

ORDINANCE NO. 96

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTECITO WATER DISTRICT PROVIDING FOR MODIFICATION TO RESTRICTIONS ON USE OF WATER AND SUPPORTING ONGOING DECLARED STAGE 1 WATER SHORTAGE EMERGENCY

WHEREAS, the Montecito Water District is a County Water District formed under and pursuant to Section 30000, et seq. of the California Water Code, located in and serving the unincorporated areas of Montecito and Summerland within the County of Santa Barbara; and

WHEREAS, between 2012 and 2018 portions of the State of California, including Santa Barbara County, experienced the driest consecutive 7-year period on record resulting in depleted surface water and groundwater supplies; and

WHEREAS, the District's dependence on state, regional and local surface water supplies and the adverse effects of unpredictable and unreliable rainfall have been the primary reasons for its historical water shortages; and

WHEREAS, drought conditions persisted throughout Santa Barbara County between 2012 and 2018. The county-wide percent of normal rainfall recorded was 66% in 2012, 46% in 2013, 41% in 2014, 54% in 2015, 69% in 2016, 1366% in 2017 and 54% in 2018 resulting in minimal inflow to the local surface water reservoirs including Cachuma and Jameson Lakes. These local surface water supplies, which historically provide nearly 70% of the District's annual water supply, reached historic lows in 2016 with the percent of full storage capacity in Cachuma and Jameson Lakes reaching all-time lows of 7% and 9%, respectively. 2017 brought moderate rainfall and subsequent inflow to both Cachuma and Jameson Lake, but far less than what was needed for full recovery. This period of below-normal rainfall resulted in a significant lowering of the groundwater level in the Montecito Groundwater Basin, causing many groundwater wells, both public and private to go dry; and

WHEREAS, because the drought conditions affected the entire state, the Department of Water Resources provided a State Water Project supply allocation of 35% in 2013, 5% in 2014, 20% in 2015, 60% in 2016, 85% in 2017 and 35% in 2018 of the District's total annual allocation of 3,300AF. As a result of the reduced State Water Project supply allocations and the decline of local surface water supplies, the District relied heavily on purchasing supplemental water through the Central Coast Water Authority's Supplemental Water Purchase Program to offset the reduction in State Water Project imports, purchasing nearly 16,000AF between 2013 and 2018; and

WHEREAS, in February 2014 following more than two years of below average rainfall, declining local and state surface water supplies, alarming increases in customer water use which reached upwards of 6,100 acre feet per year (AFY) in 2013, and a limited available supply projected in 2014 at 5,300AFY, the District took necessary action adopting Ordinance 92 declaring a water shortage emergency and implementing restrictions on certain uses of water and fines for failure to comply with the conservation measure. The District also adopted Ordinance 93 establishing monthly customer water use allocations and penalty rates for consumption in

excess of allocation in accordance with *Stage 4* drought conditions as outlined in the District's *Urban Water Management Plan*. Subsequently, on March 24, 2015 the District adopted Ordinance 94 increasing the monthly customer water use allocations adopted under Ordinance 93; and

WHEREAS, through the implementation of Ordinances 92, 93 and 94, and voluntary water conservation by District customers, the District was successful under extraordinary drought conditions in reducing customer water use by nearly 50%, reaching a historic low customer demand in 2016 of approx. 3,100 acre feet per year; and

WHEREAS, the 2016/17 winter blanketed the State with significant rain and snow, filling and spilling Lake Oroville, San Luis Reservoir and many more of the state's major reservoirs in approximately one month's time. The District lost approximately 5,000 AF of purchased and banked supplemental water stored in San Luis Reservoir at the time of spill. The surplus of surface water supplies across the state resulted in an increase in the State Water Project allocations for 2017 to 85% (2,805 acre feet), the highest State Water Project allocation since 2006; and

WHEREAS, during the 2016/17 winter, a storm hit Santa Barbara County bringing nearly 8-inches of rainfall to the region, including the San Ynez River upper sub-basin watershed, over a 48-hour period, producing significant inflow at both Cachuma and Jameson Lakes. Reservoir levels at both Cachuma and Jameson Lakes rose to approximately 50% and 60%, respectively, of their full storage capacities, the largest inflow to these reservoirs since 2011, but far less than what is needed for full recovery; and

WHEREAS, the increase in available surface water supplies in Lake Cachuma resulted in the United States Bureau of Reclamation (USBR) issuing a 2017 mid-year Cachuma Project allocation of 40% or 1,060 acre feet, the first Cachuma project allocation issued since October 2014, with a similar allocation issued for the 2018 Water Year on October 1, 2017; and

WHEREAS, in March 2017, recognizing the improved water supply conditions both locally and statewide, the District suspended Ordinance 94 penalties for water use in excess of monthly customer water use allocations and transitioned from a mandatory to a voluntary water conservation model; and

WHEREAS, on April 7, 2017, the Governor of the State of California issued executive order B-40-17 terminating the January 17, 2014 Drought State of Emergency for nearly all counties in the State, including Santa Barbara County, despite drought conditions continuing locally, and retaining the provisions contained in Executive Order B-37-16 *Making Water Conservation a California Way of Life*; and

WHEREAS, in August 2017, based on improved water supply conditions, including projections of adequate water supplies to accommodate a customer demand of up to 4,300 AFY, the District repealed Ordinances 92 and 94, including monthly customer water use allocations and penalties, and adopted Ordinance 95, transitioning from a mandatory to a voluntary-based conservation model, establishing updated water use restrictions including the continuation of the prohibition on issuance of new water meters, and declaring a Stage 2 Water Shortage Emergency; and

WHEREAS, in December 2017, Santa Barbara County experienced a devastating wildfire, the Thomas Fire, which burned the south easterly portions of the County, including the southerly facing Santa Ynez Mountains above Montecito and the entire Jameson Lake watershed. On January 9, 2018, a 500-year storm event centered over Montecito caused debris flows that devastated much of the community resulting in loss of life and property. This series of natural disasters caused significant destruction to the District's infrastructure and had a substantial impact on water quality at Jameson Lake. Subsequently, lake deliveries were suspended in early 2018; and

WHEREAS, following another year of below-average rainfall in 2018, hydrologic conditions locally and statewide changed in early 2019. Above average rainfall and snow fell across the State, filling reservoirs and resulting in the State becoming nearly drought free for the first time since 2011. The 2018/19 winter storms filled and spilled Jameson Lake on February 3, 2019, increased the stored volume in Lake Cachuma to 80% of the full storage capacity, and resulted in an interim 2019 State Water Project allocation of 70%. For the first time since 2014, the District is projecting sufficient water supplies to meet reduced customer demands over the 3-year planning period without the need for supplemental water, a stark contrast from 2018 when the District relied on imported water deliveries to meet nearly 80% of its customer demands; and

WHEREAS, although hydrologic conditions have improved significantly, the District's water supplies have yet to fully recover from impacts of the historic seven year drought spanning from 2012 to 2018. Lake Cachuma is not projected to reach 100% of full storage capacity in 2019. Groundwater levels in the Montecito Groundwater Basin remain near historic lows and although the basin is showing signs of recovery, it is expected to take several consecutive years of above-average rainfall to fully recover. The District's reliance on supplemental water throughout the drought resulted in it incurring water debt, which remains to be repaid. Although continuous inflow to Jameson Lake this winter has improved its water quality to pre-Thomas Fire conditions, water quality has yet to return to pre-drought conditions and requires additional treatment. In addition, it is unknown whether the State and Santa Barbara County in particular are entering a period of wetter conditions or whether the 2018/19 winter was an anomaly, with drought conditions remaining; and

WHEREAS, the District's Water Shortage Contingency Plan included in its Urban Water Management Plan recommends a Stage 1 Water Storage Emergency condition be declared when prolonged dry weather exists and a 0 to 15% reduction in the District water supplies is projected in the coming year, and both conditions currently exist; and

WHEREAS, in April 2019, recognizing the improvement in water supply conditions and the water supply challenges that remain, the District continued its declaration of water shortage emergency conditions pursuant to Water Code Section 350 and the District's Urban Water Management Plan, reducing the declared drought stage from Stage 2 to Stage 1 conditions.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF DIRECTORS OF THE MONTECITO WATER DISTRICT AS FOLLOWS:

On the basis of the historic drought that affected the entire State of California from 2012 to 2018, and a 2018/19 winter that significantly improved water supply conditions both locally and

regionally but that failed to bring full recovery of all the District water supplies, the Board hereby continues its declaration of a Stage 1 Water Shortage Emergency condition pursuant to Water Code section 350 and the District's Urban Water Management Plan.. Under this water shortage emergency condition, restrictions on water use for all District customers are hereby modified as follows:

1. Repeal of Ordinance 95. Ordinance 95 is hereby repealed in its entirety including the prohibition on the issuance of new water meters.
2. New Water Meters Service/Modification of Existing Water Meter Service. New water meters may be issued subject to compliance with all pertinent District ordinances and regulations. A modification of an existing meter service, such as an increase in meter size or issuance of additional meters on a property are prohibited except under certain circumstances as authorized by the General Manager. In addition, the transfer of a water meter from one property to another may be permitted by approval of the General Manager and any transfer of a water meter shall be permanent.
3. Prohibition Against Waste of Water. It shall be unlawful for any District customer obtaining any water from and through the distribution facilities of the District to waste any of that water.
4. Customer Water Use Limitation. Water use within the District's service area continues to be limited to that allowed under Ordinance 89, or any future amendments, modifications and/or revisions of Ordinance 89.
5. Mandated Water Use Restrictions. The following restrictions are incorporated into this Ordinance:
 - a. The washing of hard surfaces such as driveways, sidewalks, patios and parking lots is prohibited except where necessary to protect health and safety. Pressure washing for maintenance or repair is permitted.
 - b. Applying water to landscaping during and within 48 hours after measurable rainfall of at least one-quarter of one inch of rain is prohibited.
 - c. Applying water to outdoor landscaping in a manner that causes runoff such that water flows onto an adjacent property, non-irrigated areas, private and public walkway, parking lot or structure is prohibited.
 - d. Vehicles shall be washed only at commercial car washing facilities or by the use of a bucket or hose equipped with a hand-operated shut off nozzle.
 - e. Using potable water in an ornamental fountain or other decorative water feature is prohibited except where part of a recirculating system.
 - f. Hotels, Motels, etc. shall offer an option of not laundering towels and linens daily and shall display notice of this option.
 - g. All restaurants and other eating establishments that provide table service shall refrain from serving water except upon specific request by a customer.

- h. Irrigating turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk, except where the turf serves a community or neighborhood function or is watered incidentally w/ trees or is irrigated w/ recycled water is prohibited.
- i. Exterior irrigation, including but not limited to irrigation of turf, plants, lawns, shrubbery and ground cover, shall be permitted if irrigated between the hours of 6 p.m. and 10 a.m. Written requests for relief from these irrigation restrictions shall be directed to the General Manager and will be subject to the appeal process in Section 8 of this ordinance. This provision is applicable to all customer classifications excluding agriculture.
- j. Temporary construction meters may be issued for work being performed within the District's service boundary only.
- k. Water for private swimming pools, spas, and hot tubs is considered a non-essential use. Property owners with new and existing private swimming pools, spas and hot tubs are permitted to maintain water levels, and to drain and/or fill only once every five (5) years upon application and written authorization from the District. On written application and at the discretion of the General Manager, a property owner may be authorized to drain a pool for repair and to refill it.
- l. Water for ponds is considered a non-essential use. Property owners are permitted to maintain water levels for currently existing lined ponds only. Water for new ponds, or for maintaining water levels on unlined ponds, must be supplied by an alternative water source. On written application and at the discretion of the General Manager, a property owner may be authorized to drain and refill a pond for repair.
- m. Breaks or leaks in any customer's plumbing must be immediately repaired upon discovery. If repairs cannot be immediately completed, water service to the property shall be temporarily turned off by the customer or customer's agent at the customer's shutoff valve, or by the District at the customer's water meter serving the property, to prevent water loss until such time as the repair has been completed.

6. Fines for Violating Mandated Water Use Restriction

- a. Fines for violation of this section will fund both conservation outreach toward those who fail to avoid wasteful water use practices or conserve water and the purchase, if necessary, of additional water supplies to offset wasteful consumption and protect the health and safety of all customers. Because these costs are necessary to provide water service under continued drought conditions, the Board finds that the rates for water service, including fines established under this section:
 - i. Are not expected to exceed the funds required to provide water service.
 - ii. Will not be used for any purpose other than to provide water service.

- iii. Will not exceed the proportional cost of water service attributable to any parcel.
 - iv. Are imposed only where water service is actually used by, or immediately available to, a parcel.
 - b. A written warning will be issued for a first violation of this section. The District will impose a fine in the amount of \$250 for the second violation, and doubling with each subsequent violation, up to a maximum of \$1,000 for any single violation. Upon a fourth violation, or upon an earlier violation, if the General Manager determines these violations are creating a significant threat to the goals of this Ordinance, the General Manager may issue a written order for the installation of a flow restrictor on the service line or lines in question. Orders shall be provided to the Board when issued and any appeal shall be heard as quickly as possible to allow a flow restrictor to be removed promptly should the Board grant the appeal.
7. Water Use Efficiencies and Best Practices The following water use conservation measures are recommended to further reduce wasteful water use and conserve this essential and limited resource:
- a. Redesign landscape to replace some or all vegetation with drought-tolerant or native plants.
 - b. Water lawns and outdoor areas only when needed. Most plants do not need to be watered every day and excess watering not only wastes water, but can also harm plants. Improve irrigation management with the installation of a soil moisture sensor for measuring soil moisture and determining when irrigation is needed.
 - c. Replace or upgrade old irrigation systems with state-of-the-art efficient drip or spray systems.
 - d. Use mulch around trees and plants to keep moisture in the soil.
 - e. Set lawn mower blades at 3" to 4" to keep lawn longer and retain moisture in the soil.
 - f. Install water harvesting and diversion features, such as rain gutters, rain barrels and in-ground storage, to capture rainfall runoff from roofs and pavement. Utilize equipment that harvests water from the air.
 - g. Install or replace plumbing fixtures with water-conserving plumbing fixtures such as high-efficiency toilets, showerheads and faucets.
 - h. Reduce the length of showers or the amount of water used for baths.
 - i. While pre-heating shower, collect unused water in a bucket and save it to irrigate landscaping.
 - j. Turn off the water while brushing your teeth or shaving.

- k. Install high efficiency washing machines, dishwashers and toilets.
 - l. Only wash laundry and dishes with full loads.
 - m. Install a “laundry-to-landscape” graywater system.
 - n. For pre-cleaning dishes, use a filled sink instead of running water.
 - o. Consider installing an instant water heater on sinks that are located far from the main water heater.
 - p. Wash vehicles using a waterless car wash product. A waterless car wash is an eco-friendly and efficient car wash that uses little or no water.
 - q. Cover spas or swimming pools to reduce water loss due to evaporation.
 - r. Watch for and report broken, poorly timed or misaligned sprinklers around the community.
 - s. After a power outage, irrigation timers often reset to default. Check irrigation timers often.
8. Appeals and Exceptions.
- a. Any customer may appeal any decision made or fine imposed under this Ordinance to the Board of Directors by filing a written appeal with the District within 30 days of written notice of the decision or fine. Such an appeal shall be accompanied by an appeal fee in an amount established from time to time by resolution of the Board of Directors and refundable should the appeal be granted. The Appeals Committee will hear the appellant and make a recommendation to the Board of Directors. The Board of Directors shall consider the recommendations of the Appeals Committee. The District shall give the appellant written notice of the meetings at which the appeal will be considered by the Appeals Committee and the Board.
 - b. The Board of Directors may, in its discretion, continue a hearing, affirm, reverse, or modify the Appeals Committee’s recommendation and make any adjustments and impose any conditions it deems just and proper, if it finds one or more of the following: (1) the restrictions of this Ordinance would cause an undue hardship, (2) the granting of the appeal will not significantly adversely affect the goals of this Ordinance, (3) due to peculiar facts and circumstances, none of the provisions of this Ordinance are applicable to the situation under consideration; or (4) error in the application of this Ordinance or other applicable rules or law.
 - c. The Board’s decision shall be written and provided to the appellant and any other person who requests notice of the decision in writing. Such decisions are final as to the District and not subject to further appeal unless the Board’s decision expressly provides otherwise. Judicial review of final decisions shall be available pursuant to California Code of Civil Procedure section 1094.5.

9. Suspension of Conflicting Ordinances and Rules and Regulations. To the extent that the terms and provisions of this Ordinance are inconsistent, or in conflict with the terms and provisions of any prior District Ordinances, Resolutions, Rules, or Regulations, the terms of this Ordinance shall prevail and inconsistent and conflicting provisions of prior Ordinances, Resolutions, Rules, or Regulations shall be suspended during the effective period of this Ordinance.
10. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, that invalidity shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be invalid.
11. Effective Date. This Ordinance shall become effective upon adoption and shall remain in effect until the Board declares that a water shortage emergency no longer exists.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Montecito Water District this 28th day of May 2019.

AYES: Directors Coates, Goebel, Hayman, Plough, and Wicks

NAYS: None

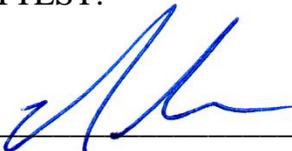
ABSENT: None

APPROVED:



Floyd Wicks, President

ATTEST:



Nick Turner, Secretary

APPROVED AS TO FORM AND CONTENT

Robert Cohen, District Counsel

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ABSENT: None

APPROVED:



Floyd Wicks, President

ATTEST:



Nick Turner, Secretary

APPROVED AS TO FORM AND CONTENT



Robert Cohen, District Counsel