

*Water Districts, or Any Distributor of a Public Water Supply
Sample Resolution Declaring Water Shortage Emergency*

RESOLUTION NO._____
Adopted by the [BOARD OF DIRECTORS or THE AGENCY]
[DATE]

DECLARING EXISTENCE OF A WATER SHORTAGE EMERGENCY

WHEREAS, California Water Code sections 350 et seq. authorize the governing body of a public water supply distributor to declare that water shortage emergency conditions prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, pursuant to Water Code sections 351 and 352, a public hearing on this declaration was duly noticed and held on [date of public hearing]; and

WHEREAS, pursuant to Water Code section 353, the [Board] shall adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of the [Board] conserve the water supply for the greatest public benefit with regard to domestic use, sanitation, and fire protection; and

WHEREAS, pursuant to Water Code section 354, after allocating and setting aside the amount of water which in the opinion of the governing body will be necessary to supply water needed for domestic use, sanitation, and fire protection, the adopted regulations may establish priorities in the use of water for other purposes and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes; and

WHEREAS, pursuant to Water Code section 355, the [Agency]'s regulations and restrictions shall remain in full force and effect until the supply of water available for distribution within such area has been replenished or augmented; and

WHEREAS, pursuant to Water Code section 356, the regulations and restrictions may include the right to deny applications for new or additional service connections, and may also include provision for their enforcement by discontinuing service to consumers wilfully violating the regulations and restrictions; and

WHEREAS, pursuant to Water Code section 357, if the adopted regulations and restrictions on delivery and consumption of water conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of the water supply available for distribution within such service area, the regulations and restrictions shall prevail over the provisions of such laws relating to water rights for the duration of the period of emergency; provided, however, that any distributor of water which is subject to regulation by the State Public

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Utilities Commission shall, before making such regulations and restrictions effective, secure the approval thereof by the Public Utilities Commission; and

WHEREAS, on January 17, 2014, the Governor of the State of California proclaimed a state of emergency in the State of California due to current drought conditions in the state; and

WHEREAS, the Governor's proclamation acknowledged that the State of California is experiencing extremely dry conditions that have persisted since 2012; and

WHEREAS, the Governor's proclamation also noted that the snowpack in California's mountains is approximately 20 percent of the normal average for this date; and

WHEREAS, the Governor's proclamation called upon all Californians to reduce their water usage by 20 percent; and

WHEREAS, the Governor's proclamation called upon local urban water suppliers and municipalities to implement any local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season; and

WHEREAS, on January 17, 2014, the California State Water Resources Control Board notified all water rights holders in California that, in the coming months, if dry weather conditions persist, the State Water Board will notify water rights holders in critically dry watersheds of the requirement to limit or stop diversions of water under their water right, based upon the priority of their right; and

[INSERT clauses speaking to locally relevant conditions and concerns as needed to establish the necessary finding that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.]

NOW, THEREFORE, BE IT RESOLVED by the [Board of Directors or Agency], as follows:

1. Pursuant to Water Code section 350, and for the reasons set forth herein, the [Board or Agency] declares that a water shortage emergency now exists throughout the area served by [the Agency]; and
2. Pursuant to Water Code section 352 and Government Code section 6061, the [Agency] published in a newspaper of general circulation notice of the time and place of the public hearing that was held on [date of hearing] at least seven days prior to the date of hearing; and
3. Pursuant to Water Code section 351, the [Agency] held a public hearing on [date of hearing] at which consumers had an opportunity to be heard to protest against the water

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shortage emergency declaration and to present their respective needs to the governing board; and

4. Pursuant to Water Code section 353, the [Board] hereby adopts the following regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection:
[If a water conservation program has already been adopted, consider declaring a level of drought response condition that requires mandatory conservation measures.
Otherwise consider the following: setting a maximum amount of water use per day per water connection; restrictions requiring a set percentage of reductions; or other conditions in Levels 2 through 4 in the sample ordinance adopting a water conservation program for cities and counties]; and
5. The [Agency] has the right to deny applications for new or additional service connections, and has the power to enforce the regulations and restrictions by discontinuing service to consumers wilfully violating the regulations and restrictions; and
6. *[For any distributor of water which is subject to regulation by the State Public Utilities Commission]* The [Agency] has secured the Public Utilities Commission's approval of the restrictions and regulations; and
7. The restrictions in this resolution shall remain in effect until the supply of water available for distribution within such area has been replenished or augmented, at which time the [Board] will declare an end to the water shortage emergency by resolution.

Passed and adopted this ____ day of _____ 2014, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____