

ORDINANCE NO. 60

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT FINDING THE NECESSITY OF, AND PROVIDING FOR THE IMPLEMENTATION AND ENFORCEMENT OF A WATER SHORTAGE EMERGENCY PLAN TO MITIGATE THE EFFECTS OF DROUGHT AND RESCINDING ORDINANCE NO. 59 AND ALL AMENDMENTS THERETO

RECITALS

WHEREAS, the total water supply available to the Idyllwild Water District ("DISTRICT") is dependent upon local rainfall and snowmelt from the higher elevations of the San Jacinto Mountains; and

WHEREAS, there is no source of imported water available to the District to supplement its local water supplies; and

WHEREAS, the DISTRICT periodically experiences years in which the amount of precipitation is insufficient to fully replenish the DISTRICT's water supplies. When such "dry" periods extend into subsequent years, the DISTRICT's ability to meet the minimum water supply requirements necessary to protect the public's health, safety and general welfare is severely compromised; and

WHEREAS, the Board of Directors of the DISTRICT has been informed and advised that to ensure sufficient water supplies to meet basic needs of human consumption, sanitation and fire protection, the DISTRICT must implement and enforce water conservation measures in order to mitigate the effects of drought on the community; and

WHEREAS, it is the purpose of this Ordinance to establish a multi-staged water shortage emergency plan and to provide for its implementation and enforcement.

NOW, THEREFORE, the Board of Directors of the Idyllwild Water District does hereby ordain as follows:

Section 1. Purpose and Scope

The purpose of this Ordinance is to establish a multi-staged water shortage emergency plan to minimize the effect of a drought on the customers of the DISTRICT and thereby:

- (i) Protect the health, safety and welfare of the residents and customers of the DISTRICT; and
- (ii) Assure the maximum beneficial use of the water supplies of the DISTRICT; and
- (iii) Ensure sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection.

Section 2. Authority

The DISTRICT has the power and authority to enact this Ordinance pursuant to the following state laws:

a. Water Code Section 31026, which authorizes the DISTRICT to (i) restrict the use of DISTRICT water during any emergency caused by drought or other threatened or existing water shortage, (ii) to prohibit the waste of DISTRICT water or the use of DISTRICT water during such periods, and (iii) to prohibit the use of such water during such periods for specific uses which the DISTRICT may from time to time find to be nonessential; and

b. Water Code Section 375, which authorizes the DISTRICT to adopt and enforce a water conservation program to reduce the quantity of water used by the inhabitants of the DISTRICT for the purpose of conserving the water supplies of the DISTRICT; and

c. Water Code Section 350, which gives the Board of Directors the authority to declare a water shortage emergency condition whenever the Board finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the DISTRICT to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

Section 3. Adoption of Three-Stage Water Shortage Emergency Plan

There is hereby enacted a DISTRICT-wide Water Shortage Emergency Plan consisting of three stages (hereafter, "the Plan"), as follows:

Water Conservation Stage I-Voluntary Compliance, which specifies that users of DISTRICT water voluntarily limit the amount of water used to that amount necessary for domestic and business purposes;

Water Conservation Stage II – Mandatory Compliance, which requires each user to take specific actions to reduce water consumption, and which provides for an increased water rate; and

Water Conservation Stage III – Mandatory Emergency Restrictions, which requires each user of DISTRICT water to take specific actions to further reduce the consumption of DISTRICT water, and which provides for a further increase in the water rate.

Details of the Plan are provided in Section 5 below. Enforcement measures, which include notices of violation, disincentive surcharges and the installation of flow-restricting devices and termination of water service, are provided in Sections 6 and 7 below.

Section 4. Procedure for Declaring Water Shortage Emergency

The Plan shall be implemented as follows:

a. Utilizing precipitation records and water level data for Foster Lake and local wells, and after consultation with the manager of the neighboring retail water supplier, Pine Cove Water District, the General Manager shall determine whether a water shortage exists or is anticipated.

b. As soon as it is reasonably practicable to do so, the General Manager shall report the findings and conclusions to the Board of Directors and make such recommendations as may be appropriate including, without limitation, a recommendation that the Board of Directors conduct a public hearing for the purpose of announcing a joint declaration that a water shortage is anticipated or exists and authorizing the General Manager to implement the appropriate Water Conservation Stage, in consultation with the DISTRICT's neighboring retail water supplier. Notice of the time and place of hearing shall be published in the Idyllwild TOWN CRIER or the Riverside PRESS ENTERPRISE at least 7 days prior to the date of the hearing.

c. After implementation, the General Manager shall periodically report to the Board of Directors, with information and data concerning the effectiveness of the Plan, enforcement activities and, if appropriate, recommendations for further action.

Section 5. Water Conservation Stages

a. Implementation by General Manager. In the event the Board of Directors declares the existence of a water shortage and authorizes the implementation of the DISTRICT's Water Shortage Emergency Plan, the General Manager shall thereupon be authorized to implement and enforce the following Water Conservation Stages. The determination of which Stage to implement shall be made by the General Manager, in consultation with the manager of the neighboring retail water supplier, and shall be based upon the best available information regarding present and predicted precipitation, the availability of water in storage and the rate of consumption by DISTRICT users. It shall not be necessary to implement a Stage I (or II) alert prior to implementing a Stage II (or III) alert; the Stages may be implemented in any reasonable order.

b. Public Notice Procedure for Implementation. The General Manager, after consultation with, and the concurrence of, the Board of Directors, and consultation with the manager of neighboring retail supplier, may declare a Water Conservation Stage to be effective on the sixth day following the publication of the declaration at least once in the Idyllwild TOWN CRIER, and posted in at least three public places within the DISTRICT.

The General Manager shall also provide mailed notice of the declaration to each customer of the DISTRICT; provided, however, the failure to receive mailed notice prior to the effective date of the declaration shall not invalidate the declaration, nor shall it prevent enforcement of this Ordinance.

c. Three Stages.

Water Conservation Stage I – Voluntary Compliance

In the event the General Manager determines to implement Water Conservation Stage I, users of DISTRICT water shall voluntarily reduce the amount of water used to that amount minimally necessary for household use (drinking, cooking and bathing) and for business necessity.

Such reductions will include, but are not limited to, immediately repairing leaks, preventing irrigation water runoff, refraining from washing sidewalks, driveways and parking areas, and refraining from sprinkling unplanted areas for dust control.

Water Conservation Stage II – Mandatory Compliance

In the event the General Manager determines to implement Water Conservation Stage II, users of DISTRICT water shall be required to:

- (1) Limit irrigation of outdoor plants and gardens to the period between 6:00 p.m. and 8:00 a.m. daily, and stop all water runoff; and
- (2) Cease filling or refilling swimming pools, except that a small amount of water may be used to replace evaporation losses in a filled pool; and
- (3) Wash motor vehicles and equipment only from a bucket using a hose with a shutoff nozzle; and
- (4) Make immediate repairs to any and all leaking water lines and faucets in household plumbing and yard piping; and
- (5) Cease irrigating native vegetation and unplanted areas for dust control. In addition, restaurants shall only provide drinking water to patrons upon request therefor.

Water Conservation Stage III – Mandatory Emergency Restrictions

In the event the General Manager determines to implement Water Conservation Stage III, the following prohibitions and restrictions shall apply:

- a. No water shall be used for irrigating outdoor plants, trees or other landscaping of any kind, in any amount, at any time; and
- b. No water shall be added to swimming pools, hot tubs or spas to replace evaporative losses or for any other purpose; and
- c. No water shall be taken from fire hydrants for any reason except for fire emergencies or for the maintenance of system water quality; and
- d. Water use for construction purposes shall be minimized; and
- e. No water shall be used for dust control, or for washing any structure, sidewalk, driveway or parking area, or for washing motor vehicles and equipment except from a bucket using a hose with a shutoff nozzle.

In addition, water users shall make immediate repairs to any leaking line or faucet in household plumbing or yard piping.

Section 6. Water Shortage Emergency Plan Water Rate Structure

In the event the Board of Directors declares a water shortage and orders the implementation of the Water Shortage Emergency Plan, water rates shall be established by Resolution, including identification of a Water Conservation tier.

- a. During the term of any Water Conservation Stage II, the DISTRICT's water conservation tier specified in the DISTRICT's then current Water Rate Resolution shall be temporarily increased by 100%. Construction water shall be sold at the third tier rate.
- b. During the term of any Water Conservation Stage III, the tier below the water conservation tier shall be temporarily increased 150%.

Section 7. Failure to Comply: Penalties

a. Violations. Violations of the water use restrictions and prohibitions of Water Conservation Stages II and III shall be penalized as follows:

First Violation – Notice of Violation. The General Manager is authorized and directed to issue, or cause the issuance of a written warning notice of violation to any water user who fails or refuses to comply with the water use restrictions and prohibitions set forth herein. The notice shall specify a reasonable period of time in which compliance shall be achieved.

Each notice of violation shall be addressed to the customer of record for the premises where the violation was observed; delivery may be by regular mail or by personal delivery.

Second Violation – Disincentive Surcharge. If, within the same 12-month period, a water user commits a second violation, an excessive water use disincentive surcharge shall be imposed. The surcharge shall be in the amount of two times the amount of the total water billing for the period in which the violation occurred, and shall be added to the next water bill to the premises.

Third Violation – Disincentive Surcharge and/or Water Service Restriction. If, within the same 12-month period, a water user commits a third violation, an excessive water use disincentive surcharge of three times the total water billing for the period in which the violation occurred shall be added to the next water bill, and the General Manager shall cause the installation of a water flow restricting device on the customer's water meter.

Fourth Violation – Termination of Water Service and Referral to District Attorney. If, within the same 12-month period, a water user commits a fourth violation, the General Manager shall terminate water service to the premises in accordance with the DISTRICT's Rules and Regulations. In addition, the General Manager shall refer the matter to the Riverside County District Attorney's office for misdemeanor prosecution as authorized by Water Code, Section 377.

b. Failure to Pay. Failure to pay any water bill, including all or any portion of an excessive water use disincentive surcharge, shall be subject to the delinquency provisions of the DISTRICTS's Rules and Regulations which provide, in relevant part, that water service may be terminated for failure to pay.

Section 8. Hearing and Appeal

a. Hearings. A customer may promptly file a request for relief from any provision of this Ordinance, which request shall be submitted in writing to the General Manager and shall include all available information. The General Manager shall conduct an informal hearing on the request, and may grant such relief as may be reasonably appropriate and prudent, consistent with the DISTRICT's obligation to protect the public health, safety and general welfare.

b. Appeals. The customer has the right to promptly appeal the General Manager's decision to the Board of Directors of the DISTRICT. The appeal shall be submitted in writing and received by the DISTRICT within 10 days after the General Manager's decision. The appeal shall be considered by the Board of Directors as soon as practicable. The Board may, in its discretion, affirm, reverse or modify the General Manager's decision and impose such conditions, as it deems proper. The decision of the Board of Directors shall be final and conclusive for all purposes.

Section 9. Cooperation With All Water Service Providers

a. The DISTRICT's Board of Directors hereby pledges to coordinate water conservation efforts with the legislative bodies of neighboring water service providers, including the Pine Cove Water District, for the primary purpose of ensuring that any Water Conservation Stage, prohibition or restriction shall be equitably and fairly applied to the entire community. In that regard, the Board of Directors will endeavor to conduct joint public hearings with the other legislative body.

b. In implementing the provisions of this Ordinance, the Board of Directors hereby authorizes and directs the General Manager to cooperate to the maximum extent possible with the managers of the neighboring water service providers, including the Pine Cove Water District. Such cooperation shall include, but is not limited to, the sharing of water production, storage and consumption data. The General Manager is further authorized to coordinate the implementation of the Water Shortage Emergency Plan and the Water Conservation Stages provided for therein for the purpose, among others, of ensuring that the restrictions and prohibitions are imposed uniformly throughout the community.

Section 10. CEQA

The specific actions authorized herein are exempt from the California Environmental Quality Act, State Guidelines, Section 15269 (c) for the reason that such actions are necessary to prevent or mitigate an emergency.

Section 11. Rescission; Incompatible Provisions

DISTRICT Ordinance No. 59 and all amendments thereto, is hereby rescinded in its entirety.

In addition, to the extent any provision of this Ordinance is incompatible or at variance with any prior-adopted ordinance or resolution, the provisions of this Ordinance shall take precedence and all prior ordinances and resolutions shall be interpreted to harmonize with and not change the provisions of this Ordinance.

Section 12. Judicial Review

Any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance or any determination made pursuant thereto shall be commenced within 90 days after the date of adoption of this Ordinance or the date of any determination made pursuant thereto. California Code of Civil Procedure, Section 1094.6 is hereby adopted and made applicable to any judicial review of any decision made by the Board of Directors, the General Manager, or agents, representatives or employees of the District.

Section 13. Severability

If any section, subsection, sentence, clause or phrase is for any reason held to be invalid or unconstitutional by decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The Board of Directors hereby declares that it would have passed those sections, subsections, clauses and phrases irrespective that one or more may be declared invalid or unconstitutional.

Section 14. Publication; Effective Date

This Ordinance shall be published in its entirety at least once in the Idyllwild Town Crier or the Riverside Press Enterprise within 10 days after its adoption, shall be posted in three public places and shall become effective 30 days after it is adopted.

PASSED, APPROVED AND ADOPTED this 16th day of November, 1999 on the following vote:

AYES:	NOES:	ABSTAIN:	ABSENT:
Mel Goldfarb			
Harry Sigworth			
Gerald Holsclaw			
Ralph Priem			
F. Wm. Wagner			

IDYLLWILD WATER DISTRICT

By Mel Goldfarb
President, Board of Directors

ATTEST:

Larry S. Thomas
Secretary

CERTIFICATION

I am Secretary to the Board of Directors of the Idyllwild Water District, and I hereby certify that the foregoing Ordinance was duly adopted by the Board of Directors at its regular meeting of November 16, 1999, and that the foregoing copy of the Ordinance is a true and correct copy of the original Ordinance adopted by the Board of Directors and maintained in the DISTRICT's office.

IDYLLWILD WATER DISTRICT

By Larry S. Thomas
Secretary, Board of Directors

RESOLUTION NO. 522

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
IDYLLWILD WATER DISTRICT
APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE
PINE COVE WATER DISTRICT
TO JOINTLY IMPLEMENT A WATER SHORTAGE EMERGENCY PLAN

RECITALS

WHEREAS, the Idyllwild Water District, and its neighboring retail water suppliers, including the Pine Cove Water District, are totally dependent upon rainfall and snow in the high elevations of the San Jacinto Mountains for their water supply; and

WHEREAS, because of their unique location, the District and its neighbors are unable to supplement their local water supplies with imported water; and

WHEREAS, the District and its neighbors have, from time-to-time experienced drought and water shortages, hampering their ability to meet normal demands and to provide a safe margin for fire protection purposes; and

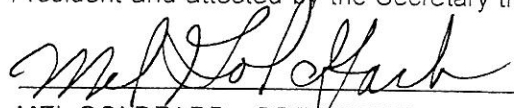
WHEREAS, it is in the best interest of this District to cooperate to the maximum extent possible with neighboring water suppliers in order to ensure that when droughts are anticipated or pending available water supplies are fairly and equitably distributed throughout the community, and that the burdens of water use restrictions and prohibitions are fairly and equitably apportioned among all of the water users in the community; and

WHEREAS, Water Code, Section 378 authorizes the District to enter into agreements with other public and private entities to jointly provide water conservation services and measures for implementing water conservation programs; and

WHEREAS, it is the purpose of this Resolution to approve a Memorandum of Understanding with the Pine Cove Water District that would provide the foundation for future cooperation in the event of a water shortage.

NOW, THEREFORE, the Board of Directors of the Idyllwild Water District hereby resolves to approve the Memorandum of Understanding attached hereto as Exhibit "A", and to authorize the President of the Board of Directors to execute the Memorandum on behalf of the District.

Adopted by the Board of Directors and signed by the President and attested by the Secretary this 19th day of October, 1999.



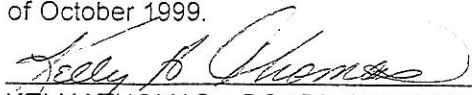
MEL GOLDFARB - PRESIDENT
IDYLLWILD WATER DISTRICT

Attest:

I, Kelly Thomas, Secretary of the Idyllwild Water District, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted by the Board of Directors of said Idyllwild Water District at its meeting held on the 19th day of October, 1999, by the following vote, to wit:

AYES:	NAYS:	ABSTAIN:	ABSENT:
Mel Goldfarb Harry Sigworth Jerry Holsclaw Ralph Priem F. Wm. Wagner			

In witness whereof, I have hereunto set my hand and affixed the official seal of the Idyllwild Water District this 19th day of October 1999.



KELLY THOMAS - BOARD SECRETARY
IDYLLWILD WATER DISTRICT

EXHIBIT "A"
MEMORANDUM OF UNDERSTANDING
RE: WATER SHORTAGE EMERGENCY PLAN

THIS MEMORANDUM OF UNDERSTANDING is made and effective this 20th day of October, 1999, by and between the IDYLLWILD WATER DISTRICT, a public agency ("IWD") and the PINE COVE WATER DISTRICT, a public agency ("PCWD"). IWD and PCWD are sometimes collectively referred to herein as the "PARTIES":

1. Mutual Adoption of Water Shortage Emergency Plan Ordinance. Within 60 days of the effective date of this Memorandum of Understanding, the respective Board of Directors of the PARTIES ("the "BOARDS") shall take such appropriate and lawful actions as are required to adopt an ordinance authorizing a Water Shortage Emergency Plan, substantially in the form attached hereto and made a part of this Memorandum of Understanding.

2. Staff Cooperation. The BOARDS shall authorize their respective staffs to jointly cooperate to the maximum extent possible on all matters concerning water production, storage and consumption, and to share all available information concerning potential and existing drought conditions.

3. Criteria for Determining Water Shortage. The criteria to be utilized by the PARTIES' staff for determining whether a water shortage emergency is imminent shall include the following:

- a. Total precipitation in the preceding September 1 through April 30 was 20.0 inches or less, and
- b. On the preceding April 30 the depth of water in Foster Lake was less than 15 feet or the static water level in PCWD Well No. 10 was more than 15 feet below the normal static water level of 75 feet.

When these conditions exist or are anticipated, the General Managers shall inform the BOARDS and recommend that the PARTIES conduct a joint public hearing for the purpose of announcing a joint declaration of a water shortage emergency.

4. Procedure for Declaration of Water Shortage. As soon as reasonably possible after receiving the General Managers' recommendation, the BOARDS shall convene and conduct a joint public hearing for the purpose of announcing the adoption of a joint declaration that a water shortage emergency exists, and authorizing the PARTIES' General Managers to implement the Water Shortage Emergency Plan. The failure or refusal of one PARTY shall not prevent the other from conducting such a public hearing, making such a declaration and implementing the Water Shortage Emergency Plan within its jurisdiction.

5. On-Going Cooperation During Water Shortage. Following a joint declaration of a water shortage emergency and authorization of the Water Shortage Emergency Plan, the General Managers shall cooperate in a manner that will ensure joint implementation of the Plan and each Water Conservation Stage, in a manner that is consistent with equity and the operational and legal responsibilities of each PARTY.

6. Future Joint Board Meetings. Future joint Board meetings shall be conducted, from time-to-time, at the request of either PARTY, for the purpose of facilitating maximum coordination, cooperation and communication. The PARTIES further agree to take all appropriate actions necessary to implement the intent and purpose of this Memorandum of Understanding and to assist each other in accomplishing their respective public service responsibilities.

IN WITNESS WHEREOF, the PARTIES have executed this agreement to be effective on the date first above written.

IDYLLWILD WATER DISTRICT

By 
President, Board of Directors

PINE COVE WATER DISTRICT

By 
President, Board of Directors

IDYLLWILD WATER DISTRICT
 LISTING OF WATER METER SIZES, TIER LEVELS & RATES

03/10/04

STAGE I TIER USAGE RATES	\$0.000	\$0.034	\$0.068
STAGE II TIER USAGE RATES	\$0.000	\$0.034	\$0.136
STAGE III TIER USAGE RATES	\$0.000	\$0.051	\$0.136

RATE CODE	METER SIZE	METER EQUIV.	2ND USAGE TIER	3RD USAGE TIER	4TH USAGE TIER	MO. BASE FEE
R1	5/8"	1.00	1-500	501-1000	1001 +	\$18.90
R2	3/4"	1.50	1-750	751-1500	1501 +	\$28.35
R3	1"	2.90	1-1450	1451-2900	2901 +	\$54.81
R4	1 1/2"	5.00	1-2500	2501-5000	5001 +	\$94.50
R5	2"	8.80	1-4400	4401-8800	8801 +	\$166.32
RP	2"	30.00	1-15000	15001-30000	30001 +	\$567.00
IS	3"	65.00	1-32500	32501-65000	65001 +	\$1,228.50