

INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT  WATER SYSTEM

50 INVERNESS WAY NORTH • P.O. BOX 469 • INVERNESS CA 94937 • (415) 669-1414

Board of Directors

AGENDA

Special Meeting

Thursday, June 3, 2021

9:00 a.m.

Teleconference

Coronavirus (COVID-19) Advisory Notice

Video and Teleconference Meetings During COVID-19 Emergency: The health and safety of community members, public officials, and employees is a top priority for the IPUD. In compliance with local and state shelter-in-place orders, and as allowed by the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 (March 17, 2020), the IPUD will not offer an in-person meeting location for the public to attend this meeting. The meeting is limited to essential district business items and will be conducted by the IPUD Board and staff via teleconference (see below). Members of the public are encouraged to participate remotely from a safe location as described below.

To participate by phone:

- **Dial: 669 900 9128**
- **Meeting ID: 994 8950 7139**
- **Passcode: 038118**
- **Keep your phone on "mute" except when you have been recognized as a speaker**

To participate by video: <https://zoom.us/j/99489507139?pwd=YWtNZnI1OEYyS3gzOW1sb1ZlZm1iZz09>

1. **Call to Order and Roll Call**
2. **Public Expression:** Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the Agenda. Members of the public may comment on any item on the Agenda at the time the item is considered by the Board. Please note that, in general, the Brown Act precludes the Board members from responding to comments made by the public during Public Expression.
3. **Adopt Ordinance 100-2021:** Mandatory Water Rationing Program
4. **Adopt Ordinance 101-2021:** Replacing Regulation 117, "Water Shortage Emergency (Water Conservation Program)"
5. **Adopt Ordinance 102-2021:** Withdrawing Ordinances 82-1 (Prohibition of Water Wastage, Prohibition of Non-essential Water Usage, Mandatory Rationing of Water Usage) and 78-2009 (Mandatory Water Rationing)
6. **Bartolini/Garcia Appeal:** Continuance from May 26 of Public Hearing on request for exception to Water Shortage Emergency moratorium on new service connections
7. **Adjournment**

Posted: May 28, 2021

Material provided in the meeting packet is available to the public by contacting the District Office or by visiting www.invernesspud.org.
Items may not be taken up in the order shown on this Agenda.

For assistance in participating in this event due to a disability as defined under the ADA, please call in advance to (415) 669-1414.

THE PUBLIC IS CORDIALLY INVITED TO PARTICIPATE IN THIS MEETING

**BOARD OF DIRECTORS: KENNETH J. EMANUELS, PRESIDENT • DAKOTA WHITNEY, VICE PRESIDENT
KATHRYN DONOHUE, TREASURER • BRENT JOHNSON • DAVID PRESS**



SHELLEY REDDING, ADMINISTRATOR

JAMES K. FOX, CHIEF OF OPERATIONS (FIRE CHIEF, WATER SYSTEM SUPERINTENDENT)



Inverness Public Utility District
Special Board Meeting June 3, 2021

Agenda Item No. 1

Call to Order;

Attendance Report



Inverness Public Utility District
Special Board Meeting June 3, 2021

Agenda Item No. 2

Public Expression

Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the posted agenda.

Directors or staff “*may briefly respond to statements made or questions posed*” during Public Expression, but “*no action or discussion shall be undertaken on any item not appearing on the posted agenda*” (Gov. Code §54954.2(a)(3)).

Members of the public may comment on any item listed on the posted agenda at the time the item is considered by the Board.



Inverness Public Utility District
Special Board Meeting June 3, 2021

Agenda Item No. 3

Adopt Ordinance 100-2021

(Mandatory Water Rationing Program)

ORDINANCE 100-2021

MANDATORY WATER RATIONING PROGRAM

WHEREAS, Regulation 117 of the Rules and Regulations of the Inverness Public Utility District Water System sets forth guidelines and procedures for declaration of a Water Shortage Emergency and for conservation of the water supply during a duly declared Water Shortage Emergency; and

WHEREAS, paragraph (f)(3) of Regulation 117 provides for implementation of mandatory water rationing at such time during a duly declared Water Shortage Emergency that the Board of Directors of the Inverness Public Utility District determines that it is necessary to conserve a greater portion of the public water supply than is achieved by implementing water conservation Stage 2 of Regulation 117; and

WHEREAS, the Board of Directors of the Inverness Public Utility District desires to define procedures for implementing and enforcing a program of mandatory water rationing,

NOW, THEREFORE, BE IT ENACTED by the Board of Directors of the Inverness Public Utility District that the following shall constitute the District's Mandatory Water Rationing Program.

SECTION 1. PURPOSE OF THIS ORDINANCE AND OF A MANDATORY WATER RATIONING PROGRAM. The purpose of this ordinance is to conserve the District's water supply for the greatest public benefit, with particular regard to public health and sanitation, fire protection, domestic use, and preservation of the ecological health of the community and the District's watershed, by reducing wasteful uses of water and allocating the available water supply fairly and equitably. This ordinance is adopted pursuant to California Water Code Sections 350 through 358 and Sections 375 through 378.

SECTION 2. EFFECTIVENESS. Implementation of a mandatory water rationing program pursuant to the provisions of this ordinance shall become effective on any date set therefore by the Board of Directors of the Inverness Public Utility District in a resolution, called the "rationing activation resolution," adopted by said Board of Directors during a duly declared Water Shortage Emergency, which resolution finds it necessary to implement water conservation Stage 3 of Water System Regulation 117 within the service area of the Inverness Public Utility District Water System. The applicable provisions of water conservation Stage 2 shall remain in effect until Stage 3 is duly cancelled by action of the Board of Directors. During a duly declared Water Shortage Emergency, the Board of Directors shall consider adoption of a rationing activation resolution to implement water conservation Stage 3 when advised by the District's General Manager that the water supply, water production, or capability to treat, store, or distribute water can no longer be maintained at a level adequate to service the existing demands and requirements of the System's customers without endangering maintenance of adequate reserves for fire protection, sanitary use, and preservation of the ecological health of the community and the District's watershed. A rationing activation resolution shall specify the optional provisions of this Ordinance's mandatory water rationing program that shall be placed in effect. The mandatory water rationing program that is placed in effect shall be legally binding on all customers of the Inverness Public Utility District Water System and of all users of System-provided water. It shall be unlawful for any customer or user to use, or cause or permit to be used, System-provided water in excess of the water allotment assigned to the service at which the excess usage occurs.

SECTION 3. RESIDENTIAL SERVICE WATER ALLOTMENT. The Board of Directors shall determine and specify in the "rationing activation resolution" the water allotment "track" that is to be placed in

effect for residential services. A service's designation as a residential service shall be determined by the rate schedule applicable to the service.

Under Track 1, each residential service's usage allotment shall be set at a specified number of gallons per day (the allotment will be the same for all residential service connections).

Under Track 2, each residential service's usage allotment shall be set at a specified number of gallons per day per fulltime resident on the premises.

Under Track 3, each residential service's usage allotment shall be set at a specified ratio of the average amount of water used at the service over the preceding year.

Under Track 4, each residential service's usage allotment shall be set at a specified number of gallons per day per fulltime resident on the premises, such number of gallons to be determined in accordance with an occupancy schedule.

Under Track 5 (a combination of Track 1 and Track 2), each residential service's usage allotment shall be set at a specified number of gallons per day (this base allotment will be the same for all residential service connections) plus a specified number of gallons per day per fulltime resident on the premises.

(a) TRACK 1: Uniform allocation

The Board of Directors shall determine and specify in the rationing activation resolution the number of gallons per day to be allocated to each residential service. At any time, the General Manager may reduce this allocation temporarily by up to 25% on an emergency basis if the General Manager determines that such reduction is necessary to protect the public health, safety, and welfare or to spread more equitably the availability of water among the classes of users; any such temporary reduction must be approved by the Board of Directors at its next duly noticed meeting in order to remain in effect. The Board of Directors may, at any time, adjust or modify by Resolution the number of gallons per day to be allocated to each residential service.

(b) TRACK 2: Per-person allocation

The Board of Directors shall determine and specify in the rationing activation resolution the number of gallons per day to be allocated for each reported fulltime occupant of a residential service, as well as a default per-connection allocation for residential services for which no fulltime occupants have been reported. At any time, the General Manager may reduce temporarily these allocations by up to 25% on an emergency basis if the General Manager determines that such reductions are necessary to protect the public health, safety, and welfare or to spread more equitably the availability of water among the classes of users; any such temporary reductions must be approved by the Board of Directors at its next duly noticed meeting in order to remain in effect. The Board of Directors may, at any time, adjust or modify by Resolution the number of gallons per day to be allocated for each reported fulltime occupant of a residential service, as well as a default per-connection allocation for residential services for which no fulltime occupants have been reported.

(c) TRACK 3: Ratio-based allocation

The Board of Directors shall determine and specify in the rationing activation resolution the ratio (percentage) of preceding-year average daily usage to be allocated uniformly to each service. As necessary, the General Manager may utilize any appropriately applicable period other than the preceding year to determine a service's average daily usage. The Board of Directors may establish a schedule of varying ratios together with triggers for implementing the various ratio levels. At any time, the General Manager may reduce temporarily the allocation that is currently in effect by up to 25% on an emergency basis if the General

Manager determines that such a reduction is necessary to protect the public health, safety, and welfare; any such temporary reduction must be approved by the Board of Directors at its next duly noticed meeting in order to remain in effect. The Board of Directors may, at any time, adjust or modify by Resolution the ratio (percentage) of preceding-year average daily usage to be allocated uniformly to each service or the schedule of varying ratios and the triggers for implementing the various ratio levels.

(d) TRACK 4: Occupancy-adjusted per-person allocation

The Board of Directors shall determine and specify in the rationing activation resolution a schedule of fulltime residential occupancy levels and for each occupancy level the number of gallons per day to be allocated for each fulltime occupant, as well as a default daily allocation for each residential service for which no fulltime occupants have been reported. At any time, the General Manager may reduce these allocations temporarily by up to 25% on an emergency basis if the General Manager determines that such reductions are necessary to protect the public health, safety, and welfare or to spread more equitably the availability of water among the classes of users; any such temporary reductions must be approved by the Board of Directors at its next duly noticed meeting in order to remain in effect. The Board of Directors may, at any time, adjust or modify by Resolution the schedule of fulltime residential occupancy levels and for each occupancy level the number of gallons per day to be allocated for each fulltime occupant, as well as the default daily allocation for each residential service for which no full-time occupants have been reported.

(e) TRACK 5: Uniform allocation plus per-person allocation

The Board of Directors shall determine and specify in the rationing activation resolution the number of gallons that will constitute the base number of gallons per day to be allocated uniformly to every residential service plus the number of gallons per day to be allocated for each reported fulltime occupant of a residential service. At any time, the General Manager may reduce these allocations temporarily by up to 25% on an emergency basis if the General Manager determines that such reductions are necessary to protect the public health, safety, and welfare or to spread more equitably the availability of water among the classes of users; any such temporary reductions must be approved by the Board of Directors at its next duly noticed meeting in order to remain in effect. The Board of Directors may, at any time, adjust or modify by Resolution the number of gallons that constitute the base number of gallons per day allocated uniformly to every residential service and the number of gallons per day allocated for each reported fulltime occupant of a residential service.

SECTION 4. NON-RESIDENTIAL SERVICE WATER ALLOTMENT. The Board of Directors shall determine and specify in the “rationing activation resolution” the ratio (percentage) of preceding-year average daily usage to be allocated uniformly to each non-residential service. A service’s designation as a non-residential service shall be determined by the rate schedule applicable to the service. As necessary, the General Manager may utilize any appropriately applicable period other than the preceding year to determine a service’s average daily usage. The Board of Directors may establish a schedule of varying ratios together with triggers for implementing the various ratio levels. At any time, the General Manager may reduce temporarily the allocation that is in effect by up to 25% on an emergency basis if the General Manager determines that such a reduction is necessary to protect the public health, safety, and welfare; any such temporary reduction must be approved by the Board of Directors at its next duly noticed meeting in order to remain in effect. The Board of Directors may, at any time, adjust or modify by Resolution the ratio (percentage) of preceding-year average daily usage to be allocated uniformly to each non-residential service.

SECTION 5. DETERMINATION OF INDIVIDUAL CUSTOMER WATER ALLOTMENTS. The General Manager shall, as necessary, take appropriate measures to determine each service's daily water allotment and shall communicate in timely manner to the customer of record for each service connection that service's daily allotment. In the event a track is used that bases daily water allotments on a per-person basis, the General Manager shall devise and implement a program to conduct a census of the occupancy of each residential property. If a customer of record for a residential service fails to respond to a census inquiry, that customer's served residence shall be presumed to have no fulltime residents.

SECTION 6. DETERMINATION OF A FULLTIME RESIDENT. For purposes of implementing any provisions of this ordinance, a fulltime resident is a human being who is domiciled overnight on the property for more than 30 consecutive nights or more than 30 nights within a 60-day period; residency can be demonstrated by the address listed on a driver license, voter registration card, property tax bill with homeowner property tax exemption, lease agreement, income tax return, utility bill, local school enrollment, parental, custodial, or caregiver relationship to an adult who demonstrates full-time residency, or other means satisfactory to the General Manager.

SECTION 7. ALLOTMENT PERIOD, ALLOTMENT BANKING, ALLOTMENT TRANSFER, USAGE NOTIFICATION. For purposes of enforcement of this ordinance, each customer's total allotment and total usage shall be computed for each of the System's bimonthly billing periods (as defined in paragraph (c) of Water System Regulation 301). Each customer's total allotment for a billing period shall be determined by multiplying the service's applicable daily allotment by the number of days in the billing period. No unused portion of a customer's allotment in a billing period may be applied to a subsequent billing period (carryover shall not be allowed; any unused allotment shall expire at the time the meter is read for the applicable billing period), nor may any portion of a service connection's allotment be transferred to any other service connection. The General Manager shall devise and implement a program to notify each customer of record of the average daily water usage at the served property at regular intervals during each billing period during which water rationing is in effect.

SECTION 8. HARDSHIP. On request, the General Manager may increase a service connection's daily water allocation upon making a finding that enforcement of the service's existing allocation would (a) cause or result in a severe hardship to the customer or to any of the service location's fulltime residents (excluding economic hardship); (b) be detrimental to the public interest; or (c) cause or result in an emergency condition affecting the health, sanitation, fire protection, or safety of the customer, the residents, or the public. In the event an application for an increase in a service connection's daily water allocation is denied by the General Manager or is not acted upon by the General Manager within ten (10) working days, the applicant may within ten (10) working days file in writing an appeal to the Board of Directors, which body shall conduct a hearing on the appeal at its next duly noticed meeting that is no fewer than seven (7) days subsequent to the date the appeal is received in the District office; the decision on an appeal by the Board of Directors shall be final and binding.

SECTION 9. ENFORCEMENT. At the conclusion of each bimonthly billing period, the General Manager shall determine the customers-of-record whose service location used an amount of water during the billing period that exceeded the total allocation that had been established for the service for the billing period.

- (a) Excess usage not in excess of 10% of allocation. The General Manager shall issue a written warning to each customer that had excess usage but whose excess usage did not exceed ten percent (10%) of the allocation that had been established for the service for the billing period.

- (b) Excess usage in excess of 10% of allocation. The General Manager shall notify in writing each customer that had excess usage and whose excess usage exceeded ten percent (10%) of the allocation that had been established for the service for the billing period and shall inform the customer that an administrative fine is being applied to the customer's water account.
- (c) Administrative Fine. The administrative fine that is assessed shall be fifty dollars (\$50.00) for each unit of one hundred (100) cubic feet (ccf), or fraction thereof, of the customer's usage during the billing period that was in excess of the allocation that had been established for the service for the billing period.
- (d) Repetition of Excess Usage. The second time during the same Water Shortage Emergency that a customer's usage during a billing period exceeds by more than ten percent (10%) the allocation that had been established for the service for the billing period, the administrative fine that is assessed shall be one-hundred dollars (\$100.00) per unit of one hundred (100) cubic feet (ccf), or fraction thereof, of the customer's usage during the billing period that was in excess of the allocation that had been established for the service for the billing period. The third time during the same Water Shortage Emergency that a customer's usage during a billing period exceeds by more than ten percent (10%) the allocation that had been established for the service for the billing period, the administrative fine that is assessed shall be two-hundred dollars (\$200.00) per unit of one hundred (100) cubic feet (ccf), or fraction thereof, of the customer's usage during the billing period that was in excess of the allocation that had been established for the service for the billing period.
- (e) Appeal of an Administrative Fine. Within ten (10) working days of being notified that an administrative fine has been assessed, the customer of record for the service account to which the administrative fine has been posted may file in writing an appeal to the Board of Directors of the assessment of the administrative fine. The Board of Directors shall conduct a hearing on the appeal at its next duly noticed meeting that is no fewer than seven (7) days subsequent to the date the appeal is received in the District office; the decision on an appeal by the Board of Directors shall be final and binding
- (f) Chronic Excess Usage. The fourth time during the same Water Shortage Emergency that a customer's usage during a billing period exceeds by more than ten percent (10%) the allocation that had been established for the service for the billing period, the General Manager shall notify the Board of Directors and shall place on the agenda for the next duly noticed meeting of the Board of Directors for which an agenda has not yet been posted a public hearing to consider restricting or discontinuing water service to the property at which the chronic excess usage has occurred, and shall notify the customer of record for said property of the impending hearing at which the Board of Directors may take action to restrict or discontinue water service to the customer's property. The Board of Directors at such public hearing may, in its sole discretion, based on testimony received and findings of fact, place such restrictions on water service to the affected property as it deems in its sole discretion to be necessary to protect the public water supply, including but not limited to directing Water System staff to place a flow restricting device on the service's water meter or to discontinue water service to the property, pursuant to Section 356 of the Water Code of the State of California. The Board may set a period of time during which a flow restriction device will be in place or a period of time during which service will be discontinued, but no such restriction or service discontinuance shall remain in effect past the date on which the declared Water Shortage Emergency is declared ended by the Board of Directors, except that any service restriction or discontinuance that is in effect shall remain in effect as long as any currently unpaid rates, charges, or fines assessed to the water service account remain unpaid.

SECTION 10. TAMPERING. It shall be unlawful for anyone to draw, or permit to be drawn, any water through a service meter to which service has been discontinued pursuant to Section 9(e) of this ordinance. It shall be unlawful for anyone to engage in an attempt to remove, adjust, modify, bypass, or otherwise tamper with a flow restriction device installed on a meter pursuant to Section 9(e) of this ordinance. Pursuant to Section 356 of the Water Code of the State of California, a violation of this section shall constitute grounds for the District to initiate proceedings to remove the subject water meter, cap the service lateral from the District's water main, and officially declare the subject property as not served by the Inverness Public Utility District Water System.

SECTION 11. APPLICABILITY. The provisions of this ordinance shall be in effect and applicable only while a duly declared mandatory water rationing program is in effect during a duly declared water shortage emergency. No provisions of this ordinance shall have any effect or applicability once a resolution cancelling water rationing or a resolution declaring an end to a declared water shortage emergency has been adopted by the Board of Directors or at any other time during which no duly activated mandatory water rationing program or duly declared water shortage emergency is in effect.

SECTION 12. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase, or provision of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have adopted the ordinance and each section, subsection, paragraph, sentence, clause, phrase, and provision thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or provisions be declared invalid.

SECTION 13. This Ordinance shall be and hereby is declared to be in full force and effect as of thirty (30) days from and after the date of its adoption. The Clerk of the Board shall cause this Ordinance to be published in a newspaper of general circulation in the District at least one (1) week before the expiration of said thirty (30) days and shall also cause copies of this Ordinance to be posted in at least three (3) public places in the District for the said thirty (30) days, and said publication and said posted copies shall show the names of the Directors voting for and against adoption of this Ordinance.

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Inverness Public Utility District on the 3rd day of June, 2021, by the following vote, to wit:

AYES: **Directors**

NOES:

ABSTAINING:

ABSENT:

Kenneth J. Emanuels, President

ATTEST:

Shelley Redding, Clerk of the Board



I hereby certify that the foregoing instrument is a true and correct copy of the original of Ordinance 100-2021 on record in this office, and that subsequent to its adoption no provision of Ordinance 100-2021 has been amended, modified, or revoked by the governing body.

Clerk of the Board, Inverness Public Utility District, County of Marin, State of California.

By _____ Date _____

DRAFT



Inverness Public Utility District
Special Board Meeting June 3, 2021

Agenda Item No. 4

Adopt Ordinance 101-2021

Replacing Regulation 117, “Water Shortage
Emergency (Water Conservation Program)”

ORDINANCE 101-2021 (D - R - A - F - T)

**AN ORDINANCE AMENDING IN ITS ENTIRETY REGULATION 117,
“WATER SHORTAGE EMERGENCY,” IN THE REGULATIONS
OF THE INVERNESS PUBLIC UTILITY DISTRICT WATER SYSTEM**

WHEREAS, it is the desire of the Board of Directors of the Inverness Public Utility District to revise in their entirety the existing provisions of Regulation 117, “Water Shortage Emergency,” of the Regulations of the Inverness Public Utility District Water System, and to replace said Regulation 117 with Regulation 117, “Water Shortage Emergency (Water Conservation Program),”

NOW, THEREFORE, BE IT ENACTED by the Board of Directors of the Inverness Public Utility District that the following shall be and hereby is incorporated into the Regulations of the Inverness Public Utility District Water System as Regulation 117, “Water Shortage Emergency (Water Conservation Program),” thereby rescinding and replacing the version of Regulation 117 adopted by Ordinance 58-2001 (July 2, 2001) and amended by Ordinance 82-1 (July 22, 2009), and Ordinance 98-2020 (December 16, 2020):

Regulation 117

**WATER SHORTAGE EMERGENCY
(Water Conservation Program)**

(a) Declaration of a Water Shortage Emergency

A Water Shortage Emergency may be declared by Resolution of the Board of Directors of the Inverness Public Utility District under the conditions cited in, and pursuant to the provisions of, Sections 350 through 358 of the Water Code of the State of California. Except in the event of a wildfire or a breakage or failure of a dam, pump, pipeline, or conduit causing an immediate emergency, adoption of a Resolution declaring a Water Shortage Emergency shall be made only after a public hearing at which consumers of the water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the governing board. Notice of the time and place of the hearing shall be published pursuant to Section 6061 of the Government Code at least seven (7) days prior to the date of the hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

(b) Purpose

The purpose of this Regulation is to provide during a Water Shortage Emergency a “Water Conservation Program” consisting of regulations and restrictions on the demand for water, the delivery of water, and the consumption of water supplied for public use as will, in the sound discretion of the District’s Board of Directors, conserve the District’s water supply for the greatest public benefit, with particular regard to public health and sanitation, fire protection, domestic use, and preservation of the ecological health of the community and the District’s watershed by reducing wasteful uses of water and allocating the available water supply fairly and equitably among the customers and users. This Regulation is intended to be operative pursuant to a declaration by the Board of Directors that a Water Shortage Emergency condition prevails within the area served by the District’s Water System.

(c) Implementation

This Regulation and its provisions shall be in effect and shall be binding on the customers of the District's Water System and users of District-provided water with the full force and effect of law immediately upon adoption by the Board of Directors of the Inverness Public Utility District of a Resolution declaring that a Water Shortage Emergency condition prevails within the area served by the District's Water System, unless said Resolution provides otherwise, and shall remain in full force and effect until the Board of Directors of the Inverness Public Utility District declares by Resolution an end to the Water Shortage Emergency. In its Resolution declaring a Water Shortage Emergency, the Board of Directors may provide for regulations and restrictions on the demand for, delivery of, and consumption of water other than as provided for in this Regulation, or in addition to the regulations and restrictions provided for in this Regulation; it may also exempt enumerated provisions of this Regulation from being placed in effect during a declared Water Shortage Emergency.

(d) **Effectiveness**

This Regulation and all its provisions individually and collectively shall be effective, applicable, and enforceable while, but only while, a duly declared Water Shortage Emergency is in effect in the District.

(e) **New Service Connections**

- (1) At any time a Water Shortage Emergency is in effect, there shall be a moratorium on connecting to the District's Water System and providing a meter for any new service the application for which is submitted to the District while the duly declared Water Shortage Emergency is in effect.
- (2) The District's Water System shall continue to receive applications for New Service Connections while a Water Shortage Emergency is in effect (called the "moratorium period"). Applications that are received during a moratorium period, accompanied by the applicable New Service Connection fee, and deemed complete, shall become eligible to be accepted and processed for allocation of a New Service Connection only when the Water Shortage Emergency is cancelled by action of the Board of Directors.
- (3) Any application for a New Service Connection that is submitted and received during a moratorium period shall not be deemed complete unless and until the applicant acknowledges in writing that acceptance and processing by the District shall be at the risk and expense of the applicant and that receipt by the District shall confer no right upon the applicant or anyone else during the moratorium period and until the Water Shortage Emergency has been cancelled, and that the applicant releases the District for all claims of damages arising out of or in any manner connected with the moratorium on connections.
- (4) An exception, called the "deferred landscaping exception," to the moratorium in subparagraph (e)(1) may be enabled by the Board of Directors either in the resolution declaring the Water Shortage Emergency or in a subsequent resolution adopted while the Water Shortage Emergency is in effect, by which exception a New Service Connection shall be eligible for approval for a property for which the application for the New Service Connection is deemed complete, the applicable New Service Connection fee has been paid, and the applicant agrees to defer landscape installation until after the Water Shortage Emergency has been cancelled. An applicant for a deferred landscaping exception must acknowledge and accept in writing as follows: the terms of the deferred landscaping exception; a notice that the District does not in any way represent, suggest, or warrant that the deferred landscaping exception will be recognized or accepted by any other agency or will insure that permits by other agencies will be granted; and that willful violation of the terms of the deferred landscaping exception after reasonable notice may result in forfeiture of connection to the District's Water System. At any time this exception is enabled, its effectiveness and applicability to subsequent applicants may be withdrawn and cancelled by action by resolution of the Board of Directors.
- (5) For purposes of this paragraph (e), an application for a New Service Connection for which an extension of Water System facilities is required cannot be deemed complete until all applicable and necessary agreements for provision of the required extension facilities have been executed by the applicant.

(f) **Three-Stage Water Conservation Program**

The District's program to conserve the public water supply during a Water Shortage Emergency shall consist of the three stages detailed in subparagraphs (1), (2), and (3) below. These stages shall be implemented as provided for in paragraph (g) below.

(1) **Stage 1: General Conservation and Prohibition of Nonessential Uses of Water**

While Stage 1 is in effect, the Water System shall implement a program to encourage its customers and users to conserve water and informing them of the need to reduce water usage. In addition, the following nonessential uses of water shall be prohibited during Stage 1:

- a. Any use of water in conjunction with installation of new landscaping or in support of replacement within a 180-day period of more than 25 square feet of existing landscaping, except as necessary for erosion control or for dust control at construction sites.
- b. Use of water through any service when the customer, the user, or the owner of the premises is aware of, or should have cause to be aware of, any broken or defective plumbing, sprinkler, watering or irrigation system, and the customer or owner has failed to effect necessary repairs within ten (10) days.
- c. Use of water which results in flooding or runoff into a gutter, street, roadway, or elsewhere of similar nature, including any runoff of any nature off the property intended to be served by the meter.
- d. Use of water through a hose not equipped with a positive activation mechanism for washing cars, busses, boats, trailers, or any other types of vehicles.
- e. Use of water through a hose for washing the exteriors of buildings or structures, or for washing sidewalks, driveways, patios, parking lots, athletic or game courts (such as tennis courts), or other hard-surfaced outdoor areas.
- f. Use of water for filling any new swimming pool or for refilling any existing swimming pool, except for reasonable "topping off" or reasonable backwashing-to-waste of existing swimming pools at intervals of not less than fourteen (14) days.
- g. Use of water to clean, fill, or maintain levels in decorative fountains, pools, or ponds exceeding one hundred (100) gallons capacity, except as minimally necessary to maintain existing piscine life.
- h. Use of water for construction purposes, such as consolidating backfill, unless no other source of water or method is reasonably available to be used and a permit for said use has been issued by the General Manager of the Inverness Public Utility District.
- i. Service of water to a customer by any restaurant or food-service establishment except when requested by the customer.
- j. Use of water without a permit issued by the General Manager to fill any privately-owned water storage tank whose capacity exceeds one hundred (100) gallons unless said tank is directly online in and an integral part of the customer's water service connection.

(2) **Stage 2: Prohibitions on Outdoor Uses of Water and/or Restrictions on When Outdoor Watering Is Permitted**

In addition to the provisions of Stage 1, which shall remain in effect during Stage 2, Stage 2 shall consist of such restrictions on outdoor uses of water as in the judgment of the General Manager are necessary to conserve the District's water supply. Any or all of the following restrictions on water usage may be placed in effect in any order or in any combination by the General Manager during Stage 2:

- a. Prohibition of use of water for washing vehicles (cars, vans, trucks, busses, trailers, boats, etc.).
- b. Prohibition of use at any time of sprinkler devices for outdoor watering.

- c. Prohibition of use at any time of timer-activated automatic outdoor watering or irrigation systems.
- d. Prohibition of use of the public water supply to fill swimming pools, outdoor spas, or ornamental ponds whose capacity exceeds one hundred (100) gallons.
- e. Prohibition of outdoor watering on specified days of the week or month or during specified times of the day.
- f. Permitting outdoor watering only at specified times or on specified days or on a specified schedule, such as permitting outdoor watering on a schedule based on whether a property has an even-numbered or an odd-numbered street address.
- g. Requiring that any use of water outdoors be by handheld hose equipped with a positive activation and automatic shutoff mechanism or by watering can or container not exceeding five (5) gallons capacity.
- h. Prohibition of the use of the public water supply for any type of outdoor watering at any time, except that under unusual circumstances of unavoidable necessity and for the protection of public health and welfare, the General Manager may grant on a case-by-case basis permits for specified uses of water outdoors while a general prohibition on use of the public water supply outdoors is in effect.

(3) **Stage 3: Water Rationing**

In the event the Board of Directors receives from the General Manager a recommendation that it is necessary to conserve an even greater portion of the public water supply than is achieved by implementation of Stage 2 restriction(s), the Board of Directors may impose mandatory water rationing throughout the service area of the Inverness Public Utility District Water System by adopting a Resolution activating mandatory rationing, as provided for in the District's most recently enacted Mandatory Water Rationing Ordinance. Said Resolution shall be adopted only after a public hearing at which consumers of the water supply shall have an opportunity to be heard to protest against the rationing proposal and to present their respective needs to the governing board. Notice of the time and place of the hearing shall be published pursuant to Section 6061 of the Government Code at least seven (7) days prior to the date of the hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

(g) **Authorization to Implement Stages**

- (1) The General Manager shall have authority to place Stage 1 in effect.
- (2) The General Manager shall have authority to place any or all of the restrictions of Stage 2 in effect, provided that within five (5) days of placing any Stage 2 restriction in effect the General Manager shall notify in writing each member of the Board of Directors of the circumstances which, in the General Manager's judgment, make it necessary to place said Stage 2 restriction or restrictions in effect, which notification to the Directors shall also be made available to the public. The Directors may, at a subsequent regular meeting or a duly called special meeting, rescind the General Manager's action placing any Stage 2 restriction(s) in effect.
- (3) Only the Board of Directors shall have authority to place Stage 3 (mandatory water rationing) in effect, as provided in subparagraph (f)(3) of this Regulation.
- (4) Upon adoption by the Board of Directors of a Resolution declaring a Water Shortage Emergency to be in effect, the General Manager shall devise and implement a program to inform the public of the applicable provisions of this Regulation, including the applicability of the restriction on new service connections in paragraph (e) above and whether or not the "deferred landscaping exception" in subparagraph (e)(4) above is in effect.

- (5) The General Manager shall devise and implement means of informing the public whenever a stage or restriction is placed in effect, whenever a change occurs in the applicability of the “deferred landscaping exception” in subparagraph (e)(4), and whenever a declared Water Shortage Emergency is ended. As appropriate, these outreach efforts shall include informing other governmental agencies, local Realtors, and others the General Manager has reasonable reason to believe have an interest in the District’s Water Conservation Program.

(h) **Enforcement**

- (1) While Stage 1 or any Stage 2 restriction is in effect, the following penalties shall be applied in the event of a use of water that is in violation of a provision of this Regulation. Violations are cumulative only during the same duly declared Water Shortage Emergency.
 - a. First violation at a customer’s service: An oral warning shall be issued upon detection of the violation, and a letter explaining the violation shall be mailed to the customer within seven (7) working days.
 - b. Second violation at the same customer’s service: An administrative fine of one hundred dollars (\$100.00) shall be added to the customer’s service account, and a letter explaining the violation and the fine penalty shall be mailed to the customer within seven (7) working days.
 - c. Third violation at the same customer’s service: An administrative fine of two hundred dollars (\$200.00) shall be added to the customer’s service account, and a letter explaining the violation and the fine penalty shall be mailed to the customer within seven (7) working days.
 - d. Fourth violation at the same customer’s service: The General Manager shall notify the Board of Directors and shall place on the agenda for the next duly noticed meeting of the Board of Directors for which an agenda has not yet been posted a public hearing to consider restricting or discontinuing water service to the property at which the violation occurred, and shall notify the customer of record for said property of the impending hearing at which the Board of Directors may take action to restrict or discontinue water service to the customer’s property. The Board of Directors at such public hearing may, in its sole discretion, based on testimony received and findings of fact, place such restrictions on water service to the affected property as it deems in its sole discretion to be necessary to protect the public water supply, including but not limited to directing Water System staff to place a flow restricting device at the service’s water meter or to discontinue water service to the property, pursuant to Section 356 of the Water Code of the State of California. The Board may set a period of time during which a flow restriction device will be in place or a period of time during which service will be discontinued, but no such restriction shall remain in effect past the date on which the declared Water Shortage Emergency is declared ended by the Board of Directors, except that any service restriction or discontinuance that is in effect shall remain in effect as long as any currently unpaid rates and charges assessed to the property for water service remain unpaid.
 - e. If at the time a violation is detected there is no responsible adult present on the premises, the customer’s service connection shall be turned off and service shall be restored only upon payment of a service restoration charge of fifty dollars (\$50).
 - f. If at the time a violation is detected there occurs a refusal by the person or persons engaged in the violation to immediately cease the usage of water that is in violation of this Regulation, the customer’s service connection shall be turned off and service shall be restored only upon payment of a service restoration charge of fifty dollars (\$50)
- (2) A customer charged with a violation of this Regulation may submit an appeal in writing to the Board of Directors within fourteen (14) days of notification of the violation. The Board shall conduct a hearing on the appeal at its next duly noticed meeting that is no fewer than ten (10) days subsequent to the date the appeal is received in the District office. An appeal must be accompanied by a deposit in the amount of the administrative fine in the case of an appeal of a second or third violation. If the Board sustains an

appeal of a violation for which a service restoration charge was paid by the appellant, the service restoration charge shall be refunded to the customer. The decision of the Board of Directors on an appeal shall be final and binding.

(i) **Appeals**

Appeals of enforcement of provisions of this Regulation, other than as provided for elsewhere in this Regulation, may be submitted in writing to the Board of Directors, which Board shall conduct a public hearing on the appeal at its next duly noticed meeting that is no fewer than ten (10) days subsequent to the date the appeal is received in the District office. The Board shall grant, or partially grant, such an appeal only upon making findings that granting the appeal would resolve an inequity of enforcement, or is necessary to protect the general health and welfare of individuals or of the community, or is necessary to protect property and public safety; economic hardship shall not be considered to constitute grounds for granting an appeal from any requirement or provision of this Regulation. The Board of Directors shall not grant an appeal of any provision of paragraph (e) of this Regulation (“New Service Connections”) when doing so would weaken or diminish the comprehensiveness of the moratorium on installation of new service connections in subparagraph (e)(1) (other than as provided for in subparagraph (e)(4)) or would expand the applicability of the exception in subparagraph (e)(4).

(j) **Exclusions**

Nothing in this Regulation shall limit or restrict any public agency engaged in providing emergency services from making any reasonable use of the water supply for purposes associated with the provision of emergency services. Nothing in this Regulation shall limit or restrict the Water System itself from using water in any manner or fashion or for any use it deems necessary in order to operate the Water System and maintain the public water supply.

THIS ORDINANCE shall be and hereby is declared to be in full force and effect as of thirty (30) days from and after the date of its adoption. The Clerk of the Board shall cause this Ordinance to be published in a newspaper of general circulation in the District at least one (1) week before the expiration of said thirty (30) days, and shall also cause copies of this Ordinance to be posted in at least three (3) public places in the District for the said thirty (30) days, and said publication and said posted copies shall show the names of the Directors voting for and against adoption of this Ordinance.

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Inverness Public Utility District on the 3rd day of June, 2021, by the following vote, to wit:

AYES: **Directors**

NOES:

ABSTAINING:

ABSENT:

Kenneth Emanuels, President

ATTEST:

Shelley Redding, Clerk of the Board

I hereby certify that the foregoing instrument is a true and correct copy of the original of Ordinance 101-2021 on record in this office, and that subsequent to its adoption no provision of Ordinance 101-2021 has been amended, modified, or revoked by the governing body.

_____, Clerk of the Board, Inverness Public Utility District,
County of Marin, State of California.

By _____ Date _____

DRAFT



Inverness Public Utility District
Special Board Meeting June 3, 2021

Agenda Item No. 5

Adopt Ordinance 102-2021

Withdrawing Ordinances 82-1: (Prohibition of Water
Wastage, Prohibition of Nonessential Water Usage,
Mandatory Rationing of Water Usage),

and

78-2009 (Mandatory Water Rationing)

Inverness Public Utility District

ORDINANCE 102-2021

**AN ORDINANCE OF THE INVERNESS PUBLIC UTILITY DISTRICT
WITHDRAWING AND DECLARING NULL AND VOID INVERNESS PUBLIC
UTILITY DISTRICT ORDINANCES 82-1 AND 78-2009**

WHEREAS, it is the desire of the Board of Directors of the Inverness Public Utility District to revise and replace in their entirety the existing provisions of ordinances and Water System regulations on water shortage emergencies and the District's water conservation program, and

WHEREAS, the Board of Directors has adopted and enacted Ordinance 100-2021 (Mandatory Water Rationing Program) and Ordinance 101-2021 (Replacing Water System Regulation 117 (Water Shortage Emergency (Water Conservation Program))), which ordinances are intended to replace ordinances 82-1 and 78-2009,

NOW, THEREFORE, BE IT ENACTED by the Board of Directors of the Inverness Public Utility District that Inverness Public Utility District Ordinance 82-1, "Prohibition of Water Wastage, Prohibition of Nonessential Water Usage, Mandatory Rationing of Water Usage," enacted on the 17th day of March, 1982, and Inverness Public Utility District Ordinance 78-2009, "Mandatory Water Rationing," enacted on the 22nd day of July, 2009, shall be and hereby are withdrawn, cancelled, and declared null and void and no longer operative in the Inverness Public Utility District.

THIS ORDINANCE shall be and hereby is declared to be in full force and effect as of thirty (30) days from and after the date of its adoption. The Clerk of the Board shall cause this Ordinance to be published in a newspaper of general circulation in the District at least one (1) week before the expiration of said thirty (30) days, and shall also cause copies of this Ordinance to be posted in at least three (3) public places in the District for the said thirty (30) days, and said publication and said posted copies shall show the names of the Directors voting for and against adoption of this Ordinance.

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Inverness Public Utility District on the 3rd day of June, 2021, by the following vote, to wit:

AYES: **Directors**

NOES:

ABSTAINING:

ABSENT:

Kenneth J. Emanuels, President

ATTEST:

Shelley Redding, Clerk of the Board

I hereby certify that the foregoing instrument is a true and correct copy of the original of Ordinance 102-2021 on record in this office, and that subsequent to its adoption no provision of Ordinance 102-2021 has been amended, modified, or withdrawn by the governing body.

_____, Clerk of the Board, Inverness Public Utility District,
County of Marin, State of California.

By _____ Date _____



Inverness Public Utility District
Special Board Meeting June 3, 2021

Agenda Item No. 6

Bartolini/Garcia Appeal

Continuance from May 26 of Public Hearing on request
for exception to Water Shortage Emergency
moratorium on new service connections

From: [John Chiles](#)
To: [info](#)
Subject: Vision Road water hookup
Date: Thursday, May 27, 2021 9:22:13 AM

Sir/Madam:

Given the parlous drought conditions facing Inverness and more broadly, Northern California, surely now is not the time to be considering more water hookups in the Inverness PUD! As local homeowner I must protest this hookup, particularly for a house of the size proposed.

Yours sincerely,
John Chiles



Inverness Public Utility District
Special Board Meeting June 3, 2021

Agenda Item No. 7

Announcements,

Next Meeting,

Adjournment