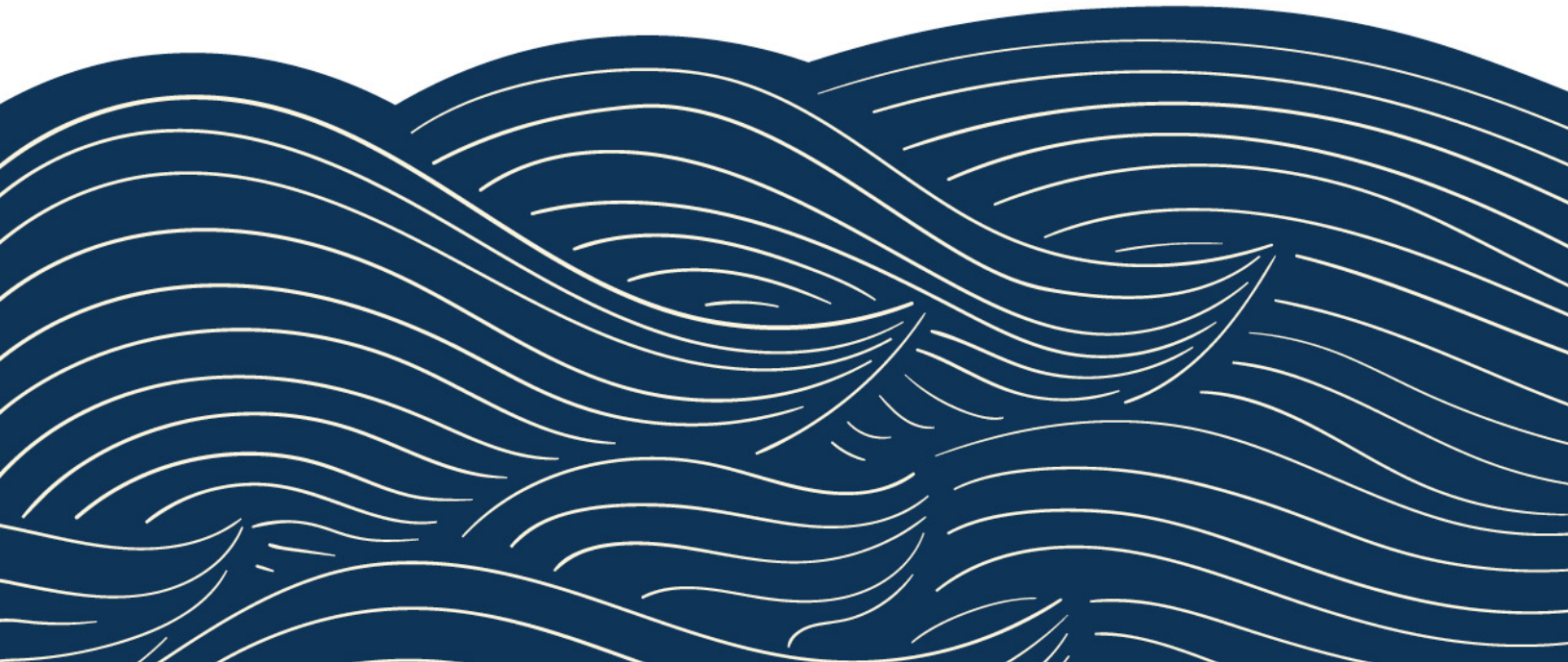




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## **2021 VCMWD Water Shortage Contingency Plan**



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# Water Shortage Contingency Plan

Part of the 2020 Urban Water Management Plan

JUNE 2021

VALLEY CENTER MUNICIPAL WATER DISTRICT



 WSC

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VALLEY CENTER MUNICIPAL WATER DISTRICT

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# 2021 Water Shortage Contingency Plan

**FINAL**

**JUNE 2021**

Prepared by Water Systems Consulting, Inc. pursuant to California Water Code, Section 10631



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# LIST OF ATTACHMENTS

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Attachment 1	VCMWD Ordinance 2021-07 Article 230
Attachment 2	WSCP 60-Day and Public Hearing Notices
Attachment 3	WSCP Adoption Resolution



# ACRONYMS & ABBREVIATIONS

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AAC	All-American Canal
AF	Acre Feet
AFY	Acre Feet per Year
AWIA	America's Water Infrastructure Act of 2018
AWWA	American Water Works Association
Board	VCMWD's Board of Directors
CC	Coachella Canal
CII	Commercial, Industrial, and Institutional
CIP	Capital Improvement Program
CPUC	California Public Utilities Commission
CWC	California Water Code
DRA	Drought Risk Assessment
DWR	California Department of Water Resources
ERP	Emergency Response Plan
ESP	Emergency Storage Project
FY	Fiscal Year
HCF	Hundred Cubic Feet
IID	Imperial Irrigation District
Metropolitan	Metropolitan Water District of Southern California
M&I	Municipal & Industrial
MWD	Municipal Water District
O&M	Operation & Management
PFA/PFC	Project Facility Availability/Commitment
PSAWR	Permanent Special Agricultural Water Rate
QSA	Quantification Settlement Agreement
RRA	Risk and Resilience Assessment
SCADA	Supervisory Control and Data Acquisition
UWMP	Urban Water Management Plan
VCMWD	Valley Center Municipal Water District
Water Authority	San Diego County Water Authority
WSCP	Water Shortage Contingency Plan
WUE	Water Use Efficiency
YMWD	Yuima Municipal Water District

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# Water Shortage Contingency Plan

**This Water Shortage Contingency Plan (WSCP) is a detailed plan for how the Valley Center Municipal Water District (VCMWD or District) intends to predict and respond to foreseeable and unforeseeable water shortages. A water shortage occurs when the water supply is reduced to a level that cannot support the typical demand at any given time.**

This WSCP is a planning document to provide guidance to VCMWD's Board of Directors (Board), staff, and the public by identifying response actions to allow for efficient management of any water shortage with predictability and accountability. This WSCP is not intended to provide absolute direction but rather is intended to provide options to manage water shortages.

Water shortages can be triggered by a hydrologic limitation in supply (i.e., a prolonged period of below normal precipitation and runoff), limitations or failure of supply, and/or treatment infrastructure. Hydrologic or drought limitations tend to develop and abate more slowly, whereas infrastructure failure tends to happen quickly and relatively unpredictably. Water supplies may be interrupted or reduced significantly in several ways, such as during a drought that limits supplies, an earthquake that damages water delivery or storage facilities, a regional power outage, or a toxic spill that affects water quality.



**This WSCP describes the following:**

**Water Supply Reliability Analysis**

Summarizes VCMWD's water supply analysis and reliability and identifies the key issues that may trigger a shortage condition.

**Annual Water Supply and Demand Assessment Procedures**

Describes the key data inputs, evaluation criteria, and methodology for assessing the system's reliability for the coming year and the steps to formally declare any water shortage levels and response actions.

**Six Standard Shortage Stages**

Establishes water shortage levels to clearly identify and prepare for shortages.

**Shortage Response Actions**

Describes the response actions that may be implemented or considered for each stage to reduce gaps between supply and demand to minimize social and economic impacts on the community.

**Communication Protocols**

Describes communication protocols under each stage to ensure that customers, the public, and Board are informed of shortage conditions and requirements.

**Compliance and Enforcement**

Defines compliance and enforcement actions available to administer demand reductions.

**Legal Authority**

Lists the legal documents that grant VCMWD the authority to declare a water shortage and to implement and enforce response actions.

**Financial Consequences of WSCP Implementation**

Describes the anticipated financial impact of implementing water shortage stages and identifies mitigation strategies to offset financial burdens.

**Monitoring and Reporting**

Summarizes the monitoring and reporting techniques to evaluate the effectiveness of shortage response actions and overall WSCP implementation. The results are used to determine if additional shortage response actions should be activated or if efforts are successful and response actions should be reduced.

**WSCP Refinement Procedures**

Describes the factors that may trigger updates to the WSCP and outlines how to complete an update.

**Special Water Feature Distinctions**

Identifies exemptions for ponds, lakes, fountains, pools, spas, etc.

**Plan Adoption, Submittal, and Availability**

Describes the process for the WSCP's adoption, submittal, and availability after each revision.

This WSCP was prepared in conjunction with the VCMWD's 2020 Urban Water Management Plan (UWMP) (Water Systems Consulting, Inc., 2021) and is a stand-alone document that can be modified as needed. This document complies with California Water Code (CWC) Section 10632 and guidance from the State of California Department of Water Resources (DWR) UWMP Guidebook 2020 (State of California Department of Water Resources, 2021) and the American Water Works Association (AWWA) Manual of Water Supply Practices (M60) Drought Preparedness and Response (American Water Works Association, 2019). In addition, the San Diego County Water Authority 2020 WSCP (San Diego County Water Authority, 2021a) was used to align with regional efforts.

## 1.1 Water Supply Reliability Analysis

### 1.1.1 Supply Characterization

VCMWD receives all its potable water from the San Diego County Water Authority (Water Authority). Consequently, the reliability of the VCMWD's supply reflects that of the Water Authority. The Water Authority's core water sources used to supply the VCMWD are purchased water from the Metropolitan Water District of Southern California (Metropolitan), the Carlsbad Desalination Plant, the Water Authority Imperial Irrigation District (IID) Water Conservation and Transfer Agreement, and the All-American Canal (AAC) and Coachella Canal (CC) Lining Projects, as detailed below.

#### Metropolitan

The Water Authority relies on water purchases from Metropolitan to meet its supplemental supply gap. Historically, the Water Authority relied solely on imported water from Metropolitan to meet the needs of its member agencies. However, after experiencing severe shortages from Metropolitan during the 1987–1992 drought, the Water Authority began pursuing actions to diversify the region's supply sources. Currently, Metropolitan's supplies come from two primary sources: the State Water Project and the Colorado River.

#### Carlsbad Desalination Plant

The Carlsbad Desalination Plant began operating in December 2015 and can produce up to 56,000 acre-feet per year (AFY). There is the potential to increase the annual average production capacity to 61,600 acre-feet (AF) (subject to future supply conditions and future Board action) before 2025. This water source is considered highly reliable and resilient against droughts. However, this supply can be impacted by fluctuations in water quality in the Agua Hedionda Lagoon and unscheduled maintenance at the Carlsbad Desalination Plant.

#### Water Authority IID Water Conservation and Transfer Agreement

In 1998, the Water Authority entered into a Water Conservation and Transfer Agreement with IID, an agricultural district in neighboring Imperial

County. Through this Transfer Agreement, the Water Authority began receiving conserved water from IID after the execution of the Quantification Settlement Agreement (QSA) in 2003 with an initial transfer of 10,000 AF. Per the agreement terms, the volume delivered will increase year over year until it reaches 200,000 AFY in 2021 and will then remain fixed for the duration of the Transfer Agreement. The Transfer Agreement's initial term is 45 years, with a provision that either agency may extend the agreement for an additional 30-year term. As part of the QSA, the Water Authority contracted for 77,700 AFY of conserved water from projects to line the AAC and CC. This conserved water will provide an additional 8.5 million AF over the 110-year life of the agreement. Deliveries of this conserved water from the CC reached the region in 2007, and deliveries from the AAC reached the region in 2010.

#### AAC and CC Lining Projects

In 2003, as part of the execution of the QSA on the Colorado River, the Water Authority contracted for 77,700 AFY of conserved water from projects to line portions of the AAC and CC. The lining projects reduced the loss of water that occurred through seepage. Deliveries of conserved water from the CC reached the region in 2007, and deliveries from the AAC reached the region in 2010. Supplies from the canal lining projects are considered verifiable Water Authority supplies.

As part of the VCMWD's 2020 UWMP, water suppliers performed a water service reliability assessment and Drought Risk Assessment (DRA) to evaluate the short-term and long-term water reliability. These



analyses are summarized in more detail in **Chapter 7** of the VCMWD's 2020 UWMP and are described in the following sections (Water Systems Consulting, Inc., 2021).

### 1.1.2 Water Service Reliability Assessment

**Chapter 7** of VCMWD's 2020 UWMP describes the reliability of the District's water supply by comparing supply and demand projections through 2045 for normal, single-dry, and multiple-dry years. The chapter also assesses the drought risk over the next five years (2021–2025) assuming the driest five-year period is repeated over the next five years. Water supply reliability reflects the VCMWD's ability to meet the water needs of its customers with water supplies under varying conditions. The analysis considers plausible hydrological and regulatory variability, climate conditions, and other factors that impact the VCMWD's water supply and demand. This analysis indicates that the Water Authority water supplies are reliable and that no shortages are anticipated, even with conservative assumptions about the availability of dry-year supplies from the Metropolitan. The Water Authority and its member agencies have made significant strides and are planning to continue developing a diverse and resilient water portfolio. This section is a concise narrative of the assessment in accordance with CWC Section 10632(a)(1) and describes the key findings of the water supply reliability analysis conducted pursuant to CWC Section 10635, which is presented in **Chapter 7** of the VCMWD's 2020 UWMP (Water Systems Consulting, Inc., 2021).

### 1.1.3 The 2021–2025 DRA

New to the 2020 UWMP, CWC Section 10635(b) now requires a DRA. The DRA provides a quick snapshot of the anticipated surplus or deficit if a drought were to occur in the next five years. The DRA evaluates each water supply's reliability and compares available water supplies and projected demands during a five-consecutive-dry-year scenario. This short-term analysis can help water suppliers foresee undesired risks, such as upcoming shortages, and provide time to evaluate and implement the necessary response actions needed to mitigate shortages in a less impactful manner to the community and environment. Given that VCMWD receives all its supply from the Water Authority, the analysis summarized below refers to the Water Authority's DRA, located in Section 9 of the Water Authority's UWMP (San Diego County Water Authority, 2021).

VCMWD does not anticipate any supply shortages within the next five years, as shown in **Chapter 7** of the UWMP. The Water Authority's DRA concluded that the Water Authority has a surplus between 168,000 AFY and 237,000 AFY of supplies in all five years; therefore, actions under their WSCP are not required. It should be noted that any DRA conclusions or amendments by the Water Authority to their UWMP or WSCP will impact VCMWD's results.

Metropolitan is also expected to have a surplus of water during a five-year drought condition, as described in their 2020 UWMP and DRA; however, estimates of projected water supply and use reveal that there could be a possible shortfall of core supplies in 2021 and 2023, an event similar to the historical 1988 and 1990 low-supply conditions from the State Water Project repeats (Metropolitan Water District of Southern California, 2021). Metropolitan's DRA illustrates its potential shortage response actions if such a shortfall were to happen. As detailed in Section 2.5 and Appendix 4 of Metropolitan's 2020 UWMP, Metropolitan has in place a robust WSCP and comprehensive shortage response plan that includes demand-reduction measures and supply augmentation actions. Metropolitan's DRA anticipates taking from its storage during these shortfall years to augment its supply and meet its demand. As of January 1, 2021, Metropolitan has 3.2 million AF in storage that may be used for dry-year needs within multiple reservoirs to mitigate any potential shortage in 2021 and 2023. In addition, Metropolitan may also take from its water banking programs in the Central Valley, draw from in-region conjunctive-use programs, pursue additional supplies through State Water Project transfers, or exercise any combination of supply augmentation actions. At this time, no water service reliability concern is anticipated, and no shortfall mitigation measures are expected to be exercised. Metropolitan will periodically revisit its representation

of both individual supply sources and of the gross water use estimated for each year and will revise its DRA if needed.

### 1.1.4 Water Supply Reliability Risks

A range of issues could lead to supply shortages. Although the Water Authority water supplies are reliable, VCMWD is dependent on one water source. Failure of the Water Authority aqueduct system that conveys water to the region could be catastrophic.

To increase water reliability and redundancy throughout the County of San Diego, the Water Authority initiated the Emergency Storage Project (ESP). The ESP is composed of various projects, including the construction of new reservoirs, pump stations, and aqueduct upgrades to increase local storage and diversify the conveyance of water. Certain hydraulic limitations currently prevent ESP water from reaching some of the Water Authority's northern turnouts, which includes the VCMWD's VC3 connection and the Y1 connection of the Yuima Municipal Water District (YMWD). The VC3 service area includes the San Gabriel Zone and the Couser Zone, which covers about 20% of the service area.

The Water Authority, VCMWD, and YMWD are working on the final ESP components. The proposed project will use the VCMWD's existing VC1 connection to convey water to the VC3 service area and YMWD. The estimated completion date for the VCMWD and Yuima MWD ESP facilities is late 2023.

## 1.2 Annual Water Supply and Demand Assessment

As established by CWC Section 10632.1, urban water suppliers must conduct annual water supply and demand assessments and submit an annual Water Shortage Assessment Report to the DWR. The Annual Assessment is an evaluation of the short-term outlook for supplies and demands to determine whether the potential for a supply shortage exists and whether there is a need to trigger a WSCP shortage level and response actions in the current fiscal year to maintain supply reliability. Beginning July 1, 2022, VCMWD must prepare their annual water supply and demand assessment and submit an annual Water Shortage Assessment Report to the DWR. An extension may be allowed because VCMWD receives water from the State Water Project through the Water Authority.

Because of the reliance on the Water Authority's available supply, the annual report's preparation will be subject on the Water Authority's Annual Assessment process, which is discussed in Section 4 of their 2020 WSCP (San Diego County Water Authority, 2021a). The Water Authority's Annual Assessment focuses on the demand and supply available to municipal and industrial (M&I) customers and covers the current year and one dry year. The Water Authority Annual Assessment is conducted in steps to determine if a regional customer demand reduction is needed and, if so, to identify the appropriate shortage response level and actions.

**An overview of the basic steps that the Water Authority will perform to complete their Annual Assessment is presented below:**

1. Evaluate the Water Authority's core water suppliers and member agency M&I demands to determine if there is a shortage.
2. If a shortage is identified, the Water Authority will evaluate the use of stored water reserves from the Water Authority's Carryover Storage (discussed in Section 8.4 of their UWMP) reserves or pursue additional supply augmentation measures, such as dry-year transfers, to reduce or eliminate the shortfall. If a shortage does not exist, consistent with the Carryover Storage Policy Guidelines, Water Authority staff will analyze how to most effectively manage storage supplies to avoid potential shortages in the future.

3. If a regional water supply shortfall still exists after consideration of augmented supplies, the Water Authority will calculate a regional shortage level at the customer level to identify the appropriate M&I shortage response actions.

After this evaluation, the Water Authority will inform the VCMWD if a shortage condition exists, and the corresponding percent reduction needed, and/or the water allocations that are established. VCMWD's will be solely based on supply conditions reported from the Water Authority while also reporting and taking into consideration the VCMWD's demand quantities.

For the purpose of the WSCP, agricultural users not participating in the Permanent Special Agricultural Water Rate (PSAWR) are treated the same as M&I users and are subject to the same water rates. Under the PSAWR program, agricultural users are exempt from paying the Water Authority's storage charge and in return will not receive supplies from the Carryover Storage Project during shortages and limited supplies from the ESP (San Diego County Water Authority, 2021a).

### 1.2.1 Key Data Inputs and Evaluation Criteria

Key data inputs and their sources for the Annual Assessments are below.

**Evaluation criteria that can be used to determine and declare the severity of supply shortages may include any, or combinations, of the following:**

- Current-year unconstrained demand
- Available supply from the Water Authority in the current year and one dry year
- Existing infrastructure capabilities and plausible constraints; this reflects limited production and distribution capacity caused by a variety of factors potentially including, but not limited to, artificial or natural catastrophic events
- State mandates or mandatory compliance with water use efficiency standards
- Other locally applicable evaluation criteria as necessary

### 1.2.2 Annual Assessment Procedures

VCMWD will perform the Annual Assessment between March and June, based on the Water Authority's Annual Assessment.

**The steps to conduct the Annual Assessment are as follows:**

1. Compile and analyze historical water customer demand for trends and/or abnormalities by March.
2. Determine annual demand by March.
3. Confirm that the customer demand is met through available water supply from the Water Authority or identify the shortage stage if needed by April/May.
4. Analyze demand trends, water supply conditions, and available supply from the Water Authority by April/May.
5. Prepare the Annual Assessment Report between March and May.
6. Present findings and recommendations to the Board for adoption by June.
7. Submit the Annual Assessment to the DWR by July 1.

The Annual Assessment starts in 2022, with the first Annual Assessment Report due to the DWR by July 1, 2022. The report is due on July 1 of every year.



### 1.3 Six Standard Water Shortage Levels

This section is in accordance with CWC Section 10632(a)(2) and describes VCMWD's water shortage levels. New to the 2020 UWMP, water suppliers must now adopt six standard water shortage levels. The shortage levels indicate the gap in supply compared to normal-year availability. The new six shortage stages correspond to 10%, 20%, 30%, 40%, 50%, and more than %50 shortage compared to the normal reliability condition. The DWR standardized the shortage levels to provide a consistent regional and statewide approach to measure water supply shortage conditions. However, a water supplier may maintain its current shortage levels if a crosswalk relating its existing shortage levels to the six standard levels is included.

VCMWD is updating its shortage stages to the six standard ones to align with the Water Authority's shortage stages. In general, the Water Authority will notify VCMWD that there is a reasonable probability that there will be supply shortages and that consumer demand reduction is required to ensure that sufficient supplies will be available to meet anticipated demands. VCMWD will independently adopt retail-level actions to manage potential water supply shortages. **Table 1** shows the Regional Water Shortage Stages as prepared by the Water Authority. The restrictions become more stringent at each successive level to obtain necessary savings and delay economic impact until higher levels are reached.

**Table 1. Water Shortage Contingency Plan Levels (Required DWR Table 8-1)**

SHORTAGE LEVEL	PERCENT SHORTAGE RANGE	WATER SUPPLY CONDITION
Normal Conditions	0	<b>Permanent Water Use Efficiency Measures:</b> Normal supply condition in effect at all times and irrespective of the availability of water supplies or hydrologic conditions
1	<10%	<b>Drought Response Level 1:</b> Water Authority notifies VCMWD of an anticipated or actual supply reduction specific to VCMWD requiring a demand reduction up to 10% in order to balance demands with reduced supplies
2	<20%	<b>Drought Response Level 2:</b> Water Authority notifies VCMWD of an anticipated or actual supply reduction specific to VCMWD requiring a demand reduction greater than 10% up to 20% in order to balance demands with reduced supplies
3	<30%	<b>Drought Response Level 3:</b> Water Authority notifies VCMWD of an anticipated or actual supply reduction specific to VCMWD requiring a demand reduction greater than 20% up to 30% in order to balance demands with reduced supplies
4	<40%	<b>Drought Response Level 4:</b> Water Authority notifies VCMWD of an anticipated or actual supply reduction specific to VCMWD requiring a demand reduction greater than 30% up to 40% in order to balance demands with reduced supplies
5	<50%	<b>Drought Response Level 5:</b> Water Authority notifies VCMWD of an anticipated or actual supply reduction specific to VCMWD requiring a demand reduction greater than 40% up to 50% in order to balance demands with reduced supplies
6	>50%	<b>Drought Response Level 6:</b> Water Authority notifies VCMWD of an anticipated or actual supply reduction specific to VCMWD requiring a demand reduction greater than 50% in order to balance demands with reduced supplies

## 1.4 Shortage Response Actions

This section is in accordance with CWC Sections 10632(a)(4) and 10632.5(a) and describes the response actions that must be implemented or considered for each stage to minimize social and economic impacts on the community. This WSCP identifies various actions to be considered by the Board. In the event of a water shortage emergency, VCMWD will evaluate the cause of the emergency to help inform which response actions should be implemented. Depending on the nature of the water shortage, VCMWD can elect to implement one or several response actions to mitigate the shortage and reduce gaps between supply and demand. It should be noted that all actions listed in the previous stage applies to the new stage. For example, stage 6 includes actions from stages 1, 2, 3, 4, and 5. If necessary under extreme circumstances, VCMWD may adopt additional actions not listed here. Section 230.11 of the VCMWD Ordinance 2021-07, Article 230 (**Attachment 1**) provides standing authorization for water use restrictions and prohibitions to become effective upon adoption of a water supply shortage stage at any regular or special meetings by the Board.

### 1.4.1 Demand Reduction

Whether under normal supply or water shortage conditions, VCMWD implements comprehensive voluntary water conservation measures, classified under the normal-condition" water supply stage category. VCMWD has identified a variety of demand-reduction actions to offset supply shortages. Demand-reduction measures are strategies intended to decrease water demand to close the gap between supply and demand. VCMWD employs a variety of different techniques to encourage community members to be more involved and educated about water conservation. These techniques include actions planned to be taken at the consumer level, including, but not limited to, leak detection and repair, limitations on irrigation, and other voluntary actions to reduce customer demand. A full list of demand-reduction methods performed at various supply shortage stages can be seen and is discussed in detail below in **Table 2**.

### 1.4.2 Supply Augmentation

VCMWD does not plan to utilize additional supply sources during a water shortage but rather to mitigate supply impacts through demand-reduction actions and/or utilize additional imported water to meet demands.

**Table 2. Demand Reduction Actions (Required DWR Table 8-2)**

<b>SHORTAGE LEVEL</b>	<b>DEMAND REDUCTION METHODS AND OTHER ACTIONS BY WATER SUPPLIER</b>	<b>HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP?<sup>1</sup></b>	<b>ADDITIONAL EXPLANATION OR REFERENCE</b>	<b>PENALTY, CHARGE, OR OTHER ENFORCEMENT<sup>2</sup></b>
1	Landscape - Limit landscape irrigation to specific times	0-5%	Irrigate residential and commercial landscape before 10:00 a.m. and after 4:00 p.m. only. Watering is permitted at any time when a drip/micro-irrigation system/equipment is used. This section shall not apply to Agricultural Water Use.	Yes
1	Landscape - Other landscape restriction or prohibition	0-1%	Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.	Yes
1	Landscape - Limit landscape irrigation to specific times	0-1%	Irrigate nursery and commercial grower's products before 10:00 a.m. and after 4:00 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.	Yes
1	CII - Restaurants may only serve water upon request	0-1%	Serve and refill water in restaurants, bars, and other food service establishments only upon request.	Yes
1	CII - Lodging establishment must offer opt out of linen service	0-1%	Hotels, motels, time shares and resort facilities and other commercial lodging establishments should offer guests the option of not laundering towels and linens daily.	Yes
1	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Repair all water leaks within five (5) days of notification by the District unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including the Agricultural Water Use.	Yes
2	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Repairing all leaks within three (3) days of notification by the District of a suspected or actual leak unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.	Yes
2	Other	0-1%	Using recycled or non-potable water for construction purposes when available and economically feasible	No

SHORTAGE LEVEL	DEMAND REDUCTION METHODS AND OTHER ACTIONS BY WATER SUPPLIER	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP? <sup>1</sup>	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT <sup>2</sup>
2	Landscape - Limit landscape irrigation to specific times	0-5%	Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to three (3) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District; provided however, that landscape irrigation systems using weather efficient devices, including but not limited to: weather based controllers, using a drip/micro-irrigation system/equipment and stream rotor sprinklers are not subject to the ten minute (10) restriction. This does not apply to Agricultural Water Use.	Yes
2	Landscape - Other landscape restriction or prohibition	0-1%	Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 230.6 (b)(3), on the same schedule set forth in Section 230.6 (b)(3) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.	Yes
2	Water Features - Restrict water use for decorative water features, such as fountains	0-1%	Stop operating ornamental fountains or similar decorative water features unless recycled water is used.	Yes
3	Landscape - Limit landscape irrigation to specific times	0-5%	Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to before 10:00 a.m. or after 4:00 p.m. only and to no more than ten minutes (10) or fewer per watering station for three (3) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using a drip/micro-irrigation system/equipment is not subject to the ten-minute (10) restriction. This does not apply to Agricultural Water Use.	Yes
3	Landscape - Other landscape restriction or prohibition	0-5%	Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 230.7(b)(1), on the same schedule set forth in section 230.7(b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low- volume non-spray irrigation.	Yes
3	Other - Prohibit vehicle washing except at facilities using recycled or recirculating water	0-1%	Not washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.	Yes
3	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Repairing all leaks within two (2) days of notification by the District unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.	Yes

SHORTAGE LEVEL	DEMAND REDUCTION METHODS AND OTHER ACTIONS BY WATER SUPPLIER	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP? <sup>1</sup>	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT <sup>2</sup>
3	Other	0-1%	Using recycled or non-potable water for construction purposes as defined in Section 230.2 (a)(1).	Yes
3	Other	Varies	Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon declaration of Level 3, all non PSAWR meters without pre-existing allocations shall be provided an allocation of 10 Hundred Cubic Feet (HCF) per equivalent ¾ inch meter, per month for months in the base period for which there is no usage history or a usage history of less than 10 HCF. Such allocation shall be subject to future reductions as determined necessary by the Board of Directors as well as the appeal process provided for in Section 230.14 of Article 230. Water allocations for meters in the PSAWR program shall be based upon water supply reduction plans adopted by the Board for those specific programs.	Yes
3	Moratorium or Net Zero Demand Increase on New Connections	Varies	<p>The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350, et seq., during a Level 3, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager. Only existing and new annexation proposals which can provide to the District additional water resources offsetting the net water demand impact for the specific projects in the annexing area and providing 0.5-acre feet per year of additional supply per unit of development in the annexing area to meet firm Municipal and Industrial demands within the existing District service area will continue to be processed or have applications considered by the District. For the purposes of this subsection, "additional water resources" shall be defined as:</p> <ul style="list-style-type: none"> <li>• Water resources originating from outside the current service area of the District;</li> <li>• Water resources resulting from financial support from the annexing lands for local water resource development opportunities within the District determined to be available for annexing territories. Local resource development opportunities available for annexing lands shall be identified after first determining the level of local resource development opportunities which may be required to accommodate development on lands currently within the District boundaries.</li> </ul>	Yes
4	Landscape - Limit landscape irrigation to specific times	0-5%	Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to before 10:00 a.m. or after 4:00 p.m. only and to no more than ten minutes (10) or fewer per watering station for two (2) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using a drip/micro-irrigation system/equipment is not subject to the ten-minute (10) restriction. This does not apply to Agricultural Water Use.	Yes
4	Landscape - Other landscape restriction or prohibition	0-1%	Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 230.8 (b)(1), on the same schedule set forth in section 230.8 (b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low- volume non-spray irrigation.	Yes

SHORTAGE LEVEL	DEMAND REDUCTION METHODS AND OTHER ACTIONS BY WATER SUPPLIER	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP? <sup>1</sup>	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT <sup>2</sup>
4	Water Features - Restrict water use for decorative water features, such as fountains	0-1%	Stop filling or refilling 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 a drought response level under Ordinance 2021-07.	Yes
4	Moratorium or Net Zero Demand Increase on New Connections	Varies	<p>The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code §350, et seq., during a Level 4, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager:</p> <ol style="list-style-type: none"> <li>1. All new development processing, consisting of the issuance of new statements of ability to serve (PFA/PFC letters, Concept Approvals, or Agency Clearance letters) shall be subject to limitations. Only projects with: <ol style="list-style-type: none"> <li>a. Existing meter capacity; or</li> <li>b. Those providing substantial evidence that net water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District through: <ol style="list-style-type: none"> <li>(1) the development of local water resources or</li> <li>(2) participation in a local or regional net demand offset program, will continue to be processed.</li> </ol> </li> </ol> </li> </ol>	Yes

SHORTAGE LEVEL	DEMAND REDUCTION METHODS AND OTHER ACTIONS BY WATER SUPPLIER	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP? <sup>1</sup>	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT <sup>2</sup>
5	Landscape - Prohibit all landscape irrigation	5-10%	<p>Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use:</p> <ul style="list-style-type: none"> <li>• Maintenance of trees and shrubs that are watered on the same schedule set forth in section 203.8(b)(1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;</li> <li>• 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;</li> <li>• Maintenance of existing landscaping for erosion control;</li> <li>• Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;</li> <li>• 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 230.8(b)(1);</li> <li>• Watering of livestock;</li> <li>• Agricultural Water Use; and</li> <li>• Public works projects and actively irrigated environmental mitigation projects.</li> </ul>	Yes
5	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	0-1%	Repair all water leaks within one (1) day of notification by the District unless other arrangements are made with the General Manager. This applies to any person in the use of any water provided by the District including Agricultural Water Use.	Yes

SHORTAGE LEVEL	DEMAND REDUCTION METHODS AND OTHER ACTIONS BY WATER SUPPLIER	HOW MUCH IS THIS GOING TO REDUCE THE SHORTAGE GAP? <sup>1</sup>	ADDITIONAL EXPLANATION OR REFERENCE	PENALTY, CHARGE, OR OTHER ENFORCEMENT <sup>2</sup>
5	Moratorium or Net Zero Demand Increase on New Connections	Varies	<p>The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 et seq., during a Level 5, unless the water supply shortage is associated with an immediate Emergency as determined by the General Manager:</p> <ol style="list-style-type: none"> <li>Any and all development and annexation processing with associated direct water usage shall be terminated and no new temporary or permanent potable water meters shall be provided, and no statement 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: <ol style="list-style-type: none"> <li>A valid, unexpired building permit has been issued for the project; or</li> <li>The project is necessary to protect the public's health, safety, and welfare; or</li> <li>The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of District.</li> </ol> </li> </ol>	Yes
6	Landscape - Other landscape restriction or prohibition	0-5%	<p>Stop all landscape irrigation as in Section 230.8 (b)(1) except for the following categories of use:</p> <ul style="list-style-type: none"> <li>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;</li> <li>Maintenance of existing landscaping for erosion control;</li> <li>Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;</li> <li>Watering of livestock; and</li> <li>Public works projects and actively irrigated environmental mitigation projects.</li> </ul>	Yes
<p>Notes:</p> <p>1. Reduction in the shortage gap is estimated and can vary significantly.</p> <p>2. Refer to Section 1.6 for Penalties for Water Wastage.</p>				



### 1.4.3 Operational Changes

Under shortage conditions, operations may be affected by demand-reduction responses. Operational changes to address a short-term water shortage may be implemented based on the severity of the reduction goal. VCMWD will consider their operational procedures at the time of a shortage to identify changes they can take to maximize supply and reduce demand during a water shortage stage.

**These potential actions depending on shortage levels could include, but are not limited to:**

- Expanding a public information campaign to educate and inform customers of the water shortage emergency and required water savings
- Decreasing line flushing to only on a compliant basis
- Offering water use surveys
- Implementing or modifying the drought rate structure or surcharge or water emergency tiered pricing, pursuant to the requirements of Proposition 218 and in accordance with California Law
- Providing information regarding rebates for plumbing fixtures and landscape irrigation
- Prohibiting any new permits for temporary construction meters
- Monitoring construction meters and fire hydrant meters for efficient water use
- Terminating any and all development and annexation processing with associated direct water usage, providing no new temporary or permanent potable-water meters, and issuing no statement of immediate ability to serve or provide potable-water service (such as will-serve letters, certificates, or letters of availability), except under one of the following circumstances:
  - A valid, unexpired building permit has been issued for the project
  - The project is necessary to protect the public's health, safety, and welfare
  - The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District.
- Reducing overhead in the short term and midterm by deferring noncritical Capital Improvement Program (CIP) and major maintenance expenditures, as well as in the long term by adjusting operational and staffing levels and retail water rate structures to incorporate the reality of lower retail water sales than were previously anticipated.
- Decreasing the level or, if need be, creating even a total interruption in the expenditures for the agency's facility replacement program. Noncritical replacement projects will have little or no impact on the agency or its customers and would only extend the master planned replacement schedule.
- Increasing penalties for repeated violations proportionate to shortage levels.

### 1.4.4 Additional Mandatory Restrictions

VCMWD has adopted permanent water use efficiency measures that prohibit wasteful water use and are in effect at all times and irrespective of the availability of water supplies or hydrologic conditions.

**These practices are:**

- Hosing off sidewalks, driveways, and other hardscapes, except when it is necessary to alleviate safety or sanitation hazards
- Watering lawns in a manner that causes runoff, or watering within 48 hours after measurable precipitation
- Using nonrecirculated water to operate ornamental fountains or other decorative water features
- Washing vehicles with hoses not equipped with a shut-off nozzle. Avoid washing during hot conditions when additional water is required because of evaporation
- Irrigating ornamental turf on public street medians

Additional details of these permanent water use restrictions can be found in VCMWD Article 230, Section 230.4, located in **Attachment 1**.

### 1.4.5 Emergency Response Plan

In addition to responding to drought conditions, VCMWD's WSCP can be used to respond to emergency or catastrophic conditions that impact the availability of the VCMWD's water supplies and/or the ability to deliver water within the service area. Besides drought, water supply may experience a catastrophic interruption as a result of natural disasters, such as an earthquake, wildfire, mudslide, or a regional power outage.

**Planning and response measures in the event of an interruption to the water supply include the following:**

- In advance of a known threat to the water and distribution system, such as a wildfire, distribution reservoirs will be filled to capacity, and any reservoir out of service will be put back into service.
- Portable generators will be deployed to critical facilities lacking emergency backup power.
- Supervisory Control and Data Acquisition (SCADA) will be used throughout the distribution system to monitor system problems, whether they be minor day-to-day problems or major disruptions.
- District distribution system crews are trained in pipe repair and replacement as a part of their normal duties and will be continually ready to perform such work on an emergency basis as needed.
- In the occurrence of a catastrophic event, District employees will be prepared to mobilize to respond to emergent issues.
- Distribution system repairs will be prioritized to best meet critical needs, including water for firefighting, and health and safety needs.
- A portion of the available potable supply will be reserved for drinking-water purposes in the event of prolonged interruption.
- In the event of distribution system failure, a clear message for timely information dissemination to the public will be developed that includes the nature of the catastrophic event, status of the distribution system, water use prohibitions, allowable water uses, potential need to boil drinking water prior to consumption, and location and availability of emergency drinking water.

In 2021, VCMWD will complete a Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP) in accordance with America's Water Infrastructure Act (AWIA) of 2018. The purpose of the

RRA and ERP is to meet the AWIA compliance requirements and plan for long-term resilience of VCMWD's infrastructure. The RRA will assess VCMWD's water system to identify critical assets and processes that may be vulnerable to human and natural hazards and to identify measures that can be taken to reduce risk and enhance resilience from service disruption for the benefit of customers. The RRA identifies and characterizes both infrastructure-specific and system-wide vulnerabilities and threats and quantifies the consequences of disruption. The RRA also identifies various options (and constraints) in addressing and mitigating risk. The RRA, in conjunction with the ERP, charts a course for water system resilience. The RRA also provided various recommendations to increase the reliability of VCMWD's system. Since critical pieces of infrastructure and specific vulnerabilities are detailed in the RRA and ERP, the contents of the document are confidential and for use by VCMWD's staff only. However, VCMWD can confirm that these plans meet the requirements set forth by AWIA and evaluate seismic risks and mitigation actions to VCMWD's infrastructure.

### 1.4.6 Seismic Risk Assessment and Mitigation Plan

VCMWD certified with the U.S. Environmental Protection Agency that their RRA was compliant with all AWIA requirements on June 30, 2020, and will certify their ERP on December 31, 2021, meeting all federal deadlines. Prior to AWIA certification, the District also performed a Seismic Vulnerability Study. This separate analysis identified seismic hazard information, provided an assessment of the seismic resilience of the water system, and made mitigation recommendations necessary for the development of an ERP. The RRA, ERP, and Seismic Vulnerability Study all contain confidential information related to infrastructure risk and response measures and therefore are used as an internal document only and located at VCMWD. Last, San Diego County's 2017 Multi-Jurisdictional Hazard Mitigation Plan also addresses risk assessment and mitigation for multiple emergency types that create water supply interruptions; this can be found at: [www.sandiegocounty.gov/oes/emergency\\_management/oes\\_jl\\_mitplan.html](http://www.sandiegocounty.gov/oes/emergency_management/oes_jl_mitplan.html).

### 1.4.7 Shortage Response Action Effectiveness

Measuring reductions in water use is part of regular procedures, whether under normal or water shortage conditions. Water is introduced into the distribution system in response to customer demand and is tracked monthly as an indicator of overall demand. VCMWD's billing system provides standardized reports on monthly-metered sales by bill code, as well as customized reports for specific areas of analysis.

Under water shortage conditions, savings are measured in comparison to what is considered to be a normal-year demand (i.e., current customer base with approximately average rainfall), or in reference to a specific base year, as may be dictated by statewide requirements.

Estimates of the effectiveness of these actions are included in **Table 2**. It is expected that response action effectiveness is also a result of successful communication and outreach efforts. In general, the effectiveness of each reduction action can vary significantly. It is also difficult to assess the effectiveness of each activity separately, as VCMWD implements several activities at once. For the purpose of WSCP implementation, it is assumed that the upper end of the gap reduction is based on the use of multiple demand-reduction actions in a stage. For example, if all shortage level stage 1 actions by VCMWD were implemented, a reduction of 5% or more in the shortage gap is estimated. However, this estimation could be higher based on local conditions and public outreach.

Reductions in the shortage gap for stages 2 to 6 assume that all measures in the previous stage(s) are implemented and those savings are counted toward the total reduction in the shortage gap. For example, in WSCP stage 4, VCMWD may limit irrigation to specific days, and this measure, along with all demand reduction measures in stages 1, 2, and 3, is estimated to reduce the shortage gap by up to 40%.

## 1.5 Communication Protocols

This section is in accordance with CWC Section 10632(a)(5) and describes the communication protocols and procedures to inform customers, the public, and state and local officials of any current or predicted water shortages. This WSCP includes a staged plan to communicate the declaration of a shortage stage, inform restrictions, and provide updates during a water shortage emergency.

The Water Authority and its 24 member agencies, including VCMWD, conduct communications and outreach about water supplies and water use efficiency as an ongoing activity under normal supply conditions. However, proactive and effective communication between water utilities, the public, government officials, and other key stakeholders becomes even more important if procurement conditions become abnormal and the Water Authority needs to enable the WSCP. **Section 9** of the Water Authority WSCP describes the basic communications plan needed to help the Water Authority successfully convey crucial information during all stages of the WSCP (San Diego County Water Authority, 2021).

**VCMWD aims to strongly follow the lead of:**

### Coordination

During droughts or other times of limited supply that activate the WSCP, the Water Authority will establish more frequent schedules of updates, reports, or discussions at all levels to ensure that Water Authority outreach messages and tactics stay in sync with the changing needs of member agencies and their customers. VCMWD will strive for this same coordination between affected cities and counties surrounding its service area. The schedule and timing of these updates may adjust periodically to reflect evolving water shortage conditions or other factors.

### Key Audiences

The Water Authority's Public Affairs staff will coordinate closely with member agencies, including VCMWD, and solicit feedback from stakeholders as needed to ensure that outreach efforts are reaching key audiences.

### Communication Objectives

Messaging will be based on the communication objective, including:

- Motivating water users to increase conservation immediately in ways that are consistent with any permanent and/or mandated actions called for at the current level of the WSCP.

- Raising awareness and understanding of drought, regulatory, or other conditions affecting water supplies and the need for increased conservation.
- Lower supply shortage stage having demonstrated the effectiveness and value of conservation actions and water supply reliability investments in minimizing impacts on the region's economy and quality of life.

### Flexibility and Adaptability

In general, this communication plan is flexible and adaptable because of the many variables that can impact the effectiveness of this plan, including shortage level, the specific supply or regulatory circumstances driving that activation, budget availability, seasonal conditions, and other factors. Because of these potential variations, this communication plan does not dictate every strategy and tactic or the scale of resources that needs to be applied regionally at each level of the WSCP. Rather, this plan includes recommended strategies and tactics that generally match the needs associated with the escalating levels. This is intended to give the Water Authority's Board and management the flexibility to apply tailored communication approaches that best fit the specific goals of the Water Authority and its member agencies at any given point, as well as the agility to react quickly to any changes in conditions.

This WSCP includes a staged plan to outline and provide guidance for efficient communication of declaration of a shortage stage, inform restrictions, and provide updates during a water shortage emergency, shown in **Table 3**. Note that not all the mechanisms listed will be performed by VCMWD; some could be performed by the Water Authority as part of their communication protocols.

**Table 3. Communication Protocol During Water Shortage Conditions**

STAGE	ACTION
1	Coordinate with Water Authority for clear, consistent, and understandable messages
1	Information posted on the VCMWD's website
1	Social media posts (Facebook, Twitter, and Nextdoor)
1	News conference or other event to announce/explain change in WSCP level or general water conservation tactics
1	Modify school assembly program content to include messages about need for increased voluntary conservation.
1	Information included in utility bill inserts on a regular basis
1	Promotion of rebates and water conservation services.
2	Letters, postcards, and fliers mailed to residents and businesses impacted by water use regulations.
2	Targeted outreach and technical assistance to highest water users in each classification.
3	Engage Board members and provide them with resources to share with constituents.
3	Increased paid advertising – print, online, radio, TV, streaming, social media, etc.
3	Messaging printed directly on utility bills.
3	Press releases to local media (online and print newspapers, TV, radio, etc.).
4	Increased paid advertising – print, online, radio, TV, streaming, social media, movie theatres, buses, etc.
4	Assemble and promote the speaker's bureau for water shortage presentations for neighborhood groups, gardening clubs, HOAs, churches, senior centers, neighborhood associations, business associations, community groups, property management companies, etc.
5/6	Increased coordination with the local landscaping industry including water shortage information in their newsletters, publications, and facilities: local wholesale and retail nurseries, and irrigation supply stores.
5/6	Signage posted at nurseries and irrigation supply stores.
5/6	Outreach materials and drought notices mailed to the hospitality industry including restaurants and lodging.
Note:	
1. If a water shortage progresses through multiple stages all measures in the previous stage(s) are implemented in addition to current stage actions.	

## 1.6 Compliance and Enforcement

This section is in accordance with CWC Section 10632(a)(6) and describes the compliance and enforcement provisions. All of the restrictions and prohibitions on end uses are associated with enforcement measures as outlined below. This system is based on the progressive number of violations of the user. In all cases, the first violation is a warning that is not accompanied by a monetary penalty to allow the user to become aware of the prohibition and to allow VCMWD to document that the user is aware of the prohibition. As an alternative, VCMWD may install flow restrictors or discontinue water service at any time. The fines for each violation at varying supply shortage stages are noted below in **Table 4. Penalties for water wastage** are based on VCMWD Ordinance 2021-07, Article 230 (**Attachment 1**).

**Table 4. Penalties for Water Wastage**

VIOLATION	PERMANANT	PENALTY PER CURRENT SUPPLY SHORTAGE LEVEL <sup>1</sup>					
		1	2	3	4	5	6
<b>First</b>	Written Warning						
<b>Second</b>		\$25	\$50	\$100	\$200	\$400	
<b>Third</b>		\$50	\$100	\$200	\$400	\$800	
<b>Fourth<sup>2 &amp; 3</sup></b>		\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	
<b>Fifth<sup>2,4&amp;5</sup></b>		\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
<b>Continuing<sup>6</sup></b>		\$50	\$100	\$200	\$400	\$800	
Notes:							
1. Penalty amount is placed on water bill							
2. Penalty is in addition to installation of a flow restriction of 5 gallons per minute for 120 hours (5 days) in which the customer will be charged for the installation and removal of the flow restrictor							
3. Penalty in addition to flow restriction imposed and sustained to 5 gallons per minute until disposition of complaint, and the customer will be charged for the installation and removal of the flow restrictor.							
4. Complaint filed with the County of San Diego District Attorney's office.							
Per day penalty							

## 1.7 Legal Authorities

VCMWD has the legal authority to implement and enforce its WSCP. California Constitution Article X, Section 2 and CWC Section 100 provide that water must be put to beneficial use; waste, unreasonable use, or unreasonable method of use of water shall be prevented; and the conservation of water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare. In addition, CWC Section 375 provides the VCMWD with the statutory authority to adopt and enforce water conservation restrictions, and CWC Sections 350 et seq. authorize VCMWD to declare a water shortage emergency and impose water conservation measures when it is determined that the VCMWD may not be able to satisfy ordinary demands without depleting supplies to an insufficient level.

If necessary, the VCMWD shall declare a water shortage emergency in accordance with CWC Chapter 3 (commencing with Section 350) of Division 1. Once having declared a water shortage, the VCMWD is provided with broad powers to implement and enforce regulations and restrictions for managing a water shortage. For example, CWC section 375(a) provides the following:



*“Notwithstanding any other provision of the law, any public entity which supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of the public entity may, by ordinance or resolution adopted by a majority of the members of the governing body after holding a public hearing upon notice and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity.”*

Water Code Section 375(a). CWC Section 375(b) grants the District with the authority to set prices to encourage water conservation.

Under California law, including CWC Chapter 3.3 and Chapter 3.5 of Division 1, Parts 2.55 and 2.6 of Division 6, Division 13, and Article X, Section 2 of the California Constitution, VCMWD is authorized to implement the water shortage actions outlined in this WSCP and in VCMWD’s Article 230, *Water Use Efficiency and Drought Response Program*. In water shortage cases, shortage response actions to be implemented will be at the discretion of VCMWD and will be based on an assessment of the supply shortage, customer response, and need for demand reductions as outlined in this WSCP and VCMWD’s Article 230, *Water Use Efficiency and Drought Response Program*.

It is noted that upon proclamation by the Governor of a state of emergency under the California Emergency Services Act (Chapter 7 [commencing with Section 8550] of Division 1 of Title 2 of the Government Code) based on drought conditions, the State will defer to the implementation of locally adopted WSCPs to the extent it is practicable.

VCMWD has the legal authority to declare a water shortage and implement the actions outlined in this WSCP to restrict water use and prohibit water waste for all uses that are not necessary to sustain public health, sanitation, and fire protection under Article 230 (**Attachment 1**). Article 230 was updated in conjunction with this WSCP to update to the six standard shortage levels to better align with the Water Authority WSCP. A complete copy of Article 230, *Water Use Efficiency and Drought Response Program*, adopted June 28, 2021, is posted on VCMWD’s website at [www.valleycenterwater.org](http://www.valleycenterwater.org), located under “Our District,” “Documents,” and “Administrative Code.” A complete copy of Article 230 can also be obtained by calling the District directly at 760-735-4500. The implementation of Ordinance 2021-07 is in place and ongoing at all times.

**VCMWD will coordinate with any city or county, including the following listed, within which it provides water supply services for the possible proclamation of a local emergency under California Government Code, California Emergency Services Act (Article 2, Section 8558):**

- San Diego County
- City of Escondido
- San Diego County Water Authority

## 1.8 Financial Consequences of the WSCP

This section is in accordance with CWC Section 10632(a)(6) and describes the financial consequences of implementing the WSCP and potential mitigation strategies. The following is a discussion of the impacts of the various measures employed in the VCMWD’s WSCP on the revenues and expenditures of the District.

**In general, revenue impacts specified in the WSCP would be offset with a combination of the following:**

- An increase in water commodity and service charges
- A reduction in annual operating expenses
- Reserves currently earmarked for long-range capital

- General tax fund revenues currently earmarked for future capital improvements

It is anticipated that of the above-listed items, the diverting of general tax and water availability/standby revenues would be the least disruptive. The methods used to mitigate revenue/expenditure impacts are discussed below.

### 1.8.1 Drought Rate Structures and Surcharges

Prior to implementing drought rates, staff would analyze rate structure options to offset potential losses in revenue associated with reduced sales. To be effective, the rate structure must address the impact on water sales revenues.

#### Impact of Quantity of Water Sales on Revenue

Approximately 67% of the revenue collected by the District is utilized to purchase water the Water Authority and power for pumping from San Diego Gas & Electric. Consequently, a reduction in water deliveries should cause a direct and proportionate reduction in those expenses. Of the \$5.75 million needed to fund local operation costs in fiscal year (FY) 2019–2020, \$4.7 million comes from noncommodity-based sources, such as taxes, monthly meter installation charges, investment, and other water operating revenues. Consequently, the associated reduction in commodity-based revenues generated to cover local O&M costs would be offset by a combination of budget reductions; expense deferrals, including some noncritical CIP projects; draws on operating reserves; and rate adjustments.

Water sales revenue decreased slightly by 0.4%, or \$117,780, from the previous year. There was a 6.7% decrease in the volume of water sold. In 2019–2020, 15,691 AF of water was billed, compared to 16,116 AF in the previous year. There were no water rate increases effective January 1, 2019. Rates went up on January 1, 2020, by 3.1% for domestic and 4.1% for the Transitional Special Agricultural Water Rate. These increases were caused by increases in wholesale costs from the District's supplier. Meter service charges were \$146,553, or 2.4%, higher at \$6,383,272 in 2019–2020, compared to \$6,236,719 in 2018–2019. Monthly meter service charges increased 4.6% on January 1, 2020. In addition, the number of active meters increased by 87, bringing the 2019–2020 count

to 10,309, compared to 10,222 in the previous year.

#### Impact on Customer Bill

Initially, the only impact on the customer's bill would come if the customer exceeded the allowed usage levels and incurred a violation. If the shortage extended beyond one to two full years, and all reasonable short-term spending adjustments had been exhausted and prudent draws on reserves had been made, rates would then have to be adjusted by the percentage necessary to offset short-term revenue deficits.

#### Impacts on Water Supplier of Higher Rates and Penalties

Given the very high percentage of costs being associated with variable wholesale water costs and power costs, the fact that nearly 57% of the revenue needed to supply local needs comes from noncommodity-based sources, and the ability of the agency to defer various CIP expenditures if need be, the short-term (1 to 2 years) impact on the agency would be very manageable. If the water supply reduction were to become a long-term condition (beyond 3 years), adjustments would be made in the operational and staffing levels as well as in the rate structure.

#### District Staff Time Required for Cost Recovery Reviews

In the short term, cost recovery would not be a significant issue, as budget adjustments and draws on reserves established specifically for such purposes would cover the short-term revenue reductions. If the conditions were long-term, more permanent adjustments in



operational and staffing levels as well as the rate structure would have to be reviewed and evaluated.

### Impact of Quantity of Water Sales on Expenditures

To be effective, the rate structure must address the impact of water sales on expenditures. Given the mix of costs associated with whole water and power purchases and fixed versus variable revenues for local costs, the actual short-term impact associated with the loss of sales is minimal. As an example, for the current FY 2019–2020, of the \$30.3 million in commodity-based water and power revenue, only \$5.75 million, or 19%, is directed to cover local costs, so the reduction in total commodity-based revenues is not a dollar-for-dollar reduction in revenues needed for local, nonvariable expenses. For example, a 20% reduction in total commodity-related revenues, or \$6.1 million, would only result in a \$1.2 million loss in revenue for local O&M costs, which in the short term could be offset with budget adjustments, moderate CIP deferrals, and draws on existing reserves. Again, in this example, if a rate increase were implemented, it would only require a 5% overall rate increase on the remaining 80% of normal sales to offset the revenue loss needed to fund local costs.

### Impact of Increased Staff/Salaries/Overtime

Existing staff would be reassigned to perform the functions required to implement and enforce mandatory use provisions and rate features needed to reduce consumption.

### Increased Costs of New Supplies, Transfers, or Exchanges

New supplies would be secured by wholesale suppliers, and the cost would be melded into the overall wholesale cost. It is anticipated that the wholesale costs could be increased by as much 25% overall to secure additional supplies, which would be passed through to agency retail customers.

### Changing the Rate Structure

Given the mix of wholesale and power costs and commodity- and noncommodity-based revenues for local nonvariable costs, the changes in rates to offset significant reductions in available water supplies would be minimal. Given the mix of wholesale water and power expenditures, noncommodity revenues needed to cover local fixed costs, the availability of reserves, and the flexibility to adjust CIP expenditures, the following impact would be anticipated: short-term (one- to two-year) impacts would be nonexistent to negligible, midterm (three-year) impacts would be moderate, and long-term impacts (beyond three years) would be moderate and incremental.

## 1.8.2 Cost of Compliance

To ensure that VCMWD customers comply with Ordinance 2021-07 and CWC Chapter 3.3 (Excessive Residential Water Use During Drought), VCMWD anticipates reduced revenue while implementing the WSCP because of decreased water use by its customers and additional costs associated with implementing water use restrictions and associated reduction actions. The incurred cost may vary depending on the shortage stage and duration of the water shortage emergency. The cost of compliance may be tracked when a shortage is declared. VCMWD may track the staff time and resources used to implement the WSCP, including reduced revenue, implementation and enforcement of shortage response actions, and communication and outreach efforts.

## 1.8.3 Use of Financial Reserves

There are operating and CIP reserves that are established, funded, and available for use as intended. In the short term, the use of these reserves would have no impact on the rate payers or the agency. In the long term, rates would be raised to replenish the reserves.

## 1.9 Monitoring and Reporting

This section is in accordance with CWC Section 10632(a)(9) and describes the reporting requirements and monitoring procedures used to implement the WSCP and track and evaluate the response action effectiveness. As described in Section 8.2, VCMWD intends to track its supplies and project demands on an annual basis, and if the supply conditions described in **Table 1** are projected, VCMWD will enact their WSCP. Monitoring demands is essential to ensure that the WSCP response actions are adequately meeting reductions and decreasing the supply/demand gap. This will help analyze the effectiveness of the WSCP or identify the need to activate additional response actions.

The water savings from implementation of the WSCP will be determined based on monthly production reports which will be compared to the supply from previous months, the same period of the previous year, and/or the allocation. At first, the cumulative consumption for the various sectors (e.g., residential and commercial) will be evaluated for reaching the target demand-reduction level. Then, if needed, individual accounts will be monitored. Weather and other possible influences may be accounted for in the evaluation.

VCMWD is also required to submit the Urban Water Supplier Monthly Water Conservation Report, pursuant to Resolution No. 2020-0009, which became effective on October 1, 2020. In general, VCMWD reports the WSCP shortage stage, the total potable-water production, the 2013 same-month production, demand for several water uses, enforcement actions, compliance issues, and response actions. VCMWD will continue to report this information and will integrate this process into their WSCP Annual Assessment process. In addition, to assist the Water Authority with its reporting, VCMWD will provide monthly total water use data and other information in a timely manner upon request of the General Manager.

## 1.10 WSCP Refinement Procedures

This section is consistent with CWC Section 10632(a)(10). The WSCP is best prepared and implemented as an adaptive management plan. VCMWD will use the results obtained from the monitoring and reporting program to evaluate any needs for revisions. VCMWD intends to use this WSCP as an adaptive management plan to respond to foreseeable and unforeseeable water shortages. The WSCP is used to provide guidance to the Board, staff, and public by identifying response actions to allow for efficient management of any water shortage with predictability and accountability. To maintain a useful and efficient standard of practice in water shortage conditions, the requirements, criteria, and response actions need to be continually evaluated and improved upon to ensure that its shortage risk tolerance is adequate and that the shortage response actions are effective and up to date based on lessons learned from implementing the WSCP. Potential changes to the WSCP that would warrant an update include, but are not limited to, any changes to shortage-level triggers, changes to the shortage stage structure, and/or changes to the response actions. Any prospective changes to the WSCP would need to be presented at a public hearing, and staff would obtain any comments and adopt the updated WSCP. The steps to formally amend the WSCP are discussed in **Section 1.12**.

Potential refinements will be documented and integrated into the next WSCP update. If new response actions are identified by the staff or public, these could be advertised as voluntary actions until they are formally adopted as mandatory.

## 1.11 Special Water Feature Distinction

CWC Section 10623(b) now requires that suppliers analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code. Non-pool or

non-spa water features may use or be able to use recycled water, whereas pools and spas must use potable water for health and safety considerations, so limitations to pools and spas may require different considerations from those of non-pool or non-spa water features. Under permanent water supply conditions, recirculated water must be used to operate ornamental fountains or other decorative water features. At level 4 conditions, filling or refilling of ornamental lakes or ponds is prohibited, 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 a level 4 condition.

## 1.12 Plan Adoption, Submittal, and Availability

This section is consistent with CWC Section 10632(a)(c). Because the WSCP is a stand-alone document that can be updated as needed, **Table 5** describes the general steps to adopt and submit an updated or amended WSCP.

This 2020 WSCP was presented for adoption to VCMWD's Board at the **June 28, 2021**, public board meeting. Notifications were sent to the City of Escondido, San Diego County, Rincon del Diablo Municipal Water District, San Pasqual Band of Mission Indians, Rainbow Municipal Water District, Vallecitos Municipal Water District, and the Water Authority. To comply with the notice to the public, VCMWD published notices in the local newspaper two weeks in advance, with five days between publications. Copies of the 60-day notices and public hearing newspaper notices are provided in **Attachment 2**. The WSCP was also made available two weeks in advance of the public hearing.

The WSCP was formally adopted on **June 28, 2021**, by VCMWD's Board by **Resolution 2021-20**, included in **Attachment 3**. The WSCP was made available to all staff, customers, and any affected cities, counties, or other members of the public at the VCMWD office and online within 30 days of the adoption date.

The WSCP was submitted to the DWR via the WUEdata portal at the same time as the 2020 UWMP, but no later than July 1, 2021. Hard copies of the 2020 UWMP and 2021 WSCP were submitted to the California State Library within 30 days of adoption. Electronic and/or hard copies were provided to all cities and counties within VCMWD's service area within 30 days of adoption.

Based on the DWR's review of the WSCP, VCMWD will make any amendments in its adopted WSCP, as required and directed by the DWR. If VCMWD revises its WSCP after the UWMP is approved by the DWR, an electronic copy of the revised WSCP will be submitted to the DWR within 30 days of its adoption.

**Table 5. Steps to Adopt, Submit and Implement the WSCP**

STEP	TASK	DESCRIPTION	TIMEFRAME
1	Notice to cities and counties	<p>Notify cities and counties within the service area that the WSCP is being updated. It is recommended that the notice includes:</p> <ul style="list-style-type: none"> <li>• Time and place of public hearing.</li> <li>• Location of the draft Plan, latest revision schedule, and contact information of the Plan preparer.</li> </ul>	<p>At least 60 days before public hearing.</p> <p>* If desired, advance notices can be issued without providing time and place of public hearing.</p>
2	Publish Plan	Publish the draft WSCP in advance of public hearing meeting ( <a href="http://www.vcmwd.org/">http://www.vcmwd.org/</a> )	At least 2 weeks before public hearing.
3	Notice to the public	<p>Publish two notifications of the public hearing in a local newspaper notice at least once a week for two consecutive weeks, with at least 5 days between publications. This notice must include:</p> <ul style="list-style-type: none"> <li>• Time and place of hearing.</li> <li>• Location of the draft WSCP.</li> </ul>	<p>At least 2 weeks before public hearing.</p> <p>* Include a copy of public notices in plan.</p>
4	Public hearing and optional adoption	<p>Host at least one public hearing before adopting the WSCP to:</p> <ul style="list-style-type: none"> <li>• Allow for community input.</li> <li>• Consider the economic impacts for complying with the Plan.</li> </ul>	<p>Public hearing date</p> <p>* Adoption can be combined as long as public hearing is on the agenda before adoption</p>
5	Adoption	Before submitting the WSCP to DWR, the governing body must formally adopt it. An adoption resolution must be included, as an attachment or as a web address indicating where the adoption resolution can be found online.	<p>At public hearing or at a later meeting.</p> <p>*The WSCP can be adopted as prepared or as modified after the hearing.</p>
6	Plan submittal	Submit the adopted or amended WSCP via the WUE Data Portal within 30 days of adoption or by July 1, if updated with the UWMP five-year cycle.	Within 30 days of adoption or by July 1 <sup>st</sup> , whichever comes first.
7	Plan availability	<p>Submit a CD or hardcopy of the adopted WSCP to the California State Library within 30 days of adoption. California State Library Government Publications Section Attention: Coordinator, Urban Water Management Plans P.O. Box 942837 Sacramento, CA 94237-0001</p> <p>Provide a copy (hardcopy or electronic) of the adopted WSCP to any cities and counties within the service area.</p> <p>Make the WSCP available to the public by posting the Plan on website or making a hardcopy available for public review during normal business hours.</p>	Within 30 days after adoption
9	Other - Notification to Public Utilities Commission	For water suppliers regulated by the California Public Utilities Commission (CPUC) submit UWMP and WSCP as part of the general rate case filing.	

# Resources and References

American Water Works Association. (2019). *Manual of Water Supply Practices, Drought Preparedness and Response*.

San Diego County Water Authority. (2021). *2020 Urban Water Management Plan*.

San Diego County Water Authority. (2021a). *2020 Water Shortage Contingency Plan*.

State of California Department of Water Resources. (2021). *Urban Water Management Plan Guidebook 2020*.

Water Systems Consulting, Inc. (2021). *VCMWD 2020 Urban Water Management Plan*.

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# Attachment 1: VCMWD Ordinance

## 2021-07 Article 230

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ORDINANCE NO. 2021-07

ORDINANCE OF THE BOARD OF DIRECTORS OF  
VALLEY CENTER MUNICIPAL WATER DISTRICT AMENDING  
THE ADMINISTRATIVE CODE TO REVISE ARTICLE 230,  
WATER SUPPLY MANAGEMENT AND SHORTAGE CONDITION  
RESPONSE PROGRAM TO NOW BE TITLED AS THE WATER USE  
EFFICIENCY AND DROUGHT RESPONSE PROGRAM

BE IT ORDAINED by the Board of Directors of the VALLEY CENTER MUNICIPAL  
WATER DISTRICT as follows:

Section 1. That the Valley Center Municipal Water District's Administrative Code is amended to revise Article 230, *Water Supply Management and Shortage Condition Response Program* and is now titled the *Water Use Efficiency and Drought Response Program*, as set forth in Exhibit A (*Article 230 red-lined*) and Exhibit B (*Article 230 with proposed changes*), attached hereto.

Section 2. That the modifications to the Administrative Code adopted as a result of this ordinance shall be effective immediately.

**PASSED AND ADOPTED** at a special meeting of the Board of Directors of the Valley Center Municipal Water District held on the 28th day of June, 2021, by the following vote, to wit:

**AYES:** *Directors Polito, Ferro, Haskell, Holtz and Smith*

**NOES:** None

**ABSENT:** None

  
Robert Polito, **Board President**

ATTEST:



Kirsten Peraino, **Board Secretary**

## Exhibit A

### Article 230

### ~~Water Supply Management and Shortage Condition Response Program~~ **Water Use Efficiency and Drought Response Program**

#### Sec. 230.1

#### Declaration of Necessity and Intent

- (a) This Article establishes water management requirements necessary to sustain reliable water resources by encouraging reasonable water use efficiency and conservation measures and practices, impose water use restrictions **to implement the District's adopted Water Shortage Contingency Plan**, when appropriate, and enable effective water supply planning. It will assure the reasonable and beneficial use of water, prevent waste of water, prevent the unreasonable use of water, and ~~of~~ **as to** a suspected or actual leak, prevent the unreasonable method of use of water within the District. It will also serve to balance short and long-term water demands with available supplies and further the public health, safety, and welfare, recognizing that water is and will always be a valuable, scarce and limited natural resource that requires careful management at all times, irrespective of water supply availability or hydrologic conditions.
- (b) This Article establishes regulations to be implemented during times of normal water supply and hydrologic conditions, as well as declared water shortages, or declared water shortage emergencies. It establishes ~~four~~ **six** levels of water supply management ~~and shortage response actions~~ **use efficiency and drought response actions** to be implemented; with increasing restrictions on water use for the District's customers and the District itself in response to worsening water supply conditions and decreased short-term, intermittent, and long-term water supply availability.
- (c) ~~A Water Supply Management Watch Condition Level 1 ("Level 1") shall be deemed to exist at all times, irrespective of water supply availability or hydrologic conditions. During a "Level 1" condition, water conservation measures, efficient water use measures and water use restrictions, are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by the District. During all other conditions Water Supply Shortage Alert Condition ("Level 2"), Water Supply Shortage Critical Condition ("Level 3"), and Water Supply Shortage Emergency Condition ("Level 4") all prescribed water conservation measures, efficient water use measures and water use restrictions, if deemed warranted, are mandatory unless excepted herein, and become increasingly restrictive in order to attain escalating water use efficiency and conservation goals.~~
- (d) ~~The water use efficiency, conservation measures and water use restrictions established by this Article are mandatory, unless excepted herein, and violations are subject to criminal, civil, and administrative penalties and remedies specified in this Article and as provided in District Administrative or Municipal Code.~~

#### Sec. 230.2

#### Definitions

- (a) The following words and phrases whenever used in this chapter shall have the meaning defined in this Article:
  - 1. **"Agricultural Water Use"** refers to water used for the growing or raising, in conformity with recognized practices of husbandry, for the purpose of personal use, donation, commerce, trade, or industry, or for use by public, educational or correctional institutions, for agricultural, horticultural or floricultural products,

and produced: (1) for the market, (2) for the feeding of fowl or livestock produced for human consumption or for the market, (3) for the feeding of fowl or livestock for the purpose of obtaining their products for the market, (4) for personal consumption, or (5) donation for consumption. Except where stated, provisions of this Article do not apply to Agricultural Water Use as defined herein.

2. "Board of Directors" – refers to the duly elected Board of Directors of the Valley Center Municipal Water District.
3. "District" – refers to the Valley Center Municipal Water District.
4. "Construction Water" – means water used for construction purposes; including, but not limited to grading, compaction, dust control, clean-up, and hydro-seeding, or other uses as determined by the General Manager.
5. "Immediate Emergency" – means a short-term operational limitation due to breakage or failure of dam, reservoir, aqueduct, pump, treatment system, pipeline, conduit, a natural or man-made disaster, or any other disruption of the District's water supply or delivery system.
6. "Person" – means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, educational institutions, or any other user of water provided by the District.
7. "State" – means the state of California, including any department or regulatory agency thereof.
8. "Water Authority" – means the San Diego County Water Authority.
9. "Water Shortage Emergency" – means a condition existing within the District in which the ordinary water demands and requirements of the persons within the District 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. A water shortage emergency includes a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.

Sec. 230.3    Application

- (a) The provisions of this Article apply to any person in the use of any water provided by the District.
- (b) This Article is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local **land use** jurisdiction or Regional Water Quality Control Board for information on any storm water ordinances and storm water management plans.
- (c) Nothing in this Article 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 or limit the ability of the District to prevent what is determined

to be a wasteful or unreasonable use of water even though it may not specifically be identified as such in this Article.

- (d) The provisions of this Article do not apply to use of water from private wells, surface sources or to reclaimed water.
- (e) ~~Except where stated, nothing in this Article shall apply to Agricultural Water Use as defined in Section 230.2(a). All water used for non-agricultural purposes is subject to this Article including use of water subject to a special supply program such as the Water Authority Transitional Special Agricultural Water Rate Program (TSAWR) or the District Commercial Agricultural Full Price (CAFP) customer classification.~~ Nothing in this article shall apply to use of water that is subject to a special supply program, such as the Water Authority's Permanent Special Agricultural Water Rate (PSAWR) Program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable programs. A person using water subject to a special supply program and other water provided by the District is subject this article in the use of the other water.
- (f) If the State or a wholesale water provider, through executive action, emergency legislation or other actions, imposes conditions, requirements, or procedures that are not included in this Article, the General Manager is authorized to implement such other actions, conditions, requirements or procedures as are reasonably required to bring the District, in each Water Supply Level, into functional conformity with such conditions, requirements, or procedures. In such an event, the General Manager shall notify the Board of Directors of any such implemented actions, conditions, requirements or procedures at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.

Sec. 230.4

~~Water Supply Management Watch Condition – Level 1~~ Permanent Water Use Efficiency Measures

- (a) ~~The District has adopted permanent water use efficiency measures that prohibit wasteful water use, A Level 1 exists which are in effect at all times and irrespective of the availability of water supplies or hydrologic conditions, and the water use restrictions set out herein are best management practices and all persons using District supplied water shall comply with the following practices:~~
- (b) ~~During a Level 1, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to use water in a beneficial and non-wasteful manner by implementing the following voluntary water use and conservation practices:~~
  - 1. ~~Not washing down paved surfaces, including but not limited to~~ Not hosing off sidewalks, driveways, and other hardscapes parking lots, tennis courts, or patios,; except when it is necessary to alleviate safety or sanitation hazards.
  - 2. ~~Preventing water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas,~~

~~hardscape, roadways, or structures.~~ **Not watering lawns in a manner that causes runoff, or watering within 48 hours after measurable precipitation.** This applies to any person using any water provided by the District including Agricultural Water Use.

- ~~3. Irrigating residential and commercial landscape, outside ornamental landscape or turf grass, before 10:00 a.m. and after 4:00 p.m. only. Watering is permitted at any time when a drip/micro-irrigation system/equipment is used. This section shall not apply to Agricultural Water Use.~~
- ~~4. Irrigation of potted plants 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 landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system on the same schedule set forth in section 230.4(b)(3) by using a bucket, or hand-held hose equipped with a positive shut-off nozzle.~~
- 6.3. Not Using non-recirculated water to operate ornamental fountains or other decorative water feature.**
- ~~7.4. Not Washing vehicles with hoses not equipped with a shut-off nozzle. 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.~~
- 5. Not irrigating ornamental turf on public street medians.**
- ~~8. Repairing all water leaks within five (5) days of notification by the District of a suspected or actual leak unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.~~
- ~~9. Serving drinking water only upon customer request in all drinking and eating establishments, including restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served and or purchased.~~
- ~~10. Hotels, motels, timeshares and resort facilities shall prominently display notice to their guests of the option of not having towels and linens laundered on a daily basis.~~

#### Sec. 230.5

#### Drought Response Level 1 – Reduction Up to 10%

- (a) A Drought Response Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10% is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this article.**



- (b) During a Drought Response Level 1 condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. The same water conservation practices become mandatory if the District declares a Level 2 Drought Alert condition:
1. Irrigate residential and commercial landscape before 10:00 a.m. and after 4:00 p.m. **only**. Watering is permitted at any time when a drip/micro-irrigation system/equipment is used. This section shall not apply to Agricultural Water Use.
  2. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas; including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
  3. Irrigate nursery and commercial grower's products before 10:00 a.m. and after 4:00 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.
  4. Serve and refill water in restaurants, bars, and other food service establishments only upon request.
  5. Hotels, motels, time shares and resort facilities and other commercial lodging establishments should offer guests the option of not laundering towels and linens daily.
  6. Repair all water leaks within five (5) days of notification by the District, unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.

Sec. 230.5-6 ~~Water Supply Shortage Alert Condition – Level 2~~ Drought Response Level 2 – Reduction up to 20%

- (a) A **Drought Response** Level 2 condition ~~may apply~~ **applies** when the Water Authority notifies its member agencies that due to ~~an actual or anticipated cutbacks caused by drought or other~~ reduction in **of** supplies to the Water Authority, **or** when water supply conditions specific to the District ~~have limited available water supplies~~, and a commensurate consumer demand reduction of up to 20 percent is required in order to **have sufficient supplies available to meet anticipated demands**, ~~balance demands with supplies anticipated to be available for the foreseeable future,~~ or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 2 and implement the mandatory Level 2 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq.*, during a Level 2 condition, such declaration shall remain in effect during the period of emergency and until the supply of water

available for distribution within the District has been replenished or augmented.

- (b) During a Level 2, all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during a Level 1 and shall also comply with the following additional mandatory conservation measures to achieve up to a 20 percent reduction in demand:
1. Repairing all leaks within ~~seventy-two (72) hours~~ **three (3) days** of notification by the District of a suspected or actual leak unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.
  2. Using recycled or non-potable water for construction purposes when available and economically feasible ~~as determined by the applicant for the temporary construction water account.~~
  3. Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to ~~before 10:00 a.m. or after 4:00 p.m. only and to no more than ten minutes (10) or fewer per watering station for three (3) or fewer assigned days per week,~~ as specified on a schedule established by the General Manager and posted by the District; provided however, that landscape irrigation **systems using weather efficient devices, including but not limited to: weather based controllers,** using a drip/micro-irrigation system/ equipment **and stream rotor sprinklers** **is are** not subject to the ten minute (10) restriction. ~~Watering shall be prohibited during and for 48 hours after measurable rainfall within the District. This section shall not apply to Agricultural Water Use.~~
  4. **Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 230.6 (b)(3), on the same schedule set forth in Section 230.6 (b)(3) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.**
  5. **Stop operating ornamental fountains or similar decorative water features unless recycled water is used.**

**Moved to level three**

- ~~(c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon declaration of Level 2, all non-TSAWR meters without pre-existing allocations shall be provided an allocation of 10 Hundred Cubic Feet (HCF) per equivalent  $\frac{3}{4}$  inch meter, per month for months in the base period for which there is no usage history or a usage history of less than 10 HCF. Such allocation shall be subject to future reductions as determined necessary by the Board of Directors as well as the appeal process provided for in Section 230.11-14 of this Article. Water allocations for meters in the T PSAWR program shall be based upon water supply reduction plans adopted by the Board for those specific programs.~~
- ~~(d) The following shall apply if the District's Board of Directors declares a Water Shortage~~



~~Emergency in the manner and on the grounds provided in California Water Code Section 350, et seq., during a Level 2:~~

~~1. Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon the declaration of a Level 2, only existing and new annexation proposals which can provide to the District additional water resources offsetting the net water demand impact for the specific projects in the annexing area and providing 0.5 acre-foot per year of additional supply per unit of development in the annexing area to meet firm Municipal and Industrial demands within the existing District service area will continue to be processed or have applications considered by the District. For the purposes of this subsection, "additional water resources" shall be defined as:~~

~~A. Water resources originating from outside the current service area of the District; and~~

~~B. Water resources resulting from financial support from the annexing lands for local water resource development opportunities within the District determined to be available for annexing territories. Local resource development opportunities available for annexing lands shall be identified after first determining the level of local resource development opportunities which may be required to accommodate development on lands currently within the District boundaries.~~

Sec. 230.67

~~Water Supply Shortage Critical Condition — Level 3~~ **Drought Response Level 3 – Reduction Up to 30%**

- (a) A **Drought Response Level 3 condition** may apply **applies** when the Water Authority notifies its member agencies that due to an actual or anticipated **increasing cutbacks caused by drought or other** reduction in **of** supplies to the Water Authority, or when water supply conditions specific to the District have limited available water and supplies, and a commensurate consumer demand reduction of greater than 20 **30** percent up to 40 percent is required in order to **have sufficient supplies available to meet anticipated demands**, balance regional demands with supplies anticipated to be available for the foreseeable future, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of Level 3 and implement the mandatory Level 3 conservation measures identified herein. Additionally, **if** the District's Board of Directors shall declares a Water Shortage Emergency upon adopting findings supporting a Water Shortage Emergency in a manner and on the grounds provided in California Water Code Section 350 et seq., **during a Level 3 condition**, ~~if the District's Board of Directors declares a Water Shortage Emergency~~, such declaration shall remain in effect during the period of the emergency and until the supply of water available for distribution within the District has been replenished or augmented.
- (b) During a Level 3 all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during Level 1 and Level 2, and shall also comply with the following additional mandatory conservation measures to achieve up to a 40 **a 30** percent reduction in demand:

1. Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to before 10:00 a.m. or after 4:00 p.m. only and to no more than ten minutes (10) or fewer per watering station for ~~two (2)~~ **three (3)** or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using a drip/micro-irrigation system/equipment is not subject to the ten minute (10) restriction. This section shall not apply to Agricultural Water Use.
2. Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 230.67(b)(1), on the same schedule set forth in section 230.67(b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle **or low-volume non-spray irrigation.**
3. ~~Not 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 a water supply shortage response level under this Article.~~
4. Not washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
5. Repairing all leaks within ~~forty-eight (48) hours~~ **two (2) days** of notification by the District unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District *including* Agricultural Water Use.
6. Using recycled or non-potable water for construction purposes as defined in Section 230.2 (a)(1) of this Article.

***Moved from level 2***

- (c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon declaration of Level 3, all non PSAWR meters without pre-existing allocations shall be provided an allocation of 10 Hundred Cubic Feet (HCF) per equivalent  $\frac{3}{4}$  inch meter, per month for months in the base period for which there is no usage history or a usage history of less than 10 HCF. Such allocation shall be subject to future reductions as determined necessary by the Board of Directors as well as the appeal process provided for in Section 230.14 of this Article. Water allocations for meters in the PSAWR program shall be based upon water supply reduction plans adopted by the Board for those specific programs.
- (d) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350, *et seq.*, during a Level 3, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager.
  1. Only existing and new annexation proposals which can provide to the District additional water resources offsetting the net water demand impact for the specific projects in the annexing area and providing 0.5-acre feet per year of additional

supply per unit of development in the annexing area to meet firm Municipal and Industrial demands within the existing District service area will continue to be processed or have applications considered by the District. For the purposes of this subsection, "additional water resources" shall be defined as:

- A. Water resources originating from outside the current service area of the District; and
- B. Water resources resulting from financial support from the annexing lands for local water resource development opportunities within the District determined to be available for annexing territories. Local resource development opportunities available for annexing lands shall be identified after first determining the level of local resource development opportunities which may be required to accommodate development on lands currently within the District boundaries.

***Moved to level 4***

~~(c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350, et seq., during a Level 3, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager:~~

- ~~1. All new development processing, consisting of the issuance of new statements of ability to serve (PFA/PFC letters, Concept Approvals, or Agency Clearance letters) shall be subject to limitations. Only projects with:~~
  - ~~A. Existing meter capacity; or~~
  - ~~B. Those providing substantial evidence that net water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District through:~~
    - ~~i. The development of local water resources or~~
    - ~~ii. Participation in a local or regional net demand offset program, will continue to be processed.~~

**Sec. 230.78**

**~~Water Supply Shortage Emergency Condition Level 4~~ Drought Response Level 4 – Reduction up to 40%**

- (a) A **Drought Response Level 4** condition ~~may apply~~ **applies** when the Water Authority Board of Directors declares a Water Shortage Emergency and notifies its member agencies, ~~when water supply conditions specific to the District have limited available water and supplies, that~~ **due to increasing cutbacks caused by drought or other reduction of supplies to the Water Authority, or when water supply conditions specific to the District, and a consumer demand reduction of more than 40 percent is required in order to** ~~have sufficient supplies available to meet anticipated demands, balance regional demands with the supplies anticipated to be available to the Water Authority for the foreseeable future, or as otherwise determined by the~~

District's Board of Directors in its reasonable discretion. ~~The District's Board of Directors shall declare the existence of a Level 4 and implement the mandatory Level 4 water conservation measures identified herein. Additionally, The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350, et seq., during a Level 4 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented. unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager.~~

- (b) During a Level 4, all persons using District supplied water shall comply on mandatory basis with conservation practices and measures required during Level 1, Level 2 and Level 3 and shall also comply with the following additional mandatory conservation measures to achieve a reduction of more than 40 percent in demand:
1. Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to before 10:00 a.m. or after 4:00 p.m. only and to no more than ten minutes (10) or fewer per watering station for two (2) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using a drip/micro-irrigation system/equipment is not subject to the ten-minute (10) restriction. This section shall not apply to Agricultural Water Use.
  2. Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 230.8 (b)(1), on the same schedule set forth in section 230.8 (b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low- volume non-spray irrigation.
  3. Stop filling or refilling 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 a drought response level under this article.
  - ~~1. Stopping all residential and commercial landscape, outside ornamental landscape or turf grass irrigation. 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 230.6 (b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle;~~
    - ~~B. Maintenance of fire resistant landscaping necessary for fire protection as specified in writing 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 or fewer per week according to the schedule established under section 230.6 (b)(1);~~

~~F. Watering of livestock;~~

~~G. All Agricultural Water Use; and~~

~~H. Public works projects and actively irrigated environmental mitigation projects.~~

~~2. Repairing all water leaks within twenty four (24) hours of notification by the District unless other arrangements are made with the General Manager. This applies to any person in the use of any water provided by the District including Agricultural Water Use.~~

**Moved from level 3**

(c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code §350, *et seq.*, during a Level 4, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager:

1. All new development processing, consisting of the issuance of new statements of ability to serve (PFA/PFC letters, Concept Approvals, or Agency Clearance letters) shall be subject to limitations. Only projects with:

A. Existing meter capacity; or

B. Those providing substantial evidence that net water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District through:

i. The development of local water resources or

ii. Participation in a local or regional net demand offset program, will continue to be processed.

~~(b) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon the declaration of a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq.*, during a Level 4, any and all development and annexation processing with associated direct water usage shall be terminated and no new temporary or permanent potable water meters shall be provided under any circumstance until the Level 4 condition abates, except for those meters required to protect public health and safety.~~

## Sec. 230. 9      Drought Response Level 5 - Reduction Up to 50%

(a) A Drought Response Level 5 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other

reduction of supplies to the Water Authority, or when water supply conditions specific to the District, and a consumer demand reduction of up to 50% is required in order to have sufficient supplies available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 5 and implement the mandatory Level 5 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.*, during a Level 5 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

- (b) All persons using water shall comply with conservation measures required during Level 1, Level 2, Level 3, and Level 4 conditions and shall also comply with the following additional mandatory conservation measures:
  - 1) Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.
    - A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 203.8 (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 230.8 (b)(1);
    - F. Watering of livestock;
    - G. Agricultural Water Use; *and*
    - H. Public works projects and actively irrigated environmental mitigation projects.
  - 2) Repair all water leaks within one (1) day of notification by the District unless other arrangements are made with the General Manager. This applies to any person in the use of any water provided by the District including Agricultural Water Use.

- (c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq.*, during a Level 5, unless the water supply shortage is associated with an immediate Emergency as determined by the General Manager:
- 1) Any and all development and annexation processing with associated direct water usage shall be terminated and no new temporary or permanent potable water meters shall be provided, and no statement 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:
    - A. A valid, unexpired building permit has been issued for the project; *or*
    - B. The project is necessary to protect the public's health, safety, and welfare; *or*
    - C. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of District.

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.

Sec. 230.10 Drought Response Level 6 – Reduction Over 50%

- a) A Drought Response Level 6 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies to the Water Authority, or when water supply conditions specific to the District, and a consumer demand reduction over 50% is required in order to have sufficient supplies available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 6 and implement the mandatory Level 6 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.*, during a Level 6 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.
- b) All persons using District water shall comply with conservation measures required during Level 1, Level 2, Level 3, Level 4, and Level 5 conditions and shall also comply with the following additional mandatory conservation measures:
  1. Stop all landscape irrigation as in Section 230.8 (b)(1) except for the following categories of use:
    - A. 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;



- B. Maintenance of existing landscaping for erosion control;*
- C. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;*
- D. Watering of livestock; and*
- E. Public works projects and actively irrigated environmental mitigation projects.*

Sec. 230.811 Procedures for Determination and Notification of Water Supply Shortage Condition Levels

- (a) ~~A Level 1 is deemed to exist at all times.~~ Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the existence of a Level ~~2, 3, or 4,~~ **5 or 6** condition may be declared by the Board of Directors by adoption of a resolution at a regular or special meeting held in accordance with State law.

Additionally, the Board may declare a Water Shortage Emergency in accordance with the procedures specified in California Water Code sections 351 and 352. Following at least a seven (7) day notice of the meeting at which the declaration will be made, the District Board of Directors may declare the existence of a Water Shortage Emergency during a Level ~~2, 3, or 4,~~ **5 or 6** by the adoption of a resolution at any regular or special meeting held in accordance with State law. The mandatory conservation measures applicable to Level ~~2, 3, 4, 5 or 6~~ **a Level 4** condition shall take effect on the tenth (10) day after the date the response level is declared.

The General Manager may publish a notice of the determination of the existence of a Level ~~2, 3, or 4,~~ **5 or 6** in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on their website. If the District establishes a water allocation, it shall provide notice by mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocations shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

- (b)(c) If the water supply shortage requiring declaration of a Level ~~2, 3, or 4,~~ **5 or 6** is associated with an Immediate Emergency as determined by the General Manager, the General Manager shall have the authority to implement the measures necessary to balance available water supply and demand. The General Manager shall notify the Board of Directors of the conditions leading to the call for a Level ~~2, 3, or 4,~~ **5 or 6** as soon as possible, but no later than 24 hours after the physical system emergency or failure. Further, the General Manager shall provide the Board with a full report on the incident leading to the implementation of a Level ~~2, 3, or 4,~~ **5 or 6** at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.
- (c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the District Board of Directors may declare an end to a Level ~~2, 3, or 4,~~ **5 or 6** by the adoption of a resolution at any regular

or special meeting held in accordance with State law. In the case of water supply shortage associated with an Immediate Emergency as determined by the General Manager, the General Manager may declare an end to a Water Supply Shortage Response level based upon the assessment of the water supply conditions specific to the District. The General Manager shall notify the Board of his actions to end a Water Supply Shortage Response in a manner consistent with the provisions in subsection ~~230.8(c)~~ **230.11(b)**.

Sec. 230.9<sup>12</sup> Hardship Variance

- (a) If, due to unique circumstances, a specific requirement of this Article would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.
- (b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.
  - 1. Application. Application for a variance shall be in a form prescribed by the District.
  - 2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
  - 3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:
    - A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.
    - B. That because of special circumstances applicable to the property or its use, the strict application of this Article would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.
    - C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

- D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.
4. Approval Authority. The General Manager or authorized designee shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory Water Supply Shortage response.

### Sec. 230.40~~13~~ Enforcement

- (a) As provided in California Water Code Section 377, any violation of Sections ~~230.5, 230.6, or 230.7~~ **230.6, 230.7, 230.8, 230.9 or 230.10** Water Conservation Measures of this Article is a misdemeanor. Upon conviction thereof, such person may be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars (\$1,000) or both.
- (b) As provided in California Water Code Section 377, any person may be held civilly liable for violating Sections ~~230.5, 230.6, or 230.7~~ **230.6, 230.7, 230.8, 230.9 or 230.10** Water Conservation Measures of this Article or any emergency regulations adopted by the State Water Resources Control Board.
- (c) Each day that a violation of this Article occurs is a separate offense.
- (d) Prior to seeking criminal enforcement of the provisions of Sections ~~230.5, 230.6, and 230.7~~ **230.6, 230.7, 230.8, 230.9 or 230.10**, the District may impose progressive civil penalties and restrictions for violations pursuant to the following enforcement measures for repeated violations:

First Violation: Written warning

Second Violation: **Level 2 – Penalty of \$25 placed on the water bill.  
Level 3 – Penalty of \$50 placed on the water bill.  
Level 4 – Penalty of \$100 placed on the water bill.  
Level 5 – Penalty of \$200 placed on the water bill.  
Level 6 – Penalty of \$400 placed on the water bill.**

Third Violation: **Level 2 – Penalty of \$50 placed on the water bill.  
Level 3 – Penalty of \$100 placed on the water bill.  
Level 4 – Penalty of \$200 placed on the water bill.  
Level 5 – Penalty of \$400 placed on the water bill.  
Level 6 – Penalty of \$800 placed on the water bill.**

Fourth Violation: **For all levels, a Ppenalty of \$500 \$1,000 placed on the water bill, and installation of a flow restriction of 5 gallons per minute for 120 hours (5 days), and the customer will be charged for the installation and removal of the flow restrictor.**

Fifth Violation: ~~For all levels, a P~~penalty of \$1,000 ~~\$2,000~~ placed on water bill, complaint filed with the County of San Diego District Attorney's office, flow restriction imposed and sustained to 5 gallons per minute until disposition of complaint, and the customer will be charged for the installation and removal of the flow restrictor.

Continuing Violation: ~~After the fifth violation, T~~he District may additionally impose a \$500 per day penalty for continuing violations ~~beginning on the 31st day after the District notifies the person of the violation.~~ ~~as follows:~~

Level 2 – \$50

Level 3 – \$100

Level 4 – \$200

Level 5 – \$400

Level 6 – \$800

The above penalties are independent of, and are in addition to, any volumetric penalties imposed in accordance with any allocation adopted by the District.

- (e) In addition, or as an alternative, the District may install flow restrictors or discontinue water service at any time.
- (f) For each of the above-noted measures, a Complaint and Citation will be issued by a designee of the District's General Manager notifying the violator of the basis for the proposed civil liability order. Unless an appeal and/or hearing is requested pursuant to the provisions of Section 230.44~~(14)~~(a) of this Article, on the 31st day following the issuance of the Citation and Complaint, the District's General Manager or authorized designee, shall issue a final order ("Final Order") setting the civil penalty.
- (g) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 230.7~~230.9~~ and Section 230.10, and applicable during a Water Supply Shortage Emergency Condition ~~"Level 4,"~~ **Drought Response Level 5 and Drought Response Level 6** when a Water Shortage Emergency Condition is declared pursuant to California Water Code section 350, et seq., may be enforced by discontinuing service to the property at which the violation occurs as provided by California Water Code section 356.
- (h) All remedies provided for herein shall be cumulative and not exclusive.
- (i) All revenues collected by the District from penalties imposed pursuant to this Section 230.40~~13~~ may only be used for the purposes of furthering the provisions and goals of the District's Water Supply Management and Shortage Gendition **Use Efficiency and Drought** Response Program.

#### Sec. 230.44~~14~~ Appeal Procedures

##### (a) Appeal of Section 230.40~~13~~ Civil Penalties.

1. Any person ("Appellant") may appeal any Citation and Complaint issued by a

designee of the District's General Manager pursuant to Section 230.40 13 of this Article. Any such appeal shall be made in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within 15 calendar days of the date of the Citation and Complaint. The Director of Finance or authorized designee shall then have 30 calendar days to render a written decision, granting or denying the appeal.

2. If the appeal is denied, the Appellant may, within 15 calendar days of the date of the decision of the Finance Director or authorized designee, request a hearing before the District's General Manager, or authorized designee. The hearing shall not be held sooner than 30 days after the Citation and Complaint was issued, and the Appellant may present evidence in writing or in person. The District's General Manager, or authorized designee, shall take into consideration all relevant circumstances in determining the amount of civil liability to assess, including but not limited to: (i) the nature and persistence of the violation; (ii) the extent of the harm caused by the violation; (iii) the length of time over which the violation occurs; and (iv) any corrective action taken by the violator. If a hearing is not timely requested or upon closing a completed hearing, the District's General Manager, or authorized designee, shall issue an order within 10 calendar days of the hearing.
  3. Within 15 calendar days of the issuance of the District General Manager's order, the Appellant may appeal to the Board of Directors. Appeals to the Board of Directors will be placed on the agenda for review and action at a subsequent meeting of the Board of Directors. A decision by the Board of Directors shall be final. If an appeal is not timely requested, the order issued by the District's General Manager is final. Any civil penalties imposed pursuant to the final decision are due and payable and shall be placed on the water bill. The provisions of Section 1094.5 of the Code of Civil Procedure of the State of California are applicable to judicial review of the final order.
  4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.
- (b) All other appeals:
1. Decisions made by District staff can be appealed in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within 15 calendar days of the date of the provision or decision being appealed. The Director of Finance or authorized designee shall then have 30 calendar days to render a written decision on the appeal.
  2. Decisions by the Director of Finance or authorized designee may be appealed to the General Manager, or authorized designee, within 15 calendar days of the date of the decision by the Director of Finance or authorized designee. The General Manager or authorized designee shall then have 30 calendar days to render a written decision to the appeal of decision by the Director of Finance.

3. All decisions by General Manager or authorized designee may be appealed to the Board of Directors. Requests for appeals to the Board shall be made in writing within 15 days of the date of the decision by the General Manager or authorized designee and will be placed on an agenda for review and action at a subsequent meeting of the Board. The decision by the Board shall be final.
4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

## **Exhibit B**

### Article 230      Water Use Efficiency and Drought Response Program

#### Sec. 230.1   Declaration of Necessity and Intent

- (a) This Article establishes water management requirements necessary to sustain reliable water resources by encouraging reasonable water use efficiency and conservation measures and practices, impose water use restrictions to implement the District's adopted Water Shortage Contingency Plan, when appropriate, and enable effective water supply planning. It will assure the reasonable and beneficial use of water, prevent waste of water, prevent the unreasonable use of water, and as to a suspected or actual leak, prevent the unreasonable method of use of water within the District. It will also serve to balance short and long-term water demands with available supplies and further the public health, safety, and welfare, recognizing that water is and will always be a valuable, scarce and limited natural resource that requires careful management at all times, irrespective of water supply availability or hydrologic conditions.
- (b) This Article establishes regulations to be implemented during times of normal water supply and hydrologic conditions, as well as declared water shortages, or declared water shortage emergencies. It establishes six levels of water use efficiency and drought response actions to be implemented; with increasing restrictions on water use for the District's customers and the District itself in response to worsening water supply conditions and decreased short-term, intermittent, and long-term water supply availability.

#### Sec. 230.2   Definitions

- (a) The following words and phrases whenever used in this chapter shall have the meaning defined in this Article:
  - 1. "Agricultural Water Use" refers to water used for the growing or raising, in conformity with recognized practices of husbandry, for the purpose of personal use, donation, commerce, trade, or industry, or for use by public, educational or correctional institutions, for agricultural, horticultural or floricultural products, and produced: (1) for the market, (2) for the feeding of fowl or livestock produced for human consumption or for the market, (3) for the feeding of fowl or livestock for the purpose of obtaining their products for the market, (4) for personal consumption, or (5) donation for consumption. Except where stated, provisions of this Article do not apply to Agricultural Water Use as defined herein.

Per Ordinance No. 2021-07; Adopted 06/28/21 (Article 230 Title - *changed from "Water Supply Management and Shortage Condition Response Program"; to: "Water Use Efficiency and Drought Response Program"*) (§230.1 (a) and (b); (c) and (d) removed).

Per Ordinance No. 2015-06; Adopted 04/20/15 (Article 230)



Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.2 Definitions (cont'd)

2. "Board of Directors" – refers to the duly elected Board of Directors of the Valley Center Municipal Water District.
3. "District" – refers to the Valley Center Municipal Water District.
4. "Construction Water" – means water used for construction purposes; including, but not limited to grading, compaction, dust control, cleanup, and hydroseeding, or other uses as determined by the General Manager.
5. "Immediate Emergency" – means a short-term operational limitation due to breakage or failure of dam, reservoir, aqueduct, pump, treatment system, pipeline, conduit, a natural or man-made disaster, or any other disruption of the District's water supply or delivery system.
6. "Person" – means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, educational institutions, or any other user of water provided by the District.
7. "State" – means the state of California, including any department or regulatory agency thereof.
8. "Water Authority" – means the San Diego County Water Authority.
9. "Water Shortage Emergency" – means a condition existing within the District in which the ordinary water demands and requirements of the persons within the District 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. A water shortage emergency includes a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.

Sec. 230.3 Application

- (a) The provisions of this Article apply to any person in the use of any water provided by the District.
- (b) This Article is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local land use jurisdiction or Regional Water Quality Control Board for information on any storm water ordinances and storm water management plans.

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.3      Application (cont'd)

- (c) Nothing in this Article 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 or limit the ability of the District to prevent what is determined to be a wasteful or unreasonable use of water even though it may not specifically be identified as such in this Article.
- (d) The provisions of this Article do not apply to use of water from private wells, surface sources or to reclaimed water.
- (e) Nothing in this article shall apply to use of water that is subject to a special supply program, such as the Water Authority's Permanent Special Agricultural Water Rate (PSAWR) Program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable programs. A person using water subject to a special supply program and other water provided by the District is subject this article in the use of the other water.
- (f) If the State or a wholesale water provider, through executive action, emergency legislation or other actions, imposes conditions, requirements, or procedures that are not included in this Article, the General Manager is authorized to implement such other actions, conditions, requirements or procedures as are reasonably required to bring the District, in each Water Supply Level, into functional conformity with such conditions, requirements, or procedures. In such an event, the General Manager shall notify the Board of Directors of any such implemented actions, conditions, requirements or procedures at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.

Sec. 230.4      Permanent Water Use Efficiency Measures

- (a) The District has adopted permanent water use efficiency measures that prohibit wasteful water use, which are in effect at all times and irrespective of the availability of water supplies or hydrologic conditions, and all persons using District supplied water shall comply with the following practices:
  - 1. Not hosing off sidewalks, driveways, and other hardscapes ; except when it is necessary to alleviate safety or sanitation hazards.

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.4    Permanent Water Use Efficiency Measures (cont'd)

2. Not watering lawns in a manner that causes runoff, or watering within 48 hours after measurable precipitation.
3. Not using non-recirculated water to operate ornamental fountains or other decorative water feature.
4. Not washing vehicles with hoses not equipped with a shut-off nozzle. Avoid washing during hot conditions when additional water is required due to evaporation.
5. Not irrigating ornamental turf on public street medians.

Sec. 230.5    Drought Response Level 1 – Reduction Up to 10%

- (a) A Drought Response Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10% is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this article.
- (b) During a Drought Response Level 1 condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. The same water conservation practices become mandatory if the District declares a Level 2 Drought Alert condition:
  1. Irrigate residential and commercial landscape before 10:00 a.m. and after 4:00 p.m. **only**. Watering is permitted at any time when a drip/micro-irrigation system/equipment is used. This section shall not apply to Agricultural Water Use.
  2. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas; including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
  3. Irrigate nursery and commercial grower's products before 10:00 a.m. and after 4:00 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

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.5    Drought Response Level 1 – Reduction Up to 10% (cont'd)

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. Serve and refill water in restaurants, bars, and other food service establishments only upon request.
5. Hotels, motels, time shares and resort facilities and other commercial lodging establishments should offer guests the option of not laundering towels and linens daily.
6. Repair all water leaks within five (5) days of notification by the District, unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.

Sec. 230.6    Drought Response Level 2 – Reduction up to 20%

- (a) A Drought Response Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction of supplies to the Water Authority, or when water supply conditions specific to the District, and a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 2 and implement the mandatory Level 2 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq.*, during a Level 2 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.
- (b) During a Level 2, all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during a Level 1 and shall also comply with the following additional mandatory conservation measures to achieve up to a 20 percent reduction in demand:
  1. Repairing all leaks within three (3) days of notification by the District of a suspected or actual leak unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District including Agricultural Water Use.

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.6      Drought Response Level 2 – Reduction up to 20% (cont'd)

2. Using recycled or non-potable water for construction purposes when available and economically feasible.
3. Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to three (3) or fewer assigned days per week, as specified on a schedule established by the General Manager and posted by the District; provided however, that landscape irrigation systems using weather efficient devices, including but not limited to: weather based controllers, using a drip/micro-irrigation system/ equipment and stream rotor sprinklers are not subject to the ten (10) minute restriction. *This section shall not apply to Agricultural Water Use.*
4. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 230.6(b)(3), on the same schedule set forth in Section 230.6(b)(3) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.
5. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

Sec. 230.7      Drought Response Level 3 – Reduction Up to 30%

- (a) A Drought Response Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies to the Water Authority, or when water supply conditions specific to the District , and a consumer demand reduction of greater than 30 percent is required in order to have sufficient supplies available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of Level 3 and implement the mandatory Level 3 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in a manner and on the grounds provided in California Water Code Section 350 *et seq.*, during a Level 3 condition, such declaration shall remain in effect during the period of the emergency and until the supply of water available for distribution within the District has been replenished or augmented.
- (b) During a Level 3 all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during Level 1 and Level 2, and shall also comply with the following additional mandatory conservation measures to achieve a 30 percent reduction in demand:

Article 230      Water Use Efficiency and Drought Response ProgramSec. 230.7      Drought Response Level 3 – Reduction Up to 30% (cont'd)

1. Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to before 10:00 a.m. or after 4:00 p.m. only and to no more than ten (10) minutes or fewer per watering station for three (3) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using a drip/micro-irrigation system/equipment is not subject to the ten (10) minute restriction. This section shall not apply to Agricultural Water Use.
  2. Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 230.7(b)(1), on the same schedule set forth in section 230.7(b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low-volume non-spray irrigation.
  3. Not washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
  4. Repairing all leaks within two (2) days of notification by the District unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District *including* Agricultural Water Use.
  5. Using recycled or non-potable water for construction purposes as defined in Section 230.2 (a)(1) of this Article.
- (c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon declaration of Level 3, all non PSAWR meters without pre-existing allocations shall be provided an allocation of 10 Hundred Cubic Feet (HCF) per equivalent  $\frac{3}{4}$ -inch meter, per month for months in the base period for which there is no usage history or a usage history of less than 10 HCF. Such allocation shall be subject to future reductions as determined necessary by the Board of Directors as well as the appeal process provided for in Section 230.14 of this Article. Water allocations for meters in the PSAWR program shall be based upon water supply reduction plans adopted by the Board for those specific programs.
- (d) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350, *et seq.*, during a Level 3, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager.

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.7    Drought Response Level 3 – Reduction Up to 30% (cont'd)

1. Only existing and new annexation proposals which can provide to the District additional water resources offsetting the net water demand impact for the specific projects in the annexing area and providing 0.5-acre feet per year of additional supply per unit of development in the annexing area to meet firm Municipal and Industrial demands within the existing District service area will continue to be processed or have applications considered by the District. For the purposes of this subsection, “additional water resources” shall be defined as:
  - A. Water resources originating from outside the current service area of the District; and
  - B. Water resources resulting from financial support from the annexing lands for local water resource development opportunities within the District determined to be available for annexing territories. Local resource development opportunities available for annexing lands shall be identified after first determining the level of local resource development opportunities which may be required to accommodate development on lands currently within the District boundaries.

Sec. 230.8    Drought Response Level 4 – Reduction up to 40%

- (a) A Drought Response Level 4 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies to the Water Authority, or when water supply conditions specific to the District, and a consumer demand reduction of 40 percent is required in order to have sufficient supplies available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 4 and implement the mandatory Level 4 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350, *et seq.*, during a Level 4 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.
- (b) During a Level 4, all persons using District supplied water shall comply on mandatory basis with conservation practices and measures required during Level 1, Level 2 and Level 3 and shall also comply with the following additional mandatory conservation measures to achieve a reduction of more than 40 percent in demand:



Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.8    Drought Response Level 4 – Reduction up to 40% (cont'd)

1. Limiting residential and commercial landscape irrigation, outside ornamental landscape or turf grass, to before 10:00 a.m. or after 4:00 p.m. only and to no more than ten (10) minutes or fewer per watering station for two (2) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using a drip/micro-irrigation system/equipment is not subject to the ten (10) minute restriction. This section shall not apply to Agricultural Water Use.
  2. Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 230.8 (b)(1), on the same schedule set forth in section 230.8 (b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low- volume non-spray irrigation.
  3. Stop filling or refilling 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 a drought response level under this article.
- (c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code §350, *et seq.*, during a Level 4, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager:
1. All new development processing, consisting of the issuance of new statements of ability to serve (PFA/PFC letters, Concept Approvals, or Agency Clearance letters) shall be subject to limitations. Only projects with:
    - A. Existing meter capacity; or
    - B. Those providing substantial evidence that net water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District through:
      - i. The development of local water resources or
      - ii. Participation in a local or regional net demand offset program, will continue to be processed.

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230. 9   Drought Response Level 5 - Reduction Up to 50%

- (a) A Drought Response Level 5 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies to the Water Authority, or when water supply conditions specific to the District, and a consumer demand reduction of up to 50% is required in order to have sufficient supplies available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 5 and implement the mandatory Level 5 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.*, during a Level 5 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.
- (b) All persons using water shall comply with conservation measures required during Level 1, Level 2, Level 3, and Level 4 conditions and shall also comply with the following additional mandatory conservation measures:
  - 1) Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use.
    - A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 203.8 (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 230.8 (b)(1);

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230. 9   Drought Response Level 5 - Reduction Up to 50% (cont'd)

- F. Watering of livestock;
  - G. Agricultural Water Use; *and*
  - H. Public works projects and actively irrigated environmental mitigation projects.
- 2) Repair all water leaks within one (1) day of notification by the District unless other arrangements are made with the General Manager. This applies to any person in the use of any water provided by the District including Agricultural Water Use.
- (c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 *et seq.*, during a Level 5, unless the water supply shortage is associated with an immediate Emergency as determined by the General Manager:
- 1) Any and all development and annexation processing with associated direct water usage shall be terminated and no new temporary or permanent potable water meters shall be provided, and no statement 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:
    - A. A valid, unexpired building permit has been issued for the project; *or*
    - B. The project is necessary to protect the public's health, safety, and welfare; *or*
    - C. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of District.

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.

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.10 Drought Response Level 6 – Reduction Over 50%

- a) A Drought Response Level 6 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies to the Water Authority, or when water supply conditions specific to the District, and a consumer demand reduction over 50% is required in order to have sufficient supplies available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 6 and implement the mandatory Level 6 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.*, during a Level 6 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.
- b) All persons using District water shall comply with conservation measures required during Level 1, 2, 3, 4, and 5 conditions and shall also comply with the following additional mandatory conservation measures:
  - 1. Stop all landscape irrigation as in Section 230.8 (b)(1) except for the following categories of use:
    - A. 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;
    - B. Maintenance of existing landscaping for erosion control;
    - C. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;
    - D. Watering of livestock; and
    - E. Public works projects and actively irrigated environmental mitigation projects.

Sec. 230.11 Procedures for Determination and Notification of Water Supply Shortage Condition Levels

- (a) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the existence of a Levels 2, 3, 4,5, or 6 condition may be declared by the Board of Directors by adoption of a resolution at a regular or special meeting held in accordance

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.11 Procedures for Determination and Notification of Water Supply Shortage  
Condition Levels (cont'd)

with State law. Additionally, the Board may declare a Water Shortage Emergency in accordance with the procedures specified in California Water Code sections 351 and 352. Following at least a seven (7) day notice of the meeting at which the declaration will be made, the District Board of Directors may declare the existence of a Water Shortage Emergency during a Level 2, 3, 4, 5 or 6 by the adoption of a resolution at any regular or special meeting held in accordance with State law. The mandatory conservation measures applicable to Level 2, 3, 4, 5 or 6 shall take effect on the tenth (10) day after the date the response level is declared.

The General Manager may publish a notice of the determination of the existence of a Level 2, 3, 4, 5 or 6 in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on their website. If the District establishes a water allocation, it shall provide notice by mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocations shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

- (b) If the water supply shortage requiring declaration of a Level 2, 3, 4, 5, or 6 is associated with an Immediate Emergency as determined by the General Manager, the General Manager shall have the authority to implement the measures necessary to balance available water supply and demand. The General Manager shall notify the Board of Directors of the conditions leading to the call for a Level 2, 3, 4, 5 or 6 as soon as possible, but no later than 24 hours after the physical system emergency or failure. Further, the General Manager shall provide the Board with a full report on the incident leading to the implementation of a Level 2, 3, 4, 5 or 6 at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.
- (c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the District Board of Directors may declare an end to a Level 2, 3, 4, 5 or 6 by the adoption of a resolution at any regular or special meeting held in accordance with State law. In the case of water supply shortage associated with an Immediate Emergency as determined by the General Manager, the General Manager may declare an end to a Water Supply Shortage Response level based upon the assessment of the water supply conditions specific to the District. The General Manager shall notify the Board of his actions to end a Water Supply Shortage Response in a manner consistent with the provisions in subsection 230.11(b).

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.12 Hardship Variance

- (a) If, due to unique circumstances, a specific requirement of this Article would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.
- (b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.
  - 1. Application. Application for a variance shall be in a form prescribed by the District.
  - 2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
  - 3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:
    - A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.
    - B. That because of special circumstances applicable to the property or its use, the strict application of this Article would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.
    - C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this chapter and will not be detrimental to the public interest.
    - D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

Article 230      Water Use Efficiency and Drought Response ProgramSec. 230.12 Hardship Variance (cont'd)

4. Approval Authority. The General Manager or authorized designee shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory Water Supply Shortage response.

Sec. 230.13 Enforcement

- (a) As provided in California Water Code Section 377, any violation of Sections 230.6, 230.7, 230.8, 230.9 or 230.10 Water Conservation Measures of this Article is a misdemeanor. Upon conviction thereof, such person may be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars (\$1,000) or both.
- (b) As provided in California Water Code Section 377, any person may be held civilly liable for violating Sections 230.6, 230.7, 230.8, 230.9 or 230.10 Water Conservation Measures of this Article or any emergency regulations adopted by the State Water Resources Control Board.
- (c) Each day that a violation of this Article occurs is a separate offense.
- (d) Prior to seeking criminal enforcement of the provisions of Sections 230.6, 230.7, 230.8, 230.9 or 230.10, the District may impose progressive civil penalties and restrictions for violations pursuant to the following enforcement measures for repeated violations:

First Violation:      Written warning

Second Violation:      Level 2 – Penalty of \$25 placed on the water bill.  
Level 3 – Penalty of \$50 placed on the water bill.  
Level 4 – Penalty of \$100 placed on the water bill.  
Level 5 – Penalty of \$200 placed on the water bill.  
Level 6 – Penalty of \$400 placed on the water bill.

Third Violation:      Level 2 – Penalty of \$50 placed on the water bill.  
Level 3 – Penalty of \$100 placed on the water bill.  
Level 4 – Penalty of \$200 placed on the water bill.  
Level 5 – Penalty of \$400 placed on the water bill.  
Level 6 – Penalty of \$800 placed on the water bill.



Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.13 Enforcement (cont'd)

- Fourth Violation:      For all levels, a penalty of \$1,000 placed on the water bill, and installation of a flow restriction of 5 gallons per minute for 120 hours (5 days), and the customer will be charged for the installation and removal of the flow restrictor.
- Fifth Violation:      For all levels, a penalty of \$2,000 placed on water bill, complaint filed with the County of San Diego District Attorney's office, flow restriction imposed and sustained to 5 gallons per minute until disposition of complaint, and the customer will be charged for the installation and removal of the flow restrictor.
- Continuing Violation:      After the fifth violation, the District may additionally impose a per day penalty for continuing violations as follows:
- Level 2 – \$50
  - Level 3 – \$100
  - Level 4 – \$200
  - Level 5 – \$400
  - Level 6 – \$800

The above penalties are independent of, and are in addition to, any volumetric penalties imposed in accordance with any allocation adopted by the District.

- (e) In addition, or as an alternative, the District may install flow restrictors or discontinue water service at any time.
- (f) For each of the above-noted measures, a Complaint and Citation will be issued by a designee of the District's General Manager notifying the violator of the basis for the proposed civil liability order. Unless an appeal and/or hearing is requested pursuant to the provisions of Section 230.(14)(a) of this Article, on the 31st day following the issuance of the Citation and Complaint, the District's General Manager or authorized designee, shall issue a final order ("Final Order") setting the civil penalty.
- (g) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 230.9 and Section 230.10, and applicable during a Drought Response Level 5 and Drought Response Level 6 when a Water Shortage Emergency Condition is declared pursuant to California Water Code section 350, et seq., may be enforced by discontinuing service to the property at which the violation occurs as provided by California Water Code section 356.

Article 230      Water Use Efficiency and Drought Response ProgramSec. 230.13 Enforcement (cont'd)

- (h) All remedies provided for herein shall be cumulative and not exclusive.
- (i) All revenues collected by the District from penalties imposed pursuant to this Section 230.13 may only be used for the purposes of furthering the provisions and goals of the District's Water Use Efficiency and Drought Response Program.

Sec. 230.14 Appeal Procedures

- (a) Appeal of Section 230.13 Civil Penalties.
  - 1. Any person ("Appellant") may appeal any Citation and Complaint issued by a designee of the District's General Manager pursuant to Section 230.13 of this Article. Any such appeal shall be made in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within 15 calendar days of the date of the Citation and Complaint. The Director of Finance or authorized designee shall then have 30 calendar days to render a written decision, granting or denying the appeal.
  - 2. If the appeal is denied, the Appellant may, within 15 calendar days of the date of the decision of the Finance Director or authorized designee, request a hearing before the District's General Manager, or authorized designee. The hearing shall not be held sooner than 30 days after the Citation and Complaint was issued, and the Appellant may present evidence in writing or in person. The District's General Manager, or authorized designee, shall take into consideration all relevant circumstances in determining the amount of civil liability to assess, including but not limited to: (i) the nature and persistence of the violation; (ii) the extent of the harm caused by the violation; (iii) the length of time over which the violation occurs; and (iv) any corrective action taken by the violator. If a hearing is not timely requested or upon closing a completed hearing, the District's General Manager, or authorized designee, shall issue an order within 10 calendar days of the hearing.
  - 3. Within 15 calendar days of the issuance of the District General Manager's order, the Appellant may appeal to the Board of Directors. Appeals to the Board of Directors will be placed on the agenda for review and action at a subsequent meeting of the Board of Directors. A decision by the Board of Directors shall be final. If an appeal is not timely requested, the order issued by the District's General Manager

Article 230      Water Use Efficiency and Drought Response Program

Sec. 230.14 Appeal Procedures (cont'd)

is final. Any civil penalties imposed pursuant to the final decision are due and payable and shall be placed on the water bill. The provisions of Section 1094.5 of the Code of Civil Procedure of the State of California are applicable to judicial review of the final order.

4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

(b) All other appeals:

1. Decisions made by District staff can be appealed in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within 15 calendar days of the date of the provision or decision being appealed. The Director of Finance or authorized designee shall then have 30 calendar days to render a written decision on the appeal.
2. Decisions by the Director of Finance or authorized designee may be appealed to the General Manager, or authorized designee, within 15 calendar days of the date of the decision by the Director of Finance or authorized designee. The General Manager or authorized designee shall then have 30 calendar days to render a written decision to the appeal of decision by the Director of Finance.
3. All decisions by General Manager or authorized designee may be appealed to the Board of Directors. Requests for appeals to the Board shall be made in writing within 15 days of the date of the decision by the General Manager or authorized designee and will be placed on an agenda for review and action at a subsequent meeting of the Board. The decision by the Board shall be final.
4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

## Attachment 2: WSCP 60-Day and Public Hearing Notices

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## PUBLIC NOTICE

**VALLEY CENTER MUNICIPAL WATER DISTRICT  
NOTICE OF PUBLIC HEARINGS AND AVAILABILITY OF  
DRAFT 2020 URBAN WATER MANAGEMENT PLAN,  
DRAFT 2021 WATER SHORTAGE CONTINGENCY PLAN,  
2015 UWMP ADDENDUM, AND REVISED ARTICLE 230**

NOTICE IS HEREBY GIVEN THAT the Valley Center Municipal Water District's (District) Draft 2020 Urban Water Management Plan (UWMP), Draft 2021 Water Shortage Contingency Plan (WSCP), 2015 UWMP Addendum, and revised Article 230 Water Use Efficiency and Drought Response Program (Program) will be available for public review on June 14, 2021; accessible on the District website at: <http://www.vcmwd.org>

NOTICE IS FURTHER HEREBY GIVEN THAT the Board of Directors of the District will conduct Public Hearings at a Special Meeting of the Board on Monday June 28, 2021 at 2:00 p.m. or as soon thereafter as the matter may be heard, to receive public comments on the above listed items. Due to the COVID-19 State of Emergency and pursuant to the Brown Act waiver provided under the Governor's Executive Order, the meeting will be held via Web Conference and Live Stream video and it is anticipated that there will be no physical location from which members of the public may participate. The Public can listen or watch the Live Stream video on the District's website at: <http://www.vcmwd.org>.

Members of the public who wish to address the Board of Directors on the above referenced items may submit written testimony to the Board Secretary for receipt no later than 1:00 pm on June 28, 2021, to be read during the appropriate portion of the meeting. Written testimony must be limited to 300 words, have a reading limit of 3 minutes for each comment and emailed to [publiccomments@vcmwd.org](mailto:publiccomments@vcmwd.org) or mailed to the attention of the Board Secretary or physically dropped off at the District's Administrative Office site at 29300 Valley Center Road, Valley Center, CA 92082. These public comment procedures supersede the District's standard public comment policies and procedures to the contrary.

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Kirsten N. Peraino  
Board Secretary


**VALLEY CENTER MUNICIPAL WATER DISTRICT  
NOTICE OF PUBLIC HEARINGS AND AVAILABILITY OF  
DRAFT 2020 URBAN WATER MANAGEMENT PLAN,  
DRAFT 2021 WATER SHORTAGE CONTINGENCY PLAN,  
2015 UWMP ADDENDUM, AND REVISED ARTICLE 230**

NOTICE IS HEREBY GIVEN THAT the Valley Center Municipal Water District's (District) Draft 2020 Urban Water Management Plan (UWMP), Draft 2021 Water Shortage Contingency Plan (WSCP), 2015 UWMP Addendum, and revised Article 230 Water Use Efficiency and Drought Response Program (Program) will be available for public review on June 14, 2021, accessible on the District website at: <http://www.vcmwd.org>

NOTICE IS FURTHER HEREBY GIVEN THAT the Board of Directors of the District will conduct Public Hearings at a Special Meeting of the Board on Monday June 28, 2021 at 2:00 p.m. or as soon thereafter as the matter may be heard, to receive public comments on the above listed items. Due to the COVID-19 State of Emergency and pursuant to the Brown Act waiver provided under the Governor's Executive Order, the meeting will be held via Web Conference and Live Stream video and it is anticipated that there will be no physical location from which members of the public may participate. The Public can listen or watch the Live Stream video on the District's website at: <http://www.vcmwd.org>.

Members of the public who wish to address the Board of Directors on the above referenced items may submit written testimony to the Board Secretary for receipt no later than 1:00 pm on June 28, 2021, to be read during the appropriate portion of the meeting. Written testimony must be limited to 300 words, have a reading limit of 3 minutes for each comment and emailed to [publiccomments@vcmwd.org](mailto:publiccomments@vcmwd.org) or mailed to the attention of the Board Secretary or physically dropped off at the District's Administrative Office site at 29300 Valley Center Road, Valley Center, CA 92082. These public comment procedures supersede the District's standard public comment policies and procedures to the contrary.

Published in VALLEY ROADRUNNER  
6/10/21 & 6/17/21

  
Kirsten N. Peraino  
Board Secretary





# VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

Board of Directors  
Robert A. Polito  
President  
Randy D. Haskell  
Vice President  
Enrico P. Ferro  
Director  
Daniel E. Holtz  
Director  
Oliver J. Smith  
Director

March 30, 2021

County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

## 2020 URBAN WATER MANAGEMENT PLAN UPDATE – 60-DAY PUBLIC HEARING NOTICE

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Sincerely,

**Nick Lyuber, PE**  
Senior Engineer  
Valley Center Municipal Water District



# VALLEY CENTER MUNICIPAL WATER DISTRICT

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Board of Directors  
Robert A. Polito  
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Randy D. Haskell  
Vice President  
Enrico P. Ferro  
Director  
Daniel E. Holtz  
Director  
Oliver J. Smith  
Director

March 30, 2021

City of Escondido  
201 North Broadway  
Escondido, CA 92025

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Sincerely,

**Nick Lyuber, PE**  
Senior Engineer  
Valley Center Municipal Water District





# VALLEY CENTER MUNICIPAL WATER DISTRICT

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Robert A. Polito  
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Randy D. Haskell  
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Enrico P. Ferro  
Director  
Daniel E. Holtz  
Director  
Oliver J. Smith  
Director

March 30, 2021

San Diego County Water Authority  
4677 Overland Avenue  
San Diego, CA 92123

## 2020 URBAN WATER MANAGEMENT PLAN UPDATE – 60-DAY PUBLIC HEARING NOTICE

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Sincerely,

**Nick Lyuber, PE**  
Senior Engineer  
Valley Center Municipal Water District



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Robert A. Polito  
President  
Randy D. Haskell  
Vice President  
Enrico P. Ferro  
Director  
Daniel E. Holtz  
Director  
Oliver J. Smith  
Director

March 30, 2021

Vallecitos Municipal Water District  
201 Vallecitos De Oro  
San Marcos, CA 92069

## 2020 URBAN WATER MANAGEMENT PLAN UPDATE – 60-DAY PUBLIC HEARING NOTICE

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Sincerely,

**Nick Lyuber, PE**  
Senior Engineer  
Valley Center Municipal Water District





# VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

Board of Directors  
Robert A. Polito  
President  
Randy D. Haskell  
Vice President  
Enrico P. Ferro  
Director  
Daniel E. Holtz  
Director  
Oliver J. Smith  
Director

March 30, 2021

Rainbow Municipal Water District  
3707 Old Highway 395  
Fallbrook, CA 92028

## 2020 URBAN WATER MANAGEMENT PLAN UPDATE – 60-DAY PUBLIC HEARING NOTICE

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Sincerely,

**Nick Lyuber, PE**  
Senior Engineer  
Valley Center Municipal Water District



# VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

Board of Directors  
Robert A. Polito  
President  
Randy D. Haskell  
Vice President  
Enrico P. Ferro  
Director  
Daniel E. Holtz  
Director  
Oliver J. Smith  
Director

March 30, 2021

San Pasqual Band of Mission Indians  
PO Box 365  
Valley Center, CA 92082

## 2020 URBAN WATER MANAGEMENT PLAN UPDATE – 60-DAY PUBLIC HEARING NOTICE

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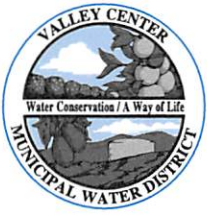
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Sincerely,

**Nick Lyuber, PE**  
Senior Engineer  
Valley Center Municipal Water District





# VALLEY CENTER MUNICIPAL WATER DISTRICT

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Board of Directors  
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President  
Randy D. Haskell  
Vice President  
Enrico P. Ferro  
Director  
Daniel E. Holtz  
Director  
Oliver J. Smith  
Director

March 30, 2021

Rincon Del Diablo  
1920 North Iris Lane  
Escondido, CA 92026

## 2020 URBAN WATER MANAGEMENT PLAN UPDATE – 60-DAY PUBLIC HEARING NOTICE

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Sincerely,

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Senior Engineer  
Valley Center Municipal Water District





# VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

Board of Directors  
Robert A. Polito  
President  
Randy D. Haskell  
Vice President  
Enrico P. Ferro  
Director  
Daniel E. Holtz  
Director  
Oliver J. Smith  
Director

March 30, 2021

Yuima Municipal Water District  
34928 Valley Center Road  
Pauma Valley, CA 92061

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Sincerely,

**Nick Lyuber, PE**  
Senior Engineer  
Valley Center Municipal Water District

# Attachment 3: WSCP Adoption Resolution

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**RESOLUTION NO. 2021-20**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
VALLEY CENTER MUNICIPAL WATER DISTRICT  
ADOPTING A WATER SHORTAGE CONTINGENCY PLAN (WSCP)**

**WHEREAS**, The California Urban Water Management Planning Act, (Wat. Code §10610, et seq. (the Act)), mandates that every urban supplier of water providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000-acre feet of water annually, prepare and adopt, in accordance with prescribed requirements, a Water Shortage Contingency Plan (WSCP) as part of its Urban Water Management Plan (Plan);

**WHEREAS**, the Act specifies the requirements and procedures for adopting such WSCPs;

**WHEREAS**, pursuant to recent amendments to the Act, urban water suppliers are required to adopt and electronically submit their WSCPs to the California Department of Water Resources (DWR) by July 1, 2021;

**WHEREAS**, pursuant to the Act, "urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers;

**WHEREAS**, the District meets the definition of an urban water supplier for purposes of the Act and is required to prepare and adopt and WSCP as part of its 2020 Plan;

**WHEREAS**, the District has prepared a WSCP in accordance with the Act, and in accordance with applicable legal requirements, has undertaken certain coordination, notice, public involvement, public comment, and other procedures in relation to its WSCP;

**WHEREAS**, in accordance with the Act, the District has prepared its WSCP with its own staff, with the assistance of consulting professionals, and in cooperation with other governmental agencies, and has utilized and relied upon industry standards and the expertise of industry professionals in preparing its WSCP, and has also utilized DWR's Urban Water Management Plan Guidebook 2020, including its related appendices; in preparing its WSCP;

**WHEREAS**, in accordance with applicable law, including Water Code §10642, and Government Code §6066, a Notice of a Public Hearing regarding the District's Addendum to the 2015 Plan was published within the jurisdiction of Valley Center Municipal Water District on June 10, 2021 and June 17, 2021;

**WHEREAS**, in accordance with applicable law, including but not limited to Water Code §10642, a public hearing was held on June 28, 2021 at 2:00 p.m., or soon thereafter via Web Conference and Live Stream video (on the District's website at: <http://www.vcmwd.org>) due to the COVID-19 State of Emergency and Brown Act waivers provided under the Governor's Executive Order, at which members of the public and other interested entities were provided the opportunity to have their comments heard by the Board in connection with proposed adoption of the Water Shortage Contingency Plan and issues related thereto; and

**WHEREAS**, pursuant to said public hearing on the District's WSCP, the District, among other things, encouraged the active involvement of diverse social, cultural, and economic members of the community within the District's service area with regard to the WSCP, and encouraged community input regarding the District's WSCP;

**WHEREAS**, the Board of Directors has reviewed and considered the purposes and requirements of the Act, the contents of the WSCP, and the documentation contained in the administrative record in support of the WSCP, and has determined that the factual analyses and conclusions set forth in the WSCP are legally sufficient;

**WHEREAS**, the Board of Directors desires to adopt the WSCP and to incorporate it as part of its 2020 Plan prior to July 1, 2021 in order to comply with the Act, and

**WHEREAS**, §10652 of the California Water Code provides that the California Environmental Quality Act (Division 13 (commencing with §21000) of the Public Resources Code) (CEQA) does not apply to the preparation and adoption of a WSCP as part of Plan pursuant to California Water Code §10632.

**NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, AND ORDERED** by the Board of Directors of VALLEY CENTER MUNICIPAL WATER DISTRICT as follows:

1. The Water Shortage Contingency Plan (WSCP) is hereby adopted as amended by changes incorporated by the Board of Directors as a result of input received (if any) at the public hearing and ordered filed with the Secretary of the Board of Directors and shall be incorporated into the District's 2020 Plan;
2. The General Manager is hereby authorized and directed to include a copy of this Resolution in the District's WSCP and/or in the District's 2020 Plan;
3. The General Manager is hereby authorized and directed, in accordance with Water Code §10621(d) and §10644(a)(1)-(2), to electronically submit a copy of the WSCP, as part of its 2020 Plan, to DWR no later than July 1, 2021;
4. The General Manager is hereby authorized and directed, in accordance with Water Code §10644(a), to submit a copy of the WSCP, as part of its 2020 Plan, to the California State Library, and to any city or county within which the District provides water supplies no later than thirty (30) days after this adoption date;

5. The General Manager is hereby authorized and directed, in accordance with Water Code §10645, to make the WSCP available for public review at the District's offices during normal business hours and on its website at [www.vcmwd.org](http://www.vcmwd.org) no later than thirty (30) days after filing a copy of the WSCP, as part of its 2020 Plan, with DWR;
6. The General Manager is hereby authorized and directed to implement the WSCP in accordance with the Act and to provide recommendations to the Board of Directors regarding the necessary budgets, procedures, rules, regulations, or further actions to carry out the effective and equitable implementation of the WSCP.
7. The Board of Directors finds and determines that this resolution is not subject to CEQA pursuant to Water Code §10652 because CEQA does not apply to the preparation and adoption of a WSCP or to the implementation of the actions taken pursuant to such plans. Because this resolution comprises Board of Director's adoption of its WSCP and involves its implementation, no CEQA review is required.
8. Pursuant to CEQA, the Board of Directors directs staff to file a Notice of Exemption with the San Diego County Clerk's Office within five (5) working days of adoption of this resolution.
9. The document and materials that constitute the record of proceedings on which this resolution and the above findings have been based are located at San Diego County Clerk's Office located at 1600 Pacific Coast Highway, Room 260; San Diego, CA 92101. The custodian for these records is the Board Secretary.

**PASSED AND ADOPTED**, by the Board of Directors of the Valley Center Municipal Water District this 28<sup>th</sup> day of June, 2021, by the following vote:

**AYES:** *Directors Polito, Ferro, Haskell, Holtz and Smith*

**NOES:** None

**ABSENT:** None

  
Robert Polito, **Board President**

ATTEST:

  
Kirsten Peraino, **Board Secretary**