

**RESOLUTION 15-64
OF THE BOARD OF DIRECTORS
OF THE HELIX WATER DISTRICT REVISING
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, the San Diego County Water Authority voted May 14, 2015, to require member agencies to adopt a resolution limiting outdoor irrigation to no more than two days per week; 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 May 20, 2015, the District Board of Directors adopted Resolution 15-38 approving the Drought Action Plan which, among other things, authorized increased public education and outreach plan, limiting landscape irrigation with potable water to no more than two days per week with variances under certain circumstances, and implementing all other Level 2 restrictions which had previously been in effect; and

WHEREAS, as part of that same action the board authorized assessing a temporary 10 percent penalty on certain domestic class water use above a specified amount beginning on July 29, 2015 and directed the penalty be re-evaluated in January 2016; 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, 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, the District's cumulative potable water use during the months of June, July and August 2015, the first three months of the nine month measurement period, was 7,501 acre-feet compared to 10,408 acre-feet during the same period in 2013, a cumulative decrease of 28 percent to date; and

WHEREAS, in light of the enrollment of Senate Bill 88, on August 5, 2015, the District adopted Resolution 15-52 clarifying the regulations set forth in Resolution 15-38; and

WHEREAS, based upon the conservation achieved by District customers to date, the board of directors desires to eliminate the 10 percent penalty on potable water use above 30 units per billing cycle effective as of September 28, 2015.

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 Resolution 15-52, 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 during the billing period commencing July 29, 2015.

Section 3. The District hereby repeals the 10 percent penalty on domestic potable water use above 30 units per billing cycle, adopted as part of the Emergency Drought Action Plan in Resolution 15-38 and clarified by Resolution 15-52, effective September 28, 2015. Pursuant to the start date of July 29, 2015, as set forth in Resolution 15-38, the billing cycle will be completed on September 28, 2015 and the penalty shall not be charged on bills issued on or after September 29, 2015.

Section 4. 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 5. This resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED, AND APPROVED this 16th day of September 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

