

**RESOLUTION NO. 2017-1240**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRABUCO CANYON WATER DISTRICT MAKING CERTAIN FINDINGS, DECLARING A TERMINATION OF LEVEL 1 WATER SUPPLY SHORTAGE, PROVIDING FOR CHANGE IN DESIGNATED MEASURES UNDER TRABUCO CANYON WATER DISTRICT'S WATER CONSERVATION AND WATER SUPPLY SHORTAGE ORDINANCE AND PROGRAM AND TAKING RELATED ACTIONS**

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**WHEREAS**, the Trabuco Canyon Water District ("District" or "TCWD") is a county water district organized and operating pursuant to California Water Code ("Water Code") Sections 30000 and following; and

**WHEREAS**, pursuant to statutory authority, the Board of Directors ("Board") of TCWD has previously adopted Ordinance No. 2008-18 ("Ordinance No. 2008-18") on December 17, 2008, adopting and enacting a Water Conservation and Water Supply Shortage Program ("Program"); and

**WHEREAS**, Ordinance No. 2008-18, which incorporates the Program, establishes permanent water conservation standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergencies, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies as determined by the Board; and

**WHEREAS**, Ordinance No. 2008-18 is on file with TCWD's Secretary and is incorporated herein by this reference; and

**WHEREAS**, TCWD has the authority, pursuant to Ordinance No. 2008-18 and State law to adopt water conservation requirements and programs to promote and effectuate wise water use and avoid water wastage; and

**WHEREAS**, periodic droughts are a historical fact in the State of California ("State"); and

**WHEREAS**, based upon previous and recent drought conditions existent within the State, the Governor of the State ("Governor") previously declared a state of emergency to exist throughout the State due to then-existing severe drought conditions; and

**WHEREAS**, the State Water Resources Control Board ("SWRCB") has adopted various emergency regulations in response to recent severe drought conditions; and

**WHEREAS**, TCWD's customers responded in outstanding fashion to TCWD's request for water conservation in order to meet, and exceed, TCWD's water allocation during the most recent drought emergency; and

**WHEREAS**, TCWD previously declared a Level 1 Water Supply Shortage pursuant to the provisions of Ordinance No. 2008-18 as set forth in Resolution No. 2016-1230 adopted on July 20, 2016; and

**WHEREAS**, historic rainfall has occurred during 2016-2017 such that on April 7, 2017, the Governor ended the drought state of emergency for most of the State pursuant to Executive Order B-40-17; and

**WHEREAS**, following the adoption of Executive Order B-40-17, the SWRCB adopted Resolution No. 2017-0024 on April 26, 2017, partially repealing regulations relating to Statewide urban water conversation requirements; and

**WHEREAS**, the Board has received additional information concerning the State's current and anticipated water supply conditions and impacts and effects on TCWD's water supply conditions; and

**WHEREAS**, certain water conservation requirements and directives adopted by the SWRCB currently remain in place; and

**WHEREAS**, water conservation continues to be essential in order to meet the water reliability goals of TCWD; and

**WHEREAS**, TCWD desires to comply with the ongoing SWRCB water conservation regulations as applicable to TCWD; and

**WHEREAS**, the Board, based on the foregoing, desires to make certain findings and determinations concerning TCWD's water supply conditions; and

**WHEREAS**, the Board, based on the factors, information and conditions described herein, has determined that it is appropriate at this time to direct certain actions, as set out herein, pursuant to the provisions of Ordinance No. 2008-18 and the Program; and

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TRABUCO CANYON WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.**      **Recitals.** The Board does hereby find and determine that the foregoing recitals and above-referenced determinations are true and correct.

**Section 2.**      **Authority.** The actions of this Resolution are authorized pursuant to State law, the provisions of Ordinance No. 2008-18 and the Program included therein.

**Section 3.**      **Findings.** The Board hereby finds and determines as follows:

(a) Historic rainfall has occurred during 2016-2017 such that on April 7, 2017, the Governor ended the drought state of emergency for most of the State pursuant to Executive Order B-40-17.

(b) Following the adoption of Executive Order B-40-17, the SWRCB adopted Resolution No. 2017-0024 on April 26, 2017, partially repealing regulations relating to Statewide urban water conversation requirements.

(c) The Board has received additional information concerning the current Statewide water supply situation.

(d) The Board finds and determines that that the circumstances resulting in the Level I Water Supply Shortage implemented by Resolution No. 2016-1230 no longer exists.

(e) Under the provisions of Ordinance No. 2008-18, the Board finds and determines that at this time a water shortage no longer exists and that in accordance with the findings and matters set forth herein declares the current water supply situation sufficient to terminate the Level 1 Water Supply Shortage and return TCWD to the permanent water conservation provisions set forth in Ordinance No. 2008-18;

**Section 4. Recognition of TCWD Customer Water Conservation Efforts.** The Board of Directors of the District hereby recommends and commends the citizens and customers of TCWD for their conservation efforts and accomplishments during the most recent drought period.

**Section 5. Ongoing Water Conservation Efforts and Requirements.**

(a) The permanent water conservation provisions set forth in Ordinance No. 2008-18 and the Program shall remain in effect following the adoption of this Resolution.

(b) In addition to the permanent water conservation measures set forth in Ordinance No. 2008-18 and the Program, the existing water waste prohibitions required by the SWRCB shall continue to be applicable within TCWD.

(c) The Board of Directors of the District authorizes the General Manager to continue to enforce the water waste prohibitions, and water reporting requirements, as required by existing regulations of the SWRCB.

**Section 6. Prior Actions Superseded.** Resolution No. 2016-1230, adopted by this Board on July 20, 2016, shall be superseded by the provisions and directives hereof upon the Effective Date.

**Section 7. Prior Actions Ratified.** All actions heretofore taken by the General Manager, officers, employees, consultants and agents of the TCWD with respect to the actions set forth herein are hereby approved, confirmed and ratified.

**Section 8. Further Actions.** The General Manager and legal counsel to the District and the District's staff and consultants are authorized to take any and all actions necessary to implement the directives and intention of this Resolution.

**Section 9. No Other Actions or Amendment.** Except as directed herein, the provisions of Ordinance No. 2008-18 and the Program shall not be otherwise amended.

**Section 10. Effective Date.** This Resolution shall be effective immediately upon adoption by the Board.

**Section 11. Effectiveness of Resolution.** The findings, determinations, directives and actions set out in this Resolution shall remain in force and effect until repealed, amended, rescinded or modified by action of the Board.

**ADOPTED, SIGNED, and APPROVED** this 17<sup>th</sup> day of May, 2017.

**TRABUCO CANYON WATER DISTRICT:**



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President/Vice President



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District Secretary

STATE OF CALIFORNIA        )  
  ) ss.  
COUNTY OF ORANGE        )

I, Michael Perea, Secretary of the Board of the Trabuco Canyon Water District, do hereby certify that the foregoing resolution was duly adopted by the Board of such District at a meeting of such Board held on the 17<sup>th</sup> day of May, 2017, of which meeting all of the members of the Board had due notice and at which a quorum thereof were present and acting throughout and for which notice and an agenda was prepared and posted as required by law and that at such meeting such resolution was adopted by the following vote:

AYES:           Acosta, Safranski, Chadd, Dopudja, Mandich

NOES:           None

ABSTAIN:       None

ABSENT:        None



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District Secretary,  
Trabuco Canyon Water District

STATE OF CALIFORNIA        )  
  ) ss.  
COUNTY OF ORANGE        )

I, Michael Perea, Secretary of the Board of the Trabuco Canyon Water District, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2017-1240 of such Board and that the same has not been amended or repealed.

Dated this 17<sup>th</sup> day of May, 2017.



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District Secretary,  
Trabuco Canyon Water District