

**ORDINANCE NO. 225 as amended by 233**

**AN ORDINANCE OF THE ELSINORE VALLEY MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY UPDATING AND RESTATING THE DISTRICT'S WATER SHORTAGE CONTINGENCY PLAN / WATER CONSERVATION PROGRAM**

WHEREAS, California Constitution article X, section 2, and California Water Code section 100 provide that, because of conditions prevailing in the State of California ("State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable; the waste or unreasonable use of water shall be prevented; and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375 et seq., the Elsinore Valley Municipal Water District ("District"), by ordinance or resolution, is authorized to adopt and enforce a Water Conservation Program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the District; and

WHEREAS, pursuant to California Water Code section 10610 et seq., the District is required to include a water shortage contingency analysis establishing various stages of action to be implemented in cases of water supply shortage, known as a Water Shortage Contingency Plan, as part of the District's Urban Water Management Plan; and

WHEREAS, pursuant to California Water Code section 71610.5, the District may undertake a water conservation program to reduce water use and may require, as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, pursuant to California Water Code section 71640 et seq., the 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 waste of District water or the use of District water during such periods for any purpose other than those that the District determines to be necessary. The District may also prohibit use of District water during such periods for specific uses which it finds to be nonessential.

WHEREAS the District's Board of Directors recognizes continued long term challenges to the region and the State. Climate change impacts are predicted to increase the uncertainty of water supplies. Additionally, regulatory restrictions on pumping from the Bay-Delta region affecting State Water Project ("SWP") deliveries will continue to impact the District's supply reliability. Further, the District is dependent on the Metropolitan Water District of Southern California ("Metropolitan") for its imported water supplies and is subject to the policy actions pertaining to water supply set by Metropolitan's governing body. The District relies heavily on SWP supplies, obtaining approximately up to 70 percent of its total supply through imported water sources from Metropolitan; and

WHEREAS, Metropolitan has adopted a Water Shortage Allocation Plan and has declared a regional supply shortage reduction of fifteen percent (15%) which will be in effect on July 1, 2015; and

WHEREAS, because of the prevailing conditions in the State and the declared policy of the State that the District manage its water resources for the general welfare to ensure their beneficial use to the fullest extent of which they are capable, the District hereby finds and determines that it is necessary and appropriate for the District to adopt, implement, and enforce an updated Water Shortage Contingency Plan / Water Conservation Program (together, the "WSCP") to reduce the quantity of water used by consumers within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the Governor, on April 1, 2015 issued Executive Order B-29-15 that, in part, directed the State Water Resources Control Board ("SWRCB") to impose restrictions on water suppliers to achieve a statewide 25 percent (25%)

reduction in potable urban usage through February 2016. The Executive Order includes, but is not limited to, the following: (1) commercial, industrial, and institutional water users shall implement water efficiency measures; (2) prohibits irrigation with potable water of ornamental turf in public street medians; and (3) prohibits irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development; and

WHEREAS, the SWRCB, on May 5, 2015 mandated that urban water suppliers whose average July-September 2014 Residential Gallons Per Capita Per Day ("R-GPCD") was 130 or more but less than 170 shall reduce its total potable water production by twenty-eight percent (28%) for each month as compared to the amount of use in the same month in 2013; and

WHEREAS, the District's average R-GPCD was 146.3 for July-September 2014; and

WHEREAS, the Board of Directors hereby finds and determines that in the event the District determines that it is necessary to declare that a Water Shortage Emergency exists, the District will be authorized pursuant to this Ordinance to implement supply shortage response measures to regulate water consumption activities within the District and ensure that the water delivered in the District is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, the Board of Directors is authorized and hereby finds and determines that it is necessary to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a WSCP to: (i) prohibit the waste of District water or the use of District water during such period; (ii) prohibit use of water during such periods for specific uses which the District may from time to time find nonessential; and (iii) reduce and restrict the quantity of water used by persons within the District; and

WHEREAS, the Board of Directors hereby finds and determines that the District shall: (i) implement water supply shortage response measures; (ii) regulate the water consumption activities of persons within the District for the purposes of conserving and protecting the District's water supplies, reducing the quantity of water consumed, and deterring and preventing the waste or unreasonable use or unreasonable method of use of valuable water resources; and (iii) establish and collect regulatory fees and impose fines and/or penalties as set forth herein to accomplish these purposes and recover the costs of the District's water conservation and regulatory program; and

WHEREAS, the Board of Directors hereby finds and determines that it is desirable to adopt this WSCP in order to codify the rules and regulations governing its actions, and the actions of persons using and consuming water within the District, particularly during declared water shortages and water shortage emergencies, to protect the general welfare and the District's water supplies, and to reduce water consumption, all in accordance with the declared policies and laws of the State; and

WHEREAS, the Board of Directors hereby further finds and determines that this Ordinance and the WSCP set forth herein are in the public interest and serve the public purpose of the District; and

WHEREAS, at a public hearing held on May 28, 2015, the Board heard and considered all oral testimony, written materials, and written protests concerning the establishment of and imposition of the proposed WSCP; and

WHEREAS, due to the fiscal impacts referenced above, the Board has determined that it is in the best interests of the District to adopt the proposed WSCP identified herein and as more particularly described and set forth herein; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Elsinore Valley Municipal Water District of Riverside County as follows:

### **Section 1. Recitals**

The Board of Directors hereby finds and determines that the above recitals are true and correct and incorporated herein.

## **Section 2. Findings and Intent**

(A) The Board of Directors finds and determines that because of the prevailing conditions in the State, and the declared policy of the State, it is necessary and appropriate for the District to adopt, implement, and enforce this WSCP to reduce the quantity of water used by persons within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection. The District further finds and determines that, during periods of drought, water shortages, and water shortage emergencies the general welfare requires that the District maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health, safety, and welfare.

(B) This Ordinance adopts the WSCP, which establishes water waste restrictions, supply shortage response measures, regulations, and administrative fines and/or penalties to be implemented during declared water supply shortage stages.

(C) This Ordinance adopts the WSCP which establishes five (5) water supply shortage stages and supply shortage response measures to be implemented by the District, with increasing restrictions on water use and administrative fines and/or penalties for water waste in response to decreasing water supplies and/or worsening drought conditions.

(D) The implementation of water supply shortage stages may be triggered by, without limitation, any or all of the following circumstances or events:

- (1) A regional water supply shortage exists;
- (2) Delivery infrastructure such as storage reservoirs, pipes, pumps, filtration devices or groundwater wells, is inoperable or unusable (such as by power outages, mechanical failure, or contamination);
- (3) Alternative water supplies are limited or unavailable;

(4) Groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin, as prescribed by the California Department of Water Resources, the Regional Water Quality Control Board, Riverside County, or some other regulatory body;

(5) Metropolitan's Water Surplus and Drought Management Plan stages and the Metropolitan Water Supply Allocation Plan stages and corresponding actions have been implemented; or

(6) An executive order from the Governor.

### **Section 3. Purpose and Scope**

(A) The purposes of the provisions of this Ordinance and WSCP are to assure the highest beneficial use of District water supplies and to provide sufficient water supplies to meet the basic needs of human consumption, sanitation, and fire protection within the District's direct retail service area.

(B) This Ordinance is not intended to repeal, abrogate, annul, impair or in any way interfere with the free use of property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the District provides water services.

(C) The provisions of this Ordinance shall apply to all persons within the District's direct retail service area and all property served in a retail capacity by the District wherever situated.

(D) Nothing in this Ordinance is intended to affect or limit the ability of the District to respond to an emergency, including an emergency that affects the ability of the District to supply water.

### **Section 4. Definitions**

For the purposes of this Ordinance, the following words, terms, and phrases shall have the following meanings:

"Appellant" means the Person appealing a decision of the Approving Authority, General Manager or other District official.

“Approving Authority” means the General Manager of the District, or his or her designee, charged with approving or denying written applications for Relief.

“Board of Directors” means the Board of Directors of the District.

“District” means the Elsinore Valley Municipal Water District.

“Enforcement Officer” means any individual employed or otherwise charged by the District to inspect or enforce codes, ordinances, mandates, regulations, resolutions, rules or other laws adopted by the Board of Directors or other regulatory bodies.

“General Manager” means the General Manager of the District or his or her authorized designee.

“Immediate Emergency” means a breakage or failure of a dam, pump, pipeline or conduit, a disaster or other disruption of the District’s water supply.

“Medical Adjustment” means an adjustment to the residential indoor water allocation based on medical needs. Medical adjustments must be approved by the District and are not subject to mandatory residential indoor water allocation reductions in any stage. The District will consider a request for medical adjustment at any time and at any stage. The adjustment shall be removed with any changes to the account holder.

“Metropolitan” means the Metropolitan Water District of Southern California.

“Non-Potable Water” means water that is not of drinking water quality, but which may still be used for purposes other than for human consumption.

“Person” means any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the District, or the manager, lessee, agent, servant, officer or employee of any of

them or any other entity which is recognized by law as the subject of rights or duties.

“Property Owner” means the owner of a parcel whose name and address appears on the last Riverside County equalized secured property tax assessment roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to the District.

“Recycled Water” means municipal wastewater that has been treated to meet all applicable Federal, State and local standards for use in approved applications, including, but not limited to, agricultural and landscape irrigation.

“Relief” means excuse from compliance with the regulations and restrictions on water use contained in this Ordinance.

“State” means the State of California.

“Water Budget” means a Customer’s total water billing allocation for indoor and outdoor water use. The specific indoor and outdoor allocation of water depends on the type of Customer (Customer sector) and the specific characteristics of the Customer’s site. Use in excess of the allocation is charged at incrementally higher rates.

“Water Customer” or “Customer” means any Person, firm, partnership, association, corporation, or local political entity using water obtained from the District.

“Water Shortage Emergency” means a condition existing within the District where the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. A Water Shortage Emergency includes both an Immediate Emergency, in which the District is unable to meet current water needs of persons within the District, as well as a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.



“WSCP” means the Water Shortage Contingency Plan adopted pursuant to this Ordinance.

“Water Supply Allocation Plan” or “WSAP” means the Plan developed by Metropolitan to calculate member agencies' supply allocations should a shortage be declared.

“Water Surplus and Drought Management Plan” or “WSDM Plan” means the 1999 plan that Metropolitan uses to direct its resource operations to ensure that shortage allocations of imported water supplies are not required.

### **Section 5. Stage Implementation**

(A) The General Manager shall monitor the projected supply of and demand for water within the retail water service area of the District during periods of a water shortage or supply shortage and shall recommend to the Board of Directors the extent of the demand reduction required through the implementation and/or termination of particular water supply shortage stages or sub-stages to prudently plan and supply water to water Customers. Thereafter, the Board of Directors may order the implementation or termination of the appropriate stage or sub-stage.

(B) The declaration of any stage or sub-stage beyond Stage 1 shall be made by resolution of the Board of Directors. Within ten (10) calendar days of the adoption of the resolution declaring the applicable stage or sub-stage, the District shall make a public announcement and provide notice of the applicable water supply shortage stage. Such declaration and notice shall provide the extent, terms, and conditions as well as the associated water budget allocations and fines and/or penalties respecting the use and consumption of water in accordance with the applicable water supply shortage stage as provided in this Ordinance. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given to each and every Person supplied water within the District.

(C) The water supply shortage stage designated shall become effective immediately upon announcement.

(D) Except in the event of an Immediate Emergency, the declaration of a Water Shortage Emergency during any water supply shortage stage shall be made in accordance with California Water Code sections 350 *et seq.*

(E) Notwithstanding any other provision of this Ordinance, if an Immediate Emergency occurs and the Board of Directors cannot meet in time to act to protect the public interest, the General Manager is hereby authorized and directed to implement any necessary rules and regulations upon his or her written determination that the District cannot adequately supply water to meet the ordinary demands of water consumers, and that such implementation is necessary to protect the public health and safety.

(1) The General Manager's written determination of an Immediate Emergency shall be:

- (a) filed with the District Secretary;
- (b) posted on the District's website;
- (c) delivered to the Board of Directors; and
- (d) subsequently considered by the Board of Directors at a general or special meeting for review, revocation, or ratification.

(2) The implementation of any rules and regulations during an Immediate Emergency shall take effect immediately upon making a posting of the determination of the Immediate Emergency on the District's website.

(3) The Board of Directors' meeting shall be held on the earliest date that a quorum of the Board of Directors is available. At the Board of Directors meeting, the General Manager shall update the Board of Directors on the severity and length of the Immediate Emergency.

### **Section 6. Stage 1 – Water Supply Watch**

(A) Stage 1 applies during periods when the District is able to meet all of the water demands of its Customers. Stage 1 and the permanent prohibitions set forth herein shall be in effect at all times unless the Board of Directors otherwise declares that another stage is in effect pursuant to this

Ordinance and such stage establishes more stringent prohibitions on the use of water during the particular stage.

Under Stage 1, Customers are encouraged to use water efficiently and take advantage of the District's water use efficiency programs. Stage 1 also mandates the implementation of several permanent water waste prohibitions, even when there is no foreseeable threat of a water shortage. Water waste is in violation of California Law at any stage. California's water law and policy, Article X, Section 2 of the California Constitution, requires that all uses of the State's water be both reasonable and beneficial and places a significant limitation on water rights by prohibiting the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. The permanent prohibitions shall be continually in effect at all levels of water shortage declarations in addition to the requirements specific to each level. All normal water efficiency programs and water conservation regulations of the District will be in full force and effect during Stage 1. The permanent shortage response measures include:

(1) All irrigators shall ensure automatic irrigation timers are adjusted according to changing weather patterns and landscape requirements.

(2) All open hoses shall be equipped with automatic, positive shut-off nozzles.

(3) Watering of lawns and/or groundcovers and irrigating landscaping is permitted only between the hours of 6:00 p.m. and 6:00 a.m.

(4) Sprinklers and irrigation systems shall be adjusted to avoid overspray, runoff and waste. Watering on windy days is to be avoided.

(5) Installation of water saving devices, such as low flow shower heads and faucet aerators, is encouraged.

(6) Selection of low-water-demand shrubs, groundcovers and trees for all new landscaping is strongly encouraged.

(7) All swimming pools, spas, ponds, and fountains shall be equipped with re-circulating pumps.

(8) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District within ninety-six (96) hours of notification by the District.

(9) No Person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved or hard surface areas, except to alleviate immediate fire or sanitation hazards, and then only by use of: a hand-held bucket or similar container; a hand-held hose equipped with an automatic, positive self-closing shut-off device, or a low volume, high-pressure cleaning machine.

(10) No Person shall allow water to leave his or her property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.

(11) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle. Provided, however, such washing may be done at any time on the immediate premises of a commercial car wash, a commercial service station or car dealership with commercial car washing equipment, or by a licensed mobile detailing/car wash professional using low volume, high pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles used to transport food and perishables.

(12) Construction operations receiving water from a construction meter, hydrant meter, or water truck shall not use water for any purpose other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation requirements set forth in Section 4 hereof.

(B) The District will attempt to contact Customers by telephone, mail, email and/or printed "door-hanger" to alert of a required repair, adjustment,

or violation. All Customers shall ensure that the District has current telephone and email contact information. The District is not responsible for incorrect phone numbers or email addresses.

### **Section 7. Stage 2 – Water Supply Alert**

(A) Stage 2 applies during periods when a reasonable probability exists that the District will not be able to meet all of the water demands of its Customers. This may correlate to Metropolitan’s WSDM Plan stage of “Water Supply Watch” or “Water Supply Alert” Conditions.

(B) The objective of Stage 2 is to affect a moderate reduction in water use up to ~~4%~~ **6-10%** through mandatory actions and may be adjusted depending on supply conditions via a Board approved Resolution.

(C) Mandatory conservation measures will be called upon during this stage. The restrictions listed in Stage I shall remain in effect with the following additions:

(1) Use of movable or permanent sprinkler systems for lawn irrigation and watering of plants, trees, shrubs or other landscaped areas shall be permitted no more than ~~three~~ **four days per week**. However, irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

- a. A hand-held hose **with a shut off nozzle** is used, or
- b. A hand-held bucket is used, or
- c. A drip irrigation system is used, or
- d. Recycled water is used.

(i) Irrigation occurring during or 48 hours after a rain event is prohibited;

(2) Construction meters utilizing potable water shall be issued only to those persons who have been issued valid grading and/or building permits.

(3) All restaurants, cafes, and other public food service establishments are prohibited from serving drinking water unless specifically requested by their customers.

(4) Hotels, motels and other commercial lodging establishments should provide customers the option of not having towels and linens laundered daily. Commercial lodging establishments should prominently display notice of this option in each bathroom using clear and easily understood language.

(5) Customers shall install pool and spa covers to minimize water loss due to evaporation.

(6) Installation of new landscapes shall be prohibited unless irrigated with drip irrigation. Exceptions may be provided for projects with prior approval by the appropriate jurisdiction.

(7) The District shall develop a public information campaign to provide Customers with options for achieving the Stage 2 demand reduction goal. The District shall explore increased Customer incentives for conservation measures.

### **Section 8. Stage 3 – Mandatory Waste Reduction**

(A) The intent of Stage 3 is to target and eliminate excessive water use and water waste. Stage 3 applies during periods when a reasonable probability exists that the District will not be able to meet all of the water demands of its Customers. This may correlate to Metropolitan's Shortage Allocation Plan Shortage Levels ~~1 through 4~~ **3 through 5**. The District's Board of Directors may choose to implement a temporary drought rate and a temporary drought penalty to achieve water conservation.

(B) After a Stage 3 has been declared and the District has completed the notice requirements set forth herein, each customer who has had a potable water account with the District shall be limited to using potable water as follows:

(i) For residential customers, water use shall be limited to using a volume equal to Blocks 1 and 2 of their potable water budget per billing cycle for indoor and outdoor water use for his or her property;

(ii) For irrigation customers, water use shall be limited to using a volume equal to Block 1 of their irrigation water budget per billing cycle for outdoor water use for his or her property;

(iii) For wholesale customers, water use shall be limited to using a volume equal to Block 1 and Block 2;

(iv) Water use beyond the water volume permitted in (i), (ii) and (iii) above will be charged a civil administrative penalty of \$1.59 per CCF.

(C) The objective of the measures undertaken in Stage 3 is to reduce water system consumption within the District by ~~five to fifteen percent (5 to 20%)~~ **eleven to twenty-five percent (11 to 25%)**.

(D) Stage 3 does not apply to the use of non-potable or recycled water. The use of recycled water for daytime irrigation is permitted.

(E) Mandatory conservation measures will be called upon during this stage. The restrictions listed in Stages 1 and 2 shall remain in effect with the following additions:

(1) Stage 3 (a)

(i) Use of movable or permanent sprinkler systems for lawn irrigation and watering of plants, trees, shrubs or other landscaped areas shall be permitted no more than ~~two~~ **three days per week**. However, irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

- a. A hand-held hose **with a shut off nozzle** is used, or
- b. A hand-held bucket is used, or
- c. A drip irrigation system is used, or
- d. Recycled water is used.

(ii) The filling, refilling or addition of water to uncovered outdoor swimming pools, wading pools or spas is prohibited;

(iii) The operation of any exterior ornamental fountain or similar structure is prohibited;

**(iv) Hydrant meter requests for the use of potable water for any type of “Special Event” requires a minimum of 4 weeks advance notice. All applications will be reviewed by the General Manager and approval is not a guarantee.**

(2) Stage 3 (b)

~~(i) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted only on the immediate premises of a commercial car wash, a commercial service station or car dealership with commercial car washing equipment, or by a licensed mobile detailing/car wash professional using low volume, high pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles used to transport food and perishables;~~

~~(3)(2) Stage 3 (e)-(b)~~

(i) The District shall eliminate all adjustments to existing residential Customers' outdoor Water Budgets including, but not limited to, increases for swimming pools, spas, or pond maintenance adjustments. New water using features or expanded landscapes shall not qualify for a Water Budget Variance.

(F) The District shall develop a public information campaign to provide Customers with options for achieving the Stage 3 demand reduction goal and complying with their applicable water allocation. The District shall explore increased Customer incentives for conservation measures.



### Section 9. Stage 4 - Mandatory Outdoor Reductions

(A) The intent of this stage and the related sub-stages is to strategically reduce the demand for water through targeted outdoor reduction actions. Stage 4 applies during periods when the District will not be able to meet all of the water demands of its Customers. This may correlate to any of Metropolitan's WSAP Regional Shortage Levels ~~5 through 7~~ **6 through 8**. The District's Board of Directors may choose to implement a temporary drought rate and a temporary drought penalty to achieve water conservation.

(B) After a Stage 4 has been declared and the District has completed the notice requirements set forth herein, each customer who has had a potable water account with the District shall be limited to using potable water as follows:

- (i) For residential customers, water use shall be limited to using a volume equal to Block 2 of their potable water budget per billing cycle for indoor and outdoor water use for his or her property;
- (ii) For irrigation customers, water use shall be limited to using a volume equal to Block 1 of their irrigation water budget per billing cycle for outdoor water use for his or her property;
- (iii) For wholesale customers, water use shall be limited to using a volume equal to Block 1 and Block 2;
- (iv) Water use beyond the water volume permitted in (i), (ii) and (iii) above will be charged a civil administrative penalty of \$2.09 per CCF.

(C) The objective of the measures undertaken in Stage 4 is to reduce water system consumption within the District by ~~twenty-five to forty percent (25 to 40%)~~. **twenty-six to forty percent (26 to 40%)**.

(D) Stage 4 does not apply to non-potable or recycled water. The use of recycled water for daytime irrigation is permitted.

(E) Except as otherwise provided in this Section 9, all supply shortage response measures of Stages 1 through 3 shall be in full force and effect during Stage 4.

(1) Stage 4 (a)

(i) Use of movable or permanent sprinkler systems for lawn irrigation and watering of plants, trees, shrubs or other landscaped areas shall be permitted no more than **two days per week on odd/even** calendar days corresponding to the last digit of a service address. However, irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:

- a. A hand-held hose **with shut off nozzle** is used, or
- b. A hand-held bucket is used, or
- c. A drip irrigation system is used, or
- d. Recycled water is used.

**(ii) No District water shall be used for “Special Events” purposes.**

(2) Stage 4 (b)

(i) Use of water from fire hydrants shall be limited to firefighting, related activities and/or other activities necessary to maintain the health, safety and welfare of the citizenry and shall not be used for construction uses;

(ii) No District water shall be used for construction purposes except for system pressurization and/or testing.

**(iii) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted only on the immediate premises of a commercial car wash, a commercial service station or car dealership with commercial car washing equipment, or by a licensed mobile detailing/car wash professional using low volume, high**

**pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles used to transport food and perishables.**

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(3) Stage 4 (c)

(i) No new construction or hydrant meters will be issued. Potable water shall not be used for earth work, road construction purposes, dust control, compaction, or trenching jetting. Construction projects necessary to maintain the health, safety, and welfare of the public are exempt from these regulations.

(ii) If the District Board of Directors declares a Water Shortage Emergency during a Stage 4, no new potable water service connections shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

(1) a valid, unexpired building permit has been issued for the project; or

(2) the project is necessary to protect the public's health, safety, and welfare; or

(3) where an existing service connection exists and an existing water meter is inoperable and cannot be repaired. In such an instance, the size of the new water meter shall be the same or smaller than the water meter being replaced.

(F) The District shall develop a public information campaign to provide Customers with options for achieving the Stage 4 demand reduction goals and complying with their applicable allocation. The District may explore increased Customer incentives for conservation measures.

**Section 10. Stage 5 – Mandatory Targeted Indoor/Outdoor Reductions – Catastrophic Failure or “Immediate Emergency”**

(A) The intent of this stage and the related sub-stages is to substantially reduce the demand for water through indoor actions in addition to the elimination of landscape and non-essential outdoor water use. Stage 5 applies during periods when the District will not be able to meet all of the water demands of its Customers. This shortage level may correlate to Metropolitan’s WSAP Regional Shortage Levels 8, 9, 10, or greater. Stage 5 may be declared during an Immediate Emergency. A Stage 5 declaration may also be accompanied by a Board Resolution declaring a Water Shortage Emergency under California Water Code sections 350 *et seq.* The District’s Board of Directors may choose to implement a temporary drought rate and a temporary drought penalty to achieve water conservation.

(B) After a Stage 5 has been declared and the District has completed the notice requirements set forth herein, each customer who has had a potable water account with the District shall be limited to using potable water as follows:

(i) For residential customers, water use shall be limited to using a volume equal to Block 2 of their potable water budget per billing cycle for indoor and outdoor water use for his or her property;

(ii) For irrigation customers, water use shall be limited to using a volume equal to Block 1 of their irrigation water budget per billing cycle for outdoor water use for his or her property;

(iii) For wholesale customers, water use shall be limited to using a volume equal to Block 1 and Block 2;

(iv) Water use beyond the water volume permitted in (i), (ii) and (iii) above will be charged a civil administrative penalty of \$4.01 per CCF.

(C) The objective of the measures undertaken in Stage 5 is to significantly reduce water consumption within the District to protect public health, safety, and fire flow.

(D) Except as otherwise provided in this Section 10, all water supply shortage response measures of Stages 1 through 4 shall be in full force and effect during Stage 5.

(E) Stage 5 does not apply to non-potable or recycled water, although there is no guarantee of availability. The use of recycled water for daytime irrigation is permitted.

(1) Stage 5 (a)

(i) All landscape and non-essential outdoor water use for all Customers in all areas of the District's retail water service area shall be prohibited.

(2) Stage 5 (b)

(i) Except as to property for which a building permit has been heretofore issued, no new water meter(s) shall be provided, except in the following circumstances:

(1) for projects necessary to protect the public's health, safety, and welfare; or

(2) when using recycled water.

(ii) The use of water for commercial, manufacturing, or processing purposes may be further reduced in volume if it is determined to be in the best interest of the health, sanitation, and fire flow protection in the communities served by the District. This determination may be made by the Board of Directors, the General Manager or his or her authorized designee as provided for in Section 5(E).

(3) Stage 5 (c)

(i) All dedicated irrigation meters will be locked off by District personnel.

(ii) Customers with a District authorized Medical Adjustment to their Tier 1 allocation will be permitted 100 percent (100%) of their Tier 1 Water Budget.

(F) The District shall develop a public information campaign to provide Customers with options for achieving the Stage 5 demand reduction goals and complying with their allocation. The District may explore increased Customer incentives for conservation measures.

### **Section 11. Violations and Remedies**

(A) Criminal Violation. It shall be unlawful for any Person to willfully violate the provisions of this Ordinance. Any violation of the provisions of this Ordinance shall be a misdemeanor, unless made an infraction by the prosecutor, subject to imprisonment in the county jail for not more than thirty (30) days or by fine not to exceed \$1,000, or by both as provided in California Water Code section 377.

(B) Cease and Desist Order. The General Manager may issue a cease and desist order directing the Property Owner, or occupant, or other Person in charge of day-to-day operations of any property, and/or any other Person responsible for a violation of this Ordinance to:

(1) immediately discontinue any prohibited use of water pursuant to this Ordinance; and

(2) immediately cease any activity not in compliance with the terms, conditions, and requirements of this Ordinance.

(C) Civil Action. In addition to any other remedies provided in this Ordinance, any violation of this Ordinance may be enforced by civil action brought by the District and the imposition of administrative fines and/or penalties. In any such action, the District may seek, and the court may grant, as appropriate, any or all of the following remedies:

(1) a temporary and/or permanent injunction;

(2) assessment of the violator for the costs of enforcement of the violation and for the reasonable costs of preparing and bringing legal action under this Ordinance; and

(3) assessments under this subsection shall be paid to the District to be used exclusively for costs associated with implementing or enforcing the water supply shortage and regulatory provisions of this Ordinance.

(D) Cumulative. All remedies provided herein shall be cumulative and not exclusive.

(E) On-going. A Person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Ordinance is committed, continued, or permitted.

### **Section 12. Notices**

(A) Any notice, notice of violation, cease and desist order, and administrative compliance order shall be served pursuant to the requirements of this Ordinance and shall:

(1) identify the provision(s) of this Ordinance and any State law, if applicable, alleged to have been violated; and

(2) state that continued noncompliance may result in civil, criminal, or administrative enforcement actions against the Person who committed the violation, or the Property Owner and/or occupant of the property where the violation occurred; and

(3) state a compliance date that must be met by the Person who committed the violation, or the Property Owner and/or occupant of the property where the violation occurred; and

(4) order remediation work, where applicable, that must be taken by the Property Owner and/or occupant of the property; and

(5) state that the recipient has a right to appeal the matter as set forth in this Ordinance; and

(6) include the address of the affected property and be addressed to the Property Owner as shown on the most recently issued equalized assessment roll, or as may otherwise appear in the current records of the District. If the order applies to a responsible party who is not the Property Owner, or if the

event is not related to a specific property, the notice may be sent to the last known address of the responsible party; and

(7) be deemed served ten (10) business days after posting on the property, if the Property Owner or occupant of the affected property cannot be located after the reasonable efforts of the General Manager or his or her authorized designee.

(B) Any notice, notice of violation, cease and desist order, and administrative compliance order may be sent by regular mail. Service by regular mail is effective on the date of mailing.

(C) The notice of violation may include, where deemed applicable by the General Manager or his or her authorized designee, the following terms and conditions:

(1) specific steps or actions and time schedules for compliance as reasonably necessary to prevent future violations of this Ordinance; and

(2) any other terms, conditions, or requirements reasonably calculated to prevent continued or threatened future violations of this Ordinance, including, but not limited to, discontinuing or limiting water service.

(D) In addition to or in conjunction with the notice of violation, for a first violation of any provision of this Ordinance, within two (2) weeks of the violation:

(1) the District may provide notice to the Property Owner or occupant of the property where the violation occurred to advise such Person of:

(a) the water supply shortage stage then in effect and the provisions of this Ordinance relating thereto;

(b) water supply shortage response measures that are required and may be implemented pursuant to this Ordinance;

(c) possible consequences and actions which may be taken by the District for future violations of this Ordinance, including discontinuance of water service; and



(d) fines and/or penalties that may be imposed for the specific violation and any future violations of this Ordinance;

(E) In addition to or in conjunction with the notice of violation, for a second or any subsequent violation of this Ordinance, within two (2) weeks of the violation:

(1) the District may provide notice to the property where the violation occurred to notify the Property Owner or occupant of the property where the violation occurred to advise such Person of:

(a) the water supply shortage stage then in effect and the provisions of this Ordinance relating thereto;

(b) the water supply shortage response measures that are required and may be implemented by such Person; and

(c) possible consequences which may occur in the event of any future violations of this Ordinance;

(2) if the General Manager or his or her authorized designee deem it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any Person who violates any term or provision of this Ordinance;

(3) if the General Manager or his or her authorized designee deem it to be appropriate, the District may discontinue water service at the location where the violation occurred.

(F) The District may, after one (1) written notice of violation, order that a special meter reading or readings be made in order to ascertain whether wasteful or unreasonable use of water is occurring. The District may impose a meter reading fee for each meter reading it conducts pursuant to this Ordinance.

### **Section 13. Administrative Compliance Order and Fines and/or Penalties**

(A) Separate from, in addition to, or in combination with a notice of violation or cease and desist order, the General Manager or his or her authorized

designee may issue an administrative compliance order against the Property Owner and/or occupant of the property where a violation of this Ordinance occurred and/or any other Person responsible for a violation of this Ordinance who violates any provision of this Ordinance. Issuance of a notice of violation or a cease and desist order is not a prerequisite to the issuance of an administrative compliance order. The administrative compliance order shall allege the act(s) or failure(s) to act that constitute violations of this Ordinance and shall set forth the penalty for the violation(s).

(B) The General Manager may impose the following administrative monetary fines and/or penalties, in addition to other appropriate action requirements and measures:

(i) For the first violation during any water supply shortage stage by any Person of any provision of this Ordinance, the District shall issue a written warning notice of non-compliance for any Person who violates any provisions of this Ordinance.

(ii) For a second violation during any water supply shortage stage by any Person of any provision of this Ordinance within the preceding twelve (12) calendar months, the District shall issue a final written notice to the Person which sets forth a complete copy of this Ordinance or summary document of the WSCP as well as additional information such as the required compliance and potential fines and/or penalties for noncompliance.

(iii) For a third violation during Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, the District may impose a monetary penalty in the amount of one hundred dollars (\$100.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3, 4, and 5 the District may impose a monetary penalty in the amount of two hundred dollars (\$200.00) per day for each day a Person violates any provision of this Ordinance.

(iv) For a fourth and any subsequent violation during Stages 1 and 2 by any Person of any of the provisions of this Ordinance, the District may impose a monetary penalty in the amount of one hundred dollars (\$100.00)

per day for each day a Person violates any provision of this Ordinance. During Stages 3, 4, and 5 the District may impose a monetary penalty in the amount of four hundred dollars (\$400.00) per day for each day a Person violates any provision of this Ordinance.

(v) For a fifth violation during Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, the District may impose a monetary penalty in the amount of one hundred dollars (\$100.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3, 4, and 5 the District may impose a monetary penalty in the amount of five hundred dollars (\$500.00) per day for each day a Person violates any provision of this Ordinance.

(vi) For a sixth and any subsequent violation, the District may install a flow-restricting device or terminate a Person's service in accordance with the District's applicable rules and regulations. These measures are in addition to any monetary fines and/or penalties provided for herein.

(vii) Any such restricted or terminated service may be restored in accordance with the District's applicable rules and regulations and only upon a showing that the Person is in compliance with this Ordinance. Prior to any restoration of service, the Customer shall pay all District charges for any restriction or termination of service and its restoration as provided for in the District rules governing water service, including, but not limited to payment of all past due bills and fines and/or penalties and any other amounts which may be due and owing under this Ordinance.

(viii) An amount that shall not exceed five hundred dollars (\$500.00) per day for each day on which a Person violates any provision of this Ordinance. Unless timely appealed, an administrative compliance order shall be effective and final as of the date it is issued by the General Manager.

(ix) To the extent the amounts of penalties and fines referenced in this Section are not otherwise authorized under State law, the penalties and fines assessed shall be in the amounts authorized under the Municipal Water District Law of 1911.

(C) The amount of any fines and/or penalties imposed pursuant to this Section 13 may be collected by including said amount on the Customer's water bill. The amount of any fines and/or penalties imposed pursuant to this Section 13 which have remained delinquent for a period of sixty (60) calendar days shall constitute a lien against the real property of the Person violating this Ordinance. The lien provided herein shall have no force and effect until recorded with the Riverside County Recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

(D) All moneys collected under this Section 13 shall be deposited in a special account of the District and shall be made available for enforcement of this Ordinance and enhanced water conservation incentive programs.

(E) The District may, at its option, elect to petition the Superior Court to confirm any order establishing administrative fines and/or penalties and enter judgment in conformity therewith in accordance with the provisions of sections 1285 to 1287.6, inclusive, of the California Code of Civil Procedure.

#### **Section 14. Over-Budget Water Use Penalties**

(A) All penalty moneys collected from over-budget water use during a declared water shortage stage in excess of the applicable Tier 2 rate, shall be deposited in the existing special funding accounts designated for conservation penalty and/or supply penalty as appropriate and may be allocated to or used for any of the following as determined by the District:

1. Conservation Penalty Account:
  - (a) Enhanced conservation programs designed to reduce water demands;
  - (b) Outreach and Education Programs designed to reduce water demands, decrease water waste, or generally raise water awareness;
  - (c) Enforcement of any provision of this Ordinance;
2. Supply Penalty Account:

- (a) Purchase, acquisition, delivery, or wheeling of additional water supplies;
- (b) General operations and maintenance expenses, including those incurred as a result of reduced water sales;
- (c) The difference between budgeted revenue expected from the operations and maintenance component in the water rates of Tier 1 and 2 and actual revenue received from this component;
- (d) Payment of penalty expenses incurred as a result of exceeding a Metropolitan water supply allocation;
- (e) Payment of any other incremental cost of service associated with providing water deliveries and/or water service during any water curtailment, water shortage emergency, or "Immediate Emergency" pursuant to Water Code sections 350 *et seq.*

#### **Section 15. Recovery of Costs**

(A) The General Manager shall serve an invoice for costs upon the Property Owner and/or occupant of any property, or any other responsible Person who is subject to a notice of violation, a cease and desist order, or an administrative compliance order. An invoice for costs shall be immediately due and payable to the District. If any Property Owner or Person in charge of day-to-day operations, Customer, or responsible party, or any other Person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this Ordinance, then the District may institute collection proceedings. The invoice for costs may include reasonable attorneys' fees.

(B) The District shall impose any other fines and/or penalties or regulatory fees, as fixed from time to time by the Board of Directors, for a violation or enforcement of this Ordinance.

(C) In order to recover the costs of the WSCP set forth in this Ordinance, the Board of Directors may, from time to time, fix and impose regulatory fees. These regulatory fees shall not exceed the cost of the regulatory activities for which they are imposed and shall not be used for unrelated revenue purposes.

The District fees and charges may include, but are not limited to fees and charges for:

- (1) any visits of an Enforcement Officer or other District staff for time incurred for meter reading, follow-up visits, or the installation or removal of a flow-restricting device;
- (2) monitoring, inspection, and surveillance procedures pertaining to enforcement of this Ordinance;
- (3) enforcing compliance with any term or provision of this Ordinance;
- (4) re-initiating service at a property where service has been discontinued pursuant to this Ordinance;
- (5) processing any fees necessary to carry out the provisions of this Ordinance.

#### **Section 16. Appeals**

Any Person subject to a notice of violation, cease and desist order, or administrative compliance order may file a written appeal of such order or notice to the General Manager within thirty (30) calendar days of the date of service of the order or notice. An appeal shall be made in accordance with the following procedures:

(A) The Appellant shall complete and submit in writing a form provided by the District for such purpose and shall state in such form the grounds for his or her appeal. All appeals shall be submitted to the District Secretary within thirty (30) calendar days of the date of the notice of violation, cease and desist order, or administrative compliance order.

(B) The General Manager or his or her authorized designee shall review the appeal and any related information provided, and, if necessary, cause an investigation and report to be made concerning the request for Relief. The General Manager or his or her authorized designee shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the Appellant. If the General Manager or his

or her authorized designee grants the appeal, then within fifteen (15) calendar days of such determination the General Manager or his or her authorized designee shall give written notice thereof to the Appellant.

(C) The decision of the General Manager or his or her authorized designee may be appealed by the Appellant to the Board of Directors. Such appeal must be submitted in writing and filed with the District Secretary within fifteen (15) calendar days of the date of decision of the General Manager or his or her authorized designee. The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board of Directors meeting; provided, however, the Board of Directors shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled Board of Directors meeting, then the Hearing shall be held at the following regularly scheduled meeting of the Board of Directors. A notice of the Hearing shall be mailed to the Appellant at least ten (10) calendar days before the date fixed for the Hearing. The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the Appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the appeal, if any, granted to the Appellant. If the appeal is denied, the Appellant shall comply with all terms and conditions of this Ordinance and the applicable stage then in effect.

(D) After an Appeal Request form has been received, a site survey may be required by the District. The site survey will be at no charge to the person and will require the person who submitted the Appeal request form to be present.

(E) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

## **Section 17. Variances**

The District may, in writing, grant a temporary variance from any fines, Allocation Surcharges and monetary assessments, or restrictions imposed by the WSCP if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and under the following conditions:

(A) Compliance with the WSCP cannot be technically accomplished during the duration of a water supply shortage or other condition for which the WSCP Shortage Stage is in effect

(B) Alternative methods or technology used as part of a District-sanctioned trial or test study can be implemented which will achieve the same level or reduction in water use.

(C) Doctor-approved health circumstances, illness or injury will be considered on a case-by-case basis.

(D) No variances will be issued, beginning in Shortage Stage 3c of the WSCP, for filling swimming pools, leaks not repaired within 14 days or having large livestock animals.

(E) Additional 55 gallons per day (gpd) for each additional person. Documentation of additional residents must be submitted with application if the property will have more than 6 full-time residents. This may be children's birth certificates, school records, copies of income tax returns, lease agreements, etc. Type of documentation provided for this variance will be verified and notated on the variance form. After verification is complete, documentation provided will be destroyed.

(F) Variances will be considered for landscape adjustments within a 60 day grace period after the WSCP adoption.

(G) Variances will be considered for health and safety issue only in Shortage Stages 4 and 5.

(H) A written variance shall be accepted by the District, and may be denied at the sole discretion of the District.



(l) All variances must be requested in writing any time after the WSCP stage implementation. The following must be provided:

1. Name, contact phone number, service address and customer account number of petitioner;
2. Purpose of water use (e.g., domestic, commercial, agriculture);
3. Specific provision(s) of the WSCP from which the petitioner is requesting relief;
4. Detailed statement as to how the provision of the WSCP adversely affects the petitioner or what damage or harm will occur;
5. Description of the relief requested;
6. Period of time for which the variance is sought; and
7. Any alternative water use restrictions (e.g. indoor use) that the petitioner is taking or proposes to take to meet the intent of the WSCP.

### **Section 18. Relief From Compliance**

Consideration of written applications for Relief from compliance regarding the regulations and restrictions on water use set forth in this Ordinance may be made by the District.

(A) Written applications for Relief shall be accepted, and may be granted or denied, by the Approving Authority, at his or her sole discretion, or by his or her designee at his or her sole discretion. The application shall be in a form prescribed by the District and shall be accompanied by a non-refundable processing fee in an amount as determined by the Board of Directors for the purpose of defraying the costs incidental to the proceedings.

(B) The grounds for granting or conditionally granting Relief are:

(1) due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a Person using District water or to property upon which District water is used, that is disproportionate to the impacts

to other District water users generally or to similar property or classes of water users; or

(2) failure to grant Relief would adversely affect the health, sanitation, fire protection, or safety of the applicant or the public.

(C) The application for Relief shall be accompanied, as appropriate, with photographs, maps, drawings, and other information substantiating the applicant's request, including a statement of the applicant.

(D) An application for Relief shall be denied unless the Approving Authority finds, based on the information provided in the application, supporting documentation, or such other additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

(1) That the Relief does not constitute a grant of special privilege inconsistent with the limitations upon other District Customers;

(2) That because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on: (a) the property or use that exceeds Customers generally; or (b) the applicant's health that exceeds Customers generally;

(3) That the authorization of such Relief will not be of substantial detriment to adjacent properties, will not materially affect the ability of the District to effectuate the purposes of this Ordinance, and will not be detrimental to the public interest; and

(4) That the condition or situation of: (a) the subject property or the intended use of the property for which the Relief is sought is not common, recurrent, or general in nature; or (b) the applicant's health or safety is not common, recurrent, or general in nature.

(E) The denial or grant of a Relief shall be acted upon within fifteen (15) business days of the submittal of the complete application, including any photographs, maps, drawings, and other information substantiating the applicant's request and the statement of the applicant. The application may be

approved, conditionally approved, or denied. The decision of the Approving Authority shall be prepared in writing, include terms and conditions, if any, and promptly sent to the applicant.

(F) The denial of a request for Relief may be appealed in writing to the General Manager. An appeal shall be made in accordance with the following procedures:

(1) The Appellant shall complete and submit in writing a form provided by the District for such purpose and shall state in such form the grounds for his or her appeal. All appeals shall be submitted to the District Secretary within thirty (30) calendar days of the date of the notice of the denial of the request for Relief.

(2) The General Manager or his or her authorized designee shall review the appeal and any related information provided, and, if necessary, cause an investigation and report to be made concerning the request for Relief. The General Manager or his or her authorized designee shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the Appellant. If the General Manager or his or her authorized designee grants the appeal and determines that the request for Relief shall be granted, then within fifteen (15) calendar days of such determination the General Manager or his or her authorized designee shall give written notice thereof to the Appellant.

(3) The decision of the General Manager or his or her authorized designee may be appealed by the Appellant to the Board of Directors. Such appeal must be submitted in writing and filed with the District Secretary within fifteen (15) calendar days of the date of decision of the General Manager or his or her authorized designee. The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board of Directors meeting; provided, however, the Board of Directors shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled Board of Directors meeting, then the Hearing shall be held at the following regularly

scheduled meeting of the Board of Directors. A notice of the Hearing shall be mailed to the Appellant at least ten (10) calendar days before the date fixed for the Hearing. The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the Appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the Relief, if any, granted to the Appellant. If the appeal is denied, the Appellant shall comply with all terms and conditions of this Ordinance and the applicable stage then in effect.

(4) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

### **Section 18. Conflicting Provisions**

If provisions of this Ordinance are in conflict with each other, other rules and regulations of the District, or any other resolution or ordinance of the District, including but not limited to Ordinance Numbers 78, 79, 81, 87, 88, 185, and 219 as any or all of same have been amended from time to time the provisions of this Ordinance No. 255 shall apply. If the provisions of this Ordinance are in conflict with any State law or regulation, the more restrictive provisions shall apply.

### **Section 19. Severability**

If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any Person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of sections of this Ordinance shall not be affected, it being the intent of the Board of Directors in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof and all provisions of this Ordinance are declared to be severable for that purpose.

### **Section 20. Effective Date and Publication**

This Ordinance shall be effective immediately upon adoption. Within ten (10) days after its adoption, the District Secretary shall cause this Ordinance to be published once pursuant to California Government Code section 6061 in full in a newspaper of general circulation which is printed, published, and circulated in the District. If there is no such newspaper, the Ordinance shall be posted within the District after its adoption in three public places.

**ADOPTED AND APPROVED** this 28th day of May 2015 by the Board of Directors of the Elsinore Valley Municipal Water District.

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Phil Williams, President  
Board of Directors  
Elsinore Valley Municipal Water District

ATTEST:

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Terese Quintanar, Secretary of the  
Board of Directors of the  
Elsinore Valley Municipal Water District

STATE OF CALIFORNIA        )  
   ) ss:  
 COUNTY OF RIVERSIDE        )

I, Terese Quintanar, Secretary of the Board of Directors of the Elsinore Valley Municipal Water District, do hereby certify that the foregoing Ordinance No. 225 was duly adopted by said Board at its Regular Meeting held on May 28, 2015, and that it was so adopted by the following roll call vote:

AYES:           Cambero, Horton, Morris, Ryan, Williams  
 NOES:           None  
 ABSENT:       None  
 ABSTAIN:      None

\_\_\_\_\_  
 Terese Quintanar, Secretary of the Board  
 of Directors of the Elsinore Valley  
 Municipal Water District