



February 26, 2015

TO: LOCSO Board of Directors
FROM: Robert Miller, District Engineer
SUBJECT: **Agenda Item 12A – 3/5/2015 Board Meeting**
 Preparation for Stage III Water Shortage Emergency Declaration

President
 R. Michael Wright

Vice President
 Marshall E. Ochylski

Directors
 Charles L. Cesena
 Jon-Erik G. Storm
 Louis G. Tornatzky

General Manager
 Kathy A. Kivley

Temporary District Accountant
 Michael L. Doyel

Fire Chief
 Robert Lewin

Battalion Chief
 Phill Veneris

Mailing Address:
 P.O. Box 6064
 Los Osos, CA 93412

Offices:
 2122 9th Street, Suite 102
 Los Osos, CA 93402

Phone: 805/528-9370
FAX: 805/528-9377

www.losososcso.org

DESCRIPTION

The purpose of this agenda item is to prepare for declaring a Stage III Water Shortage Emergency.

STAFF RECOMMENDATION

Staff recommends that the Board adopt the following motion:

Motion: I move that the Board direct staff to bring a draft resolution for Declaration of a Stage III Water Shortage Emergency to be adopted at the April 2, 2015 Board Meeting; and, to prepare and send out public information concerning the pending declaration.

BACKGROUND AND DISCUSSION

In 2014, the LOCSO established a *Water Shortage Contingency Plan* (see Exhibit A) that identified voluntary and mandatory water use restrictions designed to reduce water demand in response to drought or other water quality or supply deficiencies. The plan includes five water use reduction stages with target cutback levels ranging from 5% to 50%. Stages III, IV, or V water shortage emergencies result in mandatory water use restrictions and penalties.

The District is currently observing a *Stage II Water Shortage Warning*, which calls for voluntary restrictions aimed at reducing use by 15% from baseline historical norms. As outlined in the adopted *Water Shortage Contingency Plan*, the District can declare a Stage III water shortage emergency if rainfall totals are less than or equal to 48" inches over three years. The table below shows rainfall data that was obtained from County of San Luis Obispo staff at the Los Osos Landfill Station:

Time Period	Rainfall Totals from Los Osos Landfill (inches)
April 2012 to March 2013	9.88
April 2013 to March 2014	6.57
April 2014 to February 26, 2015 (date of staff note)	6.81
Three (3) Year Total:	23.26

Based on the climate trigger and rainfall of less than 43" in the last 3 years, and if rainfall sufficient to exceed the climate trigger for one year does not occur between now and March 31, 2015, staff will bring a resolution for a Stage III Water Emergency Declaration for adoption at the April 2, 2015 meeting. A draft resolution is attached for initial review. The resolution will establish the following as outlined in Exhibit A: *Water Shortage Contingency Plan*:

- Prohibitions on outdoor water use, specifically private irrigation with potable water. Irrigation with rain water or potable water may continue.
- Reduced residential water allocations: from 174 gallons per household per day to 150 gallons per household per day
- Penalties for exceeding water use allocations

Pursuant to the adopted *Water Rate and Financial Plan*, water shortage emergency rates associated with each shortage stage can be implemented. However, Staff is not recommending emergency rate increases until the District can assess if reduced water demand will warrant emergency rate increases. Staff will review water demand for two (2) successive billing cycles (4 months) and bring the issue back to the Board for review.

FINANCIAL IMPACT

A reduction in water sales is anticipated in response to the Stage III declaration, along with a reduction in revenue. This revenue shortfall may be partially or entirely offset by penalties. Allowable emergency water rates have already been approved, and staff will bring back a rate implementation resolution if necessary to maintain funding levels.

Attachment

RESOLUTION NO. 2015-xx

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
DECLARING A STAGE III WATER SHORTAGE EMERGENCY**

WHEREAS, the Los Osos Community Services District ("District") became effective January 1, 1999, pursuant to an election and Resolution No 98-239 of the Board of Supervisors of the County of San Luis Obispo, and under the authority of the Cortese-Knox Local Government Reorganization Act of 1985 (Government Code §56000 et seq.); and

WHEREAS, in 2014, LOCSO adopted a *Water Shortage Contingency Plan* that identified voluntary and mandatory water use restrictions and shortage stages I-V designed to reduce water demand in response to drought or other water quality or supply deficiencies.

WHEREAS, the purpose of this resolution is to declare a Stage III Water Shortage Emergency within the Los Osos Community Services District based on the climate trigger of less than 43" of total cumulative rainfall over the course of 3 years pursuant to the guidelines within the adopted *Water Shortage Contingency Plan*.

WHEREAS, the public hearing adopting this Resolution has been properly noticed pursuant to Government Code §54954.2 (The Brown Act).

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the District as follows:

Section 1. Incorporation of Recitals

The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Resolution.

Section 2. Stage III Emergency Declaration

A Stage III emergency is in effect, together with the prohibitions, allocations, and penalties contained with the adopted *Water Shortage Contingency Plan* (Exhibit A).

Section 3. Repeal of Prior Ordinances and Resolutions

All Ordinances, Resolutions and sections of Ordinances and Resolutions that are inconsistent with this Resolution are hereby repealed.

Section 4. CEQA Findings

The Board of Directors of the District finds that the Stage III Water Shortage Emergency adopted by this Resolution is exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The District General Manager is directed to prepare and file appropriate notices.

Section 5. Severance Clause

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 6. Effective Date

This Resolution shall take effect April 2, 2015.

ADOPTED this 2nd day of April by the Governing Body of the Los Osos Community Services District by the following roll call votes:

Upon motion of Director _____, seconded by Director _____ and on the following roll call vote, to wit:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

The foregoing resolution is hereby passed and adopted this 2nd day of April 2015.

R. Michael Wright
President, Board of Directors
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Kathy A. Kivley
General Manager and Secretary to the Board

Michael W. Seitz
District Legal Counsel

Exhibit A, Table 1: Summary of Climate and Water Quality Triggers

Stage	Reduction Target	Climate Trigger	Chloride Trigger (8th or 10th Street Wells - Zone D)	TDS Trigger (8th or 10th Street Wells - Zone D)	Climate and Water Quality Requirements to Exit Water Shortage Stages (De-Trigger)
Stage I Alert	5%	Rainfall total as March 31: < than median (17 in.) for current year	N/A	N/A	Receive rainfall equal to or greater than median (17") by March 31
Stage II Warning	10%	Stage 1 plus rainfall total as of March 31: <= 32 in. for over two yrs or <= 48 in. over three yrs. or 65 in. over four yrs. or 81 in. over five years	N/A	N/A	Receive rainfall equal to or greater than median (17") by March 31
Stage III Emergency	20%	Stage 1 plus rainfall total as of March 31: <= 29 in. for over two yrs or <= 43 in. over three yrs. or 58 in. over four yrs. or 72 in. over five years. In the absence of water quality triggers, Stage III shall be enacted no earlier than April, 2015.	150 mg/l	700 mg/l	Receive rainfall equal to or greater than median (17") by March 31. If in Stage III due to water quality, two consecutive semi-annual samples must be below trigger concentrations to exit Stage III.
Stage IV Severe	30%	Stage 1 plus rainfall total as of March 31: <= 26 in. for over two yrs or <= 38 in. over three yrs. or 51 in. over four yrs. or 64 in. over five years. In the absence of water quality triggers, Stage IV shall be enacted no earlier than April, 2016.	250 mg/l	850 mg/l	If rainfall equal to or greater than the median (17") is received by March 31, transition to Stage II for current year. If in Stage IV due to water quality, two consecutive semi-annual samples must be below trigger concentrations to exit Stage IV.
Stage V Critical	35%	Stage 1 plus rainfall total as of March 31: <= 17 in. for over two yrs or <= 26 in. over three yrs. or 34 in. over four yrs. or 43 in. over five years. In the absence of water quality triggers, Stage V shall be enacted no earlier than April, 2016.	500 mg/l	1,000 mg/l	If rainfall equal to or greater than the median (17") is received by March 31, transition to Stage II for current year. If in Stage V due to water quality, two consecutive semi-annual samples must be below trigger concentrations to exit Stage V.

Exhibit A, Table 2: Summary of Prohibitions and Mandatory Reductions

Stage	Prohibitions	Residential and Multifamily Household Allocation (gal/day) - See Note 1	Commercial use reductions	Penalties
Stage I Alert	<ol style="list-style-type: none"> All outdoor irrigation of vegetation shall occur only between the hours of 8 p.m. and 7 a.m. The use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground and other hard-surface areas by direct application shall be prohibited. The use of non-drinking-water fountains, except for those using recirculated water, shall be prohibited. Use of water which results in flooding or run-off in gutters or streets shall be prohibited. 	183 gal/day (based on three occupants per dwelling unit)	Voluntary	No penalties
Stage II Warning	<p>In addition to Stage I conservation measures:</p> <ol style="list-style-type: none"> Use of water from fire hydrants shall be limited to fire suppression and/or other activities immediately necessary to maintain health, safety and welfare of residents within the boundaries of the Los Osos Community Services District. The use of District potable water for construction projects shall be prohibited. The washing of automobiles, trucks, trailers, boats and other types of mobile equipment not occurring upon the immediate premises of a commercial car wash and/or commercial service station shall be prohibited. The use of potable water to irrigate lawns, landscape plantings, groundcovers, and shrubs shall be limited to 15 minutes per irrigation station or yard. Irrigation shall only occur during dark/nighttime hours, and shall only occur on Wednesday and Sunday for even numbered addresses, and Tuesday and Saturday for odd numbered addresses. Community recreational facilities and edible crops shall be exempt from this prohibition. Water main flushing shall only occur in emergency situations as declared by the General Manager. 	174 gal/day (based on three occupants per dwelling unit)	Voluntary	No penalties
Stage III Emergency	<p>In addition to Stage I & II conservation measures:</p> <ol style="list-style-type: none"> The use of potable water to irrigate lawns, landscape plantings, groundcovers, shrubs, and crops shall be prohibited. Community recreational facilities shall be exempt from this prohibition. 	150 gal/day (based on three occupants, an addition of 50 gal/day/person may be made for additional occupants as stated in Note 1)	5% below baseline usage, laundromats exempted	Double the rate for all use over the allocation
Stage IV Severe	<p>In addition to Stage I, II, and III conservation measures:</p> <ol style="list-style-type: none"> New water connections to the District water system shall be prohibited. In addition to the irrigation prohibitions of Stages I, II, and III, the use of potable water to irrigate lawns, landscape plantings, groundcovers, shrubs, and crops shall be prohibited on community recreational facilities. 	135 gal/day (based on three occupants, an addition of 45 gal/day/person may be made for additional occupants as stated in Note 1)	10% below baseline usage, laundromats exempted	Four times the rate for all use over the allocation
Stage V Critical	No additional prohibitions	125 gal/day (based on three occupants, an addition of 42 gal/day/person may be made for additional occupants as stated in Note 1)	15% below baseline usage, laundromats exempted	Four times the rate for all use over the allocation

Notes:

1. The allocations were developed based on 3 or fewer occupants. For single family residences or multi family units with more than 3 occupants, an additional allocation may be granted for each additional occupant depending on the drought Stage as follows: Stages I through III: 50 gal/day/person, Stages IV and V: 45 gal/day/person and 42 gal/day/person, respectively.

2. Allocations are based on a 2011/2012 baseline of 193 gal/household/day