

ORDINANCE 385

ORDINANCE OF THE BOARD OF DIRECTORS OF
THE WESTERN MUNICIPAL WATER DISTRICT OF
RIVERSIDE COUNTY ADOPTING A DROUGHT
ALLOCATION PLAN

WHEREAS, Western Municipal Water District ("Western") was formed by the voters in 1954 for the purpose of importing water supplies from the Metropolitan Water District of Southern California ("Metropolitan"); and

WHEREAS, Western delivers these imported water supplies, from the State Water Project and the Colorado River Aqueduct and treated at Metropolitan's Henry J. Mills and Robert A. Skinner Filtration Plants, to communities on a wholesale basis to augment their own supplies; and

WHEREAS, Western serves a population of more than 70,000 people directly on a retail basis and over 880,000 people through its member agencies with State Water Project water and various locally-produced supplies; and

WHEREAS, Metropolitan has adopted the 1999 Water Surplus and Drought Management Plan ("WSDM Plan"). The guiding principle of the WSDM Plan is to encourage storage of water during periods of surplus and to work jointly with its member agencies, such as Western, to minimize impacts on the retail consumers and the economy during periods of shortage; and

WHEREAS, recent dry conditions and uncertainty about future pumping operations from the State Water Project have brought about the possibility that Metropolitan may not have access to the supplies necessary to meet total firm demands in the near future and may have to allocate shortages in supplies to its member agencies, such as Western. To prepare for this possibility, Metropolitan adopted an updated Water Supply Shortage Allocation Plan ("WSAP") in December of 2014, which

addresses the principles adopted pursuant to the WSDM Plan;
and

WHEREAS, Western desires to adopt this Ordinance in order to adopt a Drought Allocation Plan ("DAP") which is required in order to plan for, and implement, the reduced Metropolitan water deliveries which will result if certain provisions of the WSAP are implemented. The DAP identifies the method that will be used to allocate limited imported supplies among Western's retail agencies if Metropolitan implements said provisions of the WSAP; and

WHEREAS, on April 15, 2015, Western's Board of Directors adopted Resolution 2904, setting a public hearing regarding the proposed adoption of this Ordinance and the DAP;
and

WHEREAS, Water Code sections 71640 et seq. authorize Western to restrict the use of Western water during any emergency caused by drought, or other threatened or existing water shortage; and

WHEREAS, Water Code sections 375 et seq. provide that Western may, by a majority vote of the members of the Board of Directors after holding a public hearing upon notice, adopt and enforce a water conservation program, such as the DAP, to reduce the quantity of water used by its customers for the purpose of conserving the water supplies of Western; and

WHEREAS, Western has the power and authority to enact a water conservation program, such as the DAP, pursuant to Water Code sections 375 et seq. and 71640 et seq.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF WESTERN MUNICIPAL WATER DISTRICT OF RIVERSIDE COUNTY AS FOLLOWS:

Section 1. Notice and Public Hearing. The Board of Directors conducted a public hearing on May 20, 2015 at 14205 Meridian Parkway, Riverside, California in order for customers to have the opportunity to be heard to protest against, and to present their respective needs to the Board of Directors regarding the proposed adoption of this Ordinance 385 and the DAP. Pursuant to Water Code section 376, notice of the public hearing was published on May 12, 2015 in the Riverside Press-Enterprise, a newspaper printed, published, and circulated within the area in which the subject water supply is distributed. Said notice was published at least seven (7) days prior to the date of the hearing;

Section 2. Adoption of Drought Allocation Plan.

(a) Western hereby adopts and authorizes the implementation of the DAP attached hereto as Exhibit "A" and incorporated herein by reference. The General Manager, or his/her designee, are hereby authorized and directed to immediately implement the applicable provisions of this Ordinance and the DAP upon the effective date hereof.

(b) The DAP includes a supply allocation methodology which was patterned after the Metropolitan WSAP methodology and in collaboration with Western's retail agencies. The goal of said methodology is to provide an equitable means of apportioning imported municipal and industrial supplies during periods when Metropolitan implements its WSAP. As further described in the DAP, Western staff and designated wholesale customer representatives have

collectively agreed to the allocation methodology described in the DAP.

(c) The Allocation Plan Implementation Elements shall be implemented at the time, and in the manner, as set forth in the DAP and therefore, shall not require any further action by Western's Board of Directors before being implemented by Western's General Manager, or his/her designee, as set forth in the DAP. For example, and not by way of limitation, it is anticipated that the allocation of imported supplies under the DAP shall be implemented at the time that Metropolitan allocates its supplies through its WSAP process. Should Metropolitan implement its WSAP, Western's General Manager, or his/her designee, will determine the appropriate shortage level, as set forth in the DAP, so that supplies allocated at the Western service area level are equal to or less than the Metropolitan allocation.

Section 3. Application of the DAP. The provisions of the DAP and this Ordinance shall apply to the allocation of water for retail municipal and industrial purposes among the following agencies:

- (a) Box Springs Mutual Water Company;
- (b) City of Corona;
- (c) City of Norco;
- (d) Eagle Valley Mutual Water Company;
- (e) Elsinore Valley Municipal Water District;
- (f) Lee Lake Water District;
- (g) Rancho California Water District;
- (h) Western Municipal Water District Retail Customers

Section 4. Severability. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance or

the application of same to any person or set of circumstances is held to be unconstitutional, void, or invalid, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. Incompatible Provisions. To the extent any provision of this Ordinance is incompatible with or at variance with any other Western policy or rules and regulations, the provisions of this Ordinance shall be controlling, and all other Western policies and rules and regulations shall be interpreted to harmonize with and not change the provisions of this Ordinance.

Section 6. Exemption From California Environmental Quality Act. The Board of Directors determines that the adoption of the DAP and this Ordinance, for the purpose of addressing water shortages and allocation of supplies, are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15269(c) of the State CEQA Guidelines. Section 15269(c) provides that actions necessary to prevent or mitigate for an emergency are exempt from CEQA. The Board of Directors finds that the adoption of the DAP is necessary to mitigate for the emergency water shortages that may result in the near future if Metropolitan implements its WSAP. The Board of Directors hereby directs staff to prepare and file a Notice of Exemption within five (5) working days of adoption of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption and shall be presumed to continue in effect unless or until a contrary finding is made by applicable action of the Board of Directors. Within fifteen

(15) days from the date of adoption, a summary of this Ordinance shall be published one time in the Riverside Press-Enterprise with the names of those Board members voting for and against. A certified copy of this Ordinance shall be posted in the District offices along with the names of those Board members voting for and against.

Section 8. Prior Ordinances. This Ordinance shall supersede and otherwise control over the provisions of Ordinance 371. As of the effective date of this Ordinance 385, Ordinance 371 shall be of no further force or effect.

Section 9. Incorporation of Recitals. All of the foregoing Recitals are true and correct and the Board of Directors so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

ADOPTED AND APPROVED this 20th day of May, 2015 by the Board of Directors of the Western Municipal Water District of Riverside County.



DONALD D. GALLEANO
President

May 20, 2015

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance 385 adopted by the Board of Directors of Western Municipal Water District of Riverside County at a duly-noticed regular meeting held on May 20, 2015.


THOMAS D. EVANS
Secretary-Treasurer