

CLEAR CREEK COMMUNITY SERVICES DISTRICT

ORDINANCE 2021-04

AN ORDINANCE BY THE BOARD OF DIRECTORS OF THE CLEAR CREEK COMMUNITY SERVICES DISTRICT (“THE DISTRICT”) DECLARING WATER SHORTAGE EMERGENCY CONDITION.

WHEREAS, Water Code Section 350 provides that the District may declare a water shortage emergency condition to prevail within the service area of the District whenever the District 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. Said findings and determinations may be made upon adoption of an ordinance in accordance with the authority and procedures set forth in Water Code Section 350 et seq.; and

WHEREAS, Water Code Sections 353 and 71640 provide that when the District has so determined and declared the existence of an emergency condition of water shortage within its service area, it may prohibit the wastage of District water and shall thereupon adopt such regulations and restrictions on the delivery and consumption of water within its service area as will, in the sound discretion of the District, conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, the District has a valid contract with the Department of Interior, Bureau of Reclamation (“the Bureau”), for an annual surface water supply from the Central Valley Project, hereinafter referred to as CVP, subject to shortage provisions; and

WHEREAS, the Bureau notified the District on May 21st, 2021 that the allocation for the District, beginning June 1, 2021 is 25% of historical M&I average use and 0% of agricultural supply allowing a total of 425 acre feet of CVP surface water allocation during the 2021 water year (CVP 2021 allocation); and

WHEREAS, as of June 23, 2021, the District has consumed the 425 acre feet allocated by the Bureau of Reclamation; and the District must now rely solely on its ground water wells to serve customer water demands; and

WHEREAS, the District ground water wells can supply approximately 180 acre feet per month to the District’s 2710 customers, working at 100% capacity, which amounts to approximately 29 HCF per month per District customer for the remainder of the water year ending February 2022; and

WHEREAS, Water Code Section 375 et seq. provides the District with the authority to

adopt a water conservation program to reduce the quantity of water used by persons within the District's service area for the purpose of conserving the water supplies of the District; and

WHEREAS, in accordance with Water Code Sections 350 et seq. and 375 et seq., the Board desires to adopt this Ordinance in order to make certain findings and determinations as to the existence of an emergency condition of water shortage and to then adopt temporary conditions on new or additional connections as regulations and restrictions under a water conservation program; and

WHEREAS, in accordance with Water Code Sections 351, 352, and 376, a Notice of public hearing was published, and a public hearing was held on July 12, 2021 at 6:30 PM; and

NOW, THE BOARD OF DIRECTORS OF THE CLEAR CREEK COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

A. INCORPORATION OF RECITALS. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

B. AUTHORITY: This Ordinance is adopted pursuant to Water Code Sections 350 et seq., 375 et seq. and 71640, et seq.

C. DECLARATION OF WATER SHORTAGE EMERGENCY CONDITION: Pursuant to Water Code Section 350, the purpose of this Ordinance is to declare a water shortage emergency condition to prevail within the service area of the District. The District hereby 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.

D. PURPOSE

The purpose of this ordinance is to establish a clearly defined method of equitably allocating available water to the District's customers from either the Bureau or the District's ground water wells, and to ensure an adequate supply for human consumption, sanitation, and fire protection.

E. RESTRICTIONS AND PROHIBITIONS

i. Maximum Allocation Restriction

Water use by District customers shall be restricted so as to meet the minimum requirements for personal health and safety. Priority shall be given to supplying adequate water to ensure public/community health and safety. The District has determined that the monthly allocation of 29 HCF is adequate to meet these minimum

requirements, in accordance with this Ordinance. Therefore, each District customer is restricted to their proportional share of 29 HCF of the well water produced per month from the effective date of this Ordinance through the end of the 2021-2022 water year on February 28, 2022.

ii. Use Restrictions

1. No filling of new pools, ponds or lakes, etc. No new commercial or agricultural irrigation shall be permitted.
2. All outside watering must be limited and done after dusk and before dawn.
3. No new landscaping or lawns shall be installed for new or existing customers.
4. Water for construction is prohibited unless granted by the District pursuant to a Variance request.
5. Individual customers who willingly violate the restrictions put in place by this Ordinance will be subject to the penalties in Section F.

iii. New Service Applications – Municipal and Industrial / Agricultural

1. New service applications will be accepted and granted upon the condition that all water consumption is used inside the residence for human consumption, sanitation and fire protection. Any new landscaping or other outside demands will not be provided a supply until this Ordinance is rescinded or amended. No new non-residential service applications will be accepted.
2. No new agricultural applications/accounts will be granted for the duration of the current drought, regardless of length of time the drought conditions exist.

F. FINES AND PENALTIES

i. Violation of Section E.i of this Ordinance.

1. Violations:

The first violation of usage allotment will result in a letter sent with your bill, advising of overage and suggesting you do not go over again. A penalty of \$50.00 shall be imposed and a notice sent to the current property owner/billing address via certified mail stating the violation. The amount of the penalty shall be added to the next water bill thirty (30) days after the date of the written notice of the violation, if not paid in full or protested pursuant to this Ordinance. If the penalty is added to the water bill, failure to pay the penalty will be treated as nonpayment of the water bill and water service may be terminated as a result.

2. Subsequent Violations:

For all subsequent monthly Violations of Section E.i of this Ordinance, a penalty shall be imposed that follows the following table.

<5 HCF	\$50
6- 10 HCF	\$200
11 – 20 HCF	\$400
21 – 50 HCF	\$600
51 – 100 HCF	\$800
>100 HCF	\$1,000

The District will issue a written notice of violation by certified mail to the current property owner/billing address. Notice will be provided that additional violations may result in termination of service and additional penalties. The amount of the penalty shall be added to the next water bill. after the date of the written notice of the violation if not paid in full or protested pursuant to this Ordinance. If a penalty is added to the water bill, failure to pay the penalty will be treated as nonpayment of the water bill and water service may be terminated as a result.

Each separate violation (as displayed above) without a good faith effort by the customer to correct the violation can lead to termination of water service, pursuant to California Water Code §356.

ii. Violations of Section E.ii of this Ordinance.

A First Violation shall result in a penalty of \$50.00. A Second Violation shall result in a penalty of \$100. A Third Violation shall result in a penalty of \$150. Continued, wilful violations may result in the discontinuation of service pursuant to Water Code §356. For all Violations, a Notice of Violation will be sent to the current property owner/billing address via certified mail stating the violation. The amount of the penalty shall be added to the next water bill thirty (30) days after the date of the written notice of the violation, if not paid in full or protested pursuant to this Ordinance. If the penalty is added to the water bill, failure to pay the penalty will be treated as nonpayment of the water bill and water service may be terminated as a result.

G. PROTEST PROCEDURE

- i. Customers may protest any Notice of Violation of this Ordinance on a form prescribed by the District no later than 30 calendar days from the date of Notice of the Violation. The protest shall be accompanied by photographs, maps, drawings or other information showing why the protest should be granted.
- ii. The District Manager or his/her designee shall consider all protests and make a determination on the request no later than fourteen (14) calendar days after

submittal and may approve, conditionally approve, or deny the protest. The customer shall be notified in writing of the action taken.

- iii. The Decision of the District Manager and/or his/her designee may be appealed to the Board of Directors within ten (10) calendar days of the date of action taken on the protest. The appeal shall be scheduled for Board consideration at the next scheduled Board meeting. Upon granting any appeal request, the Board may impose any conditions it determines to be appropriate. The decision of the Board shall be prepared in writing and provided to the customer.

H. VARIANCES

- i. Customers may request a Variance from the allocations as described in Section A on a form prescribed by the District. The request shall be accompanied by photographs, maps, drawings or other information showing why the protest should be granted.
- ii. The District Manager or his/her designee shall consider all requests and make a determination on the request no later than fourteen (14) calendar days after submittal and may approve, conditionally approve, or deny the Variance request, and the effective date of the Variance. The customer shall be notified in writing of the action taken.
- iii. Any approved or conditionally approved variance is valid from the date it was approved or conditionally approved. Any previous violations and subsequent penalties associated with those violations are final and will not be reimbursed.
- iv. The Decision of the District Manager and/or his/her designee may be appealed to the Board of Directors within ten (10) calendar days of the date of action taken on the protest. The appeal shall be scheduled for Board consideration at the next scheduled Board meeting. Upon granting any appeal request, the Board may impose any conditions it determines to be appropriate. The decision of the Board shall be prepared in writing and provided to the customer.

I. PUBLIC NOTICE

- i. Notice of the Public Hearing during which this Ordinance is read and considered for adoption was published as required by Water Code Section 375 and Government Code Section 6061.
- ii. This Ordinance will be published in full on the District's website, www.clearcreekcsd.org

J. EFFECTIVE DATE

Pursuant to Water Code §71641, this Ordinance shall become effective upon adoption by the Board. Within 10 days after its adoption, this Ordinance shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation.

K. DURATION

This Ordinance shall remain in full force and effect during the period of the water shortage emergency.

PASSED AND ADOPTED, this 12th day of July, 2021 by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

Johanna Trenergy, Chairwoman of the Board of Directors

ATTEST: _____
Kurt Born, General Manager
Secretary to the Board of Directors