

**RESOLUTION 15-52
OF THE BOARD OF DIRECTORS
OF THE HELIX WATER DISTRICT ADOPTING
THE EMERGENCY DROUGHT ACTION PLAN**

WHEREAS, Governor Jerry Brown issued the fourth in a series of executive orders detailing actions necessary to address California's severe and ongoing drought, including a mandate to reduce potable urban water use by 25 percent statewide; and

WHEREAS, on May 5, 2015, California's State Water Resources Control Board adopted emergency statewide regulations to reduce outdoor water use; and

WHEREAS, under the regulations, Helix Water District (the "District") is required to reduce water use by 20 percent from June 2015 through February 2016 when compared to the same months in 2013; and

WHEREAS, Water Code section 375 authorizes a public entity that provides water services to adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity; and

WHEREAS, on June 23, 2015, Senate Bill 88 was enrolled and amended California Water Code section 377(i) authorizing public entities to enforce water use limitations by imposing a volumetric penalty in an amount established by the public entity and additional authority for the imposition of penalties for violations of water conservation programs; and

WHEREAS, it has been estimated that more than half of residential water use in many parts of California is used to irrigate lawns and outdoor landscaping; and

WHEREAS, the District has determined that during specified water shortage levels, the use of water by domestic customers for irrigating lawns and outdoor landscaping is not essential to their health, safety, and sanitation, and may be an unreasonable use, an unreasonable method of use, or a waste of water; and

WHEREAS, given the current statewide drought condition, the mandatory reduction in water use imposed on the District by the State Water Resources Control Board, and the declaration of a Level 2 Drought Alert within the District, the board of directors has determined that it is appropriate to limit the amount of water that domestic customers use to 30 units of water per billing cycle; and

WHEREAS, the limitation of 30 units of water is based on what the District has reasonably determined to be the amount of water that the average domestic customer needs for indoor water use that is essential for health, safety and sanitation purposes and efficient outdoor water use; and

WHEREAS, the San Diego County Water Authority voted on May 14, 2015, to require member agencies to adopt a resolution limiting outdoor irrigation to no more than two days per week; and

WHEREAS, on July 24, 2014, the San Diego County Water Authority declared a drought Alert calling for mandatory water conservation measures in response to the state's emergency drought regulations; and

WHEREAS, on August 6, 2014 the District Board of Directors responded by adopting Resolution 14-31 declaring a Level 2 Drought Alert effective August 16, 2014; and

WHEREAS, with the enrollment of Senate Bill 88 the Board of Directors desires to clarify the regulations set forth in Resolution 15-38.

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

Section 1. The District hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. Pursuant to Resolution 15-38 and this resolution, all domestic class customers shall be limited to using no more than 30 units of potable water per billing cycle for indoor and outdoor water purposes for their property without incurring a penalty.

Section 3. Any domestic class customer who uses potable water in excess of 30 units of water per billing cycle shall be in violation of the restrictions set forth in Resolution 15-38 and herein and subject to a volumetric penalty for each unit of water, or portion thereof, of potable water used in excess of 30 units of water during a billing cycle. For purposes of Resolution 15-38 and this Resolution, one unit of water is equal to one hundred cubic feet or 748 gallons of water. The penalty shall be in an amount equal to 10 percent of the rate in effect at the time it is imposed for tier three domestic class potable water commodity charges.

Section 4. The person identified by the District as the customer of record for the property where the violation occurred shall be the person responsible and liable for the payment of the volumetric penalty. The penalty shall be:

- a. collected on the customer's water bill;
- b. due and payable as part of the customer's water bill; and

- c. paid in addition to the domestic water service fees and charges the District imposes for the potable water delivered to the property where the violation occurred.

Section 5. The receipt of a water bill with any applicable volumetric penalty shall serve as notice of violation of the District's regulations set forth in Resolution 15-38 and herein. The notice of the violation in the customer's water bill shall also include information regarding an opportunity for the customer to appeal the imposition of the penalty in accordance with Section 4.9 of the District's Policies and Procedures Manual.

Section 6. In January 2016, the board of directors shall reconsider whether to continue the imposition of such civil volumetric penalties or such other time as the board of directors so chooses.

Section 7. Non-payment of any volumetric penalty imposed pursuant to Resolution 15-38 and this resolution shall be subject to the same remedies available to the District as for non-payment of water service rates and charges.

Section 8. If provisions of this resolution are in conflict with each other, or any other resolution of the District, or any State law or regulation, the more restrictive provisions shall apply.

Section 9. Resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED, AND APPROVED this 5th day of August 2015, by the following vote:

Ayes: Directors Verbeke, Muse, Hedberg, Linden and Scalzitti

Noes: None

Absent: None

Attest:




Sandra L. Janzen, Board Secretary


DeAna R. Verbeke, Board President