

RESOLUTION NO. 752

OF THE BOARD OF DIRECTORS OF LAKE HEMET MUNICIPAL WATER DISTRICT TO IMPLEMENT MANDATORY EMERGENCY WATER CONSERVATION

WHEREAS, Lake Hemet Municipal Water District ("District") is a water district empowered to provide water service to customers within the District service area, and

WHEREAS, due to inadequate snowfall and rainfall, opposition to the development and construction of water supply facilities and legal restrictions on the flow of water from the State Water Project to Southern California, Southern California, and the District in particular, is experiencing shortages in water supplies, and

WHEREAS, as a result of the above, the District recognizes that it is evident the drought is continuing and statewide supply is 20 percent less than normal demand, and

WHEREAS, the drought conditions will likely continue for the foreseeable future and, as a result, the District implemented a voluntary water conservation program to reduce water use and put into action on March 20, 2014 by Resolution No. 737, and

WHEREAS, conservation of water by all District customers that have not already conserved will help relieve the problems caused by the shortage in water supplies, and

WHEREAS, Water Code section 1058.5 grants the State Water Resources Control Board ("SWRCB") the authority to adopt emergency regulations in certain drought years in order to: "Prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation", and

WHEREAS, on July 15, 2014 the SWRCB adopted emergency water conservation regulations prohibiting all individuals from engaging in certain water use practices and would require mandatory conservation-related actions of public water suppliers during the current drought emergency, and

WHEREAS, on August 20, 2014 the District passed Resolution No. 747 in order to implement mandatory emergency water conservation measures, and

WHEREAS, due to the ongoing drought on March 27, 2015 the Office of Administrative Law approved the Urban Conservation emergency order issued by the SWRCB which amended Title 23 of the California Code of Regulations sections 863, 864, and 865, and

WHEREAS, the District is required to comply with State law, including regulations adopted by the SWRCB, codified at Title 23 of the California Code of Regulations and is authorized pursuant thereto to implement its requirements, and

WHEREAS, in order to be compliant with the State's 25% reduction goal and to comply with the new SWRCB order, the District Board of Directors must update its current mandatory emergency water conservation policy, Resolution No. 747, and

WHEREAS, the Governor's Executive Order B-29-15 is seeking to reduce water consumption by 25% and will likely lead to additional restrictions, and

WHEREAS, following the making of findings as required by law, the District has the power and authority to adopt mandatory water conservation measures within its boundaries pursuant to Chapters 3 through 3.7 of Division 1 and Chapter 2 of Division 20 of the California Water Code, and

WHEREAS, in order to meet the requirements of the Water Code section 10632, the District will implement and include the following required customer actions for Stage III mandatory restrictions (without the imposition of the conservation usage rates which were approved by the District on March 19, 2015 under Resolution No. 751), and

WHEREAS, if there are any conflicts or inconsistencies between this resolution and the Drought Management Plan, the terms herein shall prevail, and

WHEREAS, this resolution is intended to replace and supersede Resolution No. 747 in its entirety, and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Lake Hemet Municipal Water District as follows:

Section 1: Findings: The Board of Directors of the District hereby finds and declares as follows:

- 1) Should existing drought conditions continue, or should the District lose its water production capacity, there may be insufficient water available for human consumption, sanitation and fire protection.
- 2) The provisions of this Resolution are exempt from the provisions of the California Environmental Quality Act as an action to mitigate emergency conditions and as a rate setting measure pursuant to Public Resources Code §21080(b)(4) and (8).

Section 2: Declaration of Stage III Extreme Water Supply Shortage Emergency: The Board of Directors of the District, in accordance with the above findings, hereby determines and declares the existence of an emergency condition within its service area, and further determines and declares that the regulations and restrictions on delivery of water and consumption of water within its service area as hereinafter set forth are necessary, in the sound discretion of the Board of Directors of the District, to conserve the water supply for the greatest public benefit.

Section 3: Authorization to Implement Restrictions on Water Consumption: The Board of Directors of the District hereby authorizes the General Manager of the District to take specific steps to meet water conservation goals, regulations and restrictions on water consumption as hereinafter set forth.

Section 4: Conservation Goal and Authorized Actions. The conservation goal of the District and the State Water Board is a reduction in water use of twenty five (25%), which goal is subject to

adjustment from time to time based upon demands, supplies, and conservation. The General Manager is authorized to implement Section 5 of this resolution to meet said conservation goal.

Section 5: Mandatory Water Conservation Regulation: The General Manager shall take all steps necessary to advise the District's customers of the following mandatory regulations and to enforce them in accordance the District's existing policy:

1. No person shall cause any water to flow away from property owned, occupied, or controlled by such person, in any gutter, ditch, or in any other manner over the surface of the ground so as to constitute water waste runoff.
2. No water shall be used to wash down sidewalks, driveways or parking areas, except to alleviate immediate fire or sanitation hazard.
3. No person shall cause or allow any water to be wasted due to sub-standard, leaky or faulty outdoor water fixtures or water-using distribution devices.
4. Water from fire hydrants, except for construction and dust control purposes, shall not be used for any purpose other than to fight fires or for other activities where such use is immediately necessary to maintain the health, safety and welfare of the residents of the District.
5. Landscape irrigation will only be allowed on odd or even days according to the last digit of the property location address. "Even" is Monday, Wednesday, Friday and "Odd" is Tuesday, Thursday, Saturday with no watering on Sunday. Landscape irrigation will only be allowed during the hours of 5 p.m. to 9 a.m. (restricted between 9 a.m. and 5 p.m.)
6. The washing of autos, boats, trailers or building only from a hand bucket, or hose equipped with a positive shut off device, and then only for quick rinses.
7. No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a recycling system or with the use of reclaimed wastewater.
8. Water will not be used for the flushing of sewer lines and the flushing of water mains will not be allowed, except for immediate health and safety reasons or by special written permission by the General Manager.

Exemptions:

- 8a. The District will allow an exemption from the watering schedule if an ET based controller is installed and operating. *The ET Controller Exemption Form* must be completed and the installation verified by a licensed landscape architect or LHMWD staff.

- 8b. Watering schedules must be adhered to at all times. The District requires advance written notice of any maintenance activities requiring water use between the hours of 9:00 a.m. and 5:00 p.m.
9. No person shall irrigate turf or ornamental landscapes during and 48 hours following measurable precipitation.
10. The District shall provide notice to restaurants and other food service establishments that they can only serve water to customers upon request.
11. The District shall provide notice to operators of hotels and motels that they must provide their guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.
12. The District shall prohibit irrigation with potable water of ornamental turf on public street medians.
13. The District shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

Section 6: Notification of Leaks: The District shall immediately notify a customer when the District is aware of leaks that are within the customer's control.

Section 7: Duration of Water Emergency: The regulations, restrictions, and actions set forth herein shall take full force and effect on April 17, 2015 upon authorization by the Board of Directors and shall remain in full force and effect until December 23, 2015, or until otherwise directed by the SWRCB.

Section 8: Appeal: Decisions made by the District under the regulations set forth in this Resolution may be appealed by the customer. The customer can file a written appeal within 5 days to the General Manager of the District.

Section 9: Violation: This resolution shall apply to potable water customers' indoor and outdoor use. A violation of the resolutions and restrictions set forth herein may result in progressive warnings, fines, or result in discontinuance of service to consumers willfully violating the conservation measures set forth herein or such other penalty or restriction as may be allowed by law. The warnings and fines shall be in accordance with Exhibit "A". A fine shall not be issued until it has been approved by an ad hoc committee of the Board of Directors.

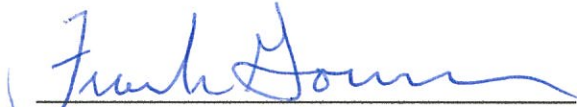
Section 10: Reporting: The District shall report the number of days to which outdoor irrigation has been limited and shall continue to provide compliance and enforcement efforts to SWRCB on a monthly basis.

Section 11: Severability: If any portion of this Resolution is found to be unconstitutional or invalid, the District hereby declares that it would have enacted the remainder of this Resolution regardless of the absence of any such valid part.

Section 12: Effective Date: This Resolution shall take effect April 16, 2015.

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the General Manager to make amendments or refinements to the procedures adopted by this resolution to ensure compliance with conservation practices. Such amendments or refinements shall be reported to the Board for ratification.

PASSED AND ADOPTED at a general meeting of the Board of Directors of Lake Hemet Municipal Water District held on April 16, 2015.



President

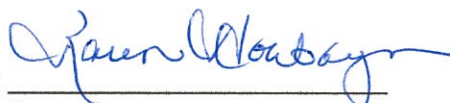
Attest: 
ASOT. Secretary

EXHIBIT "A"

DROUGHT MANDATED IRRIGATION WATERING SCHEDULE

The taking of any action prohibited in Section 5, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. Violators will be issued a one-time warning with fines progressively increasing with continued violations as follows:

1st offense – Warning

2nd offense - Warning

3rd offense - Warning

4th offense - \$50.00 fine

5th offense - \$100.00 fine

6th offense - \$500.00 fine