

AMENDED ORDINANCE 09-01

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF CONTRA COSTA
WATER DISTRICT AUTHORIZING DROUGHT MANAGEMENT PROGRAM
REGULATIONS**

WHEREAS, the Contra Costa Water District ("District") is a County Water District organized and existing pursuant to the County Water District Law, Division 12 of the California Water Code beginning with Section 30000, and is empowered thereunder to provide untreated and treated water service to its customers in northern, central and eastern Contra Costa County; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable methods of use of water be prevented, and the water be conserved for the public welfare, and further declares that it is self-executing; and

WHEREAS, the District is authorized pursuant to Sections 31024, 31026, 31027, 31028, 31029, and 31035 of the County Water District Law, to establish and enforce rules and regulations for the sale, distribution, and use of water; to enact rules and regulations to restrict the use of water during any water shortage condition caused by drought or other threatened or existing water shortage, and to prohibit the wastage of District water or use of District water during such periods for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the District, and may prohibit use of such water during such periods for specific uses which the District may from time to time find to be non-essential; and

WHEREAS, District Regulations 5.04.020, 5.04.030, 5.04.060, and 5.04.070 are generally applicable to all District water service customers, and expressly provide for the District to adopt rules and regulations regarding the use of water delivered by the District, the prevention of waste or unreasonable use during times of water shortage, and compliance with District rules and regulations; and

WHEREAS, California is facing a significant water crisis resulting from three consecutive dry years, the severity of the shortage on 2009 water supplies will depend on the amount of precipitation and snow pack levels the balance of this winter, on June 4, 2008 the Governor formally declared a condition of statewide drought and encouraged local water agencies to promote water conservation, and on February 27, 2009 the Governor proclaimed a state of emergency due to drought conditions and requested urban water users to immediately increase their water conservation activities to reduce their individual water use by 20 percent; and

WHEREAS, on March 4, 2009 the District's Board of Directors made the findings required under Water Code Sections 31026 and 31028, adopted Resolution No. 09-03, a copy of which is attached to this ordinance as Exhibit A and incorporated herein,

declaring that a water shortage condition now exists within the District, and directed the General Manager to present a proposed ordinance for consideration and first reading by the Board on March 18, 2009; and

WHEREAS, as of March 4, 2009, the date of adoption of Resolution No. 09-03, and based on current and historic water supply availability documented in the April 1, 2009 Docket regarding the Drought Management Program, and the associated Drought Management Program staff report provided as Attachment 2 to the Docket, and incorporated herein, the District projects that its water supplies will be severely impacted in 2009 as a result of current drought conditions.

WHEREAS, all written comments concerning the proposed Drought Management Program prior to or at the April 1, 2009 Public Hearing, all written responses thereto provided by the General Manager or his designee, all oral comments received by the Board of Directors on March 18, 2009, and all written or oral comments received at the April 1, 2009 Public Hearing have been fully considered by the Board of Directors.

NOW THEREFORE BE IT ORDAINED by the Board of Directors of the Contra Costa Water District as follows:

1. The rules and regulations attached hereto as Exhibit B and incorporated herein are necessary to conserve water, promote effective water supply planning, assure reasonable and beneficial use of water, prevent waste and unreasonable use of water, and prevent unreasonable methods of use of water within the District, and said rules and regulations are necessary to assure that sufficient supplies of water will be available to meet the needs of, and to protect the health and safety of, the District's customers and other members of the public.
2. The rules and regulations adopted as part of this ordinance shall be implemented in accordance with the procedures set forth in applicable law.
3. If any provision of this ordinance, including the rules and regulations attached hereto as Exhibit B and incorporated herein, or any part thereof, is for any reason held to be *ultra vires*, invalid, unenforceable, or unconstitutional, the remaining provisions shall not be affected but shall remain in full force and effect, and to this end the provisions of this ordinance are severable.
4. This ordinance shall take effect immediately after its adoption, pursuant to Water Code Section 31027. A summary of this ordinance will be published in a newspaper of general circulation within the District at least five days prior to its adoption, and a summary of the adopted ordinance will be published in a newspaper of general circulation within the District within fifteen days following the Board of Directors adoption action. This ordinance shall remain in full force

and effect until the Board of Directors acts by resolution to declare that the water shortage condition within the District has ended.

5. The General Manager is hereby authorized and directed to cause the rules and regulations established hereby to be inserted in Title 5 of the Contra Costa Water District Code of Regulations, to implement the immediate enforcement thereof, and to provide for their implementation throughout the period of any water shortage condition declared by a resolution of the Board of Directors to exist within the District.
6. Pursuant to Water Code Section 31027, modifications to the rules and regulations adopted hereby may be made by amendment to this ordinance.

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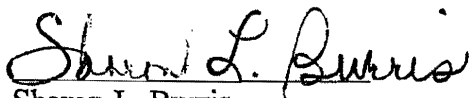
The foregoing Ordinance was duly and regularly adopted at a meeting thereof held on April 1, 2009, by the Board of Directors of the Contra Costa Water District, by the following vote of the Board:


AYES: Boatmun, Wandry, Anello, Burgh, Campbell
NOES: None
ABSTAIN: None
ABSENT: None



Joseph L. Campbell, President

ATTEST:


Sharon L. Burris
District Secretary


Sharon L. Burris, District Secretary
Contra Costa Water District

RESOLUTION NO. 09-03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF CONTRA COSTA
WATER DISTRICT DECLARING A WATER SHORTAGE CONDITION AND
DIRECTING PREPARATION OF A PROPOSED ORDINANCE TO INCLUDE
WATER USE REDUCTION GOALS BY CUSTOMER CLASS AND OTHER
ELEMENTS DEEMED NECESSARY TO SUFFICIENTLY CONSERVE
AVAILABLE WATER SUPPLY**

WHEREAS, United States Bureau of Reclamation (Reclamation) has announced its initial 2009 water year allocations for the Central Valley Project and reflecting critically dry conditions has forecasted water supply to be available to Contra Costa Water District is 50% of historical use.

WHEREAS, District water conservation efforts, recycled water, and supplemental water purchases have stretched the District's available water supplies.

WHEREAS, in light of USBR's announcement, and continued below normal precipitation conditions, a reduction in water use within the District is needed to ensure that the available supply is sufficient to meet critical domestic, municipal and industrial water needs of the District's customers in 2009, and to ensure that water supplies are not depleted in the event that the following year is also dry.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CCWD that the Board hereby finds and determines that:

1. Each of the facts recited above is incorporated herein;
2. Based upon the facts recited above, and based upon the authority contained in Water Code sections 31026 *et seq.*, sections 350 *et seq.*, and in sections 375 *et seq.*, a water shortage condition now exists within the District, and said shortage is caused by drought and other contributing factors; and
3. Extraordinary measures are required to conserve the use of water supplied by the District during this water shortage condition, to prevent waste or unnecessary use of water, to prohibit nonessential uses of water, and to conserve the District's water supply in order to meet critical needs of District customers in 2009, and to ensure that the District has an adequate amount of water at the end of 2009 so that customers needs can still be met in 2010 even if dry conditions and other factors effecting water supply availability result in a continuing water shortage.

BE IT FURTHER RESOLVED that the General Manager is hereby directed to prepare a proposed ordinance for first reading of the Board at its regular meeting on March 18, 2009 and for second reading, public hearing and potential adoption by the Board at its

regular meeting on April 1, 2009, and, consistent with the findings and declarations contained herein, to include in the proposed ordinance those water use reduction goals by customer class deemed necessary to sufficiently conserve the available water supply so that the critical needs of District customers can be met.

BE IT FURTHER RESOLVED that the General Manager or his designee is hereby directed to publish a notice of the time and place of the public hearing and a summary of the proposed ordinance in a newspaper of general circulation within the District at least five days prior to April 1, 2009.

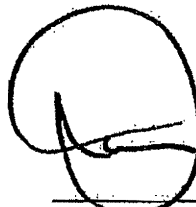
The foregoing Resolution was duly and regularly adopted at a meeting held on the 4th of March 2009 by the Board of Directors of the Contra Costa Water District by the following vote of the Board:

AYES: Burgh, Boatman, Anello, Campbell, Wandry

NOES: None


ABSTAIN: None

ABSENT: None



Joseph L. Campbell, President

ATTEST:


Sharon L. Burris, District Secretary

**CONTRA COSTA WATER DISTRICT
AMENDED ORDINANCE NO. 09-01
DROUGHT MANAGEMENT PROGRAM RULES AND REGULATIONS
(FIFTEEN PERCENT WATER REDUCTION PROGRAM)**

ARTICLE 1

PURPOSE AND INTENT

The purpose of this ordinance, including the Rules and Regulations (“Regulations”) contained herein, is to conserve the water supply of the Contra Costa Water District (“District”) for the greatest public benefit with particular regard to public health, fire protection, industrial and domestic use, and to conserve water by reducing waste, and to the extent necessary by reason of drought and the existing water shortage condition to reduce water use fairly and equitably. This ordinance is adopted pursuant to Water Code Sections 31026 - 31029 and Sections 350 *et seq.* and 375 *et seq.*

ARTICLE 2

EFFECTIVE PERIOD

These Regulations shall become immediately effective upon adoption of this ordinance and shall remain in effect during the water shortage condition within the District which the District’s Board of Directors (“Board”) declared on March 4, 2009 by Resolution No. 09-03, and during any future water shortage condition within the District declared to exist by the Board by a future resolution, and shall continue in effect until such date that the Board declares by resolution that such water shortage condition has ended.

ARTICLE 3

ALLOCATION OF UNTREATED WATER

In the event that the Board finds and determines that a fifteen percent (15%) reduction in untreated water use is necessary to ensure that the available supply is sufficient to meet critical domestic, municipal, and industrial water needs of the District’s customers and to ensure that water supplies are not depleted should the following year also be dry, each user of untreated water furnished by the District is strongly urged to voluntarily reduce their current water use during each billing period by at least the percentage reduction shown in Table 1 for their

respective customer class, as compared to the average quantity of water furnished by the District and used during the corresponding period in 2005, 2006, and 2007.

Table 1 - 15% Program – Untreated Water Use Reduction Goals

Customer Class	Water Use Reduction %
Industrial	5%
Wholesale Municipal	15%
Irrigation/Agriculture	45%

ARTICLE 4

ALLOCATION OF TREATED WATER

In the event that the Board finds and determines that a 15% reduction in treated water use is necessary to ensure that the available supply is sufficient to meet critical domestic, municipal, and industrial water needs of the District's customers and to ensure that water supplies are not depleted should the following year also be dry, each user of treated water furnished by CCWD is strongly urged to voluntarily reduce their current water use during each billing period by at least the percentage reduction shown in Table 2 for their respective customer class, as compared to the average quantity of water furnished by the District and used during the corresponding period in 2005, 2006, and 2007.

Table 2 – 15% Program – Water Use Reduction Goals

Customer Class	Water Use Reduction %
Single Family Residential	15%
Multi-Family Residential	15%
Industrial	5%
Wholesale Municipal	15%
Public Authority	15%
Commercial	15%
Irrigation	45%

ARTICLE 5

EXCESS USE CHARGES

If a customer uses water in excess of the applicable water usage thresholds enumerated below, they will be subject to an excess use charge as follows:

- During any billing period, any customer in any Customer Class that increases their water usage, as compared to their average water use for the same billing period during the three-year base period (2005, 2006, and 2007), will be charged an excess use charge equal to four times the current quantity charge applied to the quantity of water used in excess of their average historical use during the three-year base period.
- During any billing period, any Single Family Residential customer with water usage exceeding 1,000 gallons per day that does not achieve the 15% reduction in their water usage, as compared to their average water use for the same billing period during the three-year base period (2005, 2006, and 2007), will be charged an excess use charge equal to four times the current quantity charge for the quantity of water used in excess of the 15% water use reduction goal for the Single Family Residential customer class.
- During any billing period, any treated or untreated water Irrigation or Agricultural customer with water usage exceeding 1,000 gallons per day that does not achieve the 45% reduction in their water usage, as compared to their average water use for the same billing period during the three-year base period (2005, 2006, and 2007), will be charged an excess use charge equal to four times the current quantity charge for the quantity of water used in excess of the 45% water use reduction goal for the Irrigation customer class.

See Attachment I attached to these Regulations and incorporated herein for illustrative examples of how excess use charges are calculated.

ARTICLE 6

PROHIBITED USES OF WATER DURING 15% WATER REDUCTION PROGRAM

The following uses of water supplied by the District have been determined to be wasteful and are prohibited at any time when a 15% water reduction program is in effect:

Single Family and Multi-Family Residential Customers

- a. Using District-furnished water for non-recirculating decorative fountains or filling decorative lakes or ponds.
- b. Washing paved or other hard-surfaced areas, including sidewalks, walkways, driveways, patios, and parking areas with District-furnished water.
- c. Outside watering with District-furnished water that results in excessive flooding or runoff into a gutter, drain, patio, driveway, walkway or street.
- d. Washing a vehicle, trailer or boat with District-furnished water using a hose without a shut off nozzle.
- e. Irrigation using District-furnished water through any new connection to the Contra Costa Canal and Laterals system.

Non-residential Customers

- a. Using District-furnished water for non-recirculating decorative fountains or for filling decorative lakes or ponds.
- b. Washing paved or other hard-surfaced areas, including sidewalks, walkways, driveways, patios, and parking areas with District-furnished water.
- c. Outside watering with District-furnished water that results in excessive flooding or runoff into a gutter, drain, patio, driveway, walkway or street.
- d. Flushing sewers or hydrants, testing fire systems or washing streets with District-furnished water, except when it is determined by the District at its sole reasonable discretion to be necessary for emergencies, protection of public health and safety, or essential operations.
- e. Use of District-furnished potable water for construction, except when it is determined by the District at its sole reasonable discretion that no alternative non-potable water supply is reasonably available.
- f. New water service connections using District-furnished water and having single-pass cooling systems or non-recirculating systems.

ARTICLE 7

EXCEPTIONS AND WAIVERS

Written applications for exceptions to, or waivers from, any provision of these Regulations shall be made using the form attached hereto and labeled as Attachment II, and shall be granted in any case where the District determines, at its sole reasonable discretion, that the water budget, restriction, or prohibition may create a hazard to the health and safety of any individual or the public, or would cause undue hardship, including but not limited to, adverse economic impacts such as loss of production or jobs. Denial of an application may be appealed in writing to the District's General Manager or his designee, whose decision shall be final and binding.

Any customer whose account does not have consumption history for all, or any portion, of the three-year base period (2005, 2006 and 2007) used under these rules and regulations to establish the basis for their water budget under the 15% water reduction program, may apply for an exception so that an adjusted water budget may be established.

ARTICLE 8

PREVENTION OF WASTE

If the District finds, at its sole reasonable discretion, that a customer is wasting District-furnished water by failing to repair a leak in the customer's water system, by permitting excessive water run off from the customer's premises, or by failing to put water received from the District to reasonable and beneficial use, the District shall issue a written warning to the customer to stop the waste. A typical cause of a written warning being issued to a customer would be a violation of one or more of the "Prohibited Uses of Water" set forth in Article 6, but Article 6 is not a limit on the District's authority to determine that a customer is wasting District-furnished water. If the customer fails to take prompt, reasonable action to stop the wasteful use, the District may at its discretion suspend delivery of water to the customer or install a device to restrict the flow of water to the customer until the District determines, at its sole reasonable discretion, that there will be no further wasteful use of water by the customer. District determinations made pursuant to this Article may be appealed in writing to the District's General Manager or his designee, whose decision shall be final and binding.

ARTICLE 9

HYDRANT METERS

Upon adoption of this ordinance, all then-current District authorizations to use District-issued Hydrant Meters are immediately revoked, and a new written application must be made for use of a Hydrant Meter during the water shortage condition within the District. While these Regulations are in effect, use of a District-issued Hydrant Meter shall be subject to revised terms and conditions limiting use of District-furnished water to only those uses that are in accordance with these Regulations. Applicants for Hydrant Meters must demonstrate the purposes and locations for intended use of District-furnished potable water for construction, sewer flushing, street cleaning or other purposes during the period of the declared water shortage condition within the District. Hydrant Meters will be issued only for those uses for which the District at its sole reasonable discretion determines that non-potable water sources are not reasonably available as an alternative.

The District may immediately revoke any Hydrant Meter service authorization when the meter is observed by the District being used in violation of these Regulations. Unauthorized use of District-furnished water supplied through a Hydrant Meter, or obtained from a hydrant without using a Hydrant Meter, constitutes theft of water. District determinations made pursuant to this Article may be appealed in writing to the District's General Manager or his designee, whose decision shall be final and binding.

ARTICLE 10

SAVINGS CLAUSE

If any provision of these Regulations, or any part thereof, is for any reason held to be ultra vires, invalid, unenforceable, or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of these Regulations are severable.

Attachments:

- I. 15% Program-Water Budget and Excess Use Charge Calculations
- II. Exception Request Form

**Fifteen Percent Program – Single Family Residential
Historical Average Usage Exceeds 1,000 Gallons Per Day
Water Budget and Excess Use Charges Calculations
Two-Month Billing Period**

<i>In Gallons Per Day (GPD)</i>			Excess Use Charge				
Three-Year (historical) Average Usage (GPD)	Drought Reduction Percentage	Water Budget (GPD)	FOUR times Quantity Charge*				
			If exceed water budget by:				
			5%	10%	15%	20%	25%
1,000	15%	850	\$36	\$72	\$108	\$144	\$180
1,500	15%	1,275	54	108	162	216	270

* Quantity Charge: \$0.3520 per hundred gallons

**Fifteen Percent Program – Residential (Single Family & Multi-Family)
Customer Increases Usage Beyond Historical Average Usage
Excess Use Charges Calculations
Two-Month Billing Period**

<i>In Gallons Per Day (GPD)</i>	Excess Use Charge				
Three-Year (historical) Average Usage (GPD)	FOUR times Quantity Charge*				
	If increase usage beyond three-year historical average by:				
	5%	10%	15%	20%	25%
300	\$13	\$26	\$39	\$52	\$65
800	34	68	102	136	170

* Quantity Charge: \$0.3520 per hundred gallons

**Fifteen Percent Program – Irrigation and Agricultural
Historical Average Usage Exceeds 1,000 Gallons Per Day
Water Budget and Excess Use Charges Calculations
Monthly Billing Period**

<i>In Gallons Per Day (GPD)</i>				Excess Use Charge				
Customer Type	Three-Year (historical) Average Usage (GPD)	Drought Reduction Percentage	Water Budget (GPD)	FOUR times Quantity Charge*				
				If exceed water budget by:				
				5%	10%	15%	20%	25%
Treated	1,000	45%	550	\$12	\$24	\$36	\$48	\$60
Untreated	10,000	45%	5,500	53	106	159	212	265

* Quantity Charge: Treated Water - \$0.3520 per hundred gallons; Untreated Water - \$1.60320 per thousand gallons

**Fifteen Percent Program – All Non-Residential Customers
Customer Increases Usage Beyond Historical Average Usage
Excess Use Charges Calculations
Monthly Billing Period**

<i>In Gallons Per Day (GPD)</i>		Excess Use Charge				
Customer Type	Three-Year (historical) Average Usage (GPD)	FOUR times Quantity Charge*				
		If increase usage beyond three-year historical average by:				
		5%	10%	15%	20%	25%
Treated	1,000	\$21	\$42	\$63	\$84	\$105
Untreated	10,000	96	192	288	384	480

* Quantity Charge: Treated Water - \$0.3520 per hundred gallons; Untreated Water - \$1.60320 per thousand gallons



CONTRA COSTA WATER DISTRICT Exceptions Request

I. Account Number or Service Address: _____

Name: _____ E-mail: _____

Daytime Phone: _____ Evening Phone: _____

Mailing Address (if different from service address):

Street: _____ City: _____ Zip: _____

II. Residential Account - Check box which applies:

Number of people living in home full time: _____ single family residential (30 gpd for each member over 4)

Medical – state medical condition and how additional water will be used for this treatment:
(Please submit physician's verification with this form)

Other – describe:

III. Non-Residential Account – Check box which applies:

Unnecessary and undue hardship, including but not limited to adverse economic impacts such as loss of production, loss of jobs, etc. Please provide explanation:

Emergency condition affecting the health, sanitation, fire protection, or safety of the customer or the public. Please provide explanation:

IV. Print Name: _____ **Signature:** _____

V. Mail Exceptions Request to: Contra Costa Water District
Water Savings Program
P.O. Box H20
Concord, CA 94524

CCWD office use only				
Circle one:	Total gpd	CS Supervisor	Approval signature	Date customer notified
Approved / Not Approved				