

Ordinance No. 16-01

AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ESTABLISHING WATER CONSERVATION REQUIREMENTS BY LIMITING LANDSCAPE WATERING, TO TAKE EFFECT IMMEDIATELY

WHEREAS, the Board of Directors (the “Board”) of the Borrego Water District (the “District”) recognizes that there is a need to develop mandatory conservation measures during identified and declared emergency circumstances, including drought conditions; and

WHEREAS, the Board has previously adopted Resolution No. 2009-4-1, a “Resolution of the Board of Directors of the Borrego Water District, San Diego County, California, Adopting in Principle Tiered Water Rates Subject to Subsequent Compliance With Proposition 218 and Adopting the BWD First Conservation Management Plan,” (the “Resolution”), with the intent of encouraging water use efficiency and conservation by its customers in the form of conservation and end use efficiency incentive measures through various options; and

WHEREAS, on January 17, 2014, the Governor of the State of California issued a proclamation of a state of emergency under the California Emergency Services Act based on existing drought conditions, which state of emergency was continued by the Governor on April 25, 2014, and remains in effect; and

WHEREAS, on April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Water Resources Control Board to impose restrictions on water suppliers in order to achieve a statewide reduction of potable water use by not less than 25 percent through February 2016, which directives were extended to October 31, 2016 by a second Executive Order on November 13, 2015, should the drought conditions continue through January 2016; and

WHEREAS, on February 2, 2016, the California State Resources Control Water Board (State Board) adopted Extended Emergency Water Conservation Regulations extending the state of emergency under the California Emergency Services Act through October 2016, and

WHEREAS, the State Board adopted regulations to impose restrictions on non-urban water suppliers, such as Borrego Water District, to either reduce its total potable water production by 25 percent relative to the amount produced in 2013 or limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two (2) days per week; and

WHEREAS, the voluntary conservation and end use efficiency incentive measures identified in the Resolution have not achieved the required 25 percent reduction, making it mandatory for the District to limit outdoor irrigation of ornamental landscapes or turf with potable water by the District’s customers to no more than twice each week or suffer fines from the State Board in the amount of \$500 per day for each violation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Borrego Water District, as follows:

Section 1. Declaration and Finding of Urgency.

A. On January 17, 2014, Governor Brown issued a proclamation of a state of emergency under the California Emergency Services Act (Government Code section 8550 et seq.), as a result of ongoing drought conditions throughout the State of California. Governor Brown issued a proclamation of a

continued state of drought emergency on April 25, 2014. On April 1, 2015, as a result of unabated drought conditions, Governor Brown issued Executive Order No. 8-29-15 directing the State Board, which includes restrictions imposed on water suppliers to achieve a 25% reduction in potable urban water usage through February 28, 2016, as compared to 2013.

B. In May 2015, the State Board implemented the 25% reduction mandated by the Executive Order requiring each distributor of public water supply (as defined in Water Code section 350), that is not an urban water supplier, to either (1) limit outdoor irrigation of ornamental landscapes or turf with potable water to not more than two (2) days per week; or (2) implement other mandatory conservation measures intended to achieve a 25% reduction in potable water consumption.

C. Immediate implementation of the proposed ordinance will serve to achieve the mandated emergency regulations, thereby helping to protect the public health and safety by conserving potable water supplies for human consumption and other more essential purposes. The Board finds that the Ordinance should be adopted on an urgent basis to ensure greater water conservation with this Ordinance effective immediately upon passage.

Section 2. Purpose.

A. The purpose of this Ordinance is to establish water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable methods of use of water within the Borrego Water District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times of emergencies.

B. This Ordinance establishes regulations to be implemented during times of declared water shortages, declared water shortage emergencies, or other emergencies affecting the ability of the District to maintain an adequate supply of potable water for its customers.

Section 3. Limitations on outdoor landscapes and turf irrigation.

Effective immediately, outdoor landscapes and turf irrigation restrictions are hereby imposed in order to preserve and protect the District's supply of potable water or to comply with regulations adopted by the State of California are as follows:

- A. Outdoor landscapes and turf irrigation are hereby restricted to a maximum of two (2) days per calendar week for each property.
- B. The days for permitted outdoor watering are designated as Mondays and Thursdays of the week for addresses ending in odd numbers, and Tuesdays and Fridays of the week for addresses ending in even numbers.
- C. No outdoor watering schedule shall exceed a total of 6 hours a day during which outdoor landscapes and turf may be irrigated so as not to result in runoff.
- D. Irrigation of landscape and turf is restricted to overnight hours except when weather conditions are unfavorable.
- E. No outdoor watering shall occur within 48 hours after measurable rainfall.

Section 4. Failure to comply with irrigation restrictions.

Any customer or responsible party found in violation of any order of the General Manager or the Board imposed by this Section may be subject to administrative fines or penalties as set forth in this Administrative Code, in Ordinance No. 15-01, or as otherwise established by the Board.

Section 5. This ordinance shall be effective following its passage and adoption by a four-fifths vote of the Board of Directors, and in accordance with Government Code section 36937(b).

ADOPTED, SIGNED AND APPROVED this 8th day of March, 2016.

Beth Hart, President of the Board of Directors of
Borrego Water District

ATTEST:

Joseph Tatusko, Secretary of the Board of Directors of
Borrego Water District

{Seal}

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, Joseph Tatusko, Secretary of the Board of Directors of the Borrego Water District, do hereby certify that the foregoing Ordinance was duly adopted by the Board of Directors of said District at a regular meeting held on the 8th day of March, 2016, and that it was so adopted by the following vote:

AYES: DIRECTORS: Hart, Tatusko, Delahay, Estep

NOES: DIRECTORS:

ABSENT: DIRECTORS: Brecht

ABSTAIN: DIRECTORS:

Joseph Tatusko, Secretary of the Board of Directors
of Borrego Water District

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, Joseph Tatusko, Secretary of the Board of Directors of the Borrego Water District, do hereby certify that the above and foregoing is a full, true and correct copy of Ordinance No. 16-01, of said Board, and that the same has not been amended or repealed.

Dated: March 8, 2016

Joseph Tatusko, Secretary of the Board of Directors
of Borrego Water District