

## RESOLUTION 21-13

### RESOLUTION OF THE GOVERNING BOARD OF SWEETWATER AUTHORITY AMENDING THE DROUGHT RESPONSE PLAN

**WHEREAS**, Sweetwater Authority (Authority) originally adopted its Drought Response Plan in 2008 by Resolution 08-19, and the Authority has subsequently amended its Drought Response Plan from time to time in order to address State Water Resources Control Board regulations, Executive Orders, and other restrictions; and

**WHEREAS**, the California Urban Water Management Planning Act, (Water Code § 10610, et seq. (the Act)), mandates that every urban supplier of water providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, prepare and adopt, in accordance with prescribed requirements, a Water Shortage Contingency Plan (WSCP) as part of its Urban Water Management Plan (Plan); and

**WHEREAS**, the Authority's WSCP is a detailed plan for how the Authority, an urban water supplier, intends to act in the case of any actual water shortage condition; and

**WHEREAS**, California Water Code Section 375 et seq. authorizes public entities which supply water at retail for the benefit of persons within the service area of the public entity to adopt and enforce water conservation programs to reduce the quantity of water used by water customers for the purpose of conserving the water supplies of such public entity; and

**WHEREAS**, the Authority has adopted such a program by adoption of its Drought Response Plan, due to the persistent and unpredictable water conditions in the State, statutory requirements for water planning, and the declared policy of the State; and

**WHEREAS**, the Authority's Drought Response Plan is established based upon the need to conserve water supplies for the greatest public benefit, increase the efficient uses of water, discourage waste of water, and avoid or minimize the effects of future shortage; and

**WHEREAS**, the Authority's Drought Response Plan enables the Authority to implement its WSCP; and

**WHEREAS**, recent amendments to the Act require the WSCP to contain six water shortage levels based on the water suppliers' water supply conditions; and

**WHEREAS**, the Authority's current Drought Response Plan has only four water shortage levels based on the Authority's water supply conditions; and

**WHEREAS**, in order to make the Drought Response Plan consistent with the WSCP, it is necessary to amend the Sweetwater Authority's Drought Response Plan; and

**WHEREAS**, it is necessary for the Authority to adopt a water conservation program, in the form of its amended Drought Response Plan, in order to conserve the Authority's water supplies.

**NOW THEREFORE BE IT RESOLVED** by the Governing Board of the Authority, as follows:

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SECTION 1. All of the above recitals are true.

SECTION 2. The Governing Board called a public hearing for June 9, 2021 at 6:00 p.m., for the purposes of receiving public comments and protests concerning this Resolution. Notice of the public hearing was given by publication in a newspaper of general circulation within the Authority, as required by law. At the Regular Board meeting, the Governing Board of the Authority reviewed the amendments to the Authority's Drought Response Plan, which are proposed to be adopted to implement the mandatory conservation measures. At the time and place set for the public hearing, this Resolution was considered and the Governing Board heard and considered the comments of all persons appearing at the hearing and all written comments and protests submitted prior to the close of the hearing.

SECTION 3. The Governing Board of the Authority adopts the amended Drought Response Plan, attached as Exhibit "A" to this Resolution, to guide the drought response activities of the Authority until such time as it is replaced by a subsequent Drought Response Plan.

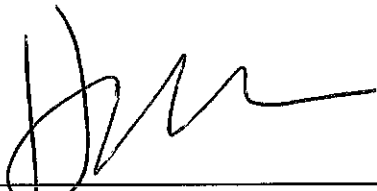
SECTION 4. The Governing Board directs that all documents and other materials constituting the record of proceedings be maintained by the General Manager, or his designee, on file at the Authority, located at 505 Garrett Avenue, Chula Vista, California 91910.

SECTION 5. All previously adopted water conservation measures, including those adopted by Resolution 16-09, under which new emergency short-term and permanent longer-term water conservation regulations were complied with, are hereby rescinded and replaced by this Resolution.

SECTION 6. This Resolution shall become effective as of the date of adoption and shall be posted in three public places within the Authority's boundaries, within ten (10) days after its adoption pursuant to California Water Code Section 376.

**PASSED AND ADOPTED** by the Governing Board of Sweetwater Authority at a regular meeting duly held on the 9th day of June, 2021 by the following vote:

AYES: Directors Calderon-Scott, Castaneda, Martinez, Martinez-Perez, Preciado, Rios, and Sotelo-Solis  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
\_\_\_\_\_  
Hector Martinez, Chair

Attest:

  
\_\_\_\_\_  
Ligia Perez, Board Secretary

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*Exhibit "A" – Drought Response Plan, dated June 9, 2021*

## **EXHIBIT "A"**

### **SWEETWATER AUTHORITY DROUGHT RESPONSE PLAN June 9, 2021**

#### **SECTION 1. Declaration of Policy.**

*California Water Code Sections 350 et seq. permits distributors of a public water supply to declare a water shortage emergency condition and adopt regulations and restrictions of the delivery of water to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.*

*California Water Code Section 370 et seq. permits the use of allocation-based conservation water pricing to encourage water users to conserve water, increase efficient uses of water, and further discourage waste of water.*

*California Water Code Sections 375 et seq. permits public entities which supply water at retail for the benefit of persons within the service area of the public entity to adopt and enforce water conservation programs to reduce the quantity of water used by water customers for the purpose of conserving the water supplies of such public entity.*

*Additionally, the California Urban Water Management Planning Act, (Water Code § 10610, et seq.), mandates that every urban supplier of water providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, prepare and adopt, in accordance with prescribed requirements, a Water Shortage Contingency Plan (WSCP) as part of its Urban Water Management Plan (Plan). The Sweetwater Authority's (Authority) WSCP is a detailed plan for how an urban water supplier, like the Authority, intends to act in the case of any actual water shortage condition.*

*The Governing Board of the Authority hereby establishes this Drought Response Plan based upon the need to conserve water supplies for the greatest public benefit, increase the efficient uses of water, discourage waste of water, and avoid or minimize the effects of any future shortage. This Drought Response Plan is also consistent with the Authority's WSCP and enables the Authority to implement its WSCP. Additionally, this Drought Response Plan is in addition to any other regulatory requirements and mandated water use prohibitions enacted by the State of California.*

#### **SECTION 2. Findings.**

*The Governing Board finds and determines that a water shortage could exist based upon the occurrence of one (1) or more of the following conditions:*

- A) A general extended water supply shortage due to increased demand or limited supplies.*
- B) The supply and/or distribution of water by the San Diego County Water Authority (CWA) or certain other agencies become inadequate.*

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- C) *A major failure of the supply, storage, and distribution facilities of the Metropolitan Water District of Southern California (MWD), the CWA, or Authority occurs.*
- D) *The Governor proclaims a State of Emergency to exist throughout the State of California due to severe drought conditions.*

*The Governing Board also finds and determines that the conditions prevailing in the San Diego region require that the water resources available be put to maximum beneficial use; the waste or unreasonable use, or unreasonable method of use of water be discouraged; and that the conservation of such water be achieved to the maximum extent reasonable and beneficial use thereof in the interest of the customers of the Authority and for the public welfare.*

**SECTION 3. Application.**

*This Drought Response Plan shall apply to all persons who use any water provided by the Authority.*

- A) *This Drought Response Plan is only intended 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 the protection of water quality or control of drainage or runoff.*
- B) *Nothing in this Drought Response Plan is intended to limit the ability of the Authority to declare and respond to an emergency, including an emergency that affects the ability of the Authority to supply water.*
- C) *The provisions of this Drought Response Plan do not apply to use of water from private wells or other approved alternate water sources including, but not limited to grey water and rain water catchment systems.*

**SECTION 4. Authorization.**

*Unless otherwise specified herein, The Authority's General Manager or a designated representative, is hereby authorized and directed to implement the provisions of this Drought Response Plan.*

**SECTION 5. Revenue Neutral Water Conservation Pricing Structure.**

*The Authority may, from time to time, establish a revenue neutral water conservation pricing structure, enabling the Authority to retain current revenue projections while encouraging customer conservation by adopting changes to its inclining block rate structure. The revenue neutral conservation pricing structure would involve changes in water commodity rates and charges in current block rate tiers or the addition of new block rate tiers to encourage conservation by water users. Adoption of any such water conservation pricing structure shall be subject to the requirements of all applicable laws including, but not limited to, Proposition 218.*

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**SECTION 6. Reduction Levels.**

*The identified water conservation levels specified in this Drought Response Plan enable the Authority to control water use demands, assure reasonable and beneficial use of water, prevent unreasonable use of water within the Authority's service area, and plan and implement water management measures necessary to conserve water in a fair and orderly manner for the benefit of the public.*

*Water use reduction goals are percentage water reductions from a base (Base). The Base is the annual average of potable water used by all Authority customers during either the immediately preceding period in which no mandatory water use or supply restrictions were implemented, or a specified period aligned with state agency and/or wholesale water supplier's reference period. The Base period will be set by Board declaration and continue until changed by subsequent declaration.*

*Customer target water allocations (Target Water Allocations) will be established for each property based upon each property's average historic water use during the Base period, less the percentage water use reduction goal to be achieved. When the Governing Board declares a water shortage emergency during a Level 2 – Drought Alert condition, a Level 3 – Drought Alert condition, a Level 4 – Drought Critical condition, a Level 5 – Drought Emergency condition, or a Level 6 – Drought Emergency condition, no customer account shall use more than the Target Water Allocation for that parcel each billing cycle.*

*Most customers receive their water bills on a bi-monthly basis, or six (6) times a year, therefore a Target Water Allocation will be calculated for each billing cycle. The Target Water Allocation will be printed on each bill for both the current and next billing period. This will allow all customers to see their Target Water Allocation for the next billing cycle. The Target Water Allocation shall be the Base less the percentage of the particular drought level. For example, if a customer has a Base for September bills of 20 HCF and the Drought Level is 4, or 40 percent, then the customer's Target Water Allocation is 12 HCF.*

*Notwithstanding the below-noted general occurrences that trigger each level of drought response, the Governing Board may consider hydrologic conditions and social, political, and economic indicators and in its reasonable discretion determine the appropriate level of drought response. The Governing Board may consider short term (one year or less) and/or long term (multiple dry year) projected water supply shortfalls to determine appropriate percentage reduction goals. The Governing Board may increase the level of drought response for reasons including but not limited to notification of regional supply reductions, localized emergency events causing a local supply shortage, and/or a State agency or wholesale water supplier imposing mandatory water use restrictions or prohibitions on the Authority or end users.*

*The six levels of drought are defined as:*

- A) Level 1 - Drought Watch.** *A Level 1 – Drought Watch condition may occur when a water shortage described in Section 2 of this Drought Response Plan requires*

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*up to a 10 percent water use reduction goal. Authority customers are requested to reduce consumption up to 10 percent from the Base. At this level, the current water pricing structure remains in effect with no imposition of allocation-based conservation water pricing. The General Manager shall declare a Drought Watch condition.*

- B) Level 2 - Drought Alert.** *A Level 2 – Drought Alert condition may occur when a water shortage described in Section 2 of this Drought Response Plan requires up to a 20 percent water use reduction goal. Authority customers are requested to reduce consumption up to 20 percent from the Base and required to comply with water conservation measures. The Governing Board has sole authority to declare a Level 2 Drought Alert condition and may also implement a revenue-neutral water conservation pricing structure. If during a Level 2 condition the Governing Board implements a revenue-neutral water conservation pricing structure, then the Authority’s policy titled “Adjustment to Customer’s Water Bill” shall be suspended. The Governing Board may additionally declare a water shortage emergency, in the manner and on the criteria provided in Water Code Section 350 et. Seq. and adopt appropriate regulations and restrictions under such authority.*
- C) Level 3 - Drought Alert.** *A Level 3 – Drought Alert condition may occur when a water shortage described in Section 2 of this Drought Response Plan requires up to a 30 percent water use reduction goal. Authority customers are requested to reduce consumption up to 30 percent from the Base and required to comply with water conservation measures. The Governing Board has sole authority to declare a Level 3 Drought Alert condition and may also implement a revenue-neutral water conservation pricing structure. If during a Level 3 condition the Governing Board implements a revenue-neutral water conservation pricing structure, then the Authority’s policy titled “Adjustment to Customer’s Water Bill” shall be suspended. The Governing Board may additionally declare a water shortage emergency, in the manner and on the criteria provided in Water Code Section 350 et. Seq. and adopt appropriate regulations and restrictions under such authority.*
- D) Level 4 - Drought Critical.** *A Level 4 – Drought Critical condition may occur when a water shortage described in Section 2 of this Drought Response Plan requires up to a 40 percent water use reduction goal. Authority customers are requested to reduce consumption up to 40 percent from the Base and required to comply with the water conservation measures set. The Governing Board has sole authority to declare a Drought Critical condition and may also implement a revenue-neutral water conservation pricing structure. If during a Level 4 condition the Governing Board implements a revenue-neutral water conservation pricing structure, then the Authority’s policy titled “Adjustment to Customer’s Water Bill” shall be suspended. The Governing Board may additionally declare a water shortage emergency, in the manner and on the criteria provided in Water Code*

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*Section 350 et. Seq. and adopt appropriate regulations and restrictions under such authority.*

- E) Level 5 – Drought Emergency.** *A Level 5 – Drought Emergency condition may occur when a water shortage described in Section 2 of this Drought Response Plan requires up to a 50 percent water use reduction goal. Authority customers are requested to reduce consumption up to 50 percent from the Base and required to comply with water conservation measures. The Governing Board has sole authority to declare a Drought Emergency condition and may also implement a revenue-neutral water conservation pricing structure. If during a Level 5 condition the Governing Board implements a revenue-neutral water conservation pricing structure, then the Authority’s policy titled “Adjustment to Customer’s Water Bill” shall be suspended. The Governing Board may additionally declare a water shortage emergency, in the manner and on the criteria provided in Water Code Section 350 et. Seq. and adopt appropriate regulations and restrictions under such authority.*
- F) Level 6 – Drought Emergency.** *A Level 6 – Drought Emergency condition may occur when a water shortage described in Section 2 of this Drought Response Plan requires in excess of a 50 percent water use reduction goal. Authority customers are requested to reduce consumption by more than 50 percent from the Base and required to comply with water conservation measures. The Governing Board has sole authority to declare a Drought Emergency condition and may also implement a revenue-neutral water conservation pricing structure. If during a Level 6 condition the Governing Board implements a revenue-neutral water conservation pricing structure, then the Authority’s policy titled “Adjustment to Customer’s Water Bill” shall be suspended. The Governing Board may additionally declare a water shortage emergency, in the manner and on the criteria provided in Water Code Section 350 et. Seq. and adopt appropriate regulations and restrictions under such authority.*

**SECTION 7. Water Waste Prohibitions and Water Conservation Measures.**

*These measures are established to encourage all Authority customers to use available water wisely and take all reasonable steps to reduce their water use, are aligned with state imposed end user water waste prohibitions, and are designed to increase the efficiency of water use throughout the service area. Authority customers are to carefully manage indoor and outdoor water use and eliminate water waste. “Use Water Wisely” is the underlying theme designed to achieve a water conservation ethic for all customers, which is especially important during the drought.*

- A) State Wide Water Waste Prohibitions** *–The following practices have been determined by the state to waste water, and are therefore prohibited by end users at all times, including during a Level 1 – Drought Watch condition, Level 2 – Drought Alert condition, a Level 3 – Drought Alert condition, a Level 4 –*



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*Drought Critical condition, a Level 5 – Drought Emergency condition, and a Level 6 – Drought Emergency condition:*

- 1. Customers are prohibited from hosing off sidewalks, driveways, or other hardscapes 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.*
- 2. Customers are prohibited from washing automobiles with hoses not equipped with a shut-off nozzle.*
- 3. Customers are prohibited from using non-re-circulated water in a fountain or other decorative water feature.*
- 4. Customers are prohibited from watering lawns in a manner that causes runoff.*
- 5. Customers are prohibited from watering lawns within forty-eight (48) hours after measurable precipitation.*
- 6. Customers are prohibited from irrigating ornamental turf on public street medians with potable water.*

**B) Water Conservation Measures** – *The following end user water conservation measures are designed to be more restrictive with each drought level, to conserve available supplies for future use.*

*In addition to the above noted state water waste prohibitions, the following measures shall apply at all times, including during a Level 1 – Drought Watch condition:*

- 1. Water should be used reasonably and productively at all times.*
- 2. Customers are to repair major water leaks immediately and minor water leaks within twenty-four (24) hours of discovery.*
- 3. Customers are encouraged to restrict hose washing of parking areas, tennis courts, patios, or other paved areas to periods of immediate safety or sanitary hazards.*
- 4. Customers are encouraged to use an automatic shut-off nozzle when using a hand-held hose for spraying, landscape watering, trailer/vessel washing, or structure washing.*
- 5. Customers are encouraged to minimize the application of water to outdoor landscapes in a manner that causes runoff; such that no water flows onto adjacent properties, non-irrigated areas, private and public walkways, roadways, parking lots or structures.*
- 6. Customers are encouraged to limit the application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall.*
- 7. Customers are encouraged to use drip methods or hand irrigation whenever possible and prudent to water landscaped areas, including trees and shrubs that are not irrigated by a landscape irrigation system; limit sprinkler operation to the*

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*hours of 6:00 p.m. to 9:00 a.m. the following morning, except for the first thirty (30) days necessary to establish a new lawn; and to irrigate no more than three (3) days per week.*

8. *Customers are encouraged to use re-circulating systems for landscape and recreational water features.*

*The above noted state water waste prohibitions and these additional measures apply during a Drought Alert – Level 2. To the extent any of the following measures conflict with measures in Level 1, the following language will replace the conflicting language in the measures in Level 1.*

1. *Customers shall repair major water leaks immediately and minor water leaks within twenty-four (24) hours of discovery.*
2. *Customers are to restrict hose washing of, parking areas, tennis courts, patios, or other paved areas to periods of immediate safety or sanitary hazards.*
3. *Customers must use an automatic shut-off nozzle when using a hand-held hose for spraying, trailer/vessel washing, or structure washing.*
4. *Customers are to use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs that are not irrigated by a landscape irrigation system.*
5. *Customers are restricted from watering outdoor landscapes in a manner that causes runoff such that water flows onto adjacent properties, non-irrigated areas, private and public walkways, roadways, parking lots or structures.*
6. *Customers are restricted from applying potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall.*
7. *Customers are to restrict outdoor landscape sprinkler operation to the hours of 6:00 p.m. to 9:00 a.m. the following morning; and to irrigate no more than two (2) days per week, or as otherwise determined by the Governing Board in its reasonable discretion, which may include limitations to specific days of the week.*
8. *Customers are encouraged to limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per day. This recommendation does not apply to landscape irrigation systems using water efficient devices, including but not limited to weather-based controllers, drip/micro-irrigation systems and stream rotor sprinklers.*
9. *Stop operating ornamental fountains, decorative water features, and recreational water features unless the water is part of a recirculating system.*
10. *Customers are encouraged to stop filling or re-filling pools, ornamental lakes and/or ponds, except to the extent needed to sustain aquatic life.*

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11. *Eating and drinking establishments, or other public places where food or drink are served and/or purchased, are limited to serving drinking water only upon request.*
12. *Operators of hotels and motels other commercial lodging establishments shall offer guests the option of not laundering towels and linens daily, and shall prominently display notice of this option in each guest room using clear and easily understood language.*
13. *Customers are prohibited from irrigating ornamental turf on public street medians with potable water.*
14. *Customers are prohibited from irrigating with potable water landscapes outside newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.*

*The above-noted state water waste prohibitions, measures in Levels 1 and 2, and the following additional measures apply during a Drought Alert – Level 3. To the extent any of the following measures conflict with measures in Levels 1 and 2, the following language will replace the conflicting language in the lower level requirements.*

1. *Customers are to restrict residential and commercial landscape irrigation to no more than two (2) days per week, or as otherwise determined by the Governing Board in its reasonable discretion, which may include limitations to specific days of the week.*
2. *Customers are to limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per day. This does not apply to landscape irrigation systems using water efficient devices, including but not limited to weather-based controllers, drip/micro-irrigation systems and stream rotor sprinklers.*
3. *Customers shall stop operating ornamental fountains or similar decorative water features with potable water. This prohibition does not apply to decorative fountains and landscape water features which are connected to alternative water sources.*
4. *Customers are encouraged to stop filling or re-filling pools, ornamental lakes and/or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.*

*The above-noted state water waste prohibitions, measures in Levels 1, 2, and 3, and the following additional measures apply during a Drought Critical – Level 4. To the extent any of the following measures conflict with measures in Levels 1, 2 and 3, the following language will replace the conflicting language in the lower level requirements.*

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1. *Customers shall stop washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to address immediate health and safety or to comply with a term or condition in a permit issued by a state or federal agency.*
2. *Customers shall stop hand-washing vehicles. Customers are encouraged to stop washing vehicles except at commercial carwashes that re-circulate (reclaim) water onsite, or by high pressure/low volume wash systems.*
3. *Customers are prohibited from watering outdoor landscapes in a manner that causes runoff such that water flows onto adjacent properties, non-irrigated areas, private and public walkways, roadways, parking lots or structures.*
4. *Customers shall only operate landscape sprinklers between the hours of 6:00 p.m. to 9:00 a.m. the following morning.*
5. *Customers are to restrict residential and commercial landscape irrigation to no more than 1 day per week.*
6. *Customers are to limit irrigation using sprinklers to no more than 10 minutes per watering station per day.*
7. *No new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:*
  - a. *A valid, unexpired building permit has been issued for a project; or*
  - b. *A project is necessary to protect the public's health, safety, and welfare; or*
  - c. *The applicant provides substantial evidence of an enforceable commitment that water demands for a project will be offset prior to the provision of a new water meter(s) to the satisfaction of the Authority.*

*This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one (1) year or less*

*The above-noted state water waste prohibitions, measures in Levels 1, 2, 3 and 4, and the following additional measures apply during a Drought Emergency – Levels 5 and 6. To the extent any of the following measures conflict with measures in Levels 1, 2, 3 and 4 the following language will replace the conflicting language in the lower level requirements.*

1. *Stop all landscape irrigation except:*
  - a. *Crops and landscape products of commercial growers and nurseries*
  - b. *Maintenance of existing landscaping necessary for fire protection as specified by the fire marshal of the local fire protection agency having jurisdiction over the property to be irrigated*

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- c. Maintenance of existing landscaping for erosion control*
- d. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals*
- e. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week*
- f. Watering of livestock*
- g. Public works projects and actively irrigated environmental mitigation projects*

**SECTION 8. Mandatory Restrictions.**

*When customers of the Authority can no longer meet water use reduction goals as defined for any drought level through requested efforts, or when the amount of water supply available to the Authority for service to customers is determined to be inadequate to the extent that there would be insufficient water for human consumption, sanitation and fire protection, the Governing Board may activate by resolution mandatory water use reductions, and/or additional prohibitions or measures in accordance with California Water Code 350 et seq.*

**SECTION 9. Violations and Penalties.**

*Any customer who violates a state water waste prohibition at any time, and/or uses, causes to be used, or permits the use of water in violation of this Drought Response Plan during a Level 2 – Drought Alert condition, a Level 3 – Drought Alert condition, a Level 4 – Drought Critical condition, a Level 5 – Drought Emergency condition, or a Level 6 – Drought Emergency condition is guilty of an offense punishable as provided:*

- A) Each day that a violation of a prohibited water conservation measure occurs is a separate offense.*
- B) Progressive administrative fines may be levied for each violation as follows:*
  - 1. First violation of any prohibition - written warning.*
  - 2. Second violation of any prohibition within one (1) year - \$50.*
  - 3. Third violation of any prohibition within one (1) year - \$100.*
  - 4. Fourth violation of any prohibition within one (1) year - \$200.*
  - 5. Each violation thereafter of any prohibition within one (1) year - \$500.*
  - 6. Any violation occurring more than one (1) year from the previous will be treated as a first violation.*

*Customers using more than the Target Water Allocation will be notified of their overage and given one (1) full billing cycle to bring their usage below the Target Water Allocation. Failure to do so may result in the implementation of the following*

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*administrative fines levied as follows, and/or other measures the Authority may determine at a later date:*

- 1. First and second allocation overage violation - written warning.*
- 2. Third violation of any allocation overage within one (1) year - \$100.*
- 3. Fourth violation of any allocation overage within one (1) year - \$200.*
- 4. Each violation thereafter of allocation overage within one (1) year - \$500.*
- 5. Any allocation overage violation occurring more than one (1) year from the previous will be treated as a first violation.*

*Should mandatory water use reductions and/or conditions be activated by resolution, any person who willfully uses, causes to be used, or permits the use of water in violation of this Drought Response Plan, adopted by Resolution 21-13 is guilty of an offense punishable as provided herein.*

- A) Each violation of this Drought Response Plan 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 -U.S.A. currency), or by both, as provided in California Water Code Section 377.*
- B) Willful violations of mandatory conservation measures which may be put into place during any drought level may be enforced by discontinuing service to the property at which the violation occurs, as provided by California Water Code Section 356 et seq.*
- C) All remedies provided herein, both civil and criminal, shall be cumulative, and not exclusive.*

**SECTION 10. Exemptions and Appeals.**

*In order to encourage the efficient use of water for sanitary, health care, and conservation benefit purposes, specific customer classes are exempted from the water use reduction penalties.*

- A) An exemption gives specified accounts the allowance not to meet their target conservation goals without monetary penalty.*
- B) Exemptions are under the discretion of the Authority and can be removed at any time. The Authority has identified and provided an exemption from penalties to water accounts for:
  - 1. Residential water use that is:
    - a. Less than or equal to 28 HCF in the bi-monthly billing periods for bills received in July, August, September and October, and 22 HCF for bi-monthly billing periods for bills received all other months during Drought Level 2.*
    - b. Less than or equal to 17 HCF in the bi-monthly billing period during Drought Level 3.***

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- c. Less than or equal to 11 HCF in the bi-monthly billing period during Drought Level 4.*
- 2. Related to a medical nature, in order to ensure the health and safety of the general public.*
- 3. Commercial establishments that provide an opportunity for conservation by offering services that allow individuals alternative means for completing water dependent tasks.*

*Any customer desiring to initiate a Target Water Allocation Appeal may do so at any time. Any customer desiring to appeal a penalty may do so within two (2) weeks of receipt of the bi-monthly or monthly bill. Any such request must be in writing utilizing the appeal form and filed with the General Manager or his/her designee. Customers shall have the right to appeal the decision of the General Manager or his/her designee to the Governing Board by filing a written appeal within seven (7) days of receipt of the written decision of the General Manager, or his/her designee. The Governing Board may delegate to a committee of its members the authority to consider and rule upon the written appeal.*

**SECTION 11. Activation and Deactivation.**

*The Governing Board of Sweetwater Authority hereby directs the General Manager to implement this Drought Response Plan by making appropriate declarations, determinations, and findings necessary and establish a Level 1 – Drought Watch condition. The declaration of any change in a Level 1- Drought Watch condition shall be reported to the Governing Board at its next Regular Meeting. The declaration of a Level 2 – Drought Alert condition, a Level 3 – Drought Alert condition, a Level 4 – Drought Critical condition, a Level 5 – Drought Emergency condition, or a Level 6 – Drought Emergency condition shall be made by the Governing Board, in accordance with the provisions hereof.*

*Following the declaration of any drought level, the General Manager shall implement the applicable provisions of this Drought Response Plan and make appropriate public announcements and notices. The designated drought response level shall become effective immediately upon announcement, unless otherwise stated at the time of resolution by the Governing Board.*

*Except for deactivation of a Level 1 – Drought Watch condition, which can be implemented by the General Manager and reported to the Governing Board at its next Regular Meeting, the deactivation of a drought response level shall be by resolution of the Governing Board.*