

MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE
VISTA IRRIGATION DISTRICT

May 27, 2015

A Special Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, May 27, 2015, at the offices of the District, 1391 Engineer Street, Vista, California.

1. CALL TO ORDER

President MacKenzie called the meeting to order at 9:00 a.m.

2. ROLL CALL

Directors present: Miller, Vásquez, Dorey, Reznicek, and MacKenzie.

Directors absent: None.

Staff present: Roy Coox, General Manager; Lisa Soto, Secretary of the Board; Eldon Boone, Assistant General Manager; Don Smith, Director of Water Resources; Brian Smith, Director of Engineering; Brett Hodgkiss, Administrative Services Manager; Frank Wolinski, Operations and Field Services Manager; Al Ducusin, Engineering Manager; Brent Reyes, Water Conservation Specialist; and Marlene Kelleher, Finance Manager. Back-up General Counsel Jeremy Jungreis was also present.

Other attendees: Cheryl Filar, Chuck Crist, and John Conley, all of the City of Vista; Eric Larson of the Farm Bureau; Dan Deaver, Glenn Nelson, and Martin and Stephanie Jackel, all members of the Public.

3. PLEDGE OF ALLEGIANCE

Director Reznicek led the pledge of allegiance.

4. APPROVAL OF AGENDA

15-05-53	<i>Upon motion by Director Vásquez, seconded by Director Miller and unanimously carried (5 ayes: Miller, Vásquez, Dorey, Reznicek, and MacKenzie), the Board of Directors approved the agenda as presented.</i>
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5. PUBLIC COMMENT TIME

No public comments were presented on items not appearing on the agenda.

6. WATER SUPPLY RESPONSE PROGRAM

See staff report attached hereto.

President MacKenzie opened the Public Hearing at 9:02 a.m. General Manager Roy Coox summarized the staff report and provided background about the drought and the District's Water Supply Response Program. Mr. Coox said that customers mainly want to know if their water rates will be going up, if allocations will be implemented, and if there will be any restrictions on issuing new water meters.

Mr. Coox stated that staff is not proposing any changes to water rates or to the water rates structure. Mr. Coox said that according to District rules, the Tier 3 water rate can only be imposed when a water delivery cutback is in place from the Water Authority. Mr. Coox said that with regard to water allocations, staff is strongly recommending against this due to the tremendous administrative burden this approach represents. Also, based on the District's past experience it is questionable as to whether allocations are helpful in achieving conservation targets. Mr. Coox said that with regard to issuing water meters for new developments, staff is not proposing a meter moratorium at this time. Mr. Coox said that if the Board wishes, staff is prepared to evaluate and develop a new demand offset program for the Board's consideration. Demand offset programs are aimed at mitigating any additional water used by new meters.

Mr. Coox said staff proposes to meet the water conservation goals set for the District by the State Water Resources Control Board (State) by implementing mandatory water use restrictions and by monitoring customer usage closely over the next few months. Mr. Coox said that customer outreach will be a key component in the District's plan to meet its goals.

Administrative Manager Brett Hodgkiss reviewed the proposed changes to the District's Water Supply Response Program (attached to the staff report). Following Mr. Hodgkiss' review of the changes, President MacKenzie invited public comments on the matter.

At the Board's request, Mr. John Conley of the City of Vista provided an impromptu overview on the City of Vista's (City) landscaping requirements for new construction. He stated that most of the City's requirements were adopted in 2010 when the last State-directed landscape ordinance was implemented. Mr. Conley said that all new developments require landscape plans that identify all of the landscape materials and the types of irrigation planned for each area. Mr. Conley said that the City does not require turf, but it also does not prohibit it. Mr. Conley said that landscape installations are regulated by the City through the irrigation types (certain types are allowable on slopes versus on flat land, etc.) and a water allowance for each zone within the plan. A maximum water allowance is calculated based on the size of the landscape. Director Dorey asked for more information about the water allowance, and how it is calculated. Mr. Conley said he would provide that information to staff.

Mr. Chuck Crist, Director of Public Works for the City of Vista, shared information regarding the impacts of the drought and conservation on the City's properties and parks. Mr. Crist said that over the years the City has gone to extraordinary efforts to conserve water by removing turf from medians and other passive areas and replacing it with drought tolerant plants and drip irrigation. He said that the City has also invested a great deal of money in weather based irrigation control technology. Mr. Crist said that in 2011 the City underwent a self-imposed 30 percent water-use reduction measure that was achieved by further cutting back on irrigation. Mr. Crist said that since the City made these cuts in 2011, the additional 20 percent reduction being called for by the State (based on 2013 consumption) would have an adverse impact on the City's parks and municipal properties. He said that the City's hope would be that the State would take achievements like Vista's under greater consideration and reward similar efforts by showing more reasonable allocations based on reductions already achieved versus the blanket approach being employed today.

Director Vásquez asked the representatives from the City of Vista what the City is doing in response to concerns raised by residents in the City about growth and development in a time of drought and water cut backs. He said that, in a time when people are being asked to conserve, it makes little sense to add more water consumers to the system. Mr. Conley said that on May 29 the State is expected to issue new requirements to its ordinance for landscaping of new developments. Mr. Conley said that in the meantime, the City continues to follow the rules set forth in the State ordinance adopted in 2010.

General Counsel Jeremy Jungreis said that Water Code Section 356 allows a water district to limit the issuing of new water meters if there is a declared water shortage, which there is not at this time. Pursuant to Water Code section 375, the District can and has implemented a water conservation program. Mr. Jungreis said that Water Code section 375 also allows for the creation of a demand offset program which would charge developers a fee to fund conservation programs that could result in freeing up a corresponding amount of water. Mr. Coox clarified that Level 3 of the District's Water Supply Response Program calls for the District to restrict the issuing of new meters unless the water demand by the new development can be offset. The Board discussed the fact that technically a water shortage has not been declared for the region, even though there is a shortage in practical terms based on the cutbacks issued by the State.

Mr. Eric Larson, Executive Director of the San Diego County Farm Bureau, addressed the Board, stating that the Governor's executive order excluded water used for agriculture. Mr. Larson pointed out that the District's proposed resolution contains verbiage in Section 10, stating that "commercial and agricultural customers are asked to implement all measures practical towards improving efficiency and conserving water in order to achieve the targeted consumer demand reduction". Mr. Larson said that this includes farmers in the 20 percent reduction being required by the State. He suggested striking the words ~~in order to achieve the targeted consumer demand reduction~~. Mr. Coox said that this portion of the District's Program is not mandatory, adding that the intent of the provision is to ask everyone to be as efficient as possible. There was brief discussion about a plan to develop one Agricultural Water Management Plan for all of San Diego County. Mr. Coox said that the District has no plans at this time to take part in that effort because water used for commercial agriculture purposes is a small percentage of the District's total water use. It was discussed whether the District could remove usage data for its agricultural accounts from its monthly reporting to the State. It was determined that excluding this data would not be practical nor would it make a significant difference in calculation of the District's residential gallons per capita per day. The Board agreed to strike the verbiage that Mr. Larson requested to be stricken.

Mr. Martin Jackel commented that listening to the discussion he was reminded of something he heard long ago about the 80/20 rule. The 80/20 rule means that most people spend 80 percent of their time on that which will earn them 20 percent of their money, and 20 percent of their time on that which will make them 80 percent of their money. Mr. Jackel said that he thought this rule could be applied to what is going on with the 20 percent water use reduction.

Mr. Dan Deaver addressed the Board, stating that he is in real estate and is also a general contractor. He said that he is pro-growth, but he believes there is a perception problem. He suggested that the City and the District work together to come up with a way to get ahead of the problem and make sure there is enough water to meet demand for a long time to come.

Ms. Stephanie Jackel addressed the Board, asking when the Board will come to a decision, and when will it be announced. President MacKenzie clarified that under consideration by the Board was the draft resolution that was just discussed, and to determine whether or not it would be appropriate to elevate the District's Response Level from Level 2 to Level 3 at this time. President MacKenzie said that any changes made to the resolution would become effective in ten days. Mr. Coox added that staff drafted a mailer and is prepared to send it out to all of the District customers following the Board's action. Mr. Coox said that the mailer will summarize the restrictions that will be effective on June 6. Mr. Coox reviewed the draft mailer and provided brief clarifications as needed.

There was a brief discussion regarding the prohibition against watering during or within 48 hours following "measurable rainfall". It was noted that the provision is part of the State mandate, and yet the term "measurable rainfall" was not defined by the State. The Board acknowledged that the provision and

the term “measurable rainfall” are both matters of common sense, and the intent of the provision is thought to be partially to bring awareness to customers.

The Board discussed the proposed revisions to the Water Supply Response Program and suggested the following minor changes, in addition to the change suggested by Mr. Larson:

1. Make the allowable watering times for residential and agricultural consistent with each other and between Levels, from 8 p.m. to 8 a.m.
2. Clarify the language in Item 8 under Level 2 to simply state the watering times.
3. Make consistent the timeframe to repair leaks in Levels 1-3 to 48 hours.
4. Make a grammar correction in Item 6 under Level 1.
5. Clarify Item 4 under Level 2 to read, “Irrigation of landscape on a construction project with potable water taken through a construction meter before 8 a.m. and 8 p.m. only.

Other changes were discussed, such as elevating the prohibition against the operation of ornamental fountains and water features from Level 3 to Level 2. The Board discussed the fact that only fountains and water features that re-circulate water supply are allowable under any level of the District’s program. The Board acknowledged that the main issue with ornamental fountains and other water features is one of perception. It was noted that very little water is actually used to operate most fountains, with a minimal amount of water lost to evaporation. The Board elected to leave the provision regarding ornamental fountains and water features in Level 3 of the Program.

Mr. Hodgkiss clarified why certain information such as the number of allowable watering days and the designated days of the week are not included in the District’s resolution. He recalled that the Board opted to leave this information out of the resolution in order to provide the District some flexibility. Mr. Hodgkiss provided an example, stating that at this time, the Water Authority is requiring that agencies only allow watering two days per week. If the District’s Water Supply Program included two days per week in Level 3, it would have to declare a Level 3 to implement that restriction even though the other restrictions were not needed. Mr. Coox recalled that a few years ago the Board authorized the General Manager by minute order to determine this level of detail, with the understanding that the General Manager would consult with the Board before establishing watering days and/or times.

Director Dorey requested a future agenda item to provide the Board with a concept for a demand offset program and information about how the program would work. Mr. Coox said that staff will focus on demand offsets which would count towards the District’s conservation goals set by the State.

Mr. Coox said that the District has Water Conservation Fees for non-compliance, which are set forth in the District’s Rules and Regulations. Mr. Coox said that District staff will not be actively policing the streets and neighborhoods; however, staff follows up on every customer call and, with staff out in the District’s service area every day, when issues are observed they are noted and forwarded to the Conservation Department to for follow-up. Mr. Hodgkiss said that for the most part, customers are very responsive once they are notified of a problem and usually correct the right away. He added that most of the time issues are addressed after a telephone call or a courtesy notice issued; first violations aren’t usually necessary, and second violations are even less prevalent, but do occasionally occur.

The Board discussed fines that may be issued by the State for agency non-compliance. The Board discussed the monthly reporting which will be required by the State, and what data will be tracked. The Board indicated a desire to receive copies of the District’s monthly reports to the State.

President MacKenzie invited further comments or discussion from the members of the public, the Board, or from staff, and hearing none she closed the Public Hearing at 11:10 a.m.

15-05-54 *Upon motion by Director Vasquez, seconded by Director Miller, the Board of Directors adopted Resolution 15-21 amending the District's Water Supply Response Program with the changes that were discussed, by the following roll call vote:*

AYES: Directors Miller, Vásquez, Dorey, Reznicek, and MacKenzie

NOES: None

ABSTAIN: None

ABSENT: None

A copy of Resolution 15-21 is on file in the official Resolution Book of the District.

15-05-55 *Upon motion by Director Miller, seconded by Director Reznicek and unanimously carried (5 ayes: Miller, Vásquez, Dorey, Reznicek, and MacKenzie), the Board of Directors elected to remain in Level 2 of the District's Water Supply Response Program.*

Cheryl Filar, Chuck Crist, John Conley, Eric Larson, Dan Deaver, and Martin and Stephanie Jackel, all left the meeting at this time.

7. COMMENTS BY DIRECTORS

Director Miller stated that a Water Authority meeting was scheduled for the following day. He said that there are two Special Administrative and Finance Committee meetings coming up on June 9 and June 11 which will be budget workshops. He noted that he is not on this committee, but he would normally go to listen to the discussion. Director Miller said that he will definitely miss the meeting on June 9, and he may miss the meeting on June 11 as well. He invited any of his fellow Board members to attend in his place, if interested in doing so. Director Dorey said that he would see if he would be able to attend on Tuesday, June 9. Director Reznicek said that he may be able to attend on Thursday, June 11.

Director Miller reported on the status of the Carlsbad Desalination Plant, which he noted is still progressing on schedule. Director Miller said that the Water Authority is going to take a 5.6 and a 6.4 percent increase on treated and untreated water rates, respectively. These increases are in part due to the Metropolitan Water District's increase in water rates, and in part due to the advance costs associated with the Carlsbad Desalination Plant. Director Miller said that the Water Authority will use between \$8-10 million of its rate stabilization fund to keep this rate increase as low as it is.

8. COMMENTS BY GENERAL MANAGER

None were presented.

Back-up General Counsel Jeremy Jungreis said that he participated in a panel discussion the previous day alongside Dave Gibson, the Executive Officer of the San Diego Regional Water Control Board. When a member of the audience asked Mr. Gibson if he thought there would be water meter moratoria in the future, Mr. Gibson responded that he did not think so.

9. ADJOURNMENT

There being no further business to come before the Board, at 11:31 a.m., President MacKenzie adjourned the meeting.



Jo MacKenzie, President

ATTEST:



Lisa R. Soto, Secretary
Board of Directors
VISTA IRRIGATION DISTRICT



STAFF REPORT

Agenda Item: 6

Board Meeting Date:	May 27, 2015
Prepared By:	Brett Hodgkiss
Reviewed By:	Eldon Boone
Approved By:	Roy Coox

SUBJECT: WATER SUPPLY RESPONSE PROGRAM

RECOMMENDATIONS:

- 1) Conduct a public hearing for the purpose of receiving comments on amending the District's Water Supply Response Program;
- 2) Adopt Resolution No. 15-XX amending the District's Water Supply Response Program; and
- 3) Consider changing levels within the Water Supply Response Program.

PRIOR BOARD ACTION:

- 9/3/08 Held a public hearing and adopted Resolution No. 08-36 adopting a Drought Response Conservation Program.
- 2/4/09 Held a public hearing and adopted Resolution No. 09-11 adopting the Drought Response Conservation Program with amendments to Section 10.0, Non-compliance and Fees.
- 4/29/09 Adopted Resolution No. 09-25 declaring a Drought Response Level 2 Drought Alert. Mandatory water conservation measures implemented June 1, 2009.
- 7/15/09 Board authorized the General Manager to exercise discretion to interpret and apply the provisions set forth in the Drought Response Conservation Program as long as the interpretations and applications of the measure meet the intent and goals of the Program.
- 10/7/09 Held a public hearing and adopted Resolution No. 09-50 amending the Drought Response Conservation Program.
- 6/1/11 Held a public hearing and adopted Resolution No. 11-19 amending the District's Drought Response Conservation Program and renaming it the Water Supply Response Program. Adopted Resolution No. 11-20 declaring an end to Level 2 of the Water Supply Response Program.
- 8/6/14 Adopted Resolution No. 14-19 declaring a Water Supply Response Program Level 2 – Water Conservation Condition. Mandatory water conservation measures implemented August 16, 2014.
- 5/13/15 Called for a public hearing to discuss amending the District's Water Supply Response Program.

FISCAL IMPACT: Based upon the most recent statewide mandate to reduce water use and the most recent conservation trends, it is projected that the District will sell approximately 20% less water resulting in a reduction in water sales revenue of \$6,480,000 in fiscal year 2016.

The District's Rules and Regulations state that the District will only impose a Tier 3 water rate when there is a water delivery cutback imposed by the Water Authority. Based on the water supply allocations for fiscal year 2016 that were adopted by the Water Authority on May 14, 2015, the District's municipal and industrial water deliveries are not being cut back. The District has been allocated its average water usage from fiscal years 2013 and 2014. Therefore, per the District's Rules and Regulations, the District will not be changing its water rate tiers and will not implement a Tier 3 water rate based on the current water supply

allocation from the Water Authority. Transitional Special Agricultural Water Rate participants are being cutback by 15 percent; however, these customers are not subject to tiered water rates and the cutback to them does not trigger the implementation of Tier 3.

SUMMARY: After three consecutive dry years, Governor Brown declared a statewide drought emergency and the State Water Resources Control Board (State Board) approved emergency regulations to ensure that water agencies and their customers increased their conservation efforts. Consistent with the State Board's emergency regulations and in an effort to help preserve the State's water supply, the Board declared a Water Supply Response Program Level 2 – Water Conservation condition, implementing mandatory water conservation measures (e.g. limit landscape watering to assigned days; limit landscape irrigation to no more than 10 minutes per water station per assigned day, etc.).

With the lowest snowpack on record and on-going conservation efforts not being enough to address the drought emergency, Governor Brown issued an Executive Order on April 1, 2015 directing the State Board to implement mandatory water conservation measures to reduce water usage by 25 percent statewide. The State Board met on May 5, 2015 and adopted a regulatory framework for implementing the 25% conservation standard. The regulatory framework became effective May 15, 2015 when it was approved by the Office of Administrative Law.

The State's emergency regulations contained water use restrictions, such as prohibiting landscape watering during or 48 hours after measurable rainfall and prohibiting the watering of ornamental turf on public street medians with potable water, that are currently not included in any level of the District's Water Supply Response Program. The District's Water Supply Response Program needs to be amended to incorporate the aforementioned water use restrictions as well as any others contained in the final regulatory framework. Any other changes proposed by the Board and/or staff could also be considered at the same time.

In light of the State's emergency regulations, the Board called for a public hearing on May 27, 2015 at 9:00 AM to discuss amending the District's Water Supply Response Program to comply with the new rules and to assist the District in meeting its mandatory conservation standard. At the same time, the Board could also consider whether a change in the Water Supply Response Level is needed, taking into consideration the water conservation standard assigned to the District by the State Board as well as actions taken by the San Diego County Water Authority (Water Authority) Board of Directors on May 14, 2015.

The Notice of Public Hearing was duly published in a newspaper of general circulation in the District's service area and the Certificate of Publication is on file with the District Secretary.

DETAILED REPORT: Staff has developed proposed revisions to the Water Supply Response Program to incorporate new water use restrictions contained in the State's emergency regulations as well as to strengthen water conservation measures that will assist the District in meeting demand reduction requirements from the State. Proposed language was also added to clarify the conditions in which the District could declare certain Water Supply Response Program levels.

The Water Authority's water supply allocation ordinance, which was adopted on May 14, 2015, included a provision that requires member agencies to limit the irrigation of ornamental landscape or turf to no more than two days per week. The District's current Water Supply Response Program already contains language that allows implementation of the two day watering restriction without changing Water Supply Response Levels. Effective June 6, 2015, the District will be implementing and enforcing the two day watering restriction imposed by the Water Authority.

It is anticipated that the State's conservation standard for the District will be 20% (down from the original 24%) for the 270 days that the emergency regulations will be in effect. Even with this conservation requirement, the District is not faced with a water supply shortage due to the regional actions taken by the San Diego County Water Authority to provide more reliable sources of new water to the San Diego region.

One of the main distinctions between Level 2 and Level 3 of the District's Water Supply Response Program is that Level 3 contains the ability to impose restrictions on the issuance of new water meters. In consideration of the fact that the Board may decide to move from Level 2 to Level 3, either now or in the future, the District may wish to develop a program that would allow the District to continue to issue new meters as long as the new water demands were off-set with new supplies. The demand offset program would provide a means for new construction to mitigate additional water demands through funding conservation programs or other projects that would develop or save a corresponding amount of water.

The concept is that the District would require new development to off-set a project's water demands so it would have no impact on current available supplies. New development could pay a new demand off-set fee to the District prior to the issuance of a new meter to reimburse the District for water previously saved. At the present time, utilizing demand off-set fees to fund turf removal within the District appears to be the most promising type of program, although funds could potentially be used to pay for other water-saving programs, which could involve replacement of pipe or construction of facilities. No specific demand off-set program is being proposed at this time.

The existing and proposed provisions of the District's Water Supply Response Program provide flexibility in addressing required reductions in water usage by District customers. Following consideration and approval of amendments to the Program, the Board may wish to consider declaration of a different Response Level within the Program, namely Level 3. Per Section 8 of the District's Water Supply Response Program, a Level 3 condition may be declared by a resolution of the Board adopted at a regular or special meeting. The mandatory water-use efficiency practices and water conservation measures applicable under a Level 3 condition shall then take effect ten (10) days after the date the response level is declared. Within five (5) days following the declaration of the level, the District shall publish a copy of the resolution in the newspaper. Additional outreach methods to be used to raise awareness of the Level 3 condition include a press release, special notice, on-hold telephone message and an announcement on the District's website. The same outreach methods would be used to notify customers of enhanced conservation measures adopted within an existing level, such as limiting irrigation to two (2) assigned days per week, under Level 2.

The District will continue to follow the procedures set forth in Section 9, Non-Compliance and Fees, when enforcing provisions of the Water Supply Response Program. The first violation results in a letter of warning and every violation after the first (within a twelve month period) may result in the assessment of a Water Conservation Fee. The Water Conservation Fees are as follows: second violation - \$200; third violation - \$404; and four or more violations - \$609. Also, the District may install a flow restrictor (in addition to the assessment of a fee) for a third or fourth violation.

ATTACHMENTS:

1. Notice of Public Hearing
2. Resolution No. 15-XX Amending the District's Water Supply Response Program (Redline/Strikethrough version)



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Jo MacKenzie, *President*

Paul E. Dorey

Marty Miller

Randy L. Reznicek

Richard L. Vásquez

Administrative Staff

Roy A. Coox

General Manager

Eldon L. Boone

Assistant General Manager / Treasurer

Lisa R. Soto

Board Secretary

Joel D. Kuperberg

General Counsel

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Vista Irrigation District will hold a Public Hearing in the Board Room of the District, 1391 Engineer Street, Vista, California, on Wednesday, May 27, 2015, at 9:00 a.m. for the purpose of discussing amending its Water Supply Response Program to comply with the State Water Resources Control Board's approved emergency regulations.

VISTA IRRIGATION DISTRICT will receive and consider all evidence, oral and written, submitted prior to or presented at said Public Hearing relative to this matter.

ALL INTERESTED PARTIES ARE INVITED TO ATTEND said Public Hearing to express opinions and/or present evidence relative to this matter.

A handwritten signature in blue ink, appearing to read "Lisa R. Soto", is written over a horizontal line.

Lisa R. Soto, Secretary

Board of Directors

VISTA IRRIGATION DISTRICT

**PROOF OF PUBLICATION
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**STATE OF CALIFORNIA
County of San Diego**

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of

UT - North County

Formerly known as the North County Times and which newspaper has been adjudicated as a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, for the City of Oceanside and the City of Escondido, Court Decree numbers 171349 & 172171, for the County of San Diego, that the notice of which the annexed is a printed copy (set in type not smaller than nonpariel), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

May 17th, 2015

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at **Oceanside**, California
On This **18th**, day May, 2015



Jane Allshouse
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/s/ Lisa R. Soto, Secretary
Board of Directors VISTA IRRIGATION DISTRICT

RESOLUTION NO. 15-XX

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE VISTA IRRIGATION DISTRICT AMENDING THE DISTRICT'S
WATER SUPPLY RESPONSE PROGRAM

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use; that waste, unreasonable use, or unreasonable method of use of water be prevented; and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, and installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, the Board of Directors of the Vista Irrigation District amended its Drought Response Conservation Program and renamed it the Water Supply Response Program on June 1, 2011; and

WHEREAS, amendment and enforcement of a comprehensive water conservation program will allow the Vista Irrigation District (District) to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the Vista Irrigation District. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This resolution is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has established a program for responding to water supply limitations; and

WHEREAS, this resolution contains levels and corresponding actions that will assist the District in meeting conservation targets; and

WHEREAS, the Vista Irrigation District, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Vista Irrigation District has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The Vista Irrigation District's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This resolution is consistent with the Urban Water Management Plan adopted by the Vista Irrigation District; and

WHEREAS the water-use efficiency practices, water conservation measures and progressive restrictions on water use and method of use identified by this resolution provide certainty to water users and enable Vista Irrigation District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public; and

WHEREAS, this resolution contains water-use efficiency practices, water conservation measures and water use restrictions that will aid the Vista Irrigation District in complying with [the Governor's April 1, 2015 Executive Order and State Water Resources Control Board emergency regulations implementing mandatory water conservation measures to reduce water usage by 25 percent statewide as well as](#) Senate Bill 7 of the Seventh Extraordinary Session (SBX 7-7) which requires urban retail water suppliers to reduce urban per capita water use 20 percent by 2020 (20 X 2020); and

WHEREAS, a public hearing was held upon the proposed amended Water Supply Response Program at the special meeting on May 27, 2015, at which all present were given an opportunity to be heard on the proposed amended Program; and

WHEREAS, the Board of Directors has considered the proposed amended Water Supply Response Program and the evidence and testimony presented at the May 27, 2015 public hearing.

NOW, THEREFORE, the Board of Directors of the Vista Irrigation District does resolve as follows:

ARTICLE ONE: The Water Supply Response Program is amended and restated, in its entirety as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This resolution establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the Vista Irrigation District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This resolution establishes regulations to be implemented at all times including during times of declared water shortages or declared water shortage emergencies. It establishes four levels of actions, with increasing restrictions on water use in response to worsening water supply conditions and decreasing available supplies.

(c) During Levels 1 through 4, all water-use efficiency practices, water conservation measures and water use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

(d) During all Levels, violations of water-use efficiency practices, water conservation measures and water use restrictions established by this resolution are subject to criminal, civil, and administrative remedies and penalties, including fees ~~and remedies~~ specified in this resolution.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. “Grower” refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. “Grower” does not refer to customers who purchase water subject to ~~the Metropolitan Interim Agricultural Water Program or~~ the Water Authority’s Special Agricultural Water Rate programs.

2. “District” means the Vista Irrigation District

3. “Water Authority” means the San Diego County Water Authority.

4. “Metropolitan” means the Metropolitan Water District of Southern California.

5. “Person” means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the District.

SECTION 3.0 APPLICATION

(a) The provisions of this resolution apply to any person in the use of any water provided by the District.

(b) This resolution is intended to maintain efficient water use practices and to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, resolutions, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater resolutions and stormwater management plans.

(c) Nothing in this resolution is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water.

(d) The provisions of this resolution do not apply to use of water from private wells or to recycled water.

(e) Nothing in this resolution shall apply to use of water that is subject to a special supply program, such as ~~the Metropolitan Interim Agricultural Water Program or the Water Authority's Special Agricultural Water Rate programs~~. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the District is subject to this resolution in the use of the other water.

(f) When the General Manager has determined that the District's water supply is in a water emergency condition, everyone shall be required to reduce their water consumption as prescribed by the General Manager.

(g) The General Manager shall have the authority and discretion to interpret and apply the provisions set forth in the Water Supply Response Program as long as the interpretations and applications of the measures meet the intent and goals of the Program.

SECTION 4.0 LEVEL 1 – WATER EFFICIENCY

(a) Level 1 is also referred to as the “Water Efficiency” level. Level 1 applies at all times unless the District Board of Directors has declared another level, per the procedures set forth in this resolution. Level 1 is designed to ensure customers use water efficiently and eliminate water waste at all times.

(b) At Level 1, the District will utilize its public education and outreach efforts to raise public awareness of the following mandatory water-use efficiency practices:

1. No washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards or to maintain, repair, construct/reconstruct streets.

2. No water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, water shall not flow onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

3. No irrigating residential or commercial landscapes during or within 48 hours following measurable rainfall.

34. Irrigate residential and commercial landscape with in-ground or hose-end sprinkler systems before 10 a.m. and after 6 p.m. only. Irrigation of new turf and/or plantings is exempt from these watering hour restrictions for a period of thirty (30) days following the date of planting. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used.

45. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

56. Use potable water taken through a construction meters to irrigate landscape before 10 a.m. and after 6 p.m. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used.

7. Irrigate landscape outside of newly constructed homes and buildings in a manner that is consistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

68. Use re-circulated water to operate ornamental fountains.

79. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

810. Serve and refill water in restaurants and other food service establishments only upon request.

911. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

1012. Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager.

1113. Use recycled or non-potable water for construction purposes when available.

SECTION 5.0 LEVEL 2 – WATER CONSERVATION

(a) A Level 2 may be declared under the following conditions: 1) when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands; 2) when a consumer demand reduction is required by a regulatory agency; or 3) when other conditions exist that require a consumer demand reduction. The consumer demand reduction amounts in Level 2 are typically up to 20 percent, although ~~the District Board of Directors may declare Level 2 and implement the mandatory Level 2 conservation measures identified in this resolution to achieve a consumer demand reduction of a different amount of up to 20%.~~ The General Manager shall have the authority and discretion to implement water conservation measures commensurate with the level of demand reduction required and/or the reduction targets achieved, as described in Section 5 (b) below. The General Manager shall inform the Board of Directors of the status of the implementation of the measures set forth in this section and the resulting water conservation in a timely manner.

(b) All persons using District water shall comply with Level 1 water-use efficiency practices during Level 2, and shall also comply with the following additional conservation measures:

1. Stop watering ornamental turf in public street medians with potable water.
2. Irrigate residential and commercial landscape with in-ground or hose-end sprinkler systems before 8 a.m. and after 8 p.m. only.
3. Irrigate nursery and commercial grower's products before 8 a.m. and after 8 p.m. only. Watering by nurseries and commercial growers is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
4. Use potable water taken through a construction meter to irrigate landscape before 8 a.m. and after 8 p.m. only.

3.5. Limit residential and commercial landscape irrigation to assigned days per week and limited duration times on a schedule established by the General Manager and posted by the District. This section shall not apply to ~~landscape irrigation systems using weather based controllers, or~~ commercial growers or nurseries for water that they use for agricultural purposes.

4.6. Limit lawn watering and landscape irrigation using in-ground or hose-end sprinklers to time limits per watering station per assigned day as established by the General Manager and posted by the District. This provision does not apply to landscape irrigation systems using ~~water efficient devices, including but not limited to: weather based controllers,~~ drip/micro-irrigation systems and stream rotor sprinklers.

5.7. Turf and/or plant establishment is allowed if required by a landscape permit or necessary for erosion control, landscape renovation after a natural disaster, or establishment, repair or renovation of public use fields for schools or parks. New turf and/or plantings are exempt from irrigation limitations set forth in sections 4 (b) (3), 5 (b) (1) and 5 (b) (2) for a period of thirty (30) days following the date of planting.

6.8. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

9. Repair all leaks within seventy-two (72) hours of notification by the District unless other arrangements are made with the General Manager.

7.10. Commercial and agricultural customers are asked to implement all measures practicable toward improving efficiency and conserving water in order to achieve the targeted consumer demand reduction.

SECTION 6.0 LEVEL 3 – WATER SHORTAGE

(a) Level 3 may be declared under the following conditions: 1) when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a serious water shortage condition exists that requires extensive consumer demand reductions of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands; 2) when a similar requirement is imposed by a regulatory agency; or 3) when other conditions exist that require a serious consumer demand reduction. The consumer demand reduction amounts in Level 3 are typically up to 40 percent, although ~~the~~ District Board of Directors may declare Level 3 and implement the Level 3 conservation measures identified in this resolution to achieve a consumer demand reduction of a different amount up to 40%. The General Manager shall have the authority and discretion to implement water conservation measures commensurate with the level of demand reduction required and/or the reduction targets achieved, as described in Section 6 (b) below. The General Manager shall inform the Board of Directors of the status of the implementation of the measures set forth in this section and the resulting water conservation in a timely manner.

(b) All persons using District water shall comply with Level 1 water-use efficiency practices and Level 2 water conservation practices during Level 3 and shall also comply with the following additional mandatory conservation measures:

1. Comply with any new residential and commercial landscape irrigation restrictions relative to assigned days per week and limited duration times on a schedule established by the General Manager and posted by the District.

2. Stop re-filling pools/spas more than one foot per week. Draining and re-filling of pools and spas is not permitted except to repair leaks or for health and safety reasons.

~~2.3.~~ 1 Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of another level under this resolution.

~~3.4.~~ 2 Stop operating ornamental fountains or decorative water features ~~which discharge into the air a spray, mist, jet or stream of water.~~ These types of fountains and water features may be operated on a limited basis for maintenance purposes only. ~~All water features that have flowing or cascading water, whether decorative or otherwise, shall be maintained so as to prevent leaking and may only be re-filled to replace normal evaporation.~~ The operation of fountains and water features that do not use re-circulated water is prohibited.

4.5. Stop washing vehicles except at commercial car washes that re-circulate water, or by high pressure/low volume wash systems.

5.6. Repair all leaks within forty-eight (48) hours of notification by the District unless other arrangements are made with the General Manager.

(c) Upon the declaration of Level 3, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or
2. The project is necessary to protect the public's health, safety, and welfare;

or

3. The applicant participates in a District-approved demand offset program that produces or saves at least the same amount of water as is being used by the new development, ~~provides substantial evidence of an enforceable commitment that water demands for the project will be offset~~ prior to the issuance by the District of a new water meter or water meters for the project. ~~provision of a new water meter(s) to the satisfaction of District.~~

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(d) Upon the declaration of Level 3, District will suspend consideration of annexations to its service area.

(e) The District may establish a water allocation for property served by the District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for ~~the fee or charge~~water service or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or fee that may be imposed for violation of this resolution.

SECTION 7.0 LEVEL 4 – WATER EMERGENCY

(a) Level 4 applies under the following conditions: 1) when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires an emergency demand reduction of more than 40 percent in order for the District to maximize supplies available to meet anticipated demands; 2) when a similar requirement is imposed by a regulatory agency; or 3) when other conditions exist that require the Board of Directors to declare a water shortage emergency. The consumer demand reduction amounts in Level 4 typically exceed 40 percent, although ~~T~~the District Board of Directors shall declare a Level 4 emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using District water shall comply with water-use efficiency practices and conservation measures required under Level 1, Level 2, and Level 3 and shall also comply with the following additional mandatory conservation measures:

1. Stop all residential and commercial landscape irrigation, unless the District has determined that recycled water is available and may be lawfully applied to the use. This restriction shall not apply to the following categories of use.

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

H. Irrigation of crops and landscape products of commercial growers and nurseries.

2. Repair all water leaks within twenty-four (24) hours of notification by the District unless other arrangements are made with the General Manager.

(c) The District may establish a water allocation for property served by the District. If the District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for ~~the fee or charge~~ water service or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation shall be subject to a penalty for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or fee that may be imposed for violation of this resolution.

SECTION 8.0 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF LEVEL OF ACTION

(a) Level 1 under this Program applies at all times unless the District Board of Directors has declared Level 2, 3 or 4, per the procedures set forth in this section. The District shall, at a minimum, provide notice of a Level 1 declaration and condition by news release and by posting information on the District's website.

(b) The existence of a Level 2 or Level 3 may be declared by resolution of the District Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Level 2 or Level 3 shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of Level 4 may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Level 4 shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices. If the District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The District Board of Directors may declare an end to a level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

~~(d)~~(e) The District shall notify customers of any changes in levels or water use restrictions using multiple communication methods.

SECTION 9.0 NON-COMPLIANCE AND FEES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this resolution is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this resolution occurs is a separate offense.

(c) Water Conservation Fees, as set forth in Section 4.4.17 of the District's Rules and Regulations, may be levied for each violation of a provision of this resolution as follows:

1. A first violation of any provision of this resolution shall result in a letter of warning.

2. A second violation of any provision of this resolution within one year shall result in the assessment of a Water Conservation Fee.

3. A third violation of this resolution within one year shall result in the assessment of an additional Water Conservation Fee.

4. Four or more violations of any provision of this resolution shall result in the assessment of additional Water Conservation Fees.

(d) Violation of a provision of this resolution is subject to enforcement through installation of a flow-restricting device in the meter. The cost of installing and removing a flow-restricting device will be paid for by the person, who uses, causes to be used, or permits the use of water in violation of this resolution.

(e) Each violation of this resolution may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding \$1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during Level 4 may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356. The cost of disconnecting and re-connecting water service be paid for by the person, who uses, causes to be used, or permits the use of water in violation of this resolution.

(g) All fees and costs associated with installing and removing a flow-restricting device and disconnecting and re-connecting water service will be added to the account of the person, who uses, causes to be used, or permits the use of water in violation of this resolution. Fees and costs will appear on and be payable with the first billing statement for the period the violation occurred and be subject to the same remedies that are imposed by the District for failure to pay other charges.

(h) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 10.0 APPEALS

(a) Any person complaining about fees and/or other remedies applied in accordance with Section 9 of this resolution shall have that complaint be first taken up with the General Manager before any action will be taken by the District's Board of Directors.

(b) The General Manager's determination may be appealed in writing within ten days of the mailing of a notice of determination. Any determination not timely appealed shall be final.

(c) The person appealing the General Manager's determination shall submit a written request to the Board Secretary to have his or her appeal considered as an item for discussion and action at an upcoming Board meeting. The written request shall include: 1) a description of the issues, 2) evidence supporting the claim, and 3) a request for resolution of the dispute.

(d) The District shall at least ten days before the date of the hearing mail an appropriate notice of the regular or special meeting at which the appeal will be heard. The Board may, in its discretion, affirm, reverse or modify the determination.

ARTICLE TWO: This resolution shall take effect immediately upon adoption or as otherwise established by State law for Vista Irrigation District. ~~The 2001 Ordinance Sections were rescinded and repealed effective February 18, 2009. Where any of the 2001 Ordinance Sections~~

~~are referenced and/or incorporated in or as part of any ordinance, other resolutions, or documents, the provisions of this resolution shall apply in place and instead of 2001 Ordinance Sections. If a conflict exists or arises between any provisions set forth in this resolution and any set forth in any ordinances or other resolutions, the provisions in this resolution shall take precedence.~~

PASSED AND ADOPTED by the following roll call vote of the Board of Directors of the Vista Irrigation District this 27th day of May, 2015:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jo MacKenzie, President

ATTEST:

Lisa R. Soto, Secretary
Board of Directors
Vista Irrigation District