

RESOLUTION NO. 2014- 01
OF
MIDWAY HEIGHTS COUNTY WATER DISTRICT
DECLARING A WATER SHORTAGE EMERGENCY CONDITION AND
ADOPTING RESTRICTIONS ON USE OF WATER

WHEREAS, Midway Heights County Water District (“District”) is formed and exists under the County Water District Law, Water Code sections 30000 through 33901;

WHEREAS, the District owns, operates and maintains a water system and works for supplying and providing within the service area of the District treated and untreated water service for various purposes to its residents and customers, and therefore is a distributor of a public water supply as provided in Water Code section 350;

WHEREAS, on February 6, 2014, the Board of Directors of the Placer County Water Agency (“PCWA”) adopted Resolution 14-02, declaring a water shortage emergency pursuant to Water Code sections 350 through 359 due to the current severe drought conditions prevailing throughout its Western Water System Service Area;

WHEREAS, the District obtains water for its irrigation water system from PCWA, which also supplies raw water to the District’s treated water supplier, Weimar Water Company (“WWC”);

WHEREAS, PCWA obtains the water supplied to the District from Pacific Gas & Electric Company’s (“PG&E”) Drum Spaulding hydro-electric project;

WHEREAS, the water year to date has resulted in severe drought conditions throughout the region, with precipitation being nominally 30% of normal, such that conditions are similar to those in 1977, the driest year on record;

WHEREAS, similar to 1977 PCWA is anticipating a 50% or greater cut in supply from PG&E in 2014, and other water suppliers in the region are planning for similar reductions in water supply; and

WHEREAS, because of supply reductions from PG&E to PCWA, the District is anticipating a 50% or greater cut in supply from PCWA in 2014;

WHEREAS, on January 16, 2014 the United States Small Business Administration declared Placer County to be a disaster area due to drought severity, and on the same date the United States Department of Agriculture granted a Secretarial disaster designation for Placer County due to drought severity;

WHEREAS, on January 17, 2014, the Governor of the State of California found that conditions of extreme peril to the safety of persons and property exist

in California due to water shortage and drought conditions and proclaimed a state of emergency to exist throughout the state due to current drought conditions;

WHEREAS, the District is authorized, under Water Code sections 350 through 359 to declare a water shortage emergency condition to prevail within the area it serves and to adopt such regulations and restrictions on water delivery as will conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection purposes;

WHEREAS, it is necessary for the protection of the health and safety of the residents and water users of the District and in their best interest for the District to institute measures to conserve available water supplies during the current drought conditions to ensure continued sufficient and dependable supplies for human consumption, sanitation and fire protection; and

WHEREAS, notice of the time and place of a public hearing on March 20, 2014 by this Board was duly given and published in the Auburn Journal and that all interested people were given an opportunity to be heard concerning the proposed declaration of a water shortage emergency and to present their respective comments and objections to the Board, and such public input has been duly received and considered by this Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of MIDWAY HEIGHTS COUNTY WATER DISTRICT as follows:

1. All of the above recitals are true and correct and this Board so finds and determines.
2. This resolution is being adopted pursuant to Water Code sections 350 through 359, 375 through 378, 31020, and 30124.
3. Based on the facts set forth above in the recitals and further stated below, the District Board of Directors finds that, due to the existing severe drought throughout Placer County and the watershed serving it and PCWA's resulting inability to serve the District's full water demands, a water shortage emergency condition ("Drought Emergency") prevails within the District's system. The Board further finds that the anticipated reduction in the District's water supply and the continuance of extreme water shortage conditions in the northern California area makes it necessary and in the best interests of the residents and customers of the District to impose measures to conserve the District water supply during the current drought to ensure continued sufficient and dependable water supplies for human consumption, sanitation and fire protection, including prohibition on wastage and curtailments of nonessential uses.

4. In accordance with the foregoing findings, the Board hereby declares a Drought Emergency exists within the District and authorizes the actions described in this resolution to address the emergency.

5. The General Manager is authorized to identify additional operational actions and request additional conservation measures as determined to be necessary to meet the needs of public health and safety. The General Manager is hereby authorized to contract with third parties to provide such temporary staff as may be necessary to implement drought response projects and actions and to monitor water usage; and shall promptly report to the Board any such staffing measures taken.

6. The General Manager is delegated the authority to contract for services and materials in an amount not to exceed \$7,500 as necessary to respond to the Drought Emergency in the most expeditious manner possible, providing that:

- (a) Action is needed before the contract can be brought to the Board;
- (b) The General Manager reports such contracts to the Board at its next meeting; and
- (c) The contract can be terminated by Board action.

At each Board meeting, the Board shall consider such contracts and shall act to ratify or terminate them.

7. At each meeting of the Board until it rescinds the declaration of Drought Emergency, the Board will consider whether additional measures should be taken to address the Drought Emergency. Staff is directed to report to the Board at each meeting the status of water supplies available to the District, the adequacy of conservation to meet health and safety needs, and the need for any additional conservation measures. Any additional conservation measures implemented by the Board or General Manager shall be specifically described and communicated to all customers by one or more of the following methods: telephone, newspaper publication, website, mailer, and/or other electronic or printed notifications.

8. The Board will consider variances from any of the regulations and restrictions provided in this resolution upon a written application describing in detail the alleged need for a variance and the grounds therefor. The Board will hold a public hearing at a regular meeting and make a determination on the request for a variance. The Board will approve a variance only if it finds that the requested relief will not adversely affect the water supply, sanitation, fire protection or safety of District water users and the District water system, and is in the public interest. Upon granting a variance, the Board may impose any conditions that it determines to be just and proper.

9. Subject to Paragraph 8 of this resolution, irrigation water services that are terminated due to violations of the restrictions provided in this resolution or other applicable law, including the District's Code Book, shall remain terminated until the end of the Drought Emergency.

10. Customers who volunteer to discontinue irrigation water service for the duration of the Drought Emergency will not be subject to a reconnect fee if they restart such service within 12 months after the Drought Emergency is terminated.

11. Customers who volunteer to switch from the annual miners inch rate to the first tier metered irrigation rate will not be subject to the change of service fee normally charged by the District if they request switching back to the miner's inch rate within 12 months after the Drought Emergency is terminated.

12. The Board hereby imposes the following water use restrictions on all users of District water service:

- (a) The restrictions, prohibitions, and enforcement actions provided in the Emergency Drought Matrix: Irrigation Water Service and Emergency Drought Matrix: Treated Water Service, which are attached to this resolution as Exhibits A and B, respectively, are hereby incorporated into and made a part of this resolution.
- (b) No new irrigation services shall be connected to the District's water system.
- (c) No increases in water deliveries to any customer shall be allowed.
- (d) No irrigation services will be allowed to switch from the metered rate to the miners inch rate.
- (e) In lieu of disconnecting water service for repeat violations of District water use restrictions, the District may install a flow restrictor on a customer's connection to the water system.

The water use restrictions set forth in this Paragraph 13 and in the attached Exhibits A and B shall apply to all current customers and connections and any new customer or any new connection to the District water system that occurs while the Drought Emergency remains in effect. Nothing in this resolution is intended to limit the District's authority to take any other actions or to impose any other restrictions, prohibitions or penalty for a violation of this resolution provided in applicable law or the District's Code, ordinances, policies, rules or regulations.

13. The District hereby adopts progressive Waste of Water Penalty charges and Reconnection Fees for violations of this resolution. These charges and fees are intended to encourage water conservation by customers and to recover the District's costs to monitor and enforce the water use restrictions provided of this resolution and Sections 3.1.10 and 3.1.13 of the District's Code Book, which provide:

Code Section 3.1.10. Waste of Water.

No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, the District may provide written notice demanding correction. The District may terminate water service if the conditions are not corrected within three days after giving the customer written notice demanding correction.

Code Section 3.1.13. Service Detrimental to Others.

The District may refuse to furnish water, terminate water service to any premises or customer, if excessive demands by one customer or apparatus, appliance, or equipment of such customer, or otherwise, be deemed detrimental or injurious to the water service to be furnished to other customers of the District. The District may refuse to furnish or permit the supply of water, or may terminate service to any premises or customer if excessive demands by one customer may result in inadequate service to other customers.

The progressive Water Waste Penalty and Reconnection Fees will be charged in accordance with the Enforcement provisions of the Emergency Drought Matrixes for Treated Water Service and Irrigation Water Service attached to and made a part of this resolution as Exhibits A and B, respectively.

Progressive Water Waste Penalties will be applied to both treated and irrigation water service customers and will appear on the next bill or a separate statement issued by the District. Failure to pay such penalties will be grounds for termination of service. The penalties are as follows:

First Written Notice:	\$75.00
Second Written Notice:	\$150.00
Service Termination:	\$300.00 (Cumulative with Reconnection Fees)

Progressive Reconnection Fees apply only to treated water services customers. The progressive Reconnection Fees are as follows:

First Offense:	\$100.00
Second Offense:	\$200.00
Third Offense:	\$400.00

If a fourth offense occurs, the District will not reconnect the offender's service until the District installs a flow limitation device on that service and makes any necessary repairs or corrections to permanently stop the violation, and the violator pays all MHCWD costs of installation and repair and a \$750.00 Reconnection Fee.

Irrigation service customers whose services are terminated and locked out for violating the water use restrictions in this resolution will be reconnected only after the Board declares an end to the water shortage emergency and the locked out customer pays a \$500.00 Reconnection Fee.

The Board finds that the imposition of the foregoing Water Waste Penalty and Reconnection Fees are not subject to Proposition 218 and comply with Proposition 26 because, under the prevailing water shortage emergency, the penalties bear a fair and reasonable relationship to the impact of the violator's wasting of water on the District and its customers.

14. In accordance with Water Code section 377, from and after the publication of this resolution pursuant to Water Code section 376, violation of any requirement set forth herein is a misdemeanor. Upon conviction of a violation of any restriction provided in this resolution, a person may be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars (\$1,000), or by both.

15. The actions set forth in this resolution are statutorily exempt from the provisions of the California Environmental Quality Act because they constitute an emergency project, and the General Manager of the Agency is hereby directed to file a Notice of Exemption with the Placer County Clerk.

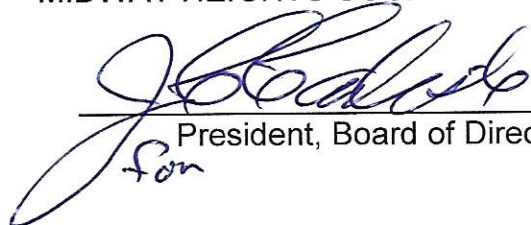
16. As provided in Water Code section 376, within 10 days after its adoption the District Secretary is directed to post a copy of this resolution in three public places within the District and on the District's website and/or to publish a copy of this resolution.

17. The General Manager may declare a Drought Emergency, as necessary, to preserve storage in the water reservoirs. During a declared Drought Emergency, the General Manager may change the Stage as appropriate.

PASSED AND ADOPTED this March 20, 2014, by the Board of Directors of MIDWAY HEIGHTS COUNTY WATER DISTRICT at a regular meeting by the following vote:

AYES:	Directors	<u>Jim Carlisle</u>	<u>Craig Stone</u>
		<u>George Kanakaris</u>	_____
		<u>Wes Stevener</u>	_____
NOES:	Directors	_____	_____
ABSTAIN:	Directors	_____	_____
ABSENT:	Directors	<u>Donna Stevener</u>	_____

MIDWAY HEIGHTS COUNTY WATER DISTRICT



President, Board of Directors

ATTEST:



Secretary of the Board



Emergency Drought Matrix: Irrigation Water Service

	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Water Days		Properties with even numbered addresses may use water on even days; properties with odd numbered addresses may use water on odd days.	Properties with even numbered addresses may use water on even days; properties with odd numbered addresses may use water on odd days.	Properties with even numbered addresses may use water on Tuesday and Saturday; properties with odd numbered addresses may use water on Wednesday and Sunday.	Properties with even numbered addresses may use water on Saturdays; properties with odd numbered addresses may use water on Sunday.	No irrigation permitted.
GOAL	Voluntary 50% reduction in water use.	Mandatory 50% reduction in water use.	Mandatory 50% reduction in water use.	Mandatory 50% reduction in water use.	Mandatory 60% reduction in water use.	Mandatory 80% reduction in water use.
Restrictions	Encourage 6PM-6AM usage to minimize evaporation.	Encourage 6 P.M. -6 A.M. usage to minimize evaporation. No irrigation water usage on non-usage days except for active fire protection and water for livestock. No customer or connection shall be allowed to use more than three (3) times the amount of water available per customer or connection.	Mandatory 6 P.M. -6 A.M. usage to minimize evaporation. No irrigation water usage on non-usage days except for active fire protection and water for livestock. No customer or connection shall be allowed to use more than two(2) times the amount of water available per customer or connection.	Mandatory 6 P.M. -6 A.M. usage to minimize evaporation. No irrigation water usage on non-usage days except for active fire protection and water for livestock. No customer or connection shall be allowed to use more than two (2) times the amount of water available per customer or connection.	Mandatory 6 P.M. -6 A.M. usage to minimize evaporation. No irrigation water usage on non-usage days except for active fire protection and water for livestock. No customer or connection shall be allowed to use more than one and a half (1.5) times the amount of water available per customer or connection.	No irrigation usage. Allocations for active fire protection and water for livestock only.
Prohibitions	No new irrigation services, increases in water deliveries or switching to the miners inch rate.	In addition to Stage 1 restrictions, no runoff of District-supplied water from customers' properties.	Same as Stage 2	Same as Stage 2.	In addition to Stage 2 restrictions, no filling of ponds, pools or other water features.	
Enforcement	1st Offense:	Verbal warning.	Verbal warning.	Verbal warning.	Verbal warning.	Written Warning and Water Waste Penalty of \$75.00.
	2nd Offense:	Written Warning & Water Waste Penalty of \$75.00.	Written Warning & Water Waste Penalty of \$75.00.	Written Warning & Water Waste Penalty of \$75.00.	Written Warning & Water Waste Penalty of \$75.00.	Lock out service for duration of Drought Emergency declaration & Reconnection Fee.
	3rd Offense:	Convert to metered service at customer's expense and Written Warning & Water Waste Penalty of \$150.00.	Convert to metered service at customer's expense and Written Warning & Water Waste Penalty of \$150.00.	Convert to metered service at customer's expense and Written Warning & Water Waste Penalty of \$150.00.	Convert to metered service at customer's expense and Written Warning & Water Waste Penalty of \$150.00.	
	4th Offense:	Lock out service for duration of Drought Emergency declaration & Reconnection Fee.	Lock out service for duration of Drought Emergency declaration & Reconnection Fee.	Lock out service for duration of Drought Emergency declaration & Reconnection Fee.	Lock out service for duration of Drought Emergency declaration & Reconnection Fee.	

Emergency Drought Matrix: Treated Water Service

	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Outdoor Water Use		Properties with even numbered addresses may use water on even days; properties with odd numbered addresses may use water on odd days.	Properties with even numbered addresses may use water on even days; properties with odd numbered addresses may use water on odd days.	Properties with even numbered addresses may use water on Tuesday and Saturday; properties with odd numbered addresses may use water on Wednesday and Sunday.	Properties with even numbered addresses may use water on Saturdays; properties with odd numbered addresses may use water on Sunday.	No irrigation permitted.
GOAL	Voluntary 25% reduction in water use.	Mandatory 25% reduction in water use.	Mandatory 25% reduction in water use.	Mandatory 25% reduction in water use.	Mandatory 25% reduction in water use.	Mandatory 25% reduction in water use.
Restrictions	Encourage 6PM-6AM usage to minimize evaporation.	Encourage 6PM-6AM usage to minimize evaporation. No irrigation water usage on non-usage days except for active fire protection and water for livestock.	Mandatory 6PM-6AM usage to minimize evaporation. No irrigation water usage on non-usage days except for active fire protection and water for livestock.	Same as stage 3.	Same as Stage 3.	No irrigation usage. Allocations for active fire protection and water for livestock only.
Prohibitions		No runoff of District-supplied water from customers' properties.	Same as Stage 2.	Same as Stage 2.	Same as Stage 2.	
Enforcement	1st Offense:	Verbal warning.	Verbal warning.	Verbal warning.	Verbal warning.	Written Notice & Water Waste Penalty of \$75.00.
	2nd Offense:	Written Notice & Water Waste Penalty of \$75.00.	Written Notice & Water Waste Penalty of \$75.00.	Written Notice & Water Waste Penalty of \$75.00.	Written Notice & Water Waste Penalty of \$75.00.	Written Notice & Water Waste Penalty of \$150.00.
	3rd Offense:	Written Notice & Water Waste Penalty of \$150.00.	Written Notice & Water Waste Penalty of \$150.00.	Written Notice & Water Waste Penalty of \$150.00.	Written Notice & Water Waste Penalty of \$150.00.	Lock out service & progressive Reconnection Fee.
	4th Offense:	Lock out service & progressive Reconnection Fee.	Lock out service & progressive Reconnection Fee.	Lock out service & progressive Reconnection Fee.	Lock out service & progressive Reconnection Fee.	Lock out service & progressive Reconnection Fee.