

RESOLUTION 22-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT DECLARING A STAGE 2 WATER SHORTAGE PURSUANT TO ITS WATER SHORTAGE CONTINGENCY PLAN

WHEREAS, on October 19, 2021, Governor Newsom proclaimed a condition of statewide drought emergency and reaffirmed the call for local agencies to voluntarily reduce water use by 15 percent compared to 2020 to protect water reserves and complement local conservation mandates, preceded by drought proclamations on April 12, 2021, May 10, 2021, and July 8, 2021; and

WHEREAS, Governor Newsom's State of Emergency Proclamation acknowledges that the State of California is experiencing critically dry conditions; and

WHEREAS, a third consecutive year of exceptionally low precipitation, snowpack, and runoff is affecting California's water supplies and resulting in near record low storage in California's largest reservoirs; and

WHEREAS, on March 28, 2022, Governor Newsom issued Executive Order N-7-22 directing the State Water Resources Control Board (SWRCB) to consider adopting drought emergency water conservation regulations to prepare for and mitigate the effects of the drought conditions; and

WHEREAS, on May 24, 2022, the SWRCB adopted Emergency Regulations for urban drought response actions, specifically requiring all urban water suppliers who submitted a Water Shortage Contingency Plan to the Department of Water Resources to implement at minimum, all demand reduction actions identified in the supplier's Water Shortage Contingency Plan for a level 2 shortage level of ten to twenty percent by June 10, 2022; and

WHEREAS, under N-7-22 and the SWRCB Emergency Regulations, the Twentynine Palms Water District (District) is required to implement all demand reduction actions identified in its Water Shortage Contingency Plan for a stage 2 shortage level; and

WHEREAS, the District has adopted a Water Shortage Contingency Plan under the Urban Water Management Planning Act; and

WHEREAS, pursuant to the District's Water Shortage Contingency Plan, the District, through its Board of Directors (Board) may take action by resolution and adoption at a public meeting to make a water shortage declaration.

NOW, THEREFORE, the Board of the District hereby finds, determines, declares, and resolves as follows:

SECTION 1. Incorporation of Recitals. All of the foregoing Recitals are true and correct, and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

SECTION 2. Compliance with SWRCB Emergency Regulation. The Board hereby determines that the District must implement all demand reduction measures identified in the District's Water Shortage Contingency Plan, Stage 2 Water Shortage, to comply with the SWRCB Emergency Regulation.

SECTION 3. Declaration of Stage 2. The Board hereby declares a Stage 2 Water Shortage and implements the demand reduction measures as set forth within the District's Water Shortage Contingency Plan for a Stage 2 Water Shortage and as further set forth below. The following actions are required, 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:

1. Waste and unreasonable use of water is prohibited.
2. The following demand reduction action are required:
 - a. Customers shall fix leaks in a timely manner and sprinklers shall be adjusted to eliminate over-spray.
 - b. Customers shall not water outdoor landscapes within 48 hours of measurable rainfall.
 - c. Landscape watering shall not runoff onto adjacent properties, roadsides, or gutters.
 - d. Water for construction purposes, including but not limited to de-brushing of vacant land, compaction of fills and pads, trench backfill and other construction uses shall be used in an efficient manner.
 - e. All new construction including residential, commercial, and industrial, shall be equipped with low flow toilets and fixtures.
 - f. All new model homes and commercial and industrial development, when landscaped, shall include low water use, drought tolerant or native plant material, and drip irrigation systems. Irrigation systems shall include a smart irrigation controller or equivalent technology.
 - g. Dedicated (separate) landscape meters shall be installed for all irrigated landscape areas in excess of 2500 square feet except for single family residences.
 - h. Water used for cooling systems must be recycled to the extent possible.
 - i. Evaporation resistant covers are required for all new swimming pools and hot tubs.
 - j. Hosing of hardscape surfaces, except where health and safety needs dictate, is prohibited.

- k. Car washing and outside cleaning activities are prohibited except when performed with buckets and automatic hose shutoff devices.
- l. Water leaks shall be repaired in a timely manner and sprinklers shall be adjusted to eliminate over-spray.
- m. The serving of drinking water other than upon request in eating or drinking establishments is prohibited.
- n. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom.
- o. Outdoor watering is limited to three days per week.
- p. Landscape watering between the hours of 10:00 a.m. and 5: p.m. is prohibited.

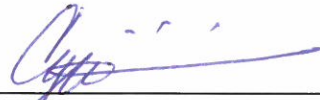
SECTION 4. Non-Functional Turf Irrigation Ban. Under N-7-22 and while it and its implementing SWRCB Emergency Regulations are in effect, to prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites, provided however, the use of water is not prohibited to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need. The District may approve requests for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less and demonstrates that the actual use is less than 40% of reference evapotranspiration. "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events and excludes sports fields and turf that is regularly used for human recreational purposes. Taking any action prohibited in this section is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs, and this fine is in addition to and does not supersede or limit any other remedies, civil or criminal.

SECTION 5. CEQA. The Board finds that adopting and enforcing mandatory restrictions on water use in order to comply with SWRCB Emergency Regulation is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15268 and Public Resources Code Section 21080(b)(1) as a ministerial action. The SWRCB Emergency Regulations mandate that each urban water supplier implement all demand reduction measures identified in the supplier's Water Shortage Contingency Plan for a shortage level of ten to twenty percent. Therefore, an action to implement these measures is not a discretionary action, and as such, it is statutorily exempt from CEQA.

SECTION 6. Severability. If any section, subsection, clause, or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof be held invalid.

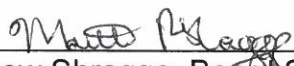
ADOPTED, SIGNED, AND APPROVED this 22nd day of June, 2022.

Ayes: Directors Arthur, Coghill, Horn, Leazer, and Giannini
Noes: None
Absent: None
Abstain: None



Carol Giannini, President
Board of Directors

Attest:



Matthew Shragge, Board Secretary
Twentynine Palms Water District

