

ORDINANCE NO. 2021-6-1

**ORDINANCE OF THE BOARD OF DIRECTORS OF
RANCHO CALIFORNIA WATER DISTRICT, RIVERSIDE
COUNTY, CALIFORNIA, ADOPTING A REVISED WATER
SHORTAGE CONTINGENCY PLAN AND A REVISED
WATER CONSERVATION POLICY, AND RESCINDING
ORDINANCE NO. 2015-6-1**

WHEREAS, Rancho California Water District's (Rancho Water or District) is a California water district organized and operating according to California law; and

WHEREAS, periodic droughts are a historic fact in the State of California; and

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

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, in addition to Article X, section 2, Rancho Water has the authority to adopt and enforce water conservation restrictions pursuant to Water Code sections 375-378; and

WHEREAS, pursuant to California Water Code Section 350, the Board of Directors is authorized to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the Rancho Water will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting supplies to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the California Water Code Section 10632 now requires that every urban water supplier shall prepare and adopt a water shortage contingency plan as part of its urban water management plan; and

WHEREAS, the District's 2020 Urban Water Management Plan contains the District's Water Shortage Contingency Plan (WSCP) and accompanying Water Conservation Policy, which includes stages for voluntary and mandatory water use reductions, in response to requirements for inclusion in water shortage contingency planning; and

WHEREAS, the Rancho Water periodically updates its WSCP and accompanying Water Conservation Policy in collaboration with water agencies in the region to ensure a consistent message for water use reduction during emergencies throughout the region; and

WHEREAS, on June 11, 2015, the District revised its WSCP and accompanying Water Conservation Policy to satisfy specific requirements of State Water Resources Control Board (State Water Board) approved Resolution No. 2014-0038 adopting “an emergency regulation for statewide urban water conservation”, specifically California Code of Regulations, title 23, section 863, 864, and 865; and

WHEREAS, the June 11, 2015 WSCP revision also addressed the requirements of California Governor Edmund G. Brown’s issued Executive Order B-29-15, which highlighted that “...California’s water supplies continue to be severely depleted” and “...severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the State, [and] diminished water for agricultural production” and “...a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond”; and

WHEREAS, in response to the severe drought of 2012-2016, legislation in 2018 created new requirements for the District’s WSCP, including: key attributes of its Water Supply Reliability Analysis conducted pursuant to Water Code Section 10635 [Water Code Section 10632(a)(1)]; six standard water shortage levels corresponding to progressive ranges of up to 10-, 20-, 30-, 40-, 50-and greater than 50-percent shortages [Water Code Section 10632 (a)(3)(A)]; locally appropriate “shortage response actions” for each shortage level, with a corresponding estimate of the extent the action will address the gap between supplies and demands [Water Code Section 10632 (a)(4)]; procedures for conducting an annual water supply and demand assessment with prescribed elements [Water Code Section 10632 (a)(2)]; communication protocols and procedures to inform customers, the public, and government entities of any current or predicted water shortages and associated response actions [Water Code Section 10632 (a)(5)]; monitoring and reporting procedures to assure appropriate data is collected to monitor customer compliance and to respond to any state reporting requirements [Water Code Section 10632(a)(9)]; and a reevaluation and improvement process to assess the functionality of its WSCP and make appropriate adjustments as may be warranted [Water Code Section 10632(a)(10)]; and

WHEREAS, Rancho Water determined a more complete revision of the WSCP and accompanying Water Conservation Policy would be necessary to appropriately address the new legislative requirements; and

WHEREAS, because of persistent and unpredictable water conditions in the State, statutory requirements for water planning, and the declared policy of the State, Rancho Water hereby finds and determines that it is necessary and appropriate for Rancho Water to adopt, implement, and enforce a WSCP and accompanying Water Conservation Policy with stages of water shortage restrictions, including emergency stages, to reduce the

quantity of water used by its consumers, to preserve water supplies, to prevent the waste or unreasonable use or unreasonable method of use of water, and to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, Section 10652 of the California Water Code provides that the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) (CEQA) does not apply to the preparation and adoption of a WSCP.

NOW THEREFORE, it is hereby ordained by the Board of Directors of the Rancho California Water District as follows:

Section 1. Ordinance No. 2015-6-1 is hereby rescinded and replaced with this Ordinance.

Section 2. The Board of Directors does hereby adopt the June 10, 2021 revision of the Water Shortage Contingency Plan, in the form attached hereto as Exhibit 1, and by this reference, such Water Shortage Contingency Plan is incorporated as if fully set forth herein.


Section 3. The Board of Directors does hereby adopt the June 10, 2021 revision of the Water Conservation Policy, in the form attached hereto as Exhibit 1, at Appendix D, and by this reference, such Water Conservation Policy is incorporated as if fully set forth herein.

Section 4. The adoption of this Ordinance is not subject to the requirements of CEQA pursuant to Water Code Section 10652 because CEQA does not apply to the preparation and adoption of a WSCP or to the implementation of the actions taken pursuant to such plans, or alternatively, is exempt from CEQA. As only water conservation would result from the implementation of the Ordinance's provisions, the Ordinance would not commit the District to any action that would result in any significant environmental effects. As a result, per State CEQA Guidelines § 15378, the Ordinance does not constitute a project subject to requirements of CEQA. Alternatively, the adoption of this Ordinance is exempt from CEQA under State CEQA Guidelines, § 15061 (b)(3) and § 15308 because CEQA only applies to projects that have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, and because the Ordinance would result in the conservation of water, a limited and currently scarce resource, and would, therefore, have a beneficial effect on the environment. On this basis, and the on the basis of the information contained in the whole of the administrative record, the adoption of this Ordinance requires no further analysis under CEQA.

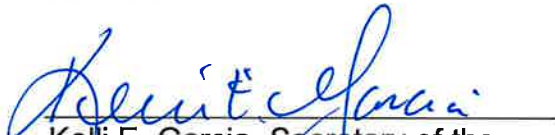
Section 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without invalid provision or application, and to this end the provisions of this ordinance are severable. The Board hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. This Ordinance shall become effective immediately upon adoption.

ADOPTED, SIGNED, AND APPROVED this 10th day of June 2021.


Carol Lee Gonzales-Brady, President of the
Board of Directors of the
Rancho California Water District


ATTEST:


Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

STATE OF CALIFORNIA)
)ss.
COUNTY OF RIVERSIDE)

I, KELLI E. GARCIA, Secretary of the Board of Directors of the Rancho California Water District, do hereby certify that the foregoing Ordinance No. 2021-6-1 was duly adopted by the Board of Directors of said District at a regular meeting thereof held on the 10th day of June 2021, and that it was so adopted by the following vote:

AYES:	DIRECTORS:	Brady, Garcia, Gonzales-Brady, Hoagland, Plummer, Rossi, and Wilson
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None



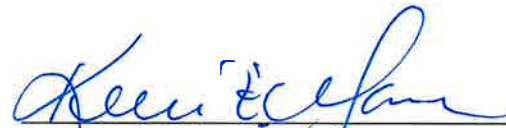
Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

(SEAL)

STATE OF CALIFORNIA)
)ss.
COUNTY OF RIVERSIDE)

I, KELLI E. GARCIA, Secretary of the Board of Directors of the Rancho California Water District, do hereby certify that the above and foregoing is a full, true, and correct copy of Ordinance No. 2021-6-1 of said Board, and that the same has not been amended or repealed.

DATED: June 10, 2021



Kelli E. Garcia, Secretary of the
Board of Directors of the
Rancho California Water District

(SEAL)

EXHIBIT 1

[WATER SHORTAGE CONTINGENCY PLAN AND WATER CONSERVATION
POLICY]