



**NOTICE OF EMERGENCY MEETING  
BOARD OF DIRECTORS  
SAN LORENZO VALLEY WATER DISTRICT  
AGENDA  
August 21, 2020**

**MISSION STATEMENT:** Our Mission is to provide our customers and future generations with reliable, safe and high quality water at an equitable price; to create and maintain outstanding service and community relations; to manage and protect the environmental health of the aquifers and watersheds; and to ensure the fiscal vitality of the San Lorenzo Valley Water District.

Notice is hereby given that an emergency meeting of the Board of Directors of the San Lorenzo Valley Water District will be held on **Friday, August 21, 2020 at 3:00 p.m.**

**There will not be a physical location for this meeting.** This is a special accommodation being made in light of public health concerns due to COVID-19 and pursuant to the Governor's Executive Order N-29-20 (Order). The Order at Paragraph 3 supersedes a prior Executive Order N-25-20, and it allows local legislative bodies to hold public meetings via teleconference, without any physical meeting location.

To join the meeting please use the following dial-in information: 1-800-308-1404

When prompted by the teleconferencing system, enter the following passcode:  
213-612-7815

**AGENDA**

1. Convene Meeting/Roll Call
2. New/Emergency Business:
  - a. **DECLARATION OF AN EMERGENCY SITUATION**  
Discussion and possible action by the Board to declare that an "emergency situation" exists within the District, based on the existence of a "crippling disaster" under Government Code Section 54956.5, and allowing the District to conduct Board meetings on an emergency basis
  - b. **UPDATE REGARDING STATE OF EMERGENCY:  
CZU AUGUST LIGHTNING COMPLEX FIRES ACTIVELY  
BURNING WITHIN THE DISTRICT**  
Discussion and possible action by the Board regarding the wildfire emergency response, including water service status and damage to District equipment & facilities and surrounding areas; **this item may include discussion of whether to conduct a**

**closed session pursuant to Government Code Section  
54957(a)**

- c. **CONTRACTS FOR EMERGENCY SERVICES AND/OR REPAIRS  
TO DISTRICT FACILITIES**  
Discussion and possible action by the Board to award one  
or more sole-source contracts to provide emergency services and/or  
repairs to District facilities in response to the CZU August Lightning  
Complex Fires currently impacting the District
  
- d. **WATER SHORTAGE EMERGENCY**  
Discussion and possible action by the Board regarding whether  
to declare, on an emergency basis, a water shortage  
emergency and corresponding mandatory reductions in water  
usage pursuant to District Ordinance No. 106, and/or other  
emergency actions to preserve the available water supply and  
prevent waste

3. Adjournment

## State of California

### GOVERNMENT CODE

#### Section 54956.5

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54956.5. (a) For purposes of this section, “emergency situation” means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Amended by Stats. 2002, Ch. 175, Sec. 2. Effective January 1, 2003.)

MEMO

TO: Board of Directors  
From: District Manager  
Subject: Wildland Fire Damage as of Mid-Day August 21, 2020  
Date: August 21, 2020

On August 21, 2020 at approximately 02:20 am, Boulder Creek Fire Protection Chief contacted the District's Director of Operations and informed the District that fire had reached the Lyon Water Treatment Plant, Lyon tank, Little Lyon tank, Big Steel Tanks and the Big Steel Booster. The Chief stated that they were doing their best to protect facilities however fire crews were overwhelmed and had to vacate the area. The District was also informed that a large amount of water was lost, running off the facility and down the road.

At 8:45 am, the Fire Department escorted the District Manager, Director of Operations, Water Treatment Supervisor, and Field Services Supervisor to the facility for damage assessment. Upon arrival observations were made including, vegetation still burning, a large volume of water flooding the area due to eroded asphalt in the roadway and a small mud slide. In addition, the above ground HDPE pipelines were still burning. All above HDPE pipelines between the Lyon Tank and Big Steel tank were destroyed, allowing all three tanks to drain losing approximately 4 million gallons of water.

While we were assessing fire damage, the fire flared up requiring a fire engine response to extinguish for staff safety. Further damage assessment at the facility found the following:

The District is moving forward with emergency contracts for temporary repairs to place the three tanks back in service.

| Facility/Damage   | Temporary Repairs | Permanent Repairs |
|---|-------------------|-------------------|
| Big Steel Tank- Approximately 700 lineal feet of 8" HDPE above ground destroyed.          | \$35,000          | \$65,000          |
| Lyon to Big Steel- Approximately 1,200 lineal feet of 12" HDPE above ground pipe          | \$60,000          | \$120,000         |
| Lyon to Big Steel Communications- Approximately 1,800 Lineal feet of communications cable | \$27,000          | \$27,000          |
| Foreman Creek Raw Water to WTP 3,500 lineal feet of 12" HDPE above ground pipeline        | \$250,000         | \$800,000         |

|  |                  |               |
|--|------------------|---------------|
| Foreman Creek to Lyon Communication Cable<br>CCTV cameras, 3,500 Lineal Feet @ \$15.00<br>per foot |                  | \$25,000      |
| Five Mile Pipeline Destroyed - Estimated<br>replacement \$3.2 million                              | To be Determined | \$3.2 Million |

The above list only captures some of the damage as assessments are ongoing and the fire is currently zero percent contained.

Authorization for the District Manager to enter into an emergency construction contract for temporary and emergency repairs are needed immediately as water storage totals in the three tanks are approximately 4.5 million gallons (roughly 51.5% of the Districts total water storage). It is requested that the Board authorize the District Manager to enter into emergency repair construction contracts not to exceed \$150,000.

Before evacuating from the facility, Boulder Creek Fire cut a fire line around the Big Steel Booster wooden building. This action saved the building from burning. The building houses high volume pumps and specialized SCADA equipment.

District staff are in the process of making operational changes back-feeding storage to the Highway 9 corridor for firefighting purposes. To ensure adequate water supply for firefighting a declaration of a Water Shortage Emergency is recommended until water storage can be restored.













## Nicholls, Gina R.

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**From:** Nicholls, Gina R.  
**Sent:** Thursday, August 20, 2020 5:56 PM  
**To:** Steve Swan; 'Lois Henry'; 'Bob Fultz'; 'Lew Farris'; 'Rick Moran'  
**Cc:** 'Rick Rogers'; James Furtado; 'Holly Hossack'  
**Subject:** Operational Update August 20, 2020

### DO NOT RESPOND INFORMATIONAL ONLY

Dear Board Members:

Following is an operational update compiled from information provided by the District Manager.

#### **Situation Overview**

District staff attended an informational briefing conducted by CalFire today at 10 a.m. and attended by the water agencies, PG&E, and contract water truck providers. CalFire reported that its resources are very low due to the many fires in California. The fire defensive line has been moved to Highway 17, and Skyline Blvd leaving unprotected area in between. Evacuation areas include Boulder Creek, Ben Lomond, Brookdale, Lompico, Zayante, and Felton – almost the entire District with the exception of Scotts Valley and Manana Woods areas. (See also CalFire, CZU August Lightning Complex: <https://www.fire.ca.gov/incidents/2020/8/17/czu-august-lightning-complex/>) CalWARN attended the informational meeting to remind the agencies to keep good records to start preparation for reporting financial impacts.

#### **Staffing**

The District Manager and management team continue to lead the District's response from within the San Lorenzo Valley. Staff are monitoring District facilities. Staffing is adequate at this time. Additional staffing has been offered by Scotts Valley Water District (SVWD) and City of Santa Cruz if needed.

#### **Electrical Power**

Power is out to Boulder Creek and many surrounding areas. PG&E reports major equipment failures, including power transmission lines down by Boulder Creek Elementary. (See PG&E Outage Center <http://critweb-outage.pgealerts.com/>) The District has deployed its mobile generators to power pump stations and wells.

#### **Water System Overview**

At this time Cal. Fire has not requested water isolation of any residential areas. Fire has reached the Foreman intake and possibly the 5-mile pipeline. Lyon Water Treatment Plant (WTP) is under threat of fire and was taken offline yesterday afternoon prior to any fire danger on the 5-mile pipeline. (See photo below.) Water quality impact at the intakes is unknown at this time. All wells are online.

#### **Water Storage**

District-wide we are maintaining water storage at approximately 75% of full. No tanks are currently out of water, but some tanks north of Boulder Creek may have reduced storage due to lack of power and proximity to the fire.

#### **Interties**

The Felton/SLVWD intertie has been activated to supply water from the Felton System to San Lorenzo Valley North. The IT2 Intertie with SVWD is operational and can provide water to the District if needed. IT3 is providing water to the North System, from the Probation Tank to Quail Tank. Mt. Hermon Association has requested possible activation of IT4, and the District is on standby.

#### **Restoration**

Timing of system restoration is currently unknown. As the system comes back online, Boil Water Notices will likely need to be issued to any areas where tanks lose storage. Consistent with District practice and CalWARN recommendations, staff are keeping good records for purposes of post-emergency reporting and financial recovery.

*Photo of the hillside above Peavine intake in Boulder Creek, taken by water quality staff at approx. 9 a.m. on 8/20:*



**Gina R. Nicholls**

Attorney at Law

NOSSAMAN LLP

777 South Figueroa Street, 34th Floor

Los Angeles, CA 90017

[gnicholls@nossaman.com](mailto:gnicholls@nossaman.com)

T 213.612.7800 F 213.612.7801

D 213.612.7815



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**SAN LORENZO VALLEY WATER DISTRICT  
ORDINANCE NO. 106 RESTATING AND  
AMENDING REGULATIONS RESPONDING  
TO WATER SHORTAGE EMERGENCY**

**SUBJECT: WATER SHORTAGE EMERGENCY**

WHEREAS, On April 3, 2014. The Board of Directors of the San Lorenzo Valley Water District adopted Ordinance No. 105, to establish regulations and requirements responding to the Water Shortage Emergency declared by the Board.

WHEREAS, Article 10, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for public welfare; and

WHEREAS, on January 17, 2014 Governor Brown declared a State of Emergency to exist in California due to prolonged drought conditions; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, San Lorenzo Valley Water District system draws exclusively on local sources of supply, whose yield varies from year to year depending on the amount of rainfall received; and

WHEREAS, the District's water system is susceptible to water shortages in dry years or in periods of prolonged regional drought when water conditions characterized by low surface flows in stream sources and low levels in local aquifers', reduce the available supply to a level that cannot support seasonal water demand; and

WHEREAS, California Water Code Sections 350 et seq. authorize water suppliers, after holding a properly noticed public hearing, and after making certain findings, to declare a water shortage (emergency) and to adopt such regulations and restrictions to conserve the water supply for the greatest public benefit with particular regard for domestic use, sanitation, and fire protection; and

WHEREAS, the water conservation measures and progressive restrictions on water use and method of use set forth herein provide an effective and immediately available means to conserve water which is essential during periods of water shortage to ensure a reliable and sustainable minimum supply of water for public health, safety, and welfare; to preserve valuable limited water storage capacity; to

avoid depleting water storage to an unacceptably low level; and to lessen the possibility of experiencing more critical shortages if dry conditions continue or worsen; and

WHEREAS, the usage regulations and restrictions hereinafter established will equitably spread the burden of restricted and prohibited usage over all San Lorenzo Valley Water District customers and other consumers; and

WHEREAS, the purposes of this Ordinance are to conserve the water supply of the San Lorenzo Valley Water District's for the greatest public benefit, to mitigate the effects of a water supply shortage on public health and safety and economic activity, and to budget water use so that a reliable and sustainable minimum supply of water will be available for the most essential purposes for the entire duration of the water shortage; and

WHEREAS the Board of Directors of the San Lorenzo Valley Water District desires to further amend and restate the requirements and regulations pertaining to the continued drought.

The Board of Directors of the San Lorenzo Valley Water Districts hereby ordains as follows:

Section 1. Declaration of Necessity and Intent: This Ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the San Lorenzo Valley Water District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare.

Section 2. Declaration of Water Shortage: The provisions of this Ordinance shall take effect whenever the District Manager, upon analysis of the District's water supplies, finds and determines that a water shortage exists or is imminent within District's service area and a declaration of a water shortage is made by a resolution of the Board of Directors, and they shall remain in effect for the duration of the water shortage set forth in the resolution.

Section 3. Application of Regulations: The provisions of this Ordinance shall apply to any person in the use of any water provided by the San Lorenzo Valley Water District.

Section 4. Precedence of Regulations. Where other provisions of the San Lorenzo Valley Water District, whether enacted prior or subsequent to this Ordinance, are inconsistent with the provisions of this Ordinance, the provisions of this Ordinance shall supersede and control for the duration of the water shortage set forth in the resolution of the Board of Directors.

Section 5. Water Waste Prohibitions. It shall be unlawful during any water shortage stage for any person, firm, partnership, association, corporation, political entity or

any other water customer to use water for any of the following:

- (a) Fire Hydrants. Use of water from any fire hydrant, unless specifically authorized by the District, except by regularly constituted fire protection agencies for fire suppression purposes.
- (b) Watering/Irrigation. The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, gutter or ditch.
- (c) Plumbing Leaks. The escape of water through leaks, breaks, or other malfunctions within the water user's plumbing or distribution system for any period of time after such break or leak should have reasonably been discovered and corrected. It shall be presumed that a period of twenty-four hours after the water user discovers such break, leak or malfunction, or receives notice from the District of such condition, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.
- (d) Washing of Exterior Surfaces. The washing of sidewalks, walkways, driveways, parking lots, patios, or other exterior surfaces unless the hose is equipped with an automatic shutoff nozzle.
- (e) Cleaning of Structures and Vehicles. The cleaning of building exteriors, mobile homes, cars, boats, and recreational vehicles unless the hose is equipped with an automatic shutoff nozzle.
- (f) Fountains and Decorative Water Features. The operation of a water fountain or other decorative water feature that does not use re-circulated water.
- (g) Construction. The use of potable water for dust control or soil compaction purposes in construction activities where there is a reasonably available source of reclaimed water appropriate for such use.
- (h) The indiscriminate running of water or washing with water, not otherwise prohibited in this section which is wasteful and without reasonable purpose.

Section 6. Stage 1 Water Shortage. The District Manager is empowered to issue a Stage 1 Water Shortage notification and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage will be ten (10) percent or less, and a minimal consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 1 Water Shortage, the District will enforce the following water shortage restrictions. During a Phase 1 Water Shortage it shall be unlawful for any person, firm, partnership, association, corporation, political entity or any other water District customer:

1. To water or irrigate lawn, landscape, or other vegetated areas between the hours of 10:00 a.m. and 5:00 p.m., except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system;
2. To use a hose that is not equipped with a shutoff nozzle;



3. To use potable water to wash down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other paved surfaces, except when it is necessary to alleviate safety or sanitation hazards or to prepare paved surfaces for sealing;
4. To initially fill or to drain and refill residential swimming pools;
5. To serve water in a restaurant or other commercial food service establishment except upon the request of a patron; and/or
6. To operate a hotel, motel or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets and linens.

Section 7. Stage 2 Water Shortage. The District Manager is empowered to issue a Stage 2 Water Shortage notification and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage will be between ten (10) percent and twenty (20) percent, and a moderate consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 2 Water Shortage, the District will enforce the following water shortage restrictions. During a Stage 2 Water Shortage it shall be unlawful for any person, firm, partnership, association, corporation, political body or other District customer to engage in any of the Stage 1 restrictions 1 through 6, except as authorized by those restrictions and, in addition:

7. To water or irrigate lawn, landscape, or other vegetated areas on days of the week other than the days of the week authorized and noticed by the District Manager, except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, non-spray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system. Hourly restrictions set forth in subsection 1 of Stage 1 water shortage restrictions set out in Section 6 above continue to apply on authorized watering days. This provision shall not apply to commercial growers/nurseries or to residential vegetable gardens/edible plantings watered with a hose equipped with a shutoff nozzle.
8. To water or irrigate lawn, landscape, or other vegetated area using an automatic irrigation system for more than fifteen minutes per watering station per assigned day. This provision shall not apply to automatic irrigation systems exclusively using low output sprinkler equipment, including rotors, stream rotors, or micro-spray systems; and/or
9. To wash the exterior of dwellings, buildings or structures (with the exception of window washing and preparation of property for painting or for sale);

Section 8. Stage 3 Water Shortage. The District Manager is empowered to issue a Stage 3 Water Shortage notification and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage will be between twenty (20) percent and thirty (30) percent, and a significant consumer

demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 3 Water Shortage, the District will enforce the following water shortage restrictions. During Stage 3 Water Shortage it shall be unlawful for any person, firm, partnership, association, corporation, political body or other District customer to engage in any of the Stage 1 or 2 restrictions except as authorized by those restrictions set out in Section 6, subsections 1 through 6 and set out in Section 7, subsections 7 through 9 and, in addition:

10. To violate residential customer water rationing regulations, including regulations intended to preclude excessive water usage and specifying maximum water usage limitations, issued by the District Manager.

Section 9. Stage 4 Water Shortage. The District Manager is empowered to issue a Stage 4 Water Shortage notification and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage will be greater than thirty (30) percent and an extraordinary consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 4 water shortage, the District will enforce the following water shortage restrictions. During Stage 4 Water Shortage it shall be unlawful for any person, firm, partnership, association, corporation, political body or other District customer to engage in any of the Stage 1, 2 or 3 restrictions except as authorized by those restrictions set out in Section 6, subsections 1 through 6, Section 7, subsections 7 through 9, and Section 8, subsection 10 and, in addition:

11. To violate commercial customer water rationing regulations, including regulations intended to preclude excessive water usage and specifying maximum water usage limitations, issued by the District;
12. To water lawns or turf, unless such watering is authorized by the District Manager in accordance with a landscape irrigation water;
13. To install new landscaping which requires any irrigation or watering;
14. To wash or clean vehicles, including but not limited to automobiles, trucks, vans, buses, motorcycles, boats, or trailers, including the washing of fleet vehicles; and/or
15. To exercise any rights conferred by hydrant and bulk water permits that were issued prior to the severe water shortage emergency declaration absent special permission granted by the District Manager. Said special permission may be granted only for projects necessary to protect the public health, safety and welfare where no alternative to potable water exists and for emergency response purposes.

Section 10. Exceptions. The District Manager, upon application made in writing by a customer on a form promulgated by the District and accompanied by supporting documentation, shall be authorized to issue an exception from the strict application of any restriction, regulation or prohibition enforced pursuant to this Ordinance, upon the customer's production of substantial evidence demonstrating the existence of one or more of the following circumstances that are particular to that customer and which

are not generally shared by other District customers:

1. Failure to approve the requested exception would cause a condition having an adverse effect on the health, sanitation, fire protection, or safety of the customer or members of the public served by the customer;
2. Strict application of the subject restriction, regulation or prohibition would impose a severe or undue hardship on a particular business customer or render it infeasible for a particular business customer or class of business customers to remain in operation;
3. Alternative restrictions to which the customer is willing to adhere are available that would achieve the same level of demand reduction as the restriction for which an exception is being sought and such alternative restrictions are enforceable by the District;
4. Circumstances concerning the customer's property or business have changed since the implementation of the subject restriction warranting a change in the customer's water usage allocation;
5. A health care facility customer using industry best management practices is eligible for an exception upon demonstrating that the subject restriction, regulation or prohibition is interfering with or preventing it from providing health care service to its customers in accordance with industry hygiene, sanitation and health care standards; or
6. A business customer has already implemented environmental sustainability measures that have reduced water consumption to the maximum extent feasible. As used in this subsection the term "environmental sustainability measures" refers to installation of high efficiency plumbing fixtures, devices, equipment, and appliances, recycled water systems, and landscaping consisting exclusively of low-water-using plant materials using drip or similar high efficiency, nonspray irrigation systems, or to buildings that are designed, built, and continuously operated according to Leadership in Energy and Environmental Design (LEED) certification standards.

Section 11. Water Shortage Appeal Board.

- (a) A Water Shortage Appeal Board is hereby established and shall be eligible to convene upon the District Manager's issuance of any water shortage notification declaration the implementation of water shortage restrictions pursuant to this Ordinance. Thereafter, the Water Shortage Appeal Board will remain available to convene for as long as the water shortage remains in effect.
- (b) The Water Shortage Appeal Board shall be comprised of the full Board of Directors.
- (c) Any customer who considers an action taken by the District Manager or an

enforcement official under the provisions of this Ordinance, including actions on exception applications and the assessment of administrative penalties, to have been erroneously taken or issued may appeal that action or penalty to the Water Shortage Appeal Board in the following manner:

1. The appeal shall be made in writing, shall state the nature of the appeal specifying the action or penalty that is being appealed and the basis upon which the action or penalty is alleged to be in error. Penalty appeals shall include a copy of the notice of violation;
2. An appeal, to be effective, must be received by the District Manager not later than ten (10) business days following the date of the notice of violation or the date that the District Manager took the action which is the subject of the appeal;
3. A water service user who is not the account customer may appeal an excess water use penalty within ten business days following the penalty;
4. The District Manager shall schedule the appeal for consideration by the Water Shortage Appeal Board at a Regular or Special Board meeting. The Water Shortage Appeal Board shall hear the appeal within ninety (90) days of the date of the appeal and issue its decision within thirty (30) days following the close of the hearing;
5. The decision of the Water Shortage Appeal Board shall be final. In ruling on appeals, the Water Shortage Appeal Board shall strictly apply the provisions of this Ordinance, and shall not impose or grant terms and conditions not otherwise authorized by this Ordinance.

#### Section 12. Administrative Enforcement.

(a) Any person, firm, partnership, association, corporation, political entity or other water customer violating any provision of this Ordinance may be assessed an administrative penalty.

(b) Each and every day a violation of this Ordinance constitutes a separate and distinct offense for which an administrative penalty may be assessed.

(c) Penalties. The purpose of the administrative penalties assessed pursuant to this section is to assure future compliance by the cited customer through the imposition of increasingly significant penalties so as to create a meaningful disincentive to commit future violations. In acknowledgment of the fact that the District's water is a scarce and irreplaceable commodity and that this Ordinance is intended to equitably distribute that commodity among District customers and to assure that, to the extent feasible, District water is conserved and used only for purposes deemed necessary for public health and safety, the penalty schedule herein prescribed is not to be construed as creating a "water pricing" structure pursuant to which customers may elect to pay for additional water at significantly higher rates. To this end, a customer's repeated violation of this Ordinance shall result in either the installation of a flow restriction device or disconnection of the customer's property from the District's water service system at the customer's cost.

(d) Administrative penalties for failure to comply with water waste prohibitions requirements in Section 5, and mandatory water use restrictions and regulations

commencing with a Stage 1 Water Shortage in Section 6 are as follows:

1. First Offense. Written notice of violation and opportunity to correct violation.
2. Second Offense. A second violation within the preceding twelve calendar months is punishable by a fine not to exceed one hundred dollars.
3. Third Offense. A third violation within the preceding twelve calendar months is punishable by a fine not to exceed two hundred fifty dollars.
4. Fourth Offense. A fourth violation within the preceding twelve calendar months is punishable by a fine not to exceed five hundred dollars. In addition to any fines, the District Manager may order a water flow restrictor device be installed.
5. Discontinuing Service. In addition to any fines and the installation of a water flow restrictor, the District Manager may disconnect a customer's water service for willful violations of mandatory restrictions and regulations in this Ordinance. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the prohibited or restricted activity and the method by which reconnection can be made.

(e) Excessive Water Use Penalties. An excessive use penalty shall be assessed where the customer, during any given billing cycle, uses more than the customer's water allotment per the District's water rationing regulations issued pursuant to this Ordinance commencing with Stage 3 in Section 8. Excess use penalties shall be in addition to ordinary water consumption charges, as follows:

1. One percent to ten percent over customer rationing allotment: twenty-five dollars/CCF.
2. More than ten percent over customer rationing allotment: fifty dollars/CCF.
3. In addition to any excess use penalties, the District Manager may order a water flow restrictor device be installed and/or may disconnect a customer's water service for willful violations of the water rationing regulations in this Ordinance. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the prohibited or restricted activity and the method by which reconnection can be made.

(f) Cost of Flow Restrictor and Disconnecting Service. A person or entity that violates this Ordinance is responsible for payment of charges for installing and/or removing any flow-restricting device and for disconnecting and/or reconnecting. The charge for installing and/or removing any flow restricting device must be paid

before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

(g) Notice and Hearing. The District Manager will issue a notice of violation by mail or personal delivery at least ten business days before taking any enforcement action described in subsection (d). Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the notice of violation by filing a written notice of appeal with the District no later than the close of the business day before the date scheduled for enforcement action, accompanied by a twenty-five dollar (\$25.00) appeal fee. Any notice of violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the District will mail written notice of the hearing date to the customer at least ten days before the date of the hearing. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the District Manager may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violation and the current declared water shortage condition.

Section 12. Additional Enforcement Authority. In addition to the remedies referenced above, the District Manager is empowered to pursue any additional remedies necessary, including, but not limited to, other administrative, criminal, and civil remedies to correct a violation of this Ordinance.

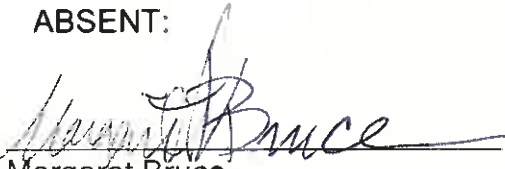
Section 13. Severability. If any portion of this Ordinance is held to be unconstitutional, it is the intent of the Board of Directors that such portion of the chapter be severable from the remainder and that the remainder be given full force and effect.

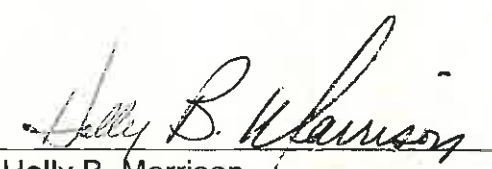
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PASSED AND ADOPTED by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of California, on the 7th day of May 2015, by the following vote of the members thereof:

**ROLL CALL:**

- AYES: Hammer, Bruce, Ratcliffe, Brown and Baughman
- NOES:
- ABSTAIN:
- ABSENT:

BY:   
 Margaret Bruce  
 President, Board of Directors

ATTEST:   
 Holly B. Morrison  
 District Secretary