

RESOLUTION NO. VWD 15-006

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE VICTORVILLE WATER DISTRICT DECLARING A WATER SHORTAGE EMERGENCY AND CALLING FOR IMMEDIATE IMPLEMENTATION OF STAGE 2 THREATENED WATER SUPPLY SHORTAGE (“SHORTAGE STAGE 2”) PURSUANT TO ORDINANCE NO. VWD-012

WHEREAS, the State of California is experiencing historic and serious drought conditions, as evidenced by the drought states of emergency declared by Governor Brown in January, April and December 2014; and

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

WHEREAS, following another record dry winter and dwindling snowpack levels in the Sierra Nevada Mountains, Governor Brown issued Executive Order No. B-29-15 on April 1, 2015 declaring that all prior executive orders relating to the drought state of emergency remained in full force and ordering the State Water Resources Control Board (“SWRCB”) to impose new restrictions on urban water suppliers, such as the Victorville Water District (the “District”), to achieve a State-wide twenty-five percent (25%) reduction in urban potable water usage through February 2016; and

WHEREAS, in response to this Executive Order, on April 20, 2015 and April 28, 2015, SWRCB staff revised and released emergency water conservation regulations, the final version of which was adopted by the SWRCB on May 5, 2015; and

WHEREAS, among other things, these final SWRCB regulations (Sections 863, 864, 865 and 866 of Title 23 of California Code of Regulations) now require the District to reduce its total potable water production by twenty-eight percent (28%) for each month as compared to the amount used in the same months in 2013, beginning June 1, 2015; and

WHEREAS, to promote water conservation; preserve the precious water resources of the State and the District; comply with the Governor’s Executive Orders; and meet the conservation standard set forth the final SWRCB emergency water conservation regulations, District staff drafted, revised and presented to the District Board of Directors (“District Board”) Ordinance No. VWD-012 to establish a water conservation program and amend the District’s Water Supply Shortage Contingency Plan (“WSSCP”); and

WHEREAS, on or about May 19, 2015, following duly-noticed and subsequently continued public hearings, the District Board adopted Ordinance No. VWD-012 (“VWD-012”), which included as part of the District’s WSSCP, various Water Supply Shortage Stages to be declared and implemented by District resolution as needed (upon the recommendation of the General Manager and following public notice and hearing) to respond to escalating drought conditions and other water supply shortage events; and

WHEREAS, Water Code section 350 *et seq.*, permits the District to: (1) declare water shortage emergency conditions when it finds and determines that the ordinary demands and requirements of its water customers cannot be satisfied without depleting the District’s water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and (2) adopt regulations and restrictions that include discontinuance of service as an enforcement option where a water shortage emergency condition has been declared; and

WHEREAS, in accordance with Section 10.05.070 of VWD-012 and the provisions of Water Code section 350 *et seq.*, public notice of the hearing to be held on the proposed adoption of Resolution No. VWD 15-006 (“this Resolution”) was duly published on May 8, 2015, and a public hearing was held in accordance therewith on May 19, 2015; and

WHEREAS, Section 10.05.090 of VWD-012 indicates that a Stage 2 Threatened Water Supply Shortage (“Shortage Stage 2”) shall be in effect following the recommendation of the General Manger and adoption of a resolution by the District Board when the District’s ability to provide water for ordinary domestic and commercial uses may be adversely impaired or threatened and shall be implemented when a ten percent (10%) to twenty-eight percent (28%) reduction in total potable water production or use must be met; and

WHEREAS, in order to respond to Governor’s latest Executive Order and to meet the twenty-eight percent (28%) total potable water production reduction mandate applicable to the District as set forth in the final SWRCB regulations adopted on May 5, 2015, the General Manager of the District hereby recommends that the District Board adopt this Resolution to immediately implement Shortage Stage 2; and

WHEREAS, in light of the continuing drought conditions, the Governor’s Executive Orders, the SWRCB’s final emergency conservation regulations, the approaching summer months, and such other matters as are described in these Recitals, the District Board finds it is necessary to declare a water shortage emergency, and determines that the ordinary demands and requirements of its Water Users 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; and

WHEREAS, in light of the water shortage emergency; the mandate to meet the 28% reduction in potable water production beginning June 1, 2015; and to protect the health, safety and welfare of the District’s water users; the District Board finds it is necessary to adopt this Resolution declaring a water shortage emergency and implementing Shortage Stage 2, effective immediately.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE VICTORVILLE WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That the findings and facts set forth in the above Recitals are true and correct are incorporated into and made part of this Resolution No. VWD 15-006 (“this Resolution”) by this reference.

Section 2. That a water shortage emergency is hereby declared, and that the Stage 2 Threatened Water Supply Shortage (“Shortage Stage 2”) provisions and prohibitions as set forth in Ordinance No. VWD-012 (“VWD-012”) are hereby implemented and will become effective immediately upon the adoption of this Resolution.

Section 3. That nothing in this Resolution shall restrain or inhibit the District’s ability to declare further water shortage emergencies, activate higher Water Supply Shortage Stages and/or adopt additional measures and prohibitions under VWD-012 and/or other applicable provisions of State law.

Section 4. That this Resolution shall take effect immediately upon its adoption (provided that the District Board of Directors shall have first passed, approved and adopted VWD-012).

Section 5. That the Secretary to the Board shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the Victorville Water District; and shall make a minute of passage and adoption thereof in the records of the proceedings of the Victorville Water District, in the minutes of the meeting at which this Resolution is passed and adopted.

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