

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BB*  
DATE: JANUARY 4, 2008

## AGENDA ITEM

E-3

JAN. 9, 2008

### FINALIZE WATERLINE INTERTIE PROJECT ENGINEERING MEMORANDUM

#### ITEM

Authorize execution of amendment to existing agreement with Boyle Engineering to Finalize Waterline Intertie Project Engineering Memorandum [RECOMMEND ADOPTION].

#### BACKGROUND

Your Honorable Board on December 12, 2007 directed staff to restart the Waterline Intertie Project (WIP) and to negotiate edits to the MOU with the City of Santa Maria. Staff has held several meetings with the City of Santa Maria and expects that a revised MOU will be available for review later this winter. The City is supportive of NCSD's efforts to restart the WIP and has agreed to cooperate with NCSD's efforts to update the project design and cost estimate. The City has suggested that NCSD use a peer review team comprised of Jim Garing of GTA and Paul Carp (former City of Santa Maria Public Works Director) to assist in the update. Staff has also held meetings with Doug Wood of DWA (still under contract with NCSD to prepare the WIP Draft EIR) regarding the CEQA information that should be assembled in the update to facilitate the recirculation of a revised Draft EIR. Finally, staff has negotiated with Boyle Engineering to develop the attached proposal to finalize the November 2006 Waterline Intertie Project Preliminary Engineering Memorandum.

As set forth in the attached proposal, Boyle would perform engineering evaluations to propose the most cost-effective phased project, describe that project for the Draft EIR, interface with the peer review team, interface with DWA, support NCSD's Negotiation of MOU Edits, and interact with NCSD on a time and materials basis with a not to exceed expenditure limit of \$78,605 plus meeting expenses to be determined. Acceptance of this proposal would increase the existing agreement not to exceed expenditure limit from \$256,811 to \$335,416.

#### RECOMMENDATION

Staff recommends that your Honorable Board approve the proposed work and authorize the General Manager to execute the proposed amendment to the agreement. Staff further requests authority to negotiate additional task orders to pay for Boyle's Expenses attending Board and Committee Meetings

#### ATTACHMENTS

- Boyle Proposal to Amend Existing WIP Agreement

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Bruce Buel  
General Manager  
NIPOMO COMMUNITY SERVICES DISTRICT  
148 S. Wilson  
Nipomo, CA 93444

December 28, 2007  
19996.12-0001-001

**Budget Revision Request #2**  
**Waterline Intertie Project - Preliminary Engineering Phase**

We have enjoyed aiding the District in its efforts to secure a supplemental water source. We hope you have been pleased with our work.

Based on our meeting on December 13, 2007, we have identified several new tasks to be completed to continue progress on the Waterline Intertie Project. There have also been meetings between the District, Boyle, and the City of Santa Maria which require follow up effort by Boyle. In order to continue our current level of support, we are requesting a budget revision for the following services:

**Task 1** - Update the Draft Preliminary Engineering Memorandum: The District has determined that the WIP analysis should be continued, with additional tasks as discussed below.

- a. Update the Preferred EIR Alternative and analyze the project description and cost opinion to find potential cost savings.
- b. Model the in-system improvements required to deliver phased supplemental water. The modeling effort will focus on the District's water model which was recently completed as part of the Water Master Plan.
  - i. Analyze phasing of the in-system improvements to meet a predetermined scheduled delivery of supplemental water.
  - ii. Recommend a schedule of supplemental water delivery based on in-system improvement milestones.
- c. With District input, recommend a project alternative.

LETTER TO BRUCE BUEL BUDGET REVISION 2.DOC

**Task 2** - The City has requested a peer review of the Engineering Memorandum, and has requested Jim Garing, PE, and Paul Karp, PE, to perform the peer review. Boyle will coordinate with the peer reviewers, including 3 Project Team meetings as well as inclusion in certain project-related correspondence.

**Task 3** - Support during EIR Certification. The EIR will need to be recirculated and certified. Boyle will assist the District's environmental consultant with development and review of the proposed Project Description, attendance at workshops, and meeting attendance on an "as-needed" basis.

**Task 4** - Provide support to the District during renegotiation of the Memorandum of Understanding between the District and the City. The City has indicated that they would be willing to update the MOU to reflect the current state of the project, and to possibly increase the water allotment covered in the MOU. Boyle will attend meetings with the District and City, identify key concepts for the updated MOU, and assist with review of draft agreement provisions.

**Task 5** - Boyle will attend District meetings (assumed one per month) as well as prepare two (2) presentations for the Supplemental Water Committee. Since meeting cost is currently included in the proposal for the Santa Barbara Desalination Project/CCWA alternative, no additional cost would be incurred for meeting attendance (other than preparation for committee presentations). If that contract is not pursued, additional fee may be required for this effort.

We are requesting payment on a time and materials basis with a budget not-to-exceed \$78,605, as described below:

Task 1 Update the Draft Preliminary Engineering Memorandum	\$28,093
Task 2 Peer Review Support	\$24,460
Task 3 Support during EIR Certification	\$8,078
Task 4 Support during MOU negotiations	\$7,944
Task 5 Presentations to Supplemental Water Committee and Board	\$10,029

If accepted, this authorization would increase the project budget from \$256,811 to \$335,416. Within the first 30 days of negotiation with the City and District, Boyle will assemble a project schedule to identify the dates of interim deliverables.

It should be noted that the level of effort required to support the District through recirculation of the EIR, MOU negotiations, and general project coordination is difficult to predict at this time. We may need to revisit the project budget again in the next few months.

Bruce Buel  
Page 3

December 28, 2007

Thank you for your consideration, and for allowing us to work with you on this important project. If you have questions or comments, please call to discuss.

***Boyle Engineering Corporation***

Michael K. Nunley, PE  
Principal Engineer

Copy to: Josh Reynolds  
Cesar Romero

**Project Budget**

Waterline Intertie Project Budget Revision 2

Nipomo Community Services District

Task Description	Personnel Hours							Budget					
	Principal Engineer	Senior Engineer	Associate Engineer	Assistant Engineer	Drafter	Clerical	Total Hours	Labor	Non-labor	Paul Karp	Jim Garing	Total Non-Labor	Total
<b>Task 1 - Update the Draft Preliminary Engineering Memorandum</b>													
Update the Preferred EIR Alternative	12	6	8		16	16	58	\$ 6,672	\$ 534			\$ 534	\$ 7,206
Cost Savings Analysis	8	12	12	20			52	\$ 6,740	\$ 539			\$ 539	\$ 7,279
Model the in-system improvements		20		48			68	\$ 7,840	\$ 627			\$ 627	\$ 8,467
Phasing Analysis		16		24			40	\$ 4,760	\$ 381			\$ 381	\$ 5,141
<b>Subtotal</b>	<b>20</b>	<b>54</b>	<b>20</b>	<b>92</b>	<b>16</b>	<b>16</b>	<b>218</b>	<b>\$ 26,012</b>	<b>\$ 2,081</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,081</b>	<b>\$ 28,093</b>
<b>Task 2 - Peer Review Support</b>													
Peer Review	16	16				16	48	\$ 6,352	\$ 508	\$ 8,800	\$ 8,800	\$ 18,108	\$ 24,460
<b>Subtotal</b>	<b>16</b>	<b>16</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>16</b>	<b>48</b>	<b>\$ 6,352</b>	<b>\$ 508</b>	<b>\$ 8,800</b>	<b>\$ 8,800</b>	<b>\$ 18,108</b>	<b>\$ 24,460</b>
<b>Task 3 - Support during EIR Certification</b>													
Assist Environmental Consultant	6	12		12	8		38	\$ 4,840	\$ 387			\$ 387	\$ 5,227
Attend Meetings and Workshop	8	8					16	\$ 2,640	\$ 211			\$ 211	\$ 2,851
<b>Subtotal</b>	<b>14</b>	<b>20</b>	<b>-</b>	<b>12</b>	<b>8</b>	<b>-</b>	<b>54</b>	<b>\$ 7,480</b>	<b>\$ 598</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 598</b>	<b>\$ 8,078</b>
<b>Task 4 - Support during MOU negotiations</b>													
Support During MOU negotiations	16	24		4		8	52	\$ 7,356	\$ 588			\$ 588	\$ 7,944
<b>Subtotal</b>	<b>16</b>	<b>24</b>	<b>-</b>	<b>4</b>	<b>-</b>	<b>8</b>	<b>52</b>	<b>\$ 7,356</b>	<b>\$ 588</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 588</b>	<b>\$ 7,944</b>
<b>Task 5 - Presentations to Supplemental Water Committee and Board</b>													
Presentations (2)	16	24		16		18	74	\$ 9,286	\$ 743			\$ 743	\$ 10,029
Attend Meetings (2) - Fee covered under separate contract							-	\$ -	\$ -			\$ -	\$ -
<b>Subtotal</b>	<b>16</b>	<b>24</b>	<b>-</b>	<b>16</b>	<b>-</b>	<b>18</b>	<b>74</b>	<b>\$ 9,286</b>	<b>\$ 743</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 743</b>	<b>\$ 10,029</b>
<b>Total</b>	<b>82</b>	<b>138</b>	<b>20</b>	<b>124</b>	<b>24</b>	<b>58</b>	<b>446</b>	<b>\$ 56,486</b>	<b>\$ 4,519</b>	<b>\$ 8,800</b>	<b>\$ 8,800</b>	<b>\$ 22,119</b>	<b>\$ 78,605</b>

Amounts shown are fee.

<b>Personnel Category</b>	<b>\$/HR</b>
Principal Engineer	\$190.00
Senior Engineer	\$140.00
Associate Engineer	\$120.00
Assistant Engineer	\$105.00
Drafter	\$95.00
Clerical	\$67.00

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BBB*  
DATE: JANUARY 4, 2008

**AGENDA ITEM**  
**E-4**  
**JAN. 9, 2008**

**EMERGENCY WATER SHORTAGE REGULATIONS**

**ITEM**

Propose emergency water shortage regulations for presentation to community at January 30, 2008 workshop to consider adoption [PROVIDE POLICY GUIDANCE].

**BACKGROUND**

Your Honorable Board reviewed a rough draft of the revised Emergency Water Shortage Regulations at your December 12, 2007 Board Meeting and set this hearing to consider finalizing the proposal to present to the community at the January 30, 2008 workshop (at 6:30pm at the Forum at Nipomo High School). At the December 12, 2007 Board Meeting, your Honorable Board made several edits to the draft and agreed, in concept, to a proposed set of trigger points based on SAIC's research. Your Honorable Board further agreed to discuss policy issues at this meeting. Attached is the most recent edition of the text of an ordinance showing the edits and inserting the proposed trigger points for determining the stage, if any, for responding to water shortage emergencies.

Also attached is a draft Technical Memorandum from SAIC predicting future water storage volumes above sea level in the Nipomo Mesa Groundwater Management Area assuming different climatic regimes. This Technical Memoranda also evaluates the retention of storage with enactment of Emergency Water Shortage regulations for municipal customers and documents their recommendations regarding set of triggers to shift between stages.

The Water Conservation Committee has scheduled a meeting on January 4, 2008 to continue its review of this matter and expects to forward additional recommendations to the full Board at your January 9, 2008 Board meeting.

**RECOMMENDATION**

Staff recommends that your Honorable Board discuss the ordinance text and the technical memoranda and then order edits so that staff can finalize the regulations for presentation to the Community at the Workshop.

**ATTACHMENTS**

- Draft Text of Emergency Water Supply Regulations
- Draft SAIC Technical Memoranda

DRAFT

12-31-07 Board Comments  
w/amended findings redlined  
Mike Winn in Blue  
Larry Verheilig in Pink

Nipomo Community Services District Draft Ordinance  
Chapter 3.24  
Emergency Water Shortage Regulations

3.24.010 Purpose

It is the purpose and intent of this Chapter to provide rules, regulations and procedures by which the Nipomo Community Services District ("District") Board of Directors can restrict water use upon a determination that there exists, or there is a threat of, a water shortage that affects the District's ability to supply its customers with potable water. The rules, regulations and procedures of this Chapter are in addition to water conservation measures that are adopted by the Board of Directors to avoid water shortage conditions and or conservation measures adopted by the County of San Luis Obispo in response to certification of Severity Level III for the Nipomo Mesa Water Conservation Area.

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3.24.020 Findings

- A. The District has been pumping from the underlying groundwater basin since 1965. In 2006 the District's wells extracted approximately 3,000 plus acre feet and supplied approximately 4,000 connections. The District's boundaries are largely within the Nipomo Mesa Water Conservation Area (NMWCA), as referenced in San Luis Obispo County Ordinance 3090.
- B. The District's current water supply is groundwater extracted primarily from the NMWCA. A small proportion of District's water is pumped from groundwater in the Nipomo Valley.
- C. The primary source of recharge of the NMWCA is deep percolation of rainwater, with contributions from agricultural and urban return flows, and sub-surface inflows within the Santa Maria Basin. The dependence on deep percolation as the major source of recharge makes the groundwater supply within the NMWCA vulnerable during prolonged periods of low rainfall.
- D. Since July 1997 the Santa Maria Groundwater Basin has been the subject of ongoing litigation between nearly eight hundred parties (800), including the District, -with competitive claims to pump groundwater. (Superior Court of the State of California, County of Santa Clara, Case No. 770214).

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- E. As part of the Groundwater Adjudication referenced in Finding D, above, a majority of parties, including the District, ConocoPhillips, the Woodlands Mutual Water Company, Golden State Water Company, and Rural Water Company have entered into a Stipulation, imposing a physical solution to establish a legal and practical means of assuring the Nipomo Mesa Management Area's (NMMA) longterm sustainability (herein "Stipulation"). The NMMA's boundaries are substantially similar to the boundaries referred to, herein as the NMWCA. The Stipulation contemplates the formation of a NMMA Technical Group to develop a monitoring program for the NMMA. Additionally, the NMMA Technical Group will develop, for Court approval, criteria for declaring Potentially Severe Water Shortage Conditions and Severe Water Shortage Conditions. Deleted: , Deleted: consistent with the boundaries referred to
- F. In November, 2004, the County Board of Supervisors received a Resource Capacity Study ("RCS") prepared by the San Luis Obispo County Planning Department for the NMWCA. The RCS reached the same conclusions as other groundwater reports that pumping from the NMWCA exceeds safe yield and recommended a Severity Level III be adopted pursuant to the County's Resource Management System. Deleted: ,
- G. On August 22, 2007, Science Applications International Corporation ("SAIC") issued Technical Memorandum regarding Groundwater in Storage Above Sea Level for the Nipomo Mesa Management Area as of Spring, 2007. That Memorandum summarizes the decline in groundwater storage in the NMWCA from Spring of 2000 through Spring of 2007. The Technical Memorandum concluded that between Spring of 2000 and Spring of 2007, the groundwater in storage declined by 15,000 AF, with 14,000 AF decline between Spring of 2006, and Spring of 2007. Deleted: ,
- H. On June 26, 2007, the County, at the recommendation of the Planning Commission, certified a Severity Level III for water resources of the NMWCA pursuant to the County's Resource Management System. Under the County system, Level III indicates an "Unavoidable Resource Deficiency," defined as follows: "This is the most critical level of concern. Level III occurs when the capacity (maximum safe yield) of a resource has been met or exceeded. At Level III there is a deficiency of sufficient magnitude that drastic actions may be needed to protect public health and safety." Deleted: , Deleted: , Deleted: , Deleted: ,
- I. The San Luis Obispo County Public Works Department measures groundwater surface elevations in monitoring wells located within the NMWCA in the Spring and Fall of each year ("DPW Reports"). Deleted: ,
- J. Science Applications International Corporation (SAIC), using the DPW Reports and other data, has developed a method of calculating groundwater in storage above mean sea level within the NMWCA.



K. SAIC Reports have been presented to the District Board of Directors, with the most recent report dated December 5, 2007. The December 5, 2007, SAIC Report provides a historical analysis of the water demand and groundwater in storage of the NMMA. The December 5, 2007, SAIC Report recommends the use of groundwater in storage to establish trigger points to implement water shortage regulations.

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L. Using groundwater in storage above mean sea level within the NMMA provides a logical method of establishing the threat or existence of water shortages and the adoption of regulations to conserve the water resource.

M. This Chapter is adopted to conserve a public water supply for the protection of the health, welfare and safety of the residents of the Nipomo Community Services District.

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#### 3.24.025 Authority

The District's authority includes, but is not limited, to Government Code §61100 (A) and §§ 71640 et seq. of the Water Code.

#### 3.24.030 Definitions

**AF** means acre feet of water.

**Base Year** means the calendar year immediately prior to the District Board of Directors declaring a Water Conservation Stage.

**CCF** means 100 cubic feet of water.

**Customer** means the owner of property that receives District water service.

**GWS** means groundwater in storage above mean sea level, as reported to the District.

**Irrigation Use** means and includes all uses other than residential use and commercial use and includes water supplied to parks, recreational facilities such as golf courses, landscaping, and water supplied to schools to irrigate turf.

**Multi-family Residential** means (A): a building(s) or portion thereof designed and used as residence for two or more families living independently of each other under a common roof. Such uses shall include but are not limited to: duplexes, triplexes, apartments, planned unit developments, condominiums and townhouses, and (B) mobile homes used as residential units within mobile home parks. Multi-family Residential does not include secondary units.

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**Non-Residential Use** means all uses other than residential uses, including commercial use and irrigation use, that receive District water.

**Owner** means one who has title to the property being served, or is legally authorized to represent the title owner.

**Person** includes a natural person, joint venture, joint stock company, partnership, association, club, company corporation, business, trust organizer, or the manager, lessee, agent, servant officer, or employee of any of them.

**Single Family Residence or SF** means a stand-alone building not connected to another dwelling, and designed for residential occupancy by one family regardless of zoning of the property. A single family residence may, or may not, have a secondary unit.

Deleted: **Reset Value** means when GWS equals or exceeds 95,000 AF as reported to the District Board of Directors.¶

### 3.24.030 Santa Maria Groundwater Adjudication

With reference to the adjudication of the Santa Maria Groundwater Basin and the formation of the NMMA Technical Group, the following are incorporated into the most appropriate stage referenced in Section 3.24.040 by reference:

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- A. The Court-approved criteria for declaring a Potentially Severe Water Shortage Condition and Severe Water Shortage Condition.
- B. The conservation measures recommended by the NMMA Technical Group to address Potentially Severe Water Shortage Conditions.
- C. Water conservation programs approved by the Court for Severe Water Shortage Conditions.

### 3.24.040 Trigger Points

Water Shortage Conservation Stages I – IV shall be triggered by the following conditions when the GWS is at or below the relevant Trigger Condition:

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#### **Stage I Conservation – Water Watch**

Trigger Condition: The GWS is less than 100,000 AF but greater than the Stage II Trigger Point.

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#### **Stage II Conservation – Water Warning**

Trigger Condition: The GWS is less than 90,000 AF but greater than the Stage III Trigger Point.

**Stage III Conservation – Water Emergency**

Trigger Condition: The GWS is less than 80,000 AF but greater than the Stage IV Trigger Point.

**Stage IV Conservation – Extreme Water Emergency**

Trigger Condition: The GWS is less than 70,000 AF.

3.24.050 Stage Implementation

The General Manager shall monitor the groundwater in storage above mean sea level and the demand for water and shall report in writing to the Board, on or before June 1 of each year, the appropriate water conservation stage, if any, referenced in Sections 3.24.040, above. The Board shall, no later than four weeks after receipt of such report, consider the General Manager's report at a public hearing. Notice of the time and place of the public hearing shall be published one time at least seven days prior to the date of the hearing in a newspaper of general circulation within the District. If the Board concurs that any such events have occurred, it shall immediately adopt a resolution implementing a water conservation stage referenced in Section 3.24.060.

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3.24.060 Water Shortage Conservation Stages.

A. Stage I Conservation – Water Watch.

1. Upon a determination by the Board of Directors, that a Stage I condition exists, the following prohibitions shall take effect.:
  - (a) All outdoor irrigation of vegetation shall occur only after 8 p.m. and before 9 a.m.
  - (b) The use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground and other hard-surface areas by direct application is prohibited.
  - (c) The use of non-drinking water fountains, except for those using recirculated water, is prohibited.
  - (d) Use of water which results in run-off in gutters or streets is prohibited.
2. In addition to those measures stated above, the Board of Directors by resolution and/or ordinance may adopt additional water conservation measures.
3. The General Manager shall provide notice to all District customers, regarding the Board of Directors, declaration of WWwater watch condition and activation of Stage I Water Conservation Program.

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Such notice shall be mailed within fourteen (14) days of the Board's action.

B. Stage II Conservation – Water Warning.

1. Upon a determination by the Board of Directors that a Stage II condition exists, the following prohibitions shall take effect with the goal of achieving a **ten percent (10%)** reduction in water consumption:

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(a) The water conservation measures referenced in Stage I.

(b) Water deliveries for residential uses shall be limited as follows:

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1. 24 ccf of water bi-monthly or 295 gallons per day per multi-family residential unit.
2. 27 ccf of water bi-monthly or 329 gallons per day per single family residential unit on lots <4500 sf.
3. 36 ccf of water bi-monthly or 442 gallons per day per single family residential unit on lots 4.5 – 10 K sf.
4. 64 ccf of water bi-monthly or 787 gallons per day on single family residential lots >10 K sf.

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(c) Non-residential uses shall be limited to ninety percent (90%) of their water consumption for the same billing cycle during the Base Year.

(d) A surcharge of **two hundred percent (200%)** will be levied on all water use in excess of the maximum water use allotment referenced in subparagraphs (b) and (c), above and shall be assessed to the account of the customer.

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(e) Use of water from fire hydrants shall be limited to fire suppression and/or other activities immediately necessary to maintain health, safety and welfare of residents within the boundaries of the Nipomo Community Services District.

(f) The use of District potable water for dust control and compaction for construction projects shall be prohibited.

(g) The washing of automobiles, pickup trucks, horse trailers, boats and other types of mobile equipment not occurring upon the immediate premises of a commercial car wash and/or commercial service station that use recirculated water

shall be prohibited. Emergency service vehicles are exempted from the requirements of this subsection (g).

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(h) Restaurants shall not serve water to their customers except upon specific request.

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(i) Applications for Intent-to-Serve Letters shall be received and placed on a waiting list, but further processing shall be suspended.

(j) The use of potable water to irrigate grass, lawns, ground cover, shrubbery, crops, vegetation, ornamental trees, etc., shall be limited to Mondays and Thursdays for even numbered addresses and Tuesdays and Fridays for odd numbered addresses,

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(j) Water main flushing shall only occur in emergency situations as declared by the District General Manager.

(k) All swimming pools shall be covered when not in use.

2. The General Manager is authorized and directed to pursue a vigorous public information program about water supply conditions and the need to reduce water consumption by such means deemed appropriate by the General Manager.

3. The District will meet with other water purveyors, public school districts, park agencies, and golf courses, that use water sources other than District supplied water, to seek voluntary reduction in irrigation of decorative landscape and reduce irrigation of turf and play areas.

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4. In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

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C. Stage III Conservation – Water Emergency.

1. In addition to the water conservation measures established in Stage I and Stage II above, upon a determination of the Board of Directors, that Stage III conditions exist, the following prohibitions

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shall take effect, with a goal of achieving a **thirty-five percent (35%)** reduction in water consumption:

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(a) Water deliveries for residential uses shall be limited as follows:

1. 17 ccf of water bi-monthly or 214 gallons per day per multi-family residential unit.
2. 19 ccf of water bi-monthly or 238 gallons per day per single family residential units <4500 sf.
3. 26 ccf of water bi-monthly or 319 gallons per day per single family residential units 4.5 - ~~k10K~~ sf.
4. 46 ccf of water bi-monthly or 569 gallons per day per single family residential units >10k sf.

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(b) Non-Residential Uses shall be limited to **sixty-five percent (65%)** of ~~the~~ their water consumption for the same billing cycle during the Base Year.

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(c) A surcharge of **four hundred percent (400%)** will be levied on all water use in excess of the maximum water use allotment reflected in subparagraphs (a) and (b) above, and shall be assessed to the account of the customer.

(d) The setting of new water meters shall be prohibited and Will Serve Letters shall be suspended.

(e) The use of potable water to irrigate grass, lawns, ground cover, shrubbery, crops, vegetation, ~~and~~ ornamental trees, etc., shall be prohibited; ~~and all~~ irrigation meters within the District shall be locked.

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2. In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

D. Stage IV Conservation – Extreme Water Emergency

1. In addition to the water conservation measures established in Stages I, II, and III above, upon a determination of the Board of Directors that Stage IV conditions exist, the following prohibition measures shall be take effect, with the goal of achieving a **fifty percent (50%)** reduction in water consumption:

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(a) Water deliveries for residential uses shall be limited as follows:

1. 14 ccf per of water bi-monthly or 170 gallons per day per multi-family residential unit. Deleted:
2. 15 ccf of water bi-monthly or 183 gallons per day per single family residential unit <4500 sf lot. Deleted:
3. 20 ccf of water bi-monthly or 246 gallons per day per single family residential unit 4.5-10K sf lot. Deleted:
4. 36 ccf of water bi-monthly or 437 gallons per day per single family residential unit >10K sf lot.

(b) Non-Residential Uses shall be limited to **fifty per cent (50%)** of the water consumption for the same billing cycle during the Base Year. Deleted:

(c) A surcharge of **five hundred percent (500%)** will be levied on all water use in excess of the maximum water use allotment reflected in subparagraph a and b, above and shall be assessed to the account of the customer. Deleted:

2. In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

#### 3.24.070 Termination of Stages

The Board of Directors may terminate water conservation stages based upon a finding that the groundwater storage above mean sea level within the NMWCA is at or above 100,000 AF or the Board of Directors may reduce a water conservation stage to a lower level by Resolution based on a finding that the GWS is capable of providing sufficient water at a reduced water conservation stage to meet the demands and requirements of the District's water customers.

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#### 3.24.080 Calculation of Multi-Family Water Use

When Multi-Family units are served by a single water meter, the total volume of metered water shall be divided by the number of units to determine compliance with conservation stages.

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#### 3.24.090 Enforcement

- A. In addition to the water surcharges referenced in Section 3.24.060, the following applies to customers violating the water allotment provisions of this Chapter commencing with Stage II:

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1. First Violation. A Notice of Violation shall be both mailed to the customer by first class mail, return receipt requested, and posted by door hanger on the affected property.

2. Second Violation. A Notice of Violation shall be sent to the customer by certified mail, return receipt requested, and by door hanger, with an explanation of the gravity of the situation and the penalties for future violations. ~~A delinquent bill, including the appropriate surcharge, shall be increased by a penalty of ten percent (10%).~~ Deleted:

3. Third Violation. Water service will be discontinued and the water meter will be removed from the premises of the violator. The District will send notice via certified mail at least ~~seventy-two (72)~~ Deleted:  hours prior to discontinuance of service and will attempt to contact an adult person at the premises by telephone or personal contact at least twenty-four (24) hours prior to discontinuance of service.

The meter will be reinstalled on conditions set by the District and after the payment of District reconnection charges and the payment of all other charges, surcharges and penalties owing.

B. Violation of Conservation Measures Other Than Water Allotment.

1. First Violation. A Notice of Violation shall be both mailed to the customer or person other than the customer, (i.e. tenant), by first Deleted:  class mail, return receipt requested, and posted by door hanger on the affected property.

2. Successive Violations. The second violation and each and every violation thereafter shall be subject to the provisions of Section 3.24.080 C, below.

C. Violations Unlawful.

1. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of any of the provisions or failure to comply with any of the requirements shall constitute a misdemeanor punishable by a fine not exceeding six hundred dollars (\$600) ~~or by imprisonment in the County Jail for a period not exceeding thirty (30) days or by both such fine and imprisonment.~~ Deleted:   
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2. Notwithstanding subparagraph 1, above, ~~any misdemeanor violation or failure to comply may, in the discretion of District Legal Counsel, be initially charged and subsequently prosecuted as an~~ Deleted:



infraction. Each and every infraction or violation is punishable by a fine not exceeding fifty dollars (\$50) for the first violation; a fine not exceeding one hundred dollars (\$100) for the second violation of this Chapter within one year; and a fine not exceeding two hundred fifty dollars (\$250) for the third violation of this Chapter within one year.

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3. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued, or permitted by such person and shall be punishable accordingly.

D. Injunctive Relief

The District may petition the Superior Court for the issuance of a permanent or temporary injunction, or both, as may be appropriate, in restraining any person or customer from the continued violation of this Chapter.

E. Enforcement Officer.

1. The General Manager, or designee, shall be the Code Enforcement Officer primarily charged with enforcement of this Chapter.
2. For new construction, the General Manager has the authority to establish monthly Base Year water consumption for Non-Residential Use.

F. Collections.

1. Charges, surcharges and penalties authorized by this Chapter shall constitute a lien on the property, and the District Manager is authorized to record a certificate declaring the amount of the charges, surcharges and penalties due pursuant to Government Code § 61115(c).
2. The Board of Directors may order that the charges, surcharges and penalties be collected on the tax roll in the same manner as property taxes pursuant to the procedures of Government Code §61115(b).

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G. Remedies Cumulative

The remedies available to the District to enforce this Chapter are cumulative and may be pursued consecutively by the District. The District's use of any one of the remedies and/or legal actions prescribed herein shall not bar the use of any other remedies provided in this Chapter, or other District ordinances or by law for the purpose of enforcing the provisions hereof.

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#### 3.24.090 Appeals

- A. The General Manager may, in his/her discretion, grant exceptions to the water allotments referenced in Section 3.24.060, if he/she finds based on a certification by a California-licensed physician or other California-licensed health care provider that the water allotment restrictions would cause undue hardship or emergency medical conditions. The application for an exception shall be on a District form provided by the General Manager.
- B. The terms of any exception shall be set forth in writing, the original to be kept on file with the District and a copy to be furnished to the applicant. All exceptions granted shall be reported to the Board of Directors at a regularly scheduled meeting.
- C. An applicant may appeal the General Manager's decision to the Board of Directors. A request for appeal must be submitted to the District in writing not more than ten (10) days after the General Manager's decision. The Board of Directors shall consider the appeal within thirty (30) days of receipt of the request for appeal.

#### 3.24.100 Severability

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California, such decision shall not affect the validity of the remaining portions of this Chapter. The District Board of Directors hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

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**SAIC MEMO**  
**TO BE DELIVERED**  
**UNDER SEPARATE COVER**