

RESOLUTION No. 2006-06-03
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN ANTONIO WATER COMPANY ESTABLISHING PROCEDURES IN THE CASE OF A
WATER SHORTAGE

Entitled

"WATER SHORTAGE CONTINGENCY PLAN"

WHEREAS, the Board of Directors at its regular meeting of September 19, 2006, did discuss and establish the protocols and procedures attendant to the conduct of meetings of the Board of Directors.

NOW THEREFORE, BE IT RESOLVED that the San Antonio Water Company establish a plan to respond to water shortages,

WHEREAS, the Board is concerned that our precious water resources are protected so shareholders can expect to receive a reliable supply of quality water on demand; and

WHEREAS, the Board has a responsibility to provide water to its shareholders through the creation and maintenance of the infrastructure necessary to pump, store and distribute water; and

WHEREAS, the Board acknowledges the City of Upland Water Conservation Ordinance No. 1786 and shares the City of Upland's City Council's concern regarding the proper management of our precious water resources to ensure a reliable supply of quality water; and

WHEREAS, the San Antonio Water Company periodically needs supplemental water supply service from the City of Upland, which in accordance with City of Upland Ordinance No. 1786, as a prerequisite for receiving water supply service from the City of Upland, requires the implementation of water conservation measures; and

WHEREAS, the Board has adopted a resolution to water conservation,

NOW, THEREFORE, THE SAN ANTONIO WATER BOARD, CALIFORNIA,
DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

I. GENERALLY

- A. Declaration of policy. It is hereby declared that because of the water conditions prevailing in the Water Company service area, the general welfare requires that the water resources available to the Water Company, Region and State be put to the maximum beneficial use, that the waste or unreasonable use of water be prevented, and that the conservation of water is to be encouraged at all times.
- B. Authorization. The General Manager shall request the Board to declare that demand for water is anticipated to be in excess of supply, immediately after it appears that such a situation exists or is threatened, if the Board is in session. If the Board is not in session, the General Manager immediately cause a request for a special meeting of the Board to be delivered to each Board Member who can be located. The Board shall have the power to declare the necessity to implement the applicable provisions of this part when in their opinion the demand for water consumption exceeds the Water Company's available supply (allowing for a safe reserve), or threatens to do so, provided there are no immediate resources available to remedy the situation. Said declaration shall be made by public announcement and shall be published in a newspaper of general circulation and shall become effective immediately upon such publication.
- C. Application. The provisions of this chapter shall apply to all shareholders, customers within the Water Company's service area, or property serviced by the Water Company wherever situated.

II. CONSERVATION PROGRAM-YEAR ROUND STAGE

A. The following activities are hereby prohibited:

- 1.0 The washing of sidewalks, walkways, driveways, public and private parking areas and all other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
 - a. Excessive or unreasonable run off of water or unreasonable spray of the areas being watered. Every shareholder is deemed to have his/her water system under control at all times, to know the manner and extent of this water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
- 2.0 Allowing, permitting or causing the escape of water through breaks or leaks within the customers plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Water Company of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;
- 3.0 Outdoor irrigation of landscape by sprinklers during the hours of 10:00 a.m. to 6:00 p.m. Shareholders are encouraged to avoid the use of sprinklers on windy days. Irrigation by hand held hose, drip irrigation, hand held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, and alleys or storm drains;
- 4.0 Washing of automobiles, trucks, trailers, boats, and other types of equipment (mobile or otherwise) unless done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff. However, this section does not apply to the washing of the above-listed vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash;
- 5.0 With respect to eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, that benefits from the supply of water by the Water Company shall not provide drinking water to any person unless expressly requested.

B. Exceptions: None of these restrictions shall apply to the following:

- 1.0 The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;
- 2.0 The necessary use of water for the routine maintenance, repair or construction of distribution and water supply facilities, residential and commercial plumbing and permanently installed landscaped irrigation systems.
- 3.0 Available non-potable water which is only delivered for irrigation purposes and/or not available for distribution by current Water Company production and conveyance facilities.

III. MODERATE SHORTAGE STAGE

- A. In the event the Board determines that the measures outlined above fail to produce a sufficient reduction in demand so as to produce a sufficient supply, the use of water within the Water Company's service area shall be additionally restricted and the

following provisions shall become effective upon a declaration by the Board and publication of same as follows:

- 1.0 The washing of sidewalks, walkways, driveways, public and private parking areas and all other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
- a. Excessive or unreasonable run off of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of this water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
- 2.0 Allowing, permitting or causing the escape of water through breaks or leaks within the customers plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Water Company of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;
- 3.0 Outdoor irrigation of landscape by sprinklers is permitted only on even days of the month for those locations having a street address with an even last digit. Outdoor irrigation by sprinklers is permitted only on odd days of the month for those locations having a street address with an odd last digit. No outdoor irrigation shall take, place between the hours of 10:00 a.m. and 6:00 p.m. Irrigation by hand held hose, drip irrigation, hand held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains;
- 4.0 Washing of vehicles, trailers, boats, and mobile equipment:
 - a. The washing of automobiles, trucks, trailers, boats, and other types of equipment (mobile or otherwise) is prohibited except on the designated outdoor water use days between the hours of 12:00 midnight to 12:00 noon and sundown to 12:00 midnight. Such washing, when allowed, shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff;
 - b. No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved county standards with equipment to recycle water for use within their facility;
 - c. Nonprofit and community based organizations' fundraising car washes shall be allowed, provided they are otherwise in accordance with all other provisions of a permit to operate a nonprofit carwash.
- 5.0 With respect to eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, that benefits from the supply of water by the Water Company shall not provide drinking water to any person unless expressly requested.
- 6.0 The refilling or adding of water to swimming pools is prohibited except on designated outdoor water use days, which is restricted between the hours of 10am and 6 pm.
- 7.0 Any non-business, operation related pond, ornamental fountain or other structure making similar use of water is prohibited.

- 8.0 The irrigation of golf course fairways is prohibited. This section shall not apply to the irrigation of any golf course solely with available non-potable or reclaimed wastewater.
- 9.0 The use of water from fire hydrants shall be limited to firefighting and emergency related activities and/or other activities necessary to maintain the health, safety, and welfare of the citizens of the San Antonio Water Company's service area. This restriction shall not apply to businesses, which require the use of water for land development and building construction processes with prior written approval by the Water Company.

B. Exceptions: None of the moderate shortage restrictions shall apply to the following uses of water:

- 1.0 The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;
- 2.0 The routine and necessary use of water, other than for landscape irrigation, for land development (e.g., roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes;
- 3.0 The necessary use of water for the routine maintenance and/or repair or construction of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems;

IV. CONSERVATION PROGRAM-HIGH SHORTAGE STAGE

- A. In the event the Board determines that the measures fail to produce a sufficient reduction in demand so as to produce a sufficient supply, the use of water within the Water Company's service area shall be additionally restricted and the following provisions shall become effective upon a declaration by the Board and publication of same as follows:
 - 1.0 The washing of sidewalks, walkways, driveways, public and private parking areas and other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety is prohibited;
 - a. Excessive run off of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of this water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
 - 2.0 Allowing, permitting or causing the escape of water through breaks or leaks within the customers plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Water Company of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;
 - 3.0 Outdoor irrigation of landscape by sprinklers is permitted only on Wednesday and Sunday for those locations having street address with an even last digit. Outdoor irrigation by sprinklers is permitted only on Tuesday and Saturday for those locations having a street address with an odd last digit. Outdoor irrigation for locations not having a street address shall occur on Wednesday and Sunday if located west of San Antonio Avenue or only on Tuesday and Saturday if located east of San Antonio Avenue. No outdoor irrigation shall take place between 6:00 a.m. until one (1) hour before sundown. Irrigation by hand held hose, drip irrigation, or hand held bucket or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In

no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains;

4.0 Washing of vehicles, trailers, boats and mobile equipment:

- a. The washing of automobiles, trucks, trailers, boats, airplanes and other types of equipment (mobile or otherwise) is prohibited except on the designated outdoor water use days between the hours of 12:00 midnight to 12:00 noon and sundown to 12:00 midnight. Such washing, when allowed, shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff;
- b. No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved county standards with equipment to recycle water for use within their facility;
- c. Trucks, trailers and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and other perishables) when said washing is necessary in order to protect the health, safety and welfare of the public, shall be restricted to the hours of sundown to noon. Such washing, when allowed, shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use;
- d. Nonprofit and community based organizations' fundraising car washes shall be allowed, provided they are otherwise in accordance with all other provisions of the appropriate agency with that jurisdiction and this section, and have obtained the necessary permits to operate a nonprofit carwash. Such activities shall be limited to no more than two (2) times in one (1) month. Permit shall become void upon the effective date of the declaration of severe shortage.

5.0 All eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person unless expressly requested.

6.0 The refilling or adding of water to existing swimming pools is prohibited except on designated outdoor water use days. New pool construction filling shall be by permit only.

7.0 Any non-business, operation related pond, ornamental fountain or other structure making similar use of water is prohibited.

8.0 The waters of golf course tee areas and fairways are prohibited unless done with reclaimed wastewater or non-potable water.

9.0 The use of water from fire hydrants shall be limited to firefighting and emergency related activities and/or other activities necessary to maintain the health, safety, and welfare of the citizens of the San Antonio Heights. This restriction shall not apply to businesses, which require the use of water for land development and building construction processes, pursuant to prior written approval by the Water Company.

B. Exceptions: None of the high shortage restrictions shall apply to the following uses of water provided there is prior written approval by the Board:

1.0 The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;

2.0 The routine and necessary use of water, other than for landscape irrigation, for land development (e.g., roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes;

- 3.0 The necessary use of water for the routine maintenance and/or repair or construction of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems;

V. CONSERVATION PROGRAM – SEVERE SHORTAGE STAGE

- A. In the event the Board of Directors determines that the measures fail to produce a sufficient reduction in demand so as to produce a sufficient supply, then the use of water within the Company's service area shall be additionally restricted and the following provisions shall become effective upon a declaration by the Board of Directors and publication of same as follows:
 - 1.0 The washing of sidewalks, walkways, driveways, public and private parking areas and other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety is prohibited;
 - a. Excessive run off of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of this water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
 - 2.0 Allowing, permitting or causing the escape of water through breaks or leaks within the customers plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Water Company of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;
 - 3.0 Outdoor irrigation of landscape by sprinklers is permitted only on Sunday for those locations having street address with an even last digit. Outdoor irrigation by sprinklers is permitted only on Saturday for those locations having a street address with an odd last digit. Outdoor irrigation for locations not having a street address shall occur on Sunday if located west of San Antonio Avenue or only on Saturdays if located east of San Antonio Avenue. No outdoor irrigation shall take place between 6:00 a.m. until one (1) hour before sundown. Irrigation by hand held hoses, drip irrigation, or hand held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains;
 - 4.0 Washing of vehicles, trailers, boats, and mobile equipment.
 - a. The washing of automobiles, trucks, trailers, boats, and other types of equipment (mobile or otherwise) is prohibited except as provided elsewhere in this section;
 - b. No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved county standards with equipment to recycle water for use within their facility. Washing of vehicles in such facilities shall occur only between the hours of 6:00 a.m. and 12:00 noon;
 - c. Trucks, trailers, and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and other perishables) when said washing is necessary in order to protect the health, safety and welfare of the public, shall be restricted to the hours of sundown to 12:00 noon. Such washing when allowed, shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.

- 5.0 All eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person unless expressly requested.
- 6.0 The refilling or adding of water to existing swimming pools is prohibited except on designated outdoor water use days. New pool construction filling shall be by permit only.
- 7.0 Any non-business, operation related pond, ornamental fountain or other structure making similar use of water is prohibited.
- 8.0 The watering of golf course tee areas and fairways is prohibited unless done with reclaimed wastewater.

VI. IMPLEMENTATION

- A. In case of severe water shortage, which could occur due to a catastrophic failure of any of the Water Company's key water supply sources (i.e. SAWCo Tunnel) would result in an emergency meeting with the Board to set the appropriate reduction of entitlement per share effective upon a declaration by the Board of Directors and publication of same.
- B. The Board shall review special cases, which cannot follow the letter of this part for recommendation to the Board who may grant variances.
 - 1.0 A variance shall be granted only for reasons of economic hardship, which is defined as a threat to an individual business's primary source of income. (Under no circumstances shall inconvenience or the potential for damage to landscaping be considered an economic hardship, which justifies a variance.) The Board shall recommend only the implementation of equitable water use restrictions, which further the purpose and intent of the water conservation plan. The special water use restrictions recommended by the Board of Directors in each case shall be set forth on the face of the variance, permit or compliance agreement. A nonrefundable fee of fifty dollars (\$50.00) per permit application for all requests shall be assessed to reimburse the Water Company for administrative costs.
 - 2.0 A variance or permit issued under moderate shortage shall not be valid upon implementation of high or severe shortage stages unless the permit specifically addresses either or both of those stages upon initial issuance. Said multi-stage permit would have to reflect significant additional savings of water, or nonuse of water, under progressively more critical shortage stages. A variance or permit shall expire under its own terms and conditions and/or when another water conservation stage is in effect.
 - a. Exception: If, within the period of the permit, the conservation stage for which the permit was originally issued is reinstated, the permit will be considered valid until the original expiration date, as long as that conservation stage is in effect.
 - 3.0 Any person, corporation or association who is issued a variance or permit and makes use of water pursuant to said variance, permit or compliance agreement shall provide proof of said variance, permit or compliance agreement upon demand by any person authorized by the Water Company.
 - 4.0 Upon findings of non-compliance of a shareholder of any provision of this part, will cause revocation of any permit, variance, or compliance agreement previously granted. However, the applicant shall be notified of the proposed revocation five (5) working days before taking such action, and applicant shall be given the opportunity to be heard by the Board.

ADDITIONAL ASSESSMENT FOR VIOLATION OF THIS RESOLUTION

A. Guidelines.

1.0 Any shareholder who uses water provided by the Water Company knowingly use, or permit the use of water in a manner contrary to any provision of this part, or in an amount in excess of that use permitted by the provisions of this resolution or that is reasonably necessary to satisfy the water usage need shall be found in non-compliance with this resolution and assessed the following:

- a. If found in non-compliance of this resolution for a first occurrence during any calendar year or declared conservation stage, whichever time period is shorter in duration shall be assessed \$50;
- b. If found in non-compliance of this resolution for a second occurrence during any calendar year or declared conservation stage, whichever time period is shorter in duration shall be assessed \$100;
- c. If found in non-compliance of this resolution for a third occurrence or more during any calendar year or declared conservation stage, whichever time period is shorter in duration shall be assessed \$500.

2.0 In addition to the above, the General Manager is hereby empowered to enact other restrictive measures that are intended to abate the conductor circumstances comprising the occurrence, including but not limited to the following: placement of a flow restricting device upon the water service, locking off of water meter, removal of water meter, and shutting off of the service line valve.

3.0 If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Resolution shall nonetheless remain in full force and effect. The shareholders of the Water Company hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Resolution, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, phrases, or portions of this Resolution be declared invalid or unenforceable.

The foregoing ordinance was PASSED, APPROVED AND ADOPTED by the Board of Directors of the San Antonio Water Company on the 17th day of October, 2006.

Tom Thomas
Tom Thomas, President

ATTEST:

Ken Willis
Ken Willis, Secretary

I, Ken Willis, Secretary of the San Antonio Water Company Board of Directors, Upland, California, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Board of Directors of the San Antonio Water Company held on the 17th day of October, 2006, and was adopted at a regular meeting of the Water Company Board of Directors of the San Antonio Water Company on the 17th day of October, 2006, by the following roll call vote:

AYES: 6

NOES: 0

ABSENT: 1

ABSTAINED: 0