

## RESOLUTION 15/16-26

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT, EXTENDING THE 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 AND EXTENDED BY 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 July 15, 2014, the State Water Resource Control Board (State Water Board) adopted a new Article 22.5 of Title 23 of the California Code of Regulations (“CCR”), which added Sections 863, 864, and 865 pertaining to emergency water conservation regulations (“Emergency Regulations”).
- B. On April 1, 2015, Governor Brown issued Executive Order B-29-15, which, among other things, directed the State Water Board to impose water conservation measures to achieve a 25 percent reduction in potable urban water usage as compared to amounts used in 2013.
- C. In response to the Executive Order and in anticipation of the State Water Board’s update and revision to the Emergency Regulations, on April 23, 2015, the Board of Directors adopted Resolution 14/15-16, which declared a Stage Three Condition and implemented additional corresponding water conservation measures set forth in District Code section 7-4-6(C), in order to achieve the goal of a 25 percent reduction in usage over 2013 levels.
- D. On May 28, 2015, the Board adopted Ordinance 15-241 amending Section 7-4-6(C) of Chapter 7-4 of the District Code pertaining to water conservation measures during Stage Three Drought Conditions, which amendments restricted outdoor irrigation to two days a week and divided the permitted days based on odd and even street addresses.
- E. Through the implementation of these water conservation measures and the diligent efforts of District residents and water customers, the District has between the period of June through November 2015 reduced water consumption by 34.4% over the comparable period in 2013.
- F. On November 13, 2015, the Governor issued an executive order that directed the State Water Board to extend the existing conservation measures under the Emergency Regulations until October 31, 2016, if the State Water Board found that drought conditions had persisted through January 2016.
- G. As of January 2016, the state had experienced some much-needed snow and rainfall, but surface and groundwater storage remains depleted, and the snowpack is about average.
- H. On February 2, 2016, the State Water Board found that the drought conditions which formed the basis of the Governor’s previous emergency proclamations, continued to exist, and that the drought conditions will likely continue for the foreseeable future. The State Water Board further found that additional action by both the State Water Board and local water suppliers is necessary to prevent waste and unreasonable use of water, and to further promote conservation. As a result, the State Water Board extended the Emergency Regulations

through the adoption of Resolution No. 2016-0007.

- I. In response to the State Water Board's adoption of Resolution No. 2016-0007 and the accompanying extension of the Emergency Regulations, the Board of Directors desires to extend the declaration of the Stage Three Condition and its related conservation measures.

**Section 2. Extension of Stage Three Condition.** Based on the above findings, the Board hereby extends the Stage Three Condition throughout the District until November 30, 2016. 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. 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 will continue to be effective for each applicable customer of the District throughout the duration of the Stage Three Condition.

**Section 4 Publication and Posting.** Pursuant to District Code section 7-4-11, the General Manager is directed to cause notice to be posted extending the Stage Three Condition and the continued 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 extension 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 repealed by the Board, this resolution and the Stage Three Condition declared hereunder will terminate on November 30, 2016.

PASSED, APPROVED AND ADOPTED on \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Rick Zanutto, Board President  
Bear Valley Community Services District

ATTEST:

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Kristy McEwen  
Secretary of the Board of Directors