

**GARBERVILLE SANITARY DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA**

**There will be a regular meeting held by the Garberville Sanitary District Board of Directors at the
GSD District Office
919 Redwood DR. Garberville, CA**

Date of Meeting: October 26th, 2021

5:00 p.m. – Open Public Session

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 919 Redwood Dr. during normal business hours.

I. REGULAR MEETING CALLED TO ORDER

II. ESTABLISHMENT OF QUORUM

Rio Anderson___, Doug Bryan___, Julie Lyon_____, Dan Thomas_____

III. APPROVAL OF AGENDA - Action to add or delete items from any portion of the agenda or to discuss any consent agenda items must be taken prior to adoption of the agenda.

IV. THE BOARD WILL ENTER CLOSED SESSION AT END OF MEETING IF NEEDED

V. OPEN SESSION

VI. COMMENTS AND QUESTIONS FROM THE AUDIENCE

Up to fifteen minutes of this portion of the meeting are reserved for members of the public to address the Board on items not listed on the agenda and within the jurisdiction of the GSD Board. Speakers are limited to 3 minutes. The GSD Board is prohibited by law from taking action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the GSD Board does not respond to public comment at this time.

General Public / Community Groups

VII. ANNOUNCEMENTS AND COMMUNICATIONS

REPORTS AND PRESENTATIONS – Routine report of activities, operations, meetings / conferences held and/or attended by Board members, Staff, and General Manager

Operations Staff-

Office Staff-

Board Members-

Correspondence-

General Manager—Ralph Emerson Pg. 4

Government Code Section 54954.3 provides that the public will have an opportunity to address the Board on any item described on a regular or special meeting either before or during the consideration of that item. The Board reserves the right to limit the time of presentation by individuals and groups

VIII. REGULAR AGENDA ITEMS

A. CONSENT AGENDA

Notice to the Public

All matters listed under Consent Agenda are considered to be routine and all will be enacted by one motion and voice vote. There will be no separate discussion of these items unless the Board of Directors requests items to be removed from the Consent Agenda for separate action. Any items will be considered after the motion to approve the Consent Agenda.

A.1 Approve Financials Date PRELIMINARY June 2021 Handout at Meeting

A.2 Approve Date: September 28th, 2021 Regular Meeting Minutes - pg. 5-7

A.3 Operations Safety Report- pg. 8

Motion: **Second:** **Vote:**

B. GENERAL BUSINESS – Action items

Notice to the Public

The Board of Directors will allow public comment on agenda items although any person who wishes to speak on an agenda item must submit a request prior to the meeting being called to order. You will be given 5 minutes on each agenda item that you wish to comment and then the Board of Directors will discuss the item amongst themselves with no other public comment.

B.1 Board Vacancy Position Update pg. 9
(discussion-no action)

B.2 Project and Funding Update pg. 10-11
(discussion-possible action)

Motion: **Second:** **Vote:**

B.3 California Water and Wastewater Arrearage Payment Program pg. 12
(discussion-possible action)

Motion: **Second:** **Vote:**

B.4 Community Services District Update pg. 13-15
(discussion-possible action)

Motion: **Second:** **Vote:**

B.5 Cal-Fire Easement
(discussion-possible action) information at meeting

Motion: **Second:** **Vote:**

B.6 Water-Wastewater Treatment Security Concerns pg. 16-22
(discussion—possible action)

Motion: **Second:** **Vote:**

B.7 Micro-Hydro in-line electricity generator pg. 23-24
(discussion—possible action)

Motion: **Second:** **Vote:**

C. POLICY REVISION / ADOPTION

C.1 Billing Ordinance-Senior Discount-Sec 9.5 pg. 25
(discussion-no action) 1st reading

C.2 Water Ordinance-Section14.5, Drought Plan-Phases pg. 26-54
(discussion—no action) 2nd reading

IX. CLOSED SESSION

Pursuant to Government Code Section

X. RETURN TO OPEN SESSION

Report of any actions taken in Closed Session

XI. ITEMS FOR NEXT BOARD MEETING

1. Billing Ordinance-Senior Discount Sec 9.5
2. Water Ordinance-Sec 14.5 Drought Plan (resolution)
- 3.
- 4.
- 5.

XII. ADJOURNMENT

Posting of Notice at the District Office no later than Date: Saturday, October 23rd, 2021. Agenda is emailed to the local newspapers and those who have requested an agenda in writing or e-mail.

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Garberville Sanitary District Office at (707)923-9566 at least 48 hours in advance.

Garberville Sanitary District

**PO Box 211
Garberville, CA. 95542
(707)923-9566**

GENERAL MANAGER REPORT

Date: October 26, 2021

We had Brian McNeill who is certified; perform backflow tests on all required devices throughout District on October 9, 2021, which is required annually.

There have been a couple water leaks over past month which were promptly repaired by staff and some help from Brett VanMeter.

The rain has helped increase river volume and cfs, which allows us to have a reprieve from the drought conditions we have faced over this past summer. We are now preparing ponds, ditches and collection system for winter storms and high influent flow to the collection system.

You may notice that Mary is not here and this is the first meeting she has missed since being hired but I sent her to a Secretary's conference in Anaheim

We have been involved with water usage in Connick Creek and working with customers to repair leaks and inform where water can be used. Connick Creek is responsible for their own water infrastructure but there have been recent ownership changes and those changes to property required us to show where the boundaries are and what GSD requires.

Respectfully Submitted:

Ralph Emerson

**GARBERVILLE SANITARY DISTRICT
BOARD OF DIRECTORS MEETING
MINUTES**

Date of Meeting: September 28th, 2021

5:00 p.m. – Open Public Session

I. REGULAR MEETING CALLED TO ORDER

Doug Bryan called the meeting to order at 5:03 p.m.

II. ESTABLISHMENT OF QUORUM

Rio Anderson-Arrived at 5:05 p.m.

Doug Bryan- Present

Julie Lyon- Present

Dan Thomas- Present

III. APPROVAL OF AGENDA

Motion: Julie Lyon

Second: Dan Thomas

Vote: 3-0

IV. THE BOARD WILL ENTER CLOSED SESSION AT END OF MEETING IF NEEDED

V. OPEN SESSION

VI. COMMENTS AND QUESTIONS FROM THE AUDIENCE

Public Attendance:

Kristen Vogal

Keith Easthouse

VII. ANNOUNCEMENTS AND COMMUNICATIONS

REPORTS AND PRESENTATIONS

Operations Staff- 0

Office Staff- 0

Board Members- 0

Correspondence- 0

General Manager—Ralph Emerson Pg. 4

VIII. REGULAR AGENDA ITEMS

A. CONSENT AGENDA

A.1 Approve Financials Date **No Financials**

A.2 Approve: August 24th, 2021 Regular Meeting Minutes pg. 5-7

A.3 Operations Safety Report- Being Observant

Motion: Rio

Second: Dan

Vote: 4-0

B. GENERAL BUSINESS – Action items

- B.1 Updated River and Drought Conditions
(discussion—possible action) update at meeting

The USGS website link is on the District website. The River level was at 17 during the meeting. That river level takes the District out of Phase 2 of the drought contingency plan.

- B.2 Funding Application for Available Money
(discussion—possible action) (Jennie)

CSDA lobbied for Special Districts to get funding for debt accrued during the Pandemic. Two funding programs are available at the moment. Jennie explained both funding options, the Board chose to stay with the Arrearage Program as decided at the last month’s meeting.

- B.3 Small Community Drought Relief Program-Funding Application
(discussion-action requested) Resolution 21-010

Motion: Dan Thomas Second: Julie Lyon Roll Call Vote: 4-0

Jennie combined the conversation of B.3 and B.4

Robertson/Hurlbutt/Wallan Tank Replacement Project (SWRCB-SRF Planning Grant)

There has been no change in the status of this project in regards to the DWSRF Planning Grant. This project has also been identified as potentially eligible for the Small Community Drought Relief Program and one of the agenda items this month addresses the proposed grant application for that program.

If the project is funded through the Drought Relief Program then the DWSRF application will likely be withdrawn. There is also the possibility that the State will want to provide funding from both funding sources to complete the planning and construction phases of the project.

Meadows Aerial Waterline Reroute Project SWRCB-SRF Planning Grant

There has been no change in the status of this project in regards to the DWSRF Planning Grant.

- B.4 Robertson / Hurlbutt Tank Replacement Project pg. 19-20
(discussion-possible action)
Combined with B.3

- B.5 SHCP Request for Potable Water Update pg. 21-23
(action requested) Jennie update

**The anticipated date for the production of the proposed order is October 7, 2021.
The Water Board meeting date would be no later than January 5, 2022.**

- B.6 Changes to Sewer Rates and 3rd tier pg. 24-25
(discussion-action requested)
Motion: Rio Anderson Second: Julie Lyon Roll Call Vote: 4-0

The Board suspended the Residential Tier 3 Sewer Consumption Charge.

- B.7 Consulting Contract Renewal with Jennie Short pg. 26-29
(discussion—action requested)
Motion: Julie Lyon Second: Dan Thomas Vote: 4-0

The Board approved Jennie’s new contract with the District. Doug found a small typo, changes made.

- B.8 Brown Act Changes Resolution 21-011 pg. 30-42

(discussion—possible action)
Motion: Dan Thomas Second: Julie Lyon Roll Call Vote: 4-0

Public needs to be aware of the meetings, plus know how to attend the monthly meetings.

B.9 CalFire Easement
 (discussion-possible action)
 TABLE

C. POLICY REVISION / ADOPTION

C.1 Water Ordinance- Drought Water Storage and Enforcement-Section 14.5 **pg. 43**
 (discussion—possible action)

The Districts drought flyer needs to read more clearly. The Board was discussing how to apply fines to the drought phases. Bring Back.

IX. CLOSED SESSION

Pursuant to Government Code Section

X. RETURN TO OPEN SESSION

Report of any actions taken in Closed Session

XI. ITEMS FOR NEXT BOARD MEETING

1. Funding Progress
2. Project Update
3. Water Ordinance Section 14.5 Drought-Storage-Enforcement
4. Community Services District Progress
5. **Senior Discount**

XII. ADJOURNMENT

@6:56 p.m.



GARBERVILLE SANITARY DISTRICT

P. O. BOX 211 GARBERVILLE CA 95542
PHONE (707) 923-9566 / FAX (707) 923-3130
Email: m.nieto@garbervillesd.org

Safety Meeting
Ground Personnel and Mobile Equipment
10/21/2021

Ralph Emerson

Dan Arreguin

Brian Miller

Mary Nieto



GARBERVILLE SANITARY DISTRICT

P. O. BOX 211 GARBERVILLE CA 95542
PHONE (707) 923-9566 / FAX (707) 923-3130

Board of Directors Candidate Application

Date 9/21/2021

Name Stephen Helliwell

Residence Address 735 Redwood Street Apt. 6
Garberville, CA 95542

Phone (925) 200-3353 E-mail sohum.scuba@gmail.com

Area(s) of Expertise/Contribution you feel you can make

- * Assist with analyzing the financials and reviewing proposed budgets. Experience securing grants.
- * Apply critical thinking skills to flush out sustainable and plausible solutions.
- * Effective research consultant and experience with operations management.

How do you feel Garberville Sanitary District would benefit from your involvement on the Board?

I am passionate about improving our community and not afraid of contributing the effort that is required. I am a detail-oriented individual who works well in group settings. Will work to safeguard our water security.

Please list boards and committees that you serve on, or have served on

| Organization | Role/Title | Dates of Service |
|---------------------------------|------------------|--------------------------|
| <u>Mateel Community Center</u> | <u>Treasurer</u> | <u>1-2018 to current</u> |
| <u>Mateel Finance Committee</u> | <u>Chair</u> | <u>1-2018 to current</u> |

Please tell us anything else you'd like to share.

I am concerned about 2021 being California's third driest water year on record, and how that impacts our district's watersheds, as they are already stretched thin from all the diversions.

Thank you for applying



GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

BOARD OF DIRECTORS MEETING MEMORANDUM

Meeting Date: October 26, 2021
To: Board of Directors
From: Jennie Short, Consultant Project Manager
Subject: Capital Projects Funding Update

GENERAL OVERVIEW

Robertson/Hurlbutt/Wallan Tank Replacement Project

There has been no change in the status of this project in regards to the DWSRF Planning Grant. This project has also been identified as potentially eligible for the Small Community Drought Relief Program funding. This application is underway and will move forward simultaneously with the SRF Planning Grant process.

If the project is funded through the Drought Relief Program, then the DWSRF application will likely be withdrawn. There is also the possibility that the State will want to provide funding from both funding sources to complete the planning and construction phases of the project.

Meadows Aerial Waterline Reroute Project

There has been no change in the status of this project in regards to the DWSRF Planning Grant.

Meadows Aerial Sewerline Project

There has been no change on the status of this project.

FINANCIAL IMPLICATIONS

I am anticipating that as a small severely disadvantaged community, we will be eligible for a 90% loan forgiveness (grant) with a 10% loan through the DWSRF Planning program. The loan can be financed for 30 years with a 0% interest rate. If the Tank Replacement Project ends up being funded through the Drought Relief Program, then it will potentially be 100% grant with only ineligible expenses being covered by the District.

RECOMMENDATIONS

None

ATTACHMENTS

None



GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

BOARD OF DIRECTORS MEETING MEMORANDUM

Meeting Date: October 26, 2021
To: Board of Directors
From: Jennie Short, Consultant Project Manager
Subject: California Water and Wastewater Arrearage Payment Program

GENERAL OVERVIEW

I submitted the application for arrearage balances for water service charges incurred from residential and commercial customers between March 4, 2020 and June 15, 2021. A full copy of the application is available at the GSD Office.

Residential Arrearages for 15 customers total \$10,592.50
Commercial Arrearages for 5 customers total \$3,826.31
Total Water Arrearages requested for payment \$14,418.81

The State Water Board has completed the initial review of the application and I have answered the questions asked. The Waterboard is required to begin disbursing Program funds to approved community water system applicants no later than November 1, 2021. Funding to community water systems will be disbursed through January 31, 2022. It is anticipated at this point that the total paid out for the water portion of this program will be less than \$500 million, so the Program will likely have remaining funds available from the approximately \$1 billion, and the program will extend to wastewater residential and commercial arrearages starting February 2022. The amount of wastewater arrearages is anticipated to be less than the water arrearages.

FINANCIAL IMPLICATIONS

The District should receive a check in the amount of \$14,851.37 in the next few weeks, which will be applied to the various customer accounts' past due balances.

RECOMMENDATIONS

None.

REORGANIZATION TO A COMMUNITY SERVICES DISTRICT

The process to become a Community Services District includes the following jurisdictional changes:

Reorganization proposal:

1. **Dissolution of the Garberville Sanitary District**, organized under the Sanitary District Act of 1923, California Health and Safety Code §6400 et seq.
2. **Formation of a new Community Services District**, organized under the Community Services District Law, California Government Code §61000 et seq.

The new CSD would be designated “successor agency” for purposes of winding up the affairs of GSD, carrying out all authorized duties and responsibilities, and overseeing the extension or continuation of any previously authorized charges, fees, assessments or taxes that were lawfully enacted by GSD for the provision of services. This includes being subject to all of the rates, rules, regulations, and ordinances of the District.

Statutory Background: The formation of a Community Services District is a process **guided largely by two laws: the Community Services District Law (“CSD Law”;** Government Code §61000 et seq.) and the **Cortese-Knox-Hertzberg Local Government Reorganization Act (“CKH Act”;** Government Code §56000 et seq.). **The Humboldt Local Agency Formation Commission (LAFCo) has authority to consider changes of organization or reorganization proposals in accordance with the CKH Act.** Other agencies involved in the formation process include the County Elections Office that conducts the election that is required to form a CSD at the direction of the Board of Supervisors.

CSD Powers/Functions: CSDs are authorized to provide a broad array of local services. The actual services to be provided by a specific district are identified in the formation process. Thereafter, that district can provide additional types of services only by obtaining approval from LAFCo.

LAFCo Reorganization Process: The process to form a CSD requires LAFCo approval and majority voter approval as part of an election. This process is described in detail below.

A) Pre-Application Steps: (prior to application being filed with LAFCo)

1. **GSD prepares a Plan for Services, which includes the following contents:**
 - a. **Background Summary and Reasons for Proposal**
 - b. Proposed Terms and Conditions:
 - i. **Name – Propose a name for the district.**
 - ii. **Boundaries – Describe the boundaries of the district, noting any differences (if any) from the existing GSD jurisdictional boundaries.**

- iii Sphere of Influence – State whether the proposal is consistent with GSD's existing sphere of influence, noting any differences (if any).
- iv Governing Body – Specify the method of selecting the initial board of directors, which may provide for the existing members of the GSD Board to serve as the initial Board of the CSD.
- v Authorized Services – State which of the services listed in Section 61100 the district would be authorized to provide upon formation, noting any differences (if any) from what is currently provided by GSD.
- vi Transfer of Assets and Liabilities – Set forth a plan for the transfer of assets and resources that will be operative on the effective date of formation.
- vii Business and Transition Plan – Set forth a plan for transitioning staffing and personnel.

c. Description of Services: (GC §56653)

- i An enumeration of the services currently provided or to be extended to the affected territory.
- ii The level and range of services to be provided.
- iii An indication of when those services can feasibly be extended to the affected territory, if new services are proposed.
- iv An indication of any improvement or upgrading of sewer or water facilities, or other conditions the local agency would impose or require within its boundaries upon formation.
- v Information with respect to how those services will be financed.

2. GSD Board adopts a Resolution of Application

- a. The formation process may be initiated by registered voter petition or by resolution of application from an affected agency. The resolution process makes GSD lead agency for purposes of CEQA compliance.
- b. The resolution of application should include all the matters specified in Government Code Section 61011 and 56700, including the reasons for the proposal and any proposed terms and conditions.

3. GSD CEQA Compliance, which may qualify for exemption.

4. GSD submits LAFCo Application with associated \$10,000 deposit.

B) Public Hearing Steps: (once application is filed with LAFCo)

- 1. LAFCo sends referral to interested and affected agencies for comment.
- 2. LAFCo reviews application for completeness and within 30 days deems the application complete or incomplete.
- 3. Once the application is deemed complete, LAFCo issues a Certificate of Filing and sets the official hearing date.
- 4. LAFCo issues public hearing notices at least 21 days in advance of hearing:
 - a. Notice given by posting, publication and mailing to property owners and registered voters within proposed CSD boundaries and within 300 feet of the exterior boundary.
 - b. If total number of landowner and registered voter notices exceeds 1,000, then notice may instead be provided by publishing a display ad in newspaper rather than mailing.

5. LAFCo prepares staff reports, findings, and associated resolutions.
6. LAFCo conducts a public hearing:
 - a. After hearing public testimony, the Commission may approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt any terms and conditions for the formation, and establish a sphere of influence for the new district.
 - b. If LAFCo approves the proposal for the formation of a Community Services District, then the Commission shall proceed with conducting authority (protest) proceedings.

C) Protest Hearing Steps: *(following LAFCo approval)*

1. Complete 30-day reconsideration period
2. LAFCo issues protest hearing notices:
 - a. Notice given by posting, publication and mailing to property owners and registered voters within proposed CSD boundaries.
 - c. If total number of landowner and registered voter notices exceeds 1,000, then notice may instead be provided by publishing a display ad in newspaper rather than mailing.
3. LAFCo Executive Officer holds protest hearing and receives written protests.
4. At the next regular LAFCo meeting, the Commission accepts protest hearing results and takes one of the following actions pursuant to Government Code Section 61014(e):
 - (1) If a majority protest exists in accordance with Section 57078, the commission shall terminate proceedings.
 - (2) If no majority protest exists, the commission shall order the formation subject to the approval by the voters.

D) Election Steps: *(following Protest Hearing)*

1. After making the order, LAFCo requests the Board of Supervisors call and give notice of an election and direct county officials to conduct the necessary elections on behalf of the proposed CSD.
2. Commission prepares Impartial Analysis and addresses any concerns that may be raised by County Elections.
3. If after the election, a majority of all of the votes cast are in favor of the formation of the district, the territory shall be formed.

E) Final Steps

1. Determine all LAFCo conditions are satisfied
2. Finalize map and boundary description
3. Record Certificate of Completion
4. File with Board of Equalization

JOINT CYBERSECURITY ADVISORY

Co-Authored by:



TLP:WHITE

Product ID: AA21-287A

October 14, 2021

Ongoing Cyber Threats to U.S. Water and Wastewater Systems

SUMMARY

Note: This Alert uses the MITRE Adversarial Tactics, Techniques, and Common Knowledge (ATT&CK®) framework, version 9. See the [ATT&CK for Enterprise](#).

This joint advisory is the result of analytic efforts between the Federal Bureau of Investigation (FBI), the Cybersecurity and Infrastructure Security Agency (CISA), the Environmental Protection Agency (EPA), and the National Security Agency (NSA) to highlight ongoing malicious cyber activity—by both known and unknown actors—targeting the information technology (IT) and operational technology (OT) networks, systems, and devices of [U.S. Water and Wastewater Systems \(WWS\) Sector facilities](#). This activity—which includes attempts to compromise system integrity via unauthorized access—threatens the ability of WWS facilities to provide clean, potable water to, and effectively manage the wastewater of, their communities. **Note:** although cyber threats across [critical infrastructure sectors](#) are increasing, this advisory does not intend to indicate greater targeting of the WWS Sector versus others.

To secure WWS facilities—including Department of Defense (DoD) water treatment facilities in the United States and abroad—against the TTPs listed below, CISA, FBI, EPA, and NSA strongly urge organizations to implement the measures described in the Recommended Mitigations section of this advisory.

Immediate Actions WWS Facilities Can Take Now to Protect Against Malicious Cyber Activity

- Do not click on [suspicious links](#).
- If you use [RDP](#), secure and monitor it.
- [Update](#) your OS and software.
- Use [strong passwords](#).
- Use [multi-factor authentication](#).

To report suspicious or criminal activity related to information found in this Joint Cybersecurity Advisory, contact your local FBI field office at www.fbi.gov/contact-us/field-offices, or the FBI's 24/7 Cyber Watch (CyWatch) at (855) 292-3937 or by e-mail at CyWatch@fbi.gov. When available, please include the following information regarding the incident: date, time, and location of the incident; type of activity; number of people affected; type of equipment used for the activity; the name of the submitting company or organization; and a designated point of contact. To request incident response resources or technical assistance related to these threats, contact CISA at CISAServiceDesk@cisa.dhs.gov.

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TLP: WHITE

THREAT OVERVIEW

Tactics, Techniques, and Procedures

WWS facilities may be vulnerable to the following common tactics, techniques, and procedures (TTPs) used by threat actors to compromise IT and OT networks, systems, and devices.

- Spearphishing personnel to deliver malicious payloads, including ransomware [T1566].
 - Spearphishing is one of the most prevalent techniques used for initial access to IT networks. Personnel and their potential lack of cyber awareness are a vulnerability within an organization. Personnel may open malicious attachments or links to execute malicious payloads contained in emails from threat actors that have successfully bypassed email filtering controls.
 - When organizations integrate IT with OT systems, attackers can gain access—either purposefully or inadvertently—to OT assets after the IT network has been compromised through spearphishing and other techniques.
 - Exploitation of internet-connected services and applications that enable remote access to WWS networks [T1210].
 - For example, threat actors can exploit a Remote Desktop Protocol (RDP) that is insecurely connected to the internet to infect a network with ransomware. If the RDP is used for process control equipment, the attacker could also compromise WWS operations. **Note:** the increased use of remote operations due to the COVID-19 pandemic has likely increased the prevalence of weaknesses associated with remote access.
- Exploitation of unsupported or outdated operating systems and software.
 - Threat actors likely seek to take advantage of perceived weaknesses among organizations that either do not have—or choose not to prioritize—resources for IT/OT infrastructure modernization. WWS facilities tend to allocate resources to physical infrastructure in need of replacement or repair (e.g., pipes) rather than IT/OT infrastructure.
 - The fact that WWS facilities are inconsistently resourced municipal systems—not all of which have the resources to employ consistently high cybersecurity standards—may contribute to the use of unsupported or outdated operating systems and software.
- Exploitation of control system devices with vulnerable firmware versions.
 - WWS systems commonly use outdated control system devices or firmware versions, which expose WWS networks to publicly accessible and remotely executable vulnerabilities. Successful compromise of these devices may lead to loss of system control, denial of service, or loss of sensitive data [T0827].

WWS Sector Cyber Intrusions

Cyber intrusions targeting U.S. WWS facilities highlight vulnerabilities associated with the following threats:

- Insider threats from current or former employees who maintain improperly active credentials
- Ransomware attacks

WWS Sector cyber intrusions from 2019 to early 2021 include:

- In August 2021, malicious cyber actors used Ghost variant ransomware against a California-based WWS facility. The ransomware variant had been in the system for about a month and was discovered when three supervisory control and data acquisition (SCADA) servers displayed a ransomware message.
- In July 2021, cyber actors used remote access to introduce ZuCaNo ransomware onto a Maine-based WWS facility's wastewater SCADA computer. The treatment system was run manually until the SCADA computer was restored using local control and more frequent operator rounds.
- In March 2021, cyber actors used an unknown ransomware variant against a Nevada-based WWS facility. The ransomware affected the victim's SCADA system and backup systems. The SCADA system provides visibility and monitoring but is not a full industrial control system (ICS).
- In September 2020, personnel at a New Jersey-based WWS facility discovered potential Makop ransomware had compromised files within their system.
- In March 2019, a former employee at Kansas-based WWS facility unsuccessfully attempted to threaten drinking water safety by using his user credentials, which had not been revoked at the time of his resignation, to remotely access a facility computer.

RECOMMENDED MITIGATIONS

The FBI, CISA, EPA, and NSA recommend WWS facilities—including DoD water treatment facilities in the United States and abroad—use a risk-informed analysis to determine the applicability of a range of technical and non-technical mitigations to prevent, detect, and respond to cyber threats.

WWS Monitoring

Personnel responsible for monitoring WWS should check for the following suspicious activities and indicators, which may be indicative of threat actor activity:

- Inability of WWS facility personnel to access SCADA system controls at any time, either entirely or in part;
- Unfamiliar data windows or system alerts appearing on SCADA system controls and facility data screens that could indicate a ransomware attack;
- Detection by SCADA system controls, or by water treatment personnel, of abnormal operating parameters—such as unusually high chemical addition rates—used in the safe and proper treatment of drinking water;
- Access of SCADA systems by unauthorized individuals or groups, e.g., former employees and current employees not authorized/assigned to operate SCADA systems and controls.
- Access of SCADA systems at unusual times, which may indicate that a legitimate user's credentials have been compromised.
- Unexplained SCADA system restarts.
- Unchanging parameter values that normally fluctuate.

Remote Access Mitigations

Note: The increased use of remote operations due to the COVID-19 pandemic increases the necessity for asset owner-operators to assess the risk associated with enhanced remote access to ensure it falls within acceptable levels.

- Require multi-factor authentication for all remote access to the OT network, including from the IT network and external networks.
- Utilize [blocklisting and allowlisting](#) to limit remote access to users with a verified business and/or operational need.
- Ensure that all remote access technologies have logging enabled and regularly audit these logs to identify instances of unauthorized access.
- Utilize manual start and stop features in place of always activated unattended access to reduce the time remote access services are running.
- Audit networks for systems using remote access services.
 - Close unneeded network ports associated with remote access services (e.g., RDP – Transmission Control Protocol [TCP] Port 3389).
- When configuring [access control for a host](#), utilize custom settings to limit the access a remote party can attempt to acquire.

Network Mitigations

- Implement and ensure robust network segmentation between IT and OT networks to limit the ability of malicious cyber actors to pivot to the OT network after compromising the IT network.
 - Implement demilitarized zones (DMZs), firewalls, jump servers, and one-way communication diodes to prevent unregulated communication between the IT and OT networks.
- Develop/update network maps to ensure a full accounting of all equipment that is connected to the network.
 - Remove any equipment from networks that is not required to conduct operations to reduce the attack surface malicious actors can exploit.

Planning and Operational Mitigations

- Ensure the organization's emergency response plan considers the full range of potential impacts that cyberattacks pose to operations, including loss or manipulation of view, loss or manipulation of control, and threats to safety.
 - The plan should also consider third parties with legitimate need for OT network access, including engineers and vendors.
 - Review, test, and update the emergency response plan on an annual basis to ensure accuracy.
- Exercise the ability to fail over to alternate control systems, including manual operation while assuming degraded electronic communications.
- Allow employees to gain decision-making experience via [tabletop exercises](#) that incorporate loss of visibility and control scenarios. Utilize resources such as the Environment Protection

Agency's (EPA) [Cybersecurity Incident Action Checklist](#) as well as the Ransomware Response Checklist on p. 11 of the [CISA-Multi-State Information Sharing and Analysis Center \(MS-ISAC\) Joint Ransomware Guide](#).

Safety System Mitigations

- Install independent cyber-physical safety systems. These are systems that physically prevent dangerous conditions from occurring if the control system is compromised by a threat actor.
 - Examples of cyber-physical safety system controls include:
 - Size of the chemical feed pump
 - Gearing on valves
 - Pressure switches, etc.
 - These types of controls benefit WWS Sector facilities—especially smaller facilities with limited cybersecurity capability—because they enable facility staff to assess systems from a worst-case scenario and determine protective solutions. Enabling cyber-physical safety systems allows operators to take physical steps to limit the damage, for example, by preventing cyber actors, who have gained control of a sodium hydroxide pump, from raising the pH to dangerous levels.

Additional Mitigations

- Foster an organizational culture of cyber readiness. See the [CISA Cyber Essentials](#) along with the items listed in the Resources section below for guidance.
- Update software, including operating systems, applications, and firmware on IT network assets. Use a risk-based assessment strategy to determine which OT network assets and zones should participate in the patch management program. Consider using a centralized patch management system.
- Set antivirus/antimalware programs to conduct regular scans of IT network assets using up-to-date signatures. Use a risk-based asset inventory strategy to determine how OT network assets are identified and evaluated for the presence of malware.
- Implement regular data backup procedures on both the IT and OT networks.
 - Regularly test backups.
 - Ensure backups are not connected to the network to prevent the potential spread of ransomware to the backups.
- When possible, enable OT device authentication, utilize the encrypted version of OT protocols, and encrypt all wireless communications to ensure the confidentiality and authenticity of process control data in transit.
- Employ user account management to:
 - Remove, disable, or rename any default system accounts wherever possible.
 - Implement account lockout policies to reduce risk from brute-force attacks.
 - Monitor the creation of administrator-level accounts by third-party vendors with robust and privileged account management policies and procedures.
 - Implement a user account policy that includes set durations for deactivation and removal of accounts after employees leave the organization or after accounts reach a defined period of inactivity.

- Implement data execution prevention controls, such as application allowlisting and software restriction policies that prevent programs from executing from common ransomware locations, such as temporary folders supporting popular internet browsers.
- Train users through awareness and simulations to recognize and report phishing and social engineering attempts. Identify and suspend access of users exhibiting unusual activity.

FBI, CISA, EPA, and NSA would like to thank Dragos as well as the WaterISAC for their contributions to this advisory.

RESOURCES

Cyber Hygiene Services

CISA offers a range of no-cost [cyber hygiene services](#)—including vulnerability scanning and ransomware readiness assessments—to help critical infrastructure organizations assess, identify, and reduce their exposure to cyber threats. By taking advantage of these services, organizations of any size will receive recommendations on ways to reduce their risk and mitigate attack vectors.

Rewards for Justice Reporting

The U.S. Department of State's Rewards for Justice (RFJ) program offers a reward of up to \$10 million for reports of foreign government malicious activity against U.S. critical infrastructure. See the [RFJ website](#) for more information and how to report information securely.

StopRansomware.gov

The [StopRansomware.gov](#) webpage is an interagency resource that provides guidance on ransomware protection, detection, and response. This includes ransomware alerts, reports, and resources from CISA and other federal partners, including:

- CISA and MS-ISAC: [Joint Ransomware Guide](#)
- CISA Insights: [Ransomware Outbreak](#)
- CISA Webinar: [Combating Ransomware](#)

Additional Resources

For additional resources that can assist in preventing and mitigating this activity, see:

- FBI-CISA-EPA-MS-ISAC Joint CSA: [Compromise of U.S. Water Treatment Facility](#)
- WaterISAC: [15 Cybersecurity Fundamentals for Water and Wastewater Utilities](#)
- American Water Works Association: [Cybersecurity Guidance and Assessment Tool](#)
- EPA: [Cybersecurity Incident Action Checklist](#)
- EPA: [Cybersecurity Best Practices for the Water Sector](#)
- EPA: Supporting Cybersecurity Measures with the [Clean Water](#) and [Drinking Water](#) State Revolving Funds
- CISA: [Cyber Risks & Resources for the Water and Wastewater Systems Sector](#) infographic
- CISA: [Critical ICS Cybersecurity Performance Goals and Objectives](#)

- CISA Fact Sheet: [Rising Ransomware Threat to Operational Technology Assets](#)
- CISA-MS-ISAC: [Joint Ransomware Guide](#)
- NSA CSA: [Stop Malicious Cyber Activity Against Connected OT](#)
- CISA: [Insider Threat Mitigation Resources](#)
- NIST: [Special Publication \(SP\) 800-167, Guide to Application Whitelisting](#)
- NIST: [SP 800-82 Rev. 2, Guide to Industrial Control Systems \(ICS\) Security](#) (Section 6.2.1)

DISCLAIMER OF ENDORSEMENT

The information and opinions contained in this document are provided "as is" and without any warranties or guarantees. Reference herein to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not constitute or imply its endorsement, recommendation, or favoring by the United States Government, and this guidance shall not be used for advertising or product endorsement purposes.

- [Add to Watchlist](#)

|

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Hover to zoom

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Sec 9.5 Payment of Bills. Bills are due and payable by 4:30 P.M. on the 25th of each month and if not paid a \$15 late charge will be applied.

- a. Customer Bills:
Bills will be mailed by the first of each month.
- b. Late Payments Procedure:
Bills past due – Courtesy Call

35 days past due – Shut off notice – Hand delivered to service address.

7 days after shut off notice is delivered – Water will be turned off. Owner will be notified. There will be a \$100 reconnection fee due, prior to water reconnected.

60 days past due – Lien on building/property – Small claims

120 days past due – Turn over to collection agency.
- c. Adjustments to bills – Payment Plans:
The General Manager or designee will be the only person authorized to make adjustments to a bill or enter into a payment plan.
- d. NSF (non-sufficient funds) from any payment source will require the customer pay all bank charges and a \$35 handling fee.
- e. Upon 2 NSF (non-sufficient funds), within a 12-month period automatic payment will be denied until an agreement can be reached with the General Manager or designee.
- f. Tampering with water meters or turning meters on after being turned off for non-payment may result in a customer fine of \$200 and a reconnection fee of \$100 which must be paid with all outstanding service charges before water will be turned on unless an agreement is made with the General Manager or Designee.
- g. Service Charge Discount may be available for any customer that verifies they are over the age of 62 and have a combined income of less than \$24,000 annually. Customers who qualify may receive a ~~\$15~~ (\$30) credit which can be used to decrease their monthly service charge. A service credit will only be authorized if water usage is below (10) units (7,500 gallons) in a given month, the service charge discount will be voided for that month if customer uses (11) units of water or above.

Adopted 8/18/2020

Sec 14.5 Drought Contingency Plan.

During drought conditions as identified by the State of California, Humboldt County or Garberville Sanitary District, the Drought Contingency Plan will go into effect immediately.

This plan will be implemented by Garberville Sanitary District and the public will be made aware of this plan through the media and customer outreach.

Customers will be required to conserve water including but not limited to gallons per day water usage and if they don't comply, may be fined for gallons of water used above the maximum allowed.

Customers that require water for agricultural or outdoor use during Summer months will be required to have adequate water storage to meet their demands, in the event of a drought or repairs because on (Phase 2) of the Drought Contingency Plan, water will be disconnected or restricted for outdoor use.

Those Customers who choose not to have water storage may have water disconnected during drought events or repairs to distribution system **which is why it is recommended to have enough storage for your personal use.**

Customers who disregard the drought phases will be in violation and subject to fines which begin at \$100 per occurrence/day beginning with (phase 2-4) and can result in water disconnection with a \$1,000 reconnection fee for continued violations over 5 days. The fine will be determined by the General Manager or designee under the direction of the Governing Board.

1. 1st phase of drought conservation plan will require all customers to voluntarily reduce water consumption. (10cfs) in South Fork of Eel River
2nd phase will be to stop all outdoor watering for everything except animals, vegetables or fruit. (7cfs)
3rd phase will require only using water on specific days, designated by GSD (5cfs).
4th phase requires all customers to only use water for health and safety, with no outside watering (4cfs)
2. Continual updates to customers will educate and inform of conditions
3. Ongoing: develop alternative water sources including, wells, springs, shared water with neighboring water districts including water hauling.
4. Ongoing: gray water education for irrigation
5. Ongoing: educate customers on personal water storage opportunities and conservation measures
6. Ongoing: leak monitoring and repairs
7. Ongoing: build additional water storage tanks or ponds
8. Identify all diversions from the river or GSD distribution system and report to law enforcement.

Ongoing: Participate in all drought planning forums to share ideas and planning strategies while developing partnerships on collaborative water projects and funding opportunities



WATER SHORTAGE PLANNING AND RESPONSE

Home > Conservation > Water Shortage Planning and Response

CCWD is currently in water shortage response **STAGE 1: ADVISORY**

Water Shortage Planning and Response

The Urban Water Management Planning Act requires that each water supplier provide a Water Shortage Contingency Plan that outlines how the supplier will prepare for and respond to water shortages. Below are the six stages of action per the Department of Water Resources as well as Calaveras County Water District's stages of response based on water supply conditions within the District's service area.

Stages of Action

The Water Shortage Contingency Plan provides five stages of response based on water supply conditions due to water supply conditions within the service area. The initial Advisory Stage, set at 10 percent reduction, is a voluntary stage to preserve water in the early stages of a potential shortage. The four mandatory conservation levels are designated to respond to increasingly

Water Resources

Water Resources

SGMA

Water Shortage Planning and Response

Where Does My Water Come From?

Public Data Packet



Search [input field] [magnifying glass icon] [dropdown arrow]

| Stage | Percent Supply Reduction | Water Supply Condition |
|---|--------------------------|---|
| 1: Advisory Stage (Voluntary Conservation) | Up to 10% | The District is generally still able to meet the water demands of its customers in all service areas. |
| 2: Alert Stage (Mandatory Conservation) | Up to 20% | The District is generally still able to meet the water demands of its customers in all service areas. |
| 3: Moderate Stage (Mandatory Conservation) | Up to 30% | Consumption must be reduced by at least 20% for the District to meet the water demands of it's customers. Conservation mandates are applied consistently across service areas regardless of localized conditions. |
| 4: Significant Stage (Mandatory Conservation) | Up to 40% | Consumption must be reduced by 30% for the District to meet the water demands of its customers. Conservation mandates are applied consistently across service areas regardless of localized conditions. |



| Stage | Supply Reduction | Water Supply Condition |
|---|------------------|---|
| 5: Critical Stage (Mandatory Conservation) | Up to 50% | Consumption must be reduced by 40% for the District to meet the water demands of its customers. Conservation mandates are applied consistently across service areas regardless of localized conditions. |
| 6: Emergency Stage (Mandatory Conservation) | More than 50% | Stage 6 indicates a catastrophic supply interruption. |

CCWD Water Shortage Response Stages

CCWD is currently under STAGE 1: Advisory water shortage response stage. This is a voluntary conservation stage. CCWD is encouraging the public to use water wisely and comply with state official recommendations to aim for a voluntary water use reduction of 15 percent compared to 2020 levels.

Ongoing water conservation practices

Stage 1: Advisory

Stage 2: Alert

Ogden Utah

OGDEN, Utah (ABC4) – Ogden City is facing a moderate water shortage, and now the city is asking residents to take specific steps to help conserve water. If they don't, they may be fined.

Ogden City's water storage is made up of many different sources. From private wells to Pineview Reservoir, they all work to make sure residents have water when they need it. However, that storage is currently 30% lower than average. [Water-use restrictions](#) are now in place.

"It's just to try to get people to be more observant of what they're doing when it comes to water and be more conscientious," explains Ogden City Water Manager Brady Herd.

The goal of the newly implemented water restrictions is to get homes to reduce their water usage by 5% and commercial properties by 15%. It is up to the households and businesses to figure out what works best for them.

How a cup of water and a quarter can come in handy during a power outage

However, the city is implementing strict rules for the single biggest use of water: lawn care. The city is banning outdoor watering from 10 a.m. to 6 p.m. Those who don't comply with this can be fined \$50 for the first offense. With additional offenses, residents can expect to pay up to \$150.

"We're not out there to try to catch people, in a sense, or to really come down heavy handed," says Herd. "If you will, we're just trying to conserve the limited resource that we're being given this year."

The city is asking for everyone's help in reducing the use of water. If a resident sees a water leak or sprinklers being used in the middle of the day at a park, business, or anywhere else, the city asks the resident to report it [here](#).

Riverton mayor urges water conservation

"If you can get a picture with an address, as well as the date stamp and timing of it all, that definitely would help the code enforcers to where they can easily see that it actually was out of compliance," adds Herd.

The city is also asking all residents to maintain and properly adjust their irrigation system to avoid wasting water. Along with that, the city asks that everyone adjusts watering times based on [weather](#).

For those who aren't sure if their watering system is efficient, the city offers [free consultations](#). Any resident can request to have a conservationist come out to his or her home and inspect the watering system.

Ogden Utah

For residents with swimming pools, the city asks recommends using a cover when the pool is not in use as well as lowering the pool water level by four inches to minimize water loss from splashing.

7 Utah lakes, reservoirs, and beaches to cool you down this summer

These restrictions may come as a surprise for some. However, water conservation officials say this summer's lack of water started with last summer's extreme heat.

"What that (2020's summer conditions) did is make soil moisture go so low that when our runoff did come this year, it basically filled up that soil moisture cavity and did not runoff into the river systems, did not runoff into our reservoirs, and that's why we're seeing those problems," explains Weber Basin Water Conservancy District Assistant General Manager Darren Hess.

Hess tells ABC4 that with 2021 turning out to be another hot, dry year, officials are looking ahead. He adds, "That is going to be a real concern for us. So, we need to try to carry over as much water as we possibly can, so we maintain water for next year."

Ogden City is also making changes to combat the water shortage. This summer, all city-owned decorative fountains will remain shut off. The city is asking residents and businesses to do the same.

Calling all artists: Want to live in Alta mountains for free?

If the city's parks begin to look slightly overgrown, that is another step it's taking during the drought. Leaving grass on the longer side allows it to hold onto water better, meaning it will not need to be watered as often as possible.

The city also has software that sends alerts when there are irregularities in customer water usage. This means the public works department will reach out to residents and business owners if data is showing there may be a water leak on the person's property.

In addition to those strategies and the city's declaration of water shortage, the Public Services Department has implemented the following water conservation strategies:

- No outdoor irrigation between 10 a.m. and 6 p.m., including parks, cemetery, and golf courses
- The city has reduced irrigation on parks, cemetery, and golf courses
- Replacing old leaking antiquated waterlines
- Distribution of indoor conservation kits
- Limiting outdoor surface washing
- Sending a conservation letter out to educate customers about the drought condition and encourage them to take action to reduce water consumption
- The city Water Conservation Program Coordinator has been meeting with customers to help them optimize their water consumption and sprinklers, and offers personalized suggestions on how they can reduce their use.

Water Conservation Ordinance 2018-01

Approved May 23rd, 2018

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Water Conservation Ordinance 2018-01

An ordinance of the Redway Community Services District establishing a customer water conservation and supply shortage program.

Section 1 Recitals

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the State of California, it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic* (for RCSD purposes domestic means human consumption, sanitation, and fire protection are our highest priority) use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 71610.5, the District may undertake a water conservation program to reduce water use and may require, as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, pursuant to California Water Code section 71640, the District may restrict the use of District water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of District water or the use of District water during such periods for any purpose other than household uses or such other restricted uses as the District determines to be necessary. The District may also prohibit use of District water during such periods for specific uses which it finds to be nonessential. Pursuant to Water Code section 71641, the District may prescribe and define by ordinance the restrictions, prohibitions, and exclusions referred to in section 71640; and

WHEREAS, pursuant to California Water Code section 375, the Board of Directors is authorized to adopt and enforce a water conservation program to reduce the quantity of water used by Persons within its jurisdiction for the purpose of conserving the water supplies of the District; and

WHEREAS, the Redway Community Services District (RCSD) provides water to residential and commercial users within the District's boundaries. The District is located just off Highway 101 about 65 miles south of Eureka in Humboldt County. The District serves a total population of about 1,250 people. The District's peak summer demand is estimated to be 0.345 million gallons per day (gpd). The District's main source of water is through a constructed infiltration gallery located on the South Fork Eel River. Redway is situated on the hillside above the Eel River; therefore the water must be pumped up from the treatment plant into the storage tanks; and

WHEREAS, many water providers in California base their supply estimates on reservoir levels. RCSD currently experiences water source deficiencies due to river conditions during peak water demand times with summer season drought conditions, and during extended periods of extreme turbidity during winter storm events. Transmission capacity problems following natural disasters can also occur. The three worst case water supply shortage conditions for the District are:

- 1.) Water treatment system unable to process water

2.) Water transmission and distribution system failed due to infrastructure failure, flooding, earthquake or other natural disaster or

3) River flows fall to a point where withdrawals are inadequate to meet demand due to technical or regulatory requirements.

Water conservation and supply shortage response measures including rationing programs are needed to ensure that water demand falls to serviceable levels.

WHEREAS, because of these water supply shortage conditions regularly encountered by the District, prevailing dry conditions in the State, the current statewide drought, dwindling storage, the increasing uncertainty of water supplies, and the declared policy of the State that the District manage its water resources for the general welfare to ensure their beneficial use to the fullest extent of which they are capable, the District hereby finds and determines that it is necessary and appropriate for the District to adopt, implement, and enforce a water conservation and supply shortage program (“Program”) to reduce the quantity of water used by consumers within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, pursuant to California Water Code section 350, the Board of Directors is authorized to declare a Water Shortage Emergency to prevail within its jurisdiction when it finds and determines that the District will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without the threat of depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection, and as more fully set forth in this ordinance; and

WHEREAS, the Board of Directors hereby finds and determines that in the event the District determines that it is necessary to declare that a Water Shortage Emergency exists, the District will be authorized pursuant to this ordinance to implement supply shortage response measures and a water conservation and regulatory program to regulate water consumption activities within the District and ensure that the water delivered in the District is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, the Board of Directors is authorized and hereby finds and determines that it is necessary to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce the Program to: (i) prohibit the waste of District water or the use of District water during such period; (ii) prohibit use of water during such periods for specific uses which the District may from time to time find nonessential; and (iii) reduce and restrict the quantity of water used by those Persons within the District for the purpose of conserving the water supplies of the District; and

WHEREAS, the Board of Directors hereby finds and determines that the District shall adopt, implement, and enforce the Program which (i) implements water conservation and supply shortage response measures; (ii) regulates the water consumption activities of Persons within the District for the purposes of conserving and protecting the District’s water supplies, reducing the quantity of water consumed, and deterring and preventing the waste or unreasonable use or unreasonable method of use of valuable water resources; and (iii) establishes and collects regulatory fees and imposes fines and penalties as set forth herein to accomplish these purposes and recover the costs of the Program; and

WHEREAS, the Board of Directors hereby finds and determines that it is desirable to adopt the Program in order to codify the rules and regulations governing its actions, and the actions of Persons using and

consuming water within the District, during periods of both normal District capacity to supply water as well as during declared water shortages and water shortage emergencies, to protect the general welfare and the District's water supplies, and to reduce water consumption all in accordance with the declared policies and laws of the State; and

WHEREAS, the Board of Directors hereby further finds and determines that this ordinance and the Program set forth herein are in the public interest and serve the public purposes of the District.

BE IT ORDAINED by the Board of Directors of the RCSD as follows:

The Board of Directors hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2 Findings and Intent

2.1 Purpose and Scope of Program

The Board of Directors finds and determines that because of the prevailing conditions in the State stated in the Recitals, it is necessary and appropriate for the District to adopt, implement, and enforce this Program to reduce the quantity of water used by Persons within the District to ensure that there is sufficient water at all times for human consumption, sanitation, and fire protection. The District further finds and determines that during periods of drought, water shortages, and water shortage emergencies, the general welfare requires that the District maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health, safety, and welfare.

2.2 Emergency Action Stages and Trigger Levels

Many water providers in California base their supply estimates on reservoir levels. Under these conditions conservation is important on a year round basis. Conservation during the rainy season will result in additional water available during the drier parts of the year.

However, Redway's river source of supply is dynamic and seasonal. During the rainy season supply is plentiful – even during relatively dry years. Conservation during these periods does not result in additional resource available in the drier parts of the year. During the drier parts of the year water withdrawals from the river system can be in direct competition with other ecological demands – consequently adequate supply can be limited even in relatively wet years. RCSD regularly experiences late summer drought conditions even in “normal” years.

The following action stages and trigger levels have been developed to implement this plan. These stages are intended to serve as guidelines. However, unforeseeable circumstances may occur. The General Manager or his/her designee shall have the authority, under the applicable law and District policy, to take any and all action which may be necessary in the event of an immediate emergency and/or Water Shortage Emergency as defined in the applicable law and District policy. For example, and not by way of limitation, an immediate emergency may require the General Manager or his/her designee to take action prior to obtaining any required approval of the Board, which approval shall be sought as soon as practicable and in accordance with any applicable requirements under the law or District policy.

The General Manager, or Operations Manager with the ratification of the General Manager, will determine the action stage. All such determinations shall be subject to ratification by the Board of Directors. All restrictions under each applicable action stage shall be implemented immediately upon declaration of such stage. The General Manager, based upon current conditions affecting the water supply, will determine lifting of an emergency action stage and resumption to the previous operating stage.

Section 3 Program Adoption

3.1 Water Conservation Program

This establishes water conservation and supply shortage response measures and regulations to be implemented during declared water conservation stages.

3.2 This ordinance establishes four (4) water supply shortage stages

This ordinance establishes four (4) water supply shortage stages and related water conservation and supply shortage response measures to be implemented by the District. Each stage provides for increasing restrictions on water use, and administrative fines and/or penalties for water waste in response to decreasing water supplies and worsening drought or other water shortage conditions.

3.3 Supply Shortage Causes

The water supply shortage stages may be caused by, but are not limited to, any or all of the following circumstances or events:

3.3.1 Water supply shortage

District, regional or statewide water supply shortage exists and a public outreach campaign is being implemented asking or requiring Persons to reduce water use.

3.3.2 Infrastructure inadequacy

Delivery or treatment infrastructure such as storage reservoirs, pipes, pumps, filtration devices or groundwater wells are inadequate, inoperable or unusable (such as by power outages, mechanical failure, or contamination).

3.3.3 Infrastructure capacity limits

A water supply shortage exists due to the fact that the District water distribution and/or treatment facilities have reached capacity;

3.3.4 Alternative supply limitations

Alternative water supplies are limited or unavailable.

3.3.5 Groundwater limitations

Groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, the Regional Water Quality Control Board, or some other regulatory body.

3.3.6 Infrastructure failure

A major failure, whether temporary or permanent, in the water distribution and/or treatment system of the District.

Section 4 Purpose and scope

4.1 Purpose

The purposes of the water conservation and supply shortage response provisions of this ordinance and Program are to assure the highest beneficial use of District water supplies and to provide sufficient water supplies to meet the basic needs of human consumption, sanitation, and fire protection within the District's direct retail service area.

4.2 Non-interference with the use of property

This ordinance is not intended to repeal, abrogate, annul, impair or in any way interfere with the free use of property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the District provides water services.

4.3 Application

The provisions of this ordinance shall apply to all Persons within the District's direct retail service area and all property served in a retail capacity by the District wherever situated.

4.4 District ability to respond to emergency

Nothing in this ordinance is intended to affect or limit the ability of the District to respond to an emergency, including an emergency that affects the ability of the District to supply water.

Section 5 Water Conservation and Unreasonable Uses of Water.

5.1 Unreasonable Uses Of Water

It is unlawful at any time for any Person to make, cause, or use or permit the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this ordinance, or in an amount in excess of that use permitted by the water conservation stages which are in effect pursuant to this ordinance or by action taken by the Board of Directors in accordance with this ordinance.

The following water conservation and supply shortage response measures to prevent unreasonable uses of water set forth below shall be in effect at all times. It is unlawful at any time for any Person to waste water or to use it unreasonably. Unreasonable uses of water shall include, but are not limited to, the following practices:

1. Allowing water to leave the Person's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;

2. Failing to repair a water leak;
3. All open hoses shall be equipped with automatic, positive shut-off nozzles.
4. All swimming pools, spas, ponds, and fountains shall be equipped with re-circulating pumps.
5. All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the District within 96 hours of notification by the District. The District will attempt to contact customers by phone, mail or printed “door-hanger” to alert of a required repair or adjustment. All customers shall ensure that the District has current telephone contact information.
6. No Person shall use water to wash down automobiles, trucks, trailers, boats, and other types of mobile equipment, sidewalks, driveways, parking areas, tennis courts, patios, or other paved or hard surface areas, except to alleviate immediate fire or sanitation hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a shut-off nozzle or a low volume, high-pressure cleaning machine. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.
7. Landscape watering systems for new construction and remodeling shall be consist of drip irrigation with automatic irrigation timers which are capable of being adjusted according to changing weather patterns and landscape requirements.
8. Installation of appliances and fixtures within new construction and remodeled residential, commercial or industrial structures shall be “low-flow”, consistent with all UBC and County Codes, and shall be designed to minimize water use;

5.2 Water Supply Shortage Stage Declaration

5.2.1 Water Supply Shortage Determination

A water supply shortage stage may be initially determined by the General Manager subject to ratification by the Board of Directors, but shall be finally determined by the Board of Directors in accordance with the provisions of this ordinance and this Program. A water supply shortage stage shall remain in full force and effect until otherwise determined or discontinued by resolution of the Board of Directors declaring that existing water supply conditions and the supply of water available for distribution within the District’s service area has been replenished or augmented to the extent that such water supply shortage stage is no longer necessary.

5.2.2 Water Shortage Emergency

The District may declare a Water Shortage Emergency pursuant to Water Code section 350 during any water supply shortage stage.

5.2.3 Mandatory Response Measures Subject to Penalties

During Water Supply Shortage Stages Two (2) through Four (4), each of the water conservation and supply shortage response measures are mandatory and violations are subject to criminal, civil, and administrative penalties and mandatory compliance remedies as specified in this ordinance and by State law. Water conservation and supply shortage response measures in effect during Stage One (1) are voluntary.

5.3 Encouraged Practices

1. The installation of supplemental household water storage to be filled during wet months for garden or emergency use during the dry season. Supplemental water storage shall not be connected to potable household water lines.

2. Industrial and commercial accounts to minimize water use during summer regulations season.

Section 6 Water Conservation Stage One– Seasonal Water Supply

Many water providers in California base their supply estimates on reservoir levels. Under these conditions conservation is important on a year round basis. Conservation during the rainy season will result in additional water available during the drier parts of the year.

However, Redway’s river source of supply is dynamic and seasonal. During the rainy season water supply is plentiful, even during relatively dry years. Conservation during these periods does not result in additional water supply available in the drier parts of the year. During the drier parts of the year water withdrawals from the river system can be in direct competition with other ecological demands – consequently adequate water supply to District customers during summer months can be limited even in relatively wet years. RCSD regularly experiences late summer drought conditions even in “normal” water supply years.

6.1 Summer Conservation Declaration

Summer Conservation Restrictions for Water Conservation Stage One (1) may be initiated by the District Board of Directors in mid to late spring depending on water supply availability and river flow levels in the South Fork of the Eel River.

A declaration of Water Conservation Stage One (1) may be caused by, but is not limited to, any or all of the following circumstances or events:

- 1) A regional water supply shortage exists and a public outreach campaign is being implemented asking or requiring all Persons to reduce water use;
- 2) Delivery infrastructure such as storage reservoirs, pipes, pumps, filtration devices or groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);
- 3) Declaration of mandatory water conservation measures by an authority other than the District, such as the California State Water Resources Control Board (SWRCB);
- 4) River flows fall below 25 cfs (at Miranda gauge); (located at the Hooker Creek turnoff or x miles downstream from RCSD Service area.) the trader offices are there....
- 5) When the District’s system delivery pumps are required to operate more than 18 hours in one 24 hour period to provide sufficient water supply to District customers; and
- 6) Current river flows are below 50% of median flows as measured by USGS at the Miranda gauge..

6.2 Stage I Summer Conservation Restrictions

Summer restrictions may be in effect from June 1 until Oct 15.

1. No pools or storage tanks shall be filled. All pools and storage tanks must be filled between January 1 and May 31st.
2. Industrial accounts are restricted to 3000 cubic feet per month.

Recommended Voluntary Restrictions:

- 1) Landscape watering is allowed only between the hours of 6pm .and 10:00am.;
- 2) Restrict outdoor water usage to an ‘Odd / Even’ water conservation plan. Under this plan odd numbered homes are asked to restrict their outside water usage to Wednesday and Sunday. Even numbered homes are asked to water outdoors only on Tuesday and Saturday; Businesses are asked to water on Monday and Thursday. Water each area only for 10 minutes.
- 3) Refrain from allowing water to run off any lawns, landscape, or garden into adjoining streets, gutters, sidewalks, parking lot or alley;
- 4) Refrain from hosing or washing sidewalks, walkways, driveways, parking lots or other hard surfaced areas;
- 5) Refrain from washing cars, boats, trailers, or other vehicles except at commercial car wash where water is recycled;
- 6) Equip any hose with a quick acting shut-off nozzle;
- 7) Promptly repair all leaks in plumbing fixtures, water lines, and sprinkler systems;
- 8) Equip ornamental fountains, ponds or lakes with a water recycling system;
- 9) Nurseries must use basins under watered inventory to catch excess water;
- 10) Commercial accounts requested to voluntarily limit use to 2500 cubic feet per month in light of the mandatory Industrial restriction of 3000 cubic feet per month.

6.3 Summer Conservation Objectives

The objective of the measures undertaken in Water Conservation Stage Two is to voluntarily reduce water system consumption within the District by 25% relative the same month in 2014.

Section 7 Water Conservation Stage Two – Mandatory Conservation Declaration

7.1 Mandatory Conservation Declaration

Water Conservation Stage Two is also referred to as a “Mandatory Conservation Declaration” and applies during periods when a reasonable probability exists that the District will not be able to meet all of the water demands of its Customers.

Water Conservation Stage Two may be caused by, but is not limited to, any or all of the following circumstances or events:

- 1) A regional water supply shortage exists and a public outreach campaign is being implemented asking or requiring all Persons to reduce water use;
- 2) Delivery infrastructure such as storage reservoirs, pipes, pumps, filtration devices or groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);
- 3) Declaration of mandatory water conservation measures by an authority other than the District, such as the California State Water Resources Control Board (SWRCB)
- 4) River flows fall below 20 cfs (at Miranda gauge)
- 5) When system delivery pumps are required to operate more than 18 hours for three consecutive days in order to meet demand..

7.2 Current river flows are below 50% of median flows as measured by USGS at the Miranda gauge..Mandatory Conservation Restrictions:

Except as otherwise provided in this Section 7, all water conservation and supply shortage response measures of Water Conservation Stage One shall be in full force and effect during Water Conservation Stage Two. In addition Voluntary elements from Stage One become Mandatory. Upon declaration of a Water Conservation Stage Two by the Board of Directors or the General Manager, implementation by the District and publication of notice, the following water conservation and supply shortage response measures shall apply:

- 1) Landscape watering is allowed only between the hours of 6pm .and 10:00am.;
- 2) Restrict outdoor water usage to an ‘Odd Even’ water conservation plan. Under this plan odd numbered homes are asked to restrict their outside water usage to Wednesday and Sunday. Even numbered homes are asked to water outdoors only on Tuesday and Saturday; Businesses are asked to water on Monday and Thursday. Water each area only for 10 minutes.
- 3) Refrain from allowing water to run off any lawns, landscape, or garden into adjoining streets, gutters, sidewalks, parking lot or alley;
- 4) Refrain from hosing or washing sidewalks, walkways, driveways, parking lots or other hard surfaced areas;
- 5) Refrain from washing cars, boats, trailers, or other vehicles except at commercial car wash where water is recycled;
- 6) Equip any hose with a quick acting shut-off nozzle;
- 7) Promptly repair all leaks in plumbing fixtures, water lines, and sprinkler systems;
- 8) Equip ornamental fountains, ponds or lakes with a water recycling system;
- 9) Nurseries must use basins under watered inventory to catch excess water;
- 10) Hotels and motels shall provide a notice of water emergency in each room.
- 11) Restaurants shall refrain from serving drinking water except upon specific request by a customer;
- 12) Industrial accounts shall be limited to water usage of 2500 cubic feet per month;

7.3 Mandatory Conservation Objectives:

The objective of the measures undertaken in Water Conservation Stage Two is to reduce water system consumption within the District by 25% relative to 2014 usage by month

7.4 Health and Safety exemptions

Health and Safety exemptions may be granted by RCSD General Manager pursuant to the process described in Section 18 of this Ordinance.

Section 8 Water Conservation Stage Three - Water Shortage Emergency

8.1 Water Shortage Emergency Declaration

Water Conservation Stage Three is also referred to as a “Water Shortage Emergency” and applies during periods when the District will not be able to meet all of the water demands of its Customers.

Water Conservation Stage Three may be caused by, but is not limited to, any or all of the following circumstances or events:

- 1) A regional or statewide water supply shortage exists and a public outreach campaign is being implemented asking or requiring all Persons to reduce water use;
- 2) Delivery infrastructure such as storage reservoirs, pipes, pumps, filtration devices or groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);
- 3) Groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, the Regional Water Quality Control Board, Riverside County, or some other regulatory body.
- 4) Declaration of mandatory water conservation measures by an authority other than the District, such as the California State Water Resources Control Board (SWRCB)
- 5) River flow below 10 cfs at Miranda gauge;
- 6) Water Supply is insufficient to fill main tank overnight.

8.2 Water Shortage Emergency Restrictions

Except as otherwise provided in this Section 8, all water conservation and supply shortage response measures of Water Conservation Stages One, and Two shall be in full force and effect during Water Conservation Stage Three. Upon declaration of a Water Conservation Stage Three by Board of Directors or the General Manager, implementation by the District and publication of notice, the following water conservation and supply shortage response measures shall apply:

- 1) Industrial and Commercial accounts are limited to 400 gallons per day (approx. 1600 cubic feet per month).
- 2) Residential accounts are limited to 60 gallons per resident per day (approx. 240 cubic feet per month each (per resident)).
- 3) Provided the Board of Directors has declared a Water Shortage Emergency pursuant to California Government Code sections 350 et seq., no new construction meters will be issued. Construction water shall not be used for earth work, road construction purposes, dust control, compaction, or trench jetting.
- 4) Provided the Board of Directors has declared a Water Shortage Emergency pursuant to California Water Code sections 350 et seq., the District shall not allow any new connections to the water system during Stage Three. The existence and application of any such new connection moratorium or other similar restrictions shall be determined by separate action by the Board of Directors.

8.3 Water Shortage Emergency Objectives

The objective of the measures undertaken in Water Conservation Stage Three is Maximum Conservation. Priorities for all water use will be for human consumption, sanitation and fire protection.

8.4 Health and Safety exemptions

Health and Safety exemptions may be granted by RCSD General Manager pursuant to the process described in Section 18 of this Ordinance.

Section 9 Water Conservation Stage Four – Dire Water Shortage

9.1 Dire Water Shortage Declaration

Water Conservation Stage Four is also referred to as a “Dire Water Shortage” and applies during periods when the District will not be able to meet all of the water demands of its Customers.

Water Conservation Stage Four may be caused by, but is not limited to, any or all of the following circumstances or events:

- 1) A regional or statewide water supply shortage exists and a regional public outreach campaign is being implemented asking or requiring all Persons to reduce water use;
- 2) Delivery infrastructure such as storage reservoirs, pipes, pumps, filtration devices or groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);
- 3) Groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, the Regional Water Quality Control Board, or some other regulatory body; and
- 4) A major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system and the District cannot meet all of the water demands of its Customers.
- 5) Declaration of mandatory water conservation measures by an authority other than the District, such as the California State Water Resources Control Board (SWRCB)
- 6) Major natural or system disaster.
- 7) Water supply is insufficient to produce clean water or fill tank to 80% full overnight.

9.2 Dire Water Shortage Restrictions

Except as otherwise provided in this Section 9, all water conservation and supply shortage response measures of Water Conservation Stages One, Two and Three shall be in full force and effect during Water Conservation Stage Four. Upon declaration of a Water Conservation Stage Four by the Board of Directors or the General Manager, implementation by the District and publication of notice, the following water conservation and supply shortage response measures shall apply:

The following water uses will be prohibited:

- 1) Landscape irrigation or watering of lawns or gardens;
- 2) Washing of cars, boats, trailers or other vehicles;
- 3) Filling of swimming pools, spas, hot tubs or water tanks;
- 4) Serving of drinking water at restaurants unless requested;
- 5) Filling or operating ornamental fountains, ponds or lakes;
- 6) Sewer system maintenance, fire protection training or flushing of hydrants;
- 7) Street cleaning or dust control;
- 8) Water for nonessential use or for commercial or industrial processes.

- 9) Use of hydrants for anything other than firefighting.
- 10) Provided the Board of Directors has declared a Water Shortage Emergency pursuant to California Water Code sections 350 et seq., the District shall not allow any new connections to the water system during Stage Four. The existence and application of any such new connection moratorium or other similar restrictions shall be determined by separate action by the Board of Directors.

9.3 Dire Water Shortage Objectives

The objective of the measures undertaken in Water Conservation Stage Four is reduction of use to absolute minimums for human survival and safety. Water use will be limited to volumes required for human consumption, sanitation and fire protection.

9.4 Health and Safety exemptions

Health and Safety exemptions may be granted by RCSD General Manager pursuant to the process described in Section 15 of this Ordinance.

Section 10 Violations and remedies

10.1 Criminal Violation.

It shall be unlawful for any Person to willfully violate the provisions of this ordinance. Any violation of the provisions of this ordinance shall be a misdemeanor, unless made an infraction by the prosecutor, subject to imprisonment in the county jail for not more than thirty (30) days or by fine not to exceed \$1,000, or by both as provided in California Water Code section 377.

10.2 Cease and Desist Order.

The General Manager may issue a cease and desist order directing the Property Owner, or occupant, or other Person in charge of day-to-day operations of any property, and/or any other Person responsible for a violation of this ordinance to: (1) immediately discontinue any prohibited use of water pursuant to this ordinance; (2) immediately cease any activity not in compliance with the terms, conditions, and requirements of this ordinance.

10.3 Civil Action.

In addition to any other remedies provided in this ordinance, any violation of this ordinance may be enforced by civil action brought by the District. In any such action, the District may seek, and the court may grant, as appropriate, any or all of the following remedies:

- (1) A temporary and/or permanent injunction;
- (2) Assessment of the violator for the costs of any investigation which led to the establishment of the violation and for the reasonable costs of preparing and bringing legal action under this ordinance;
- (3) Any other costs incurred in enforcing the provisions of this ordinance; and
- (4) Assessments under this subsection shall be paid to the District to be used exclusively for costs associated with implementing or enforcing the water conservation and regulatory provisions of this ordinance.

10.4 Notice of Violation and Compliance Order

In addition to any other remedies provided in this ordinance, any violation of this ordinance may be subject to the issuance by the District of a Notice of Violation and Compliance Order pursuant to the provisions of Section 14 of this Ordinance.

10.5 Notice of Penalty

In addition to any other remedies provided in this ordinance, any violation of this ordinance may result in the imposition of an administrative penalty pursuant to the provisions of Section 15 of this Ordinance.

10.6 Cumulative.

All remedies provided herein shall be cumulative and not exclusive.

10.7 On-going.

A Person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this ordinance is committed, continued, or permitted.

Section 11 Notice of Violation and Compliance Order

11.1 Notice of Violation and Compliance Service

Any Notice of Violation and Compliance Order, Cease and Desist Order, and/or Notice of Penalty shall be served pursuant to the requirements of this ordinance and shall:

- (1) Identify the provision(s) of this ordinance and any State law, if applicable, alleged to have been violated; and
- (2) State that continued noncompliance may result in civil, criminal, or administrative enforcement and compliance actions against the Person who committed the violation, or the Property Owner and/or occupant of the property where the violation occurred; and
- (3) State a compliance date that must be met by the Person who committed the violation, or the Property Owner and/or occupant of the property where the violation occurred; and
- (4) Order remediation work, where applicable, that must be taken by the Property Owner and/or occupant of the property; and
- (5) State that the recipient has a right to appeal the matter as set forth in this ordinance; and
- (6) Include the address of the affected property and be addressed to the Property Owner as shown on the most recently issued equalized assessment roll or as may otherwise appear in the current records of the District. If the order applies to a responsible party who is not the Property Owner, or if the event is not related to a specific property, the notice may be sent to the last known address of the responsible party; and
- (7) Be deemed served ten (10) business days after posting on the property, if the Property Owner or occupant of the affected property cannot be located after the reasonable efforts of the General Manager.

11.2 Notice of Violation and Compliance by Mail

Any Notice of Violation and Compliance Order, Cease and Desist Order, and/or Notice of Penalty may be sent by regular mail. Service by regular mail is effective on the date of mailing.

11.3 Notice of Violation and Compliance Terms and Conditions

Any Notice of Violation and Compliance Order may include, where deemed applicable by the General Manager, the following terms and conditions:

- (1) Specific steps or actions and time schedules for compliance as reasonably necessary to prevent future violations of this ordinance; and
- (2) Specific steps or actions and time schedules for compliance as necessary to prevent further violations; and
- (3) Any other terms, conditions, or requirements reasonably calculated to prevent continued or threatened future violations of this ordinance, including, but not limited to, discontinuing or limiting water service with the installation of a flow restricting device.

11.4 For a First Violation

In addition to or in conjunction with the Notice of Violation, for a first violation of any provision of this ordinance, within two (2) weeks of the violation:

- (1) The District may provide notice to the Property Owner or occupant of the property where the violation occurred to advise such Person of:
 - (a) The water conservation stage then in effect and the provisions of this ordinance relating thereto;
 - (b) Water conservation and supply shortage response measures that are required and may be implemented pursuant to this ordinance;
 - (c) Possible consequences and actions which may be taken by the District for future violations of this ordinance, including discontinuance of water service;
 - (d) Penalties that may be imposed for the specific violation and any future violations of this ordinance.

11.5 For a Second Violation

Second Notice: In addition to or in conjunction with the Notice of Violation, for a second or any subsequent violation of this ordinance, within two (2) weeks of the initial violation:

- (1) The District may provide notice to the property where the violation occurred of:
 - (a) The water conservation stage then in effect and the provisions of this ordinance relating thereto;
 - (b) The water conservation and supply shortage response measures that are required and may be implemented by such Person; and
 - (c) Possible consequences which may occur in the event of any future violations of this ordinance;
- (2) Installation of a flow-restricting device: if the General Manager deems it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any Person who commits a second violation of any term or provision of this ordinance;
- (3) Discontinue water service: if the General Manager deems it to be appropriate, the District may discontinue water service at the location where the multiple violations have occurred.

11.6 Special Meter Readings

Special meter reading: The District may, after one (1) written notice of violation, order that a special meter reading or readings be made in order to ascertain whether wasteful or unreasonable use of water is occurring. The District may impose a meter reading fee for each meter reading it conducts pursuant to this ordinance. The District may bill a reasonable amount for the staff time needed.

Section 12 Notice of Penalties

12.1 Notice of Penalties

Separate from, in addition to, or in combination with a Notice of Violation, Cease and Desist order, the General Manager may issue a Notice of Penalties against the Property Owner and/or occupant of the property where a violation of this ordinance occurred and/or any other Person responsible for a violation of this ordinance who violates any provision of this ordinance. Issuance of a notice of violation or a cease and desist order is not a prerequisite to the issuance of a Notice of Penalties. The Notice of Penalties shall allege the act(s) or failure(s) to act that constitute violations of this ordinance and shall set forth the following monetary penalties for each violation as follows.

12.1.1 For the first violation

For the first violation during any water conservation stage by any Person of any provision of this ordinance the District may issue a written notice to the Person which sets forth the facts surrounding the violation and additional information such as the required compliance and potential penalties for noncompliance;

12.1.2 For a second violation

For a second violation during any water conservation stage by any Person of any provision of this ordinance within the preceding twelve (12) calendar months,

- During Water Conservation Stage 2 upon any violation by any Industrial account of any of the provisions of this ordinance the District may impose a monetary penalty on that Person in the amount of one hundred dollars (\$100.00) per day for each day a Person violates any provision of this ordinance.
- During Water Conservation Stages 3 and 4 the District may impose a monetary penalty in the amount of two hundred dollars (\$200.00) per day for each day a Person violates any provision of this ordinance.

12.1.3 For a third violation

For a third violation:

- During Water Conservation Stage 2 a violation by any Industrial account who violated any of the provisions of this ordinance within the preceding twelve (12) calendar months the District may impose a monetary penalty in the amount of two hundred dollars (\$200.00) per day for each day a Person violates any provision of this ordinance.
- During Water Conservation Stages 3 and 4 the District may impose a monetary penalty in the amount of four hundred dollars (\$400.00) per day for each day a Person who has violated any provision of this ordinance twice before in the preceding 12 months.

12.1.4 For a fourth and any subsequent violation

For a *fourth and any subsequent violation*, the District may install a flow restricting device of two and one-half gallons per minute (2.5 GPM) capacity for services up to one and one-half inch (1-1/2") size and comparatively sized restrictions for larger services or terminate a Person's service in

accordance with the District's applicable rules and regulations, in addition to the fines and penalties specified in Section 12 of this Ordinance.

12.1.5 Restoration of Restricted or Terminated Service

Any such restricted or terminated service may be restored in accordance with the District's applicable rules and regulations and only upon a showing that the Person is in compliance with this ordinance. Prior to any restoration of service, the customer shall pay all District charges for any restriction or termination of service and its restoration as provided for in the District rules governing water service, including but not limited to payment of all past due bills and fines and any other amounts which may be due and owing under this ordinance.

12.2 Collection Through Water Bill

The amount of any penalties imposed pursuant to this Section 12 may be collected by including said amount on the customer's water bill.

12.3 Collection Through Lien

The amount of any penalties imposed pursuant to this Section 12 which have remained delinquent for a period of sixty (60) calendar days shall constitute a lien against the real property of the Person violating this ordinance. The lien provided herein shall have no force and effect until recorded with the Humboldt County Recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

12.4 Collection Through Property Tax Roll

The amount of any penalties imposed pursuant to Section 12 may be collected by including said amount on the customer's water bill. The amount of any penalties imposed which have remained delinquent for a period of sixty (60) calendar days shall constitute a lien against the real property of the Person violating this ordinance. The lien provided herein shall have no force and effect until recorded with the Humboldt County Recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

The amount of any fines, penalties and costs imposed pursuant to this ordinance may be collected on the tax roll in the same manner as property taxes at the option of the Board of Directors. The General Manager shall prepare and file with the Board of Directors a report that describes each affected parcel of real property and the amount of penalties, charges, costs and delinquencies for each affected parcel for the year. The General Manager shall give notice of the filing of the report and the time and place for public hearing by publishing the notice pursuant to Section 6066 in a newspaper of general circulation, and by mailing the notice to the owner of each affected parcel. At the public hearing the Board of Directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing the Board of Directors may adopt or revise the charges and penalties. The Board of Directors shall make its determination on each affected parcel and its determination shall be final.

On or before August 10 of each year following these determinations, the General Manager shall file with the County Auditor a copy of the final report adopted by the Board of Directors. The County Auditor

shall enter the amount of the penalties, fines, charges and costs against each of the affected parcels of real property as they appear on the current Real Property Tax Assessment Roll. The County Tax Collector shall include the amount of the charges and penalties on the tax bills for each affected parcel of real property and charges and costs in the same manner as property taxes pursuant to the provisions of Government Code section 61115(b).

All monies collected under this Section 12 shall be deposited in a special account of the District and shall be made available for implementation and enforcement of this ordinance.

The District may, at its option, elect to petition the Superior Court to confirm any order establishing administrative penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the California Code of Civil Procedure.

Section 13 Recovery of costs

(A) The General Manager shall serve an invoice for costs upon the Property Owner and/or occupant of any property, or any other responsible Person who is subject to a notice of violation, a cease and desist order, or an administrative compliance order. An invoice for costs shall be immediately due and payable to the District. If any Property Owner or Person in charge of day-to-day operations, Customer, or responsible party, or any other Person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this ordinance, then the District may institute collection proceedings. The invoice for costs may include reasonable attorneys' fees.

(B) The District shall impose any other penalties or regulatory fees, as fixed from time to time by the Board of Directors, for a violation or enforcement of this ordinance.

(C) In order to recover the costs of the water conservation regulatory program set forth in this ordinance, the Board of Directors may, from time to time, fix and impose fees and charges. The District fees and charges may include, but are not limited to fees and charges for:

- (1) Any visits of an Enforcement Officer or other District staff for time incurred for meter reading, follow-up visits, or the installation or removal of a flow-restricting device;
- (2) Monitoring, inspection, and surveillance procedures pertaining to enforcement of this ordinance;
- (3) Enforcing compliance with any term or provision of this ordinance;
- (4) Re-initiating service at a property where service has been discontinued pursuant to this ordinance;
- (5) Processing any fees necessary to carry out the provisions of this ordinance.

Section 14 Appeals

Any Person subject to a notice of violation, cease and desist order, or administrative compliance order may file an appeal of such order or notice with the Board of Directors within fifteen (15) calendar days of the date of service of the order or notice. The Board of Directors shall hold a hearing to consider the appeal at the next available District meeting. A notice of the hearing shall be mailed to the Appellant at least ten (10) calendar days before the date fixed for the hearing. The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the Appellant within

ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the decision, if any. If the appeal is denied, the Appellant shall comply with all terms and conditions of the order or notice.

Section 15 Relief from Compliance

Relief from compliance regarding the regulations and restrictions on water use set forth in this ordinance may be granted by the District subsequent to written application for relief.

15.1 Written Applications for Relief

Written applications for Relief shall be accepted, and may be granted or denied, by the General Manager, at his or her sole discretion, or by his or her designee at his or her sole discretion. The application shall be in a form prescribed by the District and shall be accompanied by a non-refundable processing fee in an amount of \$50 for the purpose of defraying the costs incidental to the proceedings.

15.2 Grounds for Relief

The grounds for granting or conditionally granting Relief are:

- (1) Due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a Person using District water or to property upon which District water is used, that is disproportionate to the impacts to other District water users generally or to similar property or classes of water users; or
- (2) Failure to grant Relief would adversely affect the health, sanitation, fire protection, or safety of the applicant or the public.

15.3 Substantiating Documents

The application for Relief shall be accompanied, as appropriate, with photographs, maps, drawings, and other information substantiating the applicant's request, including a statement of the applicant.

15.4 Criteria for Relief

An application for Relief shall be denied unless the Approving Authority finds, based on the information provided in the application, supporting documentation, or such other additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

- (1) That the Relief does not constitute a grant of special privilege inconsistent with the limitations upon other District Customers.
- (2) That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on: (a) the property or use that exceeds Customers generally; or (b) the applicant's health that exceeds Customers generally.
- (3) That the authorization of such Relief will not be of substantial detriment to adjacent properties, will not materially affect the ability of the District to effectuate the purposes of this ordinance, and will not be detrimental to the public interest.

(4) That the condition or situation of: (a) the subject property or the intended use of the property for which the Relief is sought is not common, recurrent, or general in nature; or (b) the applicant's health or safety is not common, recurrent, or general in nature.

15.5 Denial or Grant of Relief

The denial or grant of a Relief shall be acted upon within thirty (30) business days of the submittal of the complete application, including any photographs, maps, drawings, and other information substantiating the applicant's request and the statement of the applicant. The application may be approved, conditionally approved, or denied. The decision of the Approving Authority shall be prepared in writing, include terms and conditions, if any, and promptly sent to the applicant.

15.6 Appeal of Denial of Relief

The denial of a request for Relief may be appealed in writing to the General Manager. An appeal shall be made in accordance with the following procedures:

- (1) The Appellant shall complete and submit in writing a form provided by the District for such purpose and shall state in such form the grounds for his or her appeal. All appeals shall be submitted to the District Secretary within thirty (30) calendar days of the date of the notice of the denial of the request for Relief.
- (2) The General Manager shall review the appeal and any related information provided, and, if necessary, cause an investigation and report to be made concerning the request for Relief. The General Manager shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the Appellant. If the General Manager grants the appeal and determines that the request for Relief shall be granted, then within fifteen (15) calendar days of such determination the General Manager shall give written notice thereof to the Appellant.
- (3) The decision of the General Manager may be appealed by the Appellant to the Board of Directors. Such appeal must be submitted in writing and received by the District office within seven (7) calendar days of the date of decision of the General Manager. The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board of Directors meeting; provided, however, the Board of Directors shall have received the notice of appeal at least seven (7) calendar days prior to such meeting. If the appeal is not submitted within at least seven (7) calendar days prior to a regularly scheduled Board of Directors meeting, then the hearing shall be held at the following regularly scheduled meeting of the Board of Directors. A notice of the hearing shall be mailed to the Appellant at least five (5) calendar days before the date fixed for the hearing. The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the Appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the Relief, if any, granted to the Appellant. If the appeal is denied, the Appellant shall comply with all terms and conditions of this ordinance and the applicable water conservation stage then in effect.
- (4) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.