this 16<sup>th</sup> day of December, 2021.

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Secretary of the Board  
Trabuco Canyon Water District

DRAFT

**TRABUCO CANYON WATER DISTRICT  
EXECUTIVE COMMITTEE MEETING | DECEMBER 7, 2021**

**DISCUSSION MATTERS**

**ITEM 3: BOARD AGENDA PLANNING CALENDAR**

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Information will be presented at the time of the meeting.

**RECOMMENDED ACTION:**

*Committee to discuss information at the time of the Executive Committee Meeting and take action(s) as deemed appropriate.*

**TRABUCO CANYON WATER DISTRICT  
EXECUTIVE COMMITTEE MEETING | DECEMBER 7, 2021**

**OTHER MATTERS**

**ITEM 4: REPORTS OR COMMENTS FROM THE GENERAL MANAGER AND/OR STAFF**

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Other matters may have arisen after the posting of the agenda and will be brought forward for discussion and/or information at the time of the Executive Committee.

**RECOMMENDED ACTION:**

*Hear other matters from the General Manager and/or Staff.*