

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
VOLCANO COMMUNITY SERVICES DISTRICT REGARDING
THE EXISTENCE OF A WATER SHORTAGE CONDITION,
PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF
WATER, AND PROVIDING FOR THE FURTHER CONSERVATION
OF THE WATER SUPPLY OF THE DISTRICT

BE IT RESOLVED by the Board of Directors of Volcano Community Services District ("District") as follows:

This Board of Directors does hereby find and declare as follows:

(a) On August 5, 1991, a public hearing was held on the matter of whether this Board of Directors should declare a water shortage emergency condition exists within the water service area of this District.

(b) Said hearing was called, noticed and held in all respects as required by law.

(c) The board adopted a RESOLUTION OF THE BOARD OF DIRECTORS OF THE VOLCANO COMMUNITY SERVICES DISTRICT DECLARING THE EXISTENCE OF A WATER SHORTAGE CONDITION PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF WATER, AND PROVIDING FOR THE CONSERVATION OF THE WATER SUPPLY OF THE DISTRICT.

(d) Notice of the Board's consideration of adoption of water conservation measures as an emergency matter on July 18, 1996 was duly posted and the inhabitants of the District notified by telephone and in person.

This Board hereby makes the following additional findings:

(a) This Board heard and has considered each protest against the declaration and all evidence presented at said hearing.

(b) The District is a public entity pursuant to California Government Code Section 61000 et seq., by Resolution No. 1190, which was adopted by the Amador County Board of Supervisors on May 31, 1966;

(c) Resolution No. 1190, in part, provided that one of the purposes for which the VCSD was formed was the provision of domestic water supply to the inhabitants of the VCSD;

(d) The VCSD supplies water to the inhabitants of the VCSD;

(e) A water shortage emergency condition exists and prevails within the territory of this District. Said water shortage exists by reason of the fact that the ordinary demands and requirements of the water consumers in the District cannot be met and satisfied by the water supplies now available to this District without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection. Said water shortage emergency exists because of each of the following:

- (i) Each of the District's water storage tanks are now in the "red zone" which means that each tank is only about one-third ($1/3$) full to one fourth ($1/4$) full. The total water stored at this time is approximately 20,000 gallons; and
- (ii) The present daily rate of water consumption throughout the District is approximately 25,000 gallons which means there is less than one (1) day of water presently stored

- in the tanks; and
- (iii) The water production of the District's well is presently approximately seventeen and one-half (17.5) net gallons per minute and the consumption of water throughout the District is at, or near, that level; and
 - (iv) The depth of the standing water in the District's well is usually approximately three hundred feet (300') from the surface and the present depth is approximately five hundred feet (500') from the surface, which means water is being extracted from the sources of water in the earth at a rate greater than they can be re-charged; and
 - (v) That if the present water consumption levels throughout the District continue, both the volume of water stored in the tanks, as well as the groundwater reserve in the earth, will continue to decline in which event the District's general service will be seriously affected and that there will be insufficient water for human consumption, sanitation and fire protection; and
 - (vi) The District has determined that the use of water for human consumption and sanitation is the priority use of water and that 300 gallons per day per connection is sufficient for these needs; and
 - (vii) That if the maximum daily consumption of water for each domestic water supply connection is reduced to three hundred (300) gallons per day per connection and the maximum consumption of water for each other connection to

the District's system is reduced to the level of 75% of the amount used by the connection in 1995, the water storage of the District could recover in approximately two weeks.

(viii) At the hearing, witnesses presented written exhibits setting forth the facts described above. The written exhibits were made a part of the record and are incorporated herein.

NOW, THEREFORE IT IS RESOLVED AS FOLLOWS:

Section 1. Purpose and Authority

This resolution is authorized and carried out under the provisions of California Water Code Section 375 and Section 5(e) of the District's RESOLUTION DECLARING THE EXISTENCE OF A WATER SHORTAGE CONDITION, PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF WATER, AND PROVIDING FOR THE CONSERVATION OF THE WATER SUPPLY OF THE DISTRICT;

The purpose of this resolution is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection and domestic use, to conserve water by reducing waste, and to the extent necessary by reason of drought and the existing water shortage emergency condition to reduce water use fairly and equitably.

Section 2. DECLARATION OF PHASE 3. Severe water rationing

The provisions of 2, 3, 5, 6 and 7 (as amended) of said RESOLUTION are incorporated herein and hereby adopted independent of their original adoption.

Sub-part (d) (1) and (2) of Section 5 of the RESOLUTION OF THE VOLCANO COMMUNITY SERVICES DISTRICT DECLARING THE EXISTENCE OF A WATER SHORTAGE CONDITION, PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF WATER, AND PROVIDING FOR THE CONSERVATION OF THE WATER SUPPLY OF THE DISTRICT is hereby amended and adopted as follows:

(1) Use in any dwelling or separate residential unit in excess of 300 gallons per day for each separate residential connection;

(2) Any non-residential use in excess of 75% of the amount used per day by the customer during the corresponding billing period in 1995. If connection to the District system was not in existence or use in 1995, an assumed amount will be computed from the District's records.

This action is taken pursuant to California Water Code Section 375, et seq. and sub-part (e) of said RESOLUTION.

Section 3. Notices of Violation.

Pursuant to California Water Code Section 375 and sub-part [a] of Section 7 of said RESOLUTION, the Board may notify the person who is regularly billed for a service (in the manner described in sub-part [a] of Section 7 of said RESOLUTION) to cure and abate any consumption of water in excess of the amounts described above and if such excessive use is not cured and abated within forty-eight (48) hours of such notice, or cured or abated within 24 hours if the person described above is personally served with notice, the District may immediately thereafter disconnect said connection.

Sub-part (d) of Section 7 of said RESOLUTION is hereby amended

The reconnection fee for the second offense shall be \$50.00 and the reconnection fee for the third offense shall be \$200.00.

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of the Volcano Community Services District at an emergency meeting thereof held on July 18, 1996, by the following vote:

AYES: Sara Gillick, Sharon Kennedy, Lowell Daniels
NOES: *Lowell Daniels*
ABSENT: *Lowell Daniels*
ABSTAINED: *Sharon Kennedy*

(Seal)

VOLCANO COMMUNITY SERVICES DISTRICT

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 aforesaid; 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 three times a week in the City of Jackson, California, County of Amador, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, of the County of Amador, State of California, dated June 19, 1953 Court Decree Numbers 5575/5651; 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:

Aug. 23,
all in the year 1996

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

Dated at Jackson, California, this 23rd day of
August, 19 96

Joanne Hamlin
Signature

Proof of Publication of: Legal # 575

PUBLIC NOTICE

ORDINANCE OF THE BOARD OF DIRECTORS OF THE VOLCANO COMMUNITY SERVICES DISTRICT IMPOSING AN ADDITIONAL CHARGE FOR WATER CONNECTION CONSUMING MORE THAN 15,000 GALLONS OF WATER PER MONTH

WHEREAS, the Volcano Community Services District (hereafter "VCSD") is a community services district formed pursuant to California Government Code Section 6100, et seq., on or about May 31, 1966, through Amador County Board of Supervisors' Ordinance No. 1190 and

WHEREAS, the VCSD Board of Directors adopted Ordinance No. 2A entitled "AN ORDINANCE PROVIDING FOR CHARGES FOR METER INSTALLATIONS, WATER SERVICES, RECONNECTION CHARGES AND ESTABLISHING PLACES FOR POSTING NOTICES AND OTHER PAPERS OF THE DISTRICT;" and

WHEREAS, the VCSD previously adopted an ORDINANCE DECLARING THE EXISTENCE OF A WATER SHORTAGE CONDITION PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF WATER, providing for the conservation of the water supply of the District; and

WHEREAS, The District now desires to impose an additional charge upon connections which consume more than 15,000 gallons of water per month.

Section 1. Purpose and Authority

The purpose of this Ordinance is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection and domestic use, to conserve water by reducing waste, and to the extent necessary by reason of drought and the existing water shortage emergency condition, to reduce water use fairly and equitably. This Ordinance is adopted pursuant to Water Code Section 350, et seq., and Water Code Section 375, et seq.

Section 3. Waste Water Prohibited

No water furnished by the District shall be wasted. Waste of water shall include the following:
Use of more than Fifteen Thousand (15,000) gallons of water within a single calendar month by a water service connection to the VCSD water supply system.

Section 4. Imposition of Additional Charge for Waste of Water

In the event that water is wasted in the manner described in the preceding section, then (in addition to any other charge) the customer shall pay an additional sum equal to three and one-half percent of all other charges combined which are billed to said connection.

Section 5. Variances

Application for a variance from the provisions of this Ordinance may be made to the Board of Directors. The Board of Directors may grant a variance to permit a use of water otherwise prohibited if the Board of Directors determines that the variance is reasonably necessary to protect the public health and safety.

Section 6. Effective Date

This Ordinance and the charge described herein shall take effect thirty (30) days after adoption.

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of the Volcano Community Services District at a meeting thereof held on August 5, 1996 by the following vote:

AYES: Sharon Kennedy, Loweli Daniels, Sara Gillick

NOES: None

ABSENT: None

ABSTAINED: None

VOLCANO COMMUNITY SERVICES DISTRICT
Aug. 23, 1996-575