

ORDINANCE NO. 92-3

ORDINANCE OF THE SAN DIEGO COUNTY
WATER AUTHORITY ("AUTHORITY") ESTABLISHING
RULES, REGULATIONS, AND RESTRICTIONS
SO THAT AVAILABLE WATER SUPPLIES ARE
ALLOCATED AMONG MEMBER AGENCIES FOR THE GREATEST
PUBLIC INTEREST AND BENEFIT

WHEREAS, this 1992 water year (October 1, 1991 - September 30, 1992) is the sixth consecutive year of below normal run-off resulting in continuous drought conditions in California; and

WHEREAS, in response to the drought in order to anticipate rational supply/demand conditions, and to establish reasonable rules for the delivery and use of water within the Authority's service area, the Authority has previously adopted Ordinance 91-1 (March 14, 1991), Ordinance 91-2 (April 11, 1991), Ordinance 91-4 (June 25, 1991) and Ordinance 91-6 (September 20, 1991); and

WHEREAS, storage to meet 1993 water year conditions is only 42% of capacity statewide and 52% of capacity within San Diego County; and

WHEREAS, the Metropolitan Water District of Southern California "MWD", which supplies the Authority with imported water, continues to implement its Incremental Interruption and Conservation Program (IICP); and

WHEREAS, in 1992 State Water Project deliveries were reduced by 55 percent to municipal and industrial users as well as agricultural users; and

WHEREAS, water supply conditions for 1993 will need to return to normal or better before significant improvement can occur in

available State Water Project supplies for delivery to its contractors; and

WHEREAS, it is considered necessary that existing water supplies be husbanded and that it may become necessary that future available imported supplies be allocated among the Authority's member agencies for the greatest public interest and benefit as provided by Section 5(11) of the County Water Authority Act (Chapter 45, Water Code Appendix); and

WHEREAS, the Authority has determined that it is necessary to establish a method and procedure for allocation of available supplies to its member agencies;

NOW, THEREFORE, the Board of Directors of the San Diego County Water Authority hereby Determines, Declares, Resolves, and Orders, as follows:

SECTION I. DELIVERIES TO MEMBER AGENCIES.

The General Manager shall provide for all reasonable deliveries to member agencies, but shall encourage a voluntary 10 percent level of conservation, unless the Board of Directors determines that it is necessary to establish monthly allocations to member agencies under Section II A, based upon current water supplies or changes in MWD's IICP conservation level. Any allocation of supplies to member agencies shall be administered by the General Manager according to the provisions set forth in Sections II to IV.

SECTION II. MONTHLY ALLOCATIONS TO MEMBER AGENCIES.

A. Amounts.

MWD's Incremental Interruption and Conservation Program (IICP) was adopted on December 11, 1990 as the means of allocating water to its member agencies during drought conditions. The IICP establishes monthly targets for each of MWD's member agencies based on water taken from MWD in the same month of the 1989-90 base year. Adjustments are to be made to reflect growth, changes in local supplies, and significant conservation programs.

The Authority, by Resolution 90-59, adopted a procedure and method by which MWD's IICP target to the Authority is established as monthly allocations for each of the Authority's member agencies. All provisions for adjustment which apply to the Authority shall apply to member agency allocations as provided by Resolution 90-59.

If the Board of Directors determines that it is necessary to establish monthly allocations to member agencies, then the General Manager shall establish allocations to member agencies, notify each member agency of its monthly allocation and the basis for its calculation, notify each member agency when changes in MWD's IICP conservation level are proposed and acted upon, and provide status reports during the month and a formal accounting to each member agency as part of the regular billing process.

B. Conservation Programs.

In order to achieve the reductions necessary to meet a 10 percent voluntary level of conservation or to comply with monthly allocations imposed under Section II A, the Authority recommends that each member agency implement programs substantially equivalent to those set forth in the Response Stage Actions (currently Stage I) of the Drought Response Plan adopted February 14, 1991, which is attached as Exhibit A hereto.

C. Adjustments and Modifications to Monthly Allocations.

The General Manager shall make such adjustments and modifications in the monthly allocations (on a daily, weekly, or other basis if appropriate) as may be necessary and appropriate to pass through to member agencies any increases or decreases in deliveries received by the Authority from MWD or any other water supply changes including but not limited to deliveries of water from a State Water Bank.

The 1989-90 base year shall remain as the bench mark for making future monthly allocations of deliveries and for ascertaining use relationships.

SECTION III. SURCHARGES FOR EXCESS MONTHLY WATER ALLOCATIONS.

A. Sharing MWD Surcharges.

If, pursuant to its IICP program, MWD levies any surcharges against the Authority, the amount of such surcharges shall be shared prorata among member agencies that received more than their monthly allocations under Section II

hereof. The respective shares shall be a fraction. The numerator shall be the amount each such member agency received more than its monthly allocation. The denominator shall be the sum of the numerators as determined for all such member agencies.

B. Cumulation - Reconciliation.

Any sums due to Authority from member agencies hereunder shall be invoiced by Authority to the affected member agencies when billed by MWD and shall be payable to the Authority thirty days after date of invoice. A reconciliation shall occur as of September 30, 1993 unless a different reconciliation date becomes effective by subsequent Board action or reconciliation by MWD.

SECTION IV. DELIVERY RESTRICTIONS.

A. Notices.

The General Manager shall, at his discretion in a timely and appropriate manner, notify each member agency about the differences between monthly allocations and actual deliveries. If the differences indicate that a member agency is unlikely to be able to meet its monthly allocations, a warning notice may be given.

B. Reductions.

Beginning October 1, 1992, following notice and an opportunity to be heard, member agencies which have not reduced deliveries to within 5% of monthly allocations may have their daily deliveries reduced by the General Manager in

a manner estimated to result in attainment of monthly allocations.

C. Adjustments.

The General Manager may make adjustments in deliveries to a member agency because of special circumstances or to protect domestic use, sanitation, and fire protection. Also, consideration will be given to pertinent matters designed to avoid discrimination between consumers using water for the same purpose and to promote uniformity in the beneficial uses made of water within the boundaries of the San Diego County Water Authority.

SECTION V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

The San Diego County Water Authority finds that this ordinance and actions taken hereafter pursuant to this ordinance are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to Public Resources Code Section 21080(b) (4) and the California Environmental Quality Act Guidelines Section 15269(c). The General Manager is hereby authorized and directed to file a Notice of Exemption as soon as possible following adoption of this ordinance.

SECTION VI. APPEALS.

A. Appeals Board.

There is hereby created an Appeals Board consisting of five directors, to be appointed by the Chairman. The Chairman shall also appoint five directors to serve as alternate

members. There is delegated to the Appeals Board the full authority of the Board of Directors to consider and resolve all appeals lodged by member agencies with the Executive Secretary.

B. Appeals by Member Agencies.

Each member agency may file with the Executive Secretary a request to have the Appeals Board review any action taken by the General Manager hereunder. Representatives of the member agency may appear before the Appeals Board and present such testimony and documentation considered appropriate for a proper understanding and evaluation for the claims and basis for the appeal.

The General Manager shall arrange for such counter presentation considered appropriate for the Appeals Board to fully comprehend all aspects relative to the decision which is the subject of the appeal.

C. Procedure - Decisions.

The Appeals Board shall meet as soon as practical but no later than ten business days after a request is made by a member agency. The Chairman of the Board shall designate a person to be the presiding member of the Appeals Board. No member of the Appeals Board shall participate in or act upon any appeal by the member agency he or she represents. The Appeals Board, with the advice of General Counsel, shall establish fair and reasonable procedures for hearing the appeal and reviewing determinations by the General Manager.

The Chairman shall appoint alternates to serve in the case of any appeal which a member is disqualified or unable to attend. Consistent with circumstances relative to the nature of the appeal, the Appeals Board shall conduct the appeal and render its decision as expeditiously as practical. The decision shall be in writing briefly describing the pertinent circumstances for the appeal, and the basis for the decision. General Counsel may prepare a draft, pursuant to oral instructions from the Appeals Board, but each member of the Appeals Board must either approve or dissent in writing. The decision of a majority of the Appeals Board shall be the final decision on the subject of the appeal.

SECTION VII. RESERVED DISCRETION.

The Board of Directors hereby reserves its legislative discretion to modify any of the provisions hereof as changed circumstances may warrant. Modifications to increase or decrease restrictions or water allocations will be made as deemed necessary and appropriate. The General Manager shall keep the Board advised about matters pertinent to drought conditions, MWD deliveries, Authority deliveries to member agencies, appeals, and the nature and extent of other emergency conditions.

SECTION VIII. SUPERSEDURE.

If any provisions of this Ordinance are inconsistent with previous actions of the Board pertaining to plans to respond

to drought conditions, the provisions hereof shall supersede such inconsistent provisions.

SECTION IX. SUNSET PROVISION.

This ordinance shall become effective as long as MWD's IICP, adopted on December 11, 1990 as it may be amended, is in effect or until September 30, 1993 unless the Authority's Board acts to change it.

SECTION X. EFFECTIVE DATE.

This Ordinance shall become effective on Tuesday, October 1, 1992.

SECTION XI. LEGAL BASIS FOR ACTIONS.

The foregoing rules, regulations, and restrictions are taken pursuant to Article X, Section 2 of the California Constitution and the legislative powers delegated to the Authority by Section 5(11) of the County Water Authority Act (West's Water Code, Appendix, Section 45).

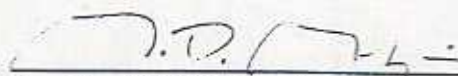
PASSED, APPROVED, AND ADOPTED, this 20th day of September, 1992.

AYES: Unless noted below, all Directors voted Aye.

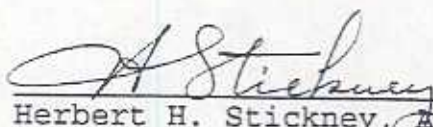
NOES:

ABSTAIN:


ABSENT: Golding, Griffen, Larson, F. Thompson


M. D. Madigan, Chairman
Board of Directors

ATTEST:


Herbert H. Stickney, Acting Secretary
Board of Directors

I, Janet R. Maltman, Executive Secretary of the Board of Directors of the San Diego County Water Authority, do hereby certify that the above and foregoing is a full, true and correct copy of Ordinance No. 92-3 of said Board and that the same has not been amended or repealed.


Janet R. Maltman,
Executive Secretary

Authority Drought Response Program

RESPONSE STAGE ACTIONS

User Type	Stage I	Stage I	Stage II	Stage III	Stage IV	Stage V	Stage VI	Water Emergency
Household and household members	<p>INDOOR</p> <p>Check toilets for leaks and repair. Don't use toilets as ashtrays or waste baskets. If you have an older toilet, install a weighted plastic bottle in toilet tank which does not interfere with flush mechanism.</p> <p>Limit shower time. Install watersaving showerheads.</p> <p>Replace old toilets with ultra-low-flow 1.6 gal./flush toilets.</p> <p>Run only fully loaded dishwashers and washing machines.</p> <p>Keep bottle of water in refrigerator for drinking.</p>	<p>OUTDOOR</p> <p>Water lawns only during morning, evening and nighttime hours. Avoid overwatering. If your lawn springs back when stepped on, it doesn't need water. When lawn watering, deep soak infrequently. Rather than using sprinklers frequently, aerate and dethatch lawns. Aim sprinklers so they water lawn and garden not pavement. Use mulch around trees and plants. Use a broom to clean paved areas, never a hose.</p> <p>Check irrigation/sprinkler system for leaks and repairs. Reset irrigation clocks by season, water once a week in winter, no more than 3 times a week in summer.</p> <p>Turn system off during rainy periods.</p> <p>Install pool/spa covers.</p>	<p>Same as Stage I actions. Defer renovation of existing landscape unless xeriscape principles applied</p>	<p>Same as Stage II plus respond to penalty pricing of retail agency.</p>	<p>Same as Stage III plus water no more than twice per week. Capture shower, sink warm-up water with bucket and use outdoors or to flush toilets.</p>	<p>Same as Stage IV except outside watering with a hand-held hose with positive shutoff or drip irrigation systems only. Eliminate sprinkler use.</p>	<p>Same as V and no outside irrigation except with water reclaimed from indoor use with hand held bucket to effect a 40% outback.</p>	<p>Short-term system failure. Same as V and no outside irrigation except with water reclaimed from indoor use with hand-held bucket to effect a 40% outback.</p>

Authority Drought Response Program

RESPONSE STAGE ACTIONS

User Type	Stage I	Stage II	Stage III	Stage IV	Stage V	Stage VI	Water Emergency
Household and household members	<p>INDOOR</p> <p>Shut off faucet while brushing teeth and shaving.</p> <p>If handwashing dishes, use one full basin to rinse rather than running water.</p> <p>Have pre-1991 reverse osmosis water treatment units retro-fitted with an automatic shutoff valve. Call 1-800-992-8375 for referral.</p> <p>If water softeners are self-regenerating, should be a demand initiated regeneration type, or controlled manually. Call 1-800-9WATERS for more information.</p>						
	<p>OUTDOOR</p> <p>Wash vehicles with hand-held hose with positive shut off nozzle and bucket only. Avoid mid-day hours.</p> <p>Replace inactively used turf areas with drought-tolerant landscaping.</p>						

**Authority Drought Response Program
RESPONSE STAGE ACTIONS**

Retail Water Delivery Agencies	Stage I	Stage II	Stage III	Stage IV	Stage V	Stage VI	Water Emergency
	<p>Divide customer classes into minimum categories of</p> <ul style="list-style-type: none"> - Residential - single family - multi-family - Commercial - Industrial - Agricultural - Institutional <p>Institute in-coming block pricing for M & I uses.</p> <p>Adopt mandatory water management or anti-waste ordinances.</p> <p>Establishment of construction use Best Management Practices for construction water.</p>	<p>Same as I plus employ public information campaign to cut waste using adopted ordinance or suggested user response stage actions.</p>	<p>Same as II plus penalty pricing. With surcharges for exceeding targets of 15% cutback. Actively enforce use ordinances with personnel and flow restrictors for repeat violators.</p>	<p>Same as III but require 20% cutback with surcharge for use beyond allotment.</p>	<p>Same as Stage IV but 30% cutback.</p>	<p>Same as Stage IV but 40% cutback.</p>	<p>Short term system failure. Ban outdoor watering for emergency duration. Recommend minimal indoor uses.</p> <p>Same as Stage V.</p> <p>Same as Stage V.</p> <p>No new connections allowed.</p>

**Authority Drought Response Program
RESPONSE STAGE ACTIONS**

Water Type	Stage I	Stage II	Stage III	Stage IV	Stage V	Stage VI	Water Emergency
Restaurant and food service	<p>Serve water only upon request.</p> <p>Use brooms to clean outdoor paved areas. Spot clean with water only.</p> <p>Have pre-1991 reverse osmosis water treatment units retro-fitted with automatic shut off valve. Call 1-800-992-8375 for referral. If water softeners are self-regenerating, should be a demand initiated regeneration type, or controlled manually. Call 1-800-9WATERS for more information.</p>	<p>Wash vegetables and prepare foods in tubs where possible - no running water. Effect a 10% cutback.</p>	<p>Stage II plus reduce landscape irrigation. Effect a 15% cutback.</p>	<p>Same as Stage III. Limit landscape irrigation to twice a week. Effect a 20% cutback.</p>	<p>Same as Stage I. Effect a 30% cutback.</p>	<p>Same as Stage III. Effect a 40% cutback.</p>	<p>Short-term system failure.</p> <p>Eliminate outdoor irrigation. Use disposable table service.</p>
Car washes	<p>Use water recirculation pumps. Check for leaks in system.</p>	<p>Same as Stage I. Effect a 10% cutback.</p>	<p>Same as Stage I. Effect a 15% cutback.</p>	<p>Same as Stage I. Effect a 20% cutback.</p>	<p>Same as Stage III. Effect a 30% cutback.</p>	<p>Same as Stage III. Effect a 40% cutback.</p>	<p>Terminate operations if so directed.</p>
Hotels and other lodging facilities	<p>Check for plumbing leaks. Start replacement of non-conserving toilets and showerheads. Reduce outside irrigation.</p>	<p>Same as Stage I plus reduce air conditioning system water use. Effect a 10% cutback.</p>	<p>Same as Stage I but reduce consumption by 15% through flow restriction or operational hours limitation.</p>	<p>Same as Stage III plus reduce overall consumption by 20%</p>	<p>Same as Stage III plus reduce overall consumption by 30%</p>	<p>Same as Stage III. Effect a 40% cutback. Post emergency notices in rooms asking limited water use.</p>	<p>Eliminate outdoor irrigation. Post emergency notices in rooms asking limited water use.</p>

Authority Drought Response Program

R E S P O N S E S T A G E A C T I O N S

r Type	Stage I	Stage II	Stage III	Stage IV	Stage V	Stage VI	Water Emergency
Agriculture	<p>Use drip irrigation and micro sprinklers for perennial crops and all nurseries.</p> <p>Check system for malfunctions.</p> <p>Utilize CIMIS Irrigation demand climate information: Call 1-800-339-9954 for daily information or 1-800-336-3023 for weekly data.</p> <p>Request an audit of your irrigation system. North County: (619) 728-1332.</p>	<p>Same as I. Increase surveillance of irrigation system. Effect a 10% cutback.</p>	<p>Same as II, but effect a 15% cutback on normal demands through sustenance watering of less productive perennial plants, pruning and stumping.</p>	<p>Same as III, but effect a 20% cutback.</p>	<p>Same as III, but effect a 30% cutback.</p>	<p>Same as III, but effect a 40% cutback.</p>	<p>Short-term system failure.</p> <p>Temporarily discontinue all irrigation depending upon circumstances of emergency.</p>

Authority Drought Response Program

R E S P O N S E S T A G E A C T I O N S

User Type	Stage I	Stage II	Stage III	Stage IV	Stage V	Stage VI	Water Emergency
Landscape (except residential)	<p>Irrigate only during evening, night and morning hours.</p> <p>Check irrigation systems for leaks, broken parts and sprinkler aim. Repair as necessary.</p> <p>Set irrigation schedules appropriate to season.</p> <p>Call for a landscape audit (728-1332 North County and 442-0559 South County).</p> <p>Conversion of non-functional turf areas to drought-tolerant plants (i.e., those areas not used for activities).</p> <p>Convert shrubs and planter areas to drip irrigation.</p>	<p>Stage I actions plus reduce watering of low use areas. Effect a 10% cutback.</p>	<p>Stage II plus eliminate watering of non-functional turf areas (i.e., areas not used for activities). Effect a 15% cutback.</p>	<p>Stage III plus irrigate no more than twice per week. Effect a 20% cutback.</p>	<p>Eliminate watering of ornamental turf areas. Water only actively used turf area no more than twice per week. Effect a 30% cutback.</p>	<p>Stage V plus irrigate playing fields only. Effect a 40% cutback.</p>	<p>Short term-system failure.</p> <p>No outdoor watering.</p>