

VENTURA RIVER WATER DISTRICT
SPECIAL MEETING HELD AUGUST 27, 2014

Pursuant to due and official notice, a special meeting of the Board of Directors of the Ventura River Water District was held at 409 Old Baldwin Road, Ojai, California on August 27, 2014.

Directors present were J. Curtis, M. Hanson, T. Jamison, B. Kuebler, and E. Lee. Also present were General Manager/Board Secretary B. Rapp, Office Manager/recording secretary Janet Schaefer, and Counsel P. Huff. Public present was Mr. James Kerwin.

1. CALL MEETING TO ORDER – President T. Jamison called the meeting to order at 3:00 o'clock p m.
2. PLEDGE OF ALLEGIANCE – Led by T. Jamison.
3. CONSENT AGENDA – None.
4. PUBLIC COMMENT – None.
5. STATE MANDATED WATER CONSERVATION, ADOPTION OF EMERGENCY ORDINANCE 2014-01 – Director E. Lee moved for approval of Emergency Ordinance 2014-01 as amended, seconded by J. Curtis and carried by a unanimous roll call vote, 5-0-0.

WATER WASTE AND CONSERVATION ORDINANCE 2014 – 1

AN ORDINANCE ESTABLISHING PROHIBITIONS AND RESTRICTIONS ON NONESSENTIAL OR UNAUTHORIZED WATER USE DURING THE EXISTENCE OF A WATER SHORTAGE EMERGENCY

WHEREAS on January 17, 2014 the Governor declared a State of Emergency due to severe drought conditions in the state; and,

WHEREAS on July 15, 2014 the State Water Resources Control Board (SWRCB) adopted Resolution NO. 2014-0038 adopting Emergency Regulations mandating water waste restrictions which were codified in the California Code of Regulation, title 23, sections 863, 864 and 865 on July 28, 2014; and,

WHEREAS the Emergency Regulations require Ventura River Water District to impose the following water waste prohibitions:

- a) Allowing irrigation water to run off a property;
- b) Washing a vehicle without using an automatically shutting nozzle;
- c) The application of potable water to driveways and sidewalks;
- d) The use of potable water in a decorative water feature unless it has a recirculating system, and;
- e) Limit outdoor irrigation to no more than two days per week.

WHEREAS violating the above water conservation prohibitions carries a maximum \$500/day fine and is enforceable by a peace officer or local agency personnel if the agency has adopted an enabling ordinance.

WHEREAS the Board of Directors of the Ventura River Water District has determined it is necessary to undertake these conservation measures to comply with State mandates;

NOW THEREFORE the Board of Directors of Ventura River Water District has determined that water uses as defined in this ordinance are prohibited and restricted and are hereby determined to be nonessential, and therefore adopts this Water Waste and Conservation Ordinance;

I. PROHIBITIONS

No Ventura River Water District customer shall allow use of water for nonessential or unauthorized uses as defined herein:

- (1) 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.
- (2) The use of a hose that dispenses potable water to wash a motor vehicle, 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;
- (3) The application of potable water to driveways and sidewalks;
- (4) The use of potable water in a fountain or other decorative water feature except where the water is part of a recirculating system.
- (5) Outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves no more frequently than two days per week.
- (6) Outdoor irrigation of ornamental landscapes or turf with potable water between the hours of 9:00 A.M. and 6:00 P.M. unless performed by a watering can or handheld sprayer nozzle. (Exceptions may be authorized by the General Manager where there is no ability to not water between 9:00 a.m. to 6:00 p.m.)

II. EXEMPTED WATER USES

- a. All water use associated with the operation and maintenance of fire suppression equipment or employed by the District for water quality flushing and sanitation purposes shall be exempt from the provisions of this Ordinance.

- b. Use of water supplied by gray water or rainwater collection system is also exempt; however, use of water from these systems is not exempt from the applicable regulations of the State and local jurisdictions governing the use of such water.
- c. Supervised testing, adjusting, or repairing of irrigation systems is allowed any time for no more than five (5) minutes per station.

III. ENFORCEMENT OF VIOLATION

Complaints of water waste will be investigated and enforced by the District in the form of a Notice of Violation. The following officers and employees of the Ventura River Water District are hereby designated and authorized to issue citations for enforcement of this Ordinance:

- General Manager
- Utility Workers
- Water employees designated by the General Manager

IV. NOTICE OF VIOLATION

The notice to the District water customer of a violation of this Ordinance will be issued by either, mail, hand-delivery, or posting at the entrance of the violator's premises. The District will issue a written notice that states the time, place, and general description of the violation or repeat of violation, as well as a time frame in which the violation must be corrected. District staff may use discretion when determining the correction time.

V. CONSEQUENCE OF VIOLATION

Administrative fines and water service actions may be levied and applied for each violation of a provision of this Ordinance as follows:

Penalties for failure to comply with any provision of the ordinance are as follows:

- a. **First Violation:** The District will issue a written notice to the water customer describing the violation, required compliance date and attach a copy of this Ordinance.
- b. **Second Violation:** If the first violation is not corrected within the time frame specified by the District, or if a second violation occurs within the following twelve (12) months after the first violation notice, a second notice of violation will be issued and an administrative fine of one hundred dollars (\$100) shall be levied for the second violation of this Ordinance.
- c. **Third Violation:** A third violation within the following twelve (12) months after the date of issuance of the second notice of violation is punishable by an administrative fine of two hundred dollars (\$200).
- d. **Fourth and Subsequent Violations:** Each day that a violation of this Ordinance occurs beyond the remedy allowance provided in the third notice of violation is subject to any or all of the following penalties:
 - 1. Water service may be turned off or flow may be restricted. Where water service is turned off or flow restricted, it shall be turned on or unrestricted upon correction of the violation and the payment of the reconnection charges, staff time, and District material purchases per the District's Rules and Regulations in effect at the time.
 - 2. A fine of not more than \$500 may be imposed per day of continued violation.

VI. PAYMENT OF ADMINISTRATIVE FINES

The water customer is responsible for the full payment of administrative fines. Each administrative fine shall be applied in the customer's regular water billing. Payment of the administrative fine will be the final responsibility of the individual named on the water account. Non-payment of fines will be subject to the same remedies as non-payment of basic water rates, in accordance with the Ventura River Water District Rules and Regulations. The above fines shall be included in the next monthly water bill and must be paid in accordance with normal bill paying processes or the water service will be subject to turn off and appropriate field charge to reconnect at the current re-connection charge. Failure to make corrections or pay a charge within the allotted time may also result in restriction of service.

VII. APPEAL

Any customer against whom an administrative fine or water service action is levied pursuant to this Ordinance shall have the right to appeal as follows:

- (1) The appeal must be in writing, legible, and received by the General Manager within fifteen (15) calendar days of the issuance of the notice of violation to the customer. Any violation not timely appealed shall be deemed final. The written request for appeal consideration shall include:
 - i. A description of the issue,
 - ii. Evidence supporting the appeal, and
 - iii. A suggestion for resolution of the dispute, if any.
- (2) The General Manager will review the material submitted and make an independent determination of the issue, which shall be mailed to the customer within fifteen (15) calendar days of receipt of the request for appeal.
- (3) The General Manager's determination may be appealed in writing within fifteen (15) calendar days of the mailing of the notice of determination. The appeal of the General Manager's determination shall be heard and considered by the Board of directors at an upcoming regular meeting of the Board. Notice of the hearing shall be mailed to the customer at least fifteen (15) calendar days prior to the date of the appeal hearing. The Board may, in its discretion affirm, reverse, or modify the determination. The Board's determination is final.

- VIII. Ventura River Water District may order implementation of water conservation measures in addition to those set forth in this ordinance.

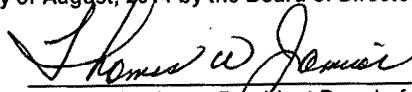
Nothing in this Ordinance shall be construed to require the District to curtail the supply of water to any customer when such water is required by that customer to maintain an adequate level of public health and safety.

If any part of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid by a Court of competent jurisdiction, the validity of the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected.

- IX. The provisions of this Ordinance shall prevail in control in the event of any inconsistency between this Ordinance and any other rule, regulation, Ordinance, or Resolution of this District.

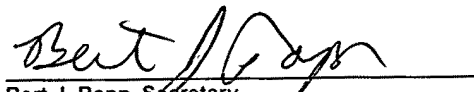
This Ordinance will remain in effect until the Board declares the water shortage emergency has terminated.

PASSED AND ADOPTED on 27th day of August, 2014 by the Board of Directors of the Ventura River Water District.



 Thomas Jamison - President Board of Directors

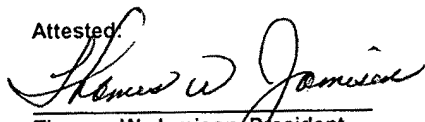
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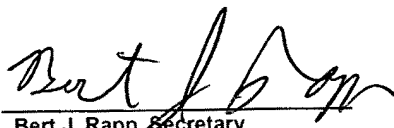
 Bert J. Rapp, Secretary

6. CONFIRMATION OF MONITORING WELL LOCATION – B. Rapp presented alternatives for the monitoring well location that will be used to determine a viable spot for a new well. Drilling will begin on Monday September 8, 2014.
7. TEMPORARY EASEMENT TO WATERSHED PROTECTION DISTRICT FOR INVASIVE PLANT REMOVAL – The Watershed Protection District is requesting a 5 year easement for removal of invasive Arundo in the Ventura River near the District owned property in Casitas Springs. J. Curtis moved for approval of the easement and to waive the \$250.00 fee offered, seconded by B. Kuebler and carried. 5-0-0. M. Hanson moved to authorize the Board President and the General Manager to sign the easement, seconded by E. Lee and carried. 5-0-0
8. ATTORNEY'S REPORTS – The meeting was adjourned to executive session at 3:51 o'clock p.m. to discuss potential litigation, Janet Schaefer and Mr. Kerwin left the meeting. The meeting reconvened at 4:17 o'clock p.m., the President stated for the record that potential litigation was discussed and no action was taken.
9. CLAIM 1411 TRUSTY LANE – WELL CLEANING DAMAGED HOME – J. Curtis moved to reject the claim, seconded by B. Kuebler and carried 5-0-0.
10. OLD BUSINESS AND NEW BUSINESS – None
11. MEETING ADJOURNMENT - On motion duly seconded at 4:19 o'clock p.m. the meeting was adjourned

Attested:



 Thomas W. Jamison, President



 Bert J. Rapp, Secretary