CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

**Non-Agendized Matters:** Members of the public are invited to address the Board on matters which are not on the Agenda. Each speaker is limited to three (3) minutes. The Board will set aside thirty (30) minutes for public comments.

**Agendized Matters:** Members of the public may comment on Agenda items before action is taken, or after the Board has discussed the item. Each speaker is limited to five (5) minutes.

PRESENTATION AND DISCUSSION ITEMS:

*Items recommended for approval at this meeting may be agendized for approval at a future Board meeting.*

1. OC Water Summit
2. Water Issues Study Group Annual Alumni Reunion
3. CA Fourth District Court of Appeal Ruling

ACTION ITEMS:

5. Drought-Reach Campaign Extension
6. Association of California Water Agencies Region 10 Board Nomination

REPORTS:

7. Advocacy Consulting Services Report
8. Legislative Consulting Services Report
10. Directors’ Reports and Comments

INFORMATION ITEMS:

11. Outreach Update
In compliance with California law and the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, or if you need the agenda provided in an alternative format, please contact the District Secretary at (949) 631-1206. Notification 48 hours prior to the meeting will enable Mesa Water District (Mesa Water®) to make reasonable arrangements to accommodate your requests.

Agenda materials that are public records, which have been distributed to a majority of the Mesa Water Board of Directors (Board), will be available for public inspection at the District Boardroom, 1965 Placentia Avenue, Costa Mesa, CA and on Mesa Water’s website at www.MesaWater.org. If materials are distributed to the Board less than 72 hours prior or during the meeting, the materials will be available at the time of the meeting.

ADJOURNMENT
MEMORANDUM

TO: Legislative & Public Affairs Committee
FROM: Stacy Taylor, Public & Government Affairs Manager
DATE: April 23, 2015
SUBJECT: OC Water Summit

RECOMMENDATION

This item is provided for information only.

STRATEGIC PLAN

Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #5: Attract and retain skilled employees
Goal #6: Provide outstanding customer service.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION/DISCUSSION

This item is discussed annually at a meeting of the Legislative & Public Affairs Committee.

DISCUSSION

Mesa Water District (Mesa Water®) has participated in the annual OC Water Summit -- presented by the Orange County Water District and the Municipal Water District of Orange California -- as an opportunity for the District to engage its key audiences with actionable, relevant, and timely information. Presented for the Committee’s consideration is staff’s plan for Mesa Water’s participation in the 2015 OC Water Summit, which takes place Friday, May 15, 2015, 7:30 a.m. to 1:30 p.m., at Disney’s Grand Californian Hotel in Anaheim, CA.

Regional water conferences are an excellent way for the District to educate and engage its key influencers and audiences with interesting information. It is also an opportunity for ongoing interaction and dialogue between Mesa Water® and its key influencers and audiences. The OC Water Summit is open to the public and press, and the event’s 2015 theme is “Liquid Motion.”

More than 500 people are expected to attend this event, including: Southern California business professionals; international, national and state water industry stakeholders and elected officials; academics, environmentalists, scientists and community leaders; media; and Mesa Water’s Board and staff along with their invited guests. Designed as an innovative, interactive forum for the discussion of ongoing water issues -- and how water supply challenges impact us locally, regionally, statewide, and even nationally and globally -- event presenters include prominent authors, world-renowned experts, and distinguished speakers.

As in the past, Mesa Water® plans to participate at the “Luncheon” level ($7,500), plus the “Table”
level ($1,600), for a total cost of $9,100. Attached is information on the sponsor levels. As part of the District’s participation, Mesa Water’s Directors are invited to attend the conference and invite a guest. Staff requests confirmation for each Director’s attendance, and their guest’s name, by/before April 30, 2015 as that is the RSVP deadline.

FINANCIAL IMPACT

The total sponsorship investment is $9,100 and would be funded from the Public & Government Affairs department’s FY 2015 budget. The Public & Government Affairs department’s FY 2015 expense budget totals $609,656 (representing the initial $388,925 budget, plus $42,000 for additional advocacy, and $178,731 for “drought-reach”). To date, $412,436 has been spent, with a remaining balance of $197,220.

ATTACHMENTS

Attachment A: 2015 OC Water Summit sponsorship opportunities.
Sponsorship Opportunities

May 15, 2015
Disney’s Grand Californian Hotel
Anaheim, California

PRESENTING SPONSORS:
About the O.C. Water Summit

Currently in its eighth year, the O.C. Water Summit is an innovative, interactive forum that brings together more than 500 business professionals, elected officials, water industry stakeholders, and community leaders from throughout Southern California and beyond. Co-hosted by the Orange County Water District (OCWD), Municipal Water District of Orange County (MWDOC), and Disneyland Resort, this one-of-a-kind event engages participants in discussion on new and ongoing water supply challenges, water policy issues, and other important topics that impact our economy and public health.

Prominent authors, world-renowned experts, and distinguished speakers will deliver presentations and engage in dialogue with participants on these critical issues.

By sponsoring the O.C. Water Summit, you are investing in water reliability for Southern California. A variety of sponsorship opportunities and recognition levels are available to meet your organization’s strategic goals.

Please visit www.OCWatertSummit.com to view previous programs and presentations delivered by past speakers.

Sponsorship Information

We are currently seeking sponsorships from organizations like yours for our 2015 event.

For your convenience, you may complete the Sponsorship Commitment Form online at: www.OCWatertSummit.com.

Payments may be made via credit card or check. Please make checks payable to “OCWD for O.C. Water Summit” and mail to:

Orange County Water District
Attention: Eleanor Torres
PO Box 8300
Fountain Valley, CA 92728

Please complete your sponsorship commitment form no later than Friday, April 17, 2015 to guarantee inclusion in all of the sponsorship benefits.

Send a high resolution electronic version of your logo to Eleanor Torres. EPS, PDF or AI file formats are preferred for best image quality.

E-mail: etorres@ocwd.com
Phone: (714) 378-3268
Fax: (714) 963-0291

www.OCWatertSummit.com
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*Limited to One Sponsor, **Limited to One Sponsor Per Session (3 - 4 sessions available)
Thank You to our 2014 Sponsors:

Ackerman Consulting; Aleshire & Wynder, LLP; Arcadis; Bauer International Corporation; Best, Best & Krieger, LLP; Black & Veatch; California Avocado Commission; City of Anaheim; CSM; Irvine Ranch Water District; Kleinfelder; McCarthy Building Companies, Inc.; Mesa Water District; Metropolitan Water District of Southern California; Moulton Niguel Water District; Orange County Sanitation District; Poseidon Resources; Raymond James; RBF Consulting; Santa Ana Watershed Project Authority; Santa Margarita Water District; Townsend Public Affairs, Inc.; Yorba Linda Water District

2015 REGISTRATION:

INDIVIDUAL TICKET - $120*

www.OCWaterSummit.com

*TICKET PRICE WILL INCREASE TO $140 BEGINNING MAY 4, 2015
MEMORANDUM

TO: Legislative & Public Affairs Committee
FROM: Stacy Taylor, Public & Government Affairs Manager
DATE: April 23, 2015
SUBJECT: Water Issues Study Group Annual Alumni Reunion

RECOMMENDATION

This item is provided for information only.

STRATEGIC PLAN

Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #5: Attract and retain skilled employees
Goal #6: Provide outstanding customer service.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION/DISCUSSION

This item is discussed annually at a meeting of the Legislative & Public Affairs Committee.

DISCUSSION

Hosted by the Mesa Water District (Mesa Water®) Board of Directors, the Water Issues Study Group (WISG) is an adult educational program -- open to all constituents -- where participants learn more about Mesa Water® and water in general. Additionally, Mesa Water® hosts an annual WISG Alumni Reunion, with the 2015 event scheduled for Saturday, June 27, 11:00 a.m. to 1:00 p.m., at the Mesa Water Reliability Facility (MWRF).

The annual WISG Alumni Event is an excellent way for Mesa Water® to continue to educate, engage and empower WISG Alumni as brand ambassadors. It is also an opportunity for ongoing positive interaction and communications between and among the District and its stakeholders with more than 50 people expected to attend this event, including WISG Alumni and other District constituents such as customers and community members, water industry professionals, elected officials, media, and Mesa Water’s Board and staff.

Presented for the Committee’s consideration is staff’s plan for Mesa Water’s 2015 WISG Alumni Reunion event, which will include a MWRF tour, brunch, and the following presentations:

- Mesa Water District overview – by a member of the Board
- Drought Update – by Mesa Water’s General Manager or District Engineer
- Desal Status – by Robert H. Sulnick, OC W.I.S.E. Executive Director (OC W.I.S.E. stands for Orange County Water Independence, Sustainability, Efficiency)
All participants will also be offered the opportunity to sign up for a tour of the Carlsbad desal plant, the Orange County Water District’s Groundwater Replenishment System, and Met/MWDOC tours.

Designed as an innovative, interactive forum for the discussion of ongoing water issues, the WISG program is an excellent way for the District to educate and engage its key influencers and audiences with relevant, actionable, timely information. It is also an opportunity for ongoing interaction and dialogue between Mesa Water® and its key influencers and audiences.

FINANCIAL IMPACT

The WISG program is funded from the Public & Government Affairs department’s FY 2015 budget for water education totaling $37,000 of which $24,735 has been spent with $12,265 remaining. The WISG Alumni Reunion event budget is not-to-exceed $5,000.

The Public & Government Affairs department’s FY 2015 expense budget totals $609,656 (representing the initial $388,925 budget, plus $42,000 for additional advocacy, and $178,731 for “drought-reach”). To date, $412,436 has been spent, with a remaining balance of $197,220.

ATTACHMENTS

Attachment A: Robert H. Sulnick biography.
BIOGRAPHY - Robert H. Sulnick

Robert H. Sulnick, a licensed California attorney was a tenured law professor at Loyola of Los Angeles Law School and had a successful law practice which included The Bhopal, India (Union Carbide) gas case, and being a lead lawyer on both the Casmalia and McCall toxic waste cases (representing citizens living adjacent to the dump sites). Sulnick has established advocacy and analytical skills which he has employed in favor of the environment in court, Sacramento, and Washington D.C. Sulnick has been involved with desalination issues since the late 1980s when he explored seawater desalination while CEO at AOC, and circa 2005 when he explored ground water desalination for the Eight Northern Indian Pueblos in New Mexico.

Sulnick has developed advocacy coalitions, and strategies, in support of environmental technologies and policies in California, New Mexico, and Washington D.C. for: solar energy, wetlands preservation, re-refined oil, low-sulfur diesel, cessation of offshore drilling, alternatives to polystyrene packaging, electric cars, EV fast chargers, preservation of the Rio Grande River, Native American environmental rights, and recycling.

He, as AOC's CEO, was involved in preserving the Bolsa Chica Wetlands and establishing the Ballona Wetlands. As the Campaign Chair for the Alliance for Rio Grande Heritage, a coalition of environmental groups, he designed and built the coalition in support of restoring the Rio Grande River in New Mexico. As Environmental Director for the Eight Northern Indian Pueblos, he established an office of environmental technical assistance for 19 New Mexico Pueblos, the Jicarilla Apache, Mescalero Apache Tribe, and Ysleta del Sur Pueblo of Texas.

Sulnick, stemming from his co-founding American Oceans Campaign (AOC) with Ted Danson (which he ran for 10 years), has strong standing and relationships within the environmental community. As CEO of AOC, Sulnick was a member of the Green Group (heads of the nation’s leading environmental organizations), which worked co-operatively on such issues as: coastal pollution, wetlands preservation, preserving marine biodiversity, marine mammal protection, and double-hulled tankers for oil transportation ships.

Sulnick has a long-standing unique relationship with oil and energy issues having been the president of No Oil Inc. (an organization which stopped Occidental Petroleum from drilling 60-100 oil wells adjacent to the Will Rodgers State Beach in Pacific Palisades Ca, California), a lead advocate (as CEO of AOC) in stopping offshore oil drilling off both coasts of the United States, helping the Western States Petroleum Association (WSPA) and BP establish low-sulfur diesel fuels in California (and the U.S.), and being a lead architect of California’s landmark used oil re-refining legislation (SB 546).

He is a strong legislative advocate having written and secured passage of environmental legislation in California. Sulnick has strong ties to the Hollywood community.
TO: Legislative & Public Affairs Committee
FROM: Noelle Collins, Public Affairs Coordinator
DATE: April 23, 2015
SUBJECT: CA Fourth District Court of Appeal Ruling

RECOMMENDATION

This item is provided for information only.

STRATEGIC PLAN

Goal #3: Be financially responsible and transparent.
Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #6: Provide outstanding customer service.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION/DISCUSSION

This item was discussed at the Regular Board Meeting on March 13, 2014.

DISCUSSION

Mesa Water’s Board of Directors initially discussed the Capistrano Taxpayers Association (Taxpayers) v. City of San Juan Capistrano (City) rates case upon hearing about the trial court judgment and the City’s decision to file an appeal. Mesa Water® filed an amicus brief in support of the argument that water rates established by public or municipal water providers must comply with Proposition 218 and be supported by a “cost of service” analysis.

On Monday, April 20, 2015, the Fourth District Court of Appeal (Court of Appeal) affirmed the judgment of the trial court that the City’s tiered rate structure was arbitrary, failed to comply with Proposition 218, and was not supported by a “cost of service” analysis. The Court of Appeal, however, overruled the trial court on the recycled water issue, determining that a water provider can include costs associated with recycled water systems as part of its “water service,” as it provides a benefit to all properties served. Whether those costs can be shared among all water customers has been remanded to the trial court for further consideration.

The media has largely reported headlines that declare, as a result of this decision, “tiered rates” and conservation have suffered a “serious blow.” The articles, however, have conveyed a fairly accurate story of the facts of the case and how tiered rates remain an effective tool for water districts, if established according to the rules outlined in the Constitutional Amendment approved by the voters as Proposition 218. Mesa Water® has been serving as a media resource on the case as an amicus party that supports the “cost of service” argument.
Attached is a summary of the ruling prepared by our special legal counsel Louis C. Klein of Foley & Mansfield.

FINANCIAL IMPACT

None.

ATTACHMENTS

Attachment A: Foley & Mansfield summary of Capistrano Taxpayers Association v. City of San Juan Capistrano decision
Capistrano Taxpayers Association v. City of San Juan Capistrano - What the Appellate Court’s Ruling Means

Capistrano Taxpayers Association v. City of San Juan Capistrano
California Court of Appeal
4th Appellate District, Division 3
Case No. G048969

Today, the California Court of Appeal, 4th District, Division 3, issued its long-awaited opinion in the Capistrano Taxpayers Association v. City of San Juan Capistrano water rates case. The ruling sheds much needed light on the State Constitutional requirements for determining how municipalities and water districts can set water rates. Proposition 218, enacted by the voters in 1996, set certain constitutional limitations on the ability of government agencies to generate revenues without taxpayer approval.

First, and most importantly, the Court’s ruling does not invalidate all tiered water rates. Instead, in line with many state, regional and locally-instituted conservation efforts, as well as Governor Brown’s recent mandate to cut water usage by more than 25% in California, the Court’s ruling only invalidates arbitrary rate structures, whether tiered, blocked or flat, that do not meet the mandatory requirements found in Proposition 218.

Commentators should not read the Court’s ruling as a death knell for water conservation. It is not. Harmonizing Proposition 218 with water conservation efforts are not mutually exclusive endeavors. Water conservation as mandated by the California Constitution, Article X, section 2 is not at odds with Proposition 218 so long as conservation is attained in a manner that does not exceed the proportional cost of service attributable to the owner’s property. As such, legal conservation efforts to reduce water usage is not in jeopardy by the Court’s ruling. The Court’s ruling only covers those government agencies who, for expediency’s sake or to arbitrarily generate revenue and create slush funds, circumvent strict constitutional standards and protections for California’s citizens without first providing proper notice, rate making documentation and calculations, and an opportunity to be heard. This is what the City of San Juan Capistrano failed to do. Instead, the City created a rate model that jumped exponentially between tiers creating inherent inequalities, without any explanation, justification, or backup data to support its model – a rate model that was never disclosed to the City’s rate payers and never warranted as Proposition 218 compliant.

Compliance with the mandates of Proposition 218 is not an exceptionally difficult endeavor. Reliable and credible rate models and calculations that take into account Proposition 218 standards will more than likely be given credence by the courts. Arbitrary and untrustworthy rate models will not, purely revenue-generating rate models will not, and rate models that are not proportional to the cost of service will not. If the costs of service increase due to constrictions in water supplies as envisioned by the Governor and the State’s water suppliers, then these increased costs can be passed through to the rate payers through Proposition 218’s constitutional safeguards, not in spite of them. This is the rub for most government agencies – to take the steps needed to draft, vet and create credible rate models and to expend sufficient effort to ensure accountability under Proposition 218.

The Court’s ruling today only emphasizes the need for government agencies to follow the State’s Constitution in creating and implementing water rates so that all Californians have a say in how they utilize, pay for and conserve one of the State’s most precious commodities.

Below are details of the legal issues and the rulings of the Court of Appeal, 4th District, Division 3.
LEGAL ISSUES RULING

1. Are Tiered Water Rates Constitutional? Yes. Tiered water rates are constitutional as long as they (1) satisfy the proportionality and revenue-neutrality provisions of Proposition 218, (2) relate to a service that is immediately available, and (3) have been disclosed to the public prior to implementation. Allocation-based conservation pricing consistent with California Constitution, article X, section 2, and Water Code section 372, is not at odds with Proposition 218 so long as conservation is attained in a manner that shall not exceed the proportional cost of the service attributable to the parcel and there is adequate support for the inequality between tiers, depending on the category of user.

2. Are the City’s tiered water rates compliant with Proposition 218? No. The City failed to present credible evidence that the arbitrary and incremental increases between its tiered rates were compliant with Proposition 218. First, the City failed to provide any specific financial data to support its tiered rates. Second, the City’s significant rate jumps between tiers are not cost-related. Finally, the tiered rates are not proportional to the cost of service to each parcel.

3. Are the City’s tiered rates a penalty? No. The City’s tiered water rates cannot be considered a penalty because such a theory would be inconsistent with the Constitution. Penalty rates that bear no relationship to the actual cost of providing water service would make a “mockery of the Constitution.”

4. Does the City bear the burden of proof in demonstrating compliance with the mandates of Proposition 218? Yes. Proposition 218 expressly provides that the challenged agency (the City) bears the burden of proving compliance with Proposition 218. It is clear that the voters intended to reverse the usual deference accorded governmental action and to reverse the presumption of validity by placing the burden on the governmental agency.

5. Can the City charge rate payers for non-traditional, non-potable water services (recycled water)? Yes. The Court found that providing recycled water is not a fundamentally different kind of service from providing traditional potable water. When each kind of water is provided by a single local agency that provides water to different kinds of users, some of whom can make use of recycled water while other can only make use of traditional potable water, providing each kind of water is providing the same service. Non-potable water for some customers frees up potable water for others. Since water service is already immediately available to all customers of the City, there is no violation of Proposition 218 (Constitution, Article XIII(D), section 6(b)(4) requiring that a service is actually used by, or immediately available to, the owner of the property.

6. Is there sufficient evidence to determine whether residential rate payers who are lower than average water users are being required to pay for recycling facilities that would not be necessary but for above-average consumption? Insufficient evidence. The Court remanded this issue back to the trial court for further findings on whether charges to develop the City’s nascent recycling operation have been improperly allocated to users whose levels of consumption are so low that they cannot be said to be responsible for the need for that recycling.

Read the ruling here. For more information, contact Louis Klein at 213.283.2112 or lklein@foleymansfeld.com.
MEMORANDUM

TO: Legislative & Public Affairs Committee
FROM: Stacie Sheek, Customer Services Manager
DATE: April 23, 2015

SUBJECT: Water Conservation and Water Supply Emergency Program

RECOMMENDATION

B. Approve Draft Resolution No. XXXX – Activating the Water Conservation and Water Supply Emergency Program.
C. Authorize Staff to advertise for a Public Hearing at the May 14, 2015 Board of Directors meeting.

STRATEGIC PLAN

Goal #1: Provide a safe, abundant, and reliable water supply.
Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #6: Provide outstanding customer service.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION

Mesa Water District (Mesa Water®) Board of Directors (Board) adopted Ordinance No. 8 on March 21, 1991, in accordance with Assembly Bill 11, and an amendment to the 1990 Urban Water Management Plan. Ordinance No. 8 identifies phases of the Emergency Water Conservation Plan. Subsequently, Ordinance No. 19 was adopted on December 10, 2007, in accordance with California Water Code Section 10632. Ordinance No. 19 supplements Ordinance No. 8 by defining a percentage of water conservation for each phase. Ordinance No. 21 was adopted on August 25, 2009, in accordance with the California Urban Water Conservation Council’s Best Management Practice 1.1, Utility Operations. Ordinance No. 21 established the permanent year-round Water Conservation Program. Ordinance No. 24 updated Ordinance No. 21 on August 28, 2014 per State Water Resources Control Board additional regulations.

DISCUSSION

On January 17, 2014, Governor Brown declared a drought state of emergency. As the State of California (State) enters a fourth year of severe drought, the State Water Resources Control Board (SWRCB) adopted and expanded emergency regulations on March 17, 2015 to safeguard the State’s remaining water supplies. The SWRCB’s additional restrictions and requirements will take effect mid-May. The Governor issued Executive Order B-29-15 on April 1, 2015 which contained a number of directives and regulations. While communities and water suppliers have saved substantial amounts of water since the water conservation emergency regulations were first adopted in July 2014, the following restrictions and requirements have been or are in the process of being adopted by SWRCB:
• Irrigation of landscapes with potable water is prohibited during and within 48 hours after measurable rainfall.

• Restrictions in the hospitality sector:
  o Drinking water may only be served upon request in eating/drinking establishments.
  o Hotels shall provide guests with the option of declining daily linen service.

• Irrigation with potable water is prohibited on medians on public streets that contain turf.

• Water suppliers are required to implement all requirements and actions of the water shortage contingency plan stage that includes mandatory restrictions on the number of days that outdoor irrigation of landscape with potable water is allowed.

• Water suppliers are required to provide notifications to customers regarding leaks.

• Water suppliers are required to report the maximum number of days per week that irrigation is permitted.

• Water suppliers are required to report water waste investigations & activities on a monthly basis.

Mesa Water® staff utilized the Metropolitan Water District of Southern California’s Model Water Conservation Ordinance (Model) as the framework for the comprehensive Water Conservation and Water Supply Emergency Program (Conservation Program). The Model and new Conservation Program closely resembled the intent of Mesa Water’s Ordinance Nos. 8, 19, and 24. The Conservation Program includes permanent water-waste prohibitions, escalating water restrictions to be implemented over three water-supply shortage conditions, penalties and violations, and other general provisions. The Conservation Program provides a menu of options for Mesa Water® to better regulate local water use and address the current water supply conditions within its jurisdiction. A brief summary is below.
## Water Conservation Program Summary Table

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<tbody>
<tr>
<td><strong>Restrictions</strong></td>
<td><strong>Same as Permanent, including…</strong></td>
<td><strong>Same as Permanent &amp; Level 1, including…</strong></td>
<td><strong>Same as Permanent, Level 1 &amp; Level 2, including…</strong></td>
<td>o Large Landscape Areas – Rain Sensors: must have rain sensors</td>
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<tr>
<td>o Limits on Watering Hours: no watering 8am-5pm, except by hand</td>
<td>o Designated Watering Days: watering limited to maximum of 3 days per week</td>
<td>o Designated Watering Days: watering limited to maximum of 2 days per week</td>
<td>o No Watering or Irrigating: with certain exceptions including public parks &amp; watering of shrubs and trees by hand</td>
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<td>o No Excessive Water Flow or Runoff</td>
<td>o Obligation to Fix Leaks: in reasonable time (within 72 hours)</td>
<td>o Obligation to Fix Leaks: in reasonable time (within 48 hours)</td>
<td>o Obligation to Fix Leaks: in reasonable time (within 24 hours)</td>
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<td>o No Washing Down Hard or Paved Surfaces: except for health &amp; safety purposes</td>
<td>o Limits on Filling Ornamental Fountains, Lakes, and Ponds: prohibited, except for wildlife</td>
<td>o Car Washing at Commercial Facilities Only: exceptions for public health and safety</td>
<td>o No filling or Refilling of Swimming Pools &amp; Spas: residential pools only</td>
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</tr>
<tr>
<td>o Obligation to Fix Leaks: in reasonable time (within 7 days of notice)</td>
<td>o New Swimming Pools &amp; Spas: initial filling of residential pools is prohibited</td>
<td>o No New Potable Water Service: exceptions for projects with valid building permits and public health, safety, and welfare</td>
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<td>o Fountains: only with re-circulating water</td>
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<td>o Possibility of Discontinuing Service, for willful violations</td>
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<tr>
<td>o Limits on Washing Vehicles: Wash vehicles only with bucket or shut-off nozzle</td>
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<td>o Other Measures: required by the State or deemed necessary by the Board</td>
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<td>o Restaurants: encouraged to only serve water on request</td>
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<td>o Hotels: must provide guests option to not launder linen daily</td>
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<td>o No Installation of Single-Pass Cooling Systems</td>
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<td>o No Installation of Non-Re-Circulating Car Wash Systems</td>
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<td>o Restaurants Must Use Conserving Nozzles</td>
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<tr>
<td>o Commercial Car Wash Systems Use Re-Circulating water</td>
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<td>o Recycled Water Use Required: if available and cost-effective</td>
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<tr>
<td>o Recycled Water – New Service: required, if available and cost-effective</td>
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<tr>
<td><strong>Penalties</strong></td>
<td><strong>Penalties</strong></td>
<td><strong>Penalties</strong></td>
<td><strong>Penalties</strong></td>
<td>o Drinking Water Served Upon Request Only: restaurants shall only serve water on request</td>
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<td>o Warnings with the possibility of a water flow restrictor or disconnection of service.</td>
<td>o 1st Violation: Warning</td>
<td>o 2nd Violation: Warning</td>
<td>o 4th &amp; Subsequent Violation: $200 Fee</td>
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<td>o 3rd Violation: $100 Fee</td>
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<td>o Possibility of Discontinuing Service, for willful violations</td>
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<td></td>
<td>o 4th &amp; Subsequent Violation: $200 Fee</td>
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<td>o Other Measures: required by the State or deemed necessary by the Board</td>
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The draft Resolution activates the Conservation Program at Level 1. Although Level 1 could allow irrigation up to 3 days per week, it is recommended that the Board approve a 2 days per week watering schedule that is specified as Tuesdays and Saturdays for all customers. Additionally, the Resolution includes additional provisions of that are required to meet the Governor’s Executive Order and pending SWRCB regulations:

- **Irrigation During Rain Events**: and up to 48 hours after rainfall is prohibited;
- **Irrigated Medians**: the use of potable water to irrigate ornamental turf on public street medians is prohibited; and
- **Drinking Water Served Upon Request Only**: restaurants may only serve water when expressly requested by the customer.

Mesa Water® staff recommends that the Committee receive and approve the draft Ordinance and Resolution. The restrictions & regulations in the Ordinance may slightly change, pending final rulemaking from the State Water Resources Control Board at the May 5, 2015 Board hearing.

Mesa Water® staff proposes holding a Public Hearing at the May 14, 2015 Board of Directors meeting.

**FINANCIAL IMPACT**

Minimal funds have been expended for Legal Counsel to review the ordinance and approximately $500 will be incurred for publishing the public notices and summary of the adopted ordinance in the newspaper. Additional temporary staff for conservation monitoring may be needed and will be in the FY 2016 budget.

**ATTACHMENTS**

Attachment A: Ordinance 8  
Attachment B: Ordinance 19  
Attachment C: Ordinance 24  
Attachment D: Adopted text of Emergency Regulations  
Attachment E: Executive Order B-29-15  
Attachment F: Water Conservation Ordinance Draft  
Attachment G: Water Conservation Resolution Draft
ORDINANCE NO. 8

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE MESA CONSOLIDATED WATER DISTRICT,
ADOPTING AN EMERGENCY WATER CONSERVATION PROGRAM

WHEREAS, the Mesa Consolidated Water District is a county water district, organized pursuant to Water Code Section 33200 et seq.; and

WHEREAS, water is considered a limited natural resource and the Mesa Consolidated Water District desires to preserve and use this natural resource in the most efficient manner possible;

WHEREAS, periodic droughts are a historic fact in the State of California; and

WHEREAS, the Mesa Consolidated Water District service area is located in a heavily populated, semi-arid region; and

WHEREAS, the Mesa Consolidated Water District derives the water which it delivers to its customers both from local groundwater and from waters imported from outside the District boundaries; and

WHEREAS, the quality and quantity of imported water is under the control of other agencies, and subject to conditions beyond the control of those other agencies or the Mesa Consolidated Water District; and

WHEREAS, pursuant to section 31026 of the California Water Code, the Mesa Consolidated Water District has the power to restrict the use of District water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of District water or the use of District water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the District and may prohibit use of such water during such periods for specific uses which the District may from time to time find to be nonessential; and

WHEREAS, pursuant to Water Code Sections 30000 et seq., and 375 - 377, inclusive, the Mesa Consolidated Water District may establish additional guidelines, surcharges, cost recovery systems, enforcement procedures and other rules and regulations to assist in the conservation of water; and
WHEREAS, the Board of Directors of the Mesa Consolidated Water District finds and determines that a water shortage or threat of a water shortage could exist based upon the occurrence of one or more of the following conditions:

(A) A general water supply shortage due to increased demand and/or limited supplies;

(B) Distribution or storage facilities of the Mesa Consolidated Water District, or any agency supplying water to the Mesa Consolidated Water District, become inadequate;

(C) A major failure of the supply, storage and distribution facilities of the Mesa Consolidated Water District or any agency supplying water to the Mesa Consolidated Water District;

(D) Contamination of the water supply, storage or distribution facilities of the Mesa Consolidated Water District or any agency supplying water to the Mesa Consolidated Water District;

(E) Acts of God which in the opinion of the District constitute an emergency situation;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MESA CONSOLIDATED WATER DISTRICT, under the authority of Water Code Sections 30000 et seq. and 375 - 377, inclusive, does ordain as follows:

1.1 FINDINGS - DECLARATION OF A WATER SHORTAGE EMERGENCY

The Board does hereby find that the following recitals are true and correct and constitute an emergency condition or a threatened or existing water shortage condition within the District:

(A) Water is a limited natural resource and that the Mesa Consolidated Water District does desire to preserve and use this natural resource in the most efficient manner possible; and

(B) The service area of Mesa Consolidated Water District is in a heavily populated, semi-arid region; and

(C) The State of California is subject to periodic droughts; and
(D) Agencies supplying water to the Mesa Consolidated Water District may mandate water rationing to the District because of limited supplies; and

(E) Distribution or storage facilities of the Mesa Consolidated Water District, or any agency supplying water to the Mesa Consolidated Water District, may become inadequate to meet demands; and

(F) A major failure of the supply, storage and distribution facilities of the Mesa Consolidated Water District or any agency supplying water to the Mesa Consolidated Water District may occur; and

(G) Contamination of the water supply, storage or distribution facilities of the Mesa Consolidated Water District or any agency supplying water to the Mesa Consolidated Water District may occur; and

(H) Acts of God may occur which in the opinion of the Mesa Consolidated Water District may constitute an emergency situation.

1.2 APPLICATION

The provisions of this Ordinance shall apply to all water customers, water users and property served by the Mesa Consolidated Water District.

1.3 AUTHORIZATION

The General Manager of the Mesa Consolidated Water District or designated representatives are hereby authorized and directed to implement the provisions of this Ordinance as provided for herein.

1.4 PHASE IMPLEMENTATION

The Board of Directors shall determine the extent of the emergency situation, and the corresponding conservation required through the implementation and/or termination of particular phases.

In the event of an extreme emergency situation, requiring immediate action, the General Manager of the Mesa Consolidated Water District shall determine the extent of the conservation required and implement the appropriate phase necessary to achieve the required level of conservation. In such event, the General Manager shall notify the Board members as soon thereafter as practical and shall consult with the President with regard to the calling of an emergency meeting. In addition, the Board of Directors, as a Board, shall be notified at the next Board Meeting of any action taken by the General Manager under this Ordinance.
A phase shall be deemed to be effective for a period of one calendar year from the date of adoption unless changed or modified by further action of the Board of Directors.

1.5 ENFORCEMENT

The General Manager of the Mesa Consolidated Water District shall recommend the procedures for enforcement of the provisions of this Ordinance. The procedures will be reviewed by, and adopted by, subsequent action of the Board of Directors.

1.6 RELIEF FROM COMPLIANCE

The General Manager of the Mesa Consolidated Water District shall recommend the procedures for customers to apply for relief from the compliance of this Ordinance. The procedures will be reviewed by, and adopted by, subsequent action of the Board of Directors.

1.7 CONSERVATION RATES, FEES AND SURCHARGES

The General Manager of the Mesa Consolidated Water District shall recommend the conservation rates, fees and surcharges. The rates, fees and surcharges will be reviewed by, and adopted by, subsequent action of the Board of Directors.

1.8 CEQA EXEMPTION

The Board of Directors finds that this Ordinance and actions taken hereafter pursuant to this Ordinance are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to 14 California Code of Regulations, Sections 15269, 15273, 15274 and 15321, and the applicable statutes of the Public Resources Code.

The General Manager of the Mesa Consolidated Water District is hereby authorized and directed to file a Notice of Exemption as soon as possible following the adoption of this Ordinance.

1.9 EFFECTIVE DATE

It is the intention of the Board of Directors of the Mesa Consolidated Water District, based on the findings in Section 1.1, for this urgency Ordinance to take effect May 1, 1991 in order to conserve water supplies and to avoid or minimize the effects of future water shortages. It is the further intention of the Board for this Ordinance to remain in effect until modified, amended or repealed by action of the Board.
1.10 PHASES OF THE EMERGENCY WATER CONSERVATION PLAN

The following are the phases of the Emergency Water Conservation Plan.

A. PHASE I: WATER WATCH - Voluntary Compliance

1. Discouraged uses applicable to all water users.

   a. Leak Repair - All leaks in plumbing, whether indoor or outdoor, should be repaired within 10 days of discovery. All improperly or incorrectly directed or maintained sprinklers should be repaired or adjusted within 10 days of discovery.

   b. All Irrigation - Irrigation is discouraged during rainy or windy days.

   c. Drinking Water In Public Places - Restaurants, hotels, cafes, cafeterias or other public places where food is sold, served or offered for sale should serve drinking water to customers only when requested to do so by the customer.

   d. Fire Hydrants - Water should not be used from fire hydrants unless it is metered except for fire fighting, system testing and related activities.

   e. Car Washing - Washing of motor vehicles, trailers, boats, aircraft and other types of mobile equipment should be done only with a hand-held bucket or a hose equipped with a positive shutoff nozzle for quick rinses, except that washing may be done at the immediate premises of a commercial car wash with water recycling facilities. No restrictions apply where health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.

   f. Runoff - No customer should cause or allow water to run off landscape areas into adjoining streets, sidewalks or other paved surfaces due to incorrectly directed or maintained sprinklers or other methods of excessive watering.
g. Washing of Hard or Paved Surfaces - Water should not be used to wash sidewalks, walkaways, driveways, parking areas, tennis courts or other hard or paved surfaces, except as is required to dispose of dangerous liquids or substances dangerous to the public health and safety.

h. Time of Day Limits on Watering - Lawn watering and landscape irrigation should be done between the hours of 4:00 PM and 10:00 AM. No water should be used for such purposes between 10:00 AM and 4:00 PM except for the repair of irrigation systems.
B. PHASE II: WATER WATCH - With Conservation Rates

1. Limits on Total Water Usage.

Usage above the following limits will result in a surcharge on the excess usage.

For meter sizes 5/8" through 2": An average monthly or bimonthly usage for each meter size shall be calculated for each District account classification;

For meters 3" or larger: A monthly or bimonthly average will be calculated for each account based on the individual account’s water usage for the previous two years.

a. All Water Usage Greater Than 300% of the Appropriate Average for the Account; or

b. All Water Usage Greater Than 200% of the Appropriate Average for the Account; or

c. All Water Usage Greater Than 100% of the Appropriate Average for the Account; or

d. All Water Usage Greater Than 90% of the Appropriate Average for the Account; or

e. All Water Usage Greater Than 80% of the Appropriate Average for the Account.
C. PHASE III: WATER ALERT - Mandatory Compliance

1. Prohibited uses applicable to all water users.

   a. Leak Repair - All leaks in plumbing, whether indoor or outdoor, must be repaired within 10 days of discovery. All improperly or incorrectly directed or maintained sprinklers must be repaired or adjusted within 10 days of discovery.

   b. All Irrigation - Irrigation is prohibited during rainy or windy days.

   c. Drinking Water In Public Places - No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale shall serve drinking water to any customer unless expressly requested to do so by the customer.

   d. Fire Hydrants - Water shall not be used from fire hydrants unless it is metered except for fire fighting, system testing and related activities.

   e. Runoff - No customer shall cause or allow water to run off landscape areas into adjoining streets, sidewalks or other paved surfaces due to incorrectly directed or maintained sprinklers or other methods of excessive watering.

   f. Washing of Hard or Paved Surfaces - Water shall not be used to wash sidewalks, walkways, driveways, parking areas, tennis courts or other hard or paved surfaces, except as is required to dispose of dangerous liquids or substances dangerous to the public health and safety.

   g. Designated Irrigation Days - Lawn watering and landscape irrigation, including construction irrigation, is permitted only on designated water use days. For even number addresses this is the even day of the month. For odd number addresses this is the odd numbered day of the month. For meters which are not located at an address, if the location is on a north-south running street they shall be considered even and those on east-west running streets shall be considered odd.
Time of Day Limits on Watering

Lawn watering and landscape irrigation is permitted only between the hours of 4:00 PM and 10:00 AM. No water shall be used for such purposes between 10:00 AM and 4:00 PM except for the repair of irrigation systems.

Swimming Pools and Spas - Designated Water Use Days

All swimming pools and spas must be covered when not in use. Water shall not be used to clean, fill or maintain levels in swimming pools except on designated water use days and only between the hours of 4:00 PM and 10:00 AM.

Fountains, Ponds and Lakes - Designated Water Use Days

Water shall not be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures except on designated water use days and only between the hours of 4:00 PM and 10:00 AM.

Car Washing on Designated Water Use Days

Washing of motor vehicles, trailers, boats, aircraft and other types of mobile equipment shall be done only on designated water use days (odd or even, whichever is applicable) and must be done with a hand-held bucket or a hose-equipped with a positive shutoff nozzle for quick rinses. Washing may be done at the immediate premises of a commercial car wash with water recycling facilities on any day. No restrictions apply where health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.
2. Limits on Total Water Usage.

Usage above the following limits will result in a surcharge on the excess usage.

For meter sizes 5/8" through 2": An average monthly or bimonthly usage for each meter size shall be calculated for each District account classification;

For meters 3" or larger: A monthly or bimonthly average will be calculated for each account based on the individual account’s water usage for the previous two years.

a. All Water Usage Greater Than 300% of the Appropriate Average for the Account; or

b. All Water Usage Greater Than 200% of the Appropriate Average for the Account; or

c. All Water Usage Greater Than 100% of the Appropriate Average for the Account; or

d. All Water Usage Greater Than 90% of the Appropriate Average for the Account; or

e. All Water Usage Greater Than 80% of the Appropriate Average for the Account.
D. PHASE IV: WATER WARNING - Mandatory Compliance

1. Prohibited uses applicable to all water users.

   a. Leak Repair - All leaks in plumbing, whether indoor or outdoor, must be repaired within 10 days of discovery. All improperly or incorrectly directed or maintained sprinklers must be repaired or adjusted within 10 days of discovery.

   b. All Irrigation - Irrigation is prohibited during rainy or windy days.

   c. Drinking Water In Public Places - No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale shall serve drinking water to any customer unless expressly requested to do so by the customer.

   d. Fire Hydrants - Water shall not be used from fire hydrants unless it is metered except for fire fighting, system testing and related activities.

   e. Runoff - No customer shall cause or allow water to run off landscape areas into adjoining streets, sidewalks or other paved surfaces due to incorrectly directed or maintained sprinklers or other methods of excessive watering.

   f. Washing of Hard or Paved Surfaces - Water shall not be used to wash sidewalks, walkaways, driveways, parking areas, tennis courts or other hard or paved surfaces, except as is required to dispose of dangerous liquids or substances dangerous to the public health and safety.

   g. Shorter Time of Day Limits on Watering - Lawn watering and landscape irrigation is permitted only between the hours of 6:00 PM and 6:00 AM. No water shall be used for such purposes between 6:00 AM and 6:00 PM except for the repair of irrigation systems.
h. **Fewer Designated Irrigation Days** - Lawn watering and landscape irrigation, including construction irrigation, is permitted only on designated water use days. For even number addresses this is Tuesdays and Saturdays. For odd number addresses this is Wednesdays and Sundays. No irrigation is permitted on Mondays, Thursdays and Fridays. For meters which are not located at an address, if the location is on a north-south running street, the shall be considered even and those on east-west running streets shall be considered odd.

i. **Swimming Pools and Spas - Designated Water Use Days** - All swimming pools and spas must be covered when not in use. Water shall not be used to clean, fill or maintain levels in swimming pools except on designated water use days and only between the hours of 6:00 PM and 6:00 AM.

j. **Fountains, Ponds and Lakes - Designated Water Use Days** - Water shall not be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures except on designated water use days and only between the hours of 6:00 PM and 6:00 AM.

k. **Car Washing on Designated Water Use Days** - Washing of motor vehicles, trailers, boats, aircraft and other types of mobile equipment shall be done only on designated water use days (odd or even, whichever is applicable) and must be done with a hand-held bucket or a hose-equipped with a positive shutoff nozzle for quick rinses. Washing may be done at the immediate premises of a commercial car wash with water recycling facilities on any day. No restrictions apply where health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.
2. Limits on Total Water Usage.

Usage above the following limits will result in a surcharge on the excess usage.

For meter sizes 5/8" through 2": An average monthly or bimonthly usage for each meter size shall be calculated for each District account classification;

For meters 3" or larger: A monthly or bimonthly average will be calculated for each account based on the individual account's water usage for the previous two years.

a. All Water Usage Greater Than 300% of the Appropriate Average for the Account; or

b. All Water Usage Greater Than 200% of the Appropriate Average for the Account; or

c. All Water Usage Greater Than 100% of the Appropriate Average for the Account; or

d. All Water Usage Greater Than 90% of the Appropriate Average for the Account; or

e. All Water Usage Greater Than 80% of the Appropriate Average for the Account.
E. PHASE V: WATER EMERGENCY - Mandatory Compliance

1. Prohibited uses applicable to all water users.
   
a. Leak Repair - All leaks in plumbing, whether indoor or outdoor, must be repaired within 10 days of discovery. All improperly or incorrectly directed or maintained sprinklers must be repaired or adjusted within 10 days of discovery.
   
b. Drinking Water In Public Places - No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale shall serve drinking water to any customer unless expressly requested to do so by the customer.
   
c. Fire Hydrants - Water shall not be used from fire hydrants unless it is metered except for fire fighting, system testing and related activities.
   
d. Runoff - No customer shall cause or allow water to run off landscape areas into adjoining streets, sidewalks or other paved surfaces due to incorrectly directed or maintained sprinklers or other methods of excessive watering.
   
e. Washing of Hard or Paved Surfaces - Water shall not be used to wash sidewalks, walkaways, driveways, parking areas, tennis courts or other hard or paved surfaces, except as is required to dispose of dangerous liquids or substances dangerous to the public health and safety.
   
f. Fountains, Ponds and Lakes - Designated Water Use Days - Water shall not be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures except on designated water use days and only between the hours of 6:00 PM and 6:00 AM. Designated water use days for even number addresses is Tuesdays and Saturdays. For odd number addresses it is Wednesdays and Sundays. For meters which are not located at an address, if the location is on a north-south running street, they shall be considered even and those on east-west running streets shall be considered odd.
g. **Car Washing at Commercial Facilities Only** - Washing of motor vehicles, trailers, boats, aircraft and other types of mobile equipment shall be done only at a commercial car wash with water recycling facilities. No restrictions apply where the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.

h. **New Swimming Pools and Spas** - Water shall not be used to fill new swimming pools or spas.

i. **Construction Water** - No new construction meters or permits for unmetered services shall be issued. No water may be used for earthwork or road construction activities.

j. **No Irrigation** - Lawn watering and landscape irrigation is prohibited.

2. **Limits on Total Water Usage.**

Usage above the following limits will result in a surcharge on the excess usage.

For meter sizes 5/8" through 2": An average monthly or bimonthly usage for each meter size shall be calculated for each District account classification;

For meters 3" or larger: A monthly or bimonthly average will be calculated for each account based on the individual account’s water usage for the previous two years.

a. **All Water Usage Greater Than 70% of the Appropriate Average for the Account; or**

b. **All Water Usage Greater Than 60% of the Appropriate Average for the Account; or**

c. **All Water Usage Greater Than 50% of the Appropriate Average for the Account.**
PASSED AND APPROVED at the regular meeting of the Board of Directors held on the 21 day of March, 1991, and adopted by the following roll call vote:

AYES: 5 DIRECTORS: Panian, Hall, Durante, Nelson, Ohlig
NOES: 0 DIRECTORS:
ABSENT: 0 DIRECTORS:
ABSTAIN: 0 DIRECTORS:

[Signature]
PRESIDENT of the Board of Directors, MESA CONSOLIDATED WATER DISTRICT

ATTEST:

[Signature]
SECRETARY
MESA CONSOLIDATED WATER DISTRICT

-16-
SUPPLEMENT TO ORDINANCE NO. 8 OF THE
MESA CONSOLIDATED WATER DISTRICT

THE DISTRICT'S WATER CONSERVATION PLAN:
ENFORCEMENT, RELIEF FROM COMPLIANCE, AND
CONSERVATION AND WATER CONSERVATION RATES

This supplement to Ordinance No. 8 of the Mesa Consolidated Water District (which ordinance was adopted on March 21, 1991) is hereby adopted by the Mesa Consolidated Water District Board of Directors (following a noticed hearing) pursuant to Sections 1.5, 1.6 and 1.7 of such Ordinance.

Ordinance No. 8 of the Mesa Consolidated Water District is hereby supplemented as follows:

Section 1.5: ENFORCEMENT

Phase II: Water Watch - With Conservation Rates

Any customer whose account usage is greater than the limit established by the Board will be billed at the water conservation rates adopted by the Board pursuant to Section 1.7 of Ordinance No. 8.

Phase III, Phase IV and Phase V

The First Violation - A reported violation is investigated and the customer notified in writing of the violation. This written warning will be mailed to the customer of record.

Second Violation - A reported violation is investigated and the customer notified in writing of the violation. A notice of violation will be left at the service address and sent to the customer of record.

Third Violation - A reported violation is investigated and the customer notified in writing of the violation. A notice of violation will be left at the service address and sent to the customer of record. A fee of $200 will be imposed and added to the balance on the water account of the customer of record.
Section 1.5: ENFORCEMENT (continued)

Fourth Violation - A reported violation is investigated and the customer notified in writing of the violation. A notice of violation will be left at the service address and sent to the customer of record. A flow restrictor will be installed for two weeks. A fee will be imposed as follows:

- 5/8" through 2" meter: $200
- 3" meter or larger: Actual Costs

Fifth Violation - A reported violation is investigated and the customer notified in writing of the violation. A notice of violation will be left at the service address and sent to the customer of record. A flow restrictor is installed and will remain until the District’s Water Conservation Plan is no longer in effect in accordance with Ordinance No. 8. A fee is imposed as follows:

- 5/8" through 2" meter: $200
- 3" meter or larger: Actual Costs

Section 1.6: RELIEF FROM COMPLIANCE

A customer may appeal any portion of the Ordinance or its enforcement. The appeal must be made in writing on a form provided by the District on request of the customer. The customer must sign this form and in so doing will attest to the accuracy of information on the form, subject to penalty of perjury.

The customer is required to make the appeal in writing within fifteen calendar days of the date on the bill, should he be appealing his water conservation rates, or the date on the notice of violation should he be appealing a violation the prohibited or mandatory uses of water.

The District shall respond in writing to the customer within ten working days after the appeal is filed with the District.

There are three levels of appeal:

1. Appeals Committee

The first level of appeal shall be to a three member Appeals Committee consisting of the District Superintendent, the Manager of Financial Services and the Manager of Public Affairs, or their designees. This committee will review the appeal and determine the action(s), if any, to be taken.
Section 1.6: RELIEF FROM COMPLIANCE (continued)

2. General Manager

A customer who had made an appeal and received a ruling from the Appeals Committee may appeal the decision of this committee to the General Manager.

3. Board of Directors

Thereafter the customer may further appeal the decision of the General Manager to the Board of Directors. The decision of the Board of Directors should be final. The Board of Directors will be provided a periodic report of all appeals, and their disposition, no less often than monthly.

Section 1.7: CONSERVATION RATES, FEES AND SURCHARGES

Usage above the limits established by the Board of Directors, pursuant to Phase II of this Ordinance, will be charged at a rate of 200% of the District's Usage Charge in effect at the time the Board determines that Phase II compliance is required.

Approved:

President of the Board

District Secretary

Ayes: Directors: Panian, Durante, Nelson, Ohlig
Nay: Directors: Hall
Absent: Directors: None
Abstain: Directors: None

FS/ORDINANCE.1579(sh)
ORDINANCE NO. 19

ORDINANCE OF THE
MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS
ADOPTING AN AMENDMENT AND SUPPLEMENT TO ORDINANCE NO. 8
CONCERNING EMERGENCY WATER CONSERVATION PROGRAM

WHEREAS, the Mesa Consolidated Water District (Mesa) is a county water district organized pursuant to Water Code Sections 33200 and following, and operating pursuant to Water Code Sections 30000 and following; and

WHEREAS, pursuant to the applicable provisions of California law, Mesa is required to periodically prepare and update an Urban Water Management Plan in order to address certain water supply and planning requirements; and

WHEREAS, the Board of Directors (Board) of Mesa has previously adopted Ordinance No. 8 entitled, Adopting an Emergency Water Conservation Program, which was adopted on March 21, 1991 (Ordinance No. 8); and

WHEREAS, Water Code Section 10632 requires the Urban Water Management Plan to provide an urban water shortage contingency analysis, which includes stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage; and

WHEREAS, Mesa’s Board hereby determines that it is appropriate to amend and supplement Ordinance No. 8 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS TO AMEND AND SUPPLEMENT ORDINANCE NO. 8 AS FOLLOWS:

Section 1: This Ordinance will act as an amendment and supplement to Ordinance No. 8. Capitalized terms not otherwise defined herein shall have the respective meaning(s) as set forth in Ordinance No. 8. Except as expressly set forth herein, Ordinance No. 8 is not otherwise amended.

Section 2: The following defined terms and percentages set forth in Ordinance No. 8 are hereby amended as follows:

(a) Phase I: Water Watch – Up to 10 percent Water Shortage Voluntary Compliance.
(b) Phase II: Water Watch – 20 percent Water Shortage with Conservation Rates.
(c) Phase III: Water Alert – 30 percent Water Shortage Mandatory Compliance.
(d) Phase IV: Water Warning – 40 percent Water Shortage Mandatory Compliance.
(e) Phase V: Water Emergency – 50 percent Water Shortage Mandatory Compliance.

**Section 3:** Mesa staff and consultants are hereby authorized and directed to take such other and further action(s) as may be necessary to conform Mesa’s planning and procedures to the amendment and supplement to Ordinance No. 8 set forth herein.

**Section 4:** This Ordinance No. 19 shall take effect upon adoption.

ADOPTED, SIGNED, AND APPROVED this 10th day of December 2007 by the following roll call vote:

AYES: DIRECTORS: Ohlig-Hall, Bockmiller, Dewane, Atkinson
NOES: DIRECTORS: 
ABSENT: DIRECTORS: Shoenberger
ABSTAIN: DIRECTORS:

VICE PRESIDENT: [Signature]

**ATTEST:**

Colleen L. Monteleone
District Secretary

Paul E. Shoenberger
President, Board of Directors
ORDINANCE NO. 24

ORDINANCE OF THE
MESHA WATER DISTRICT BOARD OF DIRECTORS
ADOPTING THE MESHA WATER DISTRICT
WATER CONSERVATION PROGRAM
SUPERSEDING ORDINANCE NO. 21

WHEREAS, the Mesa Water District (Mesa Water®) is a county water district
organized and operating according to California Law; and

WHEREAS, Mesa Water® has the authority to adopt water conservation
requirements and programs to promote and effectuate wise water use and avoid water
wastage; and

WHEREAS, the Board of Directors (Board) of Mesa Water® has previously
adopted, and supplemented, Ordinance No. 8 adopting an Emergency Water
Conservation Program, which was adopted on March 21, 1991 (Ordinance No. 8); and

WHEREAS, Ordinance No. 8 was further supplemented by the adoption of
Ordinance No. 19 on December 10, 2007 (Ordinance No. 8, as supplemented, and
Ordinance No. 19 are collectively in certain cases referred to herein as the “Prior
Ordinances”) and Ordinance No. 21 on August 25, 2009; and

WHEREAS, on July 15, 2014, the State Water Resources Control Board
(“SWRCB”) adopted certain emergency regulations for Statewide Urban Water
Conservation, as set forth in Sections 863 through 865 of Article 22.5 of Title 23 of the
California Code of Regulations (“SWRCB Regulations”), wherein the SWRCB has
imposed certain specific water use limitations effective on or about July 28, 2014; and

WHEREAS, Mesa Water® desires to amend its existing Water Conservation
Program restrictions to conform to the newly adopted SWRCB Regulations; and

WHEREAS, prior to the adoption of this Ordinance, the Board has conducted a
noticed public hearing to receive public comments concerning the subject matter hereof;
and

WHEREAS, the purpose of this Ordinance is to adopt and enact an amended
water conservation program within Mesa Water’s service area.

NOW, THEREFORE, BE IT ORDAINED BY THE MESHA WATER DISTRICT
BOARD OF DIRECTORS AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are
incorporated herein by this reference.
Section 2. **Findings.** The Board hereby finds and determines as follows:

a. A reliable minimum supply of potable water is essential to the public health, safety, and welfare of the people, and economy of the southern California region.

b. California Water Code Section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.

c. Mesa Water® has the authority, pursuant to the Water Code to take action(s) relative to the use and conservation of water within its service area.

d. The adoption and enforcement of a water conservation program is necessary to help to manage Mesa Water’s potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within Mesa Water’s service area. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare.

Section 3. **Program Designation; Purpose; Intent and Integration.**

a. The requirements and program adopted and enacted hereby shall be designated as the Mesa Water District Water Conservation Program (for purposes of this Ordinance, the “Program”).

b. The purpose of the Program is to enhance the on-going water conservation program within Mesa Water’s service area.

c. This Program establishes water conservation standards intended, among other things, to alter behavior related to water use efficiency at all times.

d. Mesa Water’s Emergency Water Conservation Program, as adopted, supplemented, and amended pursuant to the Prior Ordinances, is not repealed, superseded, or amended hereby.

e. The provisions of the Program and this Ordinance are in support of, and supplemental to, the policies, provisions, requirements and limitations set out in the Prior Ordinances. In the event of a conflict between the requirements set out in the Program and the terms of the Prior Ordinances, all efforts shall be made to harmonize such directives and/or requirements. If such terms or provisions cannot be harmonized, the requirements of the Prior Ordinances shall govern.
Section 4. Program Provisions.

a. The Program provisions are set forth in Exhibit A to this Ordinance and are incorporated herein by this reference.

b. The Program shall be referred to Mesa Water's Rules and Regulations for Water Service.

c. The Board reserves the right to amend, revise, and/or supplement this Ordinance and/or the Program in the future based upon the needs, circumstances, and requirements of Mesa Water®.

d. This Ordinance and the Program are adopted by this Board pursuant to the provisions of the California Constitution and California law as referenced herein.

e. All penalties set forth in the Program are administrative and regulatory penalties and are not fees or charges for the water service or water capacity.

Section 5. Other Actions. Mesa Water® staff and officers are hereby authorized and directed to take such other and further action(s) as may be reasonably necessary to carry out the determinations, findings and directives set forth herein within the limits set forth by and in accordance with direction of the Board of Directors.

Section 6. Effective Date. This Ordinance No. 24 shall take effect on August 28, 2014.

ADOPTED, SIGNED, AND APPROVED this 28th day of August 2014 by a roll call vote:

AYES: DIRECTORS: Atkinson, Bockmiller, Temianka, Dewane, Fisler
NOES: DIRECTORS:
ABSENT: DIRECTORS: ABSTAIN: DIRECTORS:

James R. Fisler
President, Board of Directors

ATTEST:

Coleen L. Monteleone
District Secretary
ORDINANCE NO. 24

EXHIBIT A

ORDINANCE OF THE
MESA WATER DISTRICT BOARD OF DIRECTORS
ADOPTING THE MESA WATER DISTRICT
WATER CONSERVATION PROGRAM
SUPERSEDING ORDINANCE NO. 21

Section 1. Title. This program is designated as the Mesa Water® District Water Conservation Program (Program).

Section 2. Authority. The Program is adopted pursuant to California law and the provisions of Mesa Water District Ordinance No. 24.

Section 3. Definitions. The following words and phrases whenever used in this Program have the meaning(s) defined in this section:

a. “Board” means the Board of Directors of Mesa Water District.

b. “General Manager” means the duly appointed and acting General Manager of the Mesa Water District.

c. “Landscape irrigation system” means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

d. “Mesa Water®” means the Mesa Water District, a county water district organized pursuant to California Water Code Sections 33200 and following and operating pursuant to Water Code Section 30000 and following. Referenced to Mesa Water® also include its Directors, officers, agents, and employees, as applicable.

e. “Person” means any natural person or persons, corporation, public or private entity, governmental agency or institution, including Mesa Water®, or any other user of water provided by the Mesa Water®.

f. “Potable water” means water that is suitable for drinking.

g. “Recycled water” means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
h. “Single pass cooling systems” means equipment where water is circulated only once to cool equipment before being disposed.

i. “Water Conservation Coordinator” means the person (who may be an officer or employee of Mesa Water®) charged with the principal enforcement of this Program. The Water Conservation Coordinator may be the General Manager or another person so designated by the General Manager.

Section 4. Application.

a. The provisions of this Program apply to any person in the use of any potable water provided by Mesa Water®.

b. The provisions of this Program do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire, and other similar emergency services.

c. The provisions of this Program do not apply to the use of recycled water, with the exception of Sections 5(b), 5(d), 5(m), and 5(n).

d. The provisions of this Program do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale, with the exception of Section 5(b).

e. This Program is intended solely to further the conservation of water.


The following water conservation requirements are effective at all times. Violations of this section constitute waste and an unreasonable use of water.

a. Limits on Watering Hours: Watering or irrigating of lawn, landscape, or other vegetated area with potable water is prohibited between the hours of 8:00 a.m. and 5:00 p.m. Pacific Standard Time on any day. Hand-held watering cans, buckets, or similar containers reasonably used to convey water for irrigation purposes are not subject to these time restrictions. Similarly, a hand-held hose equipped with a fully functioning, positive self-closing water shut-off nozzle or device may be used during the otherwise restricted period. If necessary, and for very short periods of time for the express purpose of adjusting or repairing it, one may operate an irrigation system during the otherwise restricted period.
b. **No Excessive Water Flow or Runoff:** No person shall cause or allow watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive runoff from the property. Additionally, to the extent prohibited by any Statewide statute, or regulation adopted by any State agency with jurisdiction to adopt such regulations, including, but not limited to, the State Water Resources Control Board, no person shall cause or allow water to flow or runoff their property onto adjacent property, non-irrigated areas, private and public walkways, driveways, roadways, gutters or ditches, parking lots, or structures.

c. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a fully functioning, positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

d. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from Mesa Water®, is prohibited.

e. **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

f. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a fully functioning, positive self-closing water shut-off nozzle or device that causes it to cease dispensing water immediately when not in use. This subsection does not apply to any commercial car washing facility.

g. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold,
served, or offered for sale, are encouraged not to provide drinking water to any person unless expressly requested.

h. Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services: Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments shall prominently display notice of this option in each bathroom using clear and easily understood language.

i. No Installation of Single Pass Cooling Systems: Installation of single pass cooling systems is prohibited in buildings requesting new water service from Mesa Water®.

j. No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems: Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

k. Restaurants Required to Use Water Conserving Dish Wash Spray Valves: Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

l. Commercial Car Wash Systems: Effective on July 1, 2010, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from Mesa Water®.

m. Recycled Water Use Required if Available: After Mesa Water® has provided to the user an analysis demonstrating that recycled water is available, cost effective, and safe for the intended use, and the user has been given a reasonable time to make the conversion to recycled water, the use of potable water, is prohibited.

n. Water Recycling – New Service: Prior to the connection of any new commercial, industrial, or multi-residential water service, Mesa Water® shall perform an evaluation to determine whether recycled water is available, cost effective, and safe for the intended use to supply all or some of the water needed by the new user. If available, cost effective, and safe for the intended use, recycled water must be used.

Section 6. Penalties, Violations and Enforcement.

a. Penalties: Penalties for failure to comply with any provisions of this Program are as follows:
1. **First Violation:**  Mesa Water® will issue a written warning and deliver a copy of this Program by mail and/to the service address.

2. **Second Violation:**  A second violation within the preceding twelve (12) calendar months will receive a second written warning and attempt contact via telephone.

3. **Third Violation:**  A third violation within the preceding twelve (12) calendar months will receive a third written warning with reference to the previous two violations and possibility of future actions including water flow restriction and discontinued water service.

4. **Fourth and Subsequent Violations:**  A fourth and any subsequent violation within the preceding twelve (12) calendar months may result in the installation of a water flow restrictor.

5. **Water Flow Restrictor:**  In addition to any written warnings, Mesa Water® may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor until the prohibited actions or practices have been deemed by Mesa Water® to be satisfactorily discontinued or remedied and for a minimum of forty eight (48) hours.

6. **Discontinuing Service:**  In addition to any fines and the installation of a water flow restrictor, Mesa Water® may disconnect a customer's water service for willful violations of mandatory restrictions in this Program.

b. **Cost of Flow Restrictor and Disconnecting Service:**  A person or entity that violates this Program is responsible for payment of Mesa Water's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per Mesa Water's schedule of fees and charges as then in effect. The charge for installing and/or removing any flow restricting device must be paid to Mesa Water® before the device is removed. Nonpayment thereof will be subject to the same remedies as nonpayment of Mesa Water's water rates.

c. **Separate Offenses:**  Each day that a violation of this Program occurs is a separate offense.

d. **Notice and Hearing:**
1. Mesa Water® will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice shall describe the violation and the date by which corrective action(s) must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with Mesa Water® no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and Mesa Water® will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.

e. Additional Actions, Penalties: The Board may prescribe additional action(s) and/or penalties for violation of the prohibited actions or practices described herein. Mesa Water® may also implement additional actions or programs to educate Mesa Water® customers, ratepayers, and persons in Mesa Water’s service area as to the ongoing need to conserve and use water wisely.

f. Application of Penalties: The General Manager or Water Conservation Coordinator, as applicable, shall have discretion as to the application of penalties and enforcement actions set forth herein. The overall intention of this Program is to implement water conservation actions as described herein.

Section 7. Hardship Waiver.

a. Undue and Disproportionate Hardship: If, due to unique circumstances, a specific requirement of this Program would result in undue hardship to a person using water or to property upon which water is used, then the person may apply for a waiver to the requirements as provided in this section.

b. Written Finding: The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used. An application for a waiver must be on a form prescribed by Mesa Water® and accompanied by a non-refundable processing fee in an amount set by the Board. The application must be accompanied by a written statement of the applicant.

1. Approval Authority: The General Manager or Water Conservation Coordinator, as applicable, must act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The
applicant requesting the waiver must be promptly notified in writing of any action taken.

2. **Right of Appeal:** Any aggrieved applicant, who remains dissatisfied with the decision of the General Manager or Water Conservation Coordinator, can appeal, in writing, such final decision to the Board. The Board shall hear such appeal and render its decision. The decision of the Board shall be final.

**Section 8. Other Provisions.**

a. Mesa Water® may provide water efficiency devices either directly or through supported programs. Such devices shall remain within Mesa Water's service area at all times. Devices provided by Mesa Water® shall be used with the intent to conserve water and not be modified in any way or sold.

b. The penalties established and set forth herein are regulatory and administrative in nature. Such penalties are not imposed for water service or water capacity to any particular customer or person.

**Section 9. Severability.** If any section, subsection, sentence, clause or phrase in this Program is for any reason held invalid, the validity of the remainder of the Program will not be affected. The Board hereby declares it would have passed this Program and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases is declared invalid.
The State Water Resources Control Board (SWRCB) submitted this emergency readoption action to keep in effect the three emergency regulations adopted in OAL file no. 2014-0718-01E, and to further amend two of the emergency regulations, in title 23 of the California Code of Regulations pertaining to drought emergency water conservation.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code and section 1058.5 of the Water Code.

This emergency regulatory action is effective on 3/27/2015 and will expire on 12/23/2015. The Certificate of Compliance for this action is due no later than 12/22/2015.

Date: 3/27/2015

Richard L. Smith
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: David Rose
**EMERGENCY**

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

State Water Resources Control Board

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE

   - TITLE(S)

2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE

   - Notice or Proposed Regulatory Action
   - Other

4. AGENCY CONTACT PERSON

   - TELEPHONE NUMBER
   - FAX NUMBER (Optional)

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1a. SUBJECT OF REGULATIONS(S)

   - Drought Emergency Water Conservation

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

   - OAL File No. 2014-0718-01-E

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

   - SECTION(S) AFFECTED

     - (List all section number(s) individually. Attach additional sheet if needed.)

     863, 864, 865

     per agency request

3. TYPE OF FILING

   - Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §51346.2-1347.3 either before the emergency regulation was adopted or within the time period required by statute.

   - Emergency Readopt (Gov. Code, §51346.10)

   - Changes Without Regulatory Effect (Cal. Code Regs., title 1, §1346.2.1)

   - Effective on filing with Secretary of State

   - $100 Changes Without Regulatory Effect

   - Effective (Specify)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code §11348.1; Cal. Code Regs., title 1, §100)

   - October 1 (Gov. Code §11348.4)

   - Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4)$

   - Effective on filing with Secretary of State

   - $100 Changes Without Regulatory Effect

   - Effective (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL, OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

   - Department of Finance (Form STD. 399) (SAM 465501)(A) (Specs 1-8)

   - Fair Political Practices Commission

   - State Fire Marshal

7. CONTACT PERSON

   - TELEPHONE NUMBER

   - FAX NUMBER (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

   - SIGNATURE OF AGENCY HEAD OR DESIGNEE

   - DATE

   - TYPED NAME AND TITLE OF SIGNATORY

   Thomas Howard, Executive Director, State Water Resources Control Board

ENDORSSED - FILED

In the office of the Secretary of State of the State of California

MARC 27 2015

1:37 P.M.

Sec. 863. Findings of Drought Emergency.
   (a) The State Water Resources Control Board finds as follows:
      (1) On January 17, 2014, the Governor issued a proclamation of a state of
          emergency under the California Emergency Services Act based on drought conditions;
      (2) On April 25, 2014, the Governor issued a proclamation of a continued state of
          emergency under the California Emergency Services Act based on continued drought
          conditions;
      (3) The drought conditions that formed the basis of the Governor’s emergency
          proclamations continue to exist;
      (4) The present year is critically dry and has been immediately preceded by two or
          more consecutive below normal, dry, or critically dry years; and
      (5) The drought conditions will likely continue for the foreseeable future and
          additional action by both the State Water Resources Control Board and local water
          suppliers will likely be necessary to further promote conservation.

Authority: Section 1058.5, Water Code.
References: Sections 102, 104 and 105, Water Code.

Sec. 864. Prohibited Activities in Promotion of Water Conservation.
   (a) To promote water conservation, each of the following actions is prohibited,
       except where necessary to address an immediate health and safety need or to comply with
       a term or condition in a permit issued by a state or federal agency:
       (1) The application of potable water to outdoor landscapes in a manner that causes
           runoff such that water flows onto adjacent property, non-irrigated areas, private and
           public walkways, roadways, parking lots, or structures;
       (2) The use of a hose that dispenses potable water to wash a motor vehicle, except
           where the hose is fitted with a shut-off nozzle or device attached to it that causes it to
           cease dispensing water immediately when not in use;
       (3) The application of potable water to driveways and sidewalks; and
       (4) The use of potable water in a fountain or other decorative water feature,
           except where the water is part of a recirculating system;
       (5) The application of potable water to outdoor landscapes during and within 48
           hours after measurable rainfall; and
       (6) The serving of drinking water other than upon request in eating or drinking
           establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or
           other public places where food or drink are served and/or purchased.
   (b) To promote water conservation, operators of hotels and motels shall provide
       guests with the option of choosing not to have towels and linens laundered daily. The
       hotel or motel shall prominently display notice of this option in each guestroom using
       clear and easily understood language.
(b)(c) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivision (b) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars ($500) for each day in which the violation occurs.

Authority: Section 1058.5, Water Code.
References: Sections 102, 104 and 105, Water Code.

Sec. 865. Mandatory Actions by Water Suppliers.

(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed, or shall amend its water shortage contingency plan to include mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed and implement these restrictions within forty-five (45) days. Urban water suppliers with approved alternate plans as described in subdivision (b)(2) are exempted from this requirement.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan that restricts the number of days that outdoor irrigation of ornamental landscapes and turf with potable water is allowed, or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty-four-five (3045) days, 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 shall 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.

(d) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-users exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring
The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty forty-five (30-45) 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 twenty percent reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Section 1058.5, Water Code.
References: Sections 102, 104, 105; 350; 10617 and 10632, Water Code.
Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California’s water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California’s reservoirs, reduced flows in the state’s rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.
IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-28-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California’s cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers’ service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.

4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.

5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.

6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.

7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.
8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.

10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.

11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.

12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.
13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.

14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.

15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.

16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.

19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor’s Office on applications that have been pending for longer than 90 days.
20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento-San Joaquin Delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.

21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.

22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.

23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health’s drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.

24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, $1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.

25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1759 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.
26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.

27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.

28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.

29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.

30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.
31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of April 2015,

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State
ORDINANCE NO. XX

ORDINANCE OF THE
MESA WATER DISTRICT BOARD OF DIRECTORS
ADOPTING THE MESA WATER DISTRICT
WATER CONSERVATION AND
WATER SUPPLY EMERGENCY PROGRAM
RESCINDING ORDINANCE NOS. 8, 19, 24

WHEREAS, the Mesa Water District (Mesa Water®) is a county water district organized and operating according to California law; and

WHEREAS, water is a limited natural resource and Mesa Water® desires to use this natural resource in the most efficient manner possible; and

WHEREAS, Mesa Water® has the authority to adopt water conservation requirements and programs to promote and effectuate wise water use and avoid water wastage; and

WHEREAS, the Board of Directors (Board) of Mesa Water® has previously adopted, and supplemented, Ordinance No. 8 adopting an Emergency Water Conservation Program, which was adopted on March 21, 1991 (Ordinance No.8); and

WHEREAS, Ordinance No. 8 was further supplemented by the adoption of Ordinance No. 19 on December 10, 2007, and Ordinance No. 24 on August 28, 2014 (Ordinance No. 8, as supplemented, Ordinance Nos. 19 and 24 are collectively in certain cases referred to herein as the "Prior Ordinances"); and

WHEREAS, Mesa Water® desires to repeal its existing Water Conservation Programs and establish an updated and consolidated Water Conservation and Water Supply Emergency Program (Conservation Program) to conform to additional State Water Resources Control Board (SWRCB) Regulations; and

WHEREAS, periodic droughts are a historic fact in the State of California; and

WHEREAS, the Mesa Water® service area is located in a region with a Mediterranean climate, densely populated demographics, and a mixed economic base of residential, commercial, industrial, and institutional consumers; and

WHEREAS, Mesa Water® derives the water which it delivers to its customers from local groundwater and supplemental waters imported from outside Mesa Water® boundaries; and
WHEREAS, the quality and quantity of supplemental imported water is under the control of other agencies, and may be subject to conditions beyond the control of those other agencies or Mesa Water®; and

WHEREAS, pursuant to California Water Code Section 31026, Mesa Water® may restrict the use of water provided by Mesa Water® during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of water provided by Mesa Water® or the use of water provided by Mesa Water® during such periods, for any purpose other than domestic uses or such other restricted uses as may be determined to be necessary by Mesa Water® and may prohibit use of water provided by Mesa Water during such periods for specific uses which Mesa Water® may from time to time find to be non-essential; and

WHEREAS, pursuant to the applicable provisions of California law, Mesa Water® is required to periodically prepare and update an Urban Water Management Plan in order to address certain water supply and planning requirements; and

WHEREAS, Water Code Section 10632 requires the Urban Water Management Plan to provide an urban water shortage contingency analysis, which includes stages of action to be undertaken by an urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage; and

WHEREAS, pursuant to California Water Code Sections §§31020, and 375-377, inclusive, Mesa Water® may establish additional guidelines, surcharges, cost recovery systems, enforcement procedures, and other rules and regulations to assist in the conservation of water; and

WHEREAS, the Board of Directors of Mesa Water® finds and determines that a water shortage or threat of a water shortage may be found to exist based upon the occurrence of one or more of the following conditions or circumstances:

A. A general water supply shortage due to increased demand and/or limited supplies.

B. Distribution or storage facilities of Mesa Water® or any agency supplying water to Mesa Water®, become inadequate or are restricted.

C. A major failure of the supply, storage, and/or distribution facilities of Mesa Water® or any agency supplying water to the Mesa Water®.

D. Contamination of the water supply, storage, and/or distribution facilities of Mesa Water® or any agency supplying water to Mesa Water®.

E. Acts of nature which in the opinion of Mesa Water® constitute an emergency situation or which require special water conservation actions.
WHEREAS, prior to the adoption of this Ordinance, the Board has conducted a noticed public hearing to receive public comments concerning the subject matter hereof; and

WHEREAS, the purpose of this Ordinance is to adopt and enact the Conservation Program within Mesa Water’s service area.

NOW, THEREFORE, BE IT ORDAINED BY THE MESA WATER DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. The Board hereby finds and determines as follows:

a. A reliable minimum supply of potable water is essential to the public health, safety, and welfare of the people, and economy of the southern California region.

b. Water management that includes active water use efficiency measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.

c. California Water Code Section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.

d. Mesa Water® has the authority, pursuant to California Water Code Sections 31026-31029 to take action(s) relative to the use and conservation of water within its service area.

e. The adoption and enforcement of a permanent water conservation program is necessary to help to manage Mesa Water’s potable water supply in the short and long-term and to avoid or minimize the effects of periodic drought and shortage conditions within, or affecting Mesa Water’s service area and potable water supplies. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

f. The Board does hereby find that the following circumstances may constitute an emergency condition or a threatened or existing water shortage condition within or affecting Mesa Water®:
i. A general water supply shortage due to increased demand and/or limited supplies.

ii. Distribution or storage facilities of Mesa Water® or any agency supplying water to Mesa Water®, become inadequate.

iii. A major failure of the supply, storage, and/or distribution facilities of Mesa Water® or any agency supplying water to the Mesa Water® service area.

iv. Contamination of the water supply, storage, and/or distribution facilities of Mesa Water® or any agency supplying water to the Mesa Water® service area.

v. Acts of nature which in the opinion of the District constitute an emergency situation.

Section 3. Program Designation; Purpose; Intent and Integration.

a. The purpose of the Conservation Program enacted by this Ordinance is to establish a water conservation and water supply emergency program that will reduce water consumption within the Mesa Water® service area through water conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the Mesa Water® service area to avoid and minimize the effect and hardship of water shortages to the greatest extent possible.

b. This Conservation Program enacted by this Ordinance establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies as determined by the Board.

c. This Ordinance, and the Conservation Program enacted hereby, is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. This Ordinance, and the Conservation Program enacted hereby, shall not act to repeal, supersede or amend any federal, State or local law, ordinance or regulation relating to protection of water quality or control of drainage or runoff (including,
but not limited to, any and all NPDES permits or requirements which may be applicable in such instance) or exempt any person or party from compliance therewith.

d. Mesa Water’s prior Water Conservation Programs, as adopted, supplemented, and amended pursuant to the Prior Ordinances, are rescinded and superseded upon this Ordinance becoming effective.


a. The Conservation Program provisions are set forth in Exhibit A to this Ordinance and are incorporated herein by this reference.

b. The Conservation Program shall be referred to in Mesa Water’s Rules and Regulations for Water Service.

c. The Board reserves the right to amend, revise, and/or supplement this Ordinance and/or the Conservation Program provisions in the future based upon the needs, circumstances and requirements of Mesa Water®.

d. This Ordinance and the Conservation Program are adopted by this Board pursuant to the provisions and authority set out in the California Constitution and California law as referenced herein.

e. All penalties set forth in the Conservation Program are administrative and regulatory penalties and are not fees or charges for water service or water capacity.

Section 5. CEQA Exemption.

The Board finds that this Ordinance, the Mesa Water District Water Conservation and Water Supply Emergency Program (Conservation Program), and actions taken hereafter pursuant to the Conservation Program are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to 14 California Code of Regulations, Sections 15269, 15273, and 15321, and the applicable statues of the Public Resources Code.

The General Manager is hereby authorized and directed to file a Notice of Exemption as soon as possible following the adoption of this Ordinance.

Section 6. Terms and Provisions. The terms and provisions of this Ordinance, and the Conservation Program enacted hereby, shall be subject to, and shall be interpreted pursuant to, State law.
Section 7. Notice and Provisions: Notice of the adoption of this Ordinance, and the provisions hereof, shall be provided as set out in State law, including, but not limited to, Water Code Section 31027.

Section 8. Other Actions. Mesa Water® staff and officers are hereby authorized and directed to take such other and further action(s) as may be reasonably necessary to carry out the determinations, findings and directives set forth herein, and in the Conservation Program enacted hereby, within the limits set forth by, and in accordance with, direction of the Board.

Section 9. Effective Date. This Ordinance No. XX, and the Conservation Program enacted hereby, shall take effect on May 14, 2015.

ADOPTED, SIGNED, AND APPROVED this 14th day of May 2015 by a roll call vote:

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

____________________________
Shawn Dewane
President, Board of Directors

ATTEST:

____________________________
Coleen L. Monteleone
District Secretary
ORDINANCE NO. XX

EXHIBIT A

ORDINANCE OF THE
MESA WATER DISTRICT BOARD OF DIRECTORS
ADOPTING THE MESA WATER DISTRICT
WATER CONSERVATION AND
WATER SUPPLY EMERGENCY PROGRAM
RECINDING ORDINANCE NOS. 8, 19, 24

Mesa Water District
Water Conservation and
Water Supply Emergency Program

Adopted: May 14, 2015
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Section 1: **Title.** This program is designated as the Mesa Water District Water Conservation and Water Supply Emergency Program (Conservation Program).

Section 2. **Authority.** The Conservation Program is adopted pursuant to California law and the provisions of Mesa Water District Ordinance No. XX. The General Manager of Mesa Water® is hereby authorized and directed to implement the provisions of this Conservation Program as provided for herein.

Section 3. **Definitions.** The following words and phrases whenever used in this Conservation Program have the meaning(s) defined in this section:

a. **“Board”** means the Board of Directors of Mesa Water District.

b. **“Conservation Program”** means The Mesa Water District Water Conservation and Water Supply Emergency Program.

c. **“Conservation Fee”** means any monetary fee assessed by Mesa Water® for violations of the Conservation Program.

d. **“Customer”** means any person, persons, firm, corporation, association, or agency receiving water or services from Mesa Water®.

e. **“General Manager”** means the duly appointed and acting General Manager of the Mesa Water®, or an authorized agent.

f. **“Landscape Irrigation System”** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

g. **“Large Landscape Areas”** means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than 5,000 square feet of irrigable land.

h. **“Mesa Water®”** means the Mesa Water District, a county water district organized pursuant to California Water Code Sections 33200 and following and operating pursuant to Water Code Sections 30000 and following. References to Mesa Water® also include its Directors, officers, agents, and employees, as applicable.

i. **“Person”** means any natural person or persons, corporation, public or private entity, governmental agency or institution, including Mesa Water®, or any other user of water provided by Mesa Water®.
j. **“Potable Water”** means water that is suitable for drinking.

k. **“Recycled Water”** means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.

l. **“Single Pass Cooling Systems”** means equipment where water is circulated only once to cool equipment before being disposed.

m. **“Water Conservation Coordinator”** means the person (who may be an officer or employee of Mesa Water®) charged with the principal enforcement of this Conservation Program. The Water Conservation Coordinator may be the General Manager or another person so designated in writing by the General Manager.

n. **“Water Flow Restrictor”** means a device that is inserted into the service connection and is designed to limit the water flow capacity.

Section 4. **Application.**

a. The provisions of this Conservation Program apply to any customer, Person, and property using water provided by Mesa Water®.

b. The provisions of this Conservation Program do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire, and other similar emergency services.

c. The provisions of this Conservation Program do not apply to the use of Recycled Water, with the exception of Sections 6(b), 6(d), 6(m), and 6(n).

d. The provisions of this Conservation Program do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale, with the exception of Section 6(b).

e. This Conservation Program is intended solely to further the conservation of water.
Section 5. Procedures for Determination of Water Supply Shortage and Level Implementation.

The existence of a Level 1, Level 2 or Level 3 Water Supply Shortage condition may be declared by resolution of Mesa Water® adopted by the Board at a regular, adjourned regular, or special Board meeting.

The Board shall determine the extent of the Water Supply Shortage condition, and the corresponding conservation required through the implementation and/or termination of particular levels, which may be made upon recommendation by the General Manager.

In the event of an extreme emergency, requiring immediate action that cannot be delayed until the next regular, adjourned regular, or special Board meeting, the General Manager shall determine the extent of the conservation required and implement the appropriate level necessary to achieve the required level of conservation. In such event, the General Manager shall notify the Board as soon thereafter as practical and shall consult with the Board President with regard to the calling of an emergency meeting of the Board.

The General Manager will provide a plan to the Board that specifies a timeline for noticing of customers and the implementation of the Water Supply Shortage Level determined by the Board. In addition, the Board of Directors shall be notified at the next regular, adjourned regular, or special Board Meeting of any action taken by the General Manager under this Conservation Program.

A Water Supply Shortage Level shall be deemed to be effective upon the date of adoption and shall remain in place until rescinded, superseded, or modified by further action of the Board.


This Section is intended to provide for up to a 10 percent reduction in water usage.

The following water conservation requirements shall be effective at all times as prescribed by the Board and shall be permanent. Violations of this Section constitute waste and an unreasonable use of water.

a. Limits on Watering Hours: Watering or irrigating of lawn, landscape, or other vegetated area with potable water is prohibited between the hours of 8:00 a.m. and 5:00 p.m. Pacific Standard Time on any day. Hand-held watering cans, buckets, or similar containers reasonably
used to convey water for irrigation purposes are not subject to these time restrictions. Similarly, a hand-held hose equipped with a fully functioning, positive self-closing water shut-off nozzle or device may be used during the otherwise restricted period. If necessary, and for very short periods of time for the express purpose of adjusting or repairing it, one may operate an irrigation system during the otherwise restricted period.

b. **No Excessive Water Flow or Runoff:** No person shall cause or allow watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive runoff from the property. Additionally, to the extent prohibited by any Statewide statute, or regulation adopted by any State agency with jurisdiction to adopt such regulations, including, but no limited to, the State Water Resources Control Board, no person shall cause or allow water to flow or runoff their property onto adjacent property, non-irrigated areas, private and public walkways, driveways, roadways, gutters or ditches, parking lots, or structures.

c. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a fully functioning, positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

d. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user’s plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from Mesa Water®, is prohibited.

e. **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

f. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a fully functioning, positive self-closing water shut-off nozzle or
device that causes it to cease dispensing water immediately when not in use. This subsection does not apply to any commercial car washing facility.

g. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are encouraged not to provide drinking water to any person unless expressly requested.

h. **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments shall prominently display notice of this option in each bathroom using clear and easily understood language.

i. **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service from Mesa Water®.

j. **No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

k. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

l. **Commercial Car Wash Systems:** All commercial conveyor car wash systems must utilize re-circulating water systems, or must secure a waiver of this requirement from Mesa Water®.

m. **Recycled Water Use Required if Available:** After Mesa Water® has provided to the user an analysis demonstrating that Recycled Water is available, cost effective, and safe for the intended use, and the user has been given a reasonable time to make the conversion to recycled water, the use of potable water, is prohibited.

n. **Water Recycling – New Service:** Prior to the connection of any new commercial, industrial, or multi-residential water service, Mesa Water® shall perform an evaluation to determine whether recycled water is available, cost effective, and safe for the intended use to supply all or
some of the water needed by the new user. If available, cost effective, and safe for the intended use, recycled water must be used.

Section 7: **Level 1 Water Supply Shortage: Water Alert.**

This Section is intended to provide for up to a 20 percent reduction in water usage.

a. A Level 1 Water Supply Shortage exists when Mesa Water® determines, in its sole discretion, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by Mesa Water® of a Level 1 Water Supply Shortage condition, Mesa Water® will implement all of the mandatory Level 1 conservation measures identified in this Section.

b. **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section 6, the following water conservation requirements shall apply during a declared Level 1 Water Supply Shortage as prescribed by the Board:

1. **Designated Watering Days:** Watering or irrigating of lawn, landscape, or other vegetated area is limited up to a maximum of three (3) days per week on a schedule established and posted by Mesa Water District by a Resolution of the Board of Directors. This provision does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system, and then only while under the supervision of a competent person.

2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within seventy-two (72) hours of notification by Mesa Water®, or turned off, unless other arrangements are made with Mesa Water®.

3. **Irrigation During Rain Events:** Irrigation is prohibited during rain events.

b. **Other Measures Available for Consideration:** In addition to the conservation requirements specified in Sections 6 and 7(b), other measures are available for additional consideration by the Board that
may be necessary to achieve immediate or short term water conservation, and are referenced in Section 10.

Section 8. **Level 2 Water Supply Shortage: Water Warning.**

This Section is intended to provide for up to a 30 percent reduction in water usage.

a. A Level 2 Water Supply Shortage exists when Mesa Water® determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by Mesa Water® of a Level 2 Water Supply Shortage condition, Mesa Water® will implement all of the mandatory Level 2 conservation measures identified in this Section.

b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6 and 7, the following additional water conservation requirements shall apply during a declared Level 2 Water Supply Shortage as prescribed by the Board:

1. **Designated Watering Days:** Watering or irrigating of lawn, landscape, or other vegetated area is limited up to a maximum of two (2) days per week on a schedule established and posted by Mesa Water® post by a Resolution of the Board of Directors. This provision does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system, and then only while under the supervision of a competent person.

2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within forty-eight (48) hours of notification by Mesa Water®, or turned off, unless other arrangements are made with Mesa Water®.

3. **Limits on Filling Ornamental Fountains, Lakes, and Ponds:** Filling or re-filling ornamental fountains, lakes, and ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals have been actively managed within the water feature prior to declaration of a supply shortage level under this Conservation Program.
4. **New Swimming Pools & Spas:** Initial filling of residential swimming pools or outdoor spas with water is prohibited.

c. **Other Measures Available for Consideration:** In addition to the conservation requirements specified in Sections 6, 7, and 8, other measures are available for additional consideration by the Board that may be necessary to achieve immediate or short term water conservation, and are referenced in Section 10.

**Section 9. Level 3 Water Supply Shortage – Water Emergency.**

This Section is intended to provide for up to a 50 percent reduction in water usage.

a. A Level 3 Water Supply Shortage condition is also referred to as an “Emergency” condition. A Level 3 condition exists when Mesa Water® declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, Mesa Water® may implement all of the mandatory Level 3 conservation measures identified in this section as prescribed by the Board.

b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 6, 7, and 8, the following water conservation requirements shall apply during a declared Level 3 Water Supply Shortage Emergency:

1. **No Watering or Irrigating:** Watering or irrigating of lawn, landscape, or other vegetated area is prohibited. This restriction does not apply to the following categories of use:

   i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device.

   ii. Maintenance of existing landscape necessary for fire protection.

   iii. Maintenance of existing landscape for soil erosion control.

   iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species.
v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed a maximum of two (2) days per week according to the schedule established in Section 8(b)(1) and time restrictions in Section 6(a).

vi. Actively irrigated environmental mitigation projects.

2. **Obligation to Fix Leaks, Breaks or Malfunctions**: All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within twenty four (24) hours of notification by Mesa Water®, or turned off, unless other arrangements are made with Mesa Water®.

3. **Car Washing at Commercial Facilities Only**: Washing of motor vehicles, trailers, boats, aircraft and other types of mobile equipment shall be done only at a commercial car wash with water recycling facilities. No restrictions apply where the healthy, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.

4. **No Filling or Re-Filling of Swimming Pools & Spas**: Filling and Re-Filling of residential swimming pools or outdoor spas with water is prohibited.

5. **No New Potable Water Service**: Upon declaration of a Level 3 Water Supply Shortage Emergency condition, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, no upgrading of meter services will be installed, and no statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:

   i. A valid, unexpired building permit has been issued for the project; or

   ii. The project is necessary to protect the public health, safety, and welfare; or

   iii. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Mesa Water®.
This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted prior to declaration of a supply shortage level under this Conservation Program.

c. **Other Measures Available for Consideration:** In addition to the conservation requirements specified in Sections 6, 7, 8, and 9, other measures are available for additional consideration by the Board that may be necessary to achieve immediate or short term water conservation, and are referenced in Section 10.

**Section 10. Other Conservation Measures Available for Implementation.**

The following water conservation measures may be implemented at any Water Supply Shortage Level, in addition to, or supplementary to, the Water Conservation Measures set out in Sections 6-9, inclusive, pursuant to the directive(s) of the Board.

a. **Large Landscape Areas – Rain Sensors:** Large landscape areas, such as parks, cemeteries, golf courses, school grounds, and playing fields, that use landscape irrigation systems to water or irrigate, must use landscape irrigation systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapotranspiration sensors to set an efficient water use schedule.

b. **Recycled Water for Construction Purposes:** Recycled or non-potable water must be used for construction purposes when available, feasible, and cost-effective.

c. **Water Conserving Plumbing Standards – Change in Service:** Upon the establishment of new water service or a new customer of record for an existing service, all existing plumbing fixtures (including but not limited to: toilets, showerheads, and faucets) must be retrofitted exclusively with water-conserving plumbing fixtures. The water use standards permitted will be those current standards approved by the California Energy Commission.

d. **Irrigation During Rain Events:** The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited.

e. **Irrigated Medians:** The use of potable water to irrigate ornamental turf on public street medians is prohibited.
f. **Irrigated Parkways:** The use of potable water to irrigate ornamental turf on public street parkways is prohibited.

g. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

h. **Other Measures:** Other measures as may be required by the State or deemed necessary by the Board.

Section 11. **Penalties, Violations, and Enforcement.**

During Effective Period of Permanent Water Conservation Requirements

a. **Penalties:** Penalties for failure to comply with any provisions of the Conservation Program while Mesa Water® is enforcing the Permanent Water Conservation stage are as follows:

1. **First Violation:** Mesa Water® will issue a written warning and deliver a copy of this Conservation Program to the service address and/or by mail.

2. **Second Violation:** A second violation within the preceding twelve (12) calendar months will receive a second written warning and an attempt to contact the customer of record via telephone.

3. **Third Violation:** A third violation within the preceding twelve (12) calendar months will receive a third written warning with reference to the previous two violations and possibility of future actions including, but not limited to, water flow restriction and discontinued water service.

4. **Fourth and Subsequent Violations:** A fourth and any subsequent violation within the preceding twelve (12) calendar months may result in the installation of a water flow restrictor.

5. **Water Flow Restrictor:** In addition to any written warnings, Mesa Water® may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor until the prohibited actions or practices have been deemed by Mesa Water®
to be satisfactorily discontinued or remedied and for a minimum of forty-eight (48) hours.

6. **Discontinuing Service:** In addition to any fines and the installation of a water flow restrictor, Mesa Water® may disconnect a customer’s water service for willful violations of mandatory restrictions in this Conservation Program.

**During Effective Period of Level I, Level 2, and Level 3 – Water Supply Shortage(s)**

b. **Penalties:** Penalties for failure to comply with any provisions of the Conservation Program while Mesa Water® is enforcing Water Supply Shortage Level 1, Level 2, or Level 3 are as follows:

1. **First Violation:** Mesa Water® will issue a written warning and deliver a copy of this Conservation Program to the service address and/or by mail.

2. **Second Violation:** A second violation within the preceding twelve (12) calendar months will receive a second written warning and an attempt to contact the customer of record via telephone.

3. **Third Violation:** A third violation within the preceding twelve (12) calendar months will receive a third written warning with reference to the previous two violations and a Conservation Fee of $100, or the current charge per Mesa Water’s schedule of fees and charges as then in effect, will be assessed to the customer water account.

4. **Fourth and Subsequent Violations:** A fourth and any subsequent violation within the preceding twelve (12) calendar months will receive an additional written warning with reference to the previous violations and a Conservation Fee of $200, or the current charge per Mesa Water’s schedule of fees and charges as then in effect, will be assessed to the customer water account.

5. **Discontinuing Service:** In addition to any fines, Mesa Water® may disconnect a customer’s water service for a willful violation of mandatory restrictions in this Conservation Program.

c. **Cost of Flow Restrictor, Conservation Fees, and Disconnecting Service:** A person or entity that violates this Conservation Program is responsible for payment of Mesa Water’s charges for installing and/or removing any flow restricting device, Conservation Fees, and for disconnecting and/or reconnecting service per Mesa Water’s schedule of fees and charges as then in effect. The charge for installing and/or
removing any flow restricting device must be paid to Mesa Water® before the device is removed. Nonpayment thereof will be subject to the same remedies as nonpayment of Mesa Water’s water rates.

d. **Separate Offenses:** Each day that a violation of this Conservation Program occurs is a separate offense.

e. **Notice and Hearing:**

1. Mesa Water® will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action on a particular violation. Such notice shall describe the violation and the date by which corrective action(s) must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal attention the District Secretary no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled by the General Manager, and Mesa Water® will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.

f. **Additional Actions, Penalties:** The Board may prescribe additional action(s) and/or penalties for violation of the prohibited actions or practices described herein. Mesa Water® may also implement additional actions or programs to educate Mesa Water® customers, ratepayers, and Persons in Mesa Water’s service area as to the ongoing need to conserve and use water wisely.

g. **Application of Penalties:** The General Manager or Water Conservation Coordinator, as applicable, shall have discretion as to the application of penalties and enforcement actions set forth herein. The overall intention of this Conservation Program is to implement water conservation actions as described herein.

h. The penalties established and set forth herein are regulatory and administrative in nature. Such penalties are not imposed for water service or water capacity to any particular customer or person.

**Section 12. Hardship Waiver.**

a. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this Conservation Program would result in undue hardship to a Person using water or to property upon which water is used, then the Person may apply for a waiver to the requirements as provided in this Section.
b. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used.

1. **Application:** An application for a waiver must be on a form prescribed by Mesa Water® and is available upon request from the Water Conservation Coordinator. The application must be submitted to the Water Conservation Coordinator and be accompanied by a written statement of the applicant.

2. **Approval Authority:** The Water Conservation Coordinator, as applicable, must act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver will be promptly notified in writing of any action taken. Unless specified otherwise at the time the waiver is approved, the waiver will apply to the subject property or person during the period of the mandatory water supply shortage condition, or a period not to exceed one (1) calendar year.

3. **Right of Appeal:** Any aggrieved applicant, who remains dissatisfied with the decision of the Water Conservation Coordinator, can appeal, in writing, such final decision to the General Manager. The General Manager shall hear such appeal and render his or her decision. The decision of the General Manager shall be final.

**Section 13. Other Provisions.**

Mesa Water® may provide water efficiency devices either directly or through supported programs. Such devices should remain within Mesa Water’s service area at all times. Devices provided by Mesa Water® should be used with the intent to conserve water and not be modified in any way or sold.

**Section 14. Severability.** If any section, subsection, sentence, clause or phrase in this Conservation Program is for any reason held invalid, the validity of the remainder of the Conservation Program will not be affected. The Board hereby declares it would have passed this Conservation Program and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases is declared invalid.
RESOLUTION NO. XXXX

RESOLUTION OF THE
MESA WATER DISTRICT BOARD OF DIRECTORS
MAKING CERTAIN FINDINGS, ACTIVATING
THE MESA WATER DISTRICT
WATER CONSERVATION AND
WATER SUPPLY EMERGENCY PROGRAM
REDUCING WATER CONSUMPTION BY TWENTY (20) PERCENT
AND TAKING RELATED ACTIONS

WHEREAS, the Mesa Water District (Mesa Water®) is a county water district organized and operating according to California law; and

WHEREAS, periodic droughts are a historical fact in the State of California; and

WHEREAS, on January 17, 2014, the Governor of the State of California (“State”) declared a State of Emergency to exist throughout the State due to severe and identified drought conditions; and

WHEREAS, on July 16, 2014, March 17, 2015, and May 5, 2015 the California State Water Resources Control Board (SWRCB) adopted various drought-related emergency regulations for urban water conservation; and

WHEREAS, on April 1, 2015, the Governor issued an Executive Order that, in part, directed the SWRCB to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 28, 2016; and

WHEREAS, the State is entering a fourth consecutive year of below-normal precipitation and many communities in the State will suffer water shortages; and

WHEREAS, Mesa Water® has the authority to adopt water conservation requirements and programs to promote and effectuate wise water use and avoid water wastage; and

WHEREAS, the Board of Directors of Mesa Water® (Board) has previously adopted Ordinance No. XX, including the Mesa Water District Water Conservation and Water Supply Emergency Program (Conservation Program) to address water supply shortages and water conservation requirements to address such; and

WHEREAS, Mesa Water® derives the water which it delivers to its customers from local groundwater and supplemental waters imported from outside Mesa Water® boundaries; and
WHEREAS, the quality and quantity of supplemental imported water is under the control of other agencies, and may be subject to conditions beyond the control of those other agencies or Mesa Water®; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MESA WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Under the provisions of Ordinance XX, the Board finds and determines that a water shortage, or threat of a water shortage exists, such that it is necessary to activate the Water Conservation and Water Supply Emergency Program, based upon the occurrence of the following condition:

(a) A general water supply shortage due to limited supplies and drought conditions.

Section 2. The Water Conservation and Water Supply Emergency Program is activated at Water Supply Shortage Level 1 in its entirety. Such activation shall be effective immediately upon the adoption of this Resolution.

Designated Watering Days: Watering or irrigating of lawn, landscape, or other vegetated area is limited to a maximum of two (2) days per week, as referenced in Section 7(b)(1), on the following schedule:

- For all properties upon which water is used, the Watering Days are Tuesdays and Saturdays.

Section 3. In addition to the direction set out in Section 2, the Board directs that the provisions of Sections 10 (d), 10 (e), and 10 (g) of the Conservation Program shall become effective immediately upon the adoption of this Resolution.

Section 4. This Resolution shall remain in place until rescinded, superseded, or modified by action of the Board.

Section 5. The Conservation Program is not otherwise amended or revised.

Section 6. The General Manager is authorized to take such other and further action(s) as are necessary or desirable to carry out the directives of this Resolution.

Resolution No. XXXX Page 2 of 3 Adopted: MONTH DATE, 2015
ADOPTED, SIGNED, and APPROVED, this DAY day of MONTH 2015 by a roll call vote.

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

____________________________
Shawn Dewane
President, Board of Directors

____________________________
Coleen L. Monteleone
District Secretary
RECOMMENDATION

Recommend the Board approve the extension of the District’s “Drought-Reach” campaign with Fraser Communications, from June through September, 2015, at a total cost of $240,000.

STRATEGIC PLAN

Goal #1: Provide a safe, abundant, and reliable water supply.
Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #6: Provide outstanding customer service.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION/DISCUSSION

At the District’s August 28, 2014, Board meeting, staff presented an update on the Mesa Water District (Mesa Water®) drought-related outreach activities -- called “Drought-Reach” -- in response to the State Water Resources Control Board’s regulations that became effective on July 29, 2014. At its October 30, 2014 meeting, the Legislative and Public Affairs Committee approved staff conducting a selection process to retain a “Drought-Reach” campaign consultant, and bringing a recommendation to the Board at its November 13, 2014 meeting. At its November 13, 2014 meeting, the Board determined to retain Fraser Communications as the District’s “Drought-Reach” campaign consultant for the total amount of $178,731.

DISCUSSION

Due to the seriousness of this drought, Governor Brown declared a drought state of emergency in January 2014 and, in April 2014, he called on all Californian’s to reduce their water use by 20 percent. In June 2014, the State Water Resources Control Board (SWRCB) issued curtailments to junior water-rights holders and, in July 2014, the SWRCB adopted two resolutions for drought emergency regulations—the first resolution mandated water curtailments, and the second resolution mandated urban water conservation.

The SWRCB’s drought emergency regulations for urban water conservation mandated that all water providers enact water shortage contingency plans with outdoor watering restrictions and prohibitions on specific outdoor watering activities. In response, Mesa Water® ensured its Water Conservation Ordinance (Ordinance 21) was in compliance, and the District initiated Drought-Reach activities to further educate the public about the drought and inform its service area about the State’s requirements.
On April 1, 2015, Governor Brown issued an Executive Order for a 25% reduction of water use statewide. To achieve this goal, the SWRCB is updating its water conservation mandates which will be finalized on May 5th or 6th, 2015. The most recent draft regulations from the SWRCB indicates that Mesa Water® would need to reduce its total water use by 20 percent for each month as compared to the amount used in the same month in 2013, using a baseline of 97.4 residential gallons per capita per day (R-GPCD), so a 20 percent reduction would be 77.92 R-GPCD.

To comply with the mandated water use restrictions, at its May 14, 2015 Board meeting, Mesa Water® will consider adopting an updated Water Conservation Ordinance and a Water Supply Emergency Program. Furthermore, to encourage continued water conservation results in Mesa Water’s service area, staff recommends extending the grassroots Drought-Reach campaign to reach the District’s entire service area -- including business, commercial, industrial, institutional, and residential water users -- via multiple communications touchpoints including:

- Advertising (online, outdoor, print, radio, television, etc.)
- CII Partnerships (including working with the Cities, School Districts, and other institutional customers, as well as commercial and industrial customers, on reducing water use)
- Conservation Events
- HOA Programs
- Letter Campaign (to top 100-200 water users)
- Mesa Water’s “Owned” Media (i.e., bill inserts and messages, newsletters, social media, website, etc.)
- Public Relations (including Letters to the Editor)
- Residential Outreach (e.g., canvassing, door-hangers, and mailers to single family homes)
- Speaker’s Bureau

The campaign will place a high emphasis on awareness, education, and outreach to encourage consumers to contact Mesa Water® for conservation items, information, and services such as “Water-Wise House Calls”, rebates, and other efforts to support the District’s updated Water Conservation Ordinance and a Water Supply Emergency Program.

FINANCIAL IMPACT

The total campaign budget will be $240,000, with $60,000 to be spent in FY 2015, and $180,000 to be allotted in FY 2016. The Public & Government Affairs department’s FY 2015 expense budget totals $609,656 (representing the initial $388,925 budget, plus $42,000 for additional advocacy, and $178,731 for “drought-reach”). To date, $412,436 has been spent, with $197,220 remaining.

ATTACHMENTS

Attachment A: GPCD-Residential 2013/2014/2015
### Monthly Residential-GPCD

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<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
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<td>+9.4%</td>
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<td>2015</td>
<td>70.9</td>
<td>77.9</td>
<td>88.3</td>
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<tr>
<td>% diff (2013/2015)</td>
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<td>-16.7%</td>
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MEMORANDUM

TO: Legislative & Public Affairs Committee
FROM: Stacy Taylor, Public & Government Affairs Manager
DATE: April 23, 2015
SUBJECT: Association of California Water Agencies Region 10 Board Nomination

RECOMMENDATION

Adopt Resolution No. 1459 nominating Jim Atkinson to the Association of California Water Agencies Region 10 Board of Directors.

STRATEGIC PLAN

Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION/DISCUSSION

None.

DISCUSSION

On April 2, 2015, Mesa Water District (Mesa Water®) received notification from the Association of California Water Agencies (ACWA) seeking nominations for candidates for an open seat on the Region 10 Board of Directors. The ACWA Region 10 Board is comprised of a Chair, Vice Chair, and up to five additional Board member positions.

Director Atkinson expressed his desire to run for the ACWA Region 10 Board member position. According to ACWA’s Region 10 Rules and Regulations, each candidate must submit a copy of a resolution of support approved by the candidate’s agency. A copy of the resolution must be submitted to ACWA, along with the official Call for Candidate form by Thursday, April 30, 2015.

The intra-term (2014-2015) Board member will be determined via a conference call of the current ACWA Region 10 Board on Monday, May 4, 2015, and the new Board member will be seated at the ACWA Region 10 Board meeting on Thursday, May 7, 2015, during the ACWA Spring Conference in Sacramento.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

Attachment A: Draft Resolution No. 1459
RESOLUTION NO. 1459

RESOLUTION OF THE MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS
PLACING IN NOMINATION JAMES ATKINSON
AS CANDIDATE FOR THE REGION 10 BOARD VACANCY
OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES

WHEREAS, the Mesa Water District (Mesa Water®) is a county water district organized and operating according to California law; and

WHEREAS, the Board of Directors of Mesa Water® encourage and support the participation of its members in the affairs of the Association of California Water Agencies (ACWA); and

WHEREAS, James F. Atkinson has indicated as desire to serve as a member on the ACWA Region 10 Board.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MESA WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Does place its full and unreserved support in the nomination of James F. Atkinson as a member on the ACWA Region 10 Board.

Section 2. Does hereby determine that the expenses attendant with the service of James F. Atkinson for the ACWA Region 10 Board shall be borne by the Mesa Water District.

ADOPTED, SIGNED, and APPROVED this 23rd day of April 2015 by a roll call vote.

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

Shawn Dewane
President, Board of Directors

Coleen L. Monteleone
District Secretary
MEMORANDUM

TO: Legislative & Public Affairs Committee
FROM: Stacy Taylor, Public & Government Affairs Manager
DATE: April 23, 2015
SUBJECT: Advocacy Consulting Services Report

RECOMMENDATION

This item is provided for information only. No action is requested at this time.

STRATEGIC PLAN

Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION/DISCUSSION

This item is updated for the monthly meeting of the Legislative & Public Affairs Committee.

DISCUSSION

Staff will provide a verbal report to the Board.

FINANCIAL IMPACT

$48,000 was budgeted in the FY 2015 budget for advocacy consulting services, funded from the Public & Government Affairs department’s expense budget. An additional $12,000 was allocated in September 2014, followed by an additional $18,000 allocated in December 2014, for a grand total of $78,000 in the FY 2015 budget for advocacy consulting services, funded from the Public & Government Affairs department’s expense budget. To date, $49,840 has been spent, with a remaining balance of $28,160 in this account.

ATTACHMENTS

None.
MEMORANDUM

TO: Legislative & Public Affairs Committee
FROM: Stacy Taylor, Public & Government Affairs Manager
DATE: April 23, 2015
SUBJECT: Legislative Consulting Services Update

RECOMMENDATION

This item is provided for information only. No action is requested at this time.

STRATEGIC PLAN

Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION/DISCussion

This item is updated for the monthly meeting of the Legislative & Public Affairs Committee.

DISCUSSION

Mesa Water District (Mesa Water®) receives legislative consulting services from Townsend Public Affairs (TPA). As part of its service to Mesa Water®, TPA submits a monthly report of its activities on behalf of the District. Staff will provide TPA’s written report for its April support and services to Mesa Water®.

FINANCIAL IMPACT

$36,000 was budgeted in the FY 2015 budget for legislative consulting services, funded from the Public & Government Affairs department’s expense budget. An additional $12,000 was allocated in December 2014, for a grand total of $48,000 in the FY 2015 budget for legislative consulting services, funded from the Public & Government Affairs department’s expense budget. To date, $31,000 has been spent, with a remaining balance of $17,000 in this account.

ATTACHMENTS

None.
REPORTS AND INFORMATION ITEMS:

9. REPORT OF THE GENERAL MANAGER:
REPORTS AND INFORMATION ITEMS:

10. DIRECTORS' REPORTS AND COMMENTS:
MEMORANDUM

TO: Legislative & Public Affairs Committee
FROM: Noelle Collins, Public Affairs Coordinator
DATE: April 23, 2015
SUBJECT: Outreach Update

RECOMMENDATION

This item is provided for information only. No action is requested at this time.

STRATEGIC PLAN

Goal #4: Increase public awareness about Mesa Water® and about water.
Goal #6: Provide outstanding customer service.
Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION/DISCUSSION

This item is updated for the monthly meeting of the Legislative & Public Affairs Committee.

DISCUSSION

In addition to ongoing communications, industry and internal relations, legislative relations, media relations (News Bureau), publications, water education and the annual Water Issues Study Group (WISG) series, the Mesa Water District (Mesa Water®) outreach program includes constituent relations via Community Outreach events, Speaker’s Bureau opportunities, Town Hall talks, and “Well Wisher” meetings.

Each of these activities is designed to connect Mesa Water® with its constituents in order to achieve the awareness goal in the District’s strategic plan. These activities are also designed to achieve the human resources, customer services, and/or regional water issues involvement goals by educating and informing the District’s constituents about Mesa Water®, water issues, and water in general.

Mesa Water® constituents include external audiences -- such as customers; community members; elected officials; industry colleagues, water districts and special districts; and, media -- as well as internal audiences such as current and former Mesa Water® staff and Board members.

Following is an update on outreach activities designed to educate and inform the District’s constituents about Mesa Water®, water issues, and water in general.

1. Community Outreach Events – Staff has planned Mesa Water’s participation in and/or sponsorship support of the following events since the last Legislative & Public Affairs Committee meeting: Costa Mesa Community Run on Saturday, April 25th; Chamber of Commerce Student/Teach Awards Breakfast on Friday, May 8th; 5th Grade Assembly at Kaiser Elementary
on Friday, May 8th; Mayor’s Gala at Samueli Theater on Thursday, May 14th; OC Water Summit on Friday, May 15th.

2. Speaker’s Bureau – Includes presentations by Mesa Water Board and/or staff member(s) in the community as well as media interviews, including Mesa Water Reliability Facility (MWRF) tours. Staff is planning an OC Reuse meeting for Thursday, April 30th; and, the Water Issues Study Group Alumni meeting for Saturday, June 27th.

3. Town Hall Talks – For FY 2015, Mesa Water® hosted a District-wide Town Hall event in August, 2014; and, the 2nd anniversary of the dedication of the Mesa Water Reliability Facility (MWRF) as a Town Hall event and mixer on Friday, March 13, with 10 elected officials in attendance and 45 customers and community members.

4. “Well Wisher” Meetings – To date, Mesa Water® has received 297 “Well Wisher” support cards and hosted 843 constituents at the MWRF.

Staff will continue to provide updates to the Board regarding Mesa Water’s Community Outreach events, Speaker’s Bureau opportunities, Town Hall talks, and “Well Wisher” meetings.

For the “Well Wisher” meetings, staff will continue to develop, prioritize, and update the contact information list of appropriate representatives at key businesses, charities, churches, community service organizations, customers, HOAs, Mesa Water former directors/staff, WISG alums, and other groups/individuals in the District’s service area. Also, staff will work with the Board to designate the appropriate Mesa Water® representative(s) to participate in specific “Well Wisher” meetings, arrange the “Well Wisher” meetings, and notify the appropriate Mesa Water® representative(s).

Following are the benefits of Mesa Water’s outreach program:

- Informing constituents about Southern California’s perpetual drought, the historical drought now facing California, and the importance of developing local and cost-effective sources of safe, reliable water for Mesa Water’s service area and the region at large;
- Educating Mesa Water® constituents about the importance of water -- and water stewardship -- in order to sustain Southern California’s population, quality of life, business, and economy;
- Educating constituents about Mesa Water’s stewardship of ratepayer funds and financial responsibility to fund, invest in, and save for the current and future provision of safe and reliable water for the District’s service area;
- Informing Mesa Water® constituents of the District’s infrastructure improvements to ensure water quality and water reliability for its service area;
- Learning from constituents and evolving as a well-informed Board of Directors;
- Promoting water use efficiency to Mesa Water’s customers (ratepayers) and community members to help them save water, money, and the environment;
- For public health and safety reasons, ensuring that Mesa Water® customers and community members know the District as their water provider and as the source of information about water in emergency situations;
Supporting Mesa Water’s service area as an actively involved participant in programs that provide added value and benefits to the community;

Informing the media of Mesa Water’s activities that benefit the District’s customers and community;

Empowering Mesa Water’s Board and staff with information that will help them provide the best possible service to the District’s customers and community members; and,

Strengthening Mesa Water’s industry relations to provide opportunities for improving the District’s business and operations -- including the areas of financial and human resources strength, infrastructure and technological innovation, and setting/supporting policies that have a positive impact on Mesa Water’s service area -- so that the District can continue to provide safe, high-quality, reliable, and affordable water to its customers.

FINANCIAL IMPACT

The Public & Government Affairs department’s FY 2015 expense budget totals $609,656 (representing the initial $388,925 budget, plus $42,000 for additional advocacy, and $178,731 for “drought-reach”). To date, $412,436 has been spent, with a remaining balance of $197,220.

ATTACHMENTS

None.