

**AVILA BEACH COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2022-10**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
AVILA BEACH COMMUNITY SERVICES DISTRICT
ADOPTING A WATER CONSERVATION PROGRAM**

WHEREAS, the Avila Beach Community Services district ("District") provides water service within the District's service area pursuant to section 61100, subdivision (a), of the Community Services District Law; and

WHEREAS, beginning in water year 2020 (October 1, 2019 to September 30, 2020), the watersheds supplying the California State Water Project ("SWP") received below-average precipitation. The California Department of Water Resources ("DWR") classified water years 2020 and 2021 as dry and critically dry, respectively. Persistent dry conditions will likely result in a critically dry designation for water year 2022. The three-year sequence of water years 2019-2022 (October 1, 2019 through September 30, 2022) is projected to be the driest on record in California for statewide precipitation; and

WHEREAS, in addition to reduced precipitation since 2020, California's climate is transitioning to a warmer setting in which historical relationships among temperature, precipitation, and runoff are changing. In 2021, the DWR's snowmelt runoff forecast over-estimated the runoff that occurred by sixty-eight percent (68%). In 2022, DWR's median runoff forecast for the Sacramento River dropped from 16.7 to 9.7 million acre-feet, a reduction of forty-two percent (42%); and

WHEREAS, on October 19, 2021, Governor Gavin Newsom proclaimed that a state of emergency exists in all California counties due to severe drought conditions and called on all local and regional water suppliers to implement water supply contingency plans that are responsive to local conditions. This proclamation followed other increasingly expansive drought declarations and executive orders that had been issued since April 2021; and

WHEREAS, the District's water supply sources include SWP allocations. On March 18, 2022, DWR reduced the SWP Table A allocation for 2022 from fifteen percent (15%) to only five percent (5%) of contract amounts. Table A allocations for 2020 and 2021 were twenty percent (20%) and five percent (5%), respectively. The last three years marks the lowest three-year combined deliveries of allocated water in the history of the SWP. Three consecutive years of low Table A allocations have strained water supplies for the District; and

WHEREAS, the District's water supplies are projected at 70 % of its entitlement for the 22/23 Water Year.

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 method of use of water be prevented; and that water be conserved for the public welfare; and

WHEREAS, California Water Code sections 375 *et seq.* empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 375, subdivision (c), defines “public entity” to include a city, county, special district, water authority, or any other municipal public corporation or district; and

WHEREAS, on May 24, 2016, by Resolution No. 2016-04, the District adopted a Water Shortage Response and Management Plan pursuant to Water Code sections 375 *et seq.*; and

WHEREAS, in light of changing circumstances and the need for greater flexibility in responding to water shortage and drought conditions, the District seeks to rescind its Water Shortage Response and Management Plan and adopt a water conservation program, a true and correct copy of which is attached hereto as Exhibit "A" (the “Water Conservation Program”); and

WHEREAS, regulation of the time of certain water use, the manner of certain water use, and the method of application of water for certain uses, as set forth in the Water Conservation Program, provides an effective and immediately available means of conserving water and may delay or avoid the need to declare a water shortage emergency pursuant to Water Code sections 350 *et seq.*; and

WHEREAS, due to persistent and unpredictable water conditions in the State of California and County of San Luis Obispo and the declared policy of the State of California to conserve water to the greatest extent possible, it is necessary and appropriate for the District to adopt, implement, and enforce the Water Conservation Program to (i) reduce the quantity of water used by District consumers for the purpose of conserving the District’s water supplies, (ii) provide greater assurances that there will be adequate water to meet the present and future needs of District residents; (iii) prevent the waste or unreasonable use of District water, and (iv) conserve water to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, based on the Staff Report, staff presentation and public comment, the District’s Board of Directors (“Board”) further finds this Resolution is adopted for the protection of the health, safety and welfare of District water customers who depend on the District for a reliable water supply and is intended to minimize the effects of water supply shortages that are the result of drought; and

WHEREAS, the Board finds that the adoption of the Water Conservation Program is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code section 21080, subdivision (b)(4), and Cal. Code Regs. Title 14 section 15269, subdivision (c), because such action is necessary to prevent or mitigate an immediate emergency. Additionally, where it can be seen with certainty that there is no possibility that the proposed

actions may have a significant impact on the environment, those actions are not subject to CEQA pursuant to Cal. Code Regs. Title 14 section 15061, subdivision (b)(3). Finally, adoption of the Water Conservation Program is not a “project” as defined by Cal. Code Regs. Title 14 section 15378 because it will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

WHEREAS, on August 9, 2022, the District held a public hearing and made appropriate findings of necessity for the adoption of the Water Conservation Program. During said hearing, the Board received information, comments, testimony, and other evidence provided by Board members, staff, and the public pertaining to these matters, and that analysis is incorporated into this Resolution as though set forth in full; and

WHEREAS, notice of said hearing was published in accordance with Water Code section 376 on August 3, 2022, in the San Luis Obispo Tribune, a newspaper of general circulation printed, published, and circulated within Santa Luis Obispo County.

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

Section 1. The District hereby finds and declares that the above recitals are true and correct.

Section 2. The Water Shortage Response and Management Plan adopted on or about May 24, 2016 pursuant to Resolution No. 2016-04 is hereby rescinded and replaced in its entirety by the Water Conservation Program. The Board adopts the Water Conservation Program attached as Exhibit "A" to this Resolution.

Section 3. The Board, based on the facts and circumstances set forth above, does hereby find and determine that:

- a. It is necessary and appropriate for the District to adopt, implement, and enforce the Water Conservation Program to (i) reduce the quantity of water used by District consumers for the purpose of conserving the District’s water supplies, (ii) provide greater assurances that there will be adequate water to meet the present needs of District residents consistent with District Code section 3.28.020; (iii) prevent the waste or unreasonable use of District water, and (iv) conserve water to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and
- b. Conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety, and welfare of District customers.

Section 4. A Stage II water supply condition is hereby declared and will remain in effect until rescinded by the Board. As such, the Stage II response actions are in effect upon the adoption of this Resolution.

Section 5. The District's General Manager shall take all steps necessary to implement and adopt this Resolution and enforce the Water Conservation Program.

Section 6. This Resolution shall take effect immediately upon its adoption.

On the motion of Director Berry, seconded by Director Kennett and on the following roll call vote, to wit:

AYES: 5
NOES: 0
ABSENT: 0

The foregoing Resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 9th day of August 2022.



Peter Kelley
President of the Board
AVILA BEACH COMMUNITY
SERVICES DISTRICT

ATTEST:



Brad Hagemann
General Manager
and Secretary to the Board