

## **RESOLUTION NO. 2021-02**

# **“EMERGENCY WATER CONSERVATION RESOLUTION” OF THE WILLOW COUNTY WATER DISTRICT**

### **SECTION 1: FINDINGS OF A WATER SHORTAGE EMERGENCY**

The Board of Directors of the Willow County Water District (The District) hereby finds as follows:

1.1. The State of California, and the Russian River Watershed in particular, is in the second consecutive year of extremely dry conditions due to historically low rainfall totals;

1.2. Extremely dry climate conditions have led to projected water shortages in the Russian River Watershed, as evidenced by the physical condition of Lake Mendocino which is at a lower level than the historic drought of 1976-77;

1.3. The District has been advised that the Mendocino County Russian River Flood Control and Improvement District (“RRFCD”), which provides additional water supplies to the District, may not have its full 8,000-acre foot allotment of surface flow available for the remainder of the year;

1.4. Water users along the Upper Russian River, including the District, depend in large part upon water stored in Lake Mendocino, water flowing from streams feeding into the Upper Russian River, and groundwater supplies impacted by those water sources;

1.5. On April 21, 2021, the Governor of the State of California proclaimed that a state of emergency exists in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed;

1.6. The Governor’s emergency drought proclamation found that the Russian River watershed is extremely dry and is facing substantial water supply and ecosystem challenges, and that it is necessary to expeditiously mitigate the effects of the drought conditions within the Russian River Watershed, located within Mendocino and Sonoma counties, to ensure the protection of health, safety, and the environment;

1.7. If the current climate conditions continue and continue to impact flow conditions in the Russian River, water supplies in Lake Mendocino and the local ground water basin, these water sources will not be sufficient to meet all of the demands and requirements of water users along the Upper Russian River, including within the District;

1.8. The adverse environmental, economic, health, welfare and social impacts of current climate conditions and the drought pose an imminent threat of disaster and threaten to cause widespread potential harm to people, businesses, agriculture, property, communities, the environment, wildlife and recreation in the Russian River Watershed;

1.9. Based on the current climate conditions, the emergency water shortage conditions, and the potential threat to public health and safety, it will be necessary for the Board to adopt such regulations and restrictions on the delivery of water and the consumption within the District as will in the sound discretion of the Board conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

1.10. Based on all of these factors and conditions, the District and the Board have properly noticed a public hearing, held a public hearing at which consumers of the District have had an opportunity to be heard, and considered all of the factors for declaration of a water shortage emergency pursuant to Water Code Section 350, et seq.

## **SECTION 2: DECLARATION**

2.1 Therefore, The Board of Directors finds, determines and declares that:

(A) A severe water shortage emergency exists in the Upper Russian River and throughout the area served by the District, and

(B) Under current water storage and rainfall conditions the ordinary demands and requirements of water consumers within the District cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection [Water Code Section 350].

(C) Water conservation within the District is necessary in order to:

(1) Minimize the effects of the current and any future water supply shortage

(2) Ensure that there is sufficient water available within the District throughout the year, and

(3) Extend supplies of water to the greatest extent possible in order to preserve the minimum supplies necessary for human consumption, sanitation, fire protection, the public peace, health and safety.

(D) It will be therefore necessary for the Board in the near future to adopt such regulations and restrictions on the delivery of water and the consumption of water within the District as will in the sound discretion of the Board conserve the water supply for the greatest public benefit with particular regard to human consumption, sanitation, and fire protection.

## **SECTION 3: RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED, THAT:** The Willow County Water District in conformity with the California Water Code and District Ordinances hereby adopts the following:

**3.1 Declaration of Purpose:** It is the purpose of this resolution to:

(A) Minimize the effects of the current and any future water supply shortage;

- (B) Ensure that there is sufficient water available within the District throughout the year;
- (C) Extend supplies of water to the greatest extent possible in order to preserve the public peace, health and safety; and.
- (D) Minimize the hardship to consumers to the greatest extent possible.

**3.2 Future Restrictions and Regulations:** In order to accomplish the purposes of this Resolution, the Board of Directors finds it appropriate to direct and authorize the General Manager and staff to work with the Board to develop and adopt restrictions on the delivery of water and the consumption of water within the District as will in the sound discretion of the Board conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection. Among other actions, the Board 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 to otherwise allocate and set aside the amount of water which in the opinion and discretion of the Board will be necessary to supply water needed for human consumption, sanitation, and fire protection.

**3.3 Order That Water Conservation Be Implemented:** Therefore, The Board of Directors orders that water conservation measures within the District be developed, adopted and implemented in the future based on the severity of the water supply shortage and projected water demands, and based on future orders, regulations, and guidance from the State of California.

**3.4 Authorization:** The General Manager or his designated representative is hereby authorized and directed to implement the policies and provisions of this resolution upon the effective date hereof or as soon as practical.

**3.5 Conservation Measures Adoption and Implementation:** The General Manager shall monitor and evaluate the available water supply and recommend to the Board of Directors the extent of conservation measures required of the consumers within the District; and the effectiveness of the conservation measures in effect. The General Manager shall provide evidence to the Board of Directors that the current measures should be increased to the next stage or reduced as required, or that new or additional measures should be adopted by the Board. The Board of Directors by minute order, in a public meeting, shall adopt and order conservation measures and such regulations and restrictions on the delivery of water and the consumption of water within the District as will in the sound discretion of the Board conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

**3.6. Duration of Declaration:** This Resolution and Declaration, and the regulations and restrictions adopted pursuant to such Resolution and Declaration, shall thereafter be and remain in full force and effect during the period of the emergency and until the supply of water available for distribution within the District and the Russian River Watershed has been replenished or augmented.

## **SECTION 4: COMPLIANCE WITH PROCEDURAL REQUIREMENTS**

**4.1. Notice:** Pursuant to Water Code section 352 and Government Code section 6061, the District published in a newspaper of general circulation notice of the time and place of the public hearing that was held on \_\_, 2021 at least seven days prior to the date of hearing

**4.2. Hearing:** Pursuant to Water Code section 351, the District held a public hearing on \_\_, 2021, at which consumers had an opportunity to be heard to protest against the emergency water shortage declaration and to present their respective needs to the Board.

## **SECTION 5: FAILURE TO COMPLY**

**5.1 Failure to Comply:** Non-compliance with or violation of any of the policies, procedures, use restrictions, consumption limits, billing rates or other provisions contained or authorized in this resolution or District ordinance or later adopted by the Board will result in the District taking action to bring Customers into compliance. Such action may include the placing of a water service reduction device upon the Customer's water service line, or temporary termination of service until the Customer has complied with such policies, procedures, use restrictions, consumption limits, or other provisions of this resolution, other District ordinances and the Customer has paid all service fees and rates and other charges as may be due and payable.

**5.2 General Manager Authorized:** The General Manager is hereby authorized to place such water service reduction devices on any service to any residence, commercial building, industrial or agricultural service if the Customer at that service is not in compliance or has violated any of the policies, procedures, use restrictions, consumption limits, billing rates or other provisions contained or authorized in this resolution or in any other District ordinance.

## **SECTION 6: RELIEF, TERMINATION, RENEWAL**

**6.1 Relief:** The General Manager is authorized to and may allow additional water on a reasonable basis to residences with a greater number of residents, and to commercial enterprises with more than the number of employees or customers indicated above or to industrial concerns with extraordinary or temporary needs. Such allowances must be requested from the General Manager in writing. The General Manager shall develop a written permit form which states the additional allowances granted by the General Manager and that the permit may be withdrawn by the General Manager at any time if, in the opinion of the General Manager the permit terms have been violated by the permittee.

**6.2 Termination:** This Resolution shall remain in effect until the Board of Directors makes appropriate findings and declarations that the Water Shortage Emergency has ended.

**6.3 Renewal:** The Board of Directors may renew this Resolution at any time in the future in which it determines that a Water Shortage Emergency is occurring.

## SECTION 7: SAVINGS CLAUSE

**7.1 Interpretation:** The Board of Directors intends for this Resolution to comply with all laws and that it should be interpreted in that manner.

**7.2 Illegal Provisions:** In the event that any court which is called upon to interpret or construe any of the terms and language of this ordinance finds that a provision of the ordinance is illegal and cannot be construed otherwise then that provision shall be considered null and void and the court shall construe this Resolution as if that provision did not exist.

A motion was made by Director \_\_\_\_\_ to adopt this resolution. The motion was seconded by Director \_\_\_\_\_. Thereupon a vote was taken the results of which are recorded herein below:

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Therefore this resolution was PASSED AND ADOPTED by the Board of Directors of Willow County Water District this \_\_\_\_ day of \_\_\_\_\_ 2021.

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

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