

RESOLUTION NO. 2014-17

A RESOLUTION OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT ADOPTING WATER CONSERVATION REGULATIONS IN RESPONSE TO DROUGHT

Section 1 Findings and determinations.

The Board of Directors finds and determines that:

- (1) The rules, regulations and restrictions set forth in this Resolution are intended to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection.
- (2) The specific uses prohibited or restricted by this Resolution are nonessential and if allowed, would constitute wastage of water and should be prohibited pursuant to the District's power under Water Code Section 350 et seq., Water Code Section 71640 et seq., and previous District Ordinance No. 2004-1.
- (3) The State has declared a drought state of emergency on January 17, 2014, followed by an Executive Order on April 25, 2014 which stated among other things: *"that severe drought conditions continue to present urgent challenges.... Water shortages across the State create increased wildfire activity, diminished water for agricultural production....and additional water scarcity if drought conditions continue into 2015"*
- (4) Pursuant to Water Code section 1058.5, the State Water Board has adopted emergency regulations "to prevent the waste, unreasonable use, unreasonable method of use..." of water. These regulations went into effect on August 1, 2014 and, although they do not specifically apply to the District because of the number of services and population of the District, they do provide guidelines for the District to consider.
- (5) The San Luis Obispo Flood Control and Water Conservation District, Zone 3, Advisory Committee has issued a Proclamation on July 17, 2014 regarding "Conservation During Drought Conditions pursuant to the Proclamation by the County Board of Supervisors issued on March 11, 2014 declaring a state of emergency.

Section 2 Definitions.

For the purpose of this Resolution, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "Water department" means an agency of the District.
- (2) "Customer" means any person using water within the District or use by "outside users" under agreement with the District.
- (3) "General Manager" means the manager of water services of the District.

- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

Section 3 Regulations and restrictions on water use.

It is resolved by the Board of Directors that in order to conserve the water supply for the greatest public benefit and to reduce the quantity of water used by the District's customers, that wasteful use of water should be eliminated. Customers of the District shall observe the following regulations and restrictions on water use:

- (1) Broken or defective plumbing, sprinkler, watering or irrigation systems which permit the escape or leakage of water shall be repaired.
- (2) No use of water shall be allowed which results in flooding or runoff in gutters, driveways or streets.
- (3) A hose without a positive shut-off valve shall not be used for washing cars, buses, boats, trailers or other vehicles, nor for washing building structures or parts thereof.
- (4) A hose without a positive shut-off valve shall not be used for washing sidewalks, walkways, driveways, patios, parking lots, tennis courts or other hard-surfaced areas.
- (5) Restaurants shall serve water to customers only on request.
- (6) Water Outdoors only on Mondays and Thursdays

Section 4 Penalties and enforcement actions.

Penalties and enforcement actions pursuant to this Resolution shall be the same as those imposed in District Ordinance No. 2004-1

Section 5 Severability.

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 6. Effect of Headings.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Resolution.

Section 7. CEQA Findings.

The Board of Directors of the District finds that the actions adopted by this Resolution are exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The Board of Directors further finds that the Rules and Regulations adopted by this Resolution constitute general policy and rule making which are not deemed to be projects pursuant to Public Resource Code §15378 (b) (2).

The District General Manager is directed to prepare and file appropriate notices and findings.

Section 8. Inconsistency.

To the extent that the terms of provision of this Resolution may be inconsistent or in conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

Section 9. Effective Date.

This Resolution shall take effect and be in full force immediately after its passage. Before the tenth day before adoption, it shall be published in a newspaper of general circulation within the District.

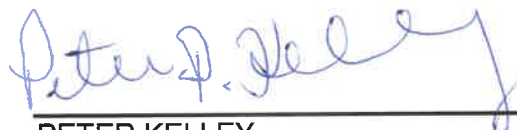
On September 9, 2014, the District Board of Directors adopted this Resolution by the following roll call vote, to wit:

AYES: Kelley, Rowe, Waldron, Richards, Janowicz

NOES: None

ABSENT: None

ABSTAINING: None



PETER KELLEY,
President of the Board of Directors
Avila Beach Community Services District

ATTEST:



KATHRYN RICHARDSON
Secretary to the Board