

Water Shortage Contingency Plan

Town of Discovery Bay Community Services District

January 20, 2021

Prepared for



Prepared by



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This Water Shortage Contingency Plan (WSCP) outlines water supply reliability analysis, annual water supply and demand assessment procedures, water shortage levels, water shortage response actions and communication protocols that will be implemented by the Town of Discovery Bay Community Services District (TODB) in the event of water supply shortages due to catastrophic events, drought, etc. The purpose of this WSCP is to provide a plan of action to be followed at the various levels of a water shortage. A copy of the TODB's Resolution 2014-11 Voluntary Water Reduction and Ordinance 2016-27 Drought Regulation, are included in Appendix A and B.

SECTION 1 WATER SUPPLY RELIABILITY ANALYSIS

California Water Code (CWC) Section 10632(a)(1) requires an analysis of water supply reliability per CWC Section 10635. The TODB relies exclusively on groundwater to meet customer needs and has historically met customer demands through times of drought. Conditions could arise such as catastrophic events, prolonged periods of drought, unforeseen impacts to the groundwater supply, etc. that could require the activation of the WSCP.

The TODB maintains six well facilities which meet the maximum day demand of its system with the largest well source offline, in accordance with State of California Code of Regulations, Title 22 California Waterworks Standards. Water supplies to meet the maximum daily demand and instantaneous peak flow requirements of the system are maintained through a combination of the water supply wells, treatment, storage, and booster pump capacity. All water is pumped from the East Contra Costa Groundwater Subbasin.

The water supply reliability analysis is based on the ability to meet annual water demands, as required in CWC 10635. The analysis considers the capacity of operating all six wells for 12 hours per day, 365 days per year, which the wells are capable of supplying. The total pumping capacity of the six wells is 2,500 million gallons per year. However, the wells will only be operated to the extent that meets the TODB's demand and thus will pump less than what is possible.

The water demand for the TODB was 1,050 million gallons for the fiscal year from July 1, 2019 to June 30, 2020. Water demand projections from the TODB's 2020 Urban Water Management Plan project a water demand of 1,941 million gallons per year in 2045. Thus, the existing capacity of the wells can reliably meet current and future annual water demands based on current growth projections.

Historically, the TODB has not experienced water supply shortfalls during periods of drought including the recent drought in 2012 through 2015. The groundwater wells can adequately meet the projected annual demands. The TODB is participating in the East Contra Costa Groundwater Sustainability Working Group to develop a Groundwater Sustainability Plan to ensure the continued reliability of groundwater to meet the water demands of the basin.

SECTION 2 ANNUAL WATER SUPPLY AND DEMAND ASSESSMENT

CWC Section 10632 (a)(2) requires written procedures to be developed to conduct an annual water supply and demand assessment (annual assessment) to determine the water system's reliability. The annual assessment needs to be completed and submitted to the California Department of Water Resources (DWR) by July 1 of each year.

A presentation to the TODB Board of Directors shall be made each year following the completion of the annual assessment and prior to submittal to DWR. The Board of Directors shall vote on the findings of the annual assessment and if necessary, trigger implementation of any water shortage response actions resulting from the annual assessment through a resolution. Appendix C includes a sample resolution for Implementation of Water Supply Shortage Level.

The steps to complete the annual assessment are described below.

Available Water Supply

Available water supplies for the TODB shall be quantified each year by summing the capacity of each groundwater well. An analysis of one subsequent dry year shall also be done. Since the TODB has not historically been impacted by drought, the available supply for the subsequent dry year shall be the same as the current year.

Unconstrained Customer Demand

Water use for the previous year shall be quantified by summing the meter usage of each customer class for the previous year. Customer water demands for the TODB shall be projected for the upcoming year based on the previous year's water usage and the number of anticipated new customer connections.

The first step to calculate the anticipated demand is to calculate the future population. To calculate future population, multiply the number of anticipated new customer connections by the number of persons per household as shown on the U.S. Census Bureau website for the TODB. That number shall be added to the current population to obtain the future population.

$$\text{Future Population} = \text{Current Population} + \text{No. of New Connections} \times \text{Persons per Household}$$

To calculate anticipated demands for the upcoming year, multiply each meter usage per customer class by the future population and divide it by the current population.

$$\text{Anticipated Demand} = \frac{\text{Meter Usage} \times \text{Future Population}}{\text{Current Population}}$$

Evaluation Criteria

If the available water supply is greater than the anticipated customer demand for the upcoming year, then the TODB does not need to take any further action. If the anticipated customer demand for the upcoming year is greater than the available water supplies the TODB can initiate water conservation actions as detailed

in this WSCP.

Planned Water Use for Current Year Considering Dry Subsequent Year

As mentioned above, the TODB has not historically been impacted by drought thus planned water use for the current year shall not be impacted by an anticipated subsequent dry year.

Infrastructure Considerations

If infrastructure projects are anticipated for the upcoming year that could impact water supply production (e.g. repairs at treatment plant, new groundwater well, etc.), these water supply impacts shall be evaluated for the timeframe (i.e. months) the infrastructure projects will impact the system. Thus, the available water supply shall be increased or reduced accordingly for each month.

SECTION 3 STANDARD WATER SHORTAGE LEVELS

CWC Section 10632 (a)(3)(A) requires standard water shortage levels including greater than a 50-percent reduction in water supply. The TODB will implement six water shortage levels in response to water supply shortages to comply with CWC requirements. The levels will be implemented during water supply shortages, or regional drought conditions that may not be directly influencing the TODB water supplies. The level determination and declaration of a water supply shortage will be made by the TODB Board of Directors.

Level I – This level would be initiated during a mild water shortage (up to 10%) and is part of an ongoing public information campaign encouraging voluntary water conservation. The TODB issued a resolution for voluntary water use in *Resolution 2014-11 – Voluntary Water Reduction* (Appendix A). There are no mandatory measures during Level I. Although Level I is ongoing, customers are reminded when a regional single-year drought is occurring.

Level II – This level would be initiated during a moderate water shortage (11-20%) and would be addressed through enhanced voluntary measures and public outreach with voluntary enforcement of the water waste ordinance. Level II would be implemented during a moderate drought where water conservation is mandatory but impacts to the TODB’s groundwater supply wells are negligible or non-existent. During Level II, the TODB Board of Directors will declare prohibitions on water use, in accordance with the TODB *Ordinance No. 2016-27 Drought Regulation* (Appendix B).

Level III – This level would be initiated during a severe regional water shortage (21 to 30%), which could be caused by State mandated water use reductions or when the TODB has a redundant back-up well offline for repairs, which makes the overall supply system more vulnerable to shortages. During Level III, the TODB Board of Directors would adopt a new ordinance providing authority for the General Manager to implement additional prohibitions and consumption reduction methods that would include cutbacks in irrigation water use by all customers, enhanced leak repair by customers and the District, establishment of water shortage pricing surcharges, and other consumption reduction methods as needed to effectively reduce water demands to match available supplies.

Level IV – This level would be initiated during a critical water shortage (31 to 40%), which could be caused by a catastrophic failure of two groundwater supply wells. All steps taken in the prior levels would be intensified and production would be monitored daily for compliance with necessary reductions. Residents would be under water rationing. The TODB would be in emergency status to repair and bring online water supply wells.

Level V – This level would be initiated during a critical water shortage (41-50%), which could be caused by a natural disaster, prolonged severe drought event, or failure of water system facilities that greatly reduces supply capacity.

Level VI – This level would be initiated during a catastrophic water shortage (>50%), which could be caused by a natural disaster, catastrophic failure of the system of 3 or more groundwater supply wells. Rationing and mandatory restrictions would be enhanced as needed to effectively reduce water demands to match available supplies.

Table 1 lists the six (6) water shortage levels of the WSCP.

Table 1: Water Shortage Contingency Plan Levels

	Percent Shortage Range	Water Shortage Condition
1	Up to 10%	Mild Water Shortage
2	Up to 20%	Moderate Water Shortage
3	Up to 30%	Severe Water Shortage
4	Up to 40%	Critical Water Shortage
5	Up to 50%	Critical Water Shortage
6	>50%	Catastrophic Water Shortage

The six water shortage levels represent an ever-increasing gap between normal available supplies and normal expected customer demands to be addressed through appropriate local water shortage response actions.

SECTION 4 SHORTAGE RESPONSE ACTIONS

CWC Section 10632(a)(4) requires water suppliers to implement water shortage response actions that align with the water shortage levels and include water supply augmentation actions, demand reduction actions, operational changes, mandatory prohibitions, and an estimate of the projected water demand reduction from the action.

Supply Augmentation

The TODB relies exclusively on groundwater to meet its water supply needs and does not have access to surface water or water supply augmentation through other means. Existing wells could be modified to increase pumping capacity if feasible. Recycled water available at the TODB wastewater treatment plant can be considered for non-potable applications although there is currently no infrastructure nor permit in place to support the use of recycled water.

Demand Reduction

The CWC requires the water supplier to implement consumption-reduction actions during the most severe levels of water shortage that are capable of reducing water use by at least 50%. The TODB would implement the water consumption–reduction actions shown on Table 2, below. Some of the methods are on-going and are part of the TODB water conservation efforts addressed in the Demand Management Measures. The actual combination of measures implemented will be based on water shortage levels and the effectiveness of demand reduction measures.

Table 2: Demand Reduction Actions

Shortage Level	Demand Reduction Actions	Projected Reduction	Additional Explanation	Penalty or Charge
All levels	Other	0-50%	Demand Reduction Program	No
I-II	Other	0-20%	Voluntary Water Use Reductions	No
I-II	Other	0-20%	Voluntary Restrictions – no waste, not enforced	No
I-II	Expand Public Information Campaign	0-20%	Public Outreach Measures - General	No
II-VI	Other	20-30%	Expedite Conversion of Water Efficient Fixtures	No
II-III	Landscape - Limit landscape irrigation to specific days	20-30%	Irrigation Reduction – limit 3 watering days/week	Yes
II-VI	Landscape - Prohibit certain types of landscape irrigation	20-40%	Irrigation Reduction – parks/open spaces	Yes
II-VI	Other	20%+	Utility Leak Repair – expedite larger leak repairs	No
III-IV	Landscape - Limit landscape irrigation to specific days	30-40%	Irrigation Reduction – limit 2 watering days/week	Yes
III-VI	Expand Public Information Campaign	30%+	Public Outreach Measures – General and Specific	No
III-VI	Implement or Modify Drought Rate Structure or Surcharge	30-50%	Water shortage pricing - surcharge	Yes
III-VI	Other - Customers must repair leaks, breaks, and malfunctions in a timely manner	30%+	Customer Leak Repair – within five days of detection	Yes
III-VI	Other	30-50%	Mandatory restrictions – no waste enforced [patrols, tickets, fines, etc.]	Yes
III-VI	Other	30-50%	Apply penalties for excessive water use	Yes
IV-VI	Other	40-50%	Apply flow restrictions to customers	Yes
IV-VI	Other	10-50%	Restrict water use for only priority uses	Yes
V-VI	Landscape - Prohibit all landscape irrigation	40%-50%+	Irrigation Reduction – no lawn watering	Yes
V-VI	Other	20-50%	Mandatory water rationing, per capita allotment	Yes

Operational Changes

During times of water supply shortage, the TODB can also implement operational changes such as reduced system flushing, increased hydrant security, meter upgrades for accurate measurement of water use and enhanced reading capabilities, and change water CIP priorities to focus on water reducing projects and programs. Staff can make use of customer water meter information to monitor where water leaks may be occurring. If water meter monitoring is implemented, Staff shall endeavor to notify customers of possible water leaks. During demand reduction actions are initiated, the operations can avoid using inefficient wells that are known to result in higher levels of system flushing.

Additional Mandatory Restrictions

The TODB would implement additional mandatory restrictions against specific water use practices that may be considered excessive during water shortages. If drought conditions or water shortages warrant mandatory restrictions (Level III), the TODB will implement the current water shortage emergency response plan, *Ordinance No. 2016-27 Drought Regulation* (Appendix B). Further mandatory restrictions will be implemented if warranted based on Level IV, V or Level VI conditions. Table 3 identifies mandatory restrictions that would be enforced during a water shortage emergency.

Table 3: Mandatory Restrictions

Restrictions	Level When Restriction Becomes Mandatory
Excessive outdoor watering (causing runoff to non-irrigated areas)	II, III, IV
Use of hose without a shut-off nozzle for vehicle washing	II, III, IV
Application of water to driveways or sidewalks	II, III, IV
Use of water in non-circulating fountain or water feature	II, III, IV
Outdoor irrigation beyond the allowed watering schedule	II, III, IV
Uncorrected plumbing leaks	III, IV
Washing cars	III, IV
Watering lawns/landscapes or filling outdoor water features	III, IV

Emergency Response Plan

In the event of catastrophic reduction in water supplies, the TODB would implement emergency preparedness plans, depending on the cause and severity of the water shortage. A catastrophic event resulting in a water shortage would be any event, either natural or man-made, with varying levels of severity to the water supply conditions. Examples include, but are not limited to, a regional power outage, an earthquake, or other disasters.

The TODB has in place an Emergency Operations Plan that would be implemented by the TODB staff in the event of a catastrophic water shortage. The TODB has equipped its facilities with standby emergency generators that would be operated if the catastrophic event involved loss of power. Both of the water treatment plants and booster stations are equipped with permanent emergency generators and automatic transfer switches. The TODB owns portable generators that can be used to operate the groundwater pumping stations. If there is catastrophic rupturing of pipelines, during an earthquake for example, the emergency operations procedures would be followed to isolate the damaged sections, notify customers and immediately repair the damage. Table 1 shows an example of how water shortage levels are tied to catastrophic loss of wells.

Seismic Risk Assessment and Mitigation Plan

The CWC requires the WSCP to include a seismic risk assessment and mitigation plan to assess the vulnerability of each water facility. Per CWC Section 10632.5 (c), this requirement is met by the Contra Costa County Hazard Mitigation plan.

Shortage Response Action Effectiveness

The CWC Section 10632(a)(4)(E) requires the water supplier to estimate the projected reduction of each shortage response action to close the gap between supplies and demand. Estimated water use reduction is shown above in Table 2.

SECTION 5 COMMUNICATION PROTOCOLS

The CWC Section 10632 (a)(5)(A) requires the TODB to notify all customers and stakeholders of any anticipated water shortages as result of the annual water supply and demand assessment. Per, the CWC Section 10632 (a)(5)(B), the TODB will also notify all customers and stakeholders if any shortage response actions are triggered pursuant to the annual water supply and demand assessment. In the event of an anticipated water shortage, the TODB will inform customers through newsletters and messages on the TODB website, water bill inserts, direct mail (e.g. post cards), newspapers, press releases, advertising, social media (Nextdoor app), mobile electronic street sign and community workshops and meetings as shown below in Table 4.

Table 4: Communication Protocol for Each Level

Level No.	Water Supply Conditions	Communication Method
I - Voluntary	Normal to Minimum (0 to 10%)	None
II – Mandatory Conservation	Moderate (11 to 20%)	Bill Insert, Newsletter, Website
III - Rationing	Severe (21 to 30%)	Same as above plus: direct mail, newspaper, press release, advertising, social media, mobile electronic sign
IV – Intense Rationing	Critical (31 to 40%)	Same as above, plus: community workshop and meetings
V - Restrictions/Allocations	Critical (41 to 50%)	Same as above
VI - Restrictions/Allocations	Catastrophic (> 50%)	Same as above

SECTION 6 COMPLIANCE AND ENFORCEMENT

CWC Section 10632 (a)(6) requires a water supplier to penalize or charge for excessive use, where applicable. In accordance with the TODB Ordinance No. 2016-27, when a water shortage emergency is declared, the General Manager may issue a Notice of Violation to any customer that fails to comply with the conditions of the ordinance. After one notice has been issued further violations shall be punishable by a fine of: \$25 for a first violation; \$50 for a second violation; \$100 for a third violation; and \$500 for a fourth violation and any subsequent violation thereafter. Furthermore, each day upon which any condition of the ordinance is violated constitutes a separate violation.

During severe and critical water shortages (Levels III, IV, V and VI), there will be additional charges applied for excessive water use. During these water shortages, the General Manager may take further actions if violations continue after the one written warning, such as installing a flow-restricting device on the service line, or termination of service for repeated violations of unauthorized water use. Table 5 presents the stages during which penalties and charges take effect.

Table 5: Penalties and Charges

Penalties or Charges	Stage When Penalty Takes Effect
Penalty for Excess Use	III-VI
Charge for Excess Use	III-VI
Flow Restriction	IV-VI
Termination of Service	V-VI

In accordance with the TODB Ordinance No. 2016-27, violations or fines may be appealed for reconsideration. Appeals for reconsideration shall be processed as indicated in the TODB Ordinance No. 2016-27.

SECTION 7 LEGAL AUTHORITIES

Per the TODB Drought Regulation, Ordinance No. 2016-27, the TODB has the authority to implement the water response actions presented in Section 4.

The TODB shall declare a water shortage emergency as required depending on the severity of the water shortage level in accordance with CWC Chapter 3, Sections 350 through 359.

The TODB shall coordinate with Contra Costa County for the possible proclamation of a local water supply emergency per California Government Code, California Emergency Services Act, Article 2, Section 8558.

SECTION 8 FINANCIAL CONSEQUENCES OF WSCP

CWC Section 10632 (a)(8) requires a description of the impacts of consumption reduction on the revenues and expenditures of the water supplier. The TODB will establish an accounting system for tracking expenses and revenue shortfalls associated with voluntary and mandatory water use reductions. The TODB maintains reserve funds that can be used to offset expenditure impacts during times of emergency. The TODB will implement a surcharge to recover unmitigated revenue shortfalls.

SECTION 9 MONITORING AND REPORTING

Per CWC Section 10632 (a)(9), the TODB will monitor and report on the implementation of the WSCP. Monthly water production and metered water use data will be collected, tracked and analyzed to monitor compliance and meet state reporting requirements. The State Water Resources Control Board is in the process of preparing regulations for regular monthly water use reporting by urban water suppliers.

SECTION 10 WSCP REFINEMENT PROCEDURES

Per CWC Section 10632 (a) (10), the TODB may choose to refine the WSCP based on monitoring and reporting of data collected. Based on analysis of the data collected, the TODB may choose to modify or

add consumption reduction methods to more accurately meet water level targets. Any updates to the WSCP will be approved by the Board of Directors as needed to maintain an effective water shortage response plan for the community.

SECTION 11 SPECIAL WATER FEATURE DISTINCTION

Per CWC Section 10632 (b), the TODB shall analyze and define water features in the WSCP that are artificially supplied with water, including, ponds, fountains, etc. separately from pools and spas as defined by subdivision (a) of Section 115921 of the Health and Safety Code. Pools and spas must use potable water whereas ponds, fountains and other water features may be able to use recycled water.

SECTION 12 PLAN ADOPTION, SUBMITTAL AND AVAILABILITY

Per the CWC, the following steps shall be performed prior to adoption of the WSCP:

The TODB will issue a notification of a public hearing to customers, the county and public.

- The TODB will publish in a local newspaper for two consecutive weeks notification of the public hearing.
- The TODB shall hold a public hearing to obtain public input.
- Following the public hearing or at a subsequent Board meeting, the Board of Directors shall formally adopt the WSCP.
- Per CWC Section 10632 (a)(c), the TODB will make the WSCP available on the TODB's website, <https://www.todb.ca.gov/>, within 30 days of adoption by the Board of Directors.

The TODB may choose to amend the WSCP at any time, if so each of the steps above must be followed.

Appendix A

Resolution 2014-11 - Voluntary Water Reduction



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2014-11

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
ENCOURAGING DISCOVERY BAY RESIDENTS TO VOLUNTARILY
REDUCE WATER CONSUMPTION BY 20% TO AID IN DROUGHT RELIEF EFFORTS**

WHEREAS, Town of Discovery Bay Community Services District has as one of its functions the production, treatment and delivery of potable water for domestic purposes; and

WHEREAS, the State of California is in the midst of a three-year water drought that has severely depleted the reservoirs and lakes necessary to provide continued water supplies to all Californians; and

WHEREAS, on January 17, 2014 California Governor Edmund G. Brown declared a water State of Emergency as California and the West enter yet another year of extreme drought conditions; and

WHEREAS, on April 25, 2014 Governor Brown urged all Californians to reduce water consumption by 20%, and encourages all Californians to visit www.saveourh2o.org to find out how water can be conserved.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Town of Discovery Bay encourages all Discovery Bay water users to voluntarily reduce water consumption by 20% until the time the drought has ended and to visit www.saveourh2o.org to find ways to conserve water.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 4th DAY OF June, 2014.

Mark Simon
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on June 4, 2014, by the following vote of the Board:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0

Richard J. Howard
Board Secretary

Appendix B

Ordinance No. 2016-27 – TODB Drought Regulation



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 2016-27**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
DROUGHT REGULATION ORDINANCE
AMENDING IN ITS ENTIRETY AND RE-NUMBERING ORDINANCE NO. 25**

Be it ordained by the Board of Directors of the Town of Discovery Bay Community Services District as follows:

SECTION 1. Short Title

This Ordinance shall be known and may be cited as Town of Discovery Bay Drought Regulation Ordinance ("Ordinance").

SECTION 2. Purpose

The purpose of this Ordinance is to protect the health, safety, and welfare of residents of the Town of Discovery Bay Community Services District ("District"); to continue to respond to the ongoing drought issues and to regulate water usage in the District for the purpose of conserving limited water resources.

SECTION 3. Water Shortage Emergency Declaration and Response Authority

The Board of Directors may declare a water shortage emergency by resolution upon finding that water use restrictions are necessary for the immediate protection of health and safety or as required by State law.

A water shortage emergency declaration is effective until the Board of Directors finds, and declares by resolution, that the water shortage emergency condition has abated, changed in degree, or no longer exists.

The Board of Directors has the authority to continue water conservation regulations to address water supply conditions within the District. The Board of Directors may also take additional action to prevent waste and unreasonable use of water and to further promote conservation.

SECTION 4. Water Conservation Regulations

While the District continues to be impacted by limited water supplies, the following activities are prohibited, except where necessary to address an immediate health and safety need:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

2. The use of a hose that dispenses potable water to wash a motor vehicle except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
3. The application of potable water to driveways and sidewalks;
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
6. The irrigation of landscapes outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development;
7. The irrigation of ornamental turf on public street medians with potable water;
8. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.

SECTION 5. Enforcement

The General Manager of the District shall administer, implement and enforce the provisions of this Ordinance. Any powers or duties granted to the General Manager may be delegated by the General Manager to persons acting in the beneficial interest of or in the employ of the District.

SECTION 6. Violation

The General Manager, or his/her designee, may issue a Notice of Violation to any person, business, association, or other party who fails to comply with any conditions of this Ordinance. Any person, business, association or other party violating this Ordinance after issuance of a Notice of Violation shall be assessed a fine of \$25 for a first violation, a fine of \$50 for a second violation in any 6-month period, and a fine of \$100 for each additional violation in any 6-month period. Fines assessed pursuant to this Ordinance may be included in the offending party's water service bill or, for unmetered accounts which do not receive a water service bill, with the water service charges collected on the county tax roll on behalf of the District. Non-payment of water service bills or water service charges collected on the county tax roll on behalf of the District, including the non-payment of any fine included therein, may result in termination of service and disconnection from the water system pursuant to District Ordinance. In addition to any other action taken by the District, the District may utilize an outside collection agency to recover unpaid fines.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The District Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violation.

SECTION 7. Appeals

Any party subject to a Notice of Violation or fine issued pursuant this Ordinance may appeal for reconsideration. Appeals for reconsideration shall be processed as follows:

1. A party appealing for reconsideration a Notice of Violation or fine issued pursuant to this Ordinance shall do so in writing to the General Manager by either using forms provided by the District or by letter setting forth in detail the reasons for the appeal.
2. The General Manager shall review all appeals for consideration and shall within fifteen (15) days of receipt of the written appeal notify the appealing party of his or her decision to deny or sustain the appeal, or to modify the Notice of Violation or fine based on the evidence presented.
3. If the appealing party disagrees with the General Manager's decision, the decision may be appealed to the Board of Directors. An appeal to the Board of Directors shall be submitted in writing to the Clerk of the Board by either using forms provided by the District or by letter setting forth in detail the reasons for the appeal. Each appeal to the Board of Directors shall be accompanied by the payment of an appeal fee of \$25.00, or as set by resolution of the Board of Directors, to defray the costs of the appeal.
4. If an appeal to the Board of Directors is made, the appealing party shall be notified of a hearing date by mail. Such hearing shall be scheduled within thirty (30) days of receipt of the written appeal. A decision shall be forwarded to the appealing party within fifteen (15) days after completion of the hearing. Decisions by the Board of Directors are final.

SECTION 8. Severability

The various parts, paragraphs, section, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 9. Adoption and Effective Date

This Ordinance is hereby declared to have been adopted by the District Board of Directors at a meeting thereof duly called and held on the 6th day of July, 2016, and ordered to be given effect thirty (30) days after its first publication as mandated by statute.


CERTIFICATION

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District held on July 6, 2016 by the following vote:



Bill Pease
Board President

AYES: 5
NOES: 4
ABSENT: 0
ABSTAIN: 0



Catherine Kutsuris
Board Secretary

Appendix C

Sample Resolution – Implementation of Water Supply Shortage Level

TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT

RESOLUTION _____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,**

**ON THE IMPLEMENTATION OF LEVEL [III, IV, V OR VI] OF THE WATER SHORTAGE
CONTINGENCY PLAN AS OUTLINED IN THE 2020 URBAN WATER MANAGEMENT PLAN ON
FILE WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES**

WHEREAS, on [DATE], by Resolution _____, The Board of Directors of the Town of Discovery Bay Community Services District approved the 2020 Urban Water Management Plan (UWMP); and

WHEREAS, the 2020 Urban Water Management Plan includes the Water Shortage Contingency Plan which is required for inclusion in a Department of Water Resources (DWR) compliant 2020 UWMP; and

WHEREAS, based on the DWR requirements included in the DWR 2020 UWMP Guidebook [describe water supply shortage condition caused by drought or loss of water supply wells] the Board of Directors of the Town of Discovery Bay Community Services District hereby approves a six (6) level WSCP that enables the Board of Directors to declare that a water shortage condition or emergency prevails within the water service area of the Town of Discovery Bay and that water use within the Town of Discovery Bay should be reduced by 50% or more with effective response measures; and

WHEREAS, required water use reduction described above necessitates implementation of Level [III, IV, V or VI] of the Town of Discovery Bay's Water Shortage Contingency Plan. The water conservation measures and water use restrictions for Level [III, IV, V or VI] are described in the attached Water Shortage Contingency Plan. Implementation of Level [III, IV, V or VI] shall be cumulative and shall include implementation of all previous provisions listed in Level [I, II, III, IV, or V]; and

WHEREAS, the General Manager is hereby authorized and empowered to delegate his or her authority hereunder to such assistants, deputies, officers, employees, or agents of the Town of Discovery Bay as he or she shall designate, and to establish such rules, regulations and procedures, and to prepare or furnish such forms, as he or she deems necessary or appropriate to carry out the provisions of the Resolution; and

WHEREAS, this Resolution shall be effective upon its adoption, and shall remain effective until the water shortage conditions are resolved, in which case this Resolution shall be rescinded, or until conditions worsen, thus requiring additional action by the Board of Directors, in which case a subsequent Resolution will be considered for adoption.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Town of Discovery Bay that Level [III, IV, V, or VI] of the Water Shortage Contingency Plan is hereby adopted.

PASSED, APPROVED AND ADOPTED THIS [day] DAY OF [month], [year] by the following vote:

Notice of Public Hearing

NOTICE IS HERBY GIVEN that the Town of Discovery Bay Community Services District will hold a public hearing on March 3, 2021, at 7:00 P.M in the Discovery Bay Community Center, 1601 Discovery Bay Boulevard, Discovery Bay, California. If public entry is denied due to COVID-19 restrictions, attendance may be made via teleconference as noted on the meeting agenda. The purpose of this public hearing is to consider a Resolution of the Board of Directors of the Discovery Bay Community Services District approving the Water Shortage Contingency Plan for submittal to the California Department of Water Resources as prepared by Staff and Lohdorff and Scalmanini, Consulting Engineers.

The draft Water Shortage Contingency Plan is available for public inspection and review as of February 16, 2021 at www.todb.ca.gov.

Written comments should be submitted to the Discovery Bay Community Services District to the attention of the General Manager, no later than March 2, 2021, at 1800 Willow Lake Road Discovery Bay, CA 94505. During the hearing, oral comments may be subject to time limits to allow all attendees to be heard. At the conclusion of the hearing, Discovery Bay Community Services District may decide to adopt the Water Shortage Contingency Plan.

ECT# 6550951 Feb. 10, 17, 24, 2021