**RIVER PINES PUBLIC UTILITY DISTRICT**

**ORDINANCE 21-01**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RIVER PINES PUBLIC UTILITY DISTRICT REGARDING MANDATORY WATER CONSERVATION MEASURES AND ENFORCEMENT THEREOF**

**WHEREAS**, California is experiencing a second consecutive year of dry conditions, resulting in drought or near-drought conditions, and recent warm temperatures and extremely dry soils have depleted the expected runoff water from the Sierra-Cascade snowpack, resulting in a historic and unanticipated estimated reduction of 500,0000 acre feet of water from reservoirs and streams; and

**WHEREAS**, on May 10, 2021, the Governor of the State of California proclaimed a state of emergency in the County of Amador and forty other counties due to extreme drought conditions; and

**WHEREAS**, due to the current drought conditions, the District faces possible water shortages and an increased risk of wildfires; and

**WHEREAS**, the adverse environmental, economic, health, welfare, and social impacts of the drought pose an imminent threat of disaster and threaten to cause widespread potential harm to people, businesses, agriculture, property, communities, the environment, wildlife, and recreation in the District; and

**WHEREAS,** the District desires to declare a “Water Shortage Emergency” under the conditions cited in, and pursuant to the provisions of, Water Code section 350 et seq. and to adopt a “Water Conservation Program” under the conditions cited in, and pursuant to the provisions of, Water Code section 375 et seq.; and

**WHEREAS,** the District desires to adopt administrative procedures and fines and penalties pursuant to Government Code section 53069.4 to enforce the Water Shortage Emergency and the Water Conservation Program; and

**WHEREAS,** on September 15, 2021, the Board of Directors of the District held a public hearing regarding this Ordinance, at which all interested persons and water consumers were given an opportunity to be heard to protest against this Ordinance and to present their respective needs, and for which notice was given and published pursuant to Government Code section 6061, the Ralph M. Brown Act (Government Code section 54950 et seq.), and other notice customary of the District.

**NOW, THEREFORE, BE IT ENACTED** by the Board of Directors of the River Pines Public Utility District as follows:

**SECTION 1. DECLARATION OF A WATER SHORTAGE EMERGENCY**

The District hereby declares a “Water Shortage Emergency” and adopts a “Water Conservation Program” under the conditions cited in, and pursuant to the provisions of, Water Code sections 350 et seq., 375 et seq., and other applicable law. The Board of Directors finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. This Ordinance is necessary to conserve the water supply of the District.

**SECTION 2. PURPOSE OF THIS ORDINANCE**

This Ordinance is necessary, and its purpose is, to conserve the District’s water supply for the greatest public benefit, with particular regard to public health and sanitation, fire protection, domestic use, and preservation of the ecological health of the community and the District’s watershed, by reducing wasteful uses of water and allocating the available water supply fairly and equitably.

**SECTION 3: MANDATORY WATER SHORTAGE EMERGENCY STANDARDS**

Each customer shall reduce their water usage by fifteen percent (15%), commencing on the first full billing period following adoption of this Ordinance and calculated using the average water use of the last three billing periods. The General Manager shall inform each customer that such a reduction is necessary to protect the public health, safety, and welfare and how many gallons of water each customer must reduce in a billing period to meet this requirement.

**SECTION 4: ENFORCEMENT**

At the conclusion of each billing period, the General Manager shall determine the customers-of-record whose service location used an amount of water during the billing period that exceeded the total allocation established for the billing period.

1. Written Warning for First Violation. The General Manager shall issue a written warning for a first violation to each customer with water usage in excess of the allocation established for the billing period.
2. Administrative Fine or Penalty for Second Violation. The General Manager shall issue an administrative fine or penalty of two hundred dollars ($200) for a second violation to each customer with water usage in excess of the allocation established for the billing period.
3. Chronic Excess Usage. For a third violation and each subsequent violation, the General Manager shall issue an administrative fine or penalty of two hundred dollars ($200) to each customer with water usage in excess of the allocation established for the billing period and may restrict a customer’s water service by inserting a device to reduce the customer’s water flow by the required reduction. The device shall remain in place for the duration of the Water Shortage Emergency and the Water Conservation Program.
4. Appeal of an Administrative Fine or Penalty. Within ten (10) days of being notified that an administrative fine or penalty has been assessed, the customer of record for the service account to which the administrative fine or penalty has been posted may file in writing an appeal to the Board of Directors of the assessment of the administrative fine or penalty. The Board of Directors shall conduct a hearing on the appeal at its next duly noticed meeting and shall issue its decision no later than four weeks thereafter. The decision of the Board of Directors shall be final and binding and a failure to file a timely appeal shall constitute a failure to exhaust administrative remedies.
5. Collection of Administrative Fines and Penalties. The General Manager shall include all administrative fines and penalties in the bill sent to the customer and the customer shall pay any such administrative fines or penalties at the same time as other amounts are due.

**SECTION 5: APPLICABILITY**

The provisions of this Ordinance shall be in effect and applicable only while a duly declared mandatory water rationing program is in effect during a duly declared water shortage emergency. No provisions of this Ordinance shall have any effect or applicability once a resolution cancelling water rationing or a resolution declaring an end to a declared water shortage emergency has been adopted by the Board of Directors or at any other time during which no duly activated mandatory water rationing program or duly declared water shortage emergency is in effect

**SECTION 6: SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, sentence, clause, phrase, and provision thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or provisions be declared invalid.

**SECTION 7: EFFECTIVENESS**

This Ordinance shall be and hereby is declared to be in full force and effect as of thirty (30) days from and after the date of its adoption. The Clerk of the Board shall cause this Ordinance to be posted in at least three (3) public places in the District within ten (10) days after its adoption and, if there is a newspaper of general circulation in the District, shall published this Ordinance in that newspaper no later than ten (10) days after its adoption.

This Ordinance was passed and adopted at a regular meeting in open session on the 15th day of September, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RIVER PINES PUBLIC UTILITY DISTRICT

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Karla Christensen, Chair

I, Giselle Wurzburger, Clerk of the River Pines Public Utility District, hereby certify and attest under penalty of perjury under the Laws of the State of California that the foregoing is a full, true and correct copy of Ordinance 21-01 passed by the Board of Directors of the River Pines Public Utility District at a regular meeting in open session held September 15, 2021 and duly signed by its Chair, Karla Christensen, in my presence.

RIVER PINES PUBLIC UTILITY DISTRICT

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Gisele Wurzburger, Clerk