



CAMBRIA COMMUNITY SERVICES DISTRICT

Thursday, August 20, 2015 - 12:30 PM
Cambria Veterans Memorial Building 1000 Main Street Cambria CA 93428

AGENDA

This agenda is prepared and posted pursuant to Government Code Section 54954.2. By listing a topic on this agenda, the District's Board of Directors has expressed its intent to discuss and act on each item. In addition to any action identified in the summary description of each item, the action that may be taken by the Board of Directors shall include: a referral to staff with specific requests for information; continuance; specific direction to staff concerning the policy or mission of the item; discontinuance of consideration; authorization to enter into negotiations and execute agreements pertaining to the item; adoption or approval; and disapproval.

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the Office of the District Clerk, available for public inspection during District business hours. If requested, the agenda and supporting documents shall be made available in alternative formats to persons with a disability. The District Clerk will answer any questions regarding the agenda.

1. OPENING

- A. Call to Order
- B. Pledge of Allegiance
- C. Establishment of Quorum
- D. Report from Closed Session

David Hirsch

2. SPECIAL REPORTS (Estimated time 5 Minutes per item)

- A. NONE

3. ACKNOWLEDGEMENTS AND PRESENTATIONS

- A. NONE

4. AGENDA REVIEW: ADDITIONS/DELETIONS AND PULLED CONSENT ITEMS

5. PUBLIC COMMENT (LIMITED TO 30 MINUTES)

Members of the public may now address the Board on any item of interest within the jurisdiction of the Board but not on its agenda today. In compliance with the Brown Act, the Board cannot discuss or act on items not on the agenda. Each speaker has up to three minutes. Speaker slips (available at the entry) should be submitted

to the District Clerk.

6. MANAGER’S AND BOARD REPORTS (Estimated time 15 Minutes total)

A. Manager's Report

i. NONE

B. Ad Hoc Committee Reports and Other Related Board Member Reports (Committee Meetings and Board authorized meetings attended)

7. CONSENT AGENDA (Estimated time: 15 Minutes)

All matters on the consent calendar are to be approved by one motion. If Directors wish to discuss a consent item other than simple clarifying questions, a request for removal may be made. Such items are pulled for separate discussion and action after the consent calendar as a whole is acted upon.

8. HEARINGS AND APPEALS (Estimated time: 15 Minutes per item)

A. Public Hearing Regarding Adoption of Resolution 31-2015 Revising Enhanced Water Conservation Measures, Restrictions on Use of Potable Water and Maximum Water Use Allotments

9. REGULAR BUSINESS (Estimated time: 15 Minutes per item)

A. NONE

10. PUBLIC COMMENT (CONTINUED)

Members of the public who have not had the opportunity to speak on item 5 due to the limitation of time may now address the Board on any item of interest within the jurisdiction of the Board but not on its agenda today. In compliance with the Brown Act, the Board cannot discuss or act on items not on the agenda. Each speaker has up to three minutes. Speaker slips (available at the entry) should be submitted to the District Clerk.

11. FUTURE AGENDA ITEM(S) (Estimated time: 15 Minutes)

Requests from Board members to receive feedback, direct staff to prepare information, and/or request a formal agenda report be prepared and the item placed on a future agenda. No formal action can be taken except to direct staff to place a matter of business on a future agenda by majority vote.

12. ADJOURN

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **8.A.**

FROM: Jerry Gruber, General Manager

Meeting Date: August 20, 2015 Subject: PUBLIC HEARING REGARDING
ADOPTION OF RESOLUTION 31-2015
REVISING ENHANCED WATER
CONSERVATION MEASURES,
RESTRICTIONS ON USE OF
POTABLE WATER AND MAXIMUM
WATER USE ALLOTMENTS

RECOMMENDATIONS:

Staff recommends that the Board of Directors consider revisions to the enhanced water conservation measures, restrictions on the use of potable water.

Staff recommends that the Board of Directors:

1. Open the Public Hearing;
2. Receive public testimony;
3. Close the Public Hearing;
4. Consider Resolution 31-2015 Revising Enhanced Water Conservation Measures, Restrictions on the Use of Potable Water and Maximum Water Use Allotments

FISCAL IMPACT:

The exact impact of implementing any changes to the enhanced water conservation measures, restrictions on use of potable water and maximum water use allotments cannot be determined at this time. Staff anticipates no increase in the amount of water being used due to the fact that water allocations will remain the same. However, staff continues to monitor usage through monthly meter reading processes and will report back to the Board on any trends which indicate an increase in water usage.

DISCUSSION:

As the Board of Directors is aware, beginning on January 30, 2014 the Board of Directors adopted several resolutions relating to the Stage 3 Water Shortage Emergency Condition and has implemented enhanced water conservation measures, restrictions on the use of potable water and maximum water use allotments for its customers. Maximum water use allotments have been established for public, commercial, and residential customers. Use of potable water in excess of the monthly water use allotments is prohibited and subject to substantial penalties.

As the Board is also aware, the restrictions include a prohibition on outdoor watering of landscaping and gardens with potable water. That restriction expressly states that the prohibition on outdoor watering of landscaping and gardens applies regardless of whether or not a particular customer uses less water than their monthly use allotment. Staff is aware that many in the community believe that the restrictions on water use should be modified to allow customers to use their water allotment in whatever manner they choose. Previously, some Board Members have also indicated that they are in favor of such an approach and have requested that the matter be agendaized. Accordingly, this agenda item and the attached resolution have been prepared to

provide a vehicle for the Board of Directors to modify the restriction on outdoor watering of landscaping and gardens, if it chooses to do so.

Since the Fire Danger is so great within the community, as identified by the recent Grand Jury report and two small brush fires on the Covell Ranch, staff would like the Board to consider the following recommendations. It should be noted that the recommendations are still below the State standards for conservation and that due to the tremendous conservation efforts of the community, the residents of Cambria continue to fall below the mandated reductions required by the State. The following recommendations were discussed and evaluated by staff and the Water Conservation Ad Hoc Committee, comprised of Vice President Muril Cliff and Director Amanda Rice, on August 10, 2015. Thank you to the Water Conservation Ad Hoc Committee for their time and guidance in dealing with a very important issue for the community.

Recommendations:

1. Allow for one day of outside watering per week per customer.
2. Stay within the current allocation of water.
3. Keep all surcharges and penalties in place.
4. Divide Cambria into two zones for watering purposes:
 - a. Zone 1 shall be comprised of all CCSD customers east of Highway 1 and shall be allowed to water on Tuesdays before 7:00 a.m. and after 7:00 p.m.
 - b. Zone 2 shall be comprised of all CCSD customers west of Highway 1 and shall be allowed to water on Thursdays before 7:00 a.m. and after 7:00 p.m.

Outdoor watering should focus on established vegetation, such as trees and perennials, and not annuals or ornamental vegetation, thereby reducing the threat of fire.

5. Modifying of the outdoor irrigation watering schedule for the community should not necessarily be directly tied to the restarting of the EWS; however, staff will make every effort to restart the EWS based on the criteria that was outlined within the General Manager’s report in July of 2015 with a certain amount of flexibility relating to well levels and the gradient. Alternating days of outdoor watering will be based on the honor system and although CCSD staff and the community at large will monitor water activities, based on conservation reductions already achieved by the community it is the hope of the CCSD that customers will voluntarily abide by the modified guidelines.

As staff has previously advised, since 2002, the adoption of water use restrictions has been based upon the CCSD’s existing declared Water Code Section 350 water shortage emergency. In this respect, Water Code Section 353 authorizes the Board to adopt regulations and restrictions on the delivery of water which will conserve the water supply for the greatest public benefit. Also, Water Code Sections 375 et seq. provides the authority for the District to adopt and enforce water conservation measures to reduce the quantity of water being used in order to conserve water supplies. A public hearing is required to be held prior to adopting a resolution under Section 375. If Resolution 31-2015 is adopted, it will be effective immediately upon adoption, subject to the publication requirements set forth in Water Code Section 376. After publication, violations of the water conservation measures or restrictions on use of potable water are a misdemeanor and punishable pursuant to Water Code Section 377.

Attachment: Resolution 31-2015

BOARD ACTION: Date _____ Approved: _____ Denied: _____

UNANIMOUS: ___ ROBINETTE ___ CLIFT ___ THOMPSON ___ BAHRINGER ___ RICE

RESOLUTION NO. 31-2015
August 20, 2015

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT
REVISING ENHANCED WATER CONSERVATION MEASURES,
RESTRICTIONS ON THE USE OF POTABLE WATER AND
MAXIMUM WATER USE ALLOTMENTS

WHEREAS, the Board of Directors of the Cambria Community Services District (“CCSD”) has declared a Water Code Section 350 Water Shortage Emergency; and

WHEREAS, pursuant to Water Code Section 353, the Board of Directors may adopt such regulations and restrictions on the delivery of water which will conserve the water supply for the greatest public benefit; and

WHEREAS, based upon determinations related to the condition of the CCSD’s water supplies, on September 20, 2013 the Board of Directors, after holding a duly noticed public hearing, adopted Resolution 37-2013 approving enhanced water conservation measures and restrictions on the use of potable water; and

WHEREAS, on January 17, 2014, the Governor of the State of California declared a state of emergency (the “Proclamation”) due to record dry conditions and concerns over the State’s dwindling water supplies. The Proclamation states that “[l]ocal urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season”; and

WHEREAS, on April 25, 2014, Governor Brown declared a continued state of emergency (the “Second Proclamation”) due to the persistent drought conditions and the need for additional expedited actions. The Second Proclamation included additional directives for water conservation and outdoor use; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15, which ordered the State Water Resources Control Board to impose significant new water use restrictions; and

WHEREAS, the 2014-15 rainy season has officially ended, leaving California to face its fourth consecutive year of drought with little chance of precipitation for the next six months; and

WHEREAS, the domestic water supply for the CCSD may be inadequate based upon the continued lack of precipitation and the current water levels in the aquifers that provide the domestic water supply for the CCSD, and specifically that water levels in the San Simeon and Santa Rosa creek aquifers are such that staff has determined that the available water supply may be insufficient to meet demand; and

WHEREAS, after holding a duly noticed public hearing on January 30, 2014 the Board of Directors declared a Stage 3 Water Shortage Emergency Condition and determined that it is necessary and desirable to adopt further revised enhanced water conservation measures and restrictions on the use of potable water, which included maximum water use allotments, and has subsequently adopted additional resolutions modifying the enhanced water conservation measures, restrictions on the use of potable water, and maximum water use allotments; and

WHEREAS, in addition to Water Code Section 353, Water Code Section 375 provides that a public entity which supplies water may, after holding a public hearing, adopt and enforce water conservation programs to reduce the quantity of water used by persons within the entity's service area or jurisdiction for the purpose of conserving the entity's water supplies; and

WHEREAS, after holding a duly noticed public hearing on August 20, 2015, the Board of Directors determined that additional revisions to the enhanced water conservation measures, restrictions on the use of potable water, and maximum water use allotments were appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:

- 1 Based upon the existing water conditions, as described above, and in numerous staff reports and presentations to the Board of Directors, the Board of Directors hereby finds that the demands and requirements of water consumers cannot be satisfied without depleting the water supply of the CCSD to the extent that there would be insufficient water for human consumption, sanitation and fire protection and that, based on this condition and on concerns regarding the anticipated prolonged drought conditions, the Board of Directors declares that the Stage 3 Water Shortage Emergency Condition continues to exist and hereby implements revisions to the Stage 3 Water Conservation Program with enhanced water conservation measures and restrictions on the use of potable water, as further set forth herein and in Exhibit "A", all of which the Board of Directors finds are necessary and appropriate to protect the health, safety and welfare of the public.

- 2 Resolution 12-2015 is hereby repealed and replaced by this Resolution with the revised Enhanced Water Conservation Measures, Restrictions on the Use of Potable Water, and Maximum Water Use Allotments set forth in Exhibit "A," which exhibit is attached hereto and incorporated herein. The revised Enhanced Water Conservation Measures, Restrictions on the Use of Potable Water, and Maximum Water Use Allotments shall be effective immediately and apply within the jurisdictional boundaries of the Cambria Community Services District until rescinded or modified by the Board of Directors. All other CCSD water conservation rules, regulations, restrictions, definitions,

enforcement procedures, violation provisions and appeal procedures which are in force shall remain in force, except where they may conflict with the Enhanced Water Conservation Measures and Restrictions set forth in this Resolution.

- 3 The District Clerk shall publish this Resolution in full within 10 days of its adoption in accordance with the provisions of Water Code Section 376(a). After such publication, and in accordance with the provisions of Water Code Section 377, violation of the Enhanced Water Conservation Measures and Restrictions on the Use of Potable Water set forth in Exhibit "A" is a misdemeanor and punishable as set forth in Water Code Section 377.

PASSED AND ADOPTED THIS 20th day of August, 2015.

Gail Robinette, President
Board of Directors

APPROVED AS TO FORM:

Timothy J. Carmel
District Counsel

ATTEST:

Monique Madrid
District Clerk

EXHIBIT "A" TO RESOLUTION 31-2015
ENHANCED WATER CONSERVATION MEASURES,
RESTRICTIONS ON THE USE OF POTABLE WATER, AND
MAXIMUM WATER USE ALLOTMENTS

A. RESTRICTIONS ON USE OF POTABLE WATER:

Effective immediately, outdoor use of potable water is restricted as follows:

1. Outdoor watering or irrigation of landscaping with potable water is permitted only once per week, on either Tuesday or Thursday depending on the location of the customer's property. Watering shall be allowed on Tuesdays for all properties in the District located east of Highway 1 (Zone 1). Watering shall be allowed on Thursdays for all properties in the District located west of Highway 1 (Zone 2). All watering shall be strictly subject to the prohibition on waste, as defined in CCSD Municipal Code Section 4.08.030 and as partially set forth below, and shall take place between the hours of 7:00 p.m. and 7:00 a.m.:

B. The following uses of water constitute "waste" as used in this chapter:

1. The watering of grass, lawns, ground-cover, shrubbery, open ground, crops and trees herein after collectively called "landscape or other irrigation," in a manner or to an extent which allows excess water to run-off the area being watered. Every water user is deemed to have under his or her control at all times his or her water distribution lines and facilities and to know the manner and extent of his or her water use and excess run-off;
2. The watering of grass, lawns, ground-cover, shrubbery, open ground, crops or trees or other irrigation within any portion of the District in violation of the following schedule and procedures:
 - a. Watering shall be accomplished with a person in attendance;
 - b. [*superseded*]; and
 - c. Watering shall be limited to the amount of water necessary to maintain landscaping.
2. Guests in hotels, motels, and other commercial lodging establishments shall be provided the option of not laundering towels and linens daily. The CCSD will provide lodging establishments notices to advise guests of this option free of charge.
3. Washing vehicles, boats, and trailers with potable water is prohibited.
4. Washing down sidewalks, driveways, streets, walkways, parking lots, windows, buildings, porches, or patios and all other hard-surfaced areas by direct hosing or pressure washers with potable water is prohibited.

5. Emptying and refilling swimming pools and commercial spas is prohibited, except to prevent structural damage and/or to provide for the public health and safety.
6. Public restrooms shall be closed and replaced with porta-potties.

B. MAXIMUM WATER USE ALLOTMENT:

The use of potable water in excess of the monthly water use allotment set forth below is prohibited.

1. **Public Uses.** The CCSD will meet with school districts, public park agencies, and all other public agencies to establish appropriate agreements to reduce water consumption. The objective of such agreements shall be to eliminate irrigation of decorative landscape and reduce irrigation of turf and play areas to the minimum levels necessary to protect the health and safety of school children and park visitors. A five hundred (500) percent surcharge/penalty shall apply to all public water use in excess of three units per EDU per month.
2. **Commercial Uses.** The maximum water use allotment for all commercial uses shall be 80% of the actual average monthly water usage measured during the same monthly billing periods for the previous three (3) years that were used preceding implementation of this Stage 3 Water Shortage Emergency Condition. In the event a commercial use has not previously had an EDU allocation determined, the general manager shall determine and assign the EDU allocation according to the criteria provided in Title 8 of the CCSD Municipal Code, as subsequently amended or replaced.
3. **Residential Uses.** A maximum monthly use limit of two units per permanent resident is established for separately metered individual residential dwellings and for each separate residence within residential uses with two or more residential dwellings on the same meter (e.g., apartments and mobile homes). Each residential customer account is allotted two units per month. Customers may request an increase in the allotment of units by completing a permanent resident certification form provided by the district. The breakdown by household size is as follows:

Household Size	Units/Month
<u>1</u> permanent resident	<u>2</u> Units
Each additional permanent resident	<u>2</u> Units each

4. **Adjustment of Maximum Water Use Allotment.** Each customer shall have the right to request an adjustment of the number of permanent residents in his or her household used to compute the maximum water use allotment by

completing the permanent resident certification. The permanent resident certification is a form provided by the CCSD that must be completed by the customer and filed at the CCSD office in order to receive an increased water allotment. It is the consumer's responsibility to complete and file an amended permanent resident certification with the CCSD whenever there is a change in the number of "permanent residents" in the customer's household. Permanent resident certification forms shall be signed under penalty of perjury.

C. WATER RATE SCHEDULE:

The amount of water provided by the CCSD for the minimum bi-monthly residential service charge shall be **reduced from six units to four units**. Therefore, the first tier of the CCSD's graduated water rate schedule, as adopted pursuant to Title 3 of the CCSD's Municipal Code, applies to usage of between zero and four units. The second tier of the graduated water rate schedule applies to usage of between five and fifteen (15) units.

D. MONITORING:

Meters will be read monthly but bills will be prepared bi-monthly for the duration of this Stage 3 Water Shortage Emergency Condition. Customers with meter readings above the maximum use limits set forth herein shall be notified of a violation. Thirty (30) days after a water bill is mailed, the bill will become delinquent if the bill or any portion thereof which is not in dispute remains unpaid. A delinquent bill shall be increased by penalty of ten (10) percent of the amount of delinquency. If not paid within ten (10) days after receipt of notice of delinquency, service may be disconnected.

E. SURCHARGES/PENALTIES FOR VIOLATION OF MAXIMUM WATER USE ALLOTMENT:

Starting June 1, 2014, a surcharge/penalty will be levied on all water use in excess of the maximum water use allotment set forth as follows:

1. A one hundred percent (100%) surcharge/penalty shall be levied for all water use in excess of the maximum water use allotment for between five (5) – eight (8) units for bi-monthly service; and
2. A five hundred percent (500%) surcharge/penalty shall be levied for water use in excess of the maximum water use allotment for all usage of more than eight (8) units for bi-monthly service.

A delinquent bill shall be increased by penalty of ten (10) percent of the amount of delinquency. If the bill is not paid within ten (10) days after receipt of notice of delinquency, service may be disconnected.

F. CITATIONS FOR VIOLATIONS:

In addition to any other penalty permitted by law, the following fines shall apply to citations for violations of the water use restrictions contained herein: (reference CCSD Municipal Code Section 4.12C Section F(2))

First Violation: The District shall issue a written citation and impose a fine of fifty dollars (\$50.00.) Written notice shall be given to the owner by certified mail. The fine will be billed to the customer on the regular bi-monthly water bill.

Second Violation: A fine of one hundred fifty dollars (\$150.00.) Written notice shall be given to the owner by certified mail. The fine will be billed to the customer on the regular bi-monthly water bill.

Third Violation: A fine of two hundred fifty dollars (\$250.00.) Written notice shall be given to the owner by certified mail. The fine will be billed to the customer on the regular bi-monthly water bill.

Subsequent Violations: A fine of one thousand dollars (\$1000.00.) Written notice shall be given to the owner by certified mail. The fine will be billed to the customer on the regular bi-monthly water bill.

Failure to pay fines: The District may discontinue water service to any customer who fails to pay fines billed on the regular bi-monthly bill. Service will be restored upon full payment of all outstanding balances and reconnection charges. The charge for reconnection and restoration of normal service shall be twenty-five dollars (\$25.00.)

Discontinuance of Service: Repeated violations (i.e. more than two violations) of the measures adopted by the Board of Directors during the water shortage emergency condition shall be subject to discontinuance of service. The District will send a "Discontinuance Notice" for repeated violation of the measures. The water customer shall have ten (10) days to enter into a mandatory "Water Use and Retrofit Agreement" with the District. The "Water Use and Retrofit Agreement" shall specify mandatory water use restrictions and retrofits that must be implemented by the customer within thirty (30) days. Failure to enter into this agreement within ten (10) days after receipt of the "Discontinuance Notice" shall result in discontinuance of water service.

The general manager or his/her designee may only restore service under a "Water Use and Retrofit Agreement" between the customer and the District. Failure to comply with the

“Water Use and Retrofit Agreement” within thirty (30) days from the date water service is restored shall result in discontinuance of water service.

G. EXCEPTIONS:

1. The general manager may, in his or her discretion, grant exceptions to the terms of this chapter not already provided for, if he or she finds and determines that:
 - a. Restrictions herein would cause an undue hardship or emergency condition; or
 - b. That the granting of the exception will not adversely affect the water supply or service to other existing water consumers.

Such exceptions may be granted only upon application in writing. Applications for exceptions from maximum commercial use allotments must be accompanied by a water conservation plan which identifies specific conservation measures to be implemented according to a detailed implementation schedule. Upon granting any such exception, the general manager may impose any conditions he or she determines to be just and proper. The terms of any exception shall be set forth in writing, the original to be kept on file with the district, and a copy to be furnished to the applicant. All exceptions granted shall be reported to the Board of Directors at a regularly scheduled meeting.

2. Specific Exceptions.
 - a. The intent of exceptions for laundromats and restaurants with public restrooms shall be to reduce water consumption and provide for surcharges/penalties at Stage 2 levels.
 - b. Medical exceptions shall be allowed based on an additional two units of water a month. The general manager shall issue exceptions consistent with current district policy.
 - c. Exceptions for public governmental agencies shall be consistent with water conservation policies of the district.
3. An applicant for an exception under this section may appeal the general manager's decision to the Board of Directors. A request for appeal must be submitted to the district in writing not more than ten (10) days after the general manager's decision. The board of directors shall consider the appeal within thirty (30) days of the request for appeal.