

Special Meeting of the Board of Directors
Lake Don Pedro Community Services District

NOTE SPECIAL MEETING LOCATION

Don Pedro High School, Multipurpose Room
3090 Merced Falls Rd
LaGrange, CA 95329

March 9, 2015 at 6:00 p.m.

Mission Statement: The LDPCSD is dedicated to providing potable water that either meets or exceeds all state and federal standards in sufficient quantities to meet the needs of our customers utilizing the most cost effective methods possible while still maintaining a sound financial plan now and for the future.

AGENDA

1. CALL TO ORDER: Presiding Officer: Establish Quorum, Pledge of Allegiance:

2. PUBLIC HEARING:

A Public Hearing will be conducted to receive input and comments from the public on the Board's proposed adoption of a Resolution that is intended to increase water use restrictions due to the ongoing drought emergency and potential for depletion of the District's water supply from Lake McClure.

- a) Presentation on the current water supply situation, District water supply improvement projects and water supply contingency plans
- b) Approval of a Resolution declaring a Stage III Drought Emergency– Water Warning and Implementing Appropriate Mandatory Water Conservation Measures including Extension of the ban on outside landscape watering and increase to 50% mandatory water use restrictions.

3. Approval of a Resolution declaring Emergency Pursuant to Public Contract Code Sections 22035 and 22050, Related to Proceeding with Emergency Water Supply Construction Projects without Public Bidding

4. ADJOURNMENT

RESOLUTION NO. 2015-15

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
DECLARING STAGE III DROUGHT EMERGENCY--WATER
WARNING AND IMPLEMENTING APPROPRIATE MANDATORY
WATER CONSERVATION MEASURES**

The Board of Directors of the Lake Don Pedro Community Services District does hereby find and declare as follows:

WHEREAS, the Lake Don Pedro Community Services District (“District”) is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, on January 17, 2014, the Governor promulgated Governor’s Proclamation No. 1-17-2014 which proclaimed a state of emergency based on the current drought; and

WHEREAS, the Proclamation called on all Californians to reduce their water usage by 20 percent; and

WHEREAS, on April 25, 2014, the Governor issued an Executive Order finding that continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, and additional water scarcity if drought conditions continue into 2015; and

WHEREAS, on July 15, 2014, the State Water Resources Control Board (“SWRCB”) adopted Resolution No. 2014-0038, entitled “To Adopt an Emergency Regulation for Statewide Urban Water Conservation;” and

WHEREAS, SWRCB Resolution No. 2014-0038 adopted emergency water conservation regulations imposing mandatory restrictions on outdoor landscape irrigation and other specified uses of water; and

WHEREAS, the emergency regulations adopted by SWRCB Resolution No. 2014-0038 (adopted as California Code of Regulations, Title 23, Sections 863-865, effective July 28, 2014) further provide that, to promote water conservation, each distributor of a public water supply, as defined in Water Code § 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions: (1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or (2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013; and

WHEREAS, on February 18, 2014, the LDPCSD District Board adopted Resolution No. 2014-2 (attached hereto as Exhibit B), in which the Board declared a drought emergency and adopted primarily voluntary Stage I water conservation measures; and

WHEREAS, water level in Lake McClure has been at or below 710 feet since late

October, 2013, and since that time the District has used an emergency barge-mounted floating pump station to deliver water to the intake for delivery to the District's water treatment and distribution system; and

WHEREAS, all of the factors cited in the recitals of Resolution No. 2014-2 remain in effect; and

WHEREAS, the drought conditions cited in Resolution No. 2014-2 have deepened; and

WHEREAS, the current water level in Lake McClure is approximately 605 feet above mean sea level and the Lake is at 7% of its capacity of 1,024,600 acre-feet; and

WHEREAS, the District's Lake McClure intake is set at 700 feet and the pumps are currently over 100 feet out of the water; and

WHEREAS, the most current long range weather forecasts issued by the National Oceanic and Atmospheric Administration (NOAA) and verified by California Office of Emergency Services (CAL OES) predict a high probability of continuing and potentially worsening drought conditions for our region; and

WHEREAS, it is estimated that the floating pump station will not be able to pump water when the water level in Lake McClure falls below 560 feet, and the quality of remaining water at any elevation below 580 feet is unknown and questionable in its suitability for pumping, treatment and use; and

WHEREAS, by reason of declining water levels in Lake McClure since adoption of Resolution No. 2014-2, projections of lowered water levels in the near future, and the uncertainty of sufficient precipitation during the remainder of 2014 and into 2015, a reasonable probability exists that the District will not be able to meet all of the water demands of its customers; and

WHEREAS, the District has no alternative source of water adequate to meet even minimal system demands for sanitation and firefighting purposes in event water from Lake McClure is depleted and is not available; and

WHEREAS, in anticipation of the shortage of water supply, the District has taken, may or will take the following actions to supplement its existing available water supply with priority based on availability of funding, probability of enhancement of water supply for the health and safety of the community, planning and permitting time, constructability and other factors:

1. Develop plans, construct improvements and procure materials and supplies necessary to extend the floating pump station down to the lowest possible elevation of 560 feet; and
2. Continue to drill additional groundwater wells to maximize the available emergency water supply; and
3. Perform preliminary planning and engineering with the intention to immediately secure funding and if successful implement the construction of a deep water intake at the deepest portion of Lake McClure near McClure Point, which will

involve the installation of new intake pumps and over five miles of new pipeline,

and will provide pumping capabilities well below the current location with its 560 foot elevation restriction; and

4. Expedite water system leak repairs by use of contract labor and other means to reduce water loss from the District system to within industry standards of less than 10%.

WHEREAS, operation of the emergency floating pump barge increases the monthly cost to the District by tens of thousands of dollars and consumes nearly 25% of the available work time of District staff, thereby reducing the capability of District staff to perform needed maintenance work including system leak repairs; and

WHEREAS, on December 3, 2014, the LDPCSD District Board adopted Resolution No. 2014-9 (attached hereto as Exhibit B), in which the Board declared a Water Supply Warning in response to the continuing drought conditions and available water in Lake McClure of less than six month's supply. Resolution 2014-09 declared Stage II Drought Emergency and adopted mandatory 30% water conservation measures and a ban on winter outside irrigation; and

WHEREAS, the continued drought predictions have materialized in early 2015 with the driest January in recorded state water history and only one substantial storm in February, and March beginning with warm temperatures and predictions for very little precipitation. The March 2015 snow surveys show a dismal 13% of the multi-decade average for March, which will result in relatively no increase in snow-melt water flow into Lake McClure this spring; and

WHEREAS, the current Lake McClure water surface elevation is at 605 feet above sea level, virtually the same elevation as December 2014 and with no increase in precipitation or increase snowmelt inflow, coupled with continued reservoir releases mandated of Merced Irrigation District to support downstream Salmon spawning grounds, the water supply remaining in Lake McClure is predicted to last only until August 2015, and

WHEREAS, the District has been aggressively planning and drilling multiple test exploration wells for new groundwater supplies, however the results of a month of drilling and many tens of thousands of public dollars spent in the exploration process has resulted in only very little groundwater supply found, resulting in a finding that groundwater supplies may be inadequate to meet normal customer demands during August when the Lake McClure water supply is exhausted; and

WHEREAS, the following measures are intended to comply with and exceed to the extent necessary the requirements of SWRCB Resolution No. 2014-0038, in order to preserve existing water supply and promote the public health and safety of all persons who use District services.

NOW, THEREFORE, IN CONSIDERATION OF ALL OF THE FOREGOING, the Board of Directors of the Lake Don Pedro Community Services District does hereby resolve as follows: that the District hereby adopts the following policies to be effective immediately and throughout the longer of (i) the duration of the drought emergency previously declared in Resolution No. 2014-02, (ii) the water supply warning declared in Resolution No. 2014-09 and as modified herein or (iii) December 31, 2015:

1. A "Water Supply Warning" is hereby continued and applies during the current

period when a reasonable probability exists that the District will not be able to meet all of the water demands of its customers and no adequate alternative water supply is yet available to the District.

2. Water Conservation Stage III is hereby declared as a result of the Water Supply Warning and probability of water supply shortages.
3. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.
4. The District has determined that a fifty percent (50%) reduction in end user water consumption is necessary to preserve available water supply. Exhibit A, attached, details the Water Budget for households with various number of full time occupants and the respective amount of water conservation necessary, for all water used over the Water Budget, to achieve the mandated 50% reduction.
5. All measures herein are mandatory until December 31, 2015 or until further action by the Board. All water conservation measures heretofore stipulated and adopted by Resolution No. 2014-2 continue as mandatory.
6. Except as otherwise provided herein, all water conservation and drought response measures of Resolution No. 2014-9 shall remain and be in full force and effect.
7. The following mandatory water conservation and drought response measures shall apply effective immediately:
 - (a) **Outdoor irrigation** – All outdoor irrigation is prohibited using water from the District’s water system until such time as a determination is made by the District that adequate supplemental or alternate s water supplies are in place to meet the sanitation, human consumption and fire protection demands of the District customers through its water system.
 - (i) No new (expanded) landscaping shall be installed on existing or newly developed properties until these restrictions have been reduced or repealed unless they are irrigated using water other than from the District’s system.
 - (ii) The proper installation and use of greywater reuse and rainwater catchment irrigation systems is strongly encouraged.
 - (b) Emptying and refilling swimming pools is prohibited using water from the District system.
 - (c) All plumbing leaks, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District within seven days of written notification by the District. At the discretions of the District, in preserving water supply District staff may discontinue (turn off) water service to a property where a leak has been identified and the owner cannot be immediately contacted as further detailed in Section 9 below.
 - (d) Water customers shall read their meters at the frequency necessary to assure compliance with these requirements.
8. **Compliance Determination** - The District shall determine the total amount of

water delivered to the property of each District customer for each month in the prior year (the “Base Year Consumption Amount”). Water usage data from additional past years may be considered in the event of anomalies in prior year data.

- (a) A “Water Budget” is hereby established to provide a lifeline water supply to all customers which is intended to meet their human consumption and sanitation needs, identified special water needs and the reasonable water needs of cattle, horses, sheep, goats, pigs and other necessary animals, including domestic animals living on the property.
- (b) Exhibit A details the baseline Water Budget and level of water consumption allowed, in “Units”, based on the Water Budget of the home and amount of water consumption documented for the same month of the prior year. Water users are considered to be in compliance with the 50% water conservation mandate if their water consumption in each month is less than or equal to the 50% reduced amount shown in Exhibit A.
 - (i) One “Unit” of water consumed is equal to 100 cubic feet or 748 gallons.

Customers may submit a written request to the District General Manager and on a standardized form provided by the District, that consideration be given to the following in establishing compliance with these requirements:

- More than two persons occupy the home on a full time basis
 - That verifiable changes in property ownership have affected water use in the current or previous years
 - That there has been permanent or temporary increases in occupancy of the property
 - That there have been changes in the use of the property
 - That plumbing malfunctions and other factors have affected, or could have affected water use in the current or prior year.
- (c) The Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue this Water Supply Warning for more than twelve months from the date hereof.

9. Enforcement - The District will review metered water usage data on a monthly basis or more frequently as necessary for the purpose of normal billing and determinations of compliance with these requirements. The intent of any violation enforcement shall be to assist customers in reducing their water consumption and the levy of fines is intended as a last resort to fund the added cost of the increased enforcement effort. The fines described herein are not intended to be used as a revenue generating activity, rather to cover the cost of implementing actions necessary to preserve water supply for public health and safety.

- (a) The above restrictions shall be enforced as follows:

First Violation:

Customer will receive a written notice from the District describing the situation, explaining possible actions to reduce future water consumption, and explaining that further violation will result in possible water restrictions and imposing of fines.

Second Violation:

Customer's water service may be restricted by a device installed by the District or discontinuance of water service until the excessive usage is remedied for a period of thirty (30) days and the device will be removed upon payment of the cost of device installation or other required administrative actions, up to a maximum billing of \$250.00.

Third Violation:

Customer's water service shall be restricted to life line or life sustaining rates by a device installed by the District. The device shall remain in place until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of the cost of device installation and other required administrative actions, up to a maximum billing of 500.00.

The District may discontinue water service immediately to any property on which a water leak is discovered. In this event, the customer or property owner will be notified as quickly as possible of such leak and the service discontinuance. Leak repairs must be verified by the District before the water service can be permanently reinstated.

Variances:

Variances may be granted from any of the above regulations upon application in writing stating in detail the circumstances meriting special consideration. Appeals of decisions by the General Manager may be taken to the Board of Directors.

10. If any provisions of this Ordinance are in conflict with each other, District water service regulations, any other rule, regulation, resolution or ordinance of the District, or any State law or regulation, the more restrictive provision(s) shall apply.
11. If any provision, section, subsection, sentence, clause or phrase or section 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 validity of the remaining portions or sections of this Ordinance shall not be affected, it being the intent of the Board in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality or other invalidity of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.
12. This Ordinance is effective immediately as it is being adopted for the immediate

preservation of the public peace, health, and safety, the facts constituting the urgency being set forth in the premises and recitals hereof and of those in Resolution 2014-2, and 2014-9, incorporated herein and attached hereto as Exhibit B.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on March 9, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Danny Johnson President, Board of Directors

~~ATTEST~~
SYNDEE MARCHESIELL

LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
Water Budget Table

EXHIBIT A RESOLUTION 2015- _____

Persons in Home Full Time	1	2	3	4	5	6
Baseline Water Budget	7	7	9	12	15	18
If Your 2014 Consumption Was:	Then 50% Water Conservation Amounts to (Cons per month):					
8	8	8	9	12	15	18
9	8	8	9	12	15	18
10	9	9	10	12	15	18
11	9	9	10	12	15	18
12	10	10	11	12	15	18
13	10	10	11	13	15	18
14	11	11	12	13	15	18
15	11	11	12	14	15	18
16	12	12	13	14	16	18
17	12	12	13	15	16	18
18	13	13	14	15	17	18
19	13	13	14	16	17	19
20	14	14	15	16	18	19
21	14	14	15	17	18	20
22	15	15	16	17	19	20
23	15	15	16	18	19	21
24	16	16	17	18	20	21
25	16	16	17	19	20	22
26	17	17	18	19	21	22
27	17	17	18	20	21	23
28	18	18	19	20	22	23
29	18	18	19	21	22	24
30	19	19	20	21	23	24
31	19	19	20	22	23	25
32	20	20	21	22	24	25
33	20	20	21	23	24	26
34	21	21	22	23	25	26
35	21	21	22	24	25	27
36	22	22	23	24	26	27
37	22	22	23	25	26	28
38	23	23	24	25	27	28
39	23	23	24	26	27	29
40	24	24	25	26	28	29
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42	25	25	26	27	29	30
43	25	25	26	28	29	31
44	26	26	27	28	30	31
45	26	26	27	29	30	32
46	27	27	28	29	31	32
47	27	27	28	30	31	33
48	28	28	29	30	32	33
49	28	28	29	31	32	34
50	29	29	30	31	33	34

EXHIBIT B

RESOLUTION NO. 2014-2

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE DON PEDRO COMMUNITY SERVICES DISTRICT DECLARING DROUGHT EMERGENCY

The Board of Directors of the Lake Don Pedro Community Services District does hereby find:

WHEREAS, the Lake Don Pedro Community Services District (“District”) is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, the District provides potable water to the residents in its service area; and

WHEREAS, the District receives surface water from Lake McClure on the Merced River; and

WHEREAS, said water is supplied to the District by Merced Irrigation District (MID); and

WHEREAS, MID holds water right License 11395 issued by the State Water Resources Control Board or its predecessor to regulate the flows of the Merced River through New Exchequer Dam and Lake McClure; and

WHEREAS, water received by the District from MID is subject to all of the conditions imposed on L 11395, including limits on the place of use (POU) of water attributable to the right; and

WHEREAS, the District has a groundwater well located on Ranchito Road (the Ranchito Well) which supplies a small number of service connections outside the MID POU; and

WHEREAS, the District’s Engineer has determined that the Ranchito Well cannot supply any more uses than those it currently supplies; and

WHEREAS, the District’s Lake McClure intake is set at 700 feet; and

WHEREAS, water level in Lake McClure has been at or below 710 feet since late October, 2013, and since that time the District has used a barge mounted floating pumping station to deliver water to the intake for delivery to the District’s water treatment and distribution system; and

WHEREAS, the current water level in Lake McClure is 679 feet above mean sea level and the Lake is at 20% of its capacity of 1,024,600 acre-feet; and

WHEREAS, on January 17, 2014, the Governor proclaimed a drought state of emergency; and

WHEREAS, Article X, Section 2 of the California Constitution provides that because of the conditions prevailing in the State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that 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 for the public welfare, and further provides: The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water; and

WHEREAS, pursuant to California Water Code § 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, California Water Code § 350 provides that the governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that 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; and

WHEREAS, the health, safety and welfare of all persons receiving water from the District required that the District maintain an uninterrupted water supply from Lake McClure; and

WHEREAS, the Board finds and determines that during periods of drought, water shortages, and other water shortage emergencies the general welfare requires that the District maximize the beneficial use of its available water supplies to the fullest 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.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT RESOLVED by the Board of Directors of the Lake Don Pedro Community Services District, that the District

hereby adopts the following policies to be effective immediately and throughout the duration of the drought emergency:

1. A state of drought emergency is hereby declared for the District, to remain in effect until further action by the Board.
2. Water Conservation Stage 1 ("Stage 1") is hereby declared. Stage 1 applies during periods when the District is able to meet all of the water demands of its customers. Water is a limited natural resource and must be used efficiently and economically to meet the health and safety needs of the District. All normal water efficiency programs and water conservation regulations of the District are in full force and effect during this Stage 1. In addition, the measures below are adopted for the duration of the emergency.
3. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.
4. All measures herein are voluntary until further action by the Board.
5. The unreasonable use or unreasonable method of use of water is prohibited. Unreasonable uses of water shall include, but are not limited to, the following:
 - (a) allowing water to leave the service recipient's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;
 - (b) failing to repair a water leak; and
 - (c) using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate public safety or sanitation hazards.
6. Outdoor water use shall conform to the following. Lawns and/or ground covers may be watered and landscaping/pastures may be irrigated, including construction meter irrigation, only during the following designated hours and designated days:
 - (a) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with odd number street addresses only on Saturdays, Mondays, and Wednesdays;
 - (b) lawns and/or ground cover may be watered and landscaping/pastures may be irrigated for properties with even number street addresses only on Sundays, Tuesdays, and Thursdays; and
 - (c) watering lawns and/or ground cover and irrigating landscaping/pastures is prohibited on Fridays and on any day of the week from 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.
 - (d) Irrigation timers shall be adjusted to comply with the provisions hereof.
 - (e) Notwithstanding the provisions herein, the use of greywater to irrigate fruit trees, lawns, ground covers, ornamental trees and shrubs is permitted on any day and at any time; provided, however, that greywater may only be used in accordance with all applicable regulations.
 - (f) All open hoses shall be equipped with automatic, positive shut-off nozzles.

- (g) Swimming pools, hot tubs, spas, ponds, and fountains shall be equipped with recirculating pumps.
 - (h) 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.
 - (i) No person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.
 - (j) 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.
 - (k) Water customers shall read their water meters at least once each month to monitor their water consumption.
 - (l) 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 for quick rinses. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using 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 to transport food and perishables.
 - (m) Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of the District.
 - (n) Restaurants shall not serve water to customers except when specifically requested by the customers.
7. If any provisions of this Resolution are in conflict with each other, District Water Service regulations, any other rule, regulation, resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.
8. If any provision, section, subsection, sentence, clause or phrase or sections of this Resolution, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions or sections of this Resolution shall not be affected, it being the intent of the Board in adopting this Resolution that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality or other invalidity of any other provision hereof, and all provisions of this Resolution are declared to be severable for that purpose.
9. This Resolution is effective immediately upon its adoption.

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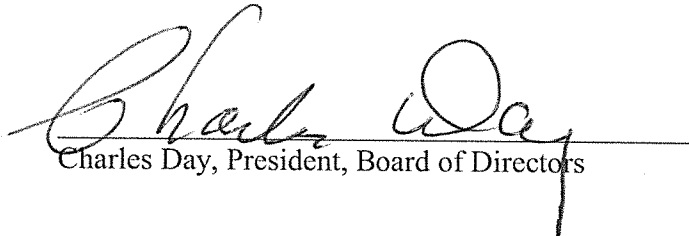
WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on February 18, 2014, by the following vote:

AYES: (4) Day, Afanasiev, Richardson, and Ross


NOES:

ABSENT: (1) Johnson

ABSTAIN:


Charles Day, President, Board of Directors

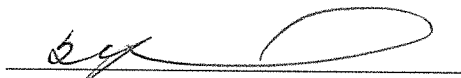
ATTEST:


Syndie Marchesiello, Secretary

CERTIFICATE OF SECRETARY

I, Syndie Marchesiello, the duly appointed and acting Secretary of the Board of Directors of the Lake Don Pedro Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Lake Don Pedro Community Services District, duly called and held at the District office at 9751 Merced Falls Road, La Grange, CA 95239, on February 18, 2014.

DATED: February 18, 2014.


Syndie Marchesiello, Secretary

Resolution 2014-2 Approved and Adopted February 18, 2014

RESOLUTION NO. 2014-9

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
DECLARING STAGE II DROUGHT EMERGENCY--WATER
WARNING AND IMPLEMENTING APPROPRIATE MANDATORY
WATER CONSERVATION MEASURES**

The Board of Directors of the Lake Don Pedro Community Services District does hereby find and declare as follows:

WHEREAS, the Lake Don Pedro Community Services District (“District”) is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, on January 17, 2014, the Governor promulgated Governor’s Proclamation No. 1-17-2014 which proclaimed a state of emergency based on the current drought; and

WHEREAS, the Proclamation called on all Californians to reduce their water usage by 20 percent; and

WHEREAS, on April 25, 2014, the Governor issued an Executive Order finding that continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, and additional water scarcity if drought conditions continue into 2015; and

WHEREAS, on July 15, 2014, the State Water Resources Control Board (“SWRCB”) adopted Resolution No. 2014-0038, entitled “To Adopt an Emergency Regulation for Statewide Urban Water Conservation;” and

WHEREAS, SWRCB Resolution No. 2014-0038 adopted emergency water conservation regulations imposing mandatory restrictions on outdoor landscape irrigation and other specified uses of water; and

WHEREAS, the emergency regulations adopted by SWRCB Resolution No. 2014-0038 (adopted as California Code of Regulations, Title 23, Sections 863-865, effective July 28, 2014) further provide that, to promote water conservation, each distributor of a public water supply, as defined in Water Code § 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions: (1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or (2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013; and

WHEREAS, on February 18, 2014, the LDPCSD District Board adopted Resolution No. 2014-2 (attached hereto as Exhibit A), in which the Board declared a drought emergency and adopted primarily voluntary Stage I water conservation measures; and

WHEREAS, water level in Lake McClure has been at or below 710 feet since late

October, 2013, and since that time the District has used an emergency barge-mounted floating pump station to deliver water to the intake for delivery to the District's water treatment and distribution system; and

WHEREAS, all of the factors cited in the recitals of Resolution No. 2014-2 remain in effect; and

WHEREAS, the drought conditions cited in Resolution No. 2014-2 have deepened; and

WHEREAS, the current water level in Lake McClure is approximately 599 feet above mean sea level and the Lake is at 7.7% of its capacity of 1,024,600 acre-feet; and

WHEREAS, the District's Lake McClure intake is set at 700 feet and the pumps are currently over 100 feet out of the water; and

WHEREAS, the most current long range weather forecasts issued by the National Oceanic and Atmospheric Administration (NOAA) and verified by California Office of Emergency Services (CAL OES) predict a high probability of continuing and potentially worsening drought conditions for our region; and

WHEREAS, lake level forecasts project water level in Lake McClure will continue to decrease and to be at about 588 feet as of January 1, 2015; and

WHEREAS, it is estimated that the floating pump station will not be able to pump water when the water level in Lake McClure falls below 560 feet, and the quality of remaining water at any elevation below 600 feet is unknown and questionable in its suitability for pumping, treatment and use; and

WHEREAS, by reason of declining water levels in Lake McClure since adoption of Resolution No. 2014-2, projections of lowered water levels in the near future, and the uncertainty of sufficient precipitation during the remainder of 2014 and into 2015, a reasonable probability exists that the District will not be able to meet all of the water demands of its customers; and

WHEREAS, the District has no alternative source of water adequate to meet even minimal system demands for sanitation and firefighting purposes in event water from Lake McClure is depleted and is not available; and

WHEREAS, in anticipation of the shortage of water supply, the District has taken, may or will take the following actions to supplement its existing available water supply with priority based on availability of funding, probability of enhancement of water supply for the health and safety of the community, planning and permitting time, constructability and other factors:

1. Develop plans, construct improvements and procure materials and supplies necessary to extend the floating pump station down to the lowest possible elevation of 560 feet; and
2. Prepare immediate plans to drill additional groundwater wells to maximize the available emergency water supply; and
3. Perform preliminary planning and engineering with the intention to immediately secure funding and if successful implement the construction of a deep water intake at the deepest portion of Lake McClure near McClure Point, which will involve the installation of new intake pumps and over five miles of new pipeline,

and will provide pumping capabilities well below the current location with its 560 foot elevation restriction; and

4. Expedite water system leak repairs by use of contract labor and other means to reduce water loss from the District system to within industry standards of less than 10%.

WHEREAS, operation of the emergency floating pump barge increases the monthly cost to the District by tens of thousands of dollars and consumes nearly 25% of the available work time of District staff, thereby reducing the capability of District staff to perform needed maintenance work including system leak repairs; and

WHEREAS, the following measures are intended to comply with and exceed to the extent necessary the requirements of SWRCB Resolution No. 2014-0038, in order to preserve existing water supply and promote the public health and safety of all persons who use District services.

NOW, THEREFORE, IN CONSIDERATION OF ALL OF THE FOREGOING, the Board of Directors of the Lake Don Pedro Community Services District does hereby resolve as follows: that the District hereby adopts the following policies to be effective immediately and throughout the longer of (i) the duration of the drought emergency previously declared in Resolution No. 2014-02 or (ii) the water supply warning declared herein or (iii) December 31, 2015:

1. A "Water Supply Warning" is hereby declared and applies during the current period when a reasonable probability exists that the District will not be able to meet all of the water demands of its customers and no adequate alternative water supply is available to the District.
2. Water Conservation Stage 2 is hereby declared as a result of the Water Supply Warning and probability of water supply shortages.
3. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.
4. The District has determined that a thirty percent (30%) reduction in end user water consumption is necessary to preserve available water supply.
5. All measures herein are mandatory until December 31, 2015 or until further action by the Board. All water conservation measures heretofore stipulated and adopted by Resolution No. 2014-2 are now mandatory.
6. Except as otherwise provided herein, all water conservation and drought response measures of Resolution No. 2014-2 shall remain and be in full force and effect.
7. The following mandatory water conservation and drought response measures shall apply effective immediately:
 - (a) **Outdoor irrigation** – The irrigation and watering limitations detailed in Resolution No. 2014-2 is hereby modified and limited to 2 days per week and shall be by means of a properly operating spray, drip irrigation or garden hoses with shut-off valves. Spray irrigation for turf and other ornamentals shall be kept to an absolute minimum to sustain plant life and any runoff from such systems is prohibited.
 - (i) ODD numbered addresses (street numbers ending in 1,3,5,7, or 9) and

- (ii) non-residential customers shall water on Tuesdays and/or Saturdays. EVEN numbered addresses (street numbers ending in 0,2,4,6, or 8) shall water on Wednesdays and/or Sundays.
- (iii) Winter outdoor irrigation (the period December 1 – March 1) is prohibited.
- (iv) Watering must occur before 6:00 a.m. and after 7:00 p.m.
- (v) NO outdoor watering is allowed on Mondays, Thursdays or Fridays.
- (vi) No new (expanded) landscaping shall be installed on existing or newly developed properties until these restrictions have been reduced or repealed.
- (vii) The proper installation and use of greywater reuse and rainwater catchment irrigation systems is strongly encouraged.
- (b) Construction operations must seek alternate water supplies first before submitting a request to the District for the rental of a hydrant meter. Construction operations shall not use water unnecessarily for any purpose other than those required by regulatory agencies.
- (c) Emptying and refilling swimming pools requires permission which shall only be granted one time during any 12-month period and approval from the District must be received in advance.
- (d) 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 seven days of written notification by the District.
- (e) Water customers shall read their meters at the frequency necessary to assure compliance with these requirements.

8. **Compliance Determination** - The District shall determine the total amount of water delivered to the property of each District customer for each month in the prior year (the “Base Year Consumption Amount”). Water usage data from additional past years may be considered in the event of anomalies in prior year data.

- (a) Customers using less than seven units of water per month (seven hundred cubic feet or 5,236 gallons) are considered to be in compliance with the 30% reduction mandate.
- (b) Customers using more than seven units of water are considered to be in compliance with the 30% reduction mandate if any of the following criteria are met:
 - (i) The amount of water used in any month is 30% less than the amount used in the same month during the prior year(s); or
 - (ii) The amount of water used during each month between September through May is less than four units (four hundred cubic feet or 2,992 gallons) per person living full time in the home, plus four units (four hundred cubic feet or 2,992 gallons) for outside water use.
 - (iii) The amount of water used in June, July or August is less than four units (four hundred cubic feet or 2,992 gallons) per person living full time in the home, plus nine units (nine hundred cubic feet or 6,732 gallons) for outside water use.

Customers may submit a written request to the District General Manager that consideration be given to the following in establishing compliance with these requirements:

- More than two persons occupy the home on a full time basis
- That verifiable changes in property ownership have affected water use
- That there has been permanent or temporary increases in occupancy of the property

- That there have been changes in the use of the property
- That plumbing malfunctions and other factors have affected, or could have affected water use in the current or prior year.

(c) The Base Year Consumption Amount for subsequent fiscal years shall be determined by the District as appropriate in the event that the District is required to continue this Water Supply Warning for more than twelve months from the date hereof.

9. The District will review metered water usage data on a monthly basis for the purpose of normal billing and determinations of compliance with these requirements. The intent of any violation enforcement shall be to assist customers in reducing their water consumption and the levy of fines is intended as a last resort to fund the added cost of the increased administrative enforcement effort. The fines described herein are not intended to be used as a revenue generating activity, rather to cover the cost of implementing actions necessary to preserve water supply for public health and safety.

(a) The above restrictions shall be enforced as follows:

First Violation:

Customer will receive a written notice from the District describing the situation, explaining possible actions to reduce future water consumption, and explaining that further violation will result in possible water restrictions and imposing of fines.

Second Violation:

Customer's water service may be restricted by a device installed by the District or discontinuance of water service until the excessive usage is remedied for a period of thirty (30) days and the device will be removed upon payment of the cost of device installation or other required administrative actions, up to a maximum billing of \$250.00.

Third Violation:

Customer's water service shall be restricted to life line or life sustaining rates by a device installed by the District. The device shall remain in place until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of the cost of device installation and other required administrative actions, up to a maximum billing of 500.00.

Variances:

Variances may be granted from any of the above regulations upon application in writing stating in detail the circumstances meriting special consideration. Appeals of decisions by the General Manager may be taken to the Board of Directors.

10. If any provisions of this Ordinance are in conflict with each other, District water service regulations, any other rule, regulation, resolution or ordinance of the District, or any State law or regulation, the more restrictive provision(s) shall apply.

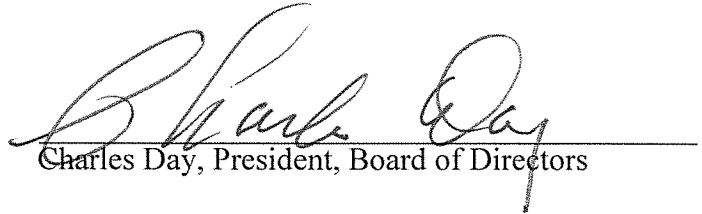
11. If any provision, section, subsection, sentence, clause or phrase or section of this

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 validity of the remaining portions or sections of this Ordinance shall not be affected, it being the intent of the Board in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality or other invalidity of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

12. This Ordinance is effective immediately as it is being adopted for the immediate preservation of the public peace, health, and safety, the facts constituting the urgency being set forth in the premises and recitals hereof and of those in Resolution 2014-2 incorporated herein and attached hereto as Exhibit A.

WHEREFORE, this Ordinance is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on December 3, 2014, by the following vote:

AYES: (4) Day, Richardson, Ross, and Johnson
NAYS: (0)
ABSTAIN: (0)
ABSENT: (1) Afanasiev


Charles Day, President, Board of Directors

ATTEST:

SYNDIE MARCHESIELLO, SECRETARY

CERTIFICATE OF SECRETARY

I, Syndie Marchesiello, the duly appointed and acting Secretary of the Board of Directors of the Lake Don Pedro Community Services District, do hereby declare that the foregoing Ordinance was duly passed and adopted at a Regular Meeting of the Board of Directors of the Lake Don Pedro Community Services District, duly called and held at the Don Pedro High School, 3090 Merced Falls Road, La Grange, CA 95239, on December, 3, 2014.

DATED: 12-10, 2014.


SYNDIE MARCHESIELLO, SECRETARY

RESOLUTION NO. 2015-13

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
DECLARING EMERGENCY PURSUANT TO
PUBLIC CONTRACT CODE §§ 22035 AND 22050**

The Board of Directors of the Lake Don Pedro Community Services District does hereby find:

WHEREAS, the Lake Don Pedro Community Services District (“District”) is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, and all acts and laws amendatory thereof or supplementary thereto, and possessing all the powers thereof; and

WHEREAS, prior hereto, the District has adopted Resolution Nos. 2014-02 on February 18, 2014 and Resolution 2014-09, on December 3, 2014 respectively (the “Resolutions”); and

WHEREAS, the Resolutions established water conservation measures in response to the Governor’s drought and state of emergency proclamations of January 17, 2014 and April 25, 2014; and

WHEREAS, the District has determined that the remaining water supply in Lake McClure is inadequate to meet domestic, sanitation and fire protection purposes for the foreseeable future (declarations in Resolutions 2014-02 and 2014-09); and

WHEREAS, the graph attached as Exhibit “A” shows current projections for Lake McClure water depletion and lake level lowering; and

WHEREAS, the District has determined that the Lake McClure water supply is likely to be depleted by early August, 2015, and the District is currently evaluating all options to supplement the remaining Lake McClure water supply; and

WHEREAS, the District is currently drilling exploration test wells to determine if and where adequate groundwater supply may be available, as well as evaluating all new surface water supply alternatives, and has not to date determined the exact new water supply project or projects; and

WHEREAS, completion of evaluation of water supply alternatives and exploration test wells could take an additional 30 to 60 days; and

WHEREAS, once project(s) are selected, draft specifications, State Water Resources

Control Board approvals, easements and property access approvals as well as local permitting processes could extend an additional 30 to 60 days before final plans and specifications required for public bidding could be prepared; and

WHEREAS, development of plans, specifications, notices and other administrative requirements of the Public Contract Code needed for public bidding will extend any bid opening by an additional 60 days or longer; and

WHEREAS, public bidding procedures will delay the construction start date by a total of 90 to 120 days; and

WHEREAS, construction of the projects is expected to require a period of 60 to 90 days to completion; and

WHEREAS, if public bidding procedures are not used, the project completion and new water source startup date is expected to be June 30, 2015; and

WHEREAS, if public bidding procedures are used, project completion and new water source startup date is expected to be September 30, 2015, or later, a time which would be two to four weeks after the expected end of the community's primary water supply, causing a serious risk to the public health and safety of the community; and

WHEREAS, the risks of delay from following the public bidding process under the current grave water supply conditions far outweigh any benefits received from securing public bids; and

WHEREAS, in January 2015, the District Board took action for the District to become subject to the Uniform Construction Cost Accounting Act (UCCAA), set out at Public Contract Code §§ 22000-22045; and

WHEREAS, Public Contract Code § 22035 provides that in cases of emergency the District Board, as the governing body of the District, may (and upon compliance with Public Contract Code § 22050) proceed without giving notice of bids to let contracts; and

WHEREAS, Public Contract Code § 22035 also provides that the governing body may delegate to the appropriate agency manager the power to declare an emergency and/or proceed with repairs or replacements without approval by the Board; and

WHEREAS, Public Contract Code § 22050 provides contracting procedures without giving notice for bids to let contracts for these emergencies; and

WHEREAS, in addition, Public Contract Code § 22050 provides that the governing body may delegate to the appropriate agency manager the power to declare an emergency and/or

proceed with repairs or replacements without approval by the Board; and

WHEREAS, Public Contract Code § 22050 also provides contracting procedures without giving notice for bids to let contracts for these emergencies.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT RESOLVED by the Board of Directors of the Lake Don Pedro Community Services District, that the District hereby adopts the following to be effective immediately and throughout the duration of the water supply emergency:

1. All findings in Resolutions 2014-02 and 2014-09 are incorporated herein.
2. All of the foregoing recitals are true and correct, and are incorporated herein.
3. The Board finds on the basis of the foregoing, including all matter incorporated by reference in the foregoing, that a continuing grave water supply emergency is facing the District such that the time required for the notice and advertisement for public bids would preclude timely action by the District to secure an alternate or supplemental water supply before the District's Lake McClure supply is not available due to drought and low water levels in Lake McClure.
4. The Board finds that due to the water supply emergency, that pursuant to Public Contract Code § 22035, public bidding to let contracts to secure an alternate or supplemental water supply will not be given.
5. The Board further finds that due to the water supply emergency, that pursuant to Public Contract Code § 22050, public bidding to let contracts to secure an alternate or supplemental water supply will not be given, in that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.
6. The Board, pursuant to Public Contract Code § 22050(b), hereby delegates to the District General Manager the authority to order any action pursuant to Public Contract Code §22050(a)(1).
7. The Board shall review the above emergency action pursuant to the requirements of Public Contract Code § 22050(c).
8. This Resolution is effective immediately upon its adoption.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Lake Don Pedro Community Services District on March ____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

