

RESOLUTION NO. 15-21

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 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 Water Authority's Special Agricultural Water Rate program.
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 Water Authority's Special Agricultural Water Rate program. 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.
4. Irrigate residential and commercial landscape with in-ground or hose-end sprinkler systems before 8 a.m. and after 8 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.
5. Irrigate nursery and commercial grower's products before 8 a.m. and after 8 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.
6. Use potable water taken through construction meters to irrigate landscape before 8 a.m. and after 8 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.
8. Use re-circulated water to operate ornamental fountains.
9. 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.
10. Serve and refill water in restaurants and other food service establishments only upon request.
11. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

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

13. 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 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. 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. Irrigation of landscape on a construction project with potable water taken through a construction meter before 8 a.m. and after 8 p.m. only.
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 commercial growers or nurseries for water that they use for agricultural purposes.

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 drip/micro-irrigation systems and stream rotor sprinklers.

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.

8. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system, before 8 a.m. and after 8 p.m. only by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation per assigned day as established by the General Manager and posted by the District.

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

10. Commercial and agricultural customers are asked to implement all measures practicable toward improving efficiency and conserving water.

## **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 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. 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.

3. 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.

4. Stop operating ornamental fountains or decorative water features. These types of fountains and water features may be operated on a limited basis for maintenance purposes only. The operation of fountains and water features that do not use re-circulated water is prohibited.

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

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, prior to the issuance by the District of a new water meter or water meters for the project.

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 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 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 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 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.

(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.

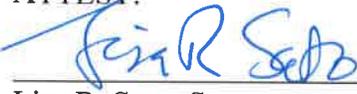
**ARTICLE TWO:** This resolution shall take effect immediately upon adoption or as otherwise established by State law for Vista Irrigation District.

**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: Directors Miller, Vasquez, Dorey, Reznicek, and MacKenzie  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
Jo MacKenzie, President

ATTEST:

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