

ORDINANCE NO. 489

AN ORDINANCE OF OLIVENHAIN MUNICIPAL WATER DISTRICT'S
BOARD OF DIRECTORS REGARDING ADOPTING A WATER
SHORTAGE CONTINGENCY PLAN

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 the public welfare; 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, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow Olivenhain Municipal Water District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, in 2018, two long-term conservation bills, Senate Bill 606 and Assembly Bill 1668, were signed into law by Governor Jerry Brown. The two bills amend portions of the California Water Code including section 10632, which is related to water shortage contingency planning. Among other changes, the amendments require agencies to incorporate an annual water supply and demand assessment under its Urban Water Management Plan. It also specifies the adoption of six standard water shortage levels; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including Olivenhain Municipal Water District. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Water Shortage Contingency Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Water Shortage Contingency Plan; and

WHEREAS, the Water Authority's Water Shortage Contingency Plan contains six regional water shortage levels containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains Water Shortage Levels that correspond with the Water Shortage Contingency Plan levels; and

WHEREAS, Olivenhain Municipal Water District, due to the geographic and climatic conditions within its territory and availability of water provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies, and other factors. Olivenhain Municipal Water District has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. Olivenhain Municipal Water District's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by Olivenhain Municipal Water District; and

WHEREAS, the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable Olivenhain Municipal Water District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public; and

WHEREAS, this ordinance rescinds and replaces Ordinance 427, and is intended to serve as Olivenhain Municipal Water District's Water Shortage Contingency Plan so that it is consistent with the new drought planning requirements for water suppliers.

NOW, THEREFORE, the Board of Directors of Olivenhain Municipal Water District does ordain as follows:

SECTION 1.0: DECLARATION OF NECESSITY AND INTENT

- (a) This ordinance establishes water management requirements that are in addition to any permanent water waste prohibitions and are necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within OMWD in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.
- (b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes six water shortage level response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.
- (c) Water Shortage Level 1 response measures are voluntary and will be reinforced through local

and regional public education and awareness measures that may be funded in part by Olivenhain Municipal Water District. During Water Shortage Levels 2 through 6, all conservation measures and water use restrictions become mandatory and become increasingly restrictive in order to attain escalating conservation goals.

- (d) During a Water Shortage Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in Olivenhain Municipal Water District's Administrative and Ethics Code.

SECTION 2.0: DEFINITIONS

- (a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Water Authority's Permanent Special Agricultural Water Rate Program.
2. "Water Authority" means the San Diego County Water Authority.
3. "Metropolitan" means the Metropolitan Water District of Southern California.
4. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by Olivenhain Municipal Water District.
5. "WSCP" means the Water Authority's Water Shortage Contingency Plan or Olivenhain Municipal Water District's Water Shortage Contingency Plan, as specified, in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

SECTION 3.0: APPLICATION

- (a) The provisions of this ordinance apply to any person in the use of any water provided by Olivenhain Municipal Water District.

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- (b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.
- (c) Nothing in this ordinance is intended to affect or limit the ability of Olivenhain Municipal Water District to declare and respond to an emergency, including an emergency that affects the ability of Olivenhain Municipal Water District to supply water.
- (d) The provisions of this ordinance do not apply to use of water from private wells, recycled water, or graywater systems.
- (e) Nothing in this ordinance shall apply to use of water that is subject to a special supply program, such as the Water Authority's Permanent Special Agricultural Water Rate Program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by Olivenhain Municipal Water District is subject to this ordinance in the use of the other water.

SECTION 4.0: WATER SUPPLY RELIABILITY ANALYSIS

- (a) This Water Shortage Contingency Plan examines the findings related to water supply reliability and the key issues that may create a shortage condition when considering OMWD's water asset portfolio. It summarizes the water supply analysis in Chapter 6 of OMWD's 2020 UWMP, and the water reliability findings in Chapter 7 of OMWD's UWMP, to develop a WSCP that is a stand-alone document.
- (b) OMWD is currently 100 percent reliant on SDCWA for its potable water supply and, therefore, the water supply reliability analysis is based upon the SDCWA assessment from its 2020 UWMP, available at www://sdcwa.org. SDCWA has executed contracts for a number of sources of water including the Carlsbad Desalination Plant (50,000 AFY), water conserved from Imperial Irrigation District (IID) (200,000 AFY) and the lining of the All-American and Coachella Canals (78,700 AFY), and other sources as described in its UWMP. The IID and canal lining supplies are referred to as QSA supplies. In addition, SDCWA is a member agency of Metropolitan whose major sources include the Sacramento-San Joaquin Delta and the Colorado River. OMWD is investigating a brackish groundwater desalination project that would reduce dependence on SDCWA, as described in section 6.2.1. of OMWD's 2020 UWMP. This project is in the feasibility stage of analysis and is not yet considered in the reliability assessment. OMWD met approximately 13 percent of its 2020 total demand for water through its existing recycled water supplies.
- (c) Historically, except for dry years, the supply from SDCWA is consistent in quantity and quality. SDCWA's and Metropolitan's main sources of supply are the State Water Project and the Colorado River and both sources face legal, environmental, and climatic

challenges. To address these challenges to the State Water Project supply, the Department of Water Resources is going through a permitting process known as the Delta Conveyance Project and EcoRestore. It has been documented that the Colorado River supply is oversubscribed and, to address this, SDCWA and Metropolitan have implemented a number of conservation, land fallowing, transfer, and storage projects. Both the State Water Project and the Colorado River are described in the SDCWA and Metropolitan 2020 UWMPs, the latter of which is available at <http://mwdh2o.com/aboutyourwater/Planning-Documents>.

- (d) Historically, the SDCWA supply has been very reliable with only occasional reductions during droughts in California or the Colorado River Watershed. Due to their very high priority water rights, SDCWA's Colorado River supplies of conserved water from its Imperial Irrigation District transfer and the All-American and Coachella Canal Lining projects are considered to be "drought-resilient." For dry-year analysis, SDCWA assumes that the Metropolitan supplies will be allocated according to its preferential right formula. With these supplies, SDCWA projects no shortages to its member agencies during the normal and single and multi (five) dry year scenarios through 2045. Any shortages that might occur would be handled through the use of SDCWA's dry-year supplies and carry-over storage program, described in section 11.4 of the SDCWA 2020 UWMP, which includes both in-region surface water storage and out-of-region groundwater storage in California's Central Valley. SDCWA's dry-year supplies are described in Section 4.6 of its 2020 UWMP. The carryover storage capacity is approximately 100,000 AF in the San Vicente Reservoir and 70,000 AF in the Semitropic-Rosamond Water Bank Authority and the Semitropic Water Bank. SDCWA may also consider securing transfer supplies during dry years and in 2009 acquired 20,000 AF from Placer County Water Agency in Northern California.
- (e) In 2020, approximately 99 percent of all potable water delivered to OMWD customers was treated at the David C. McCollom Water Treatment Plant. The remainder of the water was produced by the Carlsbad Desalination Plant, SDCWA's Twin Oaks Valley Water Treatment Plant in San Marcos, or Metropolitan's Skinner Water Treatment Plant in Riverside County.
- (f) The DCMWTP is a robust plant and can handle many types of water quality changes without any impact on the quality of the product water. The primary impact of any such changes is a reduction in overall capacity as well as increased chemical and electrical costs. The plant does not, however, have extensive pre-treatment equipment because source water quality testing during design indicated it was not necessary. With this combination of consistent source water quality, and robust treatment processes, the DCMWTP has never been out of operation because of source water quality.
- (g) Should raw water quality prove to be more than can be managed effectively at the DCMWTP, OMWD has four connections to the SDCWA treated water Second Aqueduct system that can provide 100 percent redundancy of treated water supply for customers. In fact, these connections were used for 100 percent of the supply prior to the

construction of the DCMWTP. In addition, OMWD has interconnections with neighboring agencies that can be used to supplement supplies, as described in section 7.4.1. of OMWD's 2020 UWMP.

- (h) OMWD publishes an annual water quality report, the Consumer Confidence Report. The report is made available to all its customers, posted on its web page, and displayed in its lobby. Water quality is a major factor in any OMWD endeavor; however, OMWD does not anticipate any shortage or impact to availability of supply due to water quality issues. SDCWA's UWMP Section 7 provides more information on the quality of water provided to OMWD.
- (i) As OMWD currently relies on SDCWA for 100 percent of its raw water supply, the OMWD Drought Risk Assessment is based on the SDCWA DRA, which assesses a projected drought over the next five-year period from 2021 through 2025. The SDCWA analysis showed that there were adequate water supplies for its member agencies in all five years and therefore, actions under the WSCP are not required. More detailed information about the DRA can be found in OMWD's UWMP Section 7.3.

SECTION 5.0: ANNUAL WATER SUPPLY AND DEMAND ASSESSEMENT PROCEDURES

- (a) Currently, OMWD receives 100 percent of its raw supply from SDCWA. OMWD assumes that each spring, SDCWA and Metropolitan will provide an Annual Assessment including a supply forecast for the coming year. Based on this forecast, OMWD will prepare and submit its annual water supply and demand assessment (Annual Assessment), starting July 1, 2022. The Annual Assessment and reporting procedure will be based on DWR's Urban Water Management Plan Guidebook 2020, Training Module 8, and the procedures in OMWD's WSCP, including the steps and timing that OMWD will follow. The Annual Assessment includes the following sections, as required by the Water Code.
- (b) SDCWA Annual Water Supply and Demand Assessment
 1. SDCWA first considers its core water supplies as part of the Annual Assessment. These core supplies include the Carlsbad Desalination Plant, QSA supplies, and Metropolitan. Included as part of the consideration are the capabilities and constraints of the infrastructure used to deliver the core supplies.
 2. Next, SDCWA considers member agency projected municipal and industrial water demands on SDCWA. To project member agency municipal and industrial water demands, SDCWA uses a short-term forecast model that considers multiple variables, including historic water demand patterns, weather, a local economic index, and anticipated conservation levels. Demand on SDCWA is also influenced by member agency local supply levels which may be influenced by weather and other factors.
 3. If a water supply shortfall is identified based on the assessment of core water supplies and projected water demands, the next step is to evaluate the use of

stored water reserves from SDCWA’s carryover storage reserves or to pursue additional supply augmentation measures, such as dry-year transfers, to reduce or eliminate the shortfall. If a shortage doesn’t exist, consistent with Carryover Storage Policy Guidelines, SDCWA will analyze how to most effectively manage storage supplies to avoid potential shortages in the future.

(c) Decision-Making Process

1. OMWD will begin its decision-making process in FY 2022 (July 1, 2021 to June 30, 2022) and will implement WSCP actions as soon as it is determined that a shortage condition exists. This may occur well before the Annual Assessment report is submitted to DWR on or before July 1, 2022. The process will repeat each fiscal year.
2. The OMWD assessment team (AT) will be made up of one member from the General Manager (GM), Customer Services (CS), and Engineering Departments (E).
3. OMWD’s decision-making process is presented in Table 4-1. Start and end dates are approximate and will be adjusted as necessary.

Table 4-1: Annual Assessment Decision-Making Process

Start Date	End Date	Activities	Whom
Oct	Jun	Monthly - Monitor Metropolitan and SDCWA Annual Assessment of supplies, and local supplies and weather. Update OMWD unconstrained demands as needed.	CS
Oct	Jun	Review SDCWA Annual Assessment as soon as available. Coordinate monthly with SDCWA on planned WSCP actions.	CS
Oct	Jun	Draft OMWD Annual Assessment Report	CS
Oct	Jun	Monthly – Update draft OMWD Annual Assessment and consider a shortage determination.	AT
Oct	Jun	If shortage is determined, use WSCP to determine shortage level, drought response actions, communication, compliance, and enforcement.	CS
Nov	Jun	After shortage determination, prepare shortage documents and present to Board of Directors for approval.	AT
Dec	Jun	Implement the WSCP actions approved by the Board of Directors.	CS
Jun	Jul	Update Annual Assessment Report and send final to DWR by July 1	CS

(d) Data and Methodologies

1. The evaluation criteria OMWD will use in its Annual Assessment include:
 - A. Supply available from SDCWA and Metropolitan
 - B. Dry-weather storage available from SDCWA and Metropolitan
 - C. Overall Annual Assessments by SDCWA and Metropolitan
 - D. Capabilities and constraints of SDCWA and Metropolitan infrastructure to deliver supplies
 - E. OMWD-specific local conditions and uncertainties
 - F. Projection of short-term unconstrained customer demands
 - G. OMWD infrastructure considerations relative to treating, storing and distributing water
2. Water Supply
 - A. Currently, OMWD receives 100 percent of its potable supply as untreated water from SDCWA. Each spring, SDCWA will provide an Annual Assessment supply forecast for the coming year that assesses their supplies including IID conserved water, All-American and Coachella Canal lining supplies, Carlsbad Desalination Plant supplies, and Metropolitan. OMWD will use this assessment as the basis for its supply in the coming fiscal year. The SDCWA and Metropolitan Assessments will evaluate dry-year storage volumes available to their member agencies. They will consider current and dry-year regulatory conditions. They will also evaluate their capital projects and operating plans that could affect deliveries. OMWD will identify uncertainties and anticipated water supply constraints.
3. Unconstrained Customer Demand
 - A. OMWD will use its demand forecast model, as described in Chapter 4 of OMWD's 2020 Urban Water Management Plan, to estimate unconstrained customer demand. The summary of the forecast methodology is:
 - Existing Baseline Demands
 - + New Development (Growth) Demands
 - - Net reductions Due to Additional Conservation Efficiencies
 - +- Changes Due to Anticipated Weather or Climate Change
 - = Next FY Demands

B. Net reductions to the baseline will consider:

- Landscape ordinances, irrigation controllers, and turf retirement
- Devices such as washers, toilets, and multi-family residential sub-metering
- Increasing real cost of water and behavioral changes
- Updated information on climate change
- State-mandated water use guidelines

2. Current Year Available Supply

- A. OMWD will rely on the SDCWA Annual Assessment for the current year available supply.

3. Infrastructure Considerations

- A. OMWD will review the condition of its infrastructure, DCMWTP capacity, and capital improvement projects scheduled for the next FY to assess how infrastructure may impact its ability to deliver supplies to its customers. If constraints are identified, OMWD will develop a plan to work around the constraint and deliver full supplies. Plans could include changes to operations, temporary facilities, and assistance from SDCWA and neighboring agencies. In its 60+-year history, OMWD has never had an infrastructure constraint that significantly reduced deliveries.

4. Other Factors

- A. On an annual basis, OMWD will assess and describe any locally applicable factors or considerations that could influence or disrupt supplies including SDCWA and Metropolitan capital projects and operating plans.

5. Methodology

- A. The assessment of supplies and demands will be on an annual time step basis, consistent with the forecasting and reporting of SDCWA and Metropolitan. A spreadsheet will be developed to compare SDCWA supplies with OMWD demands. The assessment of a shortage will consider the evaluation criteria described above. OMWD's demand forecasting model will be used to estimate demands. The assessment will be reviewed for consistency with the 2020 UWMP, including projected water supplies in Table 6-9, and any significant differences will be explained. The methodology will be updated after each report is submitted.

SECTION 6.0: CORRELATION BETWEEN WATER SHORTAGE CONTINGENCY PLAN AND WATER SHORTAGE LEVELS

- (a) Olivenhain Municipal Water District may implement any level of this ordinance at any time, whether independently or in order to comply with emergency regulations imposed by state or federal agencies, upon the appropriate findings and notice required herein. However, a correlation is anticipated between the Water Authority’s WSCP shortage levels and Olivenhain Municipal Water District’s Water Shortage Levels identified in this ordinance as described herein. Under WSCP Water Shortage Level 1, Olivenhain Municipal Water District would implement Water Shortage Level 1 actions. Under WSCP Shortage Level 2, Olivenhain Municipal Water District would implement Water Shortage Level 1 and Level 2 actions. Under WSCP Shortage Levels 3, Olivenhain Municipal Water District would implement Water Shortage Level 1, Level 2, and Level 3 actions. Under WSCP Level 4, Olivenhain Municipal Water District would implement Water Shortage Level 1, Level 2, Level 3, and Level 4 actions. Under WSCP Level 5, Olivenhain Municipal Water District would implement Water Shortage Level 1, Level 2, Level 3, Level 4, and Level 5 actions. Under WSCP Level 6, Olivenhain Municipal Water District would implement Water Shortage Level 1, Level 2, Level 3, Level 4, Level 5, and Level 6 actions.
- (b) The Water Shortage Levels identified in this ordinance correspond with the Water Authority WSCP as identified in Table 6-1:

Table 6-1: Water Shortage Levels

WSCP Water Shortage Levels	Use Restrictions	Conservation Target
1	Voluntary	Up to 10%
2	Mandatory	Up to 20%
3	Mandatory	Up to 30%
4	Mandatory	Up to 40%
5	Mandatory	Up to 50%
6	Mandatory	Above 50%

SECTION 7.0: WATER SHORTAGE LEVEL 1

- (a) A Water Shortage Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10% is required in order to ensure that sufficient supplies will be available to meet anticipated demands. A Water Shortage Level 1 condition may also apply when Olivenhain Municipal Water District’s General Manager or board of directors deems such action necessary due to drought and/or limited water supply conditions. The General Manager shall declare the existence of a Water Shortage Level 1 and take action to implement the Level 1 conservation practices identified in this ordinance.

(b) During a Water Shortage Level 1 condition, Olivenhain Municipal Water District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
3. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket/watering can, or when a drip/micro-irrigation system/equipment is used.
4. Use a bucket, watering can, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
5. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket/watering can, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
6. Use recirculated water to operate ornamental fountains.
7. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that recirculates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
8. Serve and refill water in restaurants, bars, and other food service establishments only upon request.
9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
10. Repair all water leaks within five (5) days of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.

11. Use recycled or non-potable water for construction purposes when available and feasible.
- (c) During a Water Shortage Level 2 condition or higher, the conservation practices established in a Water Shortage Level 1 condition shall become mandatory and all persons shall be required to implement these practices.

SECTION 8.0: WATER SHORTAGE LEVEL 2

- (a) A Water Shortage Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20% is required in order to have sufficient supplies available to meet anticipated demands. A Level 2 Water Supply Shortage also applies if required to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies. The Olivenhain Municipal Water District Board of Directors shall declare the existence of a Water Shortage Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.
- (b) All persons using Olivenhain Municipal Water District water shall comply with Level 1 water conservation practices during a Water Shortage Level 2 condition, and shall also comply with the following additional conservation measures:
 1. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by Olivenhain Municipal Water District. This section shall not apply to commercial growers or nurseries.
 2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems, and stream rotor sprinklers.
 3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 8(b)(2), on the same schedule set forth in Section 8(b)(1) by using a bucket, watering can, hand-held hose with positive shut-off nozzle, or low- volume non-spray irrigation.
 4. Repair all leaks within seventy-two (72) hours of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.
 5. Stop operating ornamental fountains or similar decorative water features that require potable water.

SECTION 9.0: WATER SHORTAGE LEVEL 3 – DROUGHT CRITICAL CONDITION

- (a) A Water Shortage Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 30% is required in order to have sufficient supplies available to meet anticipated demands. A Level 3 Water Supply Shortage also applies if required to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies. The Olivenhain Municipal Water District Board of Directors shall declare the existence of a Water Shortage Level 3 condition and implement the Level 3 conservation measures identified in this ordinance. Upon declaration of a Level 3 Water Shortage condition, Olivenhain Municipal Water District may also declare a Water Supply Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 and may do so whether or not San Diego County Water Authority declares a California Water Code section 350 emergency.
- (b) All persons using Olivenhain Municipal Water District water shall comply with Level 1 and Level 2 water conservation practices during a Water Shortage Level 3 condition and shall also comply with the following additional mandatory conservation measures:
1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the Olivenhain Municipal Water District. This section shall not apply to commercial growers or nurseries.
 2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 8(b)(2), on the same schedule set forth in section 9(b)(1) by using a bucket, hand-held hose with a positive shut-off nozzle, watering can, or low- volume non-spray irrigation.
 3. Stop washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
 4. Repair all leaks within forty-eight (48) hours of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.
- (c) Upon the declaration of a Water Shortage Level 3 condition, Olivenhain Municipal Water District will suspend consideration of annexations to its service area.
- (d) Olivenhain Municipal Water District may establish a water allocation for property served by the Olivenhain Municipal Water District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If Olivenhain Municipal Water District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which Olivenhain Municipal Water District customarily mails

the billing statement for fees or charges for ongoing water service. Olivenhain Municipal Water District is not required to comply with Proposition 218 to impose fines on persons using water in violation of its restrictions on water use or in passing through penalties levied upon it by Metropolitan as a result of excessive use by some Olivenhain Municipal Water District customers. Following the effective date of the water allocation as established by Olivenhain Municipal Water District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115 percent of the allocation and four times the Metropolitan Tier 2 rate if over 115 percent in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 10.0: WATER SHORTAGE LEVEL 4

- (a) A Water Shortage Level 4 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40% is required in order to have sufficient supplies available to meet anticipated demands. A Level 4 Water Supply Shortage also applies if required to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies. The Olivenhain Municipal Water District Board of Directors shall declare the existence of a Water Shortage Level 4 condition and implement the Level 4 conservation measures identified in this ordinance.
- (b) All persons using Olivenhain Municipal Water District water shall comply with Level 1, Level 2, and Level 3 water conservation practices during a Water Shortage Level 4 condition and shall also comply with the following additional mandatory conservation measures:
 - 1. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a Water Shortage Level under this ordinance.
- (c) Olivenhain Municipal Water District may establish a water allocation for property served by the Olivenhain Municipal Water District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If Olivenhain Municipal Water District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which Olivenhain Municipal Water District customarily mails the billing statement for fees or charges for ongoing water service. Olivenhain Municipal Water District is not required to comply with Proposition 218 to impose fines on persons using water in violation of its restrictions on water use or in passing through penalties levied upon it by Metropolitan as a result of excessive use by some Olivenhain Municipal Water District customers. Following the effective date of the water allocation as established by Olivenhain Municipal Water District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115 percent of the allocation and four times the Metropolitan Tier 2 rate if over 115 percent in

excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 11.0: WATER SHORTAGE LEVEL 5

- (a) A Water Shortage Level 5 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 50% is required in order to have sufficient supplies available to meet anticipated demands. A Level 5 Water Supply Shortage also applies if required to comply with emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies. The Olivenhain Municipal Water District Board of Directors shall declare the existence of a Water Shortage Level 5 condition and implement the Level 5 conservation measures identified in this ordinance.
- (b) All persons using Olivenhain Municipal Water District water shall comply with conservation measures required during Level 1, Level 2, Level 3, and Level 4 conditions and shall also comply with the following additional mandatory conservation measures:
1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless Olivenhain Municipal Water District has determined that recycled water is available and may be lawfully applied to the use.
 - A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 9(b)(1) by using a bucket, watering can, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
 - B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
 - C. Maintenance of existing landscaping for erosion control;
 - D. Maintenance of plant materials identified to be rare or essential to the well-being of animals;
 - E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 9(b)(1);
 - F. Watering of livestock; and
 - G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.
- (c) Olivenhain Municipal Water District may establish a water allocation for property served by Olivenhain Municipal Water District. If Olivenhain Municipal Water District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which Olivenhain Municipal Water District customarily mails the billing statement for fees or charges for ongoing water service. Olivenhain Municipal Water District is not required to comply with Proposition 218 to impose fines on persons using water in violation of its restrictions on water use or in passing through penalties levied upon it by Metropolitan as a result of excessive use by some Olivenhain Municipal Water District customers. Following the effective date of the water allocation as established by Olivenhain Municipal Water District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115 percent of the allocation and four times the Metropolitan Tier 2 rate if over 115 percent in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.
- (d) Upon the declaration of a Water Shortage Level 5 condition, no new potable water service shall be provided, no new temporary meters or new permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:
1. A valid, unexpired building permit has been issued for the project; or
 2. The project is necessary to protect the public's health, safety, and welfare; or
 3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Olivenhain Municipal Water District.

This provision shall not be construed to preclude the resetting or activation of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

SECTION 12.0: WATER SHORTAGE LEVEL 6

- (a) A Water Shortage Level 6 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code Section 350 and notifies its member agencies that Level 6 requires a demand reduction of more than 50% in order for Olivenhain Municipal Water District to have maximum supplies available to meet anticipated demands. A Level 6 Water Supply Shortage also applies if required to comply with

emergency regulations imposed upon Olivenhain Municipal Water District by state or federal agencies. Olivenhain Municipal Water District shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using Olivenhain Municipal Water District water shall comply with conservation measures required during Level 1, Level 2, Level 3, Level 4, and Level 5 conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless Olivenhain Municipal Water District has determined that recycled water is available and may be lawfully applied to the use.
 - A. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
 - B. Maintenance of existing landscaping for erosion control;
 - C. Maintenance of plant materials identified to be rare or essential to the well-being of animals;
 - D. Watering of livestock; and
 - E. Public works projects and actively irrigated environmental mitigation projects.

Olivenhain Municipal Water District may establish a water allocation for property served by the Olivenhain Municipal Water District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If Olivenhain Municipal Water District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which Olivenhain Municipal Water District customarily mails the billing statement for fees or charges for ongoing water service. Olivenhain Municipal Water District is not required to comply with Proposition 218 to impose fines on persons using water in violation of its restrictions on water use or in passing through penalties levied upon it by Metropolitan as a result of excessive use by some Olivenhain Municipal Water District customers. Following the effective date of the water allocation as established by Olivenhain Municipal Water District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of twice the Metropolitan Tier 2 rate if under 115 percent of the allocation and four times the Metropolitan Tier 2 rate if over 115 percent in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 13.0: PROCEDURES FOR DETERMINATION AND NOTICATION OF WATER SHORTAGE LEVEL

- (a) The existence of a Water Shortage Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Executive Secretary of Olivenhain Municipal Water District and provided to the Olivenhain Municipal Water District Board of Directors. The General Manager may publish a notice of the determination of existence of Water Shortage Level 1 condition in one or more newspapers, including a newspaper of general circulation within Olivenhain Municipal Water District. Olivenhain Municipal Water District may also post notice of the condition on its website. To end a Water Shortage Level 1 condition, the General Manager may issue a written declaration of facts that conditions have been met by which to discontinue the Water Shortage Level 1.
- (b) The existence of Water Shortage Level 2, Level 3, Level 4, or Level 5 conditions, may be declared by resolution of the Olivenhain Municipal Water District Board of Directors adopted at a regular or special public meeting held in accordance with state law. The mandatory conservation measures applicable to Water Shortage Level 2, Level 3, Level 4, or Level 5 conditions, shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, Olivenhain Municipal Water District shall publish a copy of the resolution in a newspaper used for publication of official notices. If Olivenhain Municipal Water District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for fees or charges for ongoing water service, or by any other mailing to the address to which Olivenhain Municipal Water District customarily mails the billing statement for fees or charges for ongoing water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice. [To end a Level 2, Level 3, Level 4, or Level 5 Water Shortage, the Board of Directors may adopt by resolution a declaration that conditions necessary to discontinue the Level 2, Level 3, Level 4, or Level 5 Water Shortage have been met.]
- (c) The existence of a Water Shortage Level 6 condition may be declared in accordance with the procedures specified in California Water Code Sections 351 and 352. The mandatory conservation measures applicable to Water Shortage Level 6 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, Olivenhain Municipal Water District shall publish a copy of the resolution in a newspaper used for publication of official notices. [To end a Level 6 Water Shortage, the Board of Directors may adopt by resolution a declaration that conditions necessary to discontinue the Level 6 Water Supply Shortage have been met.]
- (d) The Olivenhain Municipal Water District Board of Directors may declare an end to a Water Shortage Level by the adoption of a resolution at any regular or special meeting held in accordance with state law.

SECTION 14.0: HARDSHIP VARIANCE

- (a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to Olivenhain Municipal Water District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.
- (b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to Olivenhain Municipal Water District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.
1. Application. Application for a variance shall be a form prescribed by Olivenhain Municipal Water District and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the Olivenhain Municipal Water District Board of Directors.
 2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
 3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of Olivenhain Municipal Water District, all of the following:
 - A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other Olivenhain Municipal Water District customers.
 - B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.
 - C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of Olivenhain Municipal Water District to effectuate the purpose of this chapter and will not be detrimental to the public interest.
 - D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent, or general in nature.

4. Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.
5. Appeals to Olivenhain Municipal Water District's Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to the Olivenhain Municipal Water District Board of Directors within ten (10) days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the Olivenhain Municipal Water District Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the Olivenhain Municipal Water District Board of Directors is final.

SECTION 15.0: COMMUNICATION PROTOCOLS

This section lists a number of strategies OMWD has used to guide successful drought response campaigns in the past and should be considered during future water shortage conditions.

(a) Level 1:

- Send clear, consistent, and understandable messages encouraging increased voluntary conservation.
- Develop and maintain a steady stream of media relations activities and social media communications that explain the need to conserve and how to conserve, promote water-use efficiency programs and incentives, and/or give general support for water conservation. Schedule these efforts to provide timely support for water-use efficiency events, strategies, and other programs.
- Enhance the level of conservation-oriented community outreach through greater frequency of outreach at community events and speaker's bureau presentations.
- Develop specific outreach efforts that target key industries or groups (hospitality, HOAs, building managers, etc.) to raise awareness of, and participation in, drought response actions and water-use efficiency programs.
- Keep www.olivenhain.com updated with information on current status of regional WSCP, statewide weather and drought conditions, and recommended water conservation practices
- Regularly communicate with local, state, and other elected officials in the region about the importance of achieving voluntary water conservation and encourage them to publicly promote such efforts to their constituents.
- Targeted outreach to high-water-use customers and industries
- Modify school assembly program content to include messages about need for increased voluntary conservation.

ORDINANCE NO. 489 *continued*

- Provide conservation information and other support as necessary to government officials for their own media events, hearings, community meetings, etc.
- Provide educational/promotional items that encourage conservation (dye tablets, hose nozzles, etc.)

(b) Level 2:

- Continue to deploy or enhance Level 1 strategies and tactics as needed, and consider supplemental strategies and tactics listed below.
- Develop a more serious campaign message that reflects the need for compliance with mandatory water use restrictions.
- Send clear, consistent, and understandable messages regarding mandatory water use restrictions in effect.
- Enhance media relations activities and social media communications related to water use restrictions, conservation programs, and drought conditions. Schedule these efforts to provide timely support for new campaign initiatives, conservation events, and other programs.
- Leverage stakeholder groups' communication channels to help distribute updated information about restrictions and conservation as soon as possible; groups to include business organizations, civic organizations, service clubs, religious leaders, elected officials, along with key associations governing HOAs, building managers, landscape companies, etc.
- Consider adjustments to water conservation resources and programs in ways that make finding and participating in key programs easier, or to facilitate short-term water savings. Support these efforts with events to provide information and resources to consumers or other stakeholders.
- Add "pop-ups" with outreach campaign messages to www.olivenhain.com.
- Enhance efforts to encourage customers to report incidents of water waste directly to OMWD.

(c) Levels 3-4: In the event of a more severe supply shortage or demand management period that requires entering Level 3 or 4 of the WSCP (up to 30% or 40% mandatory conservation, respectively), OMWD will continue to deploy or enhance Level 2 strategies and tactics as needed, and will consider supplemental strategies and tactics listed below.

- Develop a more serious campaign message that reflects the need for higher level of extraordinary conservation.
- Send clear, consistent, and understandable messages regarding mandatory water use restrictions in effect and escalating challenges affecting water supplies.
- Conduct specialized outreach to landscape industry and water users with large ornamental landscapes to achieve significant reductions in discretionary outdoor water use while minimizing long-term property damage.
- Initiate targeted outreach to major CII water users to help them identify, prepare for and, as much as possible, avoid negative impacts from extreme water conservation

requirements.

- Evaluate the appropriateness of continuing to promote long-term water-use efficiency programs and tools amid worsening supply conditions/increasing restrictions.
- Provide instructions for triaging landscape resources during extreme shortage conditions (saving trees, etc.).
- Reinforce business groups, service clubs, religious leaders, elected officials to spread awareness of need for significant, collective water-saving actions to preserve our economy and quality of life.
- Provide specialized technical assistance sessions or resources to help homeowners achieve immediate reductions in water use while minimizing landscape damage.
- Consider providing specialized technical assistance to large landscape customers (HOAs, cities, schools, etc.) to help achieve large-scale reductions in discretionary outdoor water use.
- Conduct specialized outreach to industries (hospitality, car washes, restaurants, etc.) or other large-scale water users that will likely experience impacts from emergency conservation to determine solutions for minimizing economic or quality of life impacts.

(d) Levels 5-6: In the event of a more severe supply shortage or demand management period that requires entering Level 5 or 6 of the WSCP (up to or greater than 50 percent mandatory conservation mandatory conservation, respectively), OMWD will continue to deploy or enhance Level 3-4 strategies and tactics as needed, and will consider supplemental strategies and tactics listed below to reflect increased shortage conditions.

- Develop campaign messages and tactics that raise awareness of the extreme shortage conditions facing the region and the likely need to focus water use on essential public health and safety needs.
- Send clear, consistent, and understandable messages regarding what uses of water or levels of water use remain acceptable for residential, commercial and public water users.
- Emphasize the need for all residents and businesses to work together to help the region successfully weather the situation.
- Raise awareness of any urgent actions being taken by OMWD or its wholesalers to improve water supply conditions; provide regular updates on those efforts.
- Suspend promotion of ongoing water-use efficiency programs to focus resources on promoting extreme/emergency conservation measures.
- Coordinate with regional emergency response agencies/services on messaging/additional outreach tactics if needed.
- Provide updates to media and other stakeholders on water supply conditions as often as possible (daily or as needed).
- Evaluate need for “phone bank” or additional staff resources to handle public inquiries.
- Provide updated communications materials to business groups, service clubs,

religious leaders, elected officials to raise immediate awareness for increased water-savings actions and available assistance resources.

(e) Catastrophic Shortage Communications: In the event of a natural disaster, infrastructure failure, or other situation that requires regional water use to be quickly prioritized for or limited to essential public health and safety needs, OMWD will immediately deploy or enhance appropriate communication strategies and tactics from WSCP Levels 1-6 as needed, and will consider strategies and tactics listed below to reflect the need for urgent, emergency-driven water conservation.

- Develop campaign messages and tactics that raise awareness of the emergency conditions and the need to focus water use on essential public health and safety needs.
- Send clear, consistent, and understandable messages regarding what uses of water or levels of water use remain acceptable for residential, commercial, and public water users, and the expected duration of this restricted level of water use.
- Emphasize the need for all residents and businesses to work together to help the region successfully weather the situation.
- Raise awareness of any urgent actions being taken by OMWD and/or its wholesalers to improve water supply conditions; provide regular updates on those efforts.
- Suspend promotion of ongoing, long-term water-use efficiency programs and tools to focus resources on communicating need for immediate water conservation actions.
- Coordinate with local emergency response agencies/services on messaging and outreach tactics where possible.
- Provide updated communications materials to business groups, service clubs, religious leaders, elected officials to raise immediate awareness for emergency-level water-savings actions and available assistance resources.
- Conduct specialized outreach to landscape and related industries with significant outdoor water use to urge immediate end to landscape water use (if required).
- Coordinate dissemination of information regarding water use restrictions to local law enforcement or other public agencies to help maximize widespread compliance with emergency mandates.

SECTION 16.0: VIOLATIONS AND PENALTIES

- (a) OMWD has the legal authority under the Water Code to implement shortage response actions and enforce them.
- (b) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.
- (c) Upon the issuance on a warning and/or fine as provided in Section 16.0(d), the customer will be afforded a grace period of 21 days during which no additional warning and/or fines will be issued. Each violation of this ordinance occurring outside of the 21-day grace period is

considered a separate offense.

(d) Administrative fines may be levied for each violation of a provision of this ordinance as follows:

1. A warning will be issued for a first violation.
2. The customer will be fined one hundred dollars for a second violation of any provision of this ordinance within one year of the initial violation.
3. The customer will be fined two hundred dollars for the third violation of this ordinance within one year of the initial violation.
4. The customer will be fined five hundred dollars for each additional violation of this ordinance within one year of the initial violation.

(e) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(f) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding \$1,000, or by both as provided in Water Code Section 377.

(g) Willful violations of the mandatory conservation measures and water use restrictions may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code Section 356.

(h) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 17.0: FINANCIAL CONSEQUENCES OF WSCP ACTIVATION

OMWD's water supply shortage rate structure is designed to be revenue-neutral to dampen OMWD's financial impact when sales are declining due to conservation. During any stage of implementation of this ordinance, Olivenhain Municipal Water District's Board of Directors may choose, in its sole discretion, to implement the demand reduction rates that are currently adopted and notified to customers under a Proposition 218 process, in order to effectuate an appropriate and desired level of water conservation by Olivenhain Municipal Water District's customers.

SECTION 18.0: DETERMINING WATER SHORTAGE REDUCTIONS

(a) Monitoring and Reporting: For real-time feedback on the implementation of its WSCP, OMWD will utilize advanced metering infrastructure (AMI) which has been implemented for 70 percent of its meters and is estimated to be complete by FY 2025. Currently, the remainder of the meter readings are collected using automated meter reading (AMR) and total water use is available within days of the end of each month. By setting alarm levels,

OMWD will also be able to review individual customer use, identify excessive use, and implement enforcement warnings and actions. In summary, OMWD will:

- Estimate target water use by month using typical monthly use patterns and the target percentage of normal water use.
- On a monthly basis, summarize water use and compare to the target.
- Implement alarm settings on AMI meters as a percentage of normal water use. Implement warnings and enforcement actions where the deviation is significantly above target.

(b) OMWD will use the results of its monitoring and reporting program as discussed in the previous section to evaluate the WSCP's performance. Each time the WSCP is implemented, OMWD staff will use the evaluation to determine the need and approach to revising its WSCP. The goal will be for effective shortage response actions producing the desired reductions. Staff will review proposed refinements and any new actions to evaluate their effectiveness prior to incorporating them into the WSCP. Minor revisions will be implemented quickly while major revisions will require board review and approval. Staff will prepare for the board a report on the WSCP's effectiveness and proposed changes, each time it is implemented.

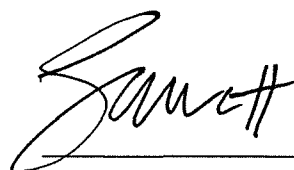
SECTION 19.0: EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by state law for Olivenhain Municipal Water District.

Any part or provision of this Ordinance that is prohibited or that is held to be void or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.

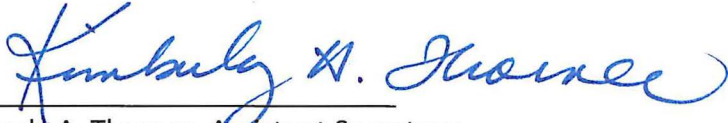
PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on the 16th day of June, 2021 by the following roll call vote:

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None



Lawrence A. Watt, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:



Kimberly A. Thorner, Assistant Secretary
General Manager
Olivenhain Municipal Water District