

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2016-04**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
ADOPTING WATER SHORTAGE CONDITION TRIGGERS AND RESPONSE ACTIONS
PURSUANT TO WATER CODE § 375**

WHEREAS, the AVILA BEACH COMMUNITY SERVICES DISTRICT ("District") provides water service within the District's water service area pursuant to § 61100 (a) of the Community Services District Law which provides:

“(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail”; and

WHEREAS, § 61060 (b) of the Community Services District Law provides in relevant part:

“A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:

(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100)”; and

WHEREAS, California Water Code Section 375 States in pertinent part:

(a) 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; and

WHEREAS, Governor Jerry Brown on January 17, 2014, proclaimed that the entire State of California to be in a drought state of emergency and the State Water Board has issued Emergency Water Shortage Regulations; and

WHEREAS, the District has adopted regulations in compliance with the State Water Board regulations; and

WHEREAS, Water Code § 71640 of the Municipal Water Service District Law provides:

“A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary. A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential”; and

WHEREAS, the District Board of Directors has noticed this public meeting pursuant to Water Code § 375 and has considered the Staff Report and public testimony regarding the adoption of this Resolution; and

WHEREAS, the District Board of Directors wishes to set forth Water Supply Triggers that provide a range of alternative actions that allows for flexibility in responding to a water shortage and drought emergency; and

WHEREAS, based on the Staff Report, staff presentation, the reports and studies referenced in this Resolution and public comment, the District Board of Directors find that:

- (a) It is necessary for the District to adopt a Water Shortage Response and Management Plan to be able to respond to the lack of available water for the purpose of serving District residents.

WHEREAS, based on the Staff Report, staff presentation and public comment, the Board further finds:

- A. That adoption of the Water Shortage Response and Management Plan will provide greater assurances that there will be adequate water to meet the present needs of District residents consistent with District Code §3.28.020; and
- B. That adopting this Resolution will further conserve the water supply for the greater public benefit, with particular regards to domestic use, sanitation and fire protection; and

- C. That this Resolution adopts Rules and Regulations for the administration, operation and use of District services; and
- D. The Board of Directors of the District finds that the policies and procedures adopted by this Resolution are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors further finds that the adoption of the policies and potential actions established by this Resolution is not a project as defined in CEQA Guideline Section 15378, because it can be seen that the adoption of a Water Shortage Response and Management Plan will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

WHEREAS, based on the Staff Report, staff presentation and public comment, the District Board of Directors further finds this Resolution is adopted for the protection of the health, safety and welfare of District water customers who depend on the underlying groundwater basin as their source of water supply.

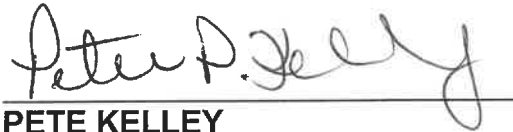
NOW, THEREFORE BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the AVILA BEACH COMMUNITY SERVICES DISTRICT, as follows:

1. That the above recitals are true and correct.
2. The Board adopts the Water Shortage Response and Management Plan attached as Exhibit "A" to this Resolution.
3. The General Manager is directed to prepare and file an appropriate notice of exemption.
4. The General Manager is directed to publish this Resolution in its entirety in a newspaper of general circulation in the District within ten (10) days.

Upon motion by Director Kelley, seconded by Director SanFilippo, on the following roll call vote, to wit:

AYES: 4
NOES: 0
ABSENT: X
ABSTAIN: X

the foregoing Resolution is hereby passed and adopted this 24 day of May, 2016.



PETE KELLEY

President of the Board of Directors

ATTEST:



BRAD HAGEMANN

General Manager and Secretary to the Board

APPROVED:



MICHAEL W. SEITZ

District Legal Counsel