AGENDA REQUEST AND SUMMARY

For: February 4, 2014 (Date of Board Meeting)
_____ (Time, if appointment scheduled with the Clerk)

Consent Calendar: Yes _____ No __X____

1. WORDING FOR AGENDA (Include precise wording for required action, authorizing, etc. as it will appear on the Board Agenda, generally not to exceed 20 words).

   Resolution
   Consideration of declaring a Local State of Emergency due to drought conditions.

2. FINANCING-ESTIMATED COUNTY COST: (Enter "none" if no cost)

3. FUNDS BUDGETED: Yes _____ Acct. # or Fund _____Requested Form _____Fund

4. REVIEWED WITH:

COUNTY ADMINISTRATIVE OFFICER	YES _____	NO _____
COUNTY COUNSEL	YES _____	NO _____
ADMINISTRATIVE ANALYST	YES_____	NO _____
OTHER DEPARTMENTS (List)	YES _____	NO _____

5. THE FOLLOWING OUTSIDE AGENCIES OR INDIVIDUALS TO BE NOTIFIED OF BOARD ACTION: (**Minute Excerpt** – Include complete mailing address and indicate number of copies to whom)
   A.
   B.
   C.
   D.

6. Number OF COPIES REQUIRED BY REQUESTING DEPARTMENT: (Indicate Minute Excerpt, Resolution, Agreement, etc.)

7. COMMENTS (i.e. has this item come before the Board previously and when?):

Requesting Department: __CAO_____Submitted by: Tracie M. Riggs

Approved by: _____Date: 1/28/14
(Department Head Signature)

Special Instructions:

Original Agenda Request and 1 copy of Backup stapled for the Clerk
Agenda Request and Backup: 8 Copies paper clipped and three hole punched
Backup: 7 Copies stapled.
Revised: 8\03

County Administrator's Office

Craig L. Pedro
County Administrator

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January 27, 2014

TO: Board of Supervisors

FROM: Craig L. Pedro, County Administrator
Tracie M. Riggs, Deputy County Administrator

SUBJECT: Consideration of declaring a Local State of Emergency due to drought conditions.

Background

California is facing one of driest years in recorded state history. As a result, Governor Brown declared a State of Emergency on Friday January 17, directing state officials to take all necessary actions to prepare for these drought conditions. The Governor's Office of Emergency Services has been making contact with County Operational Areas on a weekly basis.

Due to the current water conditions, staff have been working with local water agencies to determine the severity of the drought along with potential impacts to the community. Tuolumne Utilities District (TUD) is currently in Phase II conservation measures. On January 28th, TUD intends to implement Phase III conservation measure and if the current weather pattern continues, they intend to immediately follow with Phase IV. Attached is a sheet which describes what is involved in each of TUD's levels of conservation measures. There is a high potential for us to see less water than what was received in 1977.

The Groveland Community Services District (GCSD) is coordinating closely with the City and County of San Francisco. They are currently asking for voluntary water conservation and plan to take further action in February.

Staff will be meeting with local water and sanitation districts on Monday, February 3, in an effort to gather the most up to date information possible in preparation for the Board meeting. Representatives from TUD, GCSD, Twain Harte Community Services District, the Environmental Health Director, Public Health Officer and AG Commissioner will be present to provide information and answer questions.

Given all of the above, staff is recommending that the Board declare a Local State of Emergency due to drought conditions (see attached resolution). By declaring a local state of emergency, the County is reinforcing the severity of our situation and will be opening the door to possible State and Federal assistance.

Recommendation:

It is recommended that your Board declare a Local State of Emergency and imminent threat of disaster due to drought conditions.

Attachments

cc: Vicki Helmar, AG Commissioner
Robert Kostlivy, Environmental Health Director
Dr. Todd Stolp, Public Health Officer
Bev Shane, CRA Director
Tom Scesa, TUD General Manager
Jon Sterling, GCSD General Manager
Tom Trott, THCSD
Ralph Felix, Lake Don Pedro Community Services Dist.
Dana Owens, Cal OES

Filed:_____, 2014

No._____

By: _____
Clerk of the Board of Supervisors

RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE

Declaration of Local State of Emergency in Tuolumne County due drought conditions;

WHEREAS, The State of California is experiencing one of the driest winters in recorded history; and

WHEREAS, On January 17, 2014, the Governor of the State of California proclaimed a State of Emergency for the State of California; and

WHEREAS, Tuolumne County is currently experiencing precipitation levels lower than those received in 1977, creating the need for mandatory water conservation; and

WHEREAS, Tuolumne County has been part of the Major Disaster Designation Declaration from the U.S. Department of Agriculture for three years in a row; and

WHEREAS, Due to severe water shortage, there is extreme peril to existing crops and livestock with significant danger of socioeconomic losses, including jobs and reduced business activity; and

WHEREAS, The adverse environmental, economic, and social impacts of the drought pose an imminent threat of disaster and threaten to cause widespread harm to people, businesses, property, communities, wildlife and recreation in Tuolumne County.

NOW THEREFORE BE IT RESOLVED that the Tuolumne County Board of Supervisors do hereby Declare a Local Emergency in Tuolumne County and imminent threat of disaster as the result of drought conditions.

BE IT FURTHER RESOLVED that the County of Tuolumne also requests the State of California to waive regulations that may hinder response and recovery efforts, to make available recovery assistance under the California Disaster Assistance Act, and to expedite access to federal resources and any other appropriate federal disaster relief programs.

BE IT FURTHER RESOLVED AND ORDERED that said local State of Emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors, County of Tuolumne, State of California.

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON FEBRUARY 4, 2014.

AYES:	**1st Dist.** _____	**NOES:**	____	**Dist.** _____
	2nd Dist. _____		____	**Dist.** _____
	3rd Dist. _____	**ABSENT:**	____	**Dist.** _____
	4th Dist. _____		____	**Dist.** _____
	5th Dist. _____	**ABSTAIN:**	____	**Dist.** _____

_____
Evan Royce
CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST: _____ No. _____

Clerk of the Board of Supervisors

TUOLUMNE UTILITIES DISTRICT
WATER RULES AND REGULATIONS

REGULATION NO. 12

CONSERVATION

12.01 General

It is the District's Policy to take reasonable and prudent measures to conserve all natural resources and to adopt and implement a conservation program. It is further the District's policy to take reasonable and prudent measures to conserve water and energy in the operations and development of the District.

12.02 Specific Concerns

The District in its operation shall:

1. Develop pricing structures to encourage conservation of water and energy.
2. Promote through public relations a public consciousness of the need to conserve.
3. Assist customers to optimize efficient use of water.
4. Maintain facilities to conserve water.
5. Design facilities with conservation of water and energy in mind.
6. Construct facilities to conserve or retrieve water and energy.
7. Seek to halt all illegal use of water.

12.03 Water Conservation Programs to be Activated in Phases

The District shall have the power to restrict use of District water during any shortage or other emergency, upon the making of any findings or the taking of any other actions that may be authorized or required by law, including Sections 350-358 and 31026-31029 of the Water Code.

12.03.1 Phase I - Ongoing Water Management

a. Education programs including County Schools programs.

b. Ultra low-flow toilet rebate program. Water customers of the District shall be eligible to receive a $45.00 conservation rebate, up to a maximum of three toilets per residential customer account, and with no maximum for a commercial business, for the replacement of toilets that were designed to use in excess of 3.0 gallons per flush, with District approved low-flow models using 1.6 gallons per flush or less. Participants must register a purchase receipt for each rebate and authorize District inspection of the completed replacement before payment shall be made.

c. Promotion of water-saving landscaping.

d. Community education programs;

   i. Mailings (i.e. distribute "Lawn Watering Guide")

   ii. Demonstrations (Xeriscape Garden, Home Improvement Event)

   iii. Seminars

   iv. Video library

   v. Public speaking

e. Requirement of low-flow fixtures in new developments.

f. Water audit and retrofit programs.

   i. Low flow showerhead distribution

   ii. Water conservation kit distribution

g. Implementation of Demand Management Measures outlined in the 2010 Urban Water Management Plan.

h. Meter and/or flow control for all customer accounts and plant production activities.

i. Maintain tiered water rates for treated water.

j. Prohibit wasteful use of water.

k. Review for accuracy water measuring and/or metering devices.

l. "Agricultural Enterprise Water Rate" customers shall be required to design, construct, operate and maintain irrigation water systems in such a manner as to contain and put to beneficial use all delivered water.

m. "General Metered Service" accounts with a point of service and meter connection from a pressurized (minimum pressure at point of service 20 psi) delivery system shall not be converted to a "General Irrigation Service" account under this action.

n. It is desirable that all properties served by raw water measured by the miners inch have on site storage equipped with an automatic shutoff device. Minimum storage for property receiving winter raw water should equal seven (7) days of usage (300 cubic feet).

12.03.2 Phase II - Conservation Measures During Low Water Years

Immediately upon the completion of the February snow survey of the South Fork of the Stanislaus River a forecast of anticipated annual yield will be undertaken and rated as a percent of normal. When such forecast, or any subsequent survey, projects a water

runoff into Lyons yielding less than 50% of normal the District Board of Directors shall find that a threat of an emergency or shortage exists and the following measures shall be implemented:

System Wide

1. Increase public awareness:

   District to hold additional landscape and irrigation seminars; prepare radio announcements, newspaper articles and ads; and send notices to Tuolumne County teachers, school boards, local businesses, restaurants, community service groups, Chamber of Commerce, Board of Supervisors, Board of Realtors, Building Department, etc., stressing the need to conserve water and request methods of support.

2. Fire hydrant flow testing is prohibited.

3. Restaurants shall serve water only upon customer request.

Treated Water Accounts

1. Voluntary reduction in usage:

   District to mail special notices to all water customers advising of low water year and requesting reduction from previous years usage if possible, and containing information on conservation methods as well as advising customers of the financial impact.

2. Contact high water users:

   District to send notices to high water use customers and initiate a water usage audit.

3. Monitor and police outside water use:

   District to educate the public to recognize and remedy excessive water use and waste.

4. Household use:

   Customers should obtain conservation kits from the District and should request assistance from the District and local plumbing supply companies on availability of low-use fixtures.

5. Outside use:

   Customers shall eliminate water runoff; use drip or spot irrigation methods; shut off faucet when hose is not in actual use; modify existing watering schedule and request assistance from Master Gardeners and local nurseries to promote low water use (native) plants.

Raw Water Accounts - Voluntary Reductions

Notice of voluntary reduction:

District to mail special notices to all raw water customers advising of low water year and requesting reduction from previous years usage if possible.

Industrial and Commercial

District to send notices to high water use customers requesting any possible water conservation measures and initiate a water usage audit.

Resale Service - Treated and Raw Water

District to mail notices advising of low water year and requesting a reduction in individual water use. Notice to include copy of District's Conservation Policy along with a request to implement similar action.

12.03.3 Phase III - Critical Years - Restricting Use of Potable Water

A public hearing shall be held during which customers shall have the opportunity to be heard to protest against the declaration of the water shortage emergency condition and to present their respective needs to the Board.

Following a public hearing the Board of Directors may implement Phase III conservation measures whenever it determines that the amount of available water supply may be less than 30% of normal run-off or that water supply is restricted due to circumstances beyond the District's control.

District shall proclaim through resolution that a state of emergency exists and shall remain in effect until projected water availability exceeds projected demand for both the short and long term period.

System Wide - In Addition to those Measures Contained within Phase II

1. Determine system reduction goals (a function of projected runoff weighed against previous years usage) and update as conditions warrant.

2. Curtail to life maintenance the watering of lawns, gardens and any other irrigation. Individual plants or trees must be irrigated by the use of buckets or other containers or properly maintained irrigation drip systems. Water use which results in water running onto driveways, gutters, streets, adjoining property, and/or any other water runoff is prohibited.

3. Washing of cars, boats, trailers, or other vehicles by hose or by use of water directly from faucets or outlets connected to the public water supply is prohibited.

4. Washing of sidewalks, walkways, driveways, patios, parking lots, tennis courts or other hard-surfaced areas, including commercial establishments, by hose or by use of water from faucets or other outlets connected to the public water supply is prohibited.

5. New construction service applications shall be granted upon condition that water shall be used only for interior purposes and landscaping shall be delayed until repeal of Phase III restrictions. Installation of landscaping prior to the repeal of Phase III restrictions shall be a violation of this regulation and customer's service shall be restricted to life line rates by a device installed by the District. The device shall remain in place until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of $500.00 penalty.

6. Use of water in decorative fountains, pools, recreational ponds and the like shall be limited to the minimum necessary to preserve aquatic life if present.

7. Dust control, earth compaction, and other construction use of raw or potable water is prohibited. Reclaimed water may be used for such purposes if authorized by the District in accordance with regulations.

8. Filling of new or existing swimming pools is prohibited.

9. Excessive water usage is prohibited and shall be remedied by restriction of the customer's service to life line water delivery rates by a device installed by the District or discontinuance of water service until the excessive usage is remedied, or the Board of Directors repeals the Phase III water restrictions, and the payment of a $500 penalty. Excessive water usage is defined as:

   i. Allowing plumbing system leaks, including sprinkler and drip systems, to remain un-repaired for fourteen (14) calendar days following written notification by the District.

   ii. Without reasonable cause, water usage in excess of 200% of the prior year's usage during the same month of the year.

10. Fire hydrant use by any entities other than the District shall be restricted for any purpose other than fire suppression.

<u>Treated Water and Raw Water (Metered) Domestic Accounts</u>

1. Both raw and treated water metered customers, (where water is sold by the cubic foot) shall be required to restrict outside water usage between the period 12 noon and 7 p.m. and shall restrict usage to alternating days. Those accounts with a property address ending in an even number shall confine their outside usage to Tuesday, Thursday, and Saturday; those with an odd number shall confine their outside usage to Wednesday, Friday, and Sunday. There shall be no restriction on Monday.

2. Implement Emergency Water Delivery Rate Schedule predicated upon current established rates:

   i. For treated residential customers, a life line rate shall be established covering the first 500 cubic feet of water usage per month. For multi-family customers, the life line rate shall apply per dwelling unit. The cost per cubic foot within the life line rate shall remain at the lowest bracket of the then current rate schedule.

ii. Water consumption charges shall be based upon actual water used per month times the rate factors below.

iii. Life Line Rate

First 500 cu ft.	Current lowest tier price of established rate
next 500 cu ft.	1.25 times life line rate
next 500 cu ft.	1.50 times life line rate
next 3,000 cu ft.	1.75 times life line rate
over 4,500 cu ft.	2.00 times life line rate

Raw Water Accounts

1. All raw water accounts shall be reduced to an amount equal to the system wide reduction goal.

2. All interruptible accounts shall be reduced to sustained maintenance quantities.

3. Agricultural (irrigation/stock watering) water rate accounts:

   All "agricultural (irrigation/stock watering) water rate" accounts shall be reduced by a minimum of 1.25 times the System Wide Reduction Goal. The maximum reduction under this section shall not exceed fifty percent (50%) of previous years delivery. All interruptible accounts shall be reduced by a factor of fifty percent (50%).

4. Irrigation season and shorten duration:

   Irrigation season shall begin no earlier than April 15th and last no longer than October 15th and may be postponed or shortened by board determination based on conditions existing at this time.

5. Supplemental water shall not be available.

Industrial and Commercial

Customers shall reduce consumption to the lowest possible amount which would allow continued operation. Conservation measures to be taken shall be established on an individual basis by the District.

Resale Service - Treated and Raw Water

1. Mandatory reduction in percent of usage equal to District's reduction goal.

2. Resaler shall restrict all outside water usage within his area of service to alternating days in a manner consistent with the policy established herein.

12.03.4 Phase IV – Emergency Water Restriction

Due to the immediate nature of a water shortage or outage emergency, the District will;

1. Immediately notify appropriate media outlets, and post local road signage

notifying the public of the current water use restrictions.

2. Hold a public hearing, as soon as feasible, during which customers shall have the opportunity to present their comments to the Board.

Following a public hearing the Board of Directors may implement Phase IV measures whenever water supply has been disrupted either for individual water system(s) or for the District's system as a whole. Specific water reduction goals will be set by Board resolution.

The District shall proclaim through resolution that a state of emergency exists and shall remain in effect until water supply has been restored.

System Wide or by individual Water System(s) - In Addition to those Measures Contained within Phase III;

The District shall determine emergency water restriction goals based upon water supply and estimated time until water can be restored.

1. Landscape/outdoor watering by hose or by use of water directly from faucets or outlets connected to the public water supply shall be strictly prohibited.
2. New construction services shall not be started until after the repeal of Phase IV restrictions.
3. Excessive water usage is prohibited and shall be remedied by restriction of the customer's service to life line water delivery rates by a device installed by the District or discontinuance of water service until the excessive usage is remedied, or the Board of Directors repeals the Phase IV water restrictions, and the payment of a $500 penalty. Excessive water usage under Phase IV is defined as water usage in excess of 10% above the water reduction goal.

Raw Water (Metered) Domestic Accounts:

If water is available (flowing in the ditch), usage shall be limited to life maintenance, the watering of livestock and any crop irrigation. Water use which results in water running onto driveways gutters, street, adjoining property, and/or any other water runoff is prohibited. Water usage shall not be above the water reduction goal.

Agriculture Water Accounts:

1. All agriculture water accounts shall be reduced to an amount equal to the system wide reduction goal.
2. Raw water domestic accounts which are not metered will be restricted by the District to the extent possible to meet the system-wide reduction goal.
3. All interruptible and supplemental accounts may be terminated.
4. Agricultural (irrigation/stock watering) water rate accounts:

All "agricultural (irrigation/stock watering) water rate" accounts shall be reduced by the System Wide Reduction Goal.

Industrial and Commercial

Customers shall reduce consumption to the lowest possible amount which would allow continued operation. Conservation measures to be taken shall be established on an individual basis by the District.

Resale Service - Treated and Raw Water

1. Mandatory reduction in percent of usage equal to District's reduction goal. Resalers shall restrict all outside water usage within their areas.

12.04 Enforcement

In addition to, and/or exercise of, any and all lawful remedies, violations of this section shall result in the following penalties:

First Violation:

Customer would receive a written warning from the District that a further violation will result in possible water restrictions and imposing of fines.

Second Violation:

Customer's water service shall be restricted by a device installed by the District or discontinuance of water service until the excessive usage is remedied for a period of thirty (30) days and the device will be removed upon payment of a $500.00 penalty.

Third Violation:

Customer's water service shall be restricted to life line or life sustaining rates by a device installed by the District. The device shall remain in place until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of $1,000.00 penalty.

12.05 Variances

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

12.06 Low Water Use Plumbing Fixtures Required

All applicants for new water service connections for new construction shall be required to furnish proof of installation in residential, commercial and/or industrial buildings, ultra-low flow toilets with a maximum tank size or flush capacity of 1.6 gallons and shower heads with a maximum flow capacity of 3 gallons per minute.

12.07 Water Conserving Landscape Requirements

All applicants for new or amended water service connections for governmental, public, commercial or industrial premises shall be required to utilize California native plant materials or approved low water demand plant materials in landscaping designs.