

RESOLUTION 14/15-16

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT, DECLARING THE EXISTENCE OF A STAGE THREE CONDITION APPLICABLE TO WATER USAGE THROUGHOUT THE DISTRICT PURSUANT TO BEAR VALLEY COMMUNITY SERVICES DISTRICT CODE CHAPTER 7-4 (WATER CONSERVATION) AND IN FURTHERANCE OF THE EMERGENCY WATER CONSERVATION REGULATIONS ADOPTED BY AND PENDING BEFORE THE STATE WATER RESOURCES CONTROL BOARD

The Board of Directors of the Bear Valley Community Services District resolves as follows:

Section 1. Findings. The Board finds as follows:

- A. On January 17, 2014, Governor Edmund G. Brown Jr. issued Governor's Proclamation No. 1-17-2014, declaring a State of Emergency in California due to severe drought conditions. The Proclamation called on all Californians to reduce their water usage by 20 percent.
- B. On April 25, 2014, the Governor issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water.
- C. On July 15, 2014, the California Water Resources Control Board ("State Water Board") adopted Resolution No. 2014-0038, which made findings that emergency drought conditions existed that warranted the need for emergency regulations to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and to promote water recycling and water conservation throughout the state.
- D. The resolution added a new Article 22.5, including Sections 863, 864, and 865 to Title 23 of the California Code of Regulations ("CCR"), which established certain emergency water conservation regulations ("Emergency Regulations").
- E. Among other things, the Emergency Regulations required public water supply distributors, such as the Bear Valley Community Services District ("District"), to implement a mandatory water conservation measure or measures intended to achieve a comparable reduction in water consumption by persons served relative to the amounts consumed in 2013.
- F. In response to the Emergency Regulations, the District declared the existence of a Stage Two Condition pursuant to District Code Chapter 7-4 by the adoption of Resolution 14/15-4. The declaration of the Stage Two Condition required customers to follow all water conservation measures listed in District Code section 7-4-6(A) through (B). The declaration also triggered the imposition of a 20% surcharge in basic water rates under the District's applicable water rate resolution for amounts used by residential customers in excess of 10 Units (1,000 cubic feet), which surcharge went into effect commencing with the District's October 2014 billing cycle.
- G. Drought conditions continue to persist in California due to record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins. The area within and surrounding the District has experienced similar limited snow and rainfall over the winter

months and is subject to the same drought conditions experienced throughout the state, which are the basis for the Governor's Executive Order and the revised Emergency Regulations.

- H. As a result of these conditions and the low likelihood of additional precipitation in 2015 that would reduce the severity of the existing drought conditions, on March 17, 2015, the State Water Board adopted Resolution No. 2015-0013, which readopted and amended the Emergency Regulations for an additional 270-day period commencing on March 27, 2015. Among the amendments to the Emergency Regulations was a revision to 23 CCR § 865 that requires distributors of public water supplies such as the District to take one or more of the following actions by May 11, 2015:
 - (1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or
 - (2) Implement another mandatory conservation measure or measures intended to achieve a 20 percent reduction in water consumption by persons it serves relative to the amount consumed in 2013.
- I. On April 1, 2015, Governor Brown issued Executive Order B-29-15 ("Executive Order"), which, among other things, directed the State Water Board to impose additional water conservation measures to achieve a 25 percent reduction in potable urban water usage as compared to amounts used in 2013.
- J. On April 17, 2015, the State Water Board released draft revisions to the Emergency Regulations, which are intended to implement Governor Brown's Executive Order. As applicable to the District, the draft revisions are similar to the amended Emergency Regulations adopted by the State Water Board on March 17, 2015, except that the proposed revision to 22 CCR § 865 would require the District to implement one or more mandatory conservation measures intended to achieve a 25 percent reduction in water consumption by persons it serves relative to the amount consumed in 2013.
- K. The proposed amended Emergency Regulations would require the District to submit a report by December 15, 2015 to the State Water Board that includes: (A) the total potable water production (i.e., usage), by month, from June through November, 2015, and total potable water production, by month, for June through November 2013; or (B) Confirmation that the District has limited outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.
- L. The proposed amended Emergency Regulations would also add monitoring and enforcement authority to the State Water Board under draft regulation 23 CCR § 866, which provides that when a water supplier such as the District does not meet its conservation standard required by Section 865, then the State Water Board's Executive Director or designee may issue conservation orders requiring additional actions by the supplier to come into compliance with the applicable conservation standard (e.g., 25% reduction in usage for the District over 2013 levels).
- M. The State Water Board anticipates adoption of the draft revised Emergency Regulations by May 6, 2015, with an implementation date shortly thereafter.
- N. During the five full months in which District water customers have been subject to the Stage Two Condition (October 2014 – February 2015), residential customers have reduced water consumption by approximately 12 percent over the corresponding months in 2013.

- O. While the efforts to date of District residents to conserve water during the Stage Two Condition are commendable, in order to achieve the goal of a 25 percent reduction in usage over 2013 levels additional conservation measures will be necessary.
- P. Accordingly, in order to promptly address the existing and pending water conservation mandates under the Emergency Regulations, it is necessary for the Board of Directors to Declare a Stage Three Condition and implement the additional corresponding water conservation measures set forth in District Code section 7-4-6(C).

Section 2. Declaration of Stage Three Condition. Based on the above findings, the Board hereby declares the existence of a Stage Three Condition throughout the District. During the duration of the Stage Three Condition, customers are required to follow all water conservation measures listed in District Code section 7-4-6(A) through (C).

Section 3. Adjustment of Water Rates and Surcharges. In accordance with District Code section 7-4-10, the special water conservation rates and surcharges adopted by the Board for a Stage Three Condition are hereby imposed and will become effective at the start of the June 2015 billing cycle for each applicable customer of the District.

Section 4 Publication and Posting. Pursuant to District Code section 7-4-11, the General Manager is directed to cause notice to be posted declaring the Stage Three Condition and the implementation of the related mandatory water conservation measures under the District Code in three locations accessible to the public within the District, and to also cause notice of the declaration to be published in the "Tehachapi News" and on the District's website.

Section 5. Effective Date and Termination Date. This resolution will become effective immediately upon adoption. Unless extended or previously repealed by the Board, this resolution and the Stage Three Condition declared hereunder will terminate on January 30, 2016.

PASSED, APPROVED AND ADOPTED on April 23, 2015, by the following vote:

AYES: BARON, GRACE, LACLAIRE, RITCHIE, ZANUTTO

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Charlene LaClaire, Board President
Bear Valley Community Services District

ATTEST:

Kristy McEwen
Secretary to the Board of Directors