

RESOLUTION NO. 2007-5

ENACTING ORDINANCE NO. 1 OF THE REDWOOD VALLEY COUNTY WATER DISTRICT AND ESTABLISHING A WATER CONSERVATION PROGRAM AND RELATED FEES

Whereas, the Russian River Watershed is in a distressed state and Lake Mendocino levels will decline to extremely low levels by the end of Fall 2007; and whereas the State Water Resources Control Board has released a revised Order relating to its Urgency Change Petition for reduced Russian River flows that requires a mandatory fifteen percent reduction in water diversions from the Russian River: and

Whereas, the Constitution of the State of California Article X section 2 states, as a policy of the State of California, that the conservation of water “is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare...”; and

Whereas, California Water Code section 375 provides that a public entity which supplies water at retail or wholesale for the benefit of persons within the service area of the public entity may, by ordinance or resolution adopted by a majority of the members of the governing body after holding a public hearing upon notice and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving water supplies of the public entity; and

Whereas, California Water Code section 31026 provides that the District has “the power to restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the district and may prohibit use of such water during such periods for specific uses which the district may from time to time find to be nonessential”; and

Whereas, pursuant to California Water Code section 31035, the District “may undertake a water conservation program to reduce water use...”; and

Whereas, the Board of Directors of the Redwood Valley County Water District (hereinafter “Board”) has determined that a water conservation program is necessary in light of the distressed nature of the Russian River Watershed; and

Whereas, the Board has determined that development of alternative water supplies is a valid goal of the water conservation program; and

Whereas, the Board has determined to provide for development of an exploratory well to attempt to produce groundwater. Persons who use more than their allocable share of water available to the District during a drought should bear the costs of providing for the exploration and hopefully

development of additional water supplies. The estimated costs of exploration of the feasibility of a well and the development of a well if feasible are in the range of \$50,000 to \$175,000. The yield of such a well if feasible may be as little as 10 gallons per minute; and

Whereas, in 1990 the Engineering Firm of Brelje and Race conducted a study of the 10 most likely reservoir sites to be constructed to provide reliable water supplies to the District. The costs of construction at that time ranged in the neighborhood of \$1000 to \$1500/ac ft for storage capacity. To provide yield protection approximately 2 to 3 ac ft of storage would be required to provide reliable water supply of one acre-foot through a drought for domestic or home use. Construction costs and land acquisition costs have risen substantially since that study. A reasonable estimate of \$6,000 to \$8000/ac ft of yield is a reasonable estimate of the capital costs of providing additional water for use by those parties that are unwilling or unable to limit their use during drought conditions. The reasonable cost of capital and investment of such a project would be in the range of 5% to 7% and operation and maintenance costs in the range of 2% to 3% per year of the project construction costs; and

Whereas, the Water Conservation Program will incur expenses to the District, including exploration of potential new water supplies as outlined above, and administrative and other charges related to enforcing water conservation measures; and

Whereas, the costs of funding water conservation measures are most appropriately allocated to those users who exceed the limits imposed by the Water Conservation Program; and

Whereas, under Ordinance No. 1 “Water Conservation Program”, as attached hereto and adopted hereby, the Water Conservation Fees collected pursuant to enforcement of Tier Three, Tier Four, Tier Five and Tier Six of the Water Conservation Program will be separately accounted for and utilized only for exploration and development of alternative water supplies, administration of the Water Conservation Program, Emergency Water Shortage Measures, and funding the development of and enforcement of water conservation measures, including water conservation Best Management Practices endorsed by the California Urban Water Conservation Council , by the District; and

Whereas, the District provided notice of the proposed Water Conservation Program by posting notice at the District office, publishing a summary of the Ordinance in a newspaper of general circulation; and maintaining a certified copy of the Ordinance at the Board Office; and

Whereas, said notices stated that the Board would hold a public hearing on July 19, 2007, to hear and consider all protests to the Water Conservation Program; and

Whereas, the Board held a public meeting on July 19, 2007, at which it considered all verbal and written protests to the proposed Water Conservation Program and the Water Conservation Fees included in Tier Three, Tier Four, Tier Five and Tier Six of the Water Conservation Program; and

Whereas, the Board has determined that enacting the Water Conservation Program to ensure future availability of water is in the best interests of the District and its customers.

NOW, BE IT RESOLVED by the Board of Directors of the Redwood Valley County Water District that Ordinance No. 1 “Water Conservation Program”, as written and attached hereto and incorporated by reference, is adopted, effective this date.

ADOPTED by the Board of Directors of the Redwood Valley County Water District at a regular meeting of said Board, held on the 19th day of July 2007, by the following vote of said Board:

AYES: Directors Butow, Groth, Tiemann, Voege

NOES: Hallman

ABSENT: None

ABSTAINING: None

Board President

Board Secretary