

ORDINANCE NO. 66

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
IDYLLWILD WATER DISTRICT ADOPTING A WATER
SHORTAGE CONTINGENCY PLAN AND RESCINDING AND
REPLACING ORDINANCE NO. 64 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 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 and the District's ability to meet minimum water supply requirements is necessary to protect the public's health, safety and general welfare; 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 adopt and enforce water conservation measures in order to mitigate the effects of drought or water shortage on the community; and

WHEREAS, the District wishes to adopt a Water Shortage Contingency Plan (WSCP) to provide for the implementation and enforcement of such conservation measures; and

WHEREAS, a 2018 NBS cost of service rate study was performed, which established proposed drought or water shortage stage water rates that do not exceed the cost of providing the service for which the fees and charges are imposed; under the NBS study, tiered water rates during conservation stages 2 through 5, correspond to higher costs to the District at those tiers, as further set forth in the 2018 NBS study, incorporated herein by reference; and

WHEREAS, such NBS cost of service rate study was adopted by the board and notice of the proposed rates and hearing have been mailed to affected property owners at least 45 days prior to the hearing date; and

WHEREAS, on November 21, 2018 a public hearing was conducted as required under the Proposition 218 rate-setting protest procedure to amend the potable water rates to establish drought/water shortage rates which will take effect during declared conservation stages 2, 3, 4 and 5 under the WSCP; and

WHEREAS, written protests were received and counted and a majority protest against the proposed rate increases did not occur; and

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT DOES ORDAIN AS FOLLOWS:

Section 1. Adoption of Recitals and Findings

The District hereby adopts the recitals and findings set forth above and in the staff report and 2018 NBS cost of service rate study prepared in connection with this Ordinance.

Section 2. Purpose and Scope

The purpose of this Ordinance is to establish a Water Shortage Contingency Plan to minimize the effect of a drought/water shortage on the customers of the District and thereby:

- A. Protect the health, safety and welfare of the residents and customers of the District; and
- B. Assure the maximum beneficial use of the water supplies of the District; and
- C. Ensure sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection.

Section 3. Authority

California law allows the District to recover the full cost of providing water service to customers, including the cost of sources of water, treatment facilities, pipelines, and other infrastructure, through the establishment of water rates; in addition, the District has the power and authority to enact this WSCP 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 whenever the Board finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting District water supplies to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

Section 4. Adoption of Five-Stage Water Shortage Contingency Plan

The District hereby adopts the Idyllwild Water District Water Shortage Contingency Plan, incorporated herein by reference and attached as **Exhibit "A"**, and enacts regulations and restrictions on outdoor water use consisting of five (5) stages as follows:

- A. **Stage 1 – Water Supply Watch**: The term Water Supply Watch acknowledges that while near term supply and storage conditions may from time to time improve due to wet weather, there are continued long-term challenges that warrant continued wise and efficient use of water. The District's alpine climate, average rainfall of 26-inches in our service area, the uncertain characteristics of the fractured granite mountainous groundwater supply and the absence of any potential supplemental water supply sources, make ongoing efficient water use imperative. Under Stage 1 conditions, the District's Basic Capacity Ratio ("BCR") is 0-50%. Customers are requested to continue to use water efficiently and practice sensible voluntary water conservation.
- B. **Stage 2 – Water Supply Alert**: There is a possibility that the District may not be able to reliably meet all of the water demands of its customers and the District's BCR is 51-60%. This may mean local groundwater levels are lower than normal, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use. Additional voluntary water use reduction measures will be called upon during this stage whereby customers are asked to reduce water usage by an additional 10%. To reduce the financial impact to the District of the designated 10% reduction in water use, Stage 2 Water rates as described in Appendix C of the Water Shortage Contingency Plan will be implemented for the commodity (variable) portion of water bills.
- C. **Stage 3 – Water Supply Warning**: At Stage 3, water supply shortages for the District are evident through a BCR of 61-70%, expected to continue and possibly worsen, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use by 20% to 35%. Some restrictions on certain non-essential outdoor Residential, Commercial, and Institutional water use will be implemented, and drought rates described in Stage 3 of Appendix C of the Water Shortage Contingency Plan will be passed through to customers. Monetary assessments and/or fines for non-compliance with restrictions will be imposed as described in Section 4 of the Water Shortage Contingency Plan.
- D. **Stage 4 – Extreme Water Supply Warning**: At Stage 4, water supply shortages exist and are expected to worsen as indicated by a BCR of 71% - 85%, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use by 36% to 50%. Complete restriction of non-essential outdoor water use will be implemented. The District will work to achieve an appropriate balance of water use decreases to all customer classes including residential, institutional, and commercial. The District will implement drought rates described in Stage 4 of Appendix C of the Water Shortage

Contingency Plan. Significant monetary assessments and/or fines for non-compliance of such restrictions will be imposed as described in Section 4 of the Water Shortage Contingency Plan.

- E. Stage 5 – Water Supply Emergency: At Stage 5, water supply shortages are expected to worsen as indicated by a BCR of more than 86%, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use by more than 50%. This may be because of an emergency resulting in the inability of the District's water distribution system to deliver all of the District's supply. Restrictions on all non-essential outdoor and indoor water use will be implemented. The District will implement drought rates described in Stage 5 of Appendix C of the Water Shortage Contingency Plan and monetary assessments and/or fines for non-compliance of such restrictions will be imposed as described in Section 4 of the Water Shortage Contingency Plan.

Section 5. Enforcement and Fines

Measures called for in the stages of the District's Water Shortage Contingency Plan will be primarily enforced through fines and monetary assessments. In extreme cases, certain types of outdoor water service may be discontinued until the emergency situation is over. Water users who violate any of the general provisions or additional measures required as part of an applicable Water Shortage Contingency Plan stage are subject to the enforcement of the District's Water Conservation Policy.

- A. Malfunction of Water Conveying Hardware. Violations which are related to the malfunction of water conveying hardware or devices are subject to the following enforcement:
- i. First Violation: For a first violation, the District shall issue a written notice of fact of such violation to the customer. The customer shall then be allowed a period of 5 days following issuance of the written notice to correct the violation described therein before a second violation will be issued. The customer will be provided a copy of the Section 4 of the Water Shortage Contingency Plan governing enforcement.
 - ii. Second Violation: For a second violation within the prior 12-month period, including but not limited to a failure to correct an initial violation within the time stated in the notice, the District shall issue a fine in the amount of \$50.00, which shall be added to the customer's water bill. The customer shall be allowed a period of 5 days following delivery of the written notice to correct the second violation before a third violation will be issued. The customer will be provided a copy of the Section 4 of the Water Shortage Contingency Plan governing enforcement.
 - iii. Third Violation: For a third violation in the prior 12-month period, the District shall issue a written notice of fact of such violation to the customer when a second violation has not been corrected within a period of 5 days following delivery of the

second violation notice. A fine in the amount of \$100.00 shall be added to the customer's water bill upon issuance of a third violation. The customer shall be allowed 5 days following issuance of the written notice to correct the third violation before a fourth violation will be issued. The customer will be provided a copy of the Section 4 of the Water Shortage Contingency Plan governing enforcement.

- iv. Fourth Violation: For a fourth violation in the prior 12-month period, the District shall issue a written notice of fact of such violation to the customer when a third violation has not been corrected within a period of 5 days following delivery of the third violation notice. A fine in the amount of \$250.00 shall be added to the customer's water bill upon issuance of a fourth violation. The customer shall be allowed 5 days following issuance of the written notice to correct the fourth violation before a fifth violation will be issued. The customer will be provided a copy of the Section 4 of the Water Shortage Contingency Plan governing enforcement. In addition, the District may install a flow-restricting device at such meter with a one-inch orifice for services up to one and one-half inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises in which the violation occurred for a period of not less than 48 hours. The charge to the customer for installing a flow-restricting device shall be based on the size of the meter and actual cost of installation. The charge for installation and removal shall be as set forth in the District's rules. A flow-restricting device may be reinstalled for repeated violations.
 - v. Fifth Violation: For a fifth violation, the District shall issue a written notice of fact of such violation to the customer when the fourth violation has not been corrected within a period of 5 days following issuance of the fourth violation notice. A fine of \$500.00 shall be added to the customer's water bill following the issuance of the fifth violation notice until the violation is corrected. In addition, the District may install a flow-restricting device at such meter with a one-inch orifice for services up to one and one-half inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises in which the violation occurred for a period of not less than 48 hours. The charge to the customer for installing a flow-restricting device shall be based on the size of the meter and actual cost of installation. The charge for installation and removal shall be as set forth in the District's rules. A flow-restricting device may be reinstalled for repeated violations.
- B. Other Violations. Violations that are not related to the malfunction of water conveying hardware or devices, but are related to actions taken by a water user including, but not limited to, (a) applying (e.g., hosing or spraying) potable water to outdoor landscapes in a manner that causes runoff that flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures; (b) using a hose to wash an automobile with potable water, except where the hose has a shut-off nozzle or device attached to it that causes it to immediately cease dispensing water when not in use; (c) applying potable water to driveways and sidewalks; and (d) using potable water in a fountain

or other decorative water feature, except where the water is part of a recirculating system, are subject to the same enforcement procedures outlined above with the exception that the expected timeframe for correction of the violation is immediate, and a violation of such types (a), (b), (c) or (d) on a subsequent day may be considered a separate violation.

Customers shall pay all water bills and fines in accordance with the due dates stated on their bills. An Appeals Process is offered to customers that disagree with the fines assessed. If the appeal is upheld in favor of the customer, appropriate monies will be refunded. Details of the Appeals Process are included in the District's Water Conservation Policy (See Water Shortage Contingency Plan, Appendix B).

Section 6. Water Conservation Stage 2 through 5 Drought Rates

The District hereby incorporates and adopts the drought rates as described in Appendix C of the Water Shortage Contingency Plan and the cost of service study in support thereof. The drought rates are to be implemented concurrently with a determination of any drought/water shortage stage greater than 1, thereby increasing the various commodity rates inversely to the predicted reduction percentage of water use in the designated stage in order to maintain the District's financial stability and sustainability.

Section 7. CEQA Exemption

Adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines (14CCR 15061(b)(3)). CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It is therefore found and declared that the adoption of the WSCP water rate schedule in this ordinance will not have a significant effect on the environment, as the consumption-based water rates herein adopted will encourage water conservation; and the WSCP encourages conservation.

Section 8. Rescission; Incompatible Provisions

District Ordinance No. 64 and all amendments thereto, are hereby rescinded in their 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 9. 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

Idyllwild Water District Water Shortage Contingency Plan

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Section 1: Purpose and Principles of Plan

1.1 Water Code Sections 10632

The Idyllwild Water District (IWD/District) has developed a Water Shortage Contingency Plan (WSC Plan) in accordance with California Water Code Section 10632. Section 10632 sets forth the contents of an urban water shortage contingency plan in the event of drought, water supply reductions, failure of a water distribution system, other emergencies, or regulatory statutes, rules, regulations or policies reducing water supplies by state and federal agencies with jurisdiction over the District. The contingency plan must demonstrate the ability of an agency to meet demands under a supply shortage of up to 50 percent. Emphasis is placed on protection of public health, sanitation, fire protection, and the general public welfare.

As such, this WSC Plan adopts regulations and restrictions on outdoor water use through Water Shortage Stage 4 and on indoor water use in Water Shortage Stage 5, including residential, commercial, and institutional customers.

1.2 Principles of District's Water Shortage Contingency Plan

The overall principle of the District's WSC Plan is to reliably meet water demands during shortages caused by droughts, supply reductions, and emergency conditions. The WSC Plan recognizes the following priorities for potable water:

- Public safety, health and welfare
- Economic sustainability
- Quality of life for the District's customers
- Statutory and regulatory requirements

The potable water use regulated and/or prohibited under this WSC Plan is considered non-essential use. Continued use of such water during times of water shortage or other emergency supply conditions are deemed to constitute a waste of water and will be subject to appropriate monetary assessments and fines as described in Section 4 of this WSC Plan.

To compensate for the reduction in water sales and revenue as a result of implementation of the WSC Plan, the District will implement WSC Plan rates to offset any such revenue losses (see Section 5 of this WSC Plan).

1.3 Public Notice and Coordination with Other Water Agencies

The District will periodically provide the public with information about the WSC Plan, including its implementation. Such information will include, but not be limited to, stages of action, restrictions on water use, water use reductions, water-saving tips, and potential Allocation Surcharges, monetary assessments and fines for noncompliance of prohibited activities for water conservation, water use efficiency, and failure to achieve water use reductions defined in the WSC Plan and the Water Conservation Policy. The District may use the local newspaper, the Town Crier, the District website and direct mail notice to provide the information.

Section 2: Authorization and Application of WSC Plan

2.1 Authorization of WSC Plan

The water shortage contingency measures of this WSC Plan shall apply to all persons, customers, and property using water provided by the District. The terms “persons” and “customers” used in this WSC Plan include individuals, home and property owners, corporations, businesses, agencies, associations, and all other legal entities

A declaration of a water shortage condition as outlined below shall become effective immediately, and shall be made by public announcement and published in a newspaper of general circulation.

While Stage 1 “Water Supply Watch” measures remain in effect at all times, three basic conditions can trigger the declaration of further Water Shortage Stages of the WSC Plan. At the time a water shortage condition is identified, the General Manager shall recommend the appropriate Shortage Stage and corresponding water usage decrease based on an analysis of current and available water supplies and anticipated demands. Except as provided below, the Board shall consider and adopt a resolution declaring the appropriate Shortage Stage and measures to be implemented thereto.

Condition No. 1: Long- and Short-Term Water Supply Deficiencies

The District’s General Manager shall request the Board of Directors (Board) to authorize and implement provisions of the WSC Plan when the demand for District water is anticipated to be in excess of the District’s established ratios for the available water supply. The determination shall be made based on the Board adopted criteria shown in Appendix A and upon consideration of other factors relative to the water supply and use of the District, if any, to implement the additional measures of the WSC Plan. The Board will have the authority to adopt a resolution to initiate, modify or terminate the appropriate shortage stage and any of the measures described in the WSC Plan based on the criteria without holding additional meetings or hearings, consistent with the criteria in Appendix A.

Condition No. 2: Immediate Emergency Water Shortage Response

An immediate emergency water shortage is defined as an unexpected or catastrophic event including, but not limited to, a regional power outage, earthquake or other disaster, or major other event that prevents or interrupts adequate water to be delivered to customers. By adopting this WSC Plan, the Board authorizes the General Manager to declare the extent of the immediate water shortage emergency and to indicate which measures of the WSC Plan are needed.

Condition No. 3: Emergency Declaration of State or Federal Agency

Upon the declaration of a water shortage emergency by resolution or other appropriate authoritative process of a state or federal agency with jurisdiction over the District, the District shall respond to the requirements set forth in the governing statutes, rules, regulations, or documents.

2.2 Criteria for Water Shortage Stages

The District staff will continue to monitor water demands and supplies on a regular basis, including but not limited to, availability and reliability of supply production facilities, and daily demand, and shall determine, based on the criteria in Appendix A, when conditions warrant an

initiation or termination of each shortage stage and water conservation measures to be implemented thereto of the WSC Plan as follows:

Stage 1 – Water Supply Watch Criteria: The term Water Watch acknowledges that while near term supply and storage conditions may from time to time improve due to wet weather, there are continued long-term challenges that warrant continued wise and efficient use of water. In addition, our alpine climate, average rainfall of 26-inches in our service area, the uncertain characteristics of the fractured granite mountainous groundwater supply and the absence of any potential supplemental water supply sources, make ongoing efficient water use imperative. Under Stage 1 conditions, i.e., the Basic Capacity Ratio (BCR) is 0-50%, customers are requested to continue to use water efficiently and practice sensible voluntary water conservation. It should also be noted that water waste is in violation of California Law and District's Water Conservation Policy at any Stage.

Stage 2 – Water Supply Alert Criteria: There is a possibility that the District may not be able to reliably meet all of the water demands of its customers and the BCR is 51-60%. This may mean local groundwater levels are lower than normal, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use. Additional voluntary water use reduction measures will be called upon during this stage. To reduce the financial impact to the District of the designated 10% reduction in water use, Stage 2 Water rates as described in Appendix C will be implemented for the commodity (variable) portion of water bills.

Stage 3 – Water Supply Warning Criteria: Water supply shortages for the District are evident through a BCR of 61-70%, expected to continue and possibly worsen, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use by 20% to 35%. Some restrictions on certain non-essential outdoor Residential, Commercial, and Institutional water use will be implemented, and drought rates described in Stage 3 of Appendix C will be passed through to customers. Monetary assessments and/or fines for non-compliance with restrictions will be imposed as described in Section 4 of this WSC Plan.

Stage 4 – Extreme Water Supply Warning Criteria: Water supply shortages exist and are expected to worsen as indicated by a BCR of 71% - 85%, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use by 36% to 50%. Complete restriction of non-essential outdoor water use will be implemented. The District will work to achieve an appropriate balance of water use decreases to all customer classes including residential, institutional, and commercial. The District will implement drought rates described in Stage 4 of Appendix C. Significant monetary assessments and/or fines for non-compliance of such restrictions will be imposed as described in Section 4 of this WSC Plan.

Stage 5 – Water Supply Emergency Criteria: Water supply shortages are expected to worsen as indicated by a BCR of more than 86%, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use by more than 50%. This may be because of an emergency resulting in the inability of the District's water distribution system to deliver all of the District's supply. Restrictions on all non-essential outdoor and indoor water use will be implemented. The District will implement drought rates described in Stage 5 of Appendix C.. Monetary assessments and/or fines for non-compliance of such restrictions will be imposed as described in Section 4 of this WSC Plan.

Section 3: Supply Shortage Contingency Measures

Section 3 presents the shortage contingency measures the District may impose during each Shortage Stage for its residential, commercial and institutional customers.

Through timely communication, using various local media outlets and the monthly bill, the District will provide updates regarding supply conditions and WSC Plan Stages. The District is not responsible for any customer issues that may arise from the implementation of the WSC Plan or adjustment in timing of the WSC Plan's Stages.

1 Stage 1: Water Supply Watch – Basic Capacity Ratio = 0 – 50%

Under Stage 1 conditions, customers are requested to continue to use water efficiently and practice sensible voluntary water conservation. Water waste violates California Law and the District's Water Conservation Policy at this and any other Shortage Stage.

In order to comply with requirements of state legislation and Water Conservation Best Management Practices, it shall be a violation of the District's Water Conservation Policy at any time to make, cause, or permit the use of water for residential, commercial, institutional or any other purpose in a manner constituting water waste.

All Customer Classes

Customers shall abide by the following **water conservation requirements at all times** in all water Shortage Stages:

1. Refrain from hosing down driveways and other hard surfaces, except for health or sanitary reasons.
2. Repair faucets, toilets, pipes and other potential sources of water leaks as soon as practical.
3. Irrigate landscape between 6 p.m. and 9 a.m. This provision does not apply when:
 - a. Manually watering during the establishment period of a new landscape;
 - b. Manual spot watering is done to address landscape issues;
 - c. Temperatures are predicted to fall below freezing;
 - d. Testing/repairing an irrigation system;
 - e. Using drip irrigation systems; and
 - f. A longer watering window is needed due to system constraints.
4. Adjust and operate all landscape irrigation systems in a manner that will maximize irrigation efficiency and avoid over watering or watering of hardscape and resulting runoff.
5. Prevent excessively irrigating any lawn or landscape area that would cause the sheeting of water to flow; eliminate water runoff from lawns or landscape areas into any drainage courses, streets, or streams.
6. Do not use decorative fountains unless they are equipped with a re-circulating water system.
7. When installing plumbing fixtures, use low-flow devices, except for those that require high-flow fixtures for health and/or sanitary reasons. Where possible, install pool and spa covers to minimize water loss due to evaporation during non-operating days.
8. Do not allow water to run while washing vehicles, including autos, trucks, trailers, motor homes, boats or others. Use a hose with an automatic shutoff valve to avoid runoff into drainage courses, streets or streams. Use a hose equipped with an automatic shutoff valve or other device that causes it to cease dispensing water immediately when not in use.

9. When installing new landscaping, refer to the Water Use Classification of Landscape Species (WUCOLS) or the Idyllwild Garden Club list of local and drought tolerant plants suitable for the area. Plant low water California Friendly® Native Landscapes. Non-functional turf areas are not recommended. Turf lined channels are only permitted when justified by environmental regulations.
10. Refrain from watering during rain, or high winds by turning off irrigation timers.
11. Refrain from irrigation for two (2) days following a measurable rainfall.
12. No irrigation of turf or highwater use plants within public street medians and parkways.

All existing and future District customers in violation of these water conservation requirements, or with excessive runoff that would cause water to flow from property into any drainage courses, streets, or streams are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix B.

3.2 Stage 2: Water Supply Alert – Basic Capacity Ratio 51% - 60%

- Stage 1 water conservation requirements remain in effect for all customer classes
- Additional 10 % voluntary water use reduction measures for all customer classes
- Water use rates described in Stage 2 of Appendix C are implemented

All Customer Classes

Additional **voluntary water use reduction measures** are requested of **all customer classes** to reduce water use by an additional 10% as follows:

Outdoor Voluntary Water Use Reduction Measures

1. Eliminate sprinkler overspray from driveways and sidewalks. Divide irrigation runtimes into multiple cycles to eliminate runoff water that leaves the landscaped area.
3. Tune-up your irrigation system by checking for and repairing leaks and damaged sprinklers.
4. Use a broom instead of a hose to clean driveways, sidewalks and other hardscape surfaces, except for California Department of Health Services prescribed health or sanitary reasons.
5. Install pool and spa covers to minimize evaporative water loss.
6. Customers, including but not limited to, parks, school grounds, and commercial landscaping are restricted to irrigation applications between 6 p.m. and 9 a.m. These irrigators are advised to adjust automatic irrigation timers according to changing weather patterns and landscape requirements.

Indoor Voluntary Water Use Reduction Measures

7. Wash only full loads of laundry and/or dishes.
8. Shorten showers and turn off faucets while brushing teeth or shaving.

No monetary assessments (see Section 4) or mandatory restrictions will be imposed during Stage 2. However, The District will implement drought rates described in Stage 2 of Appendix C. All existing and future District customers in violation of the Stage 1 water conservation requirements in effect at all times, or with excessive runoff that would cause water to flow from property into any drainage courses, streets, or streams are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix B.

3.3 Stage 3: Water Supply Warning – Mandatory Water Waste Reduction – Basic Capacity Ratio 61% - 70%

- Stage 1 water conservation requirements remain in effect for all customer classes.
- Stage 2 indoor voluntary water use reduction measures remain in effect

- Mandatory outdoor water use reduction measures for all customer classes
- The District will implement drought rates described in Stage 3 of Appendix C.
- Fines for non-compliance are imposed

Stage 3: The District will implement drought rates described in Stage 3 of Appendix C.

All Customer Classes

Stage 3 mandatory outdoor water use reduction measures for all customer classes are as follows:

Outdoor Mandatory Water Use Reduction Measures

1. Irrigate lawns and landscape only between 6:00 p.m. and 9:00 a.m.
2. No application of potable water to outdoor landscapes (turf and ornamental landscapes) during a rainfall event and up to 48 hours after measurable rainfall. Measurable rainfall for the region is defined as greater than or equal to 0.5 inches.
3. Do not allow irrigation water to leave the landscaped area.
4. No significant landscaping shall be installed or renovated.
5. Use a broom instead of a hose to clean driveways, sidewalks and other hardscape surfaces, except for California Department of Health Services prescribed health or sanitary reasons.
6. Eliminate sprinkler overspray from driveways and sidewalks. Divide irrigation runtimes into multiple cycles to eliminate runoff water that leaves the landscaped area.
7. Tune-up irrigation system by checking for and repairing leaks and damaged sprinklers.
8. Do not allow hoses to run while washing motor vehicles (including autos, trucks, trailers, motor homes, boats or others). Use a hose equipped with an automatic shutoff valve or other device that causes it to cease dispensing water immediately when not in use.
9. No new water meters allowed, except for health and safety.

Commercial and Institutional Customers

Stage 3 mandatory water use reduction measures for all C&I customers are as follows:

10. Commercial and Industrial users are to adjust automatic irrigation timers according to changing weather patterns and landscape requirements.
11. Drinking water shall not be served other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food and drink are served and/or purchased.
12. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.

Fines for non-compliance will be imposed for flagrant or repeat violations, in addition to other monetary assessments for excessive use (see Section 4). All existing and future District customers in violation of the Stage 1 water conservation requirements in effect at all times, consistent with Section 2 General Provisions of the District’s Water Conservation Policy, or with excessive runoff that would cause water to flow from property into any drainage courses, streets, or streams, are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix B.

3.4 Stage 4: Extreme Water Supply Warning – Mandatory Outdoor Water Elimination

-Stage 1 and 2 water conservation requirements remain in effect for all customer classes

- Stage 3 mandatory water use reduction measures remain in effect for all customer classes
- Stage 2 Indoor voluntary water use reduction measures remain in effect
- Outdoor watering and/or irrigation is prohibited
- The District will implement drought rates described in Stage 4 of Appendix C
- Variances for health and safety only
- No new water meters allowed, except for health and safety.
- Fines for non-compliance are imposed, in addition to other monetary assessments for excessive use

Stage 4: The District will implement drought rates described in Stage 4 of Appendix C.

All Customer Classes

Stage 4 additional mandatory water use reduction measures for all customer classes are as follows:

Outdoor Mandatory Water Use Elimination

1. Washing of personal vehicles at home (including autos, trucks, trailers, motor homes, boats or others) is prohibited.
2. Outdoor watering and/or irrigation is prohibited at all times
3. No water for decorative fountains may be used, even if it has a recirculating system.
4. No filling or water level maintenance of outdoor pools.
5. The district shall not install new water meters , except for health and safety.
6. No new will serve letters will be issued by the District

Commercial and Institutional

Stage 4 additional mandatory water use reduction measures for all C&I are as follows:

7. No new hydrant-construction or temporary construction meter permits will be issued by the District.

Fines for non-compliance will be imposed for flagrant or repeat violations, in addition to other monetary assessments for excessive use (see Section 4). All existing and future District customers in violation of the water conservation requirements in effect at all times, consistent with Section 2 General Provisions of the District's Water Conservation Policy are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix B.

3.5 Stage 5: Water Supply Emergency – Mandatory Outdoor Water Elimination and Indoor Water Reduction

- Stage 1 and 2 water conservation requirements remain in effect for all customer classes.
- Stages 3 and 4 mandatory water use reduction measures remain in effect for all customer classes
- Additional mandatory water use reduction measures for all customer classes
- The District will implement drought rates described in Stage 5 of Appendix C
- Variances for health and safety only
- The District recommends the installation of pool and spa covers to minimize evaporative water loss.
- No new water meters allowed, except for health and safety
- Fines for non-compliance are imposed

All Customer Classes

Stage 5 additional mandatory measures for all customers are as follows:

Outdoor Mandatory Water Use Reduction Measures

1. No irrigation of lawns, landscapes and/or ornamental gardens.
3. Water for refilling recreational swimming pools and spas is prohibited.
4. No replacement water may be provided for ponds or lakes. Aeration equipment should be managed in such a way as to eliminate evaporative loss of water.
5. Turn off all decorative fountains, even if it has a recycling (recirculating) system, and consider using any remaining water to irrigate landscape. Make sure to empty completely so standing water does not attract insects.
6. Eliminate use of misting devices.
7. All previously issued will serve letters to District customers who have not installed water meters shall be suspended during the existence of a Stage 5 emergency
8. All temporary construction permits will be rescinded by the District.

Indoor Mandatory Water Use Reduction Measures

7. Wash only full loads of laundry and/or dishes.
8. Fix leaky faucets, toilets, showerheads, pipes and other water plumbing immediately
9. Shorten showers and turn off faucets while brushing teeth or shaving.

Commercial & Institutional Customers

Stage 5 additional mandatory water use reduction measures for all C&I customers are as follows:

10. No water for commercial car washes.
11. All hydrant construction and temporary construction meter permits will be rescinded by the District.
12. No planting of new landscaping (seed, sod, or other plant materials).

Fines for non-compliance will be imposed for flagrant or repeat violations, in addition to other monetary assessments for excessive use (see Section 4). All existing and future District customers in violation of the water conservation requirements in effect at all times, consistent with Section 2 General Provisions of the District's Water Conservation Policy are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix B

Section 4: Enforcement and Variances

Measures called for in the stages of the District's WSC Plan will be primarily enforced through fines and monetary assessments. In extreme cases, certain types of outdoor water service may be discontinued until the emergency situation is over.

4.1 Fines

The District's Water Conservation Policy (Policy) (Appendix B) declares that because of the prevailing conditions in the State, it is necessary and appropriate for the District to adopt, implement and enforce a water conservation program to ensure sufficient water for human consumption, sanitation, and fire protection. The District further finds that waste or unreasonable use or unreasonable method of use of water shall be prevented and that water conservation practices shall be encouraged at all times.

Water Waste Provisions

The Policy establishes general provisions of conservation and water use efficiency that are in effect at all times. These general provisions are consistent with the WSC Plan and include the following:

1. Refrain from hosing down driveways and other hard surfaces, except for health and sanitary reasons.
2. Repair faucets, toilets, pipes and other potential sources of water leaks.
3. Irrigate landscape only between 6 p.m. and 9 a.m.
4. Adjust and operate all landscape irrigation systems in a manner that will maximize irrigation efficiency and avoid over watering or watering of hardscape and resulting runoff.
5. Prevent excessively irrigating any lawn or landscape area that would cause the sheeting of water to flow; eliminate water runoff from lawns or landscape areas into any drainage courses, streets, or streams.
6. Do not use decorative fountains unless they are equipped with a recirculating system.
7. When installing plumbing fixtures, use low-flow devices, except for those that require high-flow fixtures for health and/or sanitary reasons.
8. Where possible, install pool and spa covers to minimize water loss due to evaporation during non-operating days.
9. Do not allow water to run while washing vehicles. Use a hose with an automatic shutoff valve to avoid runoff into drainage courses, streets or streams.

It is important to note that conservation measures in addition to these general provisions are required to be taken by customers as part of higher WSC Plan Stages.

Enforcement

Water users who violate of any of the general provisions or additional measures required as part of the applicable WSC Plan Stage are subject to the enforcement of this Water Conservation Policy.

Violations which are related to the malfunction of water conveying hardware or devices are subject to the following enforcement:

- a. For a first violation, the District shall issue a written notice of fact of such violation to the customer. The customer shall then be allowed a period of 5 days following issuance of the written notice to correct the violation described therein before a second violation will be issued, and the customer will be provided a copy of this Section of the Water Shortage Contingency Plan.

- b. For a second violation within the prior 12-month period, including but not limited to a failure to correct an initial violation within the time stated in the notice, the District shall issue a fine in the amount of \$50.00, which shall be added to the customer's water bill. The customer shall be allowed a period of 5 days following delivery of the written notice to correct the second violation before a third violation will be issued. The customer will be provided a copy of this Section of the Water Shortage Contingency Plan.
- c. For a third violation in the prior 12-month period, the District shall issue a written notice of fact of such violation to the customer when a second violation has not been corrected within a period of 5 days following delivery of the second violation notice. A fine in the amount of \$100.00 shall be added to the customer's water bill upon issuance of a third violation. The customer shall be allowed 5 days following issuance of the written notice to correct the third violation before a fourth violation will be issued. The customer will be provided a copy of this Section of the Water Shortage Contingency Plan.
- d. For a fourth violation in the prior 12-month period, the District shall issue a written notice of fact of such violation to the customer when a third violation has not been corrected within a period of 5 days following delivery of the third violation notice. A fine in the amount of \$250.00 shall be added to the customer's water bill upon issuance of a fourth violation. The customer shall be allowed 5 days following issuance of the written notice to correct the fourth violation before a fifth violation will be issued. The customer will be provided a copy of this Section of the Water Shortage Contingency Plan. In addition, the District may install a flow-restricting device at such meter with a one-inch orifice for services up to one and one-half inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises in which the violation occurred for a period of not less than 48 hours. The charge to the customer for installing a flow-restricting device shall be based on the size of the meter and actual cost of installation. The charge for installation and removal shall be as set forth in the District's rules. It may be reinstalled for repeated violations.
- e. For a fifth violation, the District shall issue a written notice of fact of such violation to the customer when the fourth violation has not been corrected within a period of 5 days following issuance of the fourth violation notice. A fine of \$500.00 shall be added to the customer's water bill following the issuance of the fifth violation notice until the violation is corrected. In addition, the District may install a flow-restricting device at such meter with a one-inch orifice for services up to one and one-half inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises in which the violation occurred for a period of not less than 48 hours. The charge to the customer for installing a flow-restricting device shall be based on the size of the meter and actual cost of installation. The charge for installation

and removal shall be as set forth in the District's rules. It may be reinstalled for repeated violations.

Violations that are *not* related to the malfunction of water conveying hardware or devices, but are related to actions taken by a water user including, but not limited to, (a) applying (e.g., hosing or spraying) potable water to outdoor landscapes in a manner that causes runoff that flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures; (b) using a hose to wash an automobile with potable water, except where the hose has a shut-off nozzle or device attached to it that causes it to immediately cease dispensing water when not in use; (c) applying potable water to driveways and sidewalks; and (d) using potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system. are subject to the same enforcement procedures outlined above with the exception that the expected timeframe for correction of the violation is immediate, and a violation of such types (a), (b), (c) or (d) on a subsequent day may be considered a separate violation.

Customers shall pay all water bills and fines in accordance with the due dates stated on their bills. An Appeals Process is offered to customers that disagree with the fines assessed. If the appeal is upheld in favor of the customer, appropriate monies will be refunded. Details of the Appeals Process are included in the Policy (Appendix B).

4.2 Variances

The District may, in writing, grant a temporary variance from any fines, Allocation Surcharges and monetary assessments, or restrictions imposed by the WSC Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and under the following conditions, which are consistent with Section 5 of the District's Water Conservation Policy (see Appendix B):.

1. Compliance with the WSC Plan cannot be technically accomplished during the duration of a water supply shortage or other condition for which the WSC Plan Shortage Stage is in effect.
2. Alternative methods or technology used as part of a District-sanctioned trial or test study can be implemented which will achieve the same level of reduction in water use.
3. Doctor-approved health circumstances, illness or injury will be considered on a case-by- case basis.
4. No variances will be issued, beginning in Shortage Stage 3 of the WSC Plan, for filling swimming pools, establishing or expanding a landscape area, or leaks not repaired within 48 hours.
5. During Shortage Stages 4 and 5, variances requests must be due to health and safety issues only.

A written request for a variance may be accepted by the District, or may be denied at the sole discretion of the District.

All variances must be requested in writing any time after WSC Plan's staged implementation. The following information must be provided:

1. Name, contact phone number, service address and customer account number of petitioner;
2. Purpose of water use (e.g., domestic, commercial, institutional);

3. Specific provision(s) of the WSC Plan from which the petitioner is requesting relief;
4. Detailed statement as to how the provision of the WSC Plan adversely affects the petitioner or what damage or harm will occur;
5. Description of the relief requested;
6. Period of time for which the variance is sought; and
7. Any alternative water use restrictions (e.g., indoor use) that the petitioner is taking or proposes to take to meet the intent of the WSC Plan.

Section 5: Revenue and Rate Impacts

The District has an Emergency Cash Reserve Policy to deal with catastrophic events. Short of a catastrophic event, Appendix C establishes rates to be implemented concurrently with a determination of any drought Stage greater than 1 which will increase the various commodity rates inversely to the predicted reduction percentage of water use in the designated stage to maintain the District's financial stability and sustainability.

Section 6: District's Emergency Actions

The Water Code Section 10632 requires actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

The District operates in an area where the probability of an earthquake is high. Depending on the severity, an earthquake may damage the water system. The District's Emergency Response Plan provides a framework for an organized response to an earthquake emergency. The primary objectives of the WSC Plan are to maintain the functionality of the water distribution system, assess the system and, if necessary, make rapid repair to any damage, and prevent any further damage. The District's response to an earthquake will be directed by the General Manager.

The following are the District Response Phases in the event of an Earthquake:

- Phase I – Inspection: A rapid inspection to determine injuries and any damage which might affect the distribution system.
- Phase II – Report Back: Emergency communications flow: additional inspection procedures.
- Phase III – Repair: Coordination of maintenance forces.
- Phase IV – Management Procedures: Key Management responsibilities for the emergency.
- Phase V – Operating/Maintenance/Engineering: Outlines procedures for division staff.

Prior to Phase I inspections, system operators and inspectors report to the Emergency Operations Center to receive assigned inspection routes. The Emergency Operations Center creates a communications hub for the District to efficiently manage their available resources. For example, personnel inspecting Foster Lake Dam, wastewater treatment facilities, and wells receive their assignments from and report their findings to the Emergency Operations Center. The Emergency Response Plan contains the areas that are inspected with driving directions for specific inspection routes. If inspections reveal damage to any of the areas, the necessary repairs are made. Communications are ongoing at all phases of the response to an earthquake. The District has a radio system to insure communications will be available during an emergency. The Emergency Response Plan also includes an analysis of the potential of an electrical power outage. The District depends on electricity to boost water to higher elevations via pumping stations. In an emergency involving a power outage, the District will utilize emergency generators to provide customers with a reliable source of water.

Appendix

A

Stage Criteria

$$\text{Basic Capacity} = \frac{(\text{Monthly Demand})}{(\text{Monthly Production Capacity})} \times 100 = \% \text{ of used production Ratio}$$

<u>Stage</u>	<u>Criteria</u>	<u>Reduction</u>
Stage 1	0-50%	Normal Efficient Use
Stage 2	51-60%	Voluntary 10% Reduction
Stage 3	61-70%	Mandatory 20% Reduction
Stage 4	71-85%	Mandatory 30% reduction
Stage 5	86+%	Mandatory 50% Reduction

Would move to a higher stage when the Basic Ratio:

- 1) Has exceeded the lower threshold for a stage for the third (3rd) consecutive month;
 - 2) Exceeds the lower threshold for a stage by at least 8% for two consecutive months;
- or
- 3) Exceeds the lower threshold for a stage by at least 13% for one month.

Examples

- A. Three (3) months at 52%, 54%, and 52% would go to Stage 2 in the 4th month
- B. Two (2) months at 59% and 58% would go to Stage 2 in the 3rd month
- C. One (1) month at 63% would go to Stage 2 in the second month

Would move to a lower stage when the Basic Ratio:

- 1) Has been 5% or more below the threshold for the Stage for two consecutive months

Example

- A. In Stage 2; Month 1 at 44%, Month 2 at 43%, go to Stage 1 in the 3rd month

Idyllwild Water District
Appendix B
WATER CONSERVATION POLICY
Adopted September 19, 2018

TABLE OF CONTENTS

Section
1. Findings and Declaration of Policy
2. General Provision
3. Penalties and Restitutions
4. Appeals and Process
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6. Definitions of Terms

Section 1. Findings and Declaration of Policy

The Idyllwild Water District (District) finds and determines that because of the prevailing conditions in the State it is necessary and appropriate for the District to adopt, implement, and enforce a Water Conservation Policy to ensure sufficient water for human consumption, sanitation, and fire protection. The District further finds the waste or unreasonable use, or unreasonable method of use of water shall be prevented and that water conservation practices shall be encouraged at all times.

In times of drought or water supply cutbacks, provisions of this Policy may be modified in accordance with State of California Regulations, as well as Idyllwild Water District's Water Shortage Contingency Plan (WSC Plan). This Policy is in effect at all times and defers updates and implementation strategies, regarding water conditions and supplies to the WSC Plan for timely communications and media outreach when stage alerts are executed.

Section 2. General Provisions

In order to comply with requirements of state legislation and Best Management Practices, it shall be a violation of this Policy at any time to make, cause, or permit the use of water for residential, commercial, industrial, agricultural, institutional, or any other purpose in a manner constituting waste. Customers shall abide by all requirements outlined in the applicable Shortage Stage of the WSC Plan including, but not limited to the following requirements at all times:

1. Refrain from hosing down driveways and other hard surfaces, except for health or sanitary reasons.
2. Repair faucets, toilets, pipes and other potential sources of water leaks.
3. Irrigate landscape only between 6 p.m. and 9 a.m. This provision does not apply when:
 - a. Manually watering during the establishment period of a new landscape;
 - b. Supervised spot watering is done to address landscape issues;
 - c. Temperatures are predicted to fall below freezing;
 - d. Testing/repairing an irrigation system;
 - e. Using drip and point-to-point irrigation systems; and
 - f. A longer watering window is needed due to system constants.
4. Adjust and operate all landscape irrigation systems in a manner that will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting runoff.
5. Prevent excessively irrigating any lawn or landscape area that would cause the sheeting of water to flow; eliminate water runoff from lawns or landscape areas into any drainage courses, streets, or streams.
6. Do not use decorative fountains unless they are equipped with a re-circulating system.
7. When installing plumbing fixtures, use low-flow devices, except for those that require high-flow fixtures for health and/or sanitary reasons.
8. Where possible, install pool and spa covers to minimize water loss due to evaporation during non-operating days.
9. Do not allow water to run while washing vehicles. Use a hose with an automatic shutoff valve to avoid runoff into drainage courses, streets or streams.
10. When installing new landscaping, refer to the Water Use Classification of Landscape Species (WUCOLS). Plant low-water California Friendly® Landscapes and/or the Idyllwild Garden Club list of local and drought tolerant plants suitable for the area. Non-functional turf areas are not recommended. Turf lined channels are only permitted when justified by environmental regulations.
11. Refrain from watering during rain, or high winds by turning off irrigation timer.

Section 3. Administrative Fines

All persons in violation of Section 2 General Provisions of this Policy or with excessive runoff that causes water to flow from property into any drainage courses, streets, or streams are subject to the following:

- a. For a first violation, the District shall issue a written notice of fact of such violation to the customer. The customer shall then be allowed a period of 5 days following issuance of the written notice to correct the violation described therein before a second violation will be issued, and the customer will be provided a copy of this Section of the Water Shortage Contingency Plan.
- b. For a second violation within the prior 12-month period, including but not limited to a failure to correct an initial violation within the time stated in the notice, the District shall issue a fine in the amount of \$50.00, which shall be added to the customer's water bill. The customer shall be allowed a period of 5 days following delivery of the written notice to correct the second violation before a third violation will be issued. The customer will be provided a copy of this Section of the Water Shortage Contingency Plan.
- c. For a third violation in the prior 12-month period, the District shall issue a written notice of fact of such violation to the customer when a second violation has not been corrected within a period of 5 days following delivery of the second violation notice. A fine in the amount of \$100.00 shall be added to the customer's water bill upon issuance of a third violation. The customer shall be allowed 5 days following issuance of the written notice to correct the third violation before a fourth violation will be issued. The customer will be provided a copy of this Section of the Water Shortage Contingency Plan.
- d. For a fourth violation in the prior 12-month period, the District shall issue a written notice of fact of such violation to the customer when a third violation has not been corrected within a period of 5 days following delivery of the third violation notice. A fine in the amount of \$250.00 shall be added to the customer's water bill upon issuance of a fourth violation. The customer shall be allowed 5 days following issuance of the written notice to correct the fourth violation before a fifth violation will be issued. The customer will be provided a copy of this Section of the Water Shortage Contingency Plan. In addition, the District may install a flow-restricting device at such meter with a one-inch orifice for services up to one and one-half inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises in which the violation occurred for a period of not less than 48 hours. The charge to the customer for installing a flow-restricting device shall be based on the size of the meter and actual cost of installation. The charge for installation and removal shall be as set forth in the District's rules. It may be reinstalled for repeated violations.

- e. For a fifth violation, the District shall issue a written notice of fact of such violation to the customer when the fourth violation has not been corrected within a period of 5 days following issuance of the fourth violation notice. A fine of \$500.00 shall be added to the customer's water bill following the issuance of the fifth violation notice until the violation is corrected. In addition, the District may install a flow-restricting device at such meter with a one-inch orifice for services up to one and one-half inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises in which the violation occurred for a period of not less than 48 hours. The charge to the customer for installing a flow-restricting device shall be based on the size of the meter and actual cost of installation. The charge for installation and removal shall be as set forth in the District's rules. It may be reinstalled for repeated violations.

Violations that are *not* related to the malfunction of water conveying hardware or devices, but are related to actions taken by a water user including, but not limited to, (a) applying (e.g., hosing or spraying) potable water to outdoor landscapes in a manner that causes runoff that flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures; (b) using a hose to wash an automobile with potable water, except where the hose has a shut-off nozzle or device attached to it that causes it to immediately cease dispensing water when not in use; (c) applying potable water to driveways and sidewalks; and (d) using potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system. are subject to the same enforcement procedures outlined above with the exception that the expected timeframe for correction of the violation is immediate, and a violation of such types (a), (b), (c) or (d) on a subsequent day may be considered a separate violation.

Customers shall pay all water bills and fines in accordance with the due dates on their water bills. An Appeals Process is offered to customers that disagree with fines outlined in this section of the Policy. If the appeal is upheld in favor of the customer, appropriate monies will be refunded. Details of the appeals process are included in Section of this Policy.

The District shall use the revenues derived from the implementation of this section of the Policy for water use efficiency programs.

Section 4. Appeals Process

Any customer may appeal the imposition of fines of this Policy, by filing a written request with the District Planning Department for an appeal hearing. The District must receive the request within 30 days of the date of the fine notice. A request for a hearing shall set forth, in detail, all facts supporting the request.

The District shall, within 15 days of receiving a request for an appeal hearing provide written notice to the customer of the hearing date, time, and place. The hearing date shall not be more than 30 days from the mailing of such notice by certified mail, unless a later date is agreed to by the customer.

At the hearing, a District staff member will represent the District. The customer will have the opportunity to present information supporting his or her position concerning the required irrigation evaluation or penalty charges. After the hearing, the District staff shall deliver a written report to the General Manager setting forth findings of fact, conclusions, and a recommendation on whether to uphold, modify, or reverse the original fines. Upon receipt of the written report, the General Manager shall issue his decision within 15 calendar days of the hearing. The written decision of the General Manager shall be sent to the customer by certified mail. The General Manager's decision shall be final on the 16th day after it is mailed, unless a request for a hearing is filed with the Board of Directors no later than 5:00 p.m. on the 15th day following such mailing.

Any customer may appeal a decision made by the General Manager, prior to the date that the General Manager's order becomes final, by filing a written request for a hearing with the Board of Directors. The request for the Board of Directors' hearing shall set forth in detail all the issues in dispute and all facts supporting the request. No later than 30 days after receipt of the request for a hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for the hearing. Whether to grant or deny a request for a hearing on an appeal to the General Manager's decision shall be within the sole discretion of the Board of Directors.

If required, a hearing shall be held by the Board of Directors within 30 days of the date the request for a hearing was granted, unless a later date is agreed to by the customer and the Board of Directors. The Board of Directors shall make a determination whether to uphold, modify, or reverse the General Manager's decision. The order of the Board of Directors shall be final upon its adoption. The written decision and order of the Board of Directors shall be sent to the customer by certified mail within 15 days after the close of the hearing.

If the matter is not heard within the required time, due to actions or inactions of the customer or the Board of Director's decision to deny the request for the hearing, the General Manager's decision shall be final.

The customers of the District authorize the District to deliver and/or mail all Notices to the them current address listed for each customer in the records of the District. Each customer of the

District agrees that any and all Notices addressed to such addresses of the customer is sufficient Notice for all purposes. The District may, at its election, deliver all Notices to such address in lieu of mailing by certified mail.

Section 5. Variance Conditions

A variance may be issued by the District, in writing, to grant a temporary variance for water uses otherwise prohibited under this Policy if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and under the following conditions:

1. Compliance with this Policy cannot be technically accomplished during the duration of a water supply shortage or other condition for which the Policy is in effect.
2. Alternative methods or technology used as part of District sanctioned trial or test study can be implemented which will achieve the same level of reduction in water use.
3. Doctor-approved health circumstances, illness or injury will be considered on a case-by-case basis.
4. No variances will be issued, beginning in Stage 4 of the WSCP, for filling swimming pools, establishing or expanding a landscape area, leaks not repaired within 48 hours, and existing outdoor water budgets.
5. During Shortage States 4 and 5, variances will be considered for health and safety issues only.

A written variance may be accepted by the Planning Department, and may be denied in full or in part at the sole discretion of the District.

Section 6. Definitions of Terms

Appellant - means the customer appealing a decision of the District for relief from the requirements of this Policy.

Appeal Process - refers to a set of procedures allowing an appellant the opportunity to present facts and details, supporting his or her position concerning fines of this policy.

Best Management Practices – defines the best and most proven water conservation methods for urban water users in California.

Board of Directors - means the Board of Directors of the Idyllwild Water District.

California Friendly® Landscapes – refers to landscape that features low-water using plants, state-of-the-art irrigation and controllers, sustainable landscaping techniques/ maintenance plan.

Customer - means any person, firm, partnership, association, corporation, or local political entity using water obtained from the water system of Idyllwild Water District.

District – refers to Idyllwild Water District.

Excessive Runoff - over irrigation of landscaped areas, leaks, or any other type of action that would cause water to flow into any drainage courses, streets, or streams.

Non-Functional Turf Areas – (not recommended) a landscape turf area used for aesthetic purposes.

Variance Conditions – refers to a conflict requesting a temporary variation for water use.

Waste - means any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including, but not limited to, the specific uses prohibited and restricted by this policy as hereinafter set forth.

Water Use Classification of Landscape Species (WUCOLS) – is a guide to help landscape professionals identify irrigation water needs of landscape species. It can be used either for the selection of species or to assist in developing irrigation schedules. It is not intended to be used as a required or approved list by IWD for selection of plant.

In times of drought or water supply cutbacks, provisions of this Policy may be modified in accordance with the Idyllwild Water District's Water Shortage Contingency Plan, or action taken by the Board of Directors.

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 10. 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 11. Publication; Effective Date

This Ordinance shall be published in an adjudicated publication within 10 days after its adoption; in addition a copy shall be posted in three public places, with the votes for and against it; it shall become effective 30 days after it is adopted.

PASSED AND ADOPTED on this November 21, 2018, by the following vote:

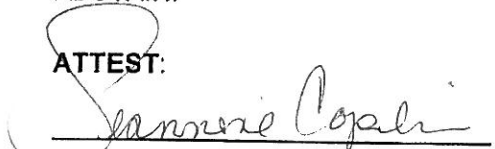
AYES: Dr. Schelly, Peter Szabadi, Steve Kunkle, David Hunt and Les Gin

NOES:

ABSENT:

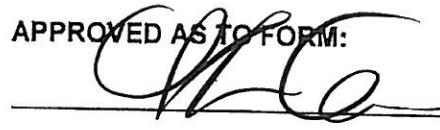
ABSTAIN:

ATTEST:



Board Secretary

APPROVED AS TO FORM:

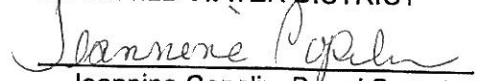


Christine Carson

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 21, 2018 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



Jeannine Copelin, Board Secretary