

ORDINANCE NO. 2007-01

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE VOLCANO COMMUNITY SERVICES DISTRICT
DECLARING A WATER SHORTAGE EMERGENCY AND
ESTABLISHING A WATER MORATORIUM**

BE IT ORDAINED by the Board of Directors of the Volcano Community Services District as follows:

Section 1. **Purpose and Authority.** This ordinance declares a water shortage emergency condition and establishes a moratorium on new water service connections, subject to certain exceptions. This ordinance is adopted pursuant to Water Code sections 350 et seq., Government Code section 61060, and other applicable law.

Section 2. **Findings.** The Board of Directors hereby finds and determines as follows:

a. The District currently provides water service to approximately 65 connections, including primarily single-family residences, and some commercial uses. The sole source of the District's current water supply is the Cleveland Tunnel supply, as more particularly described in the water supply study of the District's consulting engineer, Jesse B. Shaw, P.E., dated November 8, 2006 ("Water Supply Study").

b. The District previously served its customers from two wells, but those wells are not currently in operation for water supply and water quality reasons, and the Water Supply Study does not recommend their use unless testing and modifications are undertaken, and the Department of Health Services approves their re-operation.

c. The District intends to pursue re-operation of its wells, and if such efforts prove unsuccessful, intends to explore the development of additional water supplies to augment its current supply.

d. The District commissioned the Water Supply Study, in part, because of concerns over the declining water flows relative to the Cleveland Tunnel water supply, and the ability of the District to meet the water requirements of its existing consumers while, at the same time, approving new water service connections.

e. The Water Supply Study evaluated, among other matters, the Cleveland Tunnel water supply, its yield, the demands of the District's existing consumers and those to whom the District has committed to provide service but who have not yet connected, and the availability of the Cleveland Tunnel supply to meet the water requirements of new consumers, while safely meeting the water needs of the District's existing consumers.

f. The Water Supply Study concluded, based on flow measurements and analysis of the Cleveland Tunnel water supply, that there is no excess flow in the Cleveland Tunnel to serve new consumers without potentially jeopardizing water service to existing consumers and those to whom the District has committed to provide service but who have not yet connected, and recommended that the District not approve additional applications for service until more flow data on the Cleveland Tunnel supply is obtained and/or an additional water supply is developed.

g. Because of the foregoing problems and concerns and the extremely dry conditions that have prevailed in the area so far this year, the District finds and determines that a water shortage emergency condition exists within the District and that if the District approved additional connections to its water system beyond those to which it has committed, the ordinary demands and requirements of its existing water consumers could not 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. Sound and prudent water management practices require the District to continue serving only existing water consumers and those to whom it has committed to provide service but who have not yet connected, and not to serve any new consumers or development until the current water supply has been augmented.

h. Prior to the adoption of this ordinance, the District Board of Directors held a duly noticed public hearing at which water consumers and other interested persons had an opportunity to be heard to protest against the foregoing declaration of a water shortage emergency condition and to present their respective needs to the District Board.

Section 3. Regulations and Restrictions on Water Delivery. The District's water supply shall be allocated, regulated and restricted in accordance with the following:

a. All users of existing water service connections shall have first priority to the District's water supply to continue existing uses. To the extent of the District's ability with the existing limited water supply, the District will continue to serve those existing connections. In the event the District subsequently finds and determines that the existing limited water supply is insufficient to serve all of the needs and demands of the existing water service connections and

users, then the District will implement further water use restrictions implementing a pro rata reduction of supply to the existing water service connections.

b. The District will honor its outstanding commitments of service and will allow new water connections pursuant to those commitments and in accordance with the District's rules, regulations and practices concerning commitments of service.

c. Except as provided in subsection b. above, the District shall not (i) make or allow to be made any new or additional water service connections, (ii) accept any applications for new or additional water service connections or will-serve letters, or (iii) issue any new will-serve letters.

Section 4. **Duration.** The regulations and restrictions set forth in this ordinance shall remain in full force and effect during the period of the water shortage emergency and until the supply of water available for distribution within the District has been augmented. The rules and regulations set forth in this ordinance may be modified by the District from time to time. This ordinance shall remain in effect until the Board of Directors finds and determines that the declared water shortage emergency condition no longer exists and the ordinance is repealed.

Section 5. **Inconsistencies.** If any provision of this ordinance is inconsistent with any provision of any other District ordinance, resolution, regulation or policy, the provisions of this ordinance shall prevail.

Section 6. **Severability.** If any provision of this ordinance is declared or found by a court for any reason to be invalid, illegal or unenforceable, no other provision shall be affected by such declaration or finding.

Section 7. **Effective Date.** Because of the declared water shortage emergency and the potential to jeopardize the water supply to existing customers so that there would be insufficient water for human consumption, sanitation and fire protection if new connections were approved, as more particularly set forth above, this ordinance shall take effect immediately upon its adoption.

Section 8. **Publication.** The District Secretary is directed to publish a copy of this ordinance within 15 days after its adoption.

PASSED AND ADOPTED by the Board of Directors of the Volcano Community Services District on this 5th day of February, 2007, by the following vote:

AYES: 2
NOES: 0
ABSENT: 1
ABSTAIN: 0

By: Nancy M. Bailey
President, Board of Directors

ATTEST:

By: Shonda Owens
Secretary, Board of Directors

D783

PROOF OF PUBLICATION
(2015-5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF AMADOR

I am a citizen of the United States and a resident of the County from said; I am over the age of eighteen years; and not a party to or interested in the above matter. I am the principal Clerk of the Printer and Publisher of the Amador Ledger Dispatch. A newspaper of general circulation, published two times a week in the City of Jackson, California, County of Amador, and which newspaper has been adjudicated a newspaper of general circulation by the Superior court, of the County of Amador, State of California dated June 19, 1953, Court decree numbers; 5575/5551; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates; to wit:

Jan 24
all in the year 2007

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date at Jackson, California, this 24
of January

Diana Stewart
SIGNATURE

PROOF OF PUBLICATION

**PUBLIC NOTICE
VOLCANO COMMUNITY
SERVICES DISTRICT
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on February 5, 2007, beginning at 7:00 p.m., at the Volcano Armory Hall, the Board of Directors of the Volcano Community Services District will hold a public hearing to consider the adoption of an ordinance declaring a water shortage emergency condition and adopting a moratorium new or additional service water service connections, subject to certain exceptions. All interested persons are invited to attend the public hearing to present oral and/or written comments concerning, or protests against, the proposed ordinance, and to present their respective needs to the Board of Directors.
Dated: January 16, 2007
By: Sharon Owens
Secretary
January 24, 2007-D783

D813

**PROOF OF PUBLICATION
(2015-5 C.C.P.)**

**STATE OF CALIFORNIA
COUNTY OF AMADOR**

I am a citizen of the United States and a resident of the County from said. I am over the age of eighteen years; and not a party to or interested in the above matter. I am the principal Clerk of the Printer and Publisher of the Amador Ledger Dispatch. A newspaper of general circulation, published two times a week in the City of Jackson, California, County of Amador, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court, of the County of Amador, State of California dated June 19, 1953, Court decree numbers; 5575/5551; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates; to wit:

Feb 14,

all in the year: 2007

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date at Jackson, California this

14 of February

Diana Stewart
SIGNATURE

PROOF OF PUBLICATION

**PUBLIC NOTICE
ORDINANCE NO. 2007-01**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE VOLCANO COMMUNITY SERVICES DISTRICT
DECLARING A WATER SHORTAGE EMERGENCY AND
ESTABLISHING A WATER MORATORIUM**

BE IT ORDAINED by the Board of Directors of the Volcano Community Services District as follows:

Section 1. Purpose and Authority. This ordinance declares a water shortage emergency condition and establishes a moratorium on new water service connections, subject to certain exceptions, pursuant to Water Code sections 350 et seq., Government Code section 61060, a applicable law.

Section 2. Findings. The Board of Directors hereby finds and determines as follows:

a. The District currently provides water service to approximately 65 connections, including single-family residences, and some commercial uses. The sole source of the District's current water supply is the Cleveland Tunnel supply, as more particularly described in the water supply study of the District's consulting engineer, Jesse B. Shaw, P.E., dated November 8, 2006 ("Water Supply Study").

b. The District previously served its customers from two wells, but those wells are not currently in operation for water supply and water quality reasons, and the Water Supply Study does not recommend their re-operation unless testing and modifications are undertaken, and the Department of Health Services approves their re-operation.

c. The District intends to pursue re-operation of its wells, and if such efforts prove unsuccessful, it intends to explore the development of additional water supplies to augment its current supply.

d. The District commissioned the Water Supply Study, in part, because of concerns over the reliability of the Cleveland Tunnel water supply, and the ability of the District to meet the water requirements of its existing consumers while, at the same time, approving new water service connections.

e. The Water Supply Study evaluated, among other matters, the Cleveland Tunnel water supply yield, the demands of the District's existing consumers and those to whom the District has committed to provide service but who have not yet connected, and the availability of the Cleveland Tunnel supply to meet the requirements of new consumers, while safely meeting the water needs of the District's existing consumers.

f. The Water Supply Study concluded, based on flow measurements and analysis of the Cleveland Tunnel water supply, that there is no excess flow in the Cleveland Tunnel to serve new water service connections without potentially jeopardizing water service to existing consumers and those to whom the District has committed to provide service but who have not yet connected, and recommended that the District not approve new water service applications for service until more flow data on the Cleveland Tunnel supply is obtained and/or a new water supply is developed.

g. Because of the foregoing problems and concerns and the extremely dry conditions that have prevailed in the area so far this year, the District finds and determines that a water shortage emergency condition exists within the District and that if the District approved additional connections to its water supply which it has committed, the ordinary demands and requirements of its existing water consumers would be satisfied without depleting the water supply of the District to the extent that there would be a significant impact on human consumption, sanitation and fire protection. Sound and prudent water management requires that the District to continue serving only existing water consumers and those to whom it has committed to provide service but who have not yet connected, and not to serve any new consumers or develop new water supply has been augmented.

h. Prior to the adoption of this ordinance, the District Board of Directors held a public hearing at which water consumers and other interested persons had an opportunity to be heard on the foregoing declaration of a water shortage emergency condition and to present their views to the District Board.

Section 3. Regulations and Restrictions on Water Delivery. The Board of Directors hereby regulates and restricts water delivery in accordance with the following:

a. All users of existing water service connections shall have first priority to continue existing uses. To the extent of the District's ability with the existing limited water supply to serve those existing connections. In the event the District's existing limited water supply is insufficient to serve all of the needs and requirements of existing water service connections and users, then the District will implement further water supply reduction of supply to the existing water service connections.

b. The District will honor its outstanding commitments of service and delivery to those commitments and in accordance with the District's existing commitments of service.

c. Except as provided in subsection b, above, the District shall (i) accept any applications for new water service connections, (ii) accept any applications for new water service connections, and (iii) issue any new will-serve letters.

Section 4. Duration. The regulations and restrictions established in this ordinance shall have full force and effect during the period of the water shortage emergency condition declared by the District and shall be modified by the District from time to time. The Board of Directors hereby determines that the



Welcome to Upscale Estates

350 Cotton

3 large bedrooms, 2 bathrooms, large country kitchen, warm and cozy, de-sac

Huge Price Reduction \$349,900

413 On...

d. The District commissioned the Water Supply Study, in part, because of concerns over the declining water flows relative to the Cleveland Tunnel water supply, and the ability of the District to meet the water requirements of its existing consumers while, at the same time, approving new water service connections.

e. The Water Supply Study evaluated, among other matters, the Cleveland Tunnel water supply, its yield, the demands of the District's existing consumers and those to whom the District has committed to provide service but who have not yet connected, and the availability of the Cleveland Tunnel supply to meet the water requirements of new consumers, while safely meeting the water needs of the District's existing consumers.

f. The Water Supply Study concluded, based on flow measurements and analysis of the Cleveland Tunnel water supply, that there is no excess flow in the Cleveland Tunnel to serve new consumers without potentially jeopardizing water service to existing consumers and those to whom the District has committed to provide service but who have not yet connected, and recommended that the District not approve additional applications for service until more flow data on the Cleveland Tunnel supply is obtained and/or an additional water supply is developed.

g. Because of the foregoing problems and concerns and the extremely dry conditions that have prevailed in the area so far this year, the District finds and determines that a water shortage emergency condition exists within the District and that if the District approved additional connections to its water system beyond those to which it has committed, the ordinary demands and requirements of its existing water consumers could not 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. Sound and prudent water management practices require the District to continue serving only existing water consumers and those to whom it has committed to provide service but who have not yet connected, and not to serve any new consumers or development until the current water supply has been augmented.

h. Prior to the adoption of this ordinance, the District Board of Directors held a duly noticed public hearing at which water consumers and other interested persons had an opportunity to be heard to protest against the foregoing declaration of a water shortage emergency condition and to present their respective needs to the District Board.

Section 3. Regulations and Restrictions on Water Delivery. The District's water supply shall be allocated, regulated and restricted in accordance with the following:

a. All users of existing water service connections shall have first priority to the District's water supply to continue existing uses. To the extent of the District's ability with the existing limited water supply, the District will continue to serve those existing connections. In the event the District subsequently finds and determines that the existing limited water supply is insufficient to serve all of the needs and demands of the existing water service connections and users, then the District will implement further water use restrictions implementing a pro rata reduction of supply to the existing water service connections.

b. The District will honor its outstanding commitments of service and will allow new water connections pursuant to those commitments and in accordance with the District's rules, regulations and practices concerning commitments of service.

c. Except as provided in subsection b. above, the District shall not (i) make or allow to be made any new or additional water service connections, (ii) accept any applications for new or additional water service connections or will-serve letters, or (iii) issue any new will-serve letters.

Section 4. Duration. The regulations and restrictions set forth in this ordinance shall remain in full force and effect during the period of the water shortage emergency and until the supply of water available for distribution within the District has been augmented. The rules and regulations set forth in this ordinance may be modified by the District from time to time. This ordinance shall remain in effect until the Board of Directors finds and determines that the declared water shortage emergency condition no longer exists and the ordinance is repealed.

Section 5. Inconsistencies. If any provision of this ordinance is inconsistent with any provision of any other District ordinance, resolution, regulation or policy, the provisions of this ordinance shall prevail.

Section 6. Severability. If any provision of this ordinance is declared or found by a court for any reason to be invalid, illegal or unenforceable, no other provision shall be affected by such declaration or finding.

Section 7. Effective Date. Because of the declared water shortage emergency and the potential to jeopardize the water supply to existing customers so that there would be insufficient water for human consumption, sanitation and fire protection if new connections were approved, as more particularly set forth above, this ordinance shall take effect immediately upon its adoption.

Section 8. Publication. The District Secretary is directed to publish a copy of this ordinance within 15 days after its adoption.

PASSED AND ADOPTED by the Board of Directors of the Volcano Community Services District on this 5th day of February, 2007, by the following vote:

AYES: 2

NOES: 0

ABSENT: 1

ABSTAIN:

By: Nancy Bailey

President, Board of Directors

ATTEST:

By: Sharon Owens

Secretary, Board of Directors

February 5, 2007, 08:13