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Providing Outstanding Service Since 1963

August 23, 2021

Board of Directors
Triunfo Water & Sanitation District
Ventura County, California

REVISED DROUGHT CONDITIONS AND SUPPLY UPDATE FOR FY2022

Summary

At the June 28, 2021, Triunfo Water & Sanitation District (District) Board Meeting, the Board was provided an update on the State of California's current drought outlook. Staff reviewed the updates from Calleguas Municipal Water District (CMWD, Purveyor for TWSD), Las Virgenes Municipal Water District (JPA Partner), Metropolitan Water District of Southern California (MET, Purveyor to CMWD), and the CA Department of Water Resources (DWR) and had the following key points:

- Snowpack for the Sierra-Nevada Range only registered 59% of normal accumulation as of April 1st
- Water reservoirs for the Southern California region reached 100% of capacity during the recent rainy season
- CMWD had not directed its clients to declare additional water conservation measures
- LVMWD declared a Stage 1 Alert to focus on assisting and educating its customers to use water wisely but not restricting usage at this time

However, recent events surrounding the Colorado River and revised reservoir levels have precipitated the MET to declare a water supply alert. This alert requests consumers and businesses to voluntarily reduce their water consumption to help preserve the region's water storage reserves. In response to this alert by the MET, at its August 18, 2021, Board Meeting, CMWD declared a Stage 2 Water Shortage and encouraged its customers to voluntarily reduce water usage by 15%.

Given the District rescinded its Stage 1 Water Supply Shortage Condition under the District's Ordinance No. TSD-301 in June 2017, staff is recommending your Board discuss whether the District should implement the Stage 1 restrictions in response to the alert from the MET and declaration by CMWD.

A handwritten signature in black ink, appearing to read "Mark Norris", is written over a horizontal line.

REVIEWED AND APPROVED _____
Mark Norris - General Manager

Attachment(s): MET Press Releases, Resolution from CMWD, TWSD Ordinance TSD-301

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Metropolitan Declares Water Supply Alert In Response To Severe Drought

Aug. 17, 2021

In response to the extreme drought conditions impacting Southern California, the Metropolitan Water District's Board of Directors today declared a Water Supply Alert, calling for consumers and businesses to voluntarily reduce their water use and help preserve the region's storage reserves.

The board's action urges residents, businesses and agencies in Metropolitan's 5,200 square-mile service area to lower the region's water demand to stave off more severe actions in the future, which could include restricting water supplies to Metropolitan's 26 member agencies. The declaration comes a day after the Bureau of Reclamation declared a first-ever shortage on the Colorado River, which typically provides about 25 percent of Southern California's water needs.



"Southern Californians have done an extraordinary job reducing their water use, which has helped us build up our stored reserves for times like these. But now we're relying on our storage to get us through this exceptionally dry year. And we don't know what next year will bring," Metropolitan board Chairwoman Gloria D. Gray said. "We must all find ways we can save even more so we have the water we need if this drought continues."

With 50 of California's 58 counties under a state emergency drought proclamation, Gov. Gavin Newsom last month called on Californians to voluntarily reduce their water use.

While no Southern California counties are yet under the emergency proclamation, it is critical that residents here heed the governor's water-saving call, Metropolitan General Manager Adel Hagekhalil said.

"This is a time when we all need to come together as a state to address this crisis," Hagekhalil said. "We are working with the governor's office and water agencies throughout California to maximize available supplies. We encourage Southern California to step up again, just as we have in the past, to do our part to reduce our region's water use."

A Water Supply Alert is the third of four conditions in Metropolitan's framework indicating the urgency of Southern California's need to save water. The action calls for water agencies to reduce their water demand through public awareness campaigns and by adopting measures tailored to their own local conditions. Examples of local agency measures could include increasing outdoor water use efficiency, prohibiting home car washing or filling of ornamental water features, and requiring that restaurants only serve water upon request.

The declaration seeks to avoid the need for more severe actions, including moving to the fourth and final stage in Metropolitan's framework, a Water Supply Allocation, through which Metropolitan would implement higher rates for increased use among its member agencies.

More than half of the water used in Southern California is imported from the Northern Sierra and the Colorado River. Both of those sources are facing severe drought conditions; crucial storage reservoirs in both systems have never been lower.

Earlier this year, the California Department of Water Resources slashed its allocation of supplies delivered on the State Water Project from 10 percent to 5 percent, tying the lowest on record, meaning Metropolitan is receiving about a one-month supply of its Northern California water supplies this year. If dry conditions continue, next year's allocation could be set to zero.

On the Colorado River, Reclamation's shortage declaration triggers cutbacks for Arizona and Nevada next year, signaling that system's dire conditions.

"The reality is that climate change will accelerate these challenges, which will require us to think differently and innovate ways to adapt – we must build on our progress in conservation and double down on our investment in local water supplies, including recycled water and stormwater," Hagekhalil said. "We must do more."

Tips to save water are available at bewaterwise.com, where Southern Californians can also access rebates that provide funding to swap appliances for more efficient models or transform grass into more sustainable California Friendly® and Native plant gardens.

The Metropolitan Water District of Southern California is a cooperative of 26 cities and water agencies serving 19 million people in six counties. The district imports water from the Colorado River and Northern California to supplement local supplies, and helps its members to develop increased water conservation, recycling, storage and other resource-management programs.

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Metropolitan Statement On Colorado River Shortage Declaration

Aug. 16, 2021

Adel Hagekhalil, general manager of the Metropolitan Water District of Southern California, issues the following statement on today's announcement by the Bureau of Reclamation declaring an official shortage condition next year due to the lowering (below 1,075 feet) level of Lake Mead behind Hoover Dam:



"The Colorado River is sending us a clear message: conserve, reuse and recycle. The river has been a lifeline for Southern California for more than 80 years. This shortage announcement moves the river into a new era and reinforces the need for Southern Californians to use less water to preserve this critical supply. We have delayed this moment on the Colorado River thanks to our partnerships, conservation programs and investments in local supplies and storage – taking advantage of wet winters when they come. Similar efforts on a larger scale will be required going forward to bring river supplies and demands into balance.

"While California will not be required to contribute supplies to Lake Mead next year under the Drought Contingency Plan, this is a wake-up call that we need to strengthen our response to continued drought conditions. A further lowering of the reservoir could trigger a required contribution from Metropolitan in the near future. We are already at the table with our partners on the river exploring longer-term solutions to shared risks and vulnerabilities. The next chapter in the history of this river must be one of collaboration and historic action to stabilize a supply that is so vital to seven states and two countries.

"Through one water practices, integration, innovation, and inclusion, we can be ready for the future. But it will take each and every one of us. We are all one."

The Metropolitan Water District of Southern California is a state-established cooperative that, along with its 26 cities and retail suppliers, provide water for 19 million people in six counties. The district imports water from the Colorado River and Northern California to

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RESOLUTION NO. 2024

RESOLUTION OF THE BOARD OF DIRECTORS
OF CALLEGUAS MUNICIPAL WATER DISTRICT
DECLARING A STAGE 2 WATER SHORTAGE
AND CALLING FOR ENHANCED WATER USE EFFICIENCY EFFORTS

WHEREAS, Calleguas Municipal Water District (Calleguas or District) is responsible for providing a reliable supply of high quality, supplemental water to the communities of southeastern Ventura County; and

WHEREAS, Calleguas is reliant upon deliveries of water imported by the Metropolitan Water District of Southern California (Metropolitan) from the California State Water Project (SWP), and is considered a SWP constrained agency within the Metropolitan service area; and

WHEREAS, the State of California is now in its second consecutive year of drought, and in each year of the current drought, annual precipitation levels were inadequate to fill the state's key reservoirs; and

WHEREAS, rainfall measurements for the County of Ventura record 2021 as one of the driest seasons on record; and

WHEREAS, on March 23, 2021, upon determining that dry conditions continue to impact California's water supply, the Department of Water Resources (DWR) revised the SWP allocation for 2021 to only 5 percent of requested supplies; and

WHEREAS, on July 8, 2021, through Executive Order N-10-21, Governor Gavin Newsom expanded the drought emergency declaration to include a total of 50 counties across the state, and called on all Californians to voluntarily reduce their water use by 15 percent from 2020 levels; and

WHEREAS, the United States Bureau of Reclamation, on August 16, 2021, did issue its first ever shortage declaration for the Colorado River System; and

WHEREAS, over the past 30 years, southern California ratepayers have invested in regional storage, infrastructure improvements, and water conservation programs that are now serving to sustain supplies during this historically dry year; and

WHEREAS, Metropolitan has indicated that its water storage reserves dedicated to meeting regional drought demands remain relatively high at nearly 3.2-million-acre feet and, as such, it does not intend to institute mandatory water delivery reductions within its service area in 2021; and

WHEREAS, Metropolitan issued on August 17, 2021, a Condition 2 Water Supply Alert calling for conservation through drought ordinances and other measures; and

WHEREAS, the current extreme statewide drought condition, and SWP constraints serve to underscore the need for enhanced conservation measures to maintain reliable supplies during prolonged water shortages; and

WHEREAS, the Board of Directors of Calleguas Municipal Water District has adopted a Water Shortage Contingency Plan in accordance with California law, which is triggered during water shortage conditions and describes stages of actions the District may take to manage demand and allocate available supplies.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Directors of Calleguas Municipal Water District, in accordance with its Water Shortage Contingency Plan, hereby declares that a Stage 2 Water Shortage exists in its service area.

BE IT FURTHER RESOLVED that Calleguas encourages water users within its service area to reduce their use of water by 15 percent and implement feasible water use efficiency measures in an effort to extend stored water supplies and minimize effects associated with prevailing drought conditions.

ADOPTED, SIGNED AND APPROVED this eighteenth day of August, 2021.

Steve Blois, President
Board of Directors

I HEREBY CERTIFY that the foregoing Resolution was adopted at the regularly scheduled meeting of the Board of Directors of Calleguas Municipal Water District held on August 18, 2021.

ATTEST:

Raul Avila, Secretary
Board of Directors

(SEAL)

Res. No. 2024



2021 Water Supply Message Points

Imported Water Supply Conditions – Critically Dry Year

- Southern California’s two main sources of imported water — the Colorado River Basin and Northern California — continue to face dry conditions.
- CY 2021 will end as a critically dry year for California. Locally in Ventura County, accumulated precipitation for the past year will total approximately 20 percent of average. Measured rainfall totals will be the lowest ever recorded in some parts of the County – local watersheds are extremely dry.
- As of late March, the Northern Sierra snowpack water content was only 63% of average. As of mid-May, statewide Sierra snowpack is essentially depleted with water content of only 8% percent of average.
- On March 23, the CA Department of Water Resources reduced the 2021 State Water Project (SWP) allocation from 10 percent to 5 percent.
- **GOVERNOR’S OFFICE**
 - On April 21, Governor Newsom declared a Drought Emergency in Mendocino and Sonoma Counties.
 - On May 10, Governor Newsom expanded the Drought Emergency to the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties.
 - On July 8, Governor Newsom expanded the Drought Emergency to 9 additional counties bringing the total to 50 counties across the state now under a drought state of emergency. **The July 8th announcement also called on all Californians to voluntarily reduce water use by 15% compared to 2020 levels.**
- **VENTURA COUNTY** – On July 8th, the County Board of Supervisors submitted a letter to State Senator Monique Limón and Assemblymember Steve Bennett requesting that Ventura County be included under the proclamation of a drought state of emergency.
- **LA NIÑA WATCH** – In early-July 2021, forecasters at NOAA’s Climate Prediction Center have issued a La Niña Watch, which means they see La Niña likely emerging (~55%) during the September-November period and lasting through winter. A La Niña year typically translates to a warm and dry winter in Southern California.
- 50 counties in CA are now under a drought state of emergency. Remaining counties that are not included are: San Francisco, Ventura, Los Angeles, San Bernadino, Riverside, Orange, San Diego, and Imperial.



50 of 58 CA Counties in a Drought State of Emergency – July 2021

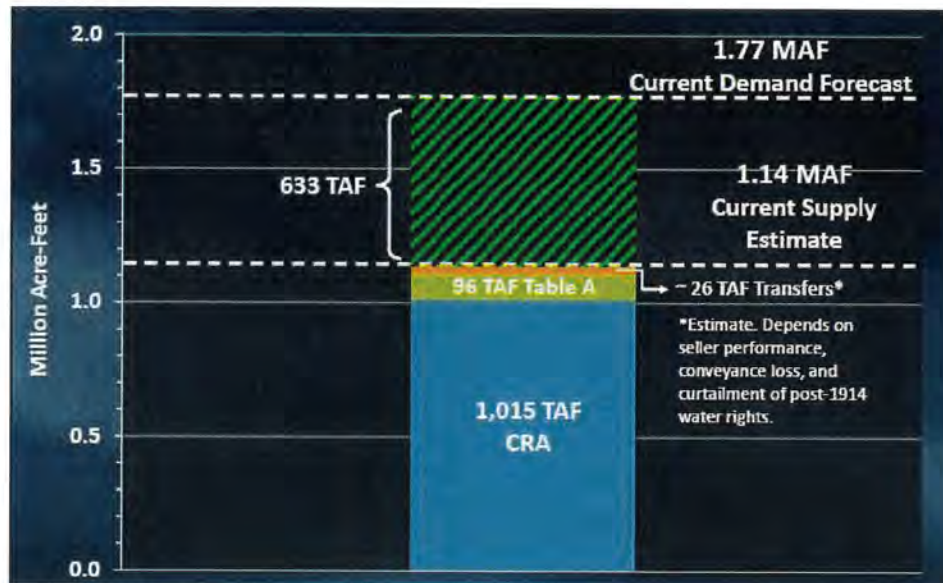
- Lake Oroville, an essential reservoir for the State Water Project (SWP) located north of the Sacramento Delta, started the year at a precariously low level. San Luis Reservoir, located south of the Sacramento Delta, does have a moderate amount of SWP water stored from the previous year that softens the impact of a low water in Lake Oroville.
 - As of May 10
 - Lake Oroville: 41% of capacity
 - San Luis Reservoir: 49% of capacity
 - As of August 4
 - Lake Oroville: 24% of capacity
 - San Luis Reservoir: 19% of capacity (historical average should be 40% for this time of year)



Aerial Image of Lake Oroville – March 2021

<https://www.copernicus.eu/en/media/image-day-gallery/severe-drought-california-usa>

- **METROPOLITAN** – Metropolitan (MET) is forecasting a supply gap of approximately 633,000 AF for CY 2021. It is expected that Metropolitan will draw on storage reserves to meet the 633 TAF shortfall.



- On July 16th, Metropolitan presented information to its Member Agency Managers that a low initial SWP allocation for 2022 should be expected.
- Many cities and water purveyors in southeast Ventura County utilize supplies distributed by Calleguas to meet total retail demands. Calleguas is substantially reliant on State Water Project (SWP) supplies, however a small portion of Colorado River supplies can be delivered to the service area.
- In 2021, most of Southern California will maximize use of Colorado River supplies. This will greatly assist areas that are more dependent on SWP supplies – like Ventura County. It is important to note the snowpack that feeds into the Colorado River is also below average for 2021.
 - Colorado River – as of May 11
 - Lake Mead: 38% of capacity
 - Lake Powell: 34% of capacity
 - Colorado River – as of August 4
 - Lake Mead: 35% of capacity
 - Lake Powell: 32% of capacity
- It is possible that a federally declared “light shortage” for Lake Mead (i.e., level of Lake Mead drops below 1,075 ft.) may occur as soon as this year or in CY 2022. Should a water shortage occur for Lake Mead – Arizona and Nevada would both share in the first cutbacks from allocations of Colorado River water. California would not be cutback in its allocation of Colorado River water until an “extreme shortage” is declared (i.e., level of Lake Mead drops below 1,025 ft.). **As of August 2021, there is 99% chance that a shortage will be declared for Lake Mead in CY 2022.**



Aerial Image of Lake Mead – January 2019

<https://e360.yale.edu/features/on-the-water-starved-colorado-river-drought-is-the-new-normal>

Prudent planning and ratepayer investments have built a critical drought buffer for SoCal region – however the extreme drought conditions experienced in 2021 underscores the need for enhanced conservation measures

- **Droughts are not new to Southern California.** Following the protracted 1987-92 drought, Southern California water agencies redoubled efforts to develop programs designed to buffer against the social and economic impacts of water shortages due to drought and emergency conditions. The most recent 2012-2016 drought spurred a massive investment in conservation programs and turf removal. Over \$350 million was devoted to turf removal rebates during that period with approximately 165 million square feet of lawn removed. It is also noteworthy to recall that the State imposed – for the first time in California history – emergency drought regulations and community specific water conservation targets. Record breaking storms in 2017 pulled most of California out of drought and significantly improved imported water conditions.
- **While supply availability will not be impacted, we urge water users to reduce their use of water by 15 percent.** The primary reasons for avoiding immediate water restrictions are 1) ongoing efforts by water users that have dramatically lower demand through various water conservation and recycled water programs and 2) significant rate payer investments in storage made in recent years to capture supplies in wet years. Metropolitan has indicated that it does not intend to institute mandatory water delivery reductions in 2021 – nonetheless the extreme statewide drought condition serves to underscore the need for enhanced conservation measures to maintain reliable supplies.
- **There is a significant amount of imported water stored in reserves for multiple dry years.** Over the past 30 years, Southern California rate payers invested more than \$5 billion in regional storage and infrastructure improvements.
 - **Dry year imported water storage reserves registered their highest level in history at 3.2 million acre-feet at the end of CY 2020.**
 - Ratepayer investments that allowed for additional storage in Lake Mead.

- Pump station upgrades that enable delivery of a small portion of Colorado River supplies into Ventura County. **In late-June, MET notified Calleguas of a blend change at the Jensen Treatment Plant with Colorado River water.**
- Diamond Valley Lake which doubled the Southland's reservoir storage capacity.
- Groundwater storage programs in the Central and Coachella Valleys.
- Inland Feeder, a 44-mile water line that provides additional delivery capacity that can be used during wet winters when water is available.



Greg Avenue Pump Station enables delivery of Colorado River water to Calleguas service area
<http://www.mwdh2o.com/PDFWWACurrentBoardAgendas/05102021%20EO%207-4%20Presentation.pdf>

Increased water use efficiency is critical for future water reliability

- **While mandatory cutbacks are not anticipated this year, area residents and businesses should implement feasible water efficiency measures to reduce water use by 15 percent.** This will help extend our local reserves in the event dry conditions persist in the years to come.
- Water users are encouraged to continue take advantage of the numerous rebate programs available to further minimize their water use while saving money.
- Residential rebates are available for high efficiency toilets and clothes washers, weather-based irrigation controllers and soil moisture sensors, low flow sprinkler heads, rain barrels, and turf removal. Various rebates for commercial customers are also available.
- Visit bewaterwise.com for details about available rebates and tips on how to save water.



Local Retail Messaging

- Status of local groundwater supplies, other local supply projects & programs (e.g., recycled water, groundwater desalting, IPR, DPR, etc.).
- Long-term water use objectives rolling out from the State (implementation of "Make Conservation a CA Way of Life").
- Application of local water conservation ordinances (stages, measures, etc.).

TRIUNFO SANITATION DISTRICT

**ORDINANCE NO. TSD-301 (Adopted 11/26/18)
ESTABLISHING POLICIES AND PROCEDURES FOR
WATER CONSERVATION**

WHEREAS, 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;

WHEREAS, Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, environmental concerns and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues;

WHEREAS, careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure reliable minimum supply of water to meet current and future water supply needs;

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof;

WHEREAS, California Water Code Section 375 et seq. requires water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies;

WHEREAS, California Water Code section 350 et seq. authorizes any public entity, including a special district, to declare a water shortage emergency and, upon declaration of that emergency, adopt regulations and restrictions on the delivery and consumption of water in order to conserve water resources during the period of the emergency and until the supply of water available for distribution by the suppliers has been replenished or augmented;

WHEREAS, the adoption and enforcement of water conservation and supply shortage program is necessary to manage the District's potable water supply in the short- and long-term and to avoid or minimize the impacts of drought and shortage within the District. Such a program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare; and

WHEREAS, based upon the above findings, the District's legal counsel advises, and the Board finds, that actions taken pursuant to this ordinance are categorically exempt from CEQA according to 14 California Code of Regulations 15301 and 15307.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the TSD Water Conservation Ordinance.

SECTION 2. DEFINITIONS

The following words and phrases whenever used in this ordinance shall have the meaning defined in this section:

- a. "Account" means a District record that identifies the meters through which water is served to a particular property, the name of the person requesting the service, the location of the property and the person responsible for payment. Each such Account is identified by an account number.
- b. "District" or "TSD" means the Triunfo Sanitation 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. "Person" means any human being, corporation, public or private entity, governmental agency or institution or any other user of water provided by the District.
- e. "Potable Water" means water which is suitable for drinking.
- f. "Recycled Water" means as defined in Title 22, Chapter 4 of the California Administrative Code, water which, as a result of tertiary treatment of domestic and industrial wastewater, is suitable for a district beneficial use or a controlled use that otherwise would not occur.

SECTION 3. APPLICATION OF ORDINANCE

- A. The provisions of this ordinance apply to any person in the use of any potable water provided by the District.
- B. The provisions of this ordinance 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 ordinance do not apply to the use of recycled water.
- D. The provisions of this ordinance 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.
- E. This ordinance 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. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any state based ordinances and stormwater management plans.

SECTION 4. PERMANENT WATER CONSERVATION REQUIREMENTS

The following water conservation requirements are effective at all times and shall be permanent. Violation of this section shall be considered waste and an unreasonable use of water.

- A. **Watering Hours:** Watering or irrigation of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. on any day except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system.
- B. **Watering Duration:** Limit irrigation system watering to no more than 15 minutes per day per station. This does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- C. **Run-Off:** Application of water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.
- D. **Washing Vehicles:** Use of a hose that dispenses water to wash a motor vehicle is prohibited, except where a 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.
- E. **Driveways and Sidewalks:** Application of potable water directly to driveways and sidewalks is prohibited.
- F. **Ornamental Fountains and Decorative Water Features:** Use of potable water in an ornamental fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system or the fountain is registered on the National Register of Historic Places.
- G. **Rain Events:** Application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain is prohibited.
- H. **Eating/Drinking Establishments:** Serving of drinking water other than upon request in an eating or drinking establishment is prohibited during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions. Establishments include restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink are served or purchased.
- I. **Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within five (5) days of observation and notification by the District.

SECTION 5. STAGE 1 WATER SUPPLY SHORTAGE

A. Stage 1

A Stage 1 Water Supply Shortage condition exists when the Board of Directors determines, in its sole discretion, that due to drought or other supply reductions, a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon the declaration of a Stage 1 Water Supply Shortage condition, the District shall implement the mandatory Stage 1 conservation measures identified in this section.

B. Stage 1 Water Conservation Measures

In addition to the prohibited uses of water identified under PERMANENT WATER CONSERVATION REQUIREMENTS, the following water conservation requirements apply during a declared Stage 1 Water Supply Shortage:

1. **Watering Days:** Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to 3 days per week. During the months of November through March, watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to no more than 1 day per week. This provision does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision does not apply to use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system.
2. **Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within seventy two (72) hours of observation and notification by the District.
3. **Recycled Water Use for Construction:** Use only recycled water for construction site dust control, consolidation of backfill, if available.
4. **Other Prohibited Uses:** The Board of Directors may implement other prohibited water uses as determined by the District after notice to customers.

SECTION 6. STAGE 2 WATER SUPPLY SHORTAGE

A. Stage 2

A Stage 2 Water Supply Shortage condition exists when the Board of Directors determines, in its sole discretion, that due to drought or other supply reductions a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon the declaration of a Stage 2 Water Supply Shortage condition, the District shall implement the mandatory Stage 2 conservation measures identified in this section.

B. Stage 2 Water Conservation Measures

In addition to the prohibited uses of water identified under STAGE 1 WATER SUPPLY SHORTAGE, the following additional water conservation requirements apply during a declared Stage 2 Water Supply Shortage:

1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is restricted in accordance with the allotments in the latest version of the Triunfo Sanitation District Oak Park Water Shortage Contingency Plan (Water Shortage Contingency Plan). Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to 2 days per week. During the months of November through March, watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to no more than 1 day per week. This provision does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons

of water per hour. This provision does not apply to use of a hand-held bucket or similar container, or for very short periods for the express purpose of adjusting or repairing an irrigation system.

2. **Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within forty eight (48) hours of observation and notification by the District.
3. **Ornamental Fountains and Decorative Water Features:** No filling, cleaning and/or refilling of decorative fountains, ornamental lakes or ponds 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 this supply shortage stage.
4. **Washing Vehicles:** Residential car washing prohibited. Use car washes available with water recycling systems.
5. **Pools:** The filling of any new or existing residential pools or outdoor spas is prohibited.
6. **New Grass:** Planting of new turf grass is prohibited.
7. **Mist Coolers:** Outdoor evaporative mist coolers are prohibited.
8. **Line-Flushing:** Main line flushing is allowed for emergency purposes only.
9. **Other Prohibited Uses:** The District may implement other prohibited water uses as determined by the Board of Directors, after notice to Customers.

C. Water Allocations/Water Budget

The District will implement the water allocation plan in the most recent Water Shortage Contingency Plan for residential customers. The District must provide notice of the allocation by including it in the regular billing statement to which the District customarily mails the billing statements for on-going water service. Penalties will be levied on Accounts that exceed their water allocation.

SECTION 7. STAGE 3 WATER SUPPLY SHORTAGE

A. Stage 3

A Stage 3 Water Supply Shortage condition is also referred to as an "Emergency" condition. A Stage 3 Water Supply Shortage condition exists when the Board of Directors declares a water shortage emergency in a manner and upon the grounds set forth in California Water Code Section 350 et seq.

Upon the declaration of a Stage 3 Water Supply Shortage condition pursuant to California Water Code Section 350 et seq., the District shall implement the mandatory Stage 3 conservation measures identified in this section.

B. Stage 3 Water Conservation Measures

In addition to the prohibited uses of water identified under STAGE 2 WATER SUPPLY SHORTAGE, the following water conservation requirements apply during a declared Stage 3 Water Supply Shortage Emergency:

1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is restricted in accordance with the allotments in the Water Shortage Contingency Plan for residential customers. This restriction does not apply to the use of recycled water or to the following categories of use, subject to Section 9 (Health and Safety Waiver):
 - a. Maintenance of existing landscape necessary for fire protection;
 - b. Maintenance of existing landscape for soil erosion control;
 - c. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - d. Maintenance of landscape within active public parks and playing fields, daycare centers, golf course greens, and school grounds, provided that such irrigation does not exceed 2 days per week;
 - e. Actively irrigated environmental mitigation projects.
2. **Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within twenty four (24) hours of observation and notification by the District.
3. **Other Prohibited Uses:** The District may implement other prohibited water uses as determined by the Board of Directors, after notifying customers.

C. Water Allocations/Water Budget

The District will implement the water allocation plan in the most recent Water Shortage Contingency Plan for residential customers. The District must provide notice of the allocation by including it in the regular billing statement to which the District customarily mails the billing statements for on-going water service. Penalties will be levied on Accounts that exceed their water allocation.

SECTION 8. PROCEDURES FOR DETERMINATION/NOTIFICATION OF WATER SUPPLY SHORTAGE

A. Determination And Notification Of Stage 1 or Stage 2 Water Supply Shortage

The existence of a Stage 1 or Stage 2 Water Supply Shortage condition will be declared by resolution of the Board adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Stage 1 and Stage 2 Water Supply Shortage conditions, respectively, shall take effect on the tenth day after the date the shortage condition is declared. Within five days following the declaration of the shortage

condition, the District shall publish a copy of the resolution once in a newspaper used for publication of official notices.

If the Board of Directors establishes a water allocation, the District shall provide notice of the allocation by including it in the regular billing statement or by another mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. A water allocation shall be effective on the fifth day following the date of mailing or at such later date as specified in the notice.

B. Determination And Notification Of Stage 3 Water Supply Shortage

The existence of a Stage 3 Water Supply Shortage condition may be declared in accordance with the requirements and procedures specified in California Water Code Section 350 et seq.

The mandatory conservation measures applicable to a Stage 3 Water Supply Shortage condition shall take effect immediately upon the Board of Directors declaration of a "Water Shortage Emergency" pursuant to California Water Code Section 350 et seq. As soon as practicable following the Board's declaration of a "Water Shortage Emergency," the District shall publish a copy of the declaration once in a newspaper used for publication of official notices.

If the Board of Directors establishes a water allocation, the District shall provide notice of the allocation by including it in the regular billing statement or by another mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. A water allocation shall be effective on the fifth day following the date of mailing or at such later date as specified in the notice.

SECTION 9. HEALTH AND SAFETY WAIVER

A. Threat to Health and Safety

If a specific requirement of this ordinance would directly and negatively impact the health and safety of a water user permanently residing on property subject to this ordinance, then the property owner may apply for a waiver of the requirements of this ordinance as provided in this section.

B. Written Finding

The waiver may be granted or conditionally granted to the property owner only upon a written finding by the General Manager of the existence of facts demonstrating a direct, negative impact on the health and safety of the water user.

1. **Application:** Application for a health and safety waiver shall be on a form prescribed by the District and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the Board.
2. **Supporting Documentation:** The application must include factual evidence demonstrating that the enforcement of the specific requirements of this ordinance will result in a direct and negative impact on the health and safety of a water user permanently residing on the property due to unique circumstances specific to that water user. That evidence may include a statement from a licensed California health professional or other licensed California professional qualified to evaluate the health and safety threats of this ordinance on the water user.

3. **Required Findings for Health or Safety Waiver:** An application for a health and safety waiver shall be denied unless the appropriate authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District or its agent, all of the following:
 - a. That the health and safety waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 - b. That because of special circumstances applicable to the water user, the strict application of this ordinance to the property owner would directly and negatively impact the health or safety of the water user; and,
 - c. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this ordinance and will not be detrimental to the public interest.
4. **Approval Authority:** The General Manager (or designee) shall exercise approval authority and act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny an application for a health and safety waiver. The property owner requesting the health and safety waiver shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a health and safety waiver is approved, the health and safety waiver applies to the subject property during the term of the mandatory water supply shortage condition.
5. **Appeals to the Board:** An applicant can appeal a decision or condition of the General Manager on a health and safety waiver application to the TSD Board within 10 days of the decision upon written request to the Clerk of the Board for a hearing. The request shall state the grounds for the appeal. At a public meeting, the TSD Board shall act as the approval authority and review the appeal following the regular waiver procedure. The decision of the TSD Board is final.

SECTION 10. FINES AND PENALTIES

A. Misdemeanor

Any violation of District ordinances may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

B. Fines

Fines for failure to comply with the water conservation measures in the ordinance shall be as follows:

| Violation | Permanent & Stage 1 Fines | Stage 2 and Stage 3 Fines |
|---|--|-----------------------------|
| 1 st | Courtesy door hanger describing violation will be issued and a copy of this ordinance will be mailed | Fine not greater than \$100 |
| 2 nd within preceding 12 months | Fine not greater than \$100 | Fine not greater than \$200 |
| 3 rd within preceding 12 months | Fine not greater than \$150 | Fine not greater than \$250 |
| 4 th within preceding 12 months | Fine not greater than \$200 | Fine not greater than \$350 |
| 5 th and subsequent violation within preceding 12 months | Fine not greater than \$250 | Fine not greater than \$500 |

A fifth and subsequent violation is punishable not only with a fine, but also the following:

1. Water Flow Restrictor (Applies to Permanent and Stages 1-3): The District 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 competitively sized restrictors for larger services after written notice of intent from the General Manager to install a restrictor for a minimum of forty-eight (48) hours.
2. Termination of Service (Applies to Stages 2-3): The District may disconnect and/or terminate a customer's water service.

C. Penalties for Excessive Consumption

Excessive water use penalties will be charged in addition to the regular fee structure based on total consumption. If an Account uses more water during any Monthly Billing Cycle than has been allocated to that Account, such excess use shall constitute a violation of this Ordinance, and the penalty rates for excessive consumption is as follows:

| Excess Water Charge 1 | Excess Water Charge 2 | Excess Water Charge 3 |
|--|--|--|
| 0 - <6 HCF | 6 - <11 HCF | 11+ HCF |
| Penalty based on 1X Tier 1 water rate | Penalty based on 2X Tier 2 water rate | Penalty based on 3X Tier 3 water rate |

Hundred Cubic Feet (HCF) = 100 cubic feet of water = 748 gallons

In addition to the penalty rates, any Account exceeding their allocation four times in any twelve month period may result in the District installing a water flow restrictor device. An Account can request removal of the flow restrictor device following three months of water allocation compliance. Removal requests must be made in writing and addressed to the General Manager, Triunfo Sanitation District, 1001 Partridge Drive, Suite 150, Ventura, California, 93003-0704.

D. Cost of Flow Restrictor and Disconnecting Service

A person or entity that violates this ordinance is responsible for payment of the District charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges, then in effect as a charge for installing and/or removing any flow restricting device shall be paid to the District before the device is removed. Nonpayment shall be subject to the same schedules as nonpayment of basic water rates.

E. Separate Offenses

The District provides a 10-day period from the date on the notice of violation in which a violation may be appealed. No further notice of violation for the same offense will be issued during this time. If the appeal is received within this 10-day period, no further action will be taken pending notification of the District's final determination. If the appeal is not received within this 10-day period then the violation stands.

F. Appeals to the Board

An applicant can appeal a decision of the General Manager on a violation to the TSD Board within 10 days of the decision upon written request to the Clerk of the Board for a hearing. The request shall state the grounds for the appeal. At a public meeting, the TSD Board shall act as the approval authority and review the appeal following the regular appeal procedure. The decision of the TSD Board is final.

SECTION 11. SEVERABILITY

If any section, subsection, sentence, clause or phrase in this ordinance or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the ordinance or the application of such provision to other persons or circumstances shall be adopted thereby. The Board of Directors hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 12. REPEAL OF PRIOR INCONSISTENT ORDINANCES

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TSD-66 and TSD-92.

SECTION 13. EFFECTIVE DATE

This Ordinance shall become effective January 1, 2019.

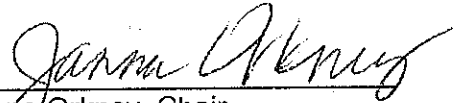
PASSED, APPROVED AND ADOPTED this 26th day of November 2018 by the following vote:

AYES: J. Orkney, S. Pan, L. Shapiro, R. Tjulander, J. Wall

NOES: 0

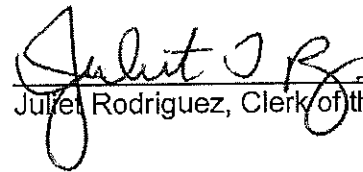
ABSENT: 0

TRIUNFO SANITATION DISTRICT



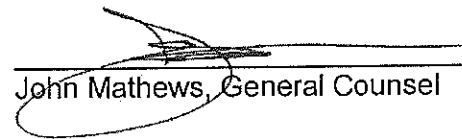
Janna Orkney, Chair

ATTESTED:



Juliet Rodriguez, Clerk of the Board

APPROVED AS TO FORM:



John Mathews, General Counsel

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