ORDINANCE 384

AN ORDINANCE OF THE WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY ESTABLISHING AN UPDATED RETAIL CUSTOMER WATER SUPPLY SHORTAGE CONTINGENCY PROGRAM

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the State of California, it is the 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 or unreasonable 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, pursuant to California Water Code section 71610.5, the District may undertake a water conservation program to reduce water use and may require, as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, pursuant to California Water Code section 71640, the District may restrict the use of District water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the waste of District water or the use of District water during such periods for any purpose other than those that the District determines to be necessary. The District may also prohibit

use of District water during such periods for specific uses which it finds to be nonessential. Pursuant to Water Code section 71641, the District may prescribe and define by ordinance the restrictions, prohibitions, and exclusions referred to in section 71640; and

WHEREAS the Board of Directors recognizes continued long term challenges to the region and the state. The District's Mediterranean climate typically exhibits hot, dry summers and mild, wet winters. Annual precipitation totals vary substantially from year to year, averaging 10.24 to 12.06 inches depending on the region. Climate change impacts are predicted to increase the uncertainty of water supplies. Additionally, regulatory restrictions on pumping from the Bay-Delta region affecting State Water Project ("SWP") deliveries will continue to impact the District's supply reliability. The District relies heavily on SWP supplies, obtaining approximately up to 75 percent of its total supply through imported water sources from MWD; and

WHEREAS, because of the prevailing conditions in the State and the declared policy of the State that the District manage its water resources for the general welfare to ensure their beneficial use to the fullest extent of which they are capable, the District hereby finds and determines that it is necessary and appropriate for the District to adopt, implement, and enforce a Water Supply Shortage Contingency Program (the "Program") to reduce the quantity of water used by consumers within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection; 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 District will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection, and as more fully set forth in this Ordinance; and

WHEREAS, the Board of Directors hereby finds and determines that in the event the District determines that it is necessary to declare that a Water Shortage Emergency exists, the District will be authorized pursuant to this Ordinance to implement supply shortage response measures to regulate water consumption activities within the District and ensure that the water delivered in the District is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, the Board of Directors is authorized and hereby finds and determines that it is necessary to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a water supply shortage contingency program to: (i) prohibit the waste of District water or the use of District water during such period; (ii) prohibit use of water during such periods for specific uses which the District may from time to time find nonessential; and (iii) reduce and restrict the quantity of water used by Persons within the District; and

WHEREAS, the Board of Directors hereby finds and determines that the District shall: (i) implement water supply shortage response measures; (ii) regulate the water

consumption activities of Persons within the District for the purposes of conserving and protecting the District's water supplies, reducing the quantity of water consumed, and deterring and preventing the waste or unreasonable use or unreasonable method of use of valuable water resources; and (iii) establish and collect regulatory fees and impose fines and/or penalties as set forth herein to accomplish these purposes and recover the costs of the District's water conservation and regulatory program; and

WHEREAS, the Board of Directors hereby finds that the District's five (5) Tier water budget-based rate structure is an effective method of managing demand through price signals and eliminating inefficient usage while maintaining revenue stability and proportionately allocate the costs of service to those who place the greatest demands on the District's water system and limited water supplies; and

WHEREAS, the Board of Directors hereby finds and determines that it is desirable to adopt the Program in order to codify the rules and regulations governing its actions, and the actions of Persons using and consuming water within the District, particularly during declared water shortages and water shortage emergencies, to protect the general welfare and the District's water supplies, and to reduce water consumption all in accordance with the declared policies and laws of the State; and

WHEREAS, the Board of Directors hereby further finds and determines that this Ordinance and the Program set forth herein are in the public interest and serve the public purpose of the District; and

WHEREAS, California Constitution Article XIII D, Section 6 ("Article XIII D")requires that prior to imposing any increase to the District's water service fees, the District shall provide written notice (the "Notice") by

mail of: (1) the proposed increases to such rates and charges to the record owner of each parcel upon which the rates and charges are proposed for imposition and any tenant directly liable for payment of the rates and charges; (2) the amount of the rates and charges proposed to be implemented on each parcel; (3) the basis upon which the rates and charges were calculated; (4) the reason for the rates and charges; and (5) the date, time, and location of a public hearing (the "Hearing") on the proposed rates and charges; and

WHEREAS, pursuant to Article XIII D such Notice is required to be provided to the affected property owners and any tenant directly liable for the payment of the rates and charges not less that forty-five (45) days prior to the Hearing on the proposed rate and charges; and

WHEREAS, the District did provide such Notice to the affected property owners and tenants of the proposed rates for the water service fees in compliance with Article XIII D; and

WHEREAS, at the Hearing held on February 18, 2015, the Board heard and considered all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rates and charges for the water service fees, and at the close of the Hearing the District did not receive written protests against the establishment of and imposition of the proposed Water Shortage Contingency Program and associated Drought Pricing for the water service fees from a majority of the affected property owners and tenants directly liable for the payment of water service fees; and

WHEREAS, due to the fiscal impacts referenced above, the Board has determined that it is in the best interests of the District to adopt the proposed Water Supply Shortage

Contingency Program identified herein and as more particularly described and set forth herein; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Western Municipal Water District of Riverside County as follows:

Section 1. Recitals

The Board of Directors hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. Findings and intent

(A) The Board of Directors finds and determines that because of the prevailing conditions in the state, and the declared policy of the State, it is necessary and appropriate for the District to adopt, implement, and enforce this Program to reduce the quantity of water used by Persons within the District to ensure that there is sufficient water for human consumption, sanitation, and fire protection. The District further finds and determines that during periods of drought, water shortages, and water shortage emergencies the general welfare requires that the District maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public health, safety, and welfare.

(B) This Ordinance adopts the Program which establishes water waste restrictions, supply shortage response measures, regulations, structural pricing changes, and administrative fines and/or penalties to be implemented during declared water supply shortage stages.

(C) This Ordinance adopts the Program which establishes five (5) water supply shortage stages with sub-stages in Stages 3, 4, and 5 and supply shortage response measures to be implemented by the District, with increasing restrictions on water use and administrative fines and/or penalties for water waste in response to decreasing water supplies and/or worsening drought conditions.

(D) The water supply shortage stages may be caused by, but are not limited to, any or all of the following circumstances or events:

(1) A regional water supply shortage exists;

(2) Delivery infrastructure such as storage reservoirs, pipes, pumps, filtration devices or groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);

(3) Alternative water supplies are limited or unavailable;

(4) Groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, the Regional Water Quality Control Board, Riverside County, or some other regulatory body; or

(5) MWD's Water Surplus and Drought Management Plan stages and the MWD Water Supply Allocation Plan stages and corresponding actions have been implemented.

Section 3. Purpose and scope

(A) The purposes of the provisions of this Ordinance and Program are to assure the highest beneficial use of District water supplies and to provide sufficient

water supplies to meet the basic needs of human consumption, sanitation, and fire protection within the District's direct retail service area.

(B) This Ordinance is not intended to repeal, abrogate, annul, impair or in any way interfere with the free use of property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the District provides water services.

(C) The provisions of this Ordinance shall apply to all Persons within the District's direct retail service area and all property served in a retail capacity by the District wherever situated.

(D) Nothing in this Ordinance is intended to affect or limit the ability of the District to respond to an emergency, including an emergency that affects the ability of the District to supply water.

Section 4. Definitions

For the purposes of this Ordinance, the following words, terms, and phrases shall have the following meanings:

"Appellant" means the Person appealing a decision of the Approving Authority, General Manager or other District official.

"Approving Authority" means the General Manager of the District, or his or her designee, charged with approving or denying written applications for Relief.

"Base Period" means a period of time similar to a Customer's Billing Period in both fiscal year 2012-2013 and fiscal year 2013-2014. For the purposes of determining historical water use for a Billing Period, the average is calculated using the similar Billing Period from both fiscal year 2012-2013 and fiscal year 2013-2014.

"Billing Period" means the billing period in which a Customer's water use is measured for purposes of calculating the amount of the water service fees that shall be collected for the water service provided.

"Billing Tier" means the volume of water within a defined and adopted rate.

"Board of Directors" means the Board of Directors of the District.

"Conservation Offset" means the implementation of proven conservation techniques which, when installed, will result in a reduction equal to the demand of a new or proposed use, or the payment of a fee (a "Conservation Offset Fee") in an amount established by the District to cover the cost of implementing such conservation techniques or acquiring alternative water sources to offset the demand of the new or proposed use.

"District" means the Western Municipal Water District.

"Enforcement Officer" means any individual employed or otherwise charged by the District to inspect or enforce codes, ordinances, mandates, regulations, resolutions, rules or other laws adopted by the Board of Directors or other regulatory bodies.

"General Manager" means the General Manager of the District or his or her authorized designee.

"Immediate Emergency" means a breakage or failure of a dam, pump, pipeline or conduit, a disaster or other disruption of the District's water supply.

"Medical Adjustment" means an adjustment to the residential indoor water allocation based on medical needs. Medical adjustments must be approved by the District and are not subject to mandatory residential indoor water allocation reductions in any stage. The District will

consider a request for medical adjustment at any time and at any stage. The adjustment shall be removed with any changes to the account holder.

"MWD" means the Metropolitan Water District of Southern California.

"Non-Potable Water" means water that is not of drinking water quality, but which may still be used for purposes other than for human consumption.

"Person" means any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the District, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

"Program" means the Water Supply Shortage Contingency Program adopted pursuant to this Ordinance.

"Property Owner" means the owner of a parcel whose name and address appears on the last Riverside County equalized secured property tax assessment roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to the District.

"Recycled Water" means municipal wastewater that has been treated to meet all applicable Federal, State and local standards for use in approved applications, including, but not limited to, agricultural and landscape irrigation.

"Relief" means excuse from compliance with the regulations and restrictions on water use contained in this Ordinance.

"State" means the State of California.

"Water Budget" means a Customer's total water billing allocation for indoor and outdoor water use. The specific indoor and outdoor allocation of water depends on the type of Customer (Customer sector) and the specific characteristics of the Customer's site. Use in excess of the allocation is charged at incrementally higher rates.

"Water Customer" or "Customer" means a Person who, according to the District's records, receives water service to a parcel of property.

"Water Shortage Emergency" means a condition existing within the District in which the ordinary water demands and requirements of Persons within the District cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. A Water Shortage Emergency includes both an Immediate Emergency, in which the District is unable to meet current water needs of Persons within the District, as well as a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.

"Water Supply Allocation Plan" or "WSAP" means the Plan developed by MWD to calculate member agencies' supply allocations should a shortage be declared.

"Water Surplus and Drought Management" Plan or "WSDM" means the 1999 Plan that MWD uses to direct its resource operations to ensure that shortage allocations of imported water supplies are not required.

Section 5. Stage Implementation

(A) The General Manager shall monitor the projected supply of and demand for water within the retail water service area of the District during periods of a

water shortage or supply shortage and shall recommend to the Board of Directors the extent of the demand reduction required through the implementation and/or termination of particular water supply shortage stages or sub-stages to prudently plan and supply water to water Customers. Thereafter, the Board of Directors may order the implementation or termination of the appropriate stage or sub-stage.

(B) The declaration of any stage or sub-stage beyond Stage 1 shall be made by resolution of the Board of Directors. Within ten (10) calendar days of the adoption of the resolution declaring the applicable stage or sub-stage, the District shall make a public announcement and provide notice of the applicable water supply shortage stage. Such declaration and notice shall provide the extent, terms, and conditions as well as the associated water budget allocations and fines and/or penalties respecting the use and consumption of water in accordance with the applicable water supply shortage stage as provided in this Ordinance. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given to each and every Person supplied water within the District.

(C) The water supply shortage stage designated shall become effective immediately upon announcement.

(D) Except in the event of an Immediate Emergency, the declaration of a Water Shortage Emergency during any water supply shortage stage shall be made in accordance with California Water Code sections 350 *et seq.*

(E) Notwithstanding any other provision of this Ordinance, if an Immediate Emergency occurs and the Board of Directors cannot meet in time to act to protect the public interest, the General Manager is hereby authorized and directed to implement any necessary rules and

regulations upon his or her written determination that the District cannot adequately supply water to meet the ordinary demands of water consumers, and that such implementation is necessary to protect the public health and safety.

(1) The General Manager's written determination of an Immediate Emergency shall be:

(a) filed with the District Secretary;

(b) posted on the District's website;

(c) delivered to the Board of Directors; and

(d) subsequently considered by the Board of Directors at a general or special meeting for review, revocation, or ratification.

(2) The implementation of any rules and regulations during an Immediate Emergency shall take effect immediately upon making a posting of the determination of the Immediate Emergency on the District's website.

(3) The Board of Directors' meeting shall be held on the earliest date that a quorum of the Board of Directors is available. At the Board of Directors meeting, the General Manager shall update the Board of Directors on the severity and length of the Immediate Emergency.

Section 6. Stage 1 – Water Supply Watch

(A) Stage 1 is also referred to as a "Water Supply Watch" and applies during periods when the District is able to meet all of the water demands of its Customers. Stage 1 and the permanent prohibitions set forth herein shall be in effect at all times unless the Board of Directors otherwise declares that another stage is in effect pursuant to this Ordinance and such stage establishes more stringent prohibitions on the use of water during the particular stage.

Under Stage 1, Customers are encouraged to use water efficiently and take advantage of the District's water use efficiency programs. Stage 1 also mandates the implementation of several permanent water waste prohibitions, even when there is no foreseeable threat of a water shortage. Water waste is in violation of California Law at any stage. California's water law and policy, Article X, Section 2 of the California Constitution, requires that all uses of the State's water be both reasonable and beneficial and places a significant limitation on water rights by prohibiting the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. The permanent prohibitions shall be continually in effect at all levels of water shortage declarations in addition to the requirements specific to each level. All normal water efficiency programs and water conservation regulations of the District will be in full force and effect during Stage 1. The permanent shortage response measures include:

(1) All irrigators shall ensure automatic irrigation timers are adjusted according to changing weather patterns and landscape requirements.

(2) All open hoses shall be equipped with automatic, positive shut-off nozzles.

(3) Watering of lawns and/or groundcovers and irrigating landscaping is permitted only between the hours of 8:00 p.m. and 8:00 a.m.

(4) All swimming pools, spas, ponds, and fountains shall be equipped with re-circulating pumps.

(5) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction

of the District within ninety-six (96) hours of notification by the District.

(6) No Person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved or hard surface areas, except to alleviate immediate fire or sanitation hazards, and then only by use of: a hand-held bucket or similar container, a hand-held hose equipped with an automatic, positive self-closing shut-off device, or a low volume, high-pressure cleaning machine.

(7) No Person shall allow water to leave his or her property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.

(8) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle. Provided, however, such washing may be done at any time on the immediate premises of a commercial car wash, a commercial service station or car dealership with commercial car washing equipment, or by a licensed mobile detailing/car wash professional using low volume, high pressure washing equipment. Further, such washings are exempted from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles used to transport food and perishables.

(9) Construction operations receiving water from a construction meter, hydrant meter, or water truck shall not use water for any purpose other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials shall

adhere to the designated irrigation requirements set forth in Section 6(A) hereof.

(B) The District will attempt to contact Customers by telephone, mail, email and/or printed "door-hanger" to alert of a required repair, adjustment, or violation. All Customers shall ensure that the District has current telephone and email contact information. The District is not responsible for incorrect phone numbers or email addresses.

Section 7. Stage 2 – Water Supply Alert

(A) Stage 2 is also referred to as a "Water Supply Alert" and applies during periods when a reasonable probability exists that the District will not be able to meet all of the water demands of its Customers. This may correlate to MWD's WSDM Plan stage of "Water Supply Watch" or "Water Supply Alert" Conditions.

(B) The objective of Stage 2 is to affect a moderate reduction in water use up to 4% through voluntary actions and may be adjusted depending on supply conditions via a Board approved Resolution.

(C) Voluntary conservation measures will be called upon during this stage. The District shall develop a public information campaign to provide Customers with options for achieving the Stage 2 demand reduction goal. The District shall explore increased Customer incentives for conservation measures.

Section 8. Stage 3 – Targeting Waste Reduction

(A) Stage 3 is also referred to as a "Mandatory Waste Reduction" stage. The intent of Stage 3 is to target and eliminate excessive water waste and water use in the District's three budget-based water rates penalty Tiers 3, 4, and 5. Stage 3 applies during periods when a reasonable probability exists that the District will not be able to

meet all of the water demands of its Customers. This may correlate to MWD's Shortage Allocation Plan Shortage Levels 1 through 3.

(B) The objective of the measures undertaken in Stage 3 is to reduce water system consumption within the District by five to fifteen percent (5 to 15%).

(C) Stage 3 does not apply to the use of non-potable or recycled water. The use of non-potable or recycled water is permitted pursuant to the specific rules and regulations that govern its use.

(D) Potable water Customers in areas directly served by the District that do not have Water Budgets shall reduce their water use by five to fifteen percent (5 to 15%) from the Base Period during declarations of any Stage 3 sub-stage.

(E) Stage 3 has three sub-stages – Stage 3(a), Stage 3(b), and Stage 3(c). The following provisions shall apply during Stage 3:

(1) Stage 3(a). The District shall eliminate all adjustments to existing residential Customers' outdoor Water Budgets including, but not limited to, increases for landscape size, and/or swimming pool, spa, or pond maintenance adjustments. New water using features or expanded landscapes shall not qualify for a Water Budget adjustment. The provisions of this Section 8(E)(1) shall also apply during any other stage or sub-stage other than Stage 1 and Stage 2.

(2) Stage 3(b). Tier 4 water rates shall be eliminated. Customers with Water Budgets, and whose water use exceeds one hundred and twenty-five percent (125%) of their total Water Budget during a Billing Period will be charged the applicable Tier 5 water rates. The provisions of this Section 8(E)(2)shall also apply during Stage 3(c).

(3) Stage 3(c). Tier 3 water rates shall be eliminated. Customers who have Water Budgets, and whose water use exceeds one hundred percent (100%) of their total Water Budget during a Billing Period, shall be charged the applicable Tier 5 water rates.

(F) Voluntary conservation measures will be called upon during this stage. The District shall develop a public information campaign to provide Customers with options for achieving the Stage 3 demand reduction goal and complying with their applicable water allocation. The District shall explore increased Customer incentives for conservation measures.

Section 9. Stage 4 - Targeting Outdoor Reductions

(A) Stage 4 is also referred to as a "Mandatory Outdoor Reductions" stage. The intent of this stage and the related sub-stages is to strategically reduce the demand for water though targeted outdoor reduction actions. Stage 4 applies during periods when the District will not be able to meet all of the water demands of its Customers. This may correlate to any of MWD's WSAP Regional Shortage Levels 4 through 10.

(B) The objective of the measures undertaken in Stage 4 is to reduce water system consumption within the District by sixteen to fifty percent (16 to 50%).

(C) Except as otherwise provided in this Section 9, all supply shortage response measures of Stages 1 through 3 shall be in full force and effect during Stage 4.

(D) Stage 4 does not apply to non-potable or recycled water. The use of non-potable or recycled water is permitted pursuant to the specific rules and regulations that govern their use.

(E) If the District Board of Directors declares a Water Shortage Emergency during a Stage 4, no new potable

water service connections shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

(1) a valid, unexpired building permit has been issued for the project; or

(2) the project is necessary to protect the public's health, safety, and welfare; or

(3) the applicant provides a Conservation Offset or pays a Conservation Offset Fee established by the District in an amount necessary to cover the cost of implementing such conservation techniques or acquiring alternative water sources, to offset the new demand. The fee will be based on the Conservation Offset required to meet the projected demand of the proposed project. Such fee shall apply to residential as well as commercial and industrial buildings, and may be adjusted from time to time as determined by the District. The existence and application of a Conservation Offset, and the amount of the Conservation Offset Fee and other terms and conditions for any Conservation Offset, shall be determined at the District's sole discretion. The existence and application of any such water meter moratorium or other similar restrictions shall be determined by separate and subsequent action of the Board of Directors; or

(4) where an existing service connection exists and an existing water meter is inoperable and cannot be repaired. In such an instance, the size of the new water meter shall be the same or smaller than the water meter being replaced.

(F) Stage 4 has three sub-stages — Stage 4(a), Stage 4(b), and Stage 4(c). The following provisions shall apply during Stage 4:

(1) Stage 4(a).

(i) All landscape Water Budgets shall be reduced by ten percent (10%). Residential Customers who have Water Budgets, and whose water use exceeds one hundred percent (100%) of their Tier 1 and ninety percent (90%) of their Tier 2 Water Budgets during a Billing Period, shall be charged at the applicable Tier 5 water rates. Landscape Customers who have Water Budgets, and whose water use exceeds ninety percent (90%) of their Water Budget during a Billing Period, shall be charged the applicable Tier 5 water rates.

(ii) Commercial or industrial Customers who are served through mixed-use meters, and who have Water Budgets, shall reduce landscape and non-essential outdoor water use by twenty-five percent (25%).

(iii) Potable water Customers in areas directly served by the District and who do not have Water Budgets shall reduce their outdoor water use by ten percent (10%) from the base Period.

(2) Stage 4(b).

(i) All outdoor Water Budgets shall be reduced by forty percent (40%). Residential Customers who have Water Budgets, and whose water use exceeds one hundred percent (100%) of their Tier 1 and forty percent (40%) of their Tier 2 Water Budgets during a Billing Period, shall be charged at the applicable Tier 5 water rates. Landscape Customers who have Water Budgets, and whose water use exceeds forty percent (40%) of their Water Budget during a Billing Period, shall be charged the applicable Tier 5 water rates.

(ii) Commercial or industrial Customers who are served through dedicated or mixed-use meters, and who have Water Budgets, shall reduce their water consumption by ten percent (10%).

(iii) Potable water Customers in areas directly served by Western, and who do not have Water Budgets, shall reduce their outdoor water use by forty percent (40%) from the Base Period.

(3) Stage 4(c).

(i) All outdoor Water Budgets shall be reduced by sixty-five percent (65%). Residential Customers who have Water Budgets, and whose water use exceeds one hundred percent (100%) of their Tier 1 (indoor) Water Budget and thirty-five percent (35%) of their Tier 2 (outdoor) Water Budget during a Billing Period, shall be charged at the applicable Tier 5 water rates. Landscape Customers who have Water Budgets, and whose water use exceeds thirty-five (35%) of their total Water Budget during a Billing Period, shall be charged the applicable Tier 5 rate.

(ii) Installation of new landscapes shall be prohibited unless irrigated with recycled water. Exceptions may be provided for projects with prior approval by the appropriate jurisdiction.

(iii) Commercial and industrial Customers who are served through dedicated or mixed-use meters, and who have Water Budgets, shall reduce their water consumption by twenty percent (20%).

(iv) Potable water Customers in areas directly served by the District who do not have Water Budgets shall reduce their outdoor water use by sixty-five percent (65%).

(v) No new construction or hydrant meters will be issued. Potable water shall not be used for earth work, road construction purposes, dust control, compaction, or trenching jetting. Construction projects necessary to maintain the health, safety, and welfare of the public are exempt from these regulations.

(G) The District shall develop a public information campaign to provide Customers with options for achieving the Stage 4 demand reduction goals and complying with their applicable allocation. The District may explore increased Customer incentives for conservation measures.

Section 10. Stage 5 – Mandatory Targeted Indoor/Outdoor Reductions – Catastrophic Failure or "Immediate Emergency"

(A) Stage 5 is also referred to as a "Mandatory Indoor/Outdoor Reductions" stage. The intent of this stage and the related sub-stages is to substantially reduce the demand for water though indoor actions in addition to the elimination of landscape and non-essential outdoor water use. Stage 5 applies during periods when the District will not be able to meet all of the water demands of its Customers. This shortage level may correlate to MWD's WSAP Regional Shortage Levels 9, 10, or greater. Stage 5 may be declared during an Immediate Emergency. A Stage 5 declaration may also be accompanied by a Board Resolution declaring a Water Shortage Emergency under California Water Code sections 350 *et seq*.

(B) The objective of the measures undertaken in Stage 5 is to significantly reduce water consumption within the District to protect public health, safety, and fire flow.

(C) Except as otherwise provided in this Section 10, all water supply shortage response measures of Stages 1 through 4 shall be in full force and effect during Stage 5.

(D) Stage 5 does not apply to non-potable or recycled water, although there is no guarantee of availability. The use of non-potable or recycled water is permitted pursuant to the specific rules and regulations that govern their use and availability.

(E) All landscape and non-essential outdoor water use for all Customers in all areas of the District's retail water service area shall be prohibited.

(F) Except as to property for which a building permit has been heretofore issued, no new water meter(s) shall be provided, except in the following circumstances:

(1) for projects necessary to protect the public's health, safety, and welfare; or

(2) when using recycled water.

(G) Stage 5 has three sub-stages — Stage 5(a), Stage 5(b), and Stage 5(c). The following provisions shall apply during Stage 5:

(1) Stage 5(a).

(a) All indoor residential Water Budgets shall be reduced by ten percent (10%) to fifty-four (54) gallons per person per day. Residential Customers who have Water Budgets, and whose water use exceeds ninety percent (90%) of their modified Tier 1 Water Budget and zero percent (0%) of Tier 2 Water Budget during a Billing Period, or fifty four gallons per person per day total, shall be charged at the applicable Tier 5 water rates.

(b) Commercial and industrial Customers who are served through dedicated or mixed-use meters, and who have Water Budgets, shall reduce their water consumption by thirty percent (30%).

(c) Potable water Customers in areas directly served by Western that do not have Water Budgets shall reduce their indoor water use by ten percent (10%).

(2) Stage 5(b).

(a)All residential indoor Water Budgets shall be reduced by fifteen percent (15%) to fifty-one (51) gallons per person per day. Residential Customers who have Water Budgets, and whose water use exceeds eighty-five percent (85%) of their Tier 1 modified Water Budget and zero percent (0%) of Tier 2 Water Budget during a Billing Period, or fifty-one (51) gallons per person per day total, shall be charged at the applicable Tier 5 water rates.

(b) Commercial and industrial Customers who are served through dedicated or mixed-use meters, and who have Water Budgets, shall reduce their water consumption by forty percent (40%).

(c) Potable water Customers in areas directly served by the District who do not have Water Budgets shall reduce their indoor water use by fifteen percent (15%) from the Base Period. All non-essential outdoor and landscape water use shall be prohibited.

(3) Stage 5(c).

(a)All residential Customers who have Water Budgets shall have their indoor Water Budgets reduced by twenty percent (20%) to forty-eight (48) gallons per person per day. Residential Customers who have Water Budgets, and whose water use exceeds eighty percent (80%) of their Tier 1 modified Water Budget and zero percent (0%) of Tier 2 Water Budget during a Billing Period, or forty-eight (48) gallons per person per day total, shall be charged at the applicable Tier 5 rates.

(b) Commercial and industrial Customers who are served through dedicated or mixed-use

meters, and who have Water Budgets, shall be reduce their water consumption by fifty percent (50%).

(c) Potable water Customers in areas directly served by the District who do not have Water Budgets shall reduce their indoor water use by twenty percent (20%) from the Base period.

(H) The use of water for commercial, manufacturing, or processing purposes may be further reduced in volume than is indicated in the sub-stages of this section if it is determined to be in the best interest of the health, sanitation, and fire flow protection in the communities served by the District. This determination may be made by the Board of Directors, the General Manager or his or her authorized designee as provided for in Section 5(E).

(I) All dedicated irrigation meters will be locked off by District personnel.

(J) Customers with a District authorized Medical Adjustment to their Tier 1 allocation will be permitted 100 percent (100%) of their Tier 1 Water Budget.

(K) The District shall develop a public information campaign to provide Customers with options for achieving the Stage 5 demand reduction goals and complying with their allocation. The District may explore increased Customer incentives for conservation measures.

Section 11. Violations and remedies

(A) Criminal Violation. It shall be unlawful for any Person to willfully violate the provisions of this Ordinance. Any violation of the provisions of this Ordinance shall be a misdemeanor, unless made an infraction by the prosecutor, subject to imprisonment in the county jail for not more than thirty (30) days or by fine not to

exceed $1,000, or by both as provided in California Water Code section 377.

(B) Cease and Desist Order. The General Manager may issue a cease and desist order directing the Property Owner, or occupant, or other Person in charge of day-to-day operations of any property, and/or any other Person responsible for a violation of this Ordinance to:

(1) immediately discontinue any prohibited use of water pursuant to this Ordinance; and

(2) immediately cease any activity not in compliance with the terms, conditions, and requirements of this Ordinance.

(C) Civil Action. In addition to any other remedies provided in this Ordinance, any violation of this Ordinance may be enforced by civil action brought by the District and the imposition of administrative fines and/or penalties. In any such action, the District may seek, and the court may grant, as appropriate, any or all of the following remedies:

(1) a temporary and/or permanent injunction;

(2) assessment of the violator for the costs of enforcement of the violation and for the reasonable costs of preparing and bringing legal action under this Ordinance; and

(3) assessments under this subsection shall be paid to the District to be used exclusively for costs associated with implementing or enforcing the water supply shortage and regulatory provisions of this Ordinance.

(D) Cumulative. All remedies provided herein shall be cumulative and not exclusive.

(E) On-going. A Person shall be deemed guilty of a separate offense for each and every day or portion

thereof during which any violation of any provision of this Ordinance is committed, continued, or permitted.

Section 12. Notices

(A) Any notice, notice of violation, cease and desist order, and administrative compliance order shall be served pursuant to the requirements of this Ordinance and shall:

(1) identify the provision(s) of this Ordinance and any State law, if applicable, alleged to have been violated; and

(2) state that continued noncompliance may result in civil, criminal, or administrative enforcement actions against the Person who committed the violation, or the Property Owner and/or occupant of the property where the violation occurred; and

(3) state a compliance date that must be met by the Person who committed the violation, or the Property Owner and/or occupant of the property where the violation occurred; and

(4) order remediation work, where applicable, that must be taken by the Property Owner and/or occupant of the property; and

(5) state that the recipient has a right to appeal the matter as set forth in this Ordinance; and

(6) include the address of the affected property and be addressed to the Property Owner as shown on the most recently issued equalized assessment roll or as may otherwise appear in the current records of the District. If the order applies to a responsible party who is not the Property Owner, or if the event is not related to a specific property, the notice may be sent to the last known address of the responsible party; and

(7) be deemed served ten (10) business days after posting on the property, if the Property Owner or occupant of the affected property cannot be located after the reasonable efforts of the General Manager or his or her authorized designee.

(B) Any notice, notice of violation, cease and desist order, and administrative compliance order may be sent by regular mail. Service by regular mail is effective on the date of mailing.

(C) The notice of violation may include, where deemed applicable by the General Manager or his or her authorized designee, the following terms and conditions:

(1) specific steps or actions and time schedules for compliance as reasonably necessary to prevent future violations of this Ordinance; and

(2) any other terms, conditions, or requirements reasonably calculated to prevent continued or threatened future violations of this Ordinance, including, but not limited to, discontinuing or limiting water service with the installation of a flow-restricting device.

(D) In addition to or in conjunction with the notice of violation, for a first violation of any provision of this Ordinance, within two (2) weeks of the violation:

(1) the District may provide notice to the Property Owner or occupant of the property where the violation occurred to advise such Person of:

(a) the water supply shortage stage then in effect and the provisions of this Ordinance relating thereto;

(b) water supply shortage response measures that are required and may be implemented pursuant to this Ordinance;

(c) possible consequences and actions which may be taken by the District for future violations of this Ordinance, including discontinuance of water service; and

(d) fines and/or penalties that may be imposed for the specific violation and any future violations of this Ordinance;

(2) if the General Manager or his or her authorized designee deem it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any Person who violates any term or provision of this Ordinance.

(E) In addition to or in conjunction with the notice of violation, for a second or any subsequent violation of this Ordinance, within two (2) weeks of the violation:

(1) the District may provide notice to the property where the violation occurred to notify the Property Owner or occupant of the property where the violation occurred to advise such Person of:

(a) the water supply shortage stage then in effect and the provisions of this Ordinance relating thereto;

(b) the water supply shortage response measures that are required and may be implemented by such Person; and

(c) possible consequences which may occur in the event of any future violations of this Ordinance;

(2) if the General Manager or his or her authorized designee deem it to be appropriate, the District may order the installation of a flow-restricting device on

the service line for any Person who violates any term or provision of this Ordinance;

(3) if the General Manager or his or her authorized designee deem it to be appropriate, the District may discontinue water service at the location where the violation occurred.

(F) The District may, after one (1) written notice of violation, order that a special meter reading or readings be made in order to ascertain whether wasteful or unreasonable use of water is occurring. The District may impose a meter reading fee for each meter reading it conducts pursuant to this Ordinance.

Section 13. Administrative compliance order and fines and/or penalties

(A) Separate from, in addition to, or in combination with a notice of violation or cease and desist order, the General Manager or his or her authorized designee may issue an administrative compliance order against the Property Owner and/or occupant of the property where a violation of this Ordinance occurred and/or any other Person responsible for a violation of this Ordinance who violates any provision of this Ordinance. Issuance of a notice of violation or a cease and desist order is not a prerequisite to the issuance of an administrative compliance order. The administrative compliance order shall allege the act(s) or failure(s) to act that constitute violations of this Ordinance and shall set forth the penalty for the violation(s).

(B) The General Manager may impose the following administrative monetary fines and/or penalties, in addition to other appropriate action requirements and measures:

(1) For water meters smaller than two inches (2") in size:

(a) For the first violation during any water supply shortage stage by any Person of any provision of this Ordinance, the District may issue a written notice to the Person which sets forth the facts surrounding the violation and additional information such as the required compliance and potential fines and/or penalties for noncompliance;

(b) For a second violation during any water supply shortage stage by any Person of any provision of this Ordinance within the preceding twelve (12) calendar months, the District may issue a written notice to the Person which sets forth a complete copy of this Ordinance or summary document of the District's Water Supply Shortage Contingency Program as well as additional information such as the required compliance and potential fines and/or penalties for noncompliance.

(c) For a third violation during Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, the District may impose a monetary penalty in the amount of one hundred dollars ($100.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3, 4, and 5 the District may impose a monetary penalty in the amount of two hundred dollars ($200.00) per day for each day a Person violates any provision of this Ordinance.

(d) For a fourth violation during Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, the District may impose a monetary penalty in the amount of two hundred dollars ($200.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3, 4, and 5 the District may impose a

monetary penalty in the amount of four hundred dollars ($400.00) per day for each day a Person violates any provision of this Ordinance.

(e) For a fifth and any subsequent violation, the District may install a flow-restricting device of two and one-half gallons per minute (2.5 GPM) capacity for services up to one and one-half inch (1-1/2") size and comparatively sized restrictors for larger services or terminate a Person's service in accordance with the District's applicable rules and regulations. These measures are in addition to any monetary fines and/or penalties provided for herein.

(f) Any such restricted or terminated service may be restored in accordance with the District's applicable rules and regulations and only upon a showing that the Person is in compliance with this Ordinance. Prior to any restoration of service, the Customer shall pay all District charges for any restriction or termination of service and its restoration as provided for in the District rules governing water service, including, but not limited to payment of all past due bills and fines and/or penalties and any other amounts which may be due and owing under this Ordinance.

(2) For water meters two inches (2") and larger:

(a) For the first violation during any water supply shortage stage by any Person of any provision of this Ordinance, the District may issue a written notice to the Person which sets forth the facts surrounding the violation and additional information such as the required compliance and potential fines and/or penalties for noncompliance.

(b) For a second violation during any water supply shortage stage by any Person of any provision of this Ordinance within the preceding twelve (12) calendar months, the District may issue a written notice to the Person which sets forth a complete copy of this Ordinance or summary document of the District's Water Shortage Contingency Program as well as additional information such as the required compliance and potential fines and/or penalties for noncompliance.

(c) For a third violation during water supply shortage Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, the District may impose a monetary fine and/or penalty in the amount of one hundred dollars ($100.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3, 4, and 5 the District may impose a monetary fine and/or penalty in the amount of three hundred dollars ($300.00) per day for each day a Person violates any provision of this Ordinance.

(d) For a fourth violation during water supply shortage Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, the District may impose a monetary fine and/or penalty in the amount of three hundred dollars ($300.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3, 4, and 5, the District may impose a monetary fine and/or penalty in the amount of six hundred dollars ($600.00) per day for each day a Person violates any provision of this Ordinance.

(e) For a fifth and any subsequent violation, the District may install a flow restricting device or terminate a Person's service in accordance with the District's applicable rules and regulations, in

addition to the monetary fines and/or penalties provided for herein.

(f) Any such restricted or terminated service may be restored in accordance with the District's applicable rules and regulations and only upon a showing that the Person is in compliance with this Ordinance. Prior to any restoration of service, the Customer shall pay all District charges for any restriction or termination of service and its restoration as provided for in the District rules governing water service, including, but not limited to, payment of all past due bills and fines and/or and any other amounts which may be due and owing under this Ordinance.

(3) An amount that shall not exceed one thousand dollars ($1,000.00) per day for each day on which a Person violates any provision of this Ordinance. Unless timely appealed, an administrative compliance order shall be effective and final as of the date it is issued by the General Manager.

(C) The amount of any fines and/or penalties imposed pursuant to this Section 13 may be collected by including said amount on the Customer's water bill. The amount of any fines and/or penalties imposed pursuant to this Section 13 which have remained delinquent for a period of sixty (60) calendar days shall constitute a lien against the real property of the Person violating this Ordinance. The lien provided herein shall have no force and effect until recorded with the Riverside County Recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of sections 683.110 to

683.220, inclusive, of the California Code of Civil Procedure.

(D) All moneys collected under this Section 13 shall be deposited in a special account of the District and shall be made available for enforcement of this Ordinance and enhanced water conservation incentive programs.

(E) The District may, at its option, elect to petition the Superior Court to confirm any order establishing administrative fines and/or penalties and enter judgment in conformity therewith in accordance with the provisions of sections 1285 to 1287.6, inclusive, of the California Code of Civil Procedure.

Section 14. Over-Budget Water Use Penalties

(A) All penalty moneys collected from over-budget water use during a declared water shortage stage in excess of the applicable Tier 2 rate, shall be deposited in the existing special funding accounts designated for conservation penalty and/or supply penalty as appropriate and may be allocated to or used for any of the following as determined by the District:

1. Conservation Penalty Account:

(a) Enhanced conservation programs designed to reduce water demands;

(b) Outreach and Education Programs designed to reduce water demands, decrease water waste, or generally raise water awareness;

(c) Enforcement of any provision of this Ordinance;

2. Supply Penalty Account:

(a) Purchase, acquisition, delivery, or wheeling of additional water supplies;

(b) General operations and maintenance expenses, including those incurred as a result of reduced water sales;

(c) The difference between budgeted revenue expected from the operations and maintenance component in the water rates of Tier 1 and 2 and actual revenue received from this component;

(d) Payment of penalty expenses incurred as a result of exceeding a MWD water supply allocation;

(e) Payment of any other incremental cost of service associated with providing water deliveries and/or water service during any water curtailment, water shortage emergency, or "Immediate Emergency" pursuant to Water Code sections 350 *et seq.*

Section 15. Recovery of costs

(A) The General Manager shall serve an invoice for costs upon the Property Owner and/or occupant of any property, or any other responsible Person who is subject to a notice of violation, a cease and desist order, or an administrative compliance order. An invoice for costs shall be immediately due and payable to the District. If any Property Owner or Person in charge of day-to-day operations, Customer, or responsible party, or any other Person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this Ordinance, then the District may institute collection proceedings. The invoice for costs may include reasonable attorneys' fees.

(B) The District shall impose any other fines and/or penalties or regulatory fees, as fixed from time to time by the Board of Directors, for a violation or enforcement of this Ordinance.

(C) In order to recover the costs of the water supply shortage program set forth in this Ordinance, the Board of Directors may, from time to time, fix and impose fees and charges. The District fees and charges may include, but are not limited to fees and charges for:

(1) any visits of a Enforcement Officer or other District staff for time incurred for meter reading, follow-up visits, or the installation or removal of a flow-restricting device;

(2) monitoring, inspection, and surveillance procedures pertaining to enforcement of this Ordinance;

(3) enforcing compliance with any term or provision of this Ordinance;

(4) re-initiating service at a property where service has been discontinued pursuant to this Ordinance;

(5) processing any fees necessary to carry out the provisions of this Ordinance.

Section 16. Appeals

Any Person subject to a notice of violation, cease and desist order, or administrative compliance order may file a written appeal of such order or notice to the General Manager within thirty (30) calendar days of the date of service of the order or notice. An appeal shall be made in accordance with the following procedures:

(1) The Appellant shall complete and submit in writing a form provided by the District for such purpose and shall state in such form the grounds for his or her appeal. All appeals shall be submitted to the District Secretary within thirty (30) calendar days of the date of

the notice of violation, cease and desist order, or administrative compliance order.

(2) The General Manager or his or her authorized designee shall review the appeal and any related information provided, and, if necessary, cause an investigation and report to be made concerning the request for Relief. The General Manager or his or her authorized designee shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the Appellant. If the General Manager or his or her authorized designee grants the appeal, then within fifteen (15) calendar days of such determination the General Manager or his or her authorized designee shall give written notice thereof to the Appellant.

(3) The decision of the General Manager or his or her authorized designee may be appealed by the Appellant to the Board of Directors. Such appeal must be submitted in writing and filed with the District Secretary within fifteen (15) calendar days of the date of decision of the General Manager or his or her authorized designee. The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board of Directors meeting; provided, however, the Board of Directors shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled Board of Directors meeting, then the Hearing shall be held at the following regularly scheduled meeting of the Board of Directors. A notice of the Hearing shall be mailed to the Appellant at least ten (10) calendar days before the date fixed for the Hearing.

The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the Appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the appeal, if any, granted to the Appellant. If the appeal is denied, the Appellant shall comply with all terms and conditions of this Ordinance and the applicable stage then in effect.

(4) All adjustments to water budget allocations shall follow the procedure established by the District.

(5) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

Section 17. Relief from compliance

Consideration of written applications for Relief from compliance regarding the regulations and restrictions on water use set forth in this Ordinance may be made by the District.

(A) Written applications for Relief shall be accepted, and may be granted or denied, by the Approving Authority, at his or her sole discretion, or by his or her designee at his or her sole discretion. The application shall be in a form prescribed by the District and shall be accompanied by a non-refundable processing fee in an amount as determined by the Board of Directors for the purpose of defraying the costs incidental to the proceedings.

(B) The grounds for granting or conditionally granting Relief are:

(1) due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a Person using District water or to property upon which District water is used, that is disproportionate to the impacts to other District water users generally or to similar property or classes of water users; or

(2) failure to grant Relief would adversely affect the health, sanitation, fire protection, or safety of the applicant or the public.

(C) The application for Relief shall be accompanied, as appropriate, with photographs, maps, drawings, and other information substantiating the applicant's request, including a statement of the applicant.

(D) An application for Relief shall be denied unless the Approving Authority finds, based on the information provided in the application, supporting documentation, or such other additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

(1) That the Relief does not constitute a grant of special privilege inconsistent with the limitations upon other District Customers;

(2) That because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on: (a) the property or use that exceeds Customers generally; or (b) the applicant's health that exceeds Customers generally;

(3) That the authorization of such Relief will not be of substantial detriment to adjacent properties, will not materially affect the ability of the District to effectuate the purposes of this Ordinance, and will not be detrimental to the public interest; and

(4) That the condition or situation of: (a) the subject property or the intended use of the property for which the Relief is sought is not common, recurrent, or general in nature; or (b) the applicant's health or safety is not common, recurrent, or general in nature.

(E) The denial or grant of a Relief shall be acted upon within fifteen (15) business days of the submittal of the complete application, including any photographs, maps, drawings, and other information substantiating the applicant's request and the statement of the applicant. The application may be approved, conditionally approved, or denied. The decision of the Approving Authority shall be prepared in writing, include terms and conditions, if any, and promptly sent to the applicant.

(F) The denial of a request for Relief may be appealed in writing to the General Manager. An appeal shall be made in accordance with the following procedures:

(1) The Appellant shall complete and submit in writing a form provided by the District for such purpose and shall state in such form the grounds for his or her appeal. All appeals shall be submitted to the District Secretary within thirty (30) calendar days of the date of the notice of the denial of the request for Relief.

(2) The General Manager or his or her authorized designee shall review the appeal and any related information provided, and, if necessary, cause an

investigation and report to be made concerning the request for Relief. The General Manager or his or her authorized designee shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the Appellant. If the General Manager or his or her authorized designee grants the appeal and determines that the request for Relief shall be granted, then within fifteen (15) calendar days of such determination the General Manager or his or her authorized designee shall give written notice thereof to the Appellant.

(3) The decision of the General Manager or his or her authorized designee may be appealed by the Appellant to the Board of Directors. Such appeal must be submitted in writing and filed with the District Secretary within fifteen (15) calendar days of the date of decision of the General Manager or his or her authorized designee. The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board of Directors meeting; provided, however, the Board of Directors shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled Board of Directors meeting, then the Hearing shall be held at the following regularly scheduled meeting of the Board of Directors. A notice of the Hearing shall be mailed to the Appellant at least ten (10) calendar days before the date fixed for the Hearing. The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the Appellant within ten (10) calendar days of such

determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the Relief, if any, granted to the Appellant. If the appeal is denied, the Appellant shall comply with all terms and conditions of this Ordinance and the applicable stage then in effect.

(4) All adjustments to Tier 1 water budget allocations shall follow the procedure established by the District.

(5) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

Section 18. Conflicting Provisions

If provisions of this Ordinance are in conflict with each other, other rules and regulations of the District, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

Section 19. Severability

If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any Person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of sections of this Ordinance shall not be affected, it being the intent of the Board of Directors in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof and all provisions of this Ordinance are declared to be severable for that purpose.

Section 20. Effective Date and Publication

This Ordinance shall be effective upon adoption. Within ten (10) days after its adoption, the District Secretary shall cause this Ordinance to be published once pursuant to California Government Code section 6061 in full in a newspaper of general circulation which is printed, published, and circulated in the District. If there is no such newspaper, the Ordinance shall be posted within the District after its adoption in three public places.

ADOPTED AND APPROVED this 18th day of February 2015 by the Board of Directors of the Western Municipal Water District.

DONALD D. GALLEANO
President

February 18, 2015

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance 384 adopted by the Board of Directors of the Western Municipal Water District of Riverside County at the scheduled Public Hearing held February 18, 2015.

THOMAS P. EVANS
Secretary-Treasurer