

CLEAR CREEK COMMUNITY SERVICES DISTRICT

ORDINANCE 2009-01

AN ORDINANCE BY THE BOARD OF DIRECTORS OF THE CLEAR CREEK COMMUNITY SERVICES DISTRICT ENACTING STAGE V OF THE DISTRICT'S DROUGHT PLANNING AND WATER SHORTAGE POLICY.

WHEREAS, the Clear Creek Community Services District has a valid contract with the Department of the Interior, Bureau of Reclamation, hereinafter referred to as Bureau, for an annual surface water supply from the Central Valley Project, hereinafter referred to as CVP, in the amount of 15,300 acre feet; subject to shortage provisions; and

WHEREAS, California is experiencing drought conditions for a third consecutive year and the Bureau has designated 2009 as a "critically dry" year for CVP water allocation purposes; and

WHEREAS, the Bureau has notified the Clear Creek Community Services District that it will receive approximately 1,081 acre feet of its CVP surface water allocation during the 2009 water year, from March 1, 2009 through February 28, 2010; and

WHEREAS, the District used approximately 6,400 acre feet during water year March 1, 2008 to February 28, 2009 and expected to use more during the 2009 water year due to dry conditions; and

WHEREAS, the Board of Director has determined that even with voluntary conservation measures the available supply will not be adequate to accommodate the demand without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection; and

NOW, THEREFORE, BE IT ORDAINED and hereby declared by the Board of Directors of Clear Creek Community Services District that there is a water shortage emergency and the following plan to manage the state of emergency shall be enacted and read as follows:

A. PURPOSE

i. The purpose of this ordinance is to establish a clearly defined method of equitably distributing available water to the District's customers and to ensure an adequate supply for human consumption, sanitation and fire protection. This Ordinance is adopted pursuant to Water Code Sections 350-359 and Sections 375-378; and

ii. For all stages of this plan, the water allocation year is March 1 through February 28, on a month-by-month basis. The consumption base year is March 1, 2007 through February 29, 2008.

B. RESTRICTIONS AND PROHIBITIONS

i. Beginning March 1, 2009 and each month thereafter until this Ordinance is rescinded or amended by the Board of Directors, M&I customers shall be charged an excess charge for all water usage above 50% of the historical usage by that unit during the same month in 2007, in accordance with Section C of this Ordinance.

ii. Commercial/Industrial and Public Institutional M&I customers shall be charged an excess charge for all water usage above 80% of the historical usage by that unit during the same month 2007, in accordance with Section III of this Ordinance.

New service applications will be accepted and granted upon the condition that all water consumption is used inside the residence for human consumption, sanitation and fire protection. Any new landscaping or other outside demands will not be provided a supply until this Ordinance is rescinded or amended.

iii. Residential and agricultural customers without 2007 consumption history and all new connections after the date of this Ordinance until such time this Ordinance is rescinded or amended will be allowed the following usage for indoor human consumption, sanitation and fire protection without penalty:

March 1 through April 30	750 cubic feet (5,610 gallons) per month
May 1 through August 31	1,500 cubic feet (11,220 gallons) per month
September 1 through December 31	750 cubic feet (5,610 gallons) per month
January 1 through February 28	500 cubic feet (3,740 gallons) per month

iv. Existing agricultural customers shall be charged \$.57 cents per 100 cubic feet for all water above a 1,000 cubic feet (7,480 gallons) allowance per month up to 50% of the historical usage by that unit during the same month in 2007. All usage above 50% will be charged at the excess charge in accordance with Section C of this Ordinance.

Other Restrictions:

No filling of new pools, ponds, lakes, etc. No new commercial or agricultural irrigation shall be permitted.

All outside watering must be done after dusk and before dawn.

No new landscaping or lawns for new or existing customers.

Water for construction within the District shall be only taken from a hydrant with meter installed at a charge of \$3 per 100 cubic feet. Water taken without prior approval of the District shall be billed at \$6 per 100 cubic feet. If the same company, person, water truck, etc. is caught more than once taking water without prior approval, a formal complaint will be filed with the Shasta County Sheriff's Office.

Individual customers who willingly violate the restrictions put in place by this Ordinance will be subject to a letter of warning from the Board of Directors notifying them of the violation. If the violation(s) continue, they may then be subject to corrective action outlined in Water Code Section 356, up to and including the discontinuation of service for willful violation of the regulations and restrictions.

C. EXCESS USE CHARGES

Beginning on March 1, 2009 and each month thereafter until this Ordinance is rescinded or amended every customer shall, in addition to established rates pay an excess use charge for water consumption in excess of the amount outlined in Section B of this Ordinance. The excess use charge shall be as follows:

Customers as described in Sections B. i. ii. and iii. will be billed an excess charge of \$2 per 100 cubic feet for usage above the restrictions outlined for each customer designation.

Customers as described in Section B. iv. will be billed an excess charge of \$1.57 per 100 cubic feet above the first 50% historical usage.

D. VARIANCES

Customers as described in Sections B. i. ii. and iii may apply to the District for a variance to the above restrictions based on facts that support special circumstances of such request. Requests must be made no later than April 30 in order to be considered. If circumstances change after April 30, a special consideration variance may be requested. Review and decision on these variance requests will be made by Clear Creek management.

Customers as described in Section B. iv may apply to the District for a variance to the above restrictions if their circumstances have been greatly altered from 2007 that may support such requests. All such requests must be made no later than April 30 in order to be considered. Review and decision on these variance requests will be made by the Clear Creek Agricultural Committee.

Decisions made by Clear Creek CSD management or Drought Committee may be appealed to the Board of Directors by written request to be heard at a regularly scheduled Board meeting. Appeals must be made within 30 days of decision. Decisions made by the Board of Directors will be final.

E. PUBLIC NOTICE

i. Notice of the Public Hearing during which this Ordinance is read and considered for adoption was published as required by Water Code Section 375 and Government Code Section 6061.

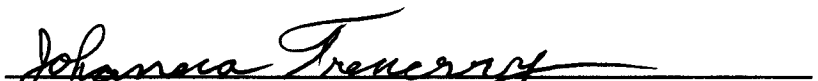
ii. This Ordinance will be published in full on the District's website, www.clearcreekcsd.com, and will be mailed directly to each customer with the March billing, mailed March 31, 2009.

F. DURATION

This Ordinance shall remain in full force and effect until rescinded or amended by the Board of Directors of the Clear Creek Community Services District.

PASSED AND ADOPTED, this 4th day of March, 2009 by the following votes:

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



Johanna Trener, Chairwoman of the Board of Directors

ATTEST: 

Char Workman-Flowers, CEO/CFO
Secretary to the Board of Directors