



PO Box 675 • 61750 Chollita Road • Joshua Tree CA 92252
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An Equal Opportunity Provider

JOSHUA BASIN WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
WEDNESDAY JUNE 3, 2015 7:00 PM
61750 CHOLLITA ROAD, JOSHUA TREE, CALIFORNIA 92252
AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF QUORUM
4. APPROVAL OF AGENDA
5. PUBLIC COMMENT:
This is the opportunity for members of the public to address the Board on matters within the Board's jurisdiction that are not listed on the agenda. Please limit comments to three (3) minutes or less. State law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.
- Pgs. 1-9 6. CONSENT CALENDAR: Items on the Consent Calendar are considered routine in nature and will be adopted in total by one action of the Board of Directors unless any Board Member or any individual or organization interested in one or more consent calendar items wishes to be heard.
 - A. Approve Draft Minutes of the April 15, 2015 Regular Meeting of the Board of Directors.
 - B. Approve Draft Minutes of the May 20, 2015 Regular Meeting of the Board of Directors.
- Pgs. 10-21 7. PUBLIC HEARING TO CONSIDER THE WATER AVAILABILITY (STANDBY) CHARGES FOR FISCAL YEAR 2015/2016
Recommend that the Board adopt Resolution 15-949, establishing water availability charges for 15/16 and authorizing collection by San Bernardino County.
- Pg. 22 8. JOINING EMERGENCY RESPONSE NETWORK OF THE INLAND EMPIRE (ERNIE)
Recommend that the Board approve the District becoming a member of ERNIE
- Pgs.23-29 9. ADOPTION OF WATER CONSERVATION ORDINANCE 15-9
Recommend that the Board approve Ordinance 15-9
- Pgs. 30-38 10. ADDITIONAL OPTIONS FOR WATER CONSERVATION
Recommend that the Board receive an overview of the Urban Water Management Plan's Water Shortage Contingency Plan and creation of administrative penalties to encourage water conservation.

11. REVIEW OF STANDING AND AD HOC COMMITTEES
Recommend that the Board discuss existing committees and revise committee structure as appropriate.

STANDING:
 - A. PUBLIC INFORMATION COMMITTEE: Vice President Luckman and Director Unger: Kathleen Radnich, Public Outreach Consultant to report.
 - B. FINANCE COMMITTEE: President Fuller and Director Johnson
 - C. WATER RESOURCES & OPERATIONS COMMITTEE: Vice President Luckman and Director Johnson.
12. PUBLIC COMMENT:
This is the opportunity for members of the public to address the Board on matters within the Board's jurisdiction that are not listed on the agenda. Please limit comments to three (3) minutes or less. State law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.
13. DISTRICT GENERAL COUNSEL REPORT
14. GENERAL MANAGER REPORT
15. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES
Mojave Water Agency – June 11 – Mike Reynolds
ASBCSD June 15, 2015
16. INDIVIDUAL DIRECTOR REPORTS ON MEETINGS ATTENDED
17. DIRECTORS COMMENTS/REPORTS
18. FUTURE AGENDA ITEMS
19. ADJOURNMENT

INFORMATION

The public is invited to comment on any item on the agenda during discussion of that item.

Any person with a disability who requires accommodation in order to participate in this meeting should telephone Joshua Basin Water District at (760) 366-8438, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the District's office located at 61750 Chollita Road, Joshua Tree, California 92252 during normal business hours.

This meeting is scheduled to be broadcast on Time Warner Cable Channel 10 on June 10 at 7:00 pm and June 17 at 7:00 pm. DVD recordings of Joshua Basin Water District Board meetings are available at the District office and at the Joshua Tree Library

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS

April 15, 2015

1. CALL TO ORDER: 7:00 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

Victoria Fuller	Present
Bob Johnson	Present
Mickey Luckman	Present
Mike Reynolds	Present
Rebecca Unger	Present

STAFF PRESENT:

Curt Sauer, General Manager
Susan Greer, Assistant General Manager/Controller
Keith Faul, GIS Coordinator
Randy Little, Water Production Supervisor
Jim Corbin, Distribution Supervisor

CONSULTANTS PRESENT:

Gil Granito, District Counsel, Redwine & Sherrill
Kathleen Radnich, Public Outreach Consultant
Mike Metts, Engineer, Dudek

GUESTS 11

4. APPROVAL OF AGENDA

MSC Luckman/Johnson 5/0 to approve the agenda for the April 15, 2015 meeting.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

5. PUBLIC COMMENTS:

Frederick Klintworth of Joshua Tree: Sharing cookies with the group.

6. CONSENT CALENDAR

MSC Luckman/Reynolds, 5/0 to approve Draft Minutes of the April 1, 2015 Regular Meeting of the Board of Directors with the following changes requested by Director Reynolds:

Item #9 in Public Comments: add that the Board Chair denied the request of Richard Fountain representing Kay Keene the opportunity to question Mr. Metts, contracted Engineer.

Item #16 in Director's Comments: correct that the County of San Bernardino, not CalTrans was using water trucks to wash the streets.

Fuller	Aye
Johnson	Aye

Luckman	Aye
Reynolds	Aye
Unger	Aye

7. RESOLUTION OF APPRECIATION FOR SHIRLEY BOLHA UPON HER RETIREMENT

Shirley Bolha was not present at the meeting as anticipated. GM Curt Sauer and Assistant GM Susan Greer provided positive commentary, and Susan Greer read the resolution.

MSC Reynolds/ Luckman, 5/0 to adopt Resolution 15-948.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

8. PRESENTATION ON HYDRO PROFILING – CHROMIUM 6

General Manager Curt Sauer provided some background regarding new regulations from the Public Health Department in 2014 with regards to Chromium 6.

JBWD wells were tested in December 2014 and March 2015 for Chromium 6. Four of five of the wells do not meet current regulations for Chromium 6 levels. Senate Bill 385, recently introduced, provides for a variance from the hexavalent chromium standard for up to 5 years to districts not meeting the standard Chromium 6 levels if following a compliance plan, thus JBWD can be out of compliance while actively working towards a resolution.

General Manager met with Assemblyman Chad Mayes on May 6th in Sacramento, CA. GM Sauer has attended a public workshop, and is researching potential monies available through grants and loans.

Dudek will be actively involved in program development and obtaining grant money.

Noah Heller, President of BESST Incorporated, gave the presentation.
Questions and discussion followed from the Board and from the Public.

The Board received the information on the purpose of funding a hydro profiling project.

9. PRESENTATION ON ANION TESTING

Miguel Arias-Paic of the Bureau of Reclamation gave the presentation.

Findings from this study will be used to determine best treatments for treating chromium 6 with anion exchange.

Questions regarding research on waste products (brine) followed the presentation.

Directors expressed appreciation for the presentation and expressed support for the research proposal by the Bureau of Reclamation to test ion exchange treatments specific to JBWD water conditions, and the potential application to other small community water districts with chromium 6 concerns.

10. APPROVAL OF FUNDING FOR HYDRO PROFILING, AS PART OF THE DISTRICT'S CHROMIUM 6 TREATMENT PLAN

General Manager clarified that the testing will cost \$28,659, and any additional monies would be utilized for laboratory testing and other miscellaneous costs. Funding is in the 2014/2015 budget.

Completing this testing will put the JBWD in a better position to apply for grant monies.

MSC Reynolds/ Luckman, 5/0 to direct General Manager to enter into an agreement with BESST Technologies to hydro profile one well and receive a report of findings, with the project not to exceed \$31,000.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

11. FINANCE REPORT

Susan Greer gave the report.

Director Reynolds commented that JBWD needs to address the shortfall of revenue due to the decrease of water use by looking at cutting our costs as opposed to raising our rates.

The Board accepted the report for information only.

12. UPDATE ON CREDIT CARD OUTSOURCING

The new system with Paymentus providing the service will be implemented as of May 1, 2015.

The Board received update on credit card outsourcing as information only.

13. NOMINATION OF LUKE SABALA TO THE CITIZEN ADVISORY COMMITTEE

General Manager noted Mr. Sabala's geotechnological and hydrologic areas of expertise are especially pertinent and advantageous to the CAC and to the Board at this time, and that Mr. Sabala meets all criteria of membership.

MSC Luckman/Johnson, 5/0 to appoint Luke Sabala to the Citizens Advisory Committee.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

14. REVIEW OF STANDING AND AD HOC COMMITTEES

STANDING:

- A. PUBLIC INFORMATION COMMITTEE: Kathleen Radnich, Public Outreach Consultant, gave the report. Information about Paymentus and the Drought Ordinance are included with the water bill. The JBWD booth at the Saturday Farmer's Market is busy and Directors are encouraged visit; tortoises will be at the booth in May. The Legal and Public Information Committee meeting scheduled for May 6th has been cancelled. Ms. Radnich discussed a form that is available for reporting wasted water. The goal is to give people and businesses the opportunity to correct problems with water wasting.
- B. FINANCE COMMITTEE: President Fuller and Director Johnson: Inactive meters will be a priority topic.
- C. WATER RESOURCES & OPERATIONS COMMITTEE: Vice President Luckman and Director Johnson: The meeting is scheduled for April 22, 2015.

15. PUBLIC COMMENT

None.

16. DISTRICT COUNSEL REPORT

No report. Counselor Granito commented that a decision is anticipated by next Monday on Proposition 285, which has been in appellate court for a year and a half.

17. GENERAL MANAGER REPORT

The USGS nitrate study has been accepted for publication and will be out in May. With regards to the Governor's conservation order, there is a strategy planning meeting planned for 4-16-2015.

18. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES

CRWA 2015 Education and Exhibitor Expo: April 27-30

ACWA Conference: May 4-8

Mojave Water Agency Board Meeting: May 14 (4:30-5:30)

19. INDIVIDUAL DIRECTOR REPORTS ON MEETINGS ATTENDED

Directors that attended FEMA Training Conference last week found it informative. President Fuller attended a Drought Conference in Victorville and will report further in the future.

20. DIRECTORS COMMENTS/REPORTS:

Director Reynolds mentioned ideas for conserving water.

21. FUTURE AGENDA ITEMS

None.

22. ADJOURNMENT

MSC Luckman/Reynolds 5/0 to adjourn the Regular Meeting of the Board of Directors of April 15, 2015 at 8:58 pm

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

Respectfully submitted:

Curt Sauer, General Manager and Board Secretary

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS

May 20, 2015

1. CALL TO ORDER: 7:02 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

Victoria Fuller	Present
Bob Johnson	Present
Mickey Luckman	Present
Mike Reynolds	Present
Rebecca Unger	Present

STAFF PRESENT:

Curt Sauer, General Manager
Susan Greer, Assistant General Manager/Controller
Keith Faul, GIS Coordinator

CONSULTANTS PRESENT:

Gil Granito, District Counsel, Redwine & Sherrill
Kathleen Radnich, Public Outreach Consultant

GUESTS 7

4. APPROVAL OF AGENDA

MSC Luckman/Johnson 5/0 to approve the agenda for the May 20, 2015 meeting.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

5. PUBLIC COMMENT:
None.

6. CONSENT CALENDAR

Draft Minutes of the April 15, 2015 Regular Meeting of the Board of Directors to be brought back for approval at the June 3, 2015 Regular Meeting of the Board of Directors.

7. UPDATE ON CHROMIUM 6 – COMPLIANCE ORDER FROM DIVISION OF DRINKING WATER, STATE WATER RESOURCES CONTROL BOARD

General Manager Curt Sauer presented the report. Chromium 6 levels at JBWD wells were presented. One Tier 2 notification required by the state will be issued to all customers in the June billing cycle. Questions asked and addressed. Board accepted the report for information only.

8. BRIEFING ON STATE WATER RESOURCE CONTROL BOARD (SWRCB) ORDINANCE and BRIEFING ON GOVERNOR'S BROWN'S EXECUTIVE ORDER

SWRCB regulations were adopted on March 17th and amended on May 5th. The May 5th emergency regulations apply.

General Manager Curt Sauer went over items in the SWRCB Resolution (No. 2015-32). JBWD is in the 28% reduction tier, and reduction will be compared with 2013.

GM explained some of the things that JBWD is doing and proposing to do in order to meet the goal of the 28% reduction.

Discussion of commercial and institutional customers that will also need to conserve/reduce consumption ensued, as many of these fall within our District, and serve customers from outside our community.

GM Sauer recognized and commended the California Highway Patrol for their commitment to conservation. The CHP's water audit results showed no leaks, and a reduction in water consumption by 22% since the first of the year.

Residential: GM Sauer presented the tier system of water use and averages for 2014 use, and recommended the Board emphasize conservation using incentives and charges that encourage tier 3 and 4 to reduce water consumption.

Board members commented on the challenge ahead resulting from the regulations. Johnson suggests looking at Best Practices from other districts.

Public comment:

Fred Klintworth, of Sunfair: Regarding urban classification (Over 3000 meter connections = Urban water supplier), asked the following questions: What classifications were available? What if we were not classified as Urban?

He also suggested the amounts of water be measured in gallons instead of units.

Karen Tracy of Joshua tree, and of the Citizen Advisory Committee referred to the 4 tiers and gallons used part of the presentation as particularly useful, and suggested fees for tier 3 and 4 users – that it is within our scope to charge them for overages. Tracy also suggested mulching trees, as there is pressure to reduce tree watering.

Susan Greer stated that a Units to Gallons calculation is being developed by staff to appear on customers' bills, and also stated that 70% of our residential customers only use 10 units or less per month.

The Board received and discussed the briefing on these two items for information.

9. REVISION OF CONSERVATION ORDINANCE

A Draft Amended Ordinance 14-8 was presented and provided. GM Sauer showed what is suggested but not required, considered options available under the current and/or amended ordinance, and options for complying with new regulations.

Incentives and charges - Previous regulations were oriented towards encouraging voluntary compliance with water conservation. Proposed regulations encourage a more proactive approach towards enforcement, and incentives such as penalties or charges towards non-compliance with water conservation. GM Sauer suggests JBWD get a new ordinance in place.

Ordinance should not be limited to residential, and should include the entire community. Active outreach and education outside of the ordinance was encouraged.

Board comments:

Unger emphasized outreach education, slow water use in public facilities, and ask people to pay for a water audit. Reynolds suggested we trim the big numbers first – perhaps with a water audit or increase of rates for higher tiered users, in addition to looking for water loss internally.

Luckman suggested compliance fines – to get people to conserve it will be through financial penalties.

Fuller emphasized education, and that incentives are needed. Perhaps the first water audit is free, and charged

thereafter. Penalties for watering sidewalks need to be included, as well as an appeal process. Concentrate on the higher tiered water users.

MSC Fuller/ Luckman, 5/0 to authorize staff and General Counsel to proceed with the preparation of an amended Conservation Ordinance that is consistent with the conceptual changes discussed.

The Board authorized a Public Hearing to consider adoption of an amended ordinance.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

10. RECONSIDERATION OF THE ALTAMIRA WILL SERVE LETTER REQUEST

Curt Sauer presented information. Conditional will serve letter for one year has been drafted. The Altamira project may impact District’s ability to meet mandated regulations.

Discussion ensued on the impact of will serve letters while trying to achieve 28% water reduction compliance.

Ron Schwartz was at the meeting, and GM Sauer requested he be able to address the Board.

Ron Schwartz, one of principals involved in Altamira project, addressed the Board regarding the will serve letter. He stated that the letter is not a binding agreement, but simply the first step in a process. He indicated that the letter contains contingencies and does not represent an agreement between Altamira and the District.

Gil Granito states: limiting production will limit availability of water. Reluctant to say there is ample water available without complete analysis. Working draft of the letter.

Luckman – strongly urge will serve be put on hold to meet goals and avoid fines

Reynolds – timing for request not optimal; for giving the will serve, but not during the state of emergency.

Johnson – 3 will serve letters, concur timing is bad – at this junction ill-timed and postpone review to a later date until we have more information

Fuller – we need to interpret our ordinances, wait timing is awful

Unger – specific regarding treatment plant not confirmed.... Cannot look at will serve until March 1 to even look at offering a will serve letter. Current regulations are in force until February 28, 2016.

Ron Schwartz proposed we continue this rather than further discuss tonight, and that he would work and communicate with staff to see if we can come to a solution.

Move to table number 10 with understanding that GM will work with project proponent.

MSC Luckman/Reynolds, 4/1 to direct General Manager to work with project proponent, Ron Schwartz, Altamira representative.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	No

11. SUSPENSION OF CARPI CLAY LOBBYIST SERVICES

Carpi Clay was recognized by GM and Board members as a high quality company.

MSC Unger/Johnson, 5/0 to direct General Manager to cancel using Carpi Clay for lobbying services until needed.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

12. COMPLETION OF 2015 URBAN WATER MANAGEMENT PLAN

GM Curt Sauer presented the report.

MSC Johnson/Luckman, 4/1 that the Board approve the use of Kennedy Jenks consulting to complete the required 2015 Urban Water Management Plan for a cost not to exceed \$47,000, with a contingency of no more than 10%.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	No
Unger	Aye

Reynolds concerned that it has not gone out to bid. GM Sauer stated JBWD can go with sole source with someone previously used before that has provided good quality work.

13. THIRD QUARTER FINANCIAL REPORT

Fuller states Finance committee has reviewed the third quarter financial report and recommends that Board accepts the report.

MSC Luckman/Unger, 5/0 that the Board receive and accept the third quarter financial report.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Unger	Aye

14. REVIEW OF STANDING AND AD HOC COMMITTEES

STANDING:

- A. LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE: Kathleen Radnich, Public Outreach Consultant, gave the report. Kathleen gave recognition for Steve Corbin's award. On May 8th Radnich attended Jean Fuller's office opening, and thanked her for the certificate of recognition Fuller gave to the JBWD for Water Education Day. The next Legislative and Public Information Committee Meeting will be held on June 3, 2015, 9:30 AM. Emphasis for discussion will be public outreach for the drought, and ideas to help our community.
- B. FINANCE COMMITTEE: President Fuller and Director Johnson: Next Meeting will be on Tuesday May 26, 2015. Continuing forward with inactive meters.
- C. WATER RESOURCES & OPERATIONS COMMITTEE: Vice President Luckman and Director Johnson: Organizational meeting. The meeting is currently scheduled for Tuesday May 26, 2015, although this could change.

15. PUBLIC COMMENT

None.

16. DISTRICT COUNSEL REPORT
No report. Counselor Granito commented on the San Juan Capistrano Case.
17. GENERAL MANAGER REPORT
None.
18. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES
Mojave Water Agency Technical Advisory Committee Meeting June 4th, 10:00AM in Apple Valley
Mojave Water Agency Board Meeting: May 28 (4:30-5:30)
19. INDIVIDUAL DIRECTOR REPORTS ON MEETINGS ATTENDED
None.
20. DIRECTORS COMMENTS/REPORTS:
Three directors attended ACWA meetings and would like to disseminate information in the community through Public Outreach. Information will be posted.

Unger talked about Alliance for water awareness conservation meeting - – Mojave water drafted a letter
Unger mentioned Bighorn Desert View Water Agency received a \$5000 scholarship to be given to student pursuing water or engineering studies.

Johnson attended the Morongo Basinwide Foundation breakfast; the guest speaker Jose Angel, gave JBWD credit to be forward leaning in our efforts to have a wastewater treatment plan in place.
Luckman attended the Association of San Bernardino County special districts dinner.
21. FUTURE AGENDA ITEMS
Hi-Desert Medial Center/ Tenet Health There is an upcoming vote on whether or not Tenet Health will take over the hospital. We have a stake with the water treatment plant. Final ballet at the end of June.
22. ADJOURNMENT
MSC Luckman/Johnson 5/0 to adjourn the Regular Meeting of the Board of Directors of May 20, 2015 at 9:18 pm
Fuller Aye
Johnson Aye
Luckman Aye
Reynolds Aye
Unger Aye


Respectfully submitted:

Curt Sauer, General Manager and Board Secretary

JOSHUA BASIN WATER DISTRICT
AGENDA REPORT

Meeting of the Board of Directors

June 3, 2015

Report to: President and Members of the Board
From: Susan Greer 

TOPIC:

PUBLIC HEARING TO CONSIDER THE WATER AVAILABILITY (STANDBY) CHARGES FOR FISCAL YEAR 2015/2016.

RECOMMENDATION:

Adopt Resolution 15-949, establishing water availability charges for 15/16 and authorizing collection by San Bernardino County.

ANALYSIS:

The public hearing is a legal requirement, necessary each year whether or not there is a rate change. The proposed rates are unchanged since 1996 and authorized by the Uniform Standby Charge Procedures Act (Government Code 54984 et seq.).

The public hearing should be conducted as follows:

1. Receive Staff Report
2. Board Questions
3. Open Public Hearing; receive public comments
4. Close Public Hearing
5. Board Discussion and action

As required, the updated Engineer's Report from John Egan is attached for 2015/2016. Although no change to the standby charges is proposed, the District is legally required to advertise and hold a public hearing and adopt a resolution setting the rates annually.

Water availability charges, also called standby charges, are levied annually on all non-exempt parcels within the District, whether or not there is water service to the parcel. Exempt parcels are government-owned. Since 1992, the Board of Directors has directed the standby assessments primarily for the Morongo Basin Pipeline expenses. Remaining water availability charge revenues will be used exclusively for other lawful purposes of the District, such as capital costs and operation and maintenance expenses of the District's water facilities benefiting the properties assessed or other debt service payments.

Standby charges are a major source of revenue for the District; 22% in the 2015/2016 budget.

To the extent that identified expenses exceed revenues they will be paid from water revenues. To the extent revenues exceed expenses, they will be used for other lawful purposes of the District. As always, some numbers are estimated at the time of the report.

Notice of the public hearing was published in the Hi-Desert Star. Individual mailed notification is not required since we are proposing no change to the rate or methodology. Any written protests will be counted at the hearing and the data included to “fill in the blank” of Resolution 15-948.

STRATEGIC PLAN ITEM:

N/A

FISCAL IMPACT:

Standby Revenues of approximately \$1,151,138 will be billed as a result of this approval.

RESOLUTION 15-949

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT ESTABLISHING A WATER AVAILABILITY CHARGE FOR FISCAL 2015-2016 AND AUTHORIZING THE COLLECTION THEREOF BY THE COUNTY OF SAN BERNARDINO

WHEREAS, the Board of Directors of the District has found and determined that the availability of a dependable supply of high quality water for domestic uses and purposes is a benefit conferred upon the lands proposed to be charged and, conversely, that the lack of such a supply diminishes the value of such lands; and

WHEREAS, that as a result of steadily-increasing overdraft of its groundwater supplies and in anticipation of the need for a supplemental source of water, the voters approved the formation of assessment districts and the issuance of bonds for the purpose of financing the construction of a supplemental water supply project, thereby obligating the District to repay the bonded indebtedness incurred thereunder; and

WHEREAS, in 1996, the Board of Directors engaged the services of a qualified engineer for the purpose of establishing a schedule of water availability charges varying according to land uses and benefit derived or to be derived from the use and availability of facilities to provide potable water for domestic uses and purposes, which schedule was the subject of a published and mailed notice of hearing and a public protest hearing; and

WHEREAS, the water availability charge for fiscal year 2015-2016 is proposed to be continued at the same rate and in the same manner, and pursuant to the same methodology as established in 1996, and which has been continued from year-to-year since then; and

WHEREAS, pursuant to Section 54984.7 of the Uniform Standby Charge Procedures Act, the Board of Directors conducted a public hearing pursuant to published notice in order to hear any and all objections to the proposed renewal of the water availability charge for fiscal year 2015-2016; and

WHEREAS, the written protests received represent less than _____ percent of the parcels subject to the water availability charge.

NOW, THEREFORE, the Board of Directors of the Joshua Basin Water District hereby resolves as follows:

1. District Zones of Benefit. There is hereby established within the District four Zones of Benefit:

ZONE 1: Any size parcel served by one or more meters.

ZONE 2: Any size parcel within a half mile of a water mainline and in the same pressure zone as the mainline.

ZONE 3: Any size parcel within one mile of a water main and within one pressure zone of the mainline.

ZONE 4: All other parcels.

2. Adoption of Water Availability Charge. That there shall be adopted, for each parcel in the District, for fiscal year 2015-2016, a water availability charge established in accordance with the benefit conferred and in the amount as determined by the applicable District Zone of Benefit and the land use zoning adopted by the County of San Bernardino, which charge is more specifically shown on Exhibit "A" attached hereto and made a part hereof.

3. Rate and Methodology. The rate and methodology of the water availability charge adopted herein is the same and remains unchanged for this Fiscal Year, and that such charge is reasonable and necessary, and does not exceed the actual cost to the District of providing the service.

4. Dedication and Use of Revenue. The revenue generated by the water availability charge is hereby dedicated and shall be used to finance the capital costs of the District's water system, to repay bonded indebtedness incurred by the voters and operation and maintenance of the District's water facilities benefiting the properties assessed.

5. Exemptions. The water availability charge established hereunder is exempt from the California Environmental Quality Act in accordance with Section 21080 (b) (8) of the Public Resources Code, because the revenue generated by such charge shall be used for the repayment of debt related to capital projects necessary to maintain water service, and is also exempt from Article XIID of the California Constitution because (a) the charge was in existence prior to November 6, 1996, (b) because the rate and methodology used to establish the schedule of charges is the same as in previous years, and (c) because the charges are imposed to finance the capital cost of the District's water system and to repay bonded indebtedness. If and to the extent any charge is higher than in previous years, such increase is attributable solely to events other than an increased rate or revised methodology, such as a change in the density, intensity or nature of use of land, or consent of the landowner.

6. Water Service to Exempt Property. No new connection to the District's water system shall be allowed to any parcel which has been exempted from the water availability charge unless the applicant for water service pays an in-lieu water availability fee calculated as the total amount of water availability charges which would have been assessed against that parcel had it not been exempt, and unless the applicant agrees that the parcel will be subject to the water availability charge from that date forward.

7. Delinquent Charge. Water availability charges that have become delinquent shall, with a basic penalty of 6% for non-payment of the charge and

interest at the rate of 1/2 of 1 percent per month for each month of non-payment, become a lien on the property when a certificate is recorded in the office of the San Bernardino County Recorder pursuant to Government Code, Section 54984.9 (b) which lien shall have the force, effect and priority of a judgment lien.

8. Collection by the County. The water availability charge shall be collected on the San Bernardino County Tax Roll in the same manner, and by the same persons and at the same time as, together with and not separately from, the District's general taxes. The Secretary of the District is hereby authorized and directed to forthwith file a certified copy of this Resolution in the office of the Auditor of the County of San Bernardino on or before August 10, 2015.

9. Effective Date. The effective date of this Resolution is the 30th day following the date of its adoption.

PASSED AND ADOPTED this 3rd day of June, 2015 pursuant to the following votes:

AYES:
NOES:
ABSTAIN:
ABSENT:

JOSHUA BASIN WATER DISTRICT

By _____
Victoria Fuller
President, Board of Directors

Attest _____
Curt Sauer
Secretary, Board of Directors

EXHIBIT A

**JOSHUA BASIN WATER DISTRICT
WATER AVAILABILITY (STANDBY) CHARGES**

SCHEDULE A

MINIMUM PER PARCEL UP TO 1.25 ACRES

COUNTY ZONE	District Zone 1	District Zone 2	District Zone 3	District Zone 4
20MRM40M	\$30.00	\$50.00		
3MRM	\$40.00	\$60.00		
4MRM	\$40.00	\$60.00	\$50.00	
RS8M	\$30.00	\$50.00		
RS10M	\$30.00	\$50.00		
RS18M	\$30.00	\$50.00		
RS20M	\$30.00	\$50.00		
RC40	\$40.00	\$60.00	\$40.00	\$40.00
RL20	\$30.00	\$50.00	\$40.00	\$40.00
RL10	\$30.00	\$50.00	\$40.00	\$40.00
RL5	\$30.00	\$50.00	\$40.00	\$40.00
RL2.5	\$30.00	\$50.00	\$40.00	\$40.00
COMMERCIAL / INDUSTRIAL / OTHER	\$40.00	\$60.00	\$50.00	
RS1	\$40.00	\$60.00	\$50.00	

SCHEDULE B

COST PER ACRE FOR PARCELS OVER 1.25 ACRES

District Zone 1	District Zone 2	District Zone 3	District Zone 4	ACREAGE
\$20.00	\$30.00			0+ Acres
\$20.00	\$30.00			0-40 Acres
	\$25.00			41+ Acres
\$20.00	\$35.00	\$25.00		0-40 Acres
	\$25.00	\$15.00		41+ Acres
\$20.00	\$30.00			0+ Acres
\$20.00	\$35.00			0-40 Acres
\$15.00	\$25.00			41-80 Acres
\$10.00	\$15.00			81-160 Acres
	\$10.00			161-320 Acres
	\$1.00			321+ Acres
\$20.00	\$30.00			0-40 Acres
	\$25.00			41+ Acres
\$20.00	\$30.00			0+ Acres
\$15.00	\$25.00	\$15.00	\$15.00	0-40 Acres
	\$12.00	\$10.00	\$8.00	41-160 Acres
	\$5.00	\$4.00	\$3.00	161-320 Acres
	\$1.00	\$1.00	\$1.00	321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$15.00				41+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$12.00	\$25.00	\$15.00	\$12.00	41-80 Acres
\$8.00	\$10.00	\$8.00	\$8.00	81-160 Acres
\$4.00	\$5.00	\$4.00	\$3.00	161-320 Acres
\$1.00	\$1.00	\$1.00	\$1.00	321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$15.00	\$25.00	\$15.00	\$12.00	41-80 Acres
\$10.00	\$15.00	\$10.00	\$10.00	81-160 Acres
\$5.00	\$8.00	\$5.00	\$4.00	161-320 Acres
\$1.00	\$1.00	\$1.00	\$1.00	321+ Acres
\$25.00	\$35.00	\$25.00		0-40 Acres
				41+ Acres
\$20.00	\$30.00	\$20.00		0-40 Acres
	\$25.00			41+ Acres

JOSHUA BASIN WATER DISTRICT
Water Availability (Standby) Zoning Descriptions

DISTRICT ZONE DESCRIPTIONS

- ZONE 1 Any size parcel served by one or more meters
- ZONE 2 Any size parcel within 1/2 mile of a water mainline and in the same pressure zone as the mainline
- ZONE 3 Any size parcel within one mile of a water mainline and within one pressure zone of the mainline
- ZONE 4 All other parcels

COUNTY ZONE DESCRIPTIONS

- 3MRM Residential, multi-family, 3,000 sq. ft. per unit, 14.5 units per acre
- 4MRM Residential, multi-family, 4,000 sq.ft. per unit, 10.8 units per acre
- 20MRM40M Residential, multi-family, 20,000 sq. ft. per unit, 2.18 units per acre
- RS1 Residential, single family, 1 unit per acre
- RS8M Residential, single family, 8,000 sq.ft. per unit, 5.4 units per acre
- RS10M Residential, single family, 10,000 sq. ft. per unit, 4.3 units per acre
- RS18M Residential, single family, 18,000 sq. ft. per unit, 2.4 units per acre
- RS20M Residential, single family, 20,000 sq. ft. per unit, 2.1 units per acre
- RL2.5 Rural Living, one residence per 2.5 acres
- RL5 Rural Living, one residence per 5 acres
- RL10 Rural Living, one residence per 10 acres
- RL20 Rural Living, one residence per 20 acres
- RC40 Resource Conservation, one residence per 40 acres
- CS, CC, CG, Commercial Properties
- CO, CN Commercial Properties
- IC Industrial Properties

ENGINEER'S REPORT
FOR
JOSHUA BASIN WATER DISTRICT
2015-2016 FISCAL YEAR
WATER AVAILABILITY CHARGE

MAY 2015

ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC.
1820 COMMERCENTER CIRCLE
SAN BERNARDINO, CA 92408

ENGINEER'S REPORT

FOR

JOSHUA BASIN WATER DISTRICT

2015-2016 FISCAL YEAR WATER AVAILABILITY CHARGE

BACKGROUND AND PURPOSE

The Joshua Basin Water District owns and operates significant water-related infrastructure facilities within the District. Purpose of the existence and construction of these facilities and, therefore, responsibility of the District, is to provide potable water to property owners and residents within the District.

The District obtains its supply of water from underlying groundwaters. A study completed by the United States Geological Survey (USGS) some years ago determined that the amount of water extracted by the District exceeds the inflow or supply to the District's groundwater basins. In anticipation of the need for additional or supplemental water, the District's voters, in 1960, approved inclusion in the formation of the Mojave Water Agency which would have access to State Water Project (SWP) water. As additional insurance, in 1991, voters of the District together with those of other nearby water districts, approved a bond issue to finance the construction of the 72-mile Morongo Basin Pipeline to convey SWP water to the Morongo Basin area. The pipeline has been constructed and is maintained by the Mojave Water Agency. As one of the beneficiaries and future users, the Joshua Basin Water District signed a contract and is responsible for a portion of the pipeline construction and maintenance costs.

To allow delivery and use of SWP water from the Morongo Basin Pipeline, the District completed design, property acquisition, and construction of a delivery pipeline and recharge basins in 2014. Funding of the \$9.4 million cost was provided substantially by state and federal grants, the Mojave Water Agency, and excess funds in the Morongo Basin Pipeline Reserve Fund. The District funded \$1.3 million or 14%. District will budget for delivery of 684 acre-feet of SWP water in FY 2015/2016.

Availability of the supplemental water benefits all of the land within the District. Therefore, a water availability charge is collected from all of the ± 12,000 parcels within the District, with the exception of those exempt. A primary use of the water availability charge revenues, since its enactment in 1996, has been to pay the debt obligation and operation and maintenance costs for the Morongo Basin Pipeline as required by the District's agreement with the Mojave Water Agency. That obligation has now been reduced to debt payment only, and is calculated to be approximately \$220,000 per year. Water availability charge revenues in excess of that amount will be used

exclusively for capital costs and operation and maintenance of the District's water facilities benefiting the properties from which the availability charge is collected.

The water availability charge is estimated to generate revenues of \$1,151,138 for the 2015-2016 fiscal year, which revenues are dedicated to the following purposes as authorized by Resolution No. 96-564 under which the water availability charge was enacted.

Morongo Basin Pipeline Debt Payment	\$ 220,000
Property Insurance	\$ 71,583
Power Expense for System Operation	\$ 307,806
Preventative Maintenance Programs: Reservoirs	\$ 200,000
Pumping Plant Repair & Maintenance	\$ 335,665
Water Purchase for Recharge	<u>\$ 340,632</u>
Total	\$1,475,686

To the extent the identified expenses exceed water availability charge revenues, they will be paid out of revenues from metered water sales and basic fees. To the extent that water availability revenues exceed expenses indicated above, they will be used for other lawful purposes of the District.

Water availability charge revenues are dedicated to the lawful purposes of (a) meeting the District's expenses of maintaining and operating permanent public improvements constituting the water system, (b) purchasing or leasing supplies, equipment, or material necessary for the operation of the District's water system, (c) meeting debt repayment obligations and financial reserve requirements, and (d) obtaining funds for capital projects necessary to maintain service within existing service areas.

Publicly owned property including lands owned by the federal government and the local school district was exempted from the water availability charge. In 1996, California voters approved Proposition 218, "The Right to Vote on Taxes Act." Among other things, Proposition 218 provided that property owned by local, state, and federal governmental agencies may not be exempted from a benefit assessment, such as the District's water availability charge, unless the Agency can demonstrate that it receives no special benefit from the services or facilities for which that charge is levied. (California Constitution Article XIII D, § 4(a).) When the District sent an assessment notice to the U.S. Bureau of Land Management ("BLM"), which owns extensive property within the District, the BLM responded by claiming exemption under the California Statehood Act and declined to pay. The local school district was not assessed based upon the California Supreme Court decision in *San Marcos Water District v. San Marcos Unified School District*. Subsequent to 1996, as local, state and federal government agencies have acquired lands which were previously privately-owned, the District has initiated water availability charges on those parcels in compliance with Proposition 218.

The water availability charge has been in effect at the current rate since 1996, prior to the enactment of Proposition 218 and is entitled to an exemption from the procedural requirements of Proposition

218 unless and until it is increased. (California Constitution Article XIII D, §5.) Legislation interpreting Proposition 218 clarifies that, as an exempt assessment, the procedure is also exempt from the requirement that government-owned parcels be assessed. (Government Code §53753.5.) Unless and until the water availability charge is increased, it may be re-authorized from year-to-year pursuant to the Uniform Standby Charge Procedures Act (Government Code §54984 *et seq.*), exempt from the Proposition 218 procedures and without requiring assessment of the BLM or school properties.

DESCRIPTION AND METHOD OF AVAILABILITY CHARGE

Procedures and bases of the water availability charges are as set forth in the California Government Code, Sections 54984 to 54984.9, Uniform Standby Charge Procedures Act.

In recognition of the benefit to all properties, the District proposes to assess and collect from each benefiting property, an amount related to the benefit received. Because BLM lands and other publicly owned lands not previously assessed are, for practical purposes, not subject to assessment, the District proposes to clarify that such lands, which are not subject to the water availability charge and are not currently connected to the water system, shall not be entitled to connect to the District's water system or to receive water service from the District, unless a fee is paid which is equivalent to the water standby charge which would have been assessed against the property had it not been exempt and unless the owner agrees to be subject to future assessment of water availability charges.

Availability charge, once determined, will be indicated on the yearly tax bill distributed by the County of San Bernardino, collected by the County, and disbursed to the District.

COMPILATION OF CHARGES

A tabulation of the availability charge for each of the ±12,000 non-exempt parcels in the District, calculated as described herein, is contained in a separate computer printout prepared by the District and maintained at District offices. Contained therein is the dollar amount proposed to be assessed to each parcel, and the Assessors parcel number, all of which will appear on the County tax bill for each parcel.

METHODOLOGY USED FOR AVAILABILITY CHARGE

All properties within the District receive a general benefit by virtue of the existence of the District in its sole power to purchase, extract and sell water within its boundaries. Properties within the District also receive a special benefit due to the availability of the supplemental SWP water source.

Benefit is related to the size and development potential of each parcel and proximity to an existing usable pipeline. Derivation of an availability amount, therefore, is based on the County's zoning, parcel size, and District-designated zone - the location related to a pipeline from which service can be provided. Larger parcels within the same District zone receive a greater benefit and, therefore,

will be assessed a larger amount than smaller parcels. Additionally, parcels closer, but not connected to usable pipelines, will be assessed more than those further away as there is greater benefit due to the availability of those existing pipelines, and therefore, accessibility to water. Parcels currently connected will be assessed less than others as they are already paying a basic fee in their user charge, a portion of which is used for system maintenance.

Adoption of the zoning, parcel size and proximity results in the use of three factors by which availability charges are determined.

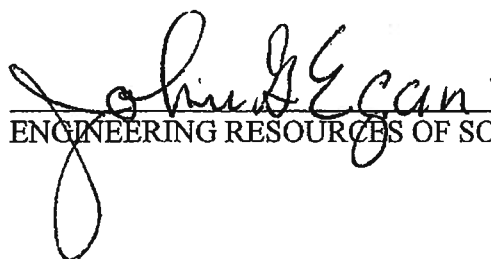
1. Parcel size,
2. County of San Bernardino zoning for land use,
3. District zone, based on proximity to existing District pipeline.

Attached are exhibits which indicate the bases of the assessment amount per parcel and per acre for lands within the District related to the County zone designation and District zone location.

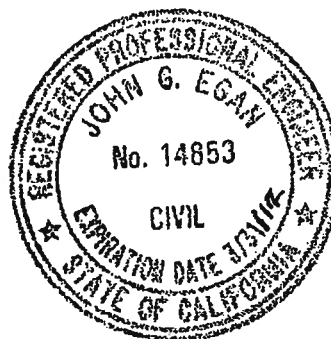
The assessment charges and schedule pre-date the adoption of Proposition 218 by the State's voters and follows the methodology and rates existing prior to the adoption of Proposition 218.

In my judgment each and every parcel proposed to be assessed an availability charge in the District for Fiscal Year 2015-2016 receives a special benefit.

BY: JOHN G. EGAN, R.C.E. 14853


ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC.

5/27/15
DATE




JOSHUA BASIN WATER DISTRICT
MEETING AGENDA REPORT

Meeting of the Board of Directors

June 3, 2015

Report to: President and Members of the Board

Prepared by: Curt Sauer 

TOPIC: Joining Emergency Response Network of the Inland Empire (ERNIE)

RECOMMENDATION: That the Board approve the District becoming a member of ERNIE

ANALYSIS:

The Emergency Response Network of the Inland Empire (ERNIE) facilitates public agency preparedness for, response to, and recovery from local and regional disasters to ensure the delivery of critical public services through mutual aid, communications, and compliance with state and federal emergency standards.

All five JBWD Directors attended the FEMA training for Elected Officials held at Hi Desert Water District on April 8, 2015. At that time it was explained that the District would be better prepared for emergency response in a disaster as a part of ERNIE because help would be more readily available.

ERNIE is made up of a group of volunteer agencies who enter into an agreement to provide mutual aid and assistance to help jurisdictions respond to incidents that require resources beyond the capability of the local agency. ERNIE assists agencies with training, communication, documentation for reimbursement, concept of emergency operations, and after action reports and corrective action plan writing.

By entering into an agreement with the ERNIE network, JBWD will have improved network and mutual aid capabilities which will assist us in the event of a disaster or emergency. Among the many member agencies available through the ERNIE network are local agencies Hi Desert Water District and Bighorn Desert View.

Membership would also create the potential for us to send personnel and equipment to sister agencies. There is no requirement to do so if we cannot spare them from the District. All expenses for responding to a request for aid would be covered by the requesting agency. And, we may recall our personnel and equipment if needed; there is no requirement to stay on another agency's incident, once dispatched.

STRATEGIC PLAN ITEM:

FISCAL IMPACT:

JOSHUA BASIN WATER DISTRICT
MEETING AGENDA REPORT

Meeting of the Board of Directors

June 3, 2015

Report to: President and Members of the Board

Prepared by: Curt Sauer

TOPIC: Adoption of Water Conservation Ordinance 15-9

RECOMMENDATION: That the Board approve Ordinance 15-9

ANALYSIS: The purpose of the new ordinance is to bring the District into compliance with new regulations established by the State Water Resource Control Board in May, 2015.

The proposed ordinance updates our conservation ordinance of August, 2014. As written, it will incorporate all current and the new prohibitions required by SWRCB.

This ordinance contains the same or similar prohibitions that were in 14-8, adds new prohibitions as directed by SWRCB, and changes the existing penalty structure for violations of the ordinance. All changes and additions will be explained by staff.

STRATEGIC PLAN ITEM:

FISCAL IMPACT:

ORDINANCE NO. 15-9

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
JOSHUA BASIN WATER DISTRICT (“DISTRICT”) SUPERSEDING
ORDINANCE 14-8 REQUIRING
WATER USE EFFICIENCY MEASURES AND THE
PREVENTION OF WATER WASTE PURSUANT TO
CALIFORNIA WATER CODE SECTION 375 et seq.**

Recitals, Findings, and Determinations.

- A. On January 17, 2014, Governor Brown declared a drought state of emergency and on April 25, 2014, the Governor signed an Executive Order (“Executive Order”) calling on the State Water Resources Control Board (“State Water Board”) to adopt emergency regulations to ensure that urban water suppliers implement drought response plans to limit outdoor potable water irrigation and prohibit other wasteful water practices; and

- B. On July 15, 2014, the State Water Board adopted Emergency Regulations (“State Regulations”) effective July 29, 2014 that prohibit certain outdoor water uses and require urban water agencies to implement mandatory outdoor water use restrictions under their local water shortage contingency plans. The State Regulations will remain in effect for a minimum of 270 days or nine months. The State Regulations require urban water agencies to report monthly water production data, GPCD (Gallons per Capita per Day), conservation-related implementation measures and/or enforcement actions by the 15th of each month starting with August. With regard to reporting GPCD, the State Water Board acknowledged that the GPCD reporting requirement will be delayed to October 15 in order for the state to develop guidance on how the GPCD should be calculated. Water production data for each preceding month will be compared to a similar month in 2013. The State will develop an electronic reporting portal that will include applicable data fields. Nothing in the State Regulations or in the enforcement provisions of the State Regulations, preclude a local agency from exercising its authority to adopt more stringent conservation measures; and

- C. On March 17, 2015 the State Water Board adopted Resolution No. 2015-0013 which expanded the State Regulations (“Expanded Regulations”) to safeguard the state’s remaining water supplies as California enters a fourth consecutive dry year. The Expanded Regulations became effective on March 27, 2015 and remain in place for 270 days unless extended by the State Water Board. The regulations are set forth in Title 23, Sections 863-865 of the California Code of Regulations; and

- D. On April 1, 2015, Governor Brown issued Executive Order B-29-15, effective immediately and in addition to other requirements mandates a 25% statewide reduction in urban water use, and provides that the orders in the January 17, 2014 and April 25, 2014 proclamations and Executive Orders B-26-14 and B-28-14 also remain in full force except as modified by Executive Order B-29-15. The Governor directed the State Water Board to impose restrictions to achieve the statewide 25% reduction; and
- E. On April 7, 2015, the State Water Board proposed a mandatory Regulatory Framework that apportions water reductions according to consumption. The State Water Board revised the apportionment of water reductions on April 18 and April 28 and the conservation savings for all urban water suppliers are now allocated across nine tiers of increasing levels of residential water use (R-GPCD) to reach the statewide 25% reduction mandate. Agencies in Tier 7, including JBWD, must reduce water use by 28%. On May 5, the State Water Board approved its Emergency Regulation Implementing the 25% Conservation Standard which includes a prohibition against certain irrigation practices and an order that all urban water suppliers reduce their total potable water production by a defined percentage which has been applied to each urban water supplier; and
- F. The water conservation measures and restrictions on water use identified by this Ordinance provide certainty to water users and enable the District to control water use and plan and implement water measures and restrictions in a fair and orderly manner for the benefit of the public. This Ordinance is further intended to comply with the mandates of the State Water Board Regulations applicable to the District.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1. Conservation Water Use Restrictions and Measures.

Except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency, the following water use restrictions and conservation measures shall apply:

- a) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited;
- b) The application of potable water to outdoor landscapes during and within 48 hours after measure rainfall is prohibited;

- c) The irrigation with potable water of ornamental turf on public street medians is prohibited;
- d) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulation or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development is prohibited;
- e) The use of a hose that dispenses potable water to wash a motor vehicle is prohibited, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- f) The application of potable water to driveways and sidewalks is prohibited;
- g) The use of potable water in a fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system;
- h) Water shall not be permitted to leak from any water line, faucet or other facility on any premises. Any leak shall be repaired in a timely manner;
- i) All conventional (overhead) spray irrigation systems shall be scheduled to run between the hours of 8 pm and 9am.
- j) No use of potable water is permitted to irrigate, water or sprinkle grass, lawns, groundcover, shrubbery, crops, vegetation and trees between the hours of 9:00 a.m. and 5 p.m. during the high use season which begins June 1 and terminates September 30 of each year. During this season, watering shall be permitted on any three days of the week, of the customer's choice, but shall not exceed three (3) days of any week.
- k) Water for construction purposes, including but not limited to debrushing of vacant land, compaction of fills and pads, trench backfill and other construction uses, shall be used in an efficient manner;
- l) All new construction, including residential, commercial and industrial, shall be equipped with low flow toilets and fixtures;
- m) All new model homes and commercial and industrial development, when landscaped, shall include low water use, drought tolerant or native plant material, and drip irrigation systems. Irrigation systems shall include a smart irrigation controller or equivalent technology;
- n) Dedicated (separate) landscape water meters shall be installed for all irrigated

landscape areas in excess of 2500 square feet, except for single family residences.

- o) Water used for cooling systems must be recycled to the extent possible;
- p) Evaporation resistant covers are required for all new swimming pools and hot tubs and are encouraged on existing pools;
- q) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language;
- r) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased is prohibited;
- s) All water customers are encouraged to install flow reducers and faucet aerators.

SECTION 2. Non-Compliance Charges and Penalties.

- a) Non-Compliance Charges: The following will apply to persons or entities failing to comply with any provision of this Ordinance:
 - 1. First Instance of Non-Compliance: The District will issue a written warning and send it along with an explanation of the violation.
 - 2. Second Instance of Non-Compliance: A second instance of non-compliance with this Ordinance is subject to a non-compliance charge of fifty dollars (\$50.00) on the water bill.
 - 3. Third Instance of Non-Compliance: A third instance of non-compliance with this Ordinance is subject to a non-compliance charge of one hundred dollars (\$100.00) on the water bill.

SECTION 3. Appeals.

- A. Any person or entity wishing to appeal a non-compliance charge, action or penalty shall do so in writing to the District's General Manager.
- B. The District's General Manager and/or his designee shall review and make a decision on the appeal.

- C. If the applicant disagrees with the decision, the applicant may appeal the decision to the District's Board of Directors for consideration.

SECTION 4. Purpose and Intent.

It is the purpose and intent of this Ordinance to limit the use of water to beneficial purposes only and to prohibit and restrict the unnecessary and wasteful use of water.

SECTION 5. Ordinance Controlling.

The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and any other rule, regulation or code of this District, except as later amended by resolution or emergency rule.

SECTION 6. Effective Date.

This Ordinance shall be effective upon its adoption.

SECTION 7. Publication. The District's General Manager or his designee is hereby directed to publish this Ordinance in full within 10 days of August 20, 2014 pursuant to Section 376 of the Water code of the State of California.

JOSHUA BASIN WATER DISTRICT
MEETING AGENDA REPORT

Meeting of the Board of Directors

June 3, 2015

Report to: President and Members of the Board

Prepared by: Curt Sauer

TOPIC: Additional options for water conservation

RECOMMENDATION: That the Board receive an overview of the Urban Water Management Plan's Water Shortage Contingency Plan and creation of administrative penalties to encourage water conservation.

ANALYSIS: In an effort to reduce total monthly production, the District is actively pursuing a system wide audit, leak detection training by California Rural Water Association, well meter validation and other operational ideas. We have begun public outreach and coordination with our Institutional customers.

Many in the public are taking the 28 percent reduction seriously, asking Customer Service for ideas, inquiring of Kathleen at the Farmers Market and discussing water saving ideas amongst themselves.

I believe the community of Joshua Tree wants to significantly reduce their water consumption. However, public education and voluntary conservation may well not get us to our goal. There are at least two options available to the Board that should receive further review and discussion. These are utilizing the Water Shortage Contingency Plan and consideration of an administrative conservation penalty.

This Item is intended to educate the Board and the Public about these topics, for consideration if total monthly production is not reduced to a level approaching 28 percent.

STRATEGIC PLAN ITEM:

FISCAL IMPACT:

Section 8: Water Shortage Contingency Planning

8.1 Overview

Water supplies may be interrupted or reduced significantly in a number of ways, such as a drought which limits supplies, an earthquake which damages water delivery or storage facilities, a regional power outage, or a toxic spill that affects water quality. This chapter of the Plan describes how Joshua Basin Water District (JBWD, District) plans to respond to such emergencies so that emergency needs are met promptly and equitably.

The JBWD has developed a four-stage plan as detailed in their 2005 UWMP, for responding to water shortages. The Water Shortage Plan includes voluntary and mandatory stages to address a reduction in water supply that exceeds 60 percent (Appendix H). Prohibitions, penalties and financial impacts of shortages have been developed by JBWD and are summarized in this chapter.

8.2 Coordinated Planning

Although JBWD has an entitlement to the State Water Project (SWP) imported water through its contractor Mojave Water Agency (MWA), the infrastructure required to access this supply is not yet in place. As of the writing of this Plan, grant funding to begin the construction of the necessary infrastructure is still on hold. During past water shortages, JBWD has managed to meet all their demands by pumping groundwater only. When JBWD obtains access to MWA's imported water in the near future, the existing water shortage contingency procedures will be modified. Also, JBWD has a temporary tie-in to the Hi-Desert Water District (HDWD) for emergency situations.

8.3 Stages of Action to Respond to Water Shortages

JBWD is situated above the Copper Mountain and Joshua Tree groundwater basins. Together, the groundwater basins contain over 600,000 acre-feet (af) of water.⁴ JBWD's sole source of water is groundwater from these two basins. The basins are not adjudicated; for that reason there are no deeded rights to withdraw water. Overall management of water resources is the responsibility of JBWD.

Rationing stages may be triggered by a shortage in aquifer supply, equipment failure, or catastrophe. Shortages may trigger staged allocation limits at any time. JBWD's General Manager classifies each customer and calculates each customer's allotment according to the methods described in the Water Shortage Contingency Plan. The allotments reflect seasonal patterns. Customers are notified of their classification and allotment by mail before the effective date of the Water Shortage Emergency. New customers and connections are notified at the time service commences. In a disaster, prior notice of allotment may not be possible. In such cases, notice may be provided by other means, such as telephone, radio, television, or newspaper.

⁴ JBWD 2006 *Groundwater Availability Evaluation*, prepared by Dudek.

Customers may appeal the General Manager’s classification on the basis of use or the allotment on the basis of incorrect calculation. The appeals process is set forth in Appendix H.

Table 8-1 presents the four-stage rationing and demand reduction goals for JBWD.

**TABLE 8-1
RATIONING AND REDUCTION GOALS**

Deficiency	Stage	Demand Reduction Goal	Type of Program
25-40%	1	10% reduction	Voluntary
40-50%	2	15% reduction	Voluntary
50-60%	3	20% reduction	Mandatory
Greater than 60%	4	25% reduction	Mandatory

District priorities for use of available water during a water shortage are:

- Fire protection, health, and welfare emergency uses
- Domestic-interior uses only (residential)
- Public buildings, school-interior uses only
- Commercial and Industrial-interior use only
- Health and Safety—Interior residential, sanitation and fire protection
- Commercial, Industrial, and Governmental—Maintain jobs and economic base
- Commercial and Industrial-other uses (not including landscape watering or other nonessential uses)
- Domestic-other uses

8.4 Minimum Water Supply Available During Next Three Years

The minimum water supply available during the next three years would occur during a three-year multiple-dry year event between the years 2011 and 2013. JBWD is actively implementing a conjunctive use program utilizing State Water Project water to recharge local aquifers, however since the date of federal funding commencing for the program is unknown at the time this Plan was written, to be conservative, that program has not been included in the supply table below. As shown in Table 8-2, the total supplies range from approximately 1,880 to 2,080 afy during the next three years. It is assumed that the total water demand remaining the same as during normal years. When comparing these supplies to the demand projections provided in Chapters 2 and 5 of this Plan, JBWD will continue to overdraft the underlying groundwater basins to meet projected demands should a multiple-dry year period occur during the three years, until their planned Basin Recharge Project is completed.

**TABLE 8-2
ESTIMATE OF MINIMUM SUPPLY FOR THE NEXT THREE YEARS**

Source	Supply (afy)		
	2011	2012	2013
Existing Supplies			
Local Supply ^(a)			
Groundwater Production ^(b)	1,225	1,238	1,250
Return Flow	582	587	593
Total Existing Supplies	1,807	1,825	1,843
Planned Supplies			
Basin Recharge Project - MWA Imported ^(c)	0	0	0
Total Supplies	1,807	1,825	1,843
Total Estimated Demands^(d)	1,807	1,825	1,843

Notes:

- (a) Taken from Chapter 3 Water Resources, Table 3-1. Local supplies are assumed to be 100% available.
- (b) Overdrafting of Joshua Tree/Copper Mountain groundwater basins is assumed to occur here as is currently the case in the basin.
- (c) Due to the unknown Federal funding date, the worst case scenario was used in this table and it is assumed that this project is not completed in the next three years.
- (d) See Chapter 2 Water Use, Table 2-7. Please note that the demands are the same with and without conservation.

8.5 Actions to Prepare for Catastrophic Interruption

8.5.1 General

The groundwater basins in the District's area are the limiting factor in groundwater production, but are expected to continue to produce reliable supplies even in a catastrophe.

Water stored in the District's distribution system storage tanks are monitored and managed to not allow the reservoir volumes to drop to very low levels. Standard practice is to maintain, at a minimum, the required emergency and fire flow within all tanks at all times. In an emergency, these stored water volumes are available for distribution or truck delivery as necessary.

The District is constructing a distribution site where customers will be able to fill containers with water for drinking. A hauling site for recreational vehicles (RV's) or water trucks is available for larger tanks. The District frequently provides bottled drinking water to individuals who are not able to secure water.

8.5.2 Regional Power Outage Scenarios

For a major emergency such as an earthquake, Southern California Edison (Edison) has declared that in the event of an outage, power would be restored within a 24 hour period. Following the Northridge earthquake, Edison was able to restore power within 19 hours. Edison experienced extensive damage to several key power stations, yet was still able to recover within a 24-hour timeframe.

JBWD is committed to providing regular service and meeting the needs of the community during any emergency situation. JBWD is obligated to respond to emergencies by using all available resources in the most effective way possible. The District has an "Emergency Response Plan" revised in 2005 that includes guidelines for evaluating the emergency situation, alerting procedures and details of the different phases of the response.

To specifically address the concerns of water outages due to loss of power, JBWD has purchased two 600 kilowatt (kW) diesel generators to operate Well No. 14, the District's largest well. Once Well No. 14 is operating, one of the generators can be relocated to a different well site. All active wells have connectors to enable the use of emergency generators. The District also has two 125 kW and one 150 kW mobile generators to operate booster pumps stations. Five of the nine booster pump stations have connectors. The remaining four are planned to have connectors.

8.6 Mandatory Prohibitions During Shortages

JBWD Board of Directors has adopted several ordinances, including provisions from the Alliance for Water Awareness and Conservation (AWAC), aimed at water conservation and outlawing wasteful water practices.

On January 10, 2007, the JBWD Board of Directors adopted Resolution 07-806 (Appendix G), the current rate structure for service charges.

Board Resolution No. 00-618 has been in place since December 2000 and requires that new commercial and residential development and/or remodels subject to a building permit install low-water-use plumbing fixtures. The District plans to pursue expansion of the retrofit requirement for Water Account Assistance Program (WAAP) applicants and upon sale of each existing home.

JBWD staff participated in the development of a regional Model Landscape Ordinance as part of the AWAC's landscape committee. The ordinance includes water waste prevention provisions for existing landscapes in Section 10, and Prohibited Water Uses and Water Waste in Section 12. While many provisions are intended to be applied to new development, JBWD is reliant on San Bernardino County (County) to enforce the landscape ordinance through their permitting process. A new County ordinance with many similar provisions went into effect countywide in February 2011.

8.7 Consumptive Reduction Methods During Restrictions

8.7.1 Supply Shortage Triggering Levels

JBWD will manage water supplies to minimize the social and economic impact of water shortages. The Water Shortage Plan is designed to provide a minimum 40 percent of normal supply during a severe or extended water shortage.

Demand reduction stages may be triggered by a shortage of water in the basin. The guidelines for triggering the stages are listed in Table 8-3. However, circumstances may arise where the

JBWD may deviate from these guidelines, such as in a case where the Governor declares a water shortage emergency and/or institutes a statewide rationing program.

**TABLE 8-3
WATER DEFICIENCY TRIGGERING LEVELS**

Stage	Percent Shortage
1	25 to 40 percent water deficiency
2	40 to 50 percent water deficiency
3	50 to 60 percent water deficiency
4	60+ percent water deficiency

8.7.2 Restrictions and Prohibitions

Specific use restrictions and prohibitions for each supply shortage stage taken from the District's 2005 UWMP are as follows:

Stage 1:

Prohibitions

- Elimination of hosing of hardscape surfaces, except where health and safety needs dictate.
- Usage of buckets and automatic hose shutoff devices for car washing and outside cleaning activities.
- Repair water leaks and adjust sprinklers to eliminate over-spray.

Other Activities

- The District shall notify customers of the shortage and indicate requested curtailments of use. Such notification shall provide avenues of additional information assisting customers in achieving requested conservation.

Stage 2:

Prohibitions

- Extend the voluntary requests from Stage 1.
- No landscape watering between 0800 and 1700 hours.
- New meters for land development restricted only to property owners of presently existing parcels.

Other Activities

- Initiate media campaign to educate the District customers of conservation needs.

Stage 3:

Prohibitions

- Voluntary requests from Stage 1 and 2 become mandatory.

- Issuance of construction water meters would cease and meters would only be installed for new accounts where the building permit was issued prior to the declaration of the water shortage.

Other Activities

- Mandatory use prohibitions will be enforced through water patrol personnel.

Stage 4:

Prohibitions

- All prohibited actions in Stage 3 would be in force.
- No meters will be installed for new accounts.

8.7.3 Consumption Limits

Specific consumption reduction methods and anticipated reduction for each supply shortage stage are shown in Table 8-4.

**TABLE 8-4
CONSUMPTION REDUCTION METHODS**

Consumption Reduction Method	Projected Reduction	Implementation Stage
Irrigate lawns and landscape only between midnight and 6 a.m. (unless hand watering).	5% of external use	Voluntary Stage 1 Mandatory Stage 2
Adjust and operate all landscape irrigation systems in a manner that will maximize efficiency and avoid watering hardscape.	10% of external use	Voluntary Stage 1 Mandatory Stage 2
Reference evapotranspiration (ET _o) factors for individual metered landscape projects will be reduced from 1.0 to 0.8.	20% of external use	Voluntary Stage 1 Mandatory Stage 2
Landscape meters to 75% of ET _o .	25% of external use	Mandatory Stage 3
Landscape meters to 60% of ET _o .	40% of external use	Mandatory Stage 4
Water used on a one-time basis for construction and dust control shall be limited to the quantity identified in a plan prepared (and submitted to the District for approval) by the user describing water use requirements.	Varies	Mandatory Stage 3
The use of water from fire hydrants shall be limited to fire fighting and related activities.	Varies	Mandatory Stage 3
Water for municipal purposes shall be limited to activities necessary to maintain public health, safety, and welfare.	Varies	Mandatory Stage 3
Outdoor irrigation by sprinklers will only be allowed every other day.	50% of external use	Mandatory Stage 3
Irrigation of landscaping is only allowed twice per week by hand-held hose only.	70% of external use	Mandatory Stage 4
All new landscaping shall be limited to drought tolerant plantings as determined by the District.	30% of external use for all new homes.	Mandatory Stage 4

Source is JBWD's 2005 UWMP.

Service may be terminated to any customer who knowingly and willfully violates any of the provisions included in this chapter of the Plan.

In the event that a severe or critical water shortage occurs, the District will establish mandatory annual allotments for each connection based on average use during a three-year base period. The base period will be selected by the District's Water Shortage Response Team. The District-wide consumption allocation for each customer type is as follows:

The Stage 3 and Stage 4 health and safety allotments are roughly 68 gallons per capita per day (gpcd). These health and safety levels are used as a basis for water allocations using the priorities listed above. This provides sufficient water for essential interior use with no change in either water use habits or plumbing fixtures.

During Stages 3 and 4 of a water shortage, the District has developed specific water allotments by connection types as shown in Table 8-5. These allotments were developed using the California Water Code Stage 2, 3, and 4 health and safety allotments of 68 gpcd, or 33 hundred cubic feet (CCF) per person per year as the basis.

**TABLE 8-5
STAGES 3 AND 4 WATER SHORTAGE ALLOTMENTS**

Connection Type	Basis of Calculation	Maximum Annual Allotment
Single-Family Residential	68 gpcd x 3.1 persons x 365 days	103 CCF + 20% average annual use in excess of 103 CCF
Multi-Family	68 gpcd x 2.3 persons x 365 days	76 CCF + 20% average annual use in excess of 76 CCF
Commercial, Industrial		No more than 70% average annual use
Landscape		No more than 20% average annual use unless xeriscaped, then 70%
New meters		No new meters will be installed during a water shortage emergency.

Each customer will be notified of its classification and allotment by mail before the implementation of a mandatory program. New customers and connections will be notified at the time service commences if a mandatory program is in effect. Any customer may appeal its classification on the basis of use or the allotment on the basis of incorrect calculation.

In a disaster, prior notice of allotment may not be possible. Notice will be provided by the most efficient means available, if necessary, through the terms of the JBWD's Emergency Response Plan.

8.7.4 New Demand

During a Stage 3 water shortage emergency, issuance of construction water meters would cease and meters would only be installed for new accounts where the building permit was issued prior to the declaration of the water shortage. No meters will be installed for new accounts during a Stage 4 water shortage emergency.

8.8 Penalties For Excessive Use

During any declared water shortage emergency, a customer who exceeds the established allotment will pay a surcharge of two times the highest rate tier per CCF of water for excess water delivered during the first and second billing period, and a surcharge of four times the highest rate tier per CCF for excess water delivered during the third and subsequent consecutive billing periods.

If a customer exceeds the allotment usage for three consecutive billing periods, the District will install a flow restrictor at the service meter with a capacity of two gallons per minute (gpm) for meters up to one and one-half inch sizes (and comparatively sized restrictors for larger meters) for a period of seven days. The customer must pay a flow restrictor installation and removal charge of \$100 before the normal service will be restored.

8.9 Financial Impacts Of Actions During Shortages

JBWD's rates are designed with the intent that JBWD will generate adequate revenues to meet the costs of operating the water system. For the 2010-11 budget year, it is expected that approximately 50 percent of JBWD's total water revenues will come from meter charges. The nature of JBWD's operation (as with any water utility) is that the majority of the operating costs are "fixed" in nature and do not increase or decrease in direct proportion with increases or decreases in water use by customers. If water availability issues or shortages cause JBWD to reduce the customer's water use, that would result in a revenue shortfall.

All surplus revenues are currently placed in the District's reserve, which is used to fund emergency repairs, the steel line replacement program, and other water system capital improvements.

The plan indicates annual water system revenue declines due to conservation during the 4 stages of alert range from 3 to 9 percent. Financial reserves of the District are adequate to offset these modest decreases in revenue.

8.10 Mechanism to Determine Reductions in Water Use

Demand

JBWD bills their customers on a monthly basis. The prior year's consumption is included on customer's bills. This allows comparison of the total consumption from each billing period to the same billing period from the prior year.

Production

Under normal water supply conditions, production figures are recorded daily in the District's computerized database. Total production measurements are taken in the field and the data is totaled. High demand days are determined at the end of each month as well as at the end of the year. Water storage reservoirs and well and booster pumping plants are monitored on a continuous basis by telemetry at the District's headquarters, with alarms for abnormal conditions.