

RESOLUTION NO. 16-03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT
REVISING THE WATER STAGE ALERT SYSTEM**

WHEREAS, the Board of Directors (Board) of the Kirkwood Meadows Public Utility District (District) has engaged in a vigorous and ongoing program of conservation pursuant to the policy of water conservation and prohibition of waste water (California Constitution Article X, Section 2; California Water Code Sections 375-377, 1009 and Public Utilities Code section 16461). The District Board is considering a Resolution enacting water conservation standards;

WHEREAS, the ability of the District to meet the water service needs of its customers is critical and it is necessary, in the absence of voluntary conservation measures by customers, for the District to adopt more stringent water shortage and drought response standards to address potential water shortages, in the interest of public health, safety and welfare;

WHEREAS, the District approved Resolution 07-02 on April 12, 2007 authorizing and directing the establishment of a Water Stage Alert System. The District updated Resolution 07-02 on March 8, 2014, replacing it with Resolution 14-02, following the State of Emergency declared by Governor Brown on January 17, 2014, due to current drought conditions in the entire state of California;

WHEREAS, the District has updated Resolution 14-02, replacing it with Resolution 14-22, to eliminate the set watering days in the Stage Two Alert and replace it with a twice a week watering restriction;

WHEREAS, the State Water Resources Control Board issued an expansion of their Emergency Water Conservation Regulation on March 17, 2015 in response to having the lowest snowpack and driest January in recorded history;

WHEREAS, on April 1, 2015 Governor Brown directed the State Water Board to implement mandatory water restrictions to reduce potable water usage by 25% statewide;

WHEREAS, on April 11, 2015 the Board approved Resolution 15-02 continuing the Water Stage 2 Alert for calendar 2015;

WHEREAS, on May 9, 2015 the Board approved Resolution 15-04 continuing the Water Stage 2 Alert for calendar 2016;

WHEREAS, on May 9, 2016, Governor Brown issued Executive Order B-37-16 confirming that drought conditions persist in many parts of the State and directed actions aimed at reducing water waste and improving water use efficiency in the future, extending the emergency drought regulations through the end of January 2017;

WHEREAS, the Board desires to update the District's Water Stage Alert System to follow the State's water use restrictions as closely as possible in order to achieve the statewide water use reduction mandate; and

WHEREAS, the Board recognizes that drought conditions may persist beyond 2017 and desires to revise the District's Water Stage Alert System to better reflect the State's "Make Conservation a California Way of Life" initiative.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Kirkwood Meadows Public Utility District do hereby adopt Resolution 16-03 updating the Water Stage Alert System as summarized by Exhibit A attached hereto.

PASSED AND ADOPTED at a special meeting of the Board of Directors on the 4th day of September 2016, by the following vote:

AYES: Epstein, Richert, O'Grady, Dornbrook and Smith .

NOES: None

ABSENT: None.

ABSTAIN: None


Robert Epstein, President

ATTEST:



Peter Dornbrook, Secretary

Exhibit A to Resolution 16-03
Kirkwood Meadows Public Utilities District
WATER STAGE ALERT SYSTEM
Revised 2016

Water Waste Prohibited. District customers are not permitted to waste a limited resource such as water or make, cause, or permit the use of water for any purpose contrary to any provision of this Water Stage Alert System (System), or in quantities in excess of the use permitted by the conservation stage in effect pursuant to this System. With drought conditions continuing to impact California, the District is reorganizing its Water Shortage Stages to meet the “New Normal”. Landscape should be native and drought-resistant, and installed in a manner that will reduce the amount of water needed for irrigation. Water for landscape should be applied in a manner that prevents fertilizer from leaching into the ground water. Conservation Stages shall be determined by the Board of Directors based on supply and demand of available water supplies, and comply with the State of California’s emergency drought regulations as they pertain to non-urban water suppliers. The General Manager will make recommendation for the Board’s adoption on any Conservation Stage more restrictive than Stage 1.

STAGE 1 – NORMAL CONDITIONS. Under Stage 1 - Normal Conditions, Water Users shall abide by the following restrictions and consider these status quo during their normal daily consumption and use of water:

- a) Landscape watering with an irrigation system or sprinkler is permitted any day of the week between the hours of 8 p.m. and 10 a.m.
- b) Irrigation exclusively utilizing drip or other low-flow systems is permitted any day of the week between the hours of 8 p.m. and 10 a.m.
- c) Any run-off from outdoor irrigation is prohibited. Water Users shall not allow water to flow over the ground surface or from sprinklers onto impervious surfaces or adjacent property. Washing impervious surfaces such as driveways, parking areas, tennis courts, decks, patios or other improved areas is permitted, but should be done responsibly to avoid excessive runoff.
- d) All Water Users are encouraged to report to the District any signs or indications of water leaks or water waste. Any leaks identified inside the homeowner’s property line shall be repaired at the homeowner’s expense.
- e) Hoses with an automatic shut-off nozzle must be used for washing motor vehicles. Continuous flow from a hose nozzle is prohibited.
- f) The irrigation of non-landscaped, natural vegetation, or on undeveloped property is expressly prohibited.

- g) All food and beverage establishments will serve water to their customers only upon request to encourage water conservation.
- h) Outdoor irrigation is prohibited during and 48 hours following measurable precipitation.

Stage 1 water restrictions continue until there is an announcement that Stage 2 is in effect.

STAGE 2 – WATER SHORTAGE. Stage 2 restrictions are in effect when the aquifer is 120 feet above the top of the Well 4/5 pump, or at the discretion of the Board. During a Stage 2 – Water Shortage, in addition to the restrictions stated under Stage 1, the following shall also apply:

- a) Outdoor irrigation of all vegetation including lawns and landscaping is limited to two days per week, between the hours of 8 p.m. and 10 a.m. for all residential or commercial properties.
- b) Watering with a hand held hose or drip irrigation system is limited to two days per week between 8pm and 10am.
- c) Washing impervious surfaces such as driveways, parking areas, decks, patios or other improved areas is prohibited. Health and Safety exceptions to this rule may be requested in writing.
- d) The washing of vehicles or other equipment is allowed only with an automatic shut-off nozzle or five-gallon bucket. Water is not allowed to run into the street.
- e) No unattended watering except where automatic shut-off equipment is used.
- f) The property owner, or his/her designee, must notify the District to obtain an exemption in writing for the establishment of new vegetation.
- g) No water shall be used for irrigating landscaping for new construction.
- h) Water for new construction purposes is limited to construction trades only or dust control with written District approval.
- i) Maintaining pools, hot tubs and fire protection storage facilities at normal operating levels is permitted.
- j) The operation of any ornamental fountain or similar decorative water structure is prohibited unless a recycling system is used and a notice to the public of such recycling system is prominently displayed.

- k) Restaurants and other food service establishments are prohibited from serving water to customers unless requested.
- l) Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily, and prominently display notice of this option.

Stage 2 water restrictions continue until there is an announcement that Stage 3 is in effect.

STAGE 3 – SIGNIFICANT WATER SHORTAGE. Stage 3 restrictions are in effect when the aquifer is 100 feet above the top of the Well 4/5 pump, or at the discretion of the Board. During a Stage 3 - Significant Water Shortage, Stages 1 and 2 restrictions apply, as well as the following:

- a) At the General Manager’s discretion, applications for new service connections shall be granted on the condition that the water shall be used for interior purposes and not for lawn or gardening watering or any other irrigation use for the duration of the drought emergency.
- b) Emptying and refilling of swimming pools and hot tubs is prohibited.
- c) Water for new construction purposes is limited to those with written District approval.
- d) The washing of vehicles or other equipment is prohibited without written District approval.
- e) Outdoor irrigation of all vegetation including lawns and landscaping is limited to once per week, between the hours of 8 p.m. and 10 a.m. according to the Association’s posted watering day below:

Association	Watering Day
Kirkwood Meadows Association	Sunday
East Meadows Association	Wednesday
Commercial and All Other Associations	Friday

Stage 3 water restrictions continue until there is an announcement that Stage 4 is in effect.

STAGE 4 – WATER EMERGENCY. Stage 4 restrictions are in effect when the aquifer is 80 feet above the top of the Well 4/5 pump, or at the Board's discretion. During a Stage 4 - Water Emergency, Stage 1, 2 and 3 restrictions apply, as well as the following:

- a) The use of water for other than domestic and commercial use is prohibited.
- b) Watering for landscaping, construction, exterior washing, etc. is prohibited.
- c) The use of water for air conditioning purposes, where an alternate source of fresh air is available, is prohibited.
- d) No Will Serve Letters for new construction will be issued.

ENFORCEMENT

The General Manager, and other District authorized representatives have the duty and are authorized to enforce all provisions of this System.

- 1.** **First Violation.** For a first violation, the District shall issue a written warning to the Water User.
- 2.** **Second Violation.** For a second violation, a fine of \$100 for residential or commercial customers shall be added to the Water User's bill at the property where the violation occurred.
- 3.** **Third Violation.** For a third violation, a fine of \$500 for residential customers, or \$750 for commercial customers, shall be added to the Water User's bill at the property where the violation occurred. In addition to the fine, the Board or the General Manager may require installation of a flow-restricting device on the Water User's service connection. The District may also discontinue the Water User's water service at the property where the violation occurred in accordance with District procedures. Re-connection shall be permitted only when there is reasonable protection against future violations, such as a flow-restricting device on the customer's service connection, as determined at the District's discretion.
- 4.** **Fourth Violation.** For the fourth and any additional violations, a fine per occurrence of \$750 for residential customers, or \$1,000 for commercial customers, shall be added to the Water User's bill at the property where the violation occurred. The District may discontinue the Water User's water service at the property where the violation occurred in accordance with District procedures. Reconnection shall be permitted only when there is reasonable protection against future violations, such as a flow-restricting device on the customer's service connection, as determined at the District's discretion.
- 5.** **District Enforcement Costs.** District shall be reimbursed for its costs and expenses in enforcing the provisions of this System, including such costs as District incurs for District

staff to investigate and monitor the Water User's compliance with the terms of this System. Charges for installation of flow-restricting devices or for discontinuing or restoring water service, as the District incurs those charges, shall be added to the Water User's bill at the property where the enforcement costs were incurred.

ADMINISTRATION

1. **General.** The provisions of this System shall be administered and enforced by the District through the General Manager, who may delegate such enforcement to one or more employees or contractors of the District.
2. **Utility Accounts.** Accounts shall not be established for new customers, including the transfer of accounts upon change of ownership, until the customer complies with the provisions of this System.
3. **Discretionary Exemptions.** The Board may, in its discretion, or the General Manager, at his/her discretion, may exempt Water Users and individual facilities of Water Users from the provisions of this System, or impose reasonable conditions in lieu of compliance with this System, if the Board finds that any of the following conditions exist:
 - a) **Hardship.** The requirements of this System would cause an unnecessary and undue hardship upon the Water User, the Water User facility or the public.
 - b) **Health and Safety.** Strict compliance with the requirements of this System would create an emergency condition, as determined by the Board or other governmental entity with appropriate jurisdiction, affecting the health, protection or safety of the Water User or the public.
 - c) **No Impact on Water Use.** The granting of the exemption or imposition of reasonable conditions in lieu of compliance with this System would not increase the quantity of water consumed by the Water User or otherwise adversely affect service to other Water Users. In granting any such relief, the departure from the requirements of this System shall be limited to the minimum necessary to address the circumstances upon which such departure is required by a Water User.
4. **Appeals.** Any customer or applicant for a variance permit may appeal any decision under this System in accordance with District Policy.