

REVISED AGENDA

NOTICE OF REGULAR MEETING

TIME: 6 p.m.

DATE: Tuesday, September 21, 2021

PLACE: Teleconference

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, the Board meeting will be held via Teams Teleconference.

The District Boardroom will be closed to the public.

The public may observe and comment by electronic means as described on Page 4.

See Page 4 of the Agenda Packet for Teams Teleconference Access Information

Agenda revised after publication to correct title of Item 8.F.

Our mission is to protect public health and the environment by providing reliable and sustainable water, recycled water, and wastewater services in a safe, efficient, and fiscally responsible manner.

1. CALL TO ORDER
2. PLEDGE TO THE FLAG
3. ROLL CALL – Members: Goel, Halket, Johnson, Rubio, Vonheeder-Leopold
4. SPECIAL ANNOUNCEMENTS/ACTIVITIES
 - New Employee Introductions
5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)

At this time those on the teleconference call are encouraged to address the Board on any item of interest that is within the subject matter jurisdiction of the Board and not already included on tonight’s agenda. Comments should not exceed five minutes. The President of the Board will recognize each speaker, at which time the speaker should introduce him/herself, and then proceed with his/her comment. Written comments of five minutes or less and received by 5 p.m. on the day of the meeting will be read into the meeting record.
6. AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS)
7. CONSENT CALENDAR

Matters listed under this item are considered routine and will be enacted by one Motion, in the form listed below. There will be no separate discussion of these items unless requested by a Member of the Board or the public prior to the time the Board votes on the Motion to adopt.

 - 7.A. Approve Regular Meeting Minutes of September 7, 2021
Recommended Action: Approve by Motion
 - 7.B. Retroactively Approve Director Attendance at San Ramon Chamber of Commerce State of the County Address Luncheon with Supervisor Candace Andersen on July 21, 2021
Recommended Action: Approve by Motion

- 7.C. Approve Resolution Supporting the State's Proclamation Declaring October 2-10, 2021 as California's Water Professionals Appreciation Week
Recommended Action: Approve by Resolution

8. BOARD BUSINESS

- 8.A. Accept Donation of Two Eagle Scout Projects for the DSRSD Demonstration Garden
Recommended Action: Accept by Motion
- 8.B. Receive Presentation and Provide Comments on Los Vaqueros Reservoir Expansion Project
Recommended Action: Receive Presentation and Provide Comments
- 8.C. Second Reading: Adopt Ordinance Revising District Code Section 1.50.030 Regarding Discontinuation of Service
Recommended Action: Waive Reading by Motion and Adopt Ordinance
- 8.D. Public Hearing: Second Reading and Adoption of Ordinance Revising District Code Chapter 4.10 General Regulations and Protective Measures and Chapter 4.20 Potable Water Use and Protective Measures
Recommended Action: Waive Reading by Motion; Hold Public Hearing and Adopt by Ordinance
- 8.E. Approve Declaration of a Stage 2 Water Shortage Emergency
Recommended Action: Approve by Resolution
- 8.F. *Receive Update on District's Emergency Response to COVID-19 and Provide Direction on Resuming In-Person Board Meetings, and Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists*
Recommended Action: *Provide Direction and Approve by Motion*

9. REPORTS

- 9.A. Boardmember Items
- Joint Powers Authority and Committee Reports
Special LAVWMA – September 8, 2021
 - Submittal of Written Reports for Day of Service Events Attended by Directors
 - Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda
- 9.B. Staff Reports
- Event Calendar
 - Correspondence to and from the Board

10. CLOSED SESSION

The Board will convene its closed session on a separate teleconference line and return to the open teleconference call for Item 11 when the closed session is completed.

- 10.A. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6
Agency Negotiators: Dan McIntyre, General Manager
Jan Lee, Assistant General Manager
Carol Atwood, Administrative Services Director
Michelle Gallardo, Human Resources and Risk Manager
Employee Organizations: 1. Stationary Engineers, Local 39
2. Mid-Management Employees Bargaining Unit
3. Professional Employees Bargaining Unit
Additional Attendees: Douglas E. Coty, General Counsel
Dania Torres Wong, Sloan Sakai Yeung & Wong LLP
- 10.B. Public Employee Performance Evaluation Pursuant to Government Code Section 54957
Title: General Manager

11. REPORT FROM CLOSED SESSION

12. ADJOURNMENT

All materials made available or distributed in open session at Board or Board Committee meetings are public information and are available for inspection during business hours by calling the District Secretary at (925) 828-0515. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.

Teams Teleconference Access Information

Dublin San Ramon Services District Regular Board Meeting Tuesday, September 21, 2021

If the public wishes to provide comments during Agenda Item 5 – Public Comment, or on any of the agenda items, please join the meeting using the teleconference instructions below, or email written comments to the Board of Directors at board@dsrsd.com by 5 p.m., Tuesday, September 21, 2021. Written comments, of five minutes or less, will be read into the meeting record during the public comment portion of the agenda or during discussion of the subject of the comment.

To Join by Computer or Device:

1. Click [Join Meeting](#).
2. Select how you want to join the Teams meeting.
3. Click **“Join now.”** You can personalize your video and audio preferences before or after joining.
4. Public participants would wait for the meeting host to admit you.
5. You must unmute yourself when you wish to speak by clicking the microphone icon, which is also used to mute yourself when you finish speaking.

To Join by Phone Only:

1. Dial **(831) 256-7773** USA Toll from any telephone.
2. Enter Conference ID **119 027 849#** when prompted. DO NOT PRESS *.
3. Wait for the meeting host to admit you. If you are unsuccessful in joining, hang up and dial in again.
4. You must unmute yourself when you wish to speak by pressing *6, which is also used to mute yourself when you finish speaking.

Video Teleconference Meeting Instructions and Information:

- Stay muted unless speaking.
- Listen for prompts to know when public comments are solicited.
- You must unmute yourself when you wish to speak during Public Comment or during discussion of a particular agenda item. The meeting host can mute but cannot unmute participants.
- Announce yourself and speak slowly and clearly when commenting.
- Call (925) 875-2224 if you experience any technical difficulties.

Boardmembers and staff will be attending the meeting via teleconference. The Board will convene any Closed Sessions on a separate teleconference line and return to the open teleconference meeting for the next agenda item when the Closed Session is completed. The open teleconference meeting will be muted during this time and will resume for the Closed Session report and meeting adjournment.

The Boardroom is closed to the public.

All votes during the meeting will be taken by roll call vote.

**DUBLIN SAN RAMON SERVICES DISTRICT
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

September 7, 2021

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, this Board meeting was held via Teams teleconference. The District Boardroom is closed to the public; however, the public may observe and comment by calling in to the teleconference meeting per the instructions provided on page 4 of the agenda. As required by the Brown Act, all votes were taken by roll call vote due to the attending Directors participating via teleconference.

1. CALL TO ORDER

A regular meeting of the Board of Directors was called to order at 6 p.m. by President Johnson.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Ann Marie Johnson, Vice President Richard M. Halket, Director Marisol Rubio, Director Arun Goel, and Director Georgean M. Vonheeder-Leopold.

District staff present: Dan McIntyre, General Manager; Jan Lee, Assistant General Manager; Carol Atwood, Administrative Services Director/Treasurer; Judy Zavadil, Engineering Services Director/District Engineer; Jeff Carson, Operations Director; Douglas E. Coty, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES – None

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:02 p.m. No public comment was received.

6. AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS) – No changes were made.

7. CONSENT CALENDAR

Director Vonheeder-Leopold MOVED for approval of the item on the Consent Calendar. Director Rubio SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

7.A. Approve Regular Meeting Minutes of August 17, 2021 – Approved

8. BOARD BUSINESS

8.A. Receive Presentation on Alameda County Local Agency Formation Commission Draft Countywide Municipal Services Review on Water, Wastewater, Flood Control, and Stormwater Services

Engineering Services Director Zavadil reviewed the item for the Board and introduced Ms. Rachel Jones, Executive Director of the Alameda County Local Agency Formation

Commission (LAFCO). Ms. Jones gave a presentation on LAFCO's purpose and its draft Municipal Services Review (MSR). The presentation will be added as supplemental materials to the agenda on the District website.

The Board, Ms. Jones, and staff discussed the MSR's influence over affected agencies and agencies' responsibilities to respond to MSR recommendations. They also discussed potential Tri-Valley utility services consolidation, water rights, interest in exploring desalination supply options, and interagency drought collaboration. Ms. Jones noted the MSR presented this evening captures 2015–2020, so does not reflect current drought issues. She confirmed she received comments from DSRSD staff and will incorporate those updates into the final MSR.

The Board thanked Ms. Jones for the presentation and encouraged LAFCO's recommendations for improved utility efficiencies.

- 8.B. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

Assistant General Manager Lee reviewed the item for the Board.

The Board and staff discussed that the increase in variant cases could impact staff and Board meetings returning to the District Office in-person next month. Proposed legislation regarding the continuation of virtual meetings during state-declared emergencies is pending approval. Ms. Lee reported that if in-person meetings do resume in October, the logistics and technology would unfold in phases, with a physically spread out and basic technical approach initially, leading later into a more sophisticated format as conditions improve.

Director Rubio MOVED to Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.C. First Reading of Ordinance Revising District Code Section 1.50.030 Regarding Discontinuation of Service and Adopt New Discontinuation of Residential Water Service for Nonpayment Policy

President Johnson read the title of the ordinance.

Director Vonheeder-Leopold MOVED to Waive Reading of Ordinance. Director Rubio SECONDED the MOTION, which CARRIED with FOUR AYES and ONE NO (Halket) per roll call vote.

Utility Billing and Customer Services Supervisor Kelly Richards reviewed the item for the Board and gave a presentation explaining the requirements of Senate Bill 998 (Water Shutoff Protection Act), the proposed changes to the District Code and proposed new policy, and procedural updates to align with this legislation. The presentation was added as supplemental materials to the agenda on the District website.

Ms. Richards explained that SB 998 updates the noticing mechanism for tenants and landlords, whereby notice will be provided to both the landlord and tenant. Tenants have the option to take over service without having to pay the landlord's delinquent fees, and multi-unit properties will not be shut off if the landlord does not pay the bill. There are also longer-term payment arrangements available as well as shutoff exemptions for customers meeting certain specific medical and financial requirements.

There was no public comment received.

The Board expressed its support for the proposed District Code changes and the new policy which will increase flexibility to work with customers struggling to pay their water bill.

Director Rubio MOVED to Schedule Adoption of the Ordinance Amending Section 1.50.030 of the District Code to Include Revisions Regarding Discontinuation of Services Due to Senate Bill 998 for September 21. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

Director Rubio MOVED to Approve Resolution No. 46-21, Adopting the Discontinuation of Residential Water Service for Nonpayment Policy. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

8.D. Receive Report on Water Supply Conditions and Provide Direction on Declaration of a Water Shortage Emergency

General Manager McIntyre reviewed the item for the Board.

The Board and staff discussed current supply conditions, conservation efforts, and customer conservation messaging. Earlier this year, Zone 7 Water Agency (Zone 7) and the retailers asked customers to conserve water use by 15%. The goal is cumulative across all customer accounts. The goal fell short at 7% conservation achieved; the savings reside in the State's water system.

Mr. McIntyre explained the customer messaging has not been as robust as during the 2014–2016 drought because the District's water wholesaler, Zone 7, has available supply. However, on September 1, the Zone 7 Board of Directors declared a drought emergency mandating 15% water use reduction in case conditions worsen due to a dry winter. If supply critically declines, an aggressive and expensive customer outreach effort by the Tri-Valley retailers would ensue early next year. Zone 7 could withhold water from its retailers in this case. He noted that conservation messaging could vary slightly across the Tri-Valley because multiple agencies serve the area.

The Board directed staff to present the Water Shortage Emergency declaration at the September 21 Board meeting for approval.

8.E. First Reading of Ordinance Revising District Code Chapter 4.10 General Regulations and Protective Measures and Chapter 4.20 Potable Water Use and Protective Measures

President Johnson read the title of the ordinance.

Director Vonheeder-Leopold MOVED to Waive Reading of Ordinance. Director Rubio SECONDED the MOTION, which CARRIED with FOUR AYES and ONE NO (Halket) per roll call vote.

Engineering Services Director Zavadil reviewed the item for the Board.

There was no public comment received.

The Board and staff discussed the timing of the various water shortage stages, related customer outreach, and confirmed that the District's water-use restrictions enforcement and customer appeals processes will be similar to those during the 2014-16 drought emergency.

Vice President Halket MOVED to Schedule Adoption of the Ordinance Amending Sections 4.10.010, 4.10.020, 4.10.030, 4.20.010 of the District Code and Adding Sections 4.20.030, 4.20.040, 4.20.050, 4.20.060 to the District Code to Update Water Emergency and Water Shortage Emergency Provisions for September 21. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

The Board took a short recess at 7:29 p.m. and reconvened at 7:42 p.m. for Item 8.F.

8.F. Operation of a Joint Residential Recycled Water Fill Station in 2022

General Manager McIntyre reviewed the item for the Board.

The Board and staff discussed the roles of the partner agencies (DSRSD, City of Livermore, and City of Pleasanton) and aspects of the project such as the proposed design on the southwest section of the Gleason property, the feasibility of using other locations within the partners' service areas, and possible additional project costs. The Board also expressed concern for how long the District will extend use of its property. The Board acknowledged the community's expectation that the District establish a fill station if drought conditions escalate.

Director Vonheeder-Leopold MOVED to Direct Staff to Negotiate an Agreement with the City of Pleasanton and the City of Livermore to Develop and Operate a Joint Residential Recycled Water Fill Station in 2022 if Mandatory Conservation Restrictions are Enacted for Irrigation. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

9. REPORTS

9.A. Boardmember Items

- Joint Powers Authority and Committee Reports
LAVWMA – August 18, 2021
DSRSD/City of Dublin Liaison – August 19, 2021

President Johnson invited comments on recent JPA/committee activities. Directors felt the available staff reports adequately covered the many matters considered at

the JPA/committee meetings and made a few comments about some of the JPA/committee activities.

- Submittal of Written Reports for Day of Service Events Attended by Directors

Director Rubio submitted written reports to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the California Special Districts Association (CSDA) annual conference, including the Governance Foundations workshop, in Monterey from August 30 to September 2. She summarized the activities and discussions at the conference.

Director Vonheeder-Leopold submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she also attended the CSDA annual conference in Monterey from August 30 to September 2. She summarized the activities and discussions at the conference.

- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

Director Goel requested an item be scheduled regarding desalination efforts in the Bay Area region, including related legislation and how the District can support it. Director Rubio echoed the request.

President Johnson requested staff provide a progress report on the required trainings completed by the Board and staff toward the SDLA District of Distinction Accreditation. General Manager McIntyre confirmed that District Secretary Genzale will include a progress report in this week's General Manager Report.

9.B. Staff Reports

- Event Calendar – General Manager McIntyre reported on the following:
 - A special LAVWMA Board meeting will be held tomorrow evening (September 8) at 6 p.m.
- Correspondence to and from the Board on an Item not on the Agenda – None

10. CLOSED SESSION

At 8:27 p.m. the Board went into Closed Session.

10.A. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6

Agency Negotiators: Dan McIntyre, General Manager
 Jan Lee, Assistant General Manager
 Carol Atwood, Administrative Services Director
 Michelle Gallardo, Human Resources and Risk Manager

Employee Organizations: 1. Stationary Engineers, Local 39
 2. Mid-Management Employees Bargaining Unit
 3. Professional Employees Bargaining Unit

Additional Attendees: Douglas E. Coty, General Counsel
 Dania Torres Wong, Sloan Sakai Yeung & Wong LLP

10.B. Public Employee Performance Evaluation Pursuant to Government Code Section 54957
Title: General Manager

11. REPORT FROM CLOSED SESSION

At 9:36 p.m. the Board came out of Closed Session. President Johnson announced that there was no reportable action.

12. ADJOURNMENT

President Johnson adjourned the meeting at 9:36 p.m.

Submitted by,

Nicole Genzale, CMC
Executive Services Supervisor/District Secretary



TITLE: Retroactively Approve Director Attendance at San Ramon Chamber of Commerce State of the County Address Luncheon with Supervisor Candace Andersen on July 21, 2021

RECOMMENDATION:

In accordance with the District’s Day of Service policy, the Board may approve Director attendance at certain public meetings, public events, and training programs. Staff recommends the Board of Directors retroactively approve, by Motion, Director attendance at the San Ramon Chamber of Commerce State of the County Address Luncheon with Contra Costa County District 2 Supervisor Candace Andersen on July 21, 2021, as a representative of the District.

DISCUSSION:

Pursuant to Government Code Section 61047, part of the Community Services District Law, only representation of the District at certain public meetings, public events, and training programs qualifies for a day of service. The Day of Service policy (P100-19-2) lists activities and events pre-approved by the Board as eligible for day of service compensation. When an activity or event is not on the pre-approved list, a Director may attend without compensation or may seek Board approval at a Board meeting held prior to the activity or event.

The activity or event described below is not on the pre-approved list, and thus, the Board must retroactively approve this event at this Board meeting in order for attendance by one or more Directors to be deemed a Day of Service eligible for compensation. In addition, the attending Director must submit a written report at the next Board meeting following the qualifying activity or event as required by Government Code Section 61047 and the policy. If a written report is not submitted or not timely submitted, the Director is no longer eligible for compensation for a day of service associated with the qualifying activity or event.

On July 2, the San Ramon Chamber of Commerce invited President Johnson and Director Rubio to attend the July 21 State of the County Address Luncheon, a public event, at which Contra Costa County District 2 Supervisor Candace Andersen would give an update on the COVID-19 economic recovery and other important issues facing the county. Both President Johnson and Director Rubio accepted the invitation through staff, attended the State of the County Address Luncheon on July 21, and submitted a written report at the July 27 special Board meeting.

Staff did not receive a request nor advise the Directors to make a request for the Board to pre-approve the event at the July 20 Board meeting. After the July 27 Board meeting, a Director inquired if the event was considered pre-approved, and staff confirmed, as the event could be interpreted as a representation of the District at a public meeting of the Board of Supervisors at which there was agenda business that involves the District. However, upon further review, staff later determined the event requires separate Board approval for compensation because there was Board approval for the Dublin Chamber of Commerce State of the District Luncheon with Supervisor Scott Haggerty on October 10, 2019.

Originating Department: Office of the General Manager	Contact: D. McIntyre	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: \$195 per day of service per Director	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – State of the County Address Luncheon Announcement Attachment 2 – Day of Service policy	
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State of the County Address, with Supervisor District 2 - Candace Andersen

Share:

Name: State of the County Address, with Supervisor District 2 - Candace Andersen

Date: July 21, 2021

Time: 11:30 AM - 1:30 PM PDT

Sorry, registration for this event has been closed.



[To Current Calendar](#)

Location:

Crow Canyon Country Club
711 Silver Lake Drive
Danville, CA 94526
[View a Map](#)

Date/Time Information:

Wednesday, July 21, 2021
11:30am - 1:30pm

Contact Information:

Kathy Fanning
[Send an Email](#)

Fees/Admission:

\$45 for San Ramon Chamber Members, \$55 for non-members

Set a Reminder:

Enter your email address below to receive a reminder message.

[To Current Calendar](#)

Event Description:

This event is now SOLD OUT. Thank you!

Please join us as Contra Costa County, Supervisor District 2 - Candace Andersen gives her "State of the District Address" at the Crow Canyon Country Club.

Supervisor Andersen will give an update on the COVID-19 economic recovery and other important issues facing our county.

Thank you to our Current Event Sponsors:

Platinum

Chevron

Gold

City of San Ramon

San Ramon Regional Medical Center

Silver

City Center / Bishop Ranch / Sunset Development Corporation

Contra Costa Association of Realtors

Workforce Development Board - Contra Costa County

Contributing

511 Contra Costa

Crow Canyon Country Club

Excel Graphics

Please contact the Chamber offices to take advantage of our sponsorship opportunities: 925-242-0600 or email [Kathy Fanning](#).

Agenda

11:30am - 12:00pm

Registration & Networking

12:00pm

Everyone Seated to Eat Lunch

12:10pm to 12:20pm

Stewart Bambino

Welcome & Thank Sponsors

12:20pm - 12:55pm

Candace Andersen

"State of the County Address"

12:55pm

Q&A



Policy

Policy No.: P100-19-2	Type of Policy: Board Business
Policy Title: Day of Service	
Policy Description: Definition of a Compensable Day of Service for a Director	
Approval Date: 9/3/2019	Last Review Date: 2019
Approval Resolution No.: 36-19	Next Review Date: 2023
Rescinded Resolution No.: 52-16	Rescinded Resolution Date: 8/16/2016

The purpose of this policy of the Board of Directors of Dublin San Ramon Services District is to establish meetings, events, and activities qualified as a “day of service” in accordance with Government Code Section 61047, part of the Community Services District Law, and declare that each Director shall exhibit good judgment in the matter of compensation for service, and shall have proper regard for the propriety and economy of conducting District business.

1. Compensation for Days of Service

Directors may receive an amount of compensation not to exceed the amount approved by the Board, upon submittal of the District’s monthly Director Timesheet. The amount of compensation shall be set in accordance with Water Code Section 20200 *et seq.*, as amended. Compensation shall be earned for each day’s service rendered as a member of the Board, and cannot exceed a total of ten (10) days in any calendar month. By adoption of this policy, Director representation of the District at all events listed in sections 2 and 3 of this policy shall be deemed pre-approved by the Board as eligible for day of service compensation unless modified by Board resolution. Except for the Board and Committee meetings described in section 2, in order to be eligible for compensation for a day of service, the Director must also deliver a written report to the Board regarding his or her attendance at a qualifying activity or event at the next Board meeting following the qualifying activity or event. If the written report is not submitted at the next Board meeting following the qualifying activity or event, the Director is no longer eligible for and shall not be paid compensation for the day(s) of service associated with the qualifying activity or event in accordance with Government Code Section 61047(e)(2) through (e)(5), Community Services District Law. Compensation will be paid for only one day of service if a Director attends two or more meetings or activities on one day even if each of the meetings would otherwise be separately eligible for compensation.

2. Services Eligible for Compensation Not Requiring a Written Report

Pursuant and subject to Government Code Section 61047(e), the following activities are eligible for compensation as a day of service:

- a. Attendance in a policy maker role at District meetings conducted in accordance with the

Policy No.: P100-19-2	Policy Title: Day of Service
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Brown Act (Government Code Section 54950 *et seq.*), specifically limited to:

- Board and Standing Committee Meetings, including Liaison Committee Meetings (Regular, Special, Adjourned, or Emergency) and Ad Hoc or Advisory Committees created by the Board

b. Attendance in a policy maker role at meetings of a Joint Powers Authority (JPA) of which the District is a member and that have been conducted in accordance with the Brown Act, specifically limited to:

- JPA Board and Standing Committee Meetings, including Liaison Committee Meetings (Regular, Special, Adjourned, or Emergency) and Ad Hoc or Advisory Committees created by the Board

JPAs include, but are not limited to, Livermore-Amador Valley Water Management Agency (LAVWMA), DSRSD-EBMUD Recycled Water Authority (DERWA), WateReuse Finance Authority, or California Sanitation Risk Management Authority (CSRMA).

3. Services Eligible for Compensation Requiring a Written Report at the Next Board Meeting

a. Attendance at professional, technical, and trade association meetings, conferences, activities, and organized educational activities, training sessions and events of or presented by the following entities:

- Association of California Water Agencies (ACWA) including the annual Washington D.C. conference
- California Association of Sanitation Agencies (CASA) including the annual Washington D.C. conference
- California Sanitation Risk Management Authority (CSRMA)
- California Special Districts Association (CSDA) and its affiliated local chapters
- Wastewater and Water Agencies of Alameda and Contra Costa Counties
- WateReuse Association

Includes the board and/or committee meetings of these groups for which the Director is a member of the board and/or a committee.

b. Ethics training pursuant to Government Code Section 53234 *et seq.* and sexual harassment prevention training pursuant to Government Code Section 53237 *et seq.* from an entity duly authorized to present such training (including in person and online) and to provide certificates of completion.

c. As a principal speaker, panel member, or otherwise representing the District in an official capacity at a public event (i.e., an event to which the general public is invited):

- Annual state of the city addresses by the mayors of Dublin, Livermore, Pleasanton, and San Ramon
- Annual Tri-Valley Mayors’ Summit

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- Ceremonial functions of DSRSD, the JPAs of which the District is a member, and other water/wastewater agencies within Alameda and Contra Costa Counties, including groundbreaking, ribbon cuttings, dedications, and anniversary celebrations
 - DSRSD wastewater treatment facility neighborhood meetings (when the meetings are open to the public and held at the wastewater treatment plant)
- d. Representation of the District at a public meeting or public hearing of another public agency at which that agency has agendized business that involves the District, including but not limited to the following:
- Board of Supervisors of Alameda and Contra Costa Counties
 - City Council of Dublin, Pleasanton, Livermore, and San Ramon
 - Local Agency Formation Commission (LAFCO), unless the Director receives compensation from LAFCO for attendance as a LAFCO representative
 - State Water Resource Control Board (SWRCB)
 - Regional Water Quality Control Board (RWQCB)
 - Zone 7 Water Agency
 - Bay Area Air Quality Management District (BAAQMD)
- e. Representation of the District at a meeting of a public benefit nonprofit corporation on whose board of which the District has membership, including but not limited to the following:
- DSRSD Financing Corporation

4. Attendance Not Approved for Compensation

Pursuant to Government Code Section 61047, only representation of the District at certain public meetings, public events, and training programs qualify for a day of service.

Any items not identified in sections 2 and 3 above are not pre-approved by the Board and, therefore, are not eligible for compensation unless the Board, at a Board meeting held prior to the activity, specifically approves a Director’s attendance as a representative of the District.

- a. For clarity, the following public meetings and public events would be eligible for compensation but only if the Board, at a Board meeting held prior to the activity, specifically approves a Director’s attendance as a representative of the District:
- DSRSD booths at fairs
 - Ceremonial functions of entities other than those pre-approved in section 3(c) above, including groundbreakings, ribbon cuttings, dedications, and anniversary celebrations
 - Monthly Chamber of Commerce lunch meetings
 - Community meetings hosted by local government agencies, including mayor briefings and director briefings
 - Community events such as City of Dublin St. Patrick’s Day events, including the Green and White Gala and St. Patrick’s Day parade

Policy No.: P100-19-2	Policy Title: Day of Service
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- Service club meetings and events
 - Homeowners association and neighborhood group meetings
 - Meetings with legislators at a public meeting conducted pursuant to the Brown Act
- b. For additional clarity, under Government Code Section 61047, the following activities are ineligible for compensation and therefore the Board cannot approve them as being eligible for compensation:
- Attendance at meeting of a Standing, Liaison, Ad Hoc, or Advisory Committee of the Board on which the Director does not serve
 - Attendance at any meeting with District staff other than a Board or Committee meeting conducted pursuant to the Brown Act
 - DSRSD Citizens Water Academy
 - Internal DSRSD events, including Employee Recognition Events, groundbreakings, ribbon cuttings, dedications, and anniversary celebrations
 - Social gatherings such as retired Director dinners and pre-conference activities and non-partisan welcoming or retirement events for staff of local agencies and organizations
 - Meetings with legislators other than at a public meeting conducted pursuant to the Brown Act
 - Any activity for which a Director receives compensation from another agency
 - Travel before or after an activity eligible for compensation under sections 2 and 3 above, or under this section, shall not be eligible for compensation as a separate day of service

5. Review and Approval

Principal responsibility for compliance with this policy rests with each Director. The General Manager, or designee, shall review Director’s timesheets and written reports to determine conformance with this policy prior to approving payment. If a Director disagrees with the determination, the Director submitting the timesheet shall make a request at a Board meeting, not later than 60 days after the day for which reimbursement is requested, to schedule an agenda item to review the determination at a future regular Board meeting. The submittal of a timesheet by a Director shall be deemed an acknowledgement by that Director that the timesheet, in the exercise of his or her judgment, complies with the terms of this policy, that any required approval of the Board was obtained at a Board meeting in advance of the activity or event, that any required written report has been submitted at the next Board meeting following the activity or event, and that the Director has considered any issues that the General Manager has identified. If the matter is referred to the Board of Directors, the Board shall approve the timesheet unless the Board believes it substantially deviates from this policy.

6. Contents of Written Reports

Written reports submitted for a qualifying event shall consist of one or more of the following materials:

- A handwritten or typewritten report of the Director’s activities
- Copies of notes taken by the Director
- Copies of agendas or programs

Policy No.: P100-19-2

Policy Title: Day of Service

- Certificates the Director received
- Script or outline of remarks made if a Director was a speaker
- Other similar written materials

The Community Services District Law requires that these written reports be submitted at the next Board of Directors' meeting following the qualifying event. All such materials should give a member of the public a sense of the business purpose of the qualifying event as well as the Director's role at, the qualifying event.

7. Administration

The General Manager shall administer this policy and shall institute appropriate accounting and control procedures to ensure the policy is being followed.

8. Previous Policies Superseded

This policy supersedes all previously adopted District policies related to compensation for a day of service by a Director.



TITLE: Approve Resolution Supporting the State's Proclamation Declaring October 2–10, 2021 as California's Water Professionals Appreciation Week

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Resolution, support of the State’s proclamation declaring October 2–10, 2021 as California’s Water Professionals Appreciation Week.

DISCUSSION:

Per the California legislative proclamation, the first week of October of each year, beginning on the first Saturday of the month and ending on the Sunday of the following weekend, shall be Water Professionals Appreciation Week. Dublin San Ramon Services District (DSRSD) educational activities to celebrate California’s Water Professionals Appreciation Week include the following: social media posts of employee profiles and “Imagine a Day Without Water” promotions.

The idea that California should celebrate water professionals started at DSRSD when Public Affairs Supervisor Sue Stephenson read an article that mentioned a New England state that celebrated water professionals’ day and she thought California should also celebrate water professionals. She first pitched the idea at the Communications Committee meeting of the Association of California Water Agencies (ACWA) where the idea was expanded to a Water Professionals Appreciation Week and ACWA staff agreed to take the lead. Stephenson pitched the idea to the Board of Directors of the California Association of Sanitation Agencies (CASA) who joined the coalition to sponsor the legislation, along with WateReuse California, Municipal Utilities Association, and the California Water Association.

Water Professionals Appreciation Week was established in 2017 by Senate Concurrent Resolution No. 80 introduced by Senator Bill Dodd (D-Napa). At that time, labor studies estimated that 60,000 people work in California’s water industry and it needs roughly 6,000 new employees each year due to turnover. The water industry offers a wide variety of rewarding career opportunities in engineering, biology, finance, business administration, law, communications and many more types of positions in high-demand occupations.

Originating Department: Office of the General Manager	Contact: S. Stephenson	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT SUPPORTING CALIFORNIA'S PROCLAMATION DECLARING OCTOBER 2-10, 2021 AS WATER PROFESSIONALS APPRECIATION WEEK

WHEREAS, water is the lifeblood of California and without safe and reliable water, no community, and no sector of the economy – from high tech to manufacturing to agriculture – can thrive or expand; and

WHEREAS, now more than ever, the water industry is proud of the important role our essential workers play in making sure our communities have safe and reliable drinking water; and

WHEREAS, thanks to technological advances by highly skilled and trained water professionals and the dedication of thousands of industry professionals in the state, California drinking water and treated wastewater meets some of the most stringent water quality standards in the nation; and

WHEREAS, depending on where you live in California, your water may come from a nearby well or river, or it may travel hundreds of miles through canals or pipelines to reach your tap. Regardless of where it originates, your drinking water is filtered, cleaned, tested, and distributed in a process carefully managed by trained water professionals; and

WHEREAS, California is steadily expanding the reuse of treated wastewater and pioneering the use of advanced purified recycled water to replenish aquifers, prevent seawater intrusion and improve local water supply reliability; and

WHEREAS, water professionals at local public water and wastewater agencies work 24/7 to plan for the future, maintain and upgrade their systems and improve the safety and resiliency of local water supplies for their communities; and

WHEREAS, according to the Public Policy Institute of California, local public water and wastewater agencies invest more than \$25 billion a year on local water-related programs and projects that protect public health and the environment, improve local water supply reliability, replenish and clean up groundwater basins, provide water for fire protection and protect against floods; and

WHEREAS, thousands of essential water, wastewater and recycled water industry professionals in the state dedicate their careers to keeping drinking water, recycled water and treated wastewater safe and reliable for use by Californians.

Res. No. _____

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

1. Per the California legislative proclamation, the first week of October, beginning on the first Saturday of the month and ending on the Sunday of the following weekend, October 2–10, 2021, shall be Water Professionals Appreciation Week.

2. Normally, the District would host special events to educate Californians on the important functions of water, wastewater, and recycled water agencies, but due to the pandemic, this year the District will celebrate by posting brief profiles of employees working to conserve water.

3. In addition, the District will promote “Imagine a Day Without Water,” an impactful way to realize the importance of water professionals.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 21st day of September, 2021, and passed by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary



TITLE: Accept Donation of Two Eagle Scout Projects for the DSRSD Demonstration Garden

RECOMMENDATION:

Staff recommends the Board of Directors accept, by Motion, the donation of two (2) Eagle Scout Projects for the DSRSD Demonstration Garden.

DISCUSSION:

As part of the renovation of the District’s Demonstration Garden, several projects were identified which would enhance the garden and qualify as an Eagle Scout Project. Volunteers from Boy Scout Troop #905 have designed, constructed and installed these amenities as follows:

1. Two Picnic Tables for the Garden – Julian Lavaysse
2. Four Redwood Planter Boxes for the Employee Garden Area – Aaditya Punnamraju

Troop #905 has leased the Utility Building behind the DSRSD District Office since 1992. The Troop has been participating in enhancements to the Demonstration Garden through ongoing community service projects and Eagle Scout projects. Pictures of these projects are attached.

Originating Department: Administrative Services	Contact: C. Atwood	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Pictures of Donations for Two Eagle Scout Projects	
		21 of 78



1. Two picnic tables for the Garden – Julian Lavaysse



2. Four Redwood Planter Boxes for the Employee Garden Area – Aaditya Punnamraju



TITLE: Receive Presentation and Provide Comments on Los Vaqueros Reservoir Expansion Project

RECOMMENDATION:

Staff recommends the Board of Directors receive a presentation on the Los Vaqueros Reservoir Expansion Project and provide comments.

DISCUSSION:

At the July 20, 2021 meeting, the Board directed staff to place on the Board’s agenda a presentation on the Los Vaqueros Reservoir Expansion Project (LVE). LVE is one of several projects that Zone 7 Water Agency (Zone 7) is pursuing to improve water reliability for the Tri-Valley. Los Vaqueros Reservoir is owned by Contra Costa Water District (CCWD) and is located in southeastern Contra Costa County. The reservoir was expanded to 160,000 acre-feet in 2012 (Phase 1) and CCWD is planning a further expansion to 275,000 acre-feet as Phase 2, along with construction of the Transfer-Bethany Pipeline, which would connect the reservoir to the South Bay Aqueduct. The key objectives of LVE are to: (1) develop water supplies for environmental water management, and (2) increase water supply reliability for Bay Area agencies. The attached fact sheet provides additional information on the proposed project.

Zone 7 has been considering LVE as a new water storage and conveyance option, with some potential as a water supply source. Zone 7’s 2019 Water Supply Evaluation Update identified the benefits of LVE to Zone 7, which includes the availability of stored water upstream of Zone 7 to supplement State Water Project (SWP) supplies, added operational flexibility for timing of water deliveries from the Kern County groundwater banks, and an alternative conveyance option during Delta outages. For example, in a year like 2021, Zone 7 could draw on stored water in Los Vaqueros Reservoir to supplement the low SWP allocation. Zone 7 could store recovered water from the Kern County groundwater banks in Los Vaqueros Reservoir temporarily during periods of low demand. The stored water could then be released from the reservoir when Zone 7 needs additional supplies to meet peak demands in the summer. Furthermore, if Delta salinity or other issues (e.g., levee break, fishery impacts) prevent operation of the south Delta Pumping Plants, the Transfer-Bethany Pipeline could be used to deliver water directly to the South Bay Aqueduct.

Zone 7 is currently assuming LVE could provide 10,000 acre-feet of additional storage. This quantity would not significantly help with prolonged water shortage conditions, and Zone 7 would still need to implement additional water projects to complement LVE and ensure long-term water reliability for its retailers. LVE’s primary benefits to Zone 7 would mostly be seen during Delta outage emergencies and drought conditions, when other supplies are inaccessible or unavailable, and Los Vaqueros reservoir could release water to supplement local groundwater supplies. While these events have been rare in the past, the reoccurrence of drought conditions between 2014 and 2021 point to increasing frequency of conditions that would benefit from the project. LVE therefore provides a form of insurance against emergency and drought conditions and is one of the few projects that could potentially be implemented in the next five to ten years. Zone 7 anticipates making final decisions on participating in LVE in late 2022/early 2023, after completion of an update to the Zone’s Water Supply Evaluation, which will evaluate the costs and benefits of all the water storage, supply, and conveyance projects that Zone 7 is currently pursuing.

Staff recommends that the Board receive a presentation on LVE from CCWD and Zone 7 representatives and continue to support Zone 7’s continued participation in the project consistent with the Board’s adopted Water Resiliency policy that states, “Advocate for the continued exploration and development of a broad array of projects that have the potential to improve water resiliency for the Tri-Valley, such as Bay Area Regional Desalination, Delta Conveyance, Interties, Los Vaqueros Reservoir and Transfer Bethany Pipeline, Potable Reuse, Sites Reservoir, Water Transfers, and Expanded Recycled Water Programs.”

Originating Department: Office of the General Manager	Contact: J. Lee	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Los Vaqueros Reservoir Expansion Project Fact Sheet	

LOS VAQUEROS RESERVOIR EXPANSION PROJECT



RESERVOIR EXPANSION

275,000 acre-feet **PHASE 2**
IN PROGRESS
Project builds upon the successful implementation of the Phase 1 expansion

160,000 acre-feet **PHASE 1**
2012
The dam was increased in height by 34 feet to a new height of 218 feet

100,000 acre-feet 1998
Los Vaqueros Dam was completed

OBJECTIVES

- Develop water supplies for environmental water management
- Increase municipal and industrial water supply reliability
- Improve the quality of water deliveries

PURPOSE

WATER FOR REFUGES



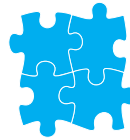
Reliable water supply for South of Delta wildlife refuges

WATER FOR PARTNERS



Reliable water supply for local water agencies

REGIONAL INTEGRATION



High potential for regional water system integration

WATER QUALITY



Protection of delivered water quality

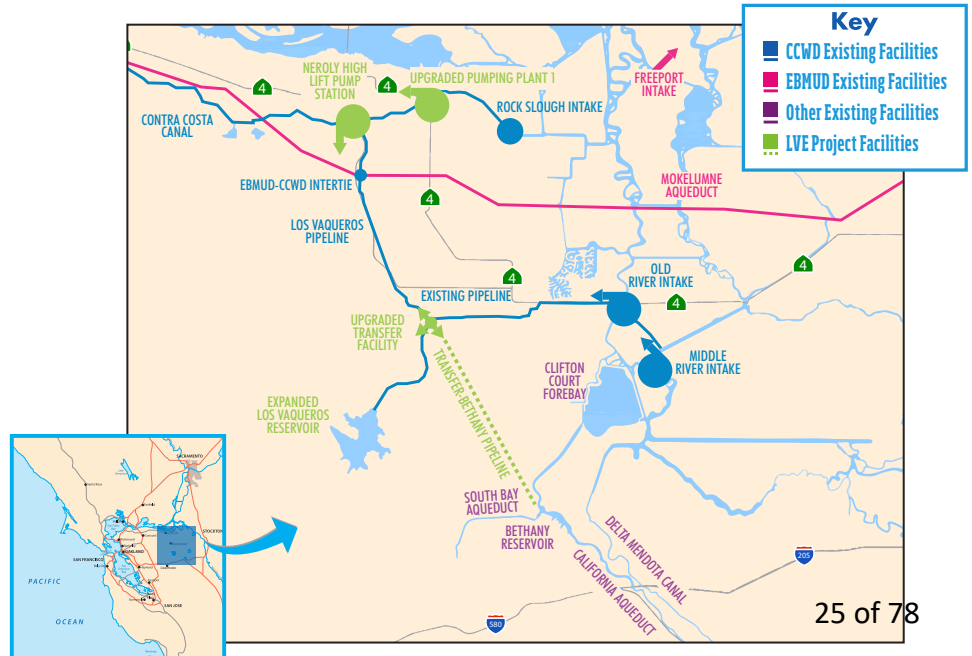
RECREATION



Recreation facility enhancement

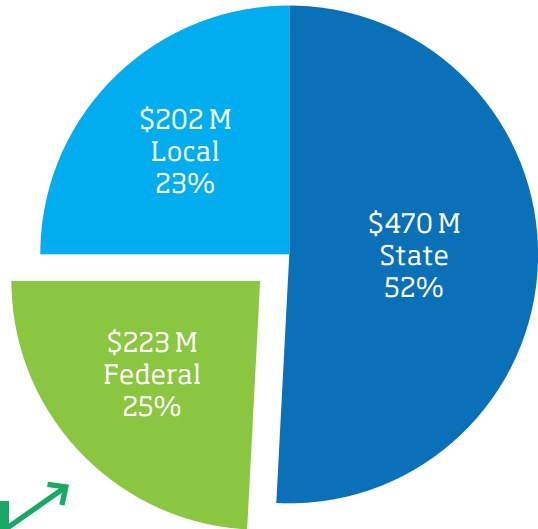
HOW IT WORKS

- 1 Water is pumped into the system from one of four existing Delta Intakes.
- 2 Once in the system, water is sent to an upgraded Transfer Facility pump station.
- 3 From the Transfer Facility, water can be delivered directly to local agency partners and wildlife refuges or pumped into an expanded Los Vaqueros Reservoir for later delivery.



PROJECT FUNDING

- Total construction cost ~\$895 M* (2018 Dollars)
- State funding from California Water Commission
 - Supports public benefits, maximizing wildlife refuge benefits
- Local funding from partner agencies (see potential partners below)
 - Supports regional reliability
- Federal funding from WIIN Act
 - Supports wildlife refuges and Central Valley Project operational flexibility



Now that the Federal participation has been approved (see timeline below), Federal appropriations will allow the project to move forward.

*The source of the cost estimate is Final Federal Feasibility Report (published August 2020)

POTENTIAL PARTNERS

These agencies have provided funding and in-kind services, and are evaluating potential participation in the project to diversify their water supply portfolios against drought, emergencies, climate change and regulatory challenges.

- Los Vaqueros Reservoir
- 1 Alameda County Water District
- 2 Contra Costa Water District
 - City of Brentwood
- 3 East Bay Municipal Utility District
- 4 Grassland Water District
- 5 San Francisco Public Utilities Commission
 - Bay Area Water Supply & Conservation Agency
- 6 San Luis & Delta-Mendota Water Authority
 - Byron Bethany Irrigation District
 - Del Puerto Water District
 - Panoche Water District
 - Westlands Water District
- 7 Santa Clara Valley Water District
- 8 Zone 7 Water Agency



NEXT STEPS

CCWD is currently working with Reclamation and the local agency partners and wildlife refuge managers to advance the project to construction.





TITLE: Second Reading: Adopt Ordinance Revising District Code Section 1.50.030 Regarding Discontinuation of Service

RECOMMENDATION:

Staff recommends the Board of Directors (1) waive, by Motion, the second reading of an Ordinance that will revise provisions of the District Code, Section 1.50.030, that governs discontinuation of services, and (2) adopt the Ordinance.

DISCUSSION:

Per Section 106.3 of the California Water Code, all Californians have the right to safe, accessible, and affordable water. In recent years, the State has become progressively concerned with increasing water rates and the need to minimize the number of Californians who lose access to water service due to their inability to pay. On September 28, 2018, Governor Brown signed SB 998, the Water Shutoff Protection Act, into law to provide additional procedural protections for residential water customers with delinquent bills before the discontinuation of water service. The new law applies to residential services, including single-family residences, multi-family residences, and mobile homes.

The Utility Billing & Customer Services Division of DSRSD is tasked with the billing and collection of utility accounts and has existing internal procedures and guidelines regarding the collection of delinquent utility accounts for all types of customers within the legal framework of the District Code and the California Public Utilities Code. Staff considers and reviews requests for extensions of payment due dates or for other payment arrangements for all accounts. The review includes an examination of past payment history, current financial considerations, or any other pertinent factors in determining both the customer’s ability to pay and the severity of harm that would be caused by the disruption of water service.

Staff works with customers to develop payment arrangements that are fair and equitable and will only move to discontinue residential water service or levy the property tax roll for over 90-day delinquencies, as a last resort. It is anticipated that on October 1, 2021, the District will be permitted to reinstate water turn off procedures previously suspended during COVID-19, re-establishing the incentive to pay delinquencies in a timely manner. In addition, the District Code currently gives authority to assess delinquent charges on the property tax roll. Section 4.40.120 specifically provides for collection of water charges using the tax roll, including delinquencies. Sections 5.30.120 and 5.30.140 provide similar authorities regarding wastewater rates and charges. For both owner-occupied and tenant-occupied single-family residential units, the District has both remedies at its disposal. Multi-family properties with a landlord as the customer of record never have the water service discontinued due to nonpayment.

SB 998 requires all public water systems with more than 200 connections to have a written policy on discontinuation of residential water service and for that policy to be available in multiple languages and posted on the water purveyor’s website. The District has been following the requirements of SB 998 since its effective date as to providing customers with expanded timelines for payment, accommodations for special medical or financial circumstances, service restoration charge limits, and individually metered residential service occupant rights. On September 7, 2021, the Board approved the formal Discontinuation of Residential Water Service for Nonpayment policy, which starts the translation efforts for the District website and the beginning of the annual reporting requirements.

District General Counsel has reviewed the proposed revisions to the District Code. Public notification requirements include the publishing of an ordinance summary after both the first and second readings. The summaries are to be published on the District website and in a newspaper of general circulation. The first summary was published on September 14, 2021, and the second summary will be published on September 28, 2021.

Originating Department: Administrative Services	Contact: K. Richards	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: \$1,000 and Water Enterprise (Fund 600)	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Marked-up District Code Chapter 1.50	

Chapter 1.50

NONPAYMENT OF FEES AND CHARGES

Sections:

- 1.50.010 Assessment of late charges.
- 1.50.020 Charge for collection.
- 1.50.030 Discontinuance of services.
- 1.50.040 Remedies for collection and enforcement.
- 1.50.050 Authorization of General Manager.
- 1.50.060 Liability for payment.
- 1.50.070 Charge for unpaid returned checks.

1.50.010 Assessment of late charges.

Unless otherwise provided in this code or on the face of the District's bill, a fee or charge set forth in the code is due when billed and is then payable at the District office or the post office box designated by the District. Fees and charges shall become past due if payment is not received by the District within 30 days of the billing date shown on the bill. At the time an account becomes past due, a late charge will be assessed on the past due amount outstanding at a rate established by separate ordinance or resolution duly adopted from time to time by the Board of Directors. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 305, 2004; Ord. 327, 2010.]

1.50.020 Charge for collection.

If the District determines that it is necessary to collect a fee or charge due to the District, a charge for collection, in addition to the amount outstanding (including all late charges), shall be assessed. A charge for collection includes reasonable attorney's fees necessary to collect overdue fees or charges. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.030 Discontinuance of services.

The District may discontinue any or all services or facilities being provided to a customer (including but not limited to those services or facilities for which a fee or charge has not been paid), or request the withholding of such services or facilities by the agency rendering or providing them, in the event the customer has neither paid the amount outstanding nor established a District-approved payment arrangement plan or deferral within ~~47 days~~60 days from the billing date shown on the bill. Services shall not be reestablished until all conditions for reinstatement of services, as set forth in this code, are satisfied. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.040 Remedies for collection and enforcement.

Remedies for the collection and enforcement of fees or charges are cumulative and may be pursued alternatively or consecutively as determined by the District. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.050 Authorization of General Manager.

The General Manager of the District is authorized to pursue, or to decline pursuant to Chapter 1.90 DSRSDC, Special Agreements, Arrangements or Relief, to pursue, all legal remedies and appropriate collection means for the enforcement and collection of a fee or charge prescribed by this code and shall report annually to the Board of Directors on the status of delinquent fees. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.060 Liability for payment.

Owners, their tenants, or other users of property with respect to which a service charge is delinquent are jointly and severally liable for payment. [Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.070 Charge for unpaid returned checks.

A charge for unpaid returned checks will be assessed in an amount established by separate ordinance or resolution duly adopted from time to time by the Board of Directors. [Ord. 305, 2004; Ord. 327, 2010.]

ORDINANCE NO. _____

AN ORDINANCE OF DUBLIN SAN RAMON SERVICES DISTRICT AMENDING SECTION 1.50.030 OF THE DISTRICT CODE TO INCLUDE REVISIONS REGARDING DISCONTINUATION OF SERVICES DUE TO SENATE BILL 998

WHEREAS, District Code Section 1.50.030, Discontinuation of Services, was established to authorize the District to discontinue any or all services being provided to a customer in the event the customer has neither paid the amount outstanding nor established a District-approved payment arrangement plan; and

WHEREAS, District Code Section 4.40.140, Collection for Water Deliveries, states that once notice is provided discontinuation of service is governed by District Code Section 1.50.030, Discontinuation of Services; and

WHEREAS, on September 28, 2018, Governor Brown signed SB 998, the Water Shutoff Protection Act, into law to provide additional procedural protections for residential water customers with delinquent bills before the discontinuation of water service; and

WHEREAS, the Discontinuation of Residential Water Service for Nonpayment policy was established to set forth the District's current business practice and procedures; and

WHEREAS, the Board wishes to update the District Code to align with the requirements of SB 998 and the Discontinuation of Residential Water Service for Nonpayment policy.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Dublin San Ramon Services District as follows:

1. Section 1.50.030 of the District Code entitled "Discontinuation of Services" is hereby revised in the form in which it appears in Exhibit "A." Notwithstanding the preceding sentence, wherever a provision of the new Section 1.50.030 is substantially the same as the previous version of Section 1.50.030, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

2. The General Manager, or his/her designee, is further authorized and directed to make further non-substantive administrative changes, as approved by District General Counsel, to Section 1.50.030, as respectively set forth in Exhibit "A" (including revisions in formatting as may be suggested by the publisher) for consistency and ease of reference within sixty (60) days from date of adoption.

3. This Ordinance shall become effective thirty (30) days after its adoption.

Ord. No. _____

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 21st day of September, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary

Chapter 1.50

NONPAYMENT OF FEES AND CHARGES

Sections:

- 1.50.010 Assessment of late charges.
- 1.50.020 Charge for collection.
- 1.50.030 Discontinuance of services.
- 1.50.040 Remedies for collection and enforcement.
- 1.50.050 Authorization of General Manager.
- 1.50.060 Liability for payment.
- 1.50.070 Charge for unpaid returned checks.

1.50.010 Assessment of late charges.

Unless otherwise provided in this code or on the face of the District's bill, a fee or charge set forth in the code is due when billed and is then payable at the District office or the post office box designated by the District. Fees and charges shall become past due if payment is not received by the District within 30 days of the billing date shown on the bill. At the time an account becomes past due, a late charge will be assessed on the past due amount outstanding at a rate established by separate ordinance or resolution duly adopted from time to time by the Board of Directors. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 305, 2004; Ord. 327, 2010.]

1.50.020 Charge for collection.

If the District determines that it is necessary to collect a fee or charge due to the District, a charge for collection, in addition to the amount outstanding (including all late charges), shall be assessed. A charge for collection includes reasonable attorney's fees necessary to collect overdue fees or charges. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.030 Discontinuance of services.

The District may discontinue any or all services or facilities being provided to a customer (including but not limited to those services or facilities for which a fee or charge has not been paid), or request the withholding of such services or facilities by the agency rendering or providing them, in the event the customer has neither paid the amount outstanding nor established a District-approved payment arrangement plan or deferral within 60 days from the billing date shown on the bill. Services shall not be reestablished until all conditions for reinstatement of services, as set forth in this code, are satisfied. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.040 Remedies for collection and enforcement.

Remedies for the collection and enforcement of fees or charges are cumulative and may be pursued alternatively or consecutively as determined by the District. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.050 Authorization of General Manager.

The General Manager of the District is authorized to pursue, or to decline pursuant to Chapter 1.90 DSRSDC, Special Agreements, Arrangements or Relief, to pursue, all legal remedies and appropriate collection means for the enforcement and collection of a fee or charge prescribed by this code and shall report annually to the Board of Directors on the status of delinquent fees. [Ord. 180, 1983; Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.060 Liability for payment.

Owners, their tenants, or other users of property with respect to which a service charge is delinquent are jointly and severally liable for payment. [Ord. 269, 1996; Ord. 273, 1997; Ord. 327, 2010.]

1.50.070 Charge for unpaid returned checks.

A charge for unpaid returned checks will be assessed in an amount established by separate ordinance or resolution duly adopted from time to time by the Board of Directors. [Ord. 305, 2004; Ord. 327, 2010.]



TITLE: Public Hearing: Second Reading and Adoption of Ordinance Revising District Code Chapter 4.10 General Regulations and Protective Measures and Chapter 4.20 Potable Water Use and Protective Measures

RECOMMENDATION:

Staff recommends the Board of Directors (1) waive, by Motion, the second reading of an Ordinance that will revise provisions of the District Code Chapter 4.10 General Use Regulations and Protective Measures and Chapter 4.20 Potable Water Use Regulations and Protective Measures, (2) hold a public hearing, and (3) adopt the Ordinance.

DISCUSSION:

This is the second of two readings for proposed revisions to District Code Chapter 4.10 General Regulations and Protective Measures and Chapter 4.20 Potable Water Use and Protective Measures. The Board reviewed the details of the recommended revisions to the code at the first reading on September 7, 2021. If adopted, the Ordinance will become effective in 30 days.

Staff proposes moving the District Code sections related to short-term water emergencies, water shortage emergencies, and prohibition of water waste from Chapter 4.10 General Use Regulations and Protective Measures to Chapter 4.20 Potable Water Use Regulations and Protective Measures and revising and supplementing the text on water shortage emergencies. Moving these sections to Chapter 4.20 allows for the information to be segregated into specific sections making it easier to locate and more transparent to the public. The revisions to the code will align the code with the adopted Water Shortage Contingency Plan and provide more detail on the water use restrictions at each stage.

Additionally, it is proposed to add a code section regarding enforcement of the water use restrictions. In the last drought from 2014 to 2016, much of the information staff is proposing to add to the code was provided through an urgency ordinance effective during a local drought emergency proclamation. When the Board ended that proclamation, the urgency ordinance lapsed. Staff proposes to have the District’s regulatory framework permanently reside in the District Code. The revisions to the code will allow for more consistent and clear water use regulations when the Board declares a water shortage emergency. A marked-up version of the amended code sections showing the proposed changes is included as Attachments 1 and 2. A clean version of the proposed changes is shown in Exhibits A and B to the Ordinance.

District General Counsel has reviewed the proposed revisions to the code. Public notification requirements include the publishing of an ordinance summary after both the first and second readings. The summaries are to be published on the District website and in a newspaper of general circulation. The first summary was published on September 14, 2021, and the second summary will be published on September 28, 2021.

Originating Department: Engineering Services	Contact: J. Zavadil	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Marked-up District Code Chapter 4.10 Attachment 2 – Marked-up District Code Chapter 4.20	

Chapter 4.10
GENERAL USE REGULATIONS AND PROTECTIVE MEASURES

Sections:

- 4.10.010 Definitions.**
- 4.10.020 Purpose and policy.**
- 4.10.030 Regulation of water usage.**
- 4.10.040 Provision of water service.**
- 4.10.050 Account required for service.**
- 4.10.060 Point of delivery – Responsibility for handling and risk of loss.**
- 4.10.070 Ownership of and access to mains, water meters and service lines.**
- 4.10.080 Damage to District facilities or property.**
- 4.10.090 Prohibition of cross-connections – Backflow prevention.**
- 4.10.100 Obstruction of water facilities prohibited.**
- 4.10.110 State laws.**
- 4.10.120 Suspension or termination of deliveries.**
- 4.10.130 Interference with District employees.**

4.10.010 Definitions.

In the construction of this title, the general definitions set forth in DSRSDC 1.20.080, Definitions, shall apply except where contrary definitions are set forth in this chapter or as otherwise stated in DSRSDC 1.20.080, Definitions. The following definitions shall apply to this title, unless such definitions would be inconsistent with the manifest intent of the Board of Directors or the context clearly requires otherwise.

“Alameda County Environmental Management Department (Alameda County EMD)” refers to the local health protection agency for most areas of Alameda County.

“Approved backflow prevention device” means a device that has been approved by the California Department of Health Services and is on the District’s current list of approved backflow prevention devices.

“Approved backflow prevention device tester” means a tester who possesses a current and valid American Water Works Association (AWWA) certificate as a general backflow prevention device tester.

“Approved use” means an application of recycled water in a manner, and for a purpose, designated in a recycled water use license issued by the District and in compliance with all applicable regulatory agency requirements.

“Back pressure” means the flow of water or other liquid, mixture or substances under pressure into the District’s potable water distribution system caused by a higher pressure in the customer’s facilities relative to the pressure in the District’s facilities.

“Back siphonage” means the flow of water or other liquid, mixture or substances from the customer’s facilities into the District’s water distribution system, caused by a sudden pressure drop in the District’s facilities.

“Contra Costa County Environmental Management Department (Contra Costa County EMD)” refers to the local health protection agency for most areas of Contra Costa County.

~~“Emergency response plan” means the emergency response plan, as amended from time to time and approved by the General Manager for implementation, required pursuant to the “California Emergency Services Act,” codified as Chapter 7, California Emergency Services Act, of Division 1, General, of Title 2, Government of the State of California, of the Government Code, beginning with Section 8550.~~

“Greenbelt areas” means the area that includes, but is not limited to, golf courses, cemeteries, parks, and landscaping.

“Normal supply conditions” means that District water supplies are adequate or more than adequate to meet the ordinary demands and requirements of District’s water customers and users for that year and for a reasonable planning time horizon.

“On-site supervisor” means the customer’s representative, who is available to the District at all times, has the authority to carry out any requirements of the District, and is responsible for the installation, operation and maintenance of the recycled and potable water systems. The on-site supervisor is also responsible for prevention of potential hazards.

“Recycled water use license” means a license issued by the District to the customer, which outlines monitoring, self-inspection, reporting, and site-specific requirements, as required by the California Regional Water Quality Control Board. This license allows the customer to use recycled water in accordance with the Dublin San Ramon Services District Code, standards, ordinances, policies, guidelines and all applicable regulatory agency requirements.

“Secondary effluent” means treated wastewater that meets the requirements of the District NPDES discharge permit governing wastewater disposal, as it may be amended from time to time.

~~“Shortage” means a situation in which the supply of water available to the District for distribution and sale to water customers and users, as the result of a general condition such as drought or other seasonal or climatic shortage, or regulatory restrictions, including but not limited to those intended to protect special status species, may not be adequate to meet ordinary demands without reducing the supply to the extent that there would be insufficient water for human consumption, sanitation, fire protection, and other beneficial uses. Each of the four stages of a water supply shortage are defined below. A water shortage condition may be declared by the Board or may be determined to exist pursuant to DSRSDC 4.10.030(C)(1), Water Supply Shortage Condition, or may be determined or declared to exist by the District’s General Manager.~~

~~“Stage 1 water supply shortage” means that, as declared by the Board, there are identifiable events that lead to a reasonable probability that, in the next few years, District potable water supplies will not be adequate to meet the ordinary demands and requirements of the District’s water customers and users.~~

~~“Stage 2 water supply shortage” means that, as declared by the Board, there are identifiable events that lead to a reasonable conclusion that, in the current or upcoming year, District potable water supplies may not be adequate for the ordinary demands and requirements of District water customers and users.~~

~~“Stage 3 water supply shortage” means that, as declared by the Board, there are identifiable events that lead to a reasonable conclusion that, in the current year, water supplies will not be adequate to meet the ordinary demands and requirements of District water customers and users.~~

~~“Stage 4 water supply shortage” may be declared by the Board if (a) verifiable water use data conclusively establish that District water customers and users are not achieving the target water use reduction previously adopted by the Board in the resolution declaring a Stage 3 water supply shortage; or (b) new identifiable events occur that require increasing the target water use reduction; or (c) the Board determines that there are multiple District water customers and users who are repeatedly violating the Stage 3 water use restrictions.~~

“State of California Department of Public Health (state DPH)” refers to the State of California Department of Public Health, Division of Drinking Water and Environmental Management – San Francisco District.

~~“Water emergency” means that, as declared by the General Manager, a specific identifiable discrete event or sudden unexpected occurrence, including without limitation a storm, flood, fire, or an unexpected equipment outage, the failure of a dam, levee, treatment plant, pump, pipeline or other conduit, or a catastrophic event, including, but not limited to, a regional power outage, an earthquake, or other disaster, has occurred that causes a disruption, or creates an imminent threat of disruption, in the water supply to all or a group of District water customers and users.~~

~~“Water shortage contingency and drought plan” means the planning document, as amended from time to time and adopted by the Board, setting forth an urban water shortage contingency analysis comprising a required component of the urban water management plan as specified in the “Urban Water Management Planning Act,” codified as Part 2.6, Urban Water Management Planning, of Division 6, Conservation, Development, and Utilization of State Water Resources, in the Water Code, beginning with Section 10620. The water shortage contingency and drought plan is comprised of analysis required to be included in the urban water management plan adopted by the Board from time to time. [Ord. 329, 2012. Prior legislation: Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]~~

4.10.020 Purpose and policy.

This title sets forth uniform requirements for the use of water, potable and recycled, furnished by the District. The objectives of this title are to:

- A. Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety, or detrimental to the environment, from developing from or in connection with the distribution of water.
- ~~B. Limit use of water furnished by the District to what is reasonable and beneficial under the circumstances, to prevent the waste of water and to promote conservation of potable water and the use of recycled water.~~
- ~~C.~~B. Prevent the introduction of contaminants into the District’s water system.
- ~~D.~~C. _____ Maintain conformance to regulatory requirements regarding water use.
- ~~E.~~D. Provide for fees that equitably distribute the cost of operation, maintenance, and improvement of the District’s water system to those who benefit.

This chapter shall govern the use of all water furnished by the District and shall apply to all users thereof. The District may establish classes of service and may change such classifications as

circumstances warrant, in the District's sole discretion. This chapter provides for monitoring, compliance and enforcement activities resulting from or in connection with the use of water furnished by the District; and provides for the setting of rates, charges and fees for the equitable distribution of costs resulting from the District's water system. [Ord. 329, 2012. Prior legislation: Ord. 298, 2003; Ord. 327, 2010.]

4.10.030 Regulation of water usage.

- A. All water furnished by the District or used within the water service area of the District shall be subject to the regulations set forth in this title, in this chapter, and other provisions of this code from time to time in effect except those that are determined by the General Manager to be inapplicable. By applying for or receiving water service from the District, each user of water furnished by the District covenants and agrees to comply with and to be bound by such regulations.
- B. The District Engineer and the officers and agents of the District shall have unrestricted access at reasonable hours to all premises to which the District provides services to inspect water facilities, meters or other measuring apparatus, and to see that the rules and regulations of the District regarding the installation of water facilities, the taking and use of water are being observed.
- ~~C. The District may regulate the time and quantity of water use in such manner as will ensure an equitable supply to all consumers.~~
 - ~~1. Water Supply Shortage Condition. The General Manager shall notify the Board as soon as practical if he or she determines that the quantity of water available at any time is, or is expected to be, less than the total demand, and such shortage is expected to last more than 30 calendar days. The Board may consider further restrictions and prohibitions on the use of water when water shortage is expected to last more than 30 days. Water use restrictions, rates, enforcement actions and penalties shall be implemented in stages, as generally described below and as more specifically declared by District's Board by separate resolution after the appropriate notice is given.~~
 - ~~a. Stage 1 Water Supply Shortage. Stage 1 is voluntary and is imposed when only a minimal reduction in water usage is required. When Stage 1 is in effect, the District shall encourage its water customers and users to implement best water management and conservation practices set forth in the water shortage contingency and drought plan.~~
 - ~~b. Stage 2 Water Supply Shortage. Stage 2 is imposed when a moderate reduction in water usage is required. It can be voluntary or mandatory as may be declared by resolution adopted by the Board.~~
 - ~~i. If the Board declares Stage 2 to be voluntary, the District shall encourage its water customers and users to implement additional best water management and conservation practices set forth in the water shortage contingency and drought plan.~~
 - ~~ii. If the Board declares Stage 2 to be mandatory, it shall identify the water use restrictions set forth in the water shortage contingency and drought plan with which its water customers and users must comply.~~
 - ~~iii. If Stage 2 is initially declared to be voluntary, the Board may, by separate resolution adopted after the appropriate notice is duly given, declare that Stage 2 is being made mandatory. Said declaration can only be made if verifiable water use data clearly establish that the target water use reduction by District water customers and users is not being achieved. Said declaration shall identify those additional water use restrictions set forth within the water shortage contingency and drought plan with which its water customers and users must comply.~~

~~c.— Stage 3 Water Supply Shortage. Stage 3 is mandatory and is imposed when a severe reduction in water usage is required. The resolution declaring the Stage 3 water supply shortage shall identify the specific additional water use restrictions set forth in the water shortage contingency and drought plan with which its water customers and users must comply, and shall include the charges for excess use and the penalties or fines that may be levied by District for successive violations of these water use restrictions.~~

~~d.— Stage 4 Water Supply Shortage. Stage 4 is mandatory and is imposed when a critical reduction in water usage is required. The resolution declaring the Stage 4 water supply shortage may establish, or authorize staff to establish, a specific water use allocation for any or all District water customers and users. Upon clear evidence of violation or violations of a water use allocation so established, the District may levy fines; install a flow restrictor or restrictors in the water service line; lock out the water service (unless failure to meet health and safety requirements appears to be imminent); and may enter nonresidential private premises to install submeters for monitoring compliance with the provisions of the water use allocation as established and/or with the water use restrictions set forth in the water shortage contingency and drought plan.~~

~~2.— Water Emergency. The General Manager is hereby authorized to declare a water emergency and, if so declared, shall initiate implementation of the appropriate provisions of the District's emergency response plan. As soon as possible after such a declaration, the General Manager shall make a full report on the water emergency to the Board. During a water emergency, the General Manager and his/her designees may take all steps necessary to protect and preserve District's water system, and to protect the health and safety of District water customers and users, including but not limited to locking out nonessential water services, obtaining and making available temporary water supplies, and temporarily relocating facilities connecting to District water customers and users.~~

~~3.— In addition to the foregoing, water customers and users are subject to Chapter 1.30 DSRSDC, Enforcement, which provides general penalties, remedies for violations, penalties of increasing severity, and imposition of costs. Violations of this section, including the provisions of the water shortage and drought contingency plan and the emergency response plan incorporated herein, may be punishable as misdemeanors or infractions, depending on the severity of the violation. The General Manager is authorized to apply penalties as he or she deems appropriate, including flow restriction, submetering, and discontinuance of water service, until the violation is corrected. The District may also seek damage and/or remedies, including fees or fines and the amount of costs incurred by the District to investigate and correct the violation.~~

~~4.— The District also reserves the right at any time to allocate its available water supply among its customers in a manner that it determines to be in the public interest in the event of shortage for any reason:~~

~~a.— If the General Manager determines that the quantity of water available at any time is, or is expected to be, less than the total demand, and such shortage is expected to be of a duration of less than 30 calendar days, the General Manager may prescribe and enforce rules governing allocation and use of water.~~

~~b.— In implementing subsection (C)(4)(a) of this section, the General Manager shall be guided by the following guidelines applicable to the allocation of supply during shortages:~~

~~i.— No service shall be extended to new customers until the Board determines that the shortage no longer exists;~~

~~ii.— Service to critical community service facilities, including, without limitation, hospitals and emergency shelters, shall take precedence over service to residential, commercial, institutional and industrial customers;~~

- ~~iii.—Potable water service to residential, commercial, institutional, industrial and nonirrigation customers shall take precedence over service to irrigation customers in accordance with the water shortage contingency plan adopted by the Board;~~
- ~~iv.—Once residential customers are receiving a supply sufficient to meet their minimal health and safety requirements, potable water service to commercial, institutional, and industrial customers (for nonirrigation uses) shall take precedence over other uses of such water;~~
- ~~v.—Service to customers within the District boundaries shall take precedence over service outside the District boundaries~~

- D. No person, except one authorized by the District, shall turn on or turn off the water at any connection or open or close any gate valve or other device for regulating the flow measurement of water on the water mains or other District facilities.
- E. No customer or other user of the District's water system shall use, or permit the use of, water for service to or upon any land other than that described in, and permitted under, the application made by the customer or user for water service. In addition, the use of the water connection is limited to the units covered by the water service application. Continued use of water in violation of this section after notice given in the manner, if any, required by law to the customer may result in discontinuance of water service.
- F. Except as provided in DSRSDC 4.40.160, Submetering for tenants, no customer within the District boundaries may enter into a contract to resell any water purchased from the District without the special permission of the Board, and, except as provided in DSRSDC 4.40.160, Submetering for tenants, the price of any water to be sold shall be at no more than the rate for such service fixed by the Board. The District shall have the right but not the duty to audit the records of anyone reselling water purchased from the District. No customer outside of the District will be permitted to resell water purchased from the District under any condition. Continued sales of water after service of notice by registered mail to the customer may result in discontinuance of water service.

~~G.—The recipients of water delivered by the District shall put the water only to reasonable and beneficial use. No customer or other user of the District's water system shall knowingly waste or permit the waste of water including, but not limited to, waste through leakage of defective or inoperable plumbing, piping or other water use equipment, gutter flooding, single pass cooling systems in new constructions, nonrecirculating systems in a new conveyer car wash and commercial laundry systems, and nonrecycling decorative water fountains. Using water suitable for potable domestic use for nonpotable uses, including irrigation of cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, when suitable recycled water is available to an area, for which the District has recycled water purveyorship authority, is a waste of water. Continued waste of water after service of notice by registered mail to the customer may result in discontinuance of water service. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 238, 1991; Ord. 239, 1991; Ord. 273, 1997; Ord. 327, 2010.]~~

4.10.040 Provision of water service.

- A. **Service Delivery.** The District shall undertake to deliver a continuous and sufficient supply of water of suitable quality within a pressure range sufficient for its efficient utilization by its customers. By accepting water service from the District, water customers are deemed to have accepted all conditions of water quality, pressure, and flow. The District makes no warranty, express or implied, about any aspect of such service and shall not be liable for interruptions in supply or variations in water quality or pressure. To the extent practical, the District shall undertake to give advance notice of such interruptions or variations. The District reserves the right at any time to shut off delivery for the purpose of maintaining, repairing, altering, or changing the size of its facilities.
- B. **Water Pressure.** The District Engineer shall from time to time establish water pressure ranges for all customers, and the District shall undertake to furnish water within the range thus established. In accepting water, water customers are deemed to have accepted all conditions of pressure and flow. In circumstances where, as solely and conclusively determined by the District Engineer, it is not reasonably feasible to provide service within the pressure range as thus determined, the District may furnish water service on the additional terms and conditions described in the following sentence. To obtain water service in such circumstances, each customer shall install and maintain, at his or her sole expense, a pump or other pressure-adjusting device and such other facilities sufficient to maintain pressure within an acceptable pressure range at each intended point of use, and shall present to the District appropriate evidence of the installation.
- C. **Water Meter Reading.** Water meters shall be read by the District on a regular basis, usually bimonthly. Special meter readings may be taken because of change of customer, changes of water meter or water meter size, or at other times as determined necessary by the District. The District shall estimate the quantity of water used in whatever manner it considers most appropriate if a water meter cannot be read or in the event that a water meter has not registered or has registered incorrectly.
- D. **Water Meter Testing.**
 - 1. **Testing Initiated by Customer.** Any customer may request that the water meter be examined and tested by the District for the purpose of ascertaining whether it is registering correctly, if the customer believes the water meter is over-registering the amount of water being delivered. The procedures therefor shall be as established by the District. Cost of testing and adjustment of charges for water meters shall be in accordance with DSRSDC 4.40.170, Meter testing – Charges.
 - 2. **Testing Initiated by District.** The water meter may be examined and tested by the District for the purpose of ascertaining whether or not it is registering correctly. The procedures therefor shall be as established by the District. Cost of testing and adjustment of charges for water meters shall be in accordance with DSRSDC 4.40.170, Meter testing – Charges. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.050 Account required for service.

- A. **Need for an Account.** Except as provided in DSRSDC 4.30.070, Sale of recycled water at recycled water treatment facilities, the District shall furnish water only to a customer who has a current account, including a current address and the name of the person responsible for making payments on the account.
- B. **Requests for Water Service.** Approval of an application for service in accordance with Chapter 3.40 DSRSDC, Application for Services, is required to initiate service for the first time to

a particular parcel. Requests for water service to parcels that have previously received water service shall be made during the District office's regular posted business hours. In case of an emergency (as determined by the District), the District shall accept requests during nonregular business hours.

- C. **Need for Water Meter.** Water service will be provided only through a water meter assigned to a particular account. A water meter may be moved by the District at the request of a customer from one location to another on the property, upon payment of the cost of a new meter assembly fee in accordance with DSRSDC 3.70.060, Meter assembly installation fee – Water, plus a labor and materials charge for reinstallation of the meter assembly in the new location.
- D. **Reinstatement.** If the District, for any reason authorized by this code or by applicable law, terminates water service, service shall not be reestablished until all charges described in Chapter 4.40 DSRSDC, Rates and Charges, have been paid for services rendered by the District with respect to the premises for which service has been terminated.
- E. **Liability of Owner and Tenant.** An owner, tenant, or other user of property with respect to which such charges are delinquent are jointly and severally liable for payment to the fullest extent permitted by law. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 148, 1979; Ord. 212, 1987; Ord. 238, 1991; Ord. 239, 1991; Ord. 247, 1992; Ord. 273, 1997; Ord. 299, 2003; Ord. 327, 2010.]

4.10.060 Point of delivery – Responsibility for handling and risk of loss.

- A. The point of delivery of water delivered by the District shall, except as set forth in the next sentence, be the discharge side of the District's water meter, or at the point of connection of a fire service line to the District's water main. The District Engineer shall determine, in his or her discretion, the point of delivery of water that does not pass through a water meter.
- B. The District is responsible for the handling and transmission of water up to the designated point of delivery of water to the customer. Each customer shall bear the risk of loss, and shall be responsible for the carriage, control, handling, storage, distribution and use of all water furnished by the District from and beyond the point of delivery.
- C. By applying for or receiving water service from the District, each customer served by the District shall hold the District harmless from any damage suffered by the District and shall indemnify the District from liability or claim of liability for property damage or personal injury, including death, resulting from the carriage, control, handling, storage, distribution or use of water after it passes the point of delivery.
- D. By applying for or receiving water service from the District, each customer served by the District agrees that the District and its officers, agents, or employees shall not be liable for damages resulting from the control, carriage, handling, use, disposal, or distribution of water supplied by the District to a customer, after such water has been delivered to the point of connection of such customer, or in the case of delivery to customers who are water purveyors or truck haulers, after such water has left the District's distribution facilities. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.070 Ownership of and access to mains, water meters and service lines.

- A. The District retains the ownership of water mains, water meters, and connecting service lines on the "upstream" (street) side of the water meter. The customer owns, operates, and maintains all water piping and appurtenances on the customer side of the water meter, including backflow prevention device, pressure-regulating valve, and shut-off valve. For services to fire sprinkler systems, the customer owns water piping from the point of connection of the fire service at the water main, downstream of the isolation valve, to the building structure. No additional charge

will be made upon change of ownership of the property unless the character of the service is changed.

- B. A fire hydrant on a District main is the property of the District. The cost of installation or removal is the responsibility of the property owner who requests such installation or removal, except by prior specific agreement with the District.
- C. The District shall provide a shut-off valve on the District's side of the water meter. The property owner shall install, for his ordinary usage and at his own expense, a shut-off valve and/or a pressure-regulating valve on the property side of the water meter. The property owner's shut-off valve and/or pressure-regulating valve shall not be installed within the District's meter box.
- D. The General Manager and other officers, employees, and agents of the District shall have unrestricted access to all District facilities described in this section, and to premises to which water service is supplied by the District, and may periodically inspect the supply system, water meters or other measuring apparatus to see that the rules and regulations of the District regarding the taking, use or waste of water are being observed. General penalties and other provisions for enforcement of violations of the Dublin San Ramon Services District Code are set forth in Chapter 1.30 DSRSDC, Enforcement.
- E. Operation and inspection of all of the District facilities, up to and including the water meter, shall be under the management and control of the District. No persons except authorized employees, agents, or contractors of the District shall have the right to enter upon, inspect, operate, adjust, change, alter, move, or re-locate any portion of the District facilities or any of the District's property.
- F. The District is the sole owner of the District facilities, and of equipment, supplies, warranties, rights-of-way, encroachment permits, and licenses that are acquired therefor. Water meters shall be owned by the District. All facilities on the customer side of the point of connection to the water meter shall be owned, operated, and maintained by the water customer. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 90, 1971; Ord. 118, 1975; Ord. 129, 1977; Ord. 273, 1997; Ord. 327, 2010.]

4.10.080 Damage to District facilities or property.

- A. No user of water from the District's water system shall create conditions that result in damage to or reduced life of the District's distribution facilities, or impairment of water quality in the District's system. Customers or other users of water from the District's water system shall reimburse the District for costs of repair to the District facilities and other damages resulting from the operations or other activities of the customer.
- B. It shall be unlawful and a violation of this Code for any person to tamper with, alter, destroy, or otherwise render inoperative any flow restricting device, service valve, meter, hydrant, or any other water system facility, equipment or device installed, operated or maintained by District. Any damage occurring to a water meter or other appliances, including without limitation flow restricting device, service valve, hydrant, or any other water system facility, equipment or device, pipes or any other property of the District caused directly or indirectly by lack of due care by the customer is the sole responsibility of the customer, who must pay for the damage on presentation of a bill.
- C. Before beginning planting operations or construction work, the owner or his or her agent shall ascertain from the District Engineer the location of mains, structures, and other facilities belonging to the District. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.090 Prohibition of cross-connections – Backflow prevention.

- A. A cross-connection, or any type of connection which permits a back pressure or back siphonage from an outside source into the District's mains, is prohibited. A connection between recycled water and potable water lines is prohibited. If both recycled water and potable water lines are present at the customer's facilities, the customer shall install a backflow prevention device on the customer's potable water system. The District may require the customer to install a backflow prevention device approved by the District on the customer's side of the pertinent water meter(s), at the expense of the customer. The General Manager may reduce or suspend deliveries to any customer or other user of water if the General Manager determines that the customer or other user of water has failed to install and appropriately maintain required devices to protect the District's facilities, and that a substantial risk of damage exists, whether or not the customer's failure was willful or negligent.
- B. A District water connection to a source of possible cross-connection or contamination from back pressure or back siphonage shall be provided with an approved backflow prevention device. The type of device required shall be as specified in the District's most current Standard Procedures, Specifications and Drawings, and an approved certified backflow testing organization recognized and accredited by the California Department of Public Health pursuant to Health and Safety Code, Division 1, Part 2, Chapter 7.5, Section 1010 et seq.
- C. The approved backflow prevention device shall be installed in conformance with the installation requirements contained in the District's most current Standard Procedures, Specifications and Drawings, and in a location accessible at all times to District personnel for inspection.
- D. The costs of the approved backflow prevention device, its maintenance and inspection are the responsibility of the customer. Testing of the device must be performed by an approved backflow prevention device tester, who is on the District's current list of approved testers.
- E. In a case where the water supply to a customer cannot be interrupted for backflow prevention device testing and maintenance, the District may require the customer to supply two backflow prevention devices of the same design and type in parallel.
- F. A previously installed device which does not conform to current standards may remain in operation until such time as it requires replacement, any incidents of backflow have occurred, any changes are to be made to the premises it serves, or any change in use of the premises occurs. Should any one of the aforementioned events occur, the previously installed device shall be replaced with a current approved device. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]

4.10.100 Obstruction of water facilities prohibited.

No person shall place upon or about any District valve box, manhole, blowoff, air relief valve, water meter, meter box or vault, or any distribution or delivery facilities or appurtenances, any object, materials, debris, landscaping, planting or structure of any kind so as to prevent free access to said items, facilities, or appurtenances at all times. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.110 State laws.

For the protection of public water supplies, many offenses are, by state law, made misdemeanors for which the offender may be criminally prosecuted. These include, but are not necessarily limited to: Section 374.7, Penal Code: Littering or dumping waste matter into any reservoir or other body of water. Section 498, Penal Code: Diverting utility services, preventing a water meter from accurately measuring, tampering with District property, making an unauthorized connection or receiving water service through one of the preceding acts.

Section 592, Penal Code: Stealing water, taking water without authority or by making unauthorized connections.

Section 607, Penal Code: Injuring tanks, flumes, reservoirs, etc.

Section 624, Penal Code: Breaking, cutting or obstructing pipes, etc.

Section 625, Penal Code: Taking water after works have been closed or meter sealed.

Section 117000, Health and Safety Code: Fouling or polluting ponds and reservoirs.

In addition, the District may, under Sections 1882 through 1882.6 of the Civil Code, file suit in civil court to enjoin those who divert utility services, make an unauthorized reconnection, tamper with District property, or receive water service through one of the preceding activities, and/or to recover three times the amount of actual damages, plus the cost of the suit and reasonable attorney's fees. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.120 Suspension or termination of deliveries.

- A. Whenever the General Manager determines maintenance of the District's facilities requires suspension of delivery of water at any point or points of connection or at any other location, such delivery may be suspended without liability on the part of the District; provided, except in cases of emergency, advance notice of such suspension of service shall be given in the manner, if any, required by law to the affected customer or customers. The District will attempt to schedule interruptions of service at such times as will provide the least inconvenience to the customer.
- B. The General Manager may order the suspension or termination of water deliveries to any customer when any of the following conditions occur:
 1. When so ordered by health or regulatory authorities having jurisdiction.
 2. When, in the judgment of the General Manager:
 - a. The customer has failed to satisfy all requirements of the Dublin San Ramon Services District Code or has in any way endangered the public health and safety or the safety and integrity of the distribution facilities, or has violated a California Department of Health Services order or operating permit, a Regional Water Quality Control Board order, a recycled water use license, any California Department of Public Health reuse criteria, or any law, regulation, agreement, order, permit, guideline, or standard relative to water; or
 - b. The District is unable to deliver properly and adequately treated potable or recycled water, whether or not due to a shortage; or
 - c. The requirements of the California Department of Public Health, and any amending or superseding provisions related to the quality of potable water or recycled water, are not being met.
 3. If the Regional Water Quality Control Board or other authority changes the requirements for treating or delivering recycled water to a level the District determines it cannot reasonably meet or cannot reasonably meet without costly additional treatment.
- C. Water service shall not be reinstated unless and until the General Manager determines that adequate measures or means have been taken by the user to comply with the Dublin San Ramon Services District Code, prevent recurrence of such endangerment or violation, or of any other such endangerment or violation. Water service shall be reinstated at the customer's expense except when the service or wastewater collection was suspended for the reasons specified in subsection (B)(2)(b) of this section. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.130 Interference with District employees.

It shall be unlawful and a violation of this Code for any person to interfere with, harass, intimidate, or otherwise obstruct any employee, officer or agent of District in lawfully carrying out any duty under, or performing any act pursuant to this Code. [Ord. 329, 2012.]

Chapter 4.20
POTABLE WATER USE REGULATIONS AND PROTECTIVE MEASURES

Sections:

- 4.20.010** **Purpose and policy.**
- 4.20.020** **Provision of potable water service.**
- 4.20.030** **Prohibition of water waste.**
- 4.20.040** **Water emergencies and shortages.**
- 4.20.050** **Water use violations and enforcement.**
- 4.20.060** **Definitions.**

4.20.010 Purpose and policy.

This chapter sets forth uniform requirements, in addition to those set forth in Chapter 4.10 DSRSDC, General Use Regulations and Protective Measures, for the use of water furnished from the District's potable water system. The ~~additional~~ objectives of this chapter ~~is~~are to:

- A. ~~M~~aintain conformance to regulatory requirements regarding potable water use.
- B. Limit use of water furnished by the District to what is reasonable and beneficial under the circumstances, to prevent the waste of water and to promote conservation of potable water.

This chapter shall govern all use of potable water furnished by the District. This chapter provides for monitoring, compliance and enforcement activities resulting from the use of potable water furnished by the District. [Ord. 327, 2010.]

4.20.020 Provision of potable water service.

Water furnished from the District's potable water system is subject to the following provisions in addition to the provisions set forth in DSRSDC 4.10.050, Account required for service, which apply to all water service furnished by the District.

- A. Pursuant to the affirmative vote on Measure K directing the District to initiate fluoridation of the District's potable water supply in the November 5, 1974, general election, and the enactment of District Resolution No. 44-74, the General Manager shall take the necessary steps and means to add sufficient amounts of an approved fluoride compound to all potable water for consumers served by the District, to produce and maintain as far as possible at all times in all parts of the distribution system a level of fluoride acceptable under the federal Safe Drinking Water Act, as amended, pursuant to California Health and Safety Code Section 116430(b)(1).
- B. Analysis and design of potable water distribution systems shall be based upon requirements as determined, on a case-by-case basis if need be, by the fire department(s) or district(s) with jurisdiction over the general area to be served thereby. The District shall undertake to maintain a minimum of 20 psi residual pressure at each hydrant under appropriate conditions as determined by the District Engineer. [Ord. 69, 1969; Ord. 110, 1974; Ord. 118, 1975; Ord. 204, 1986; Ord. 270, 1996; Ord. 273, 1997; Ord. 327, 2010.]

4.20.030 Prohibition of water waste.

The recipients of water delivered by the District shall put the water only to reasonable and beneficial use at all times. No customer or other user of the District's potable water system shall knowingly waste or permit the waste of water including but not limited to:

- A. Waste through leakage of defective or inoperable plumbing, piping, or other water-use equipment.
- B. Landscape irrigation in a manner that causes runoff.
- C. Single-pass cooling systems in new construction.
- D. Non-recirculating systems in a new conveyor car wash and commercial laundry systems.
- E. Non-recycling decorative water features.
- F. Use of water suitable for potable domestic use for non-potable uses, including irrigation of cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, when suitable recycled water is available to an area, for which the District has recycled water purveyor authority.

4.20.040 Water Emergencies

- A. Water Emergency. Pursuant to California Water Code Section 350 and Subsection (C) of this section, the Board of Directors may declare a water shortage emergency following a public hearing. Notwithstanding the foregoing, in the event of a wildfire or a breakage or failure of any dam, pump, pipeline, conduit, or other condition, described in DSRSDC 4.20.060, causing an immediate emergency or water shortage, the General Manager is hereby authorized to declare a water emergency and, if so declared, shall initiate implementation of the appropriate and necessary provisions of the District's emergency response plan and/or Water Shortage Contingency Plan. As soon as possible after such a declaration, the General Manager shall make a full report on the water emergency to the Board. During any such water emergency, the General Manager and his/her designees may take all steps necessary to protect and preserve the District's water system, and to protect the health and safety of District water customers and users, including but not limited to locking out nonessential water services, obtaining and making available temporary water supplies, and temporarily relocating facilities connecting to District water customers and users.
- B. Consistent with the authorities in this section, the District also reserves the right at anytime to allocate its available water supply among its customers in a manner that it determines to be in the public interest in the event a water shortage condition exists for any reason.
 - 1. If the General Manager determines that the quantity of water available at anytime is, or is expected to be, less than the total demand, and such shortage is expected to be of a duration less than 30 calendar days, the General Manager may prescribe and enforce rules governing allocation and use of water.
 - 2. In implementing subsection (B)(1) of this section, the General Manager shall be guided by the following guidelines applicable to the allocation of supply during shortages:
 - a. No service shall be extended to new customers until the Board determines that the shortage no longer exists;
 - b. Service to critical community service facilities, including, without limitation, hospitals and emergency shelters, shall take precedence over service to residential, commercial, institutional, and industrial customers;

- c. Potable water service to residential, commercial, institutional, industrial and non-irrigation customers shall take precedence over service to irrigation customers in accordance with the Water Shortage Contingency Plan adopted by the Board;
- d. Once residential customers are receiving a supply sufficient to meet their minimal health and safety requirements, potable water service to commercial, institutional, and industrial customers (for non-irrigation uses) shall take precedence over other uses of such water;
- e. Service to customers within the District boundaries shall take precedence over service outside the District boundaries.

C. Water Shortage Emergency. The District's Board of Directors is authorized, pursuant to California Water Code Section 350, to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the District will not be able to or cannot satisfy the normal demands and requirements of water consumers without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

1. The Board, by resolution, will declare a water shortage emergency indicating the water shortage stage consistent with the District's Urban Water and Water Shortage Contingency Plan and implement water use regulations and enforcement actions and penalties as generally described in DSRSDC 4.20.030, 4.20.040, and 4.20.050 and as more specifically declared by the resolution and the then-current Water Shortage Contingency Plan. The Board may also adopt water shortage rates per DSRSDC 4.40.030.
2. It shall not be necessary to implement any water shortage stage prior to another; the water shortage stages may be implemented in any reasonable order and shall continue to be in effect until the Board makes a determination to terminate the applicable water shortage stage.
3. A Stage 1 Water Shortage will be declared when the District has determined that the water supply is not sufficient to meet normal demand and a reduction in water use up to 10 percent is required. The customers shall strive to reduce water use by 10 percent and the following regulations on water use shall be applicable.
 - a. Any and all use of potable water in violation of District Code Section 4.20.030.
 - b. Automatic Shut-off valves are required for any washing of hard surfaces, buildings, fences, vehicles or machinery from a hose. Customers shall repair or stop all water leaks within the customers' plumbing system upon discovery or within 24-hours of notification by the District.
 - c. Landscape irrigation during and within 48-hours after measurable rainfall is prohibited.
4. A Stage 2 Water Supply Shortage will be declared when the District has determined a reduction in water use up to 20 percent is required. The following regulations on water use shall be applicable.
 - a. All of the prohibitions and restrictions required under a Stage 1 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Landscape irrigation is limited to occur between the hours of 6:00 p.m. and 9:00 a.m. the following day.
 - c. Potable landscape irrigation shall be limited to no more than three non-consecutive days per week. The Board, by resolution, may set forth

- additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded.
- d. The use of potable water for construction and dust control is prohibited. All potable water construction meters are required to be replaced by recycled water construction meters.
- e. Washing of hard surfaces, buildings, fences, vehicles or use of potable water for washing and/or machinery is prohibited, except for building exteriors and fences for the sole purpose of repainting or making repairs. Pressurized washers are required to be equipped with a quick action shut-off nozzle.
- f. Cleaning of windows using a direct connection to the potable water supply is prohibited.
- g. Lodging establishments must offer to opt-out of daily linen service.
- h. Restaurants, café, cafeteria, or other public places where food is sold, served, or offered for-sale shall only serve water upon request.
- i. Commercial kitchens are required to use pre-rinse spray valves.
5. A Stage 3 Water Supply Shortage will be declared when previous water conservation targets have not been met or when the District has determined a reduction in water use up to up to 30 percent is required. The following regulations on water use shall be applicable.
- a. All of the prohibitions and restrictions required under a Stage 2 Water Supply Shortage shall all be in effect and shall be mandatory.
- b. Potable landscape irrigation shall be limited to no more than two non-consecutive days per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.
- c. Residential customers water use will be limited to a weekly amount as declared by resolution of the District Board to achieve the required conservation target for the shortage.
6. A Stage 4 Water Supply Shortage will be declared when previous water conservation targets have not been met or when the District has determined a reduction in water use up to 40 percent is required. The following regulations on water use shall be applicable.
- a. All of the prohibitions and restrictions required under a Stage 3 Water Supply Shortage shall all be in effect and shall be mandatory.
- b. Potable landscape irrigation shall be limited to no more than one day per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by present irrigation professionals who remain on-site directly observing the system are excluded. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.
- c. The initial filling of the pools, spas, or ponds using potable water is prohibited.

- d. Pools, spas, or ponds are allowed to drain and refill only for health or structural needs.
- e. Pools must be covered when they are not used to prevent evaporation and should be equipped with recirculating pump(s).
- f. Vehicle washing at commercial facilities is limited to washing without direct connection to the water supply or a recirculating water system.
- 7. A Stage 5 Water Supply Shortage will be declared when water conservation targets have not been met or when the District has determined a reduction in water usage up to 50 percent is required.
 - a. All of the prohibitions and restrictions required under a Stage 4 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Use of Potable water for filling or refilling decorative ponds, basins, lakes, waterways, and fountains is prohibited.
 - c. Spray irrigation for new developments or replacement projects is prohibited. District's Board, as declared by resolution, may consider a moratorium or net-zero demand increase on new potable connections.
- 8. A Stage 6 Water Supply Shortage will be declared when water conservation targets have not been met or when the District has determined a reduction in water use greater than 50 percent is required.
 - a. All of the prohibitions and restrictions required under a Stage 5 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. No landscape irrigation is allowed. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.

4.20.050 Water use violations and enforcement.

- A. A District customer who intentionally or unintentionally violates water use regulations of this Chapter will be subject to the following penalties and enforcement provisions, in accordance with DSRSDC 1.30.010.
 - 1. When there is evidence that a customer is using water in a manner that appears likely to lead to a violation of this Chapter, that customer may be issued either an oral or written warning. Notwithstanding the foregoing, a warning is not a prerequisite to the issuance of a Notice of Violation.
 - 2. The water use violation and the assessment of penalty will be communicated to the customer via a written Notice of Violation.
 - 3. For first violations, customers shall be subject to a penalty of \$250.
 - 4. For second violations, customers shall be subject to a penalty of \$500.
 - 5. For third violations, customer shall be subject to a penalty of \$1,000.
 - 6. For fourth and subsequent violations, customer shall be subject to reductions in the amount of water delivered to the customer, as determined by the District, at its sole discretion.
 - a. If feasible and if sufficient to prevent a reoccurrence if the violation, a flow restrictor or other physical limitation shall be installed on the customer's meter connection to limit the water delivered to meet minimum health and safety needs.

- b. If a flow restrictor or other physical limitation is not feasible, as determined by the District at its sole discretion, then the customer's service connection shall be disconnected from the District water system.
- B. The District may also seek damage and/or remedies, including fees or fines and the amount of costs incurred by the District to investigate and correct the violation. Full payment of all outstanding penalties and certification by the customer that the violation has been corrected shall be required before the flow restrictor or other physical limitation will be removed or service restored.
- C. Violations of more than one regulation are separate violations each of which shall be subject to separate and independent enforcement in accordance with the provisions of this Section.
- D. Waiver of Violation. A customer may submit a written application for Waiver of Violation related to water use violations on the District's form to the District's General Manager or designee. The General Manager or designee may grant a waiver of a particular violation if the customer's justification is deemed to be reasonable and if the customer has mitigated the cause of the violation.
1. A customer may appeal a denial of an application for a Waiver of Violation within ten (10) calendar days by submitting a written appeal to the Board of Directors. The Board of Directors shall consider written appeals of a denial of an application for a Waiver of Violation and make the final determination regarding the waiver request at a regular Board of Directors meeting.
- E. Administrative penalties pursuant to this section are to be imposed pursuant to the authority provided in California Government Code section 53069.4, or such additional authority as may later be approved by the Governor pursuant to the California Emergency Services Act or Executive Order, or by action of the California Legislature. The purpose of any administrative penalties assessed pursuant to this section is to assure future compliance by customers through the imposition of increasingly significant fines and penalties so as to create a meaningful disincentive to commit future violations of the rules and regulations contained and referenced herein.
- F. The General Manager is authorized and directed to establish appropriate administrative procedures consistent with the provisions of this Section, and to take reasonable and appropriate action to fully implement the provisions of this Section.

4.20.060 Definitions

"Emergency Response Plan" means the emergency response plan, as amended from time to time and approved by the General Manager for implementation, required pursuant to the "California Emergency Services Act," codified as Chapter 7, California Emergency Services Act, of Division 1, General, of Title 2, Government of the State of California, of the Government Code, beginning with Section 8550.

"Water Emergency" means that, as declared by the General Manager, a specific identifiable discrete event or sudden unexpected occurrence, including without limitation a storm, flood, fire, or an unexpected equipment outage, the failure of a dam, levee, treatment plant, pump, pipeline or other conduit, or a catastrophic event, including, but not limited to, a regional power outage, an earthquake, or other disaster, has occurred that causes a disruption, or creates an imminent threat of disruption, in the water supply to all or a group of District water customers and users.

“Water Shortage Contingency Plan” means the planning document, as amended from time to time and adopted by the Board, setting forth an urban water shortage contingency analysis comprising a required component of the urban water management plan as specified in the “Urban Water Management Planning Act,” codified as Part 2.6, Urban Water Management Planning, of Division 6, Conservation, Development, and Utilization of State Water Resources, in the Water Code, beginning with Section 10620. The water shortage contingency plan is comprised of analysis required to be included in the urban water management plan adopted by the Board from time to time. [Ord. 329, 2012. Prior legislation: Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]

ORDINANCE NO. _____

AN ORDINANCE OF DUBLIN SAN RAMON SERVICES DISTRICT AMENDING SECTIONS 4.10.010, 4.10.020, 4.10.030, 4.20.010 OF THE DISTRICT CODE AND ADDING SECTIONS 4.20.030, 4.20.040, 4.20.050, 4.20.060 TO THE DISTRICT CODE TO UPDATE WATER EMERGENCY AND WATER SHORTAGE EMERGENCY PROVISIONS

WHEREAS, on June 15, 2021, the Board adopted the District's 2020 Urban Water Management Plan and Water Shortage Contingency Plan (WSCP) defining six water shortage stages ranging from 10 percent to over 50 percent shortages conforming with the state's required stages and providing appropriate District shortage response actions at each stage; and

WHEREAS, the Board wishes to update the District Code for consistency with the adopted Water Shortage Contingency Plan water shortage stages and provide more detail on the water use restrictions at each water shortage stage; and

WHEREAS, the Water Shortage Contingency Plan water shortage stages provided for herein shall supersede any conflicting provisions previously approved by any prior ordinance, resolution, or other action of the Board of Directors; and

WHEREAS, the addition of Sections 4.20.030, 4.20.040, 4.20.050, 4.20.060 to District Code Chapter 4.20, and related revisions to Chapter 4.10, allows for information related to water emergencies and water shortage emergencies to be segregated into individual sections making it easier to locate and more transparent to the public.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Dublin San Ramon Services District as follows:

1. Chapter 4.10 of the District Code, entitled "General Use Regulations and Protective Measures," is hereby amended as provided for in Exhibit "A," which is attached hereto and incorporated herein as if fully set forth. Notwithstanding the preceding sentence, wherever a provision of the new Chapter 4.10 is substantially the same as the previous version of Chapter 4.10, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

2. Chapter 4.20 of the District Code, entitled "Potable Water General Use Regulations and Protective Measures," is hereby amended as provided for in Exhibit "B," which is attached hereto and incorporated herein as if fully set forth. Notwithstanding the preceding sentence, wherever a provision of the new Chapter 4.20 is substantially the same as the previous version of Chapter 4.20, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

Ord. No. _____

3. The General Manager, or the person or persons to whom such task may from time to time be delegated, is further authorized and directed to make further non-substantive administrative changes for publishing the District Code, as approved by District General Counsel, to Chapters 4.10 and 4.20, as respectively set forth in Exhibit "A" and Exhibit "B" (including revisions in formatting as may be suggested by the publisher) for consistency and ease of reference within sixty (60) days from date of adoption.

4. This Ordinance shall become effective and operative thirty (30) days after its adoption.

5. Except as may be otherwise provided for in Section 1 and 2 herein and upon this Ordinance becoming effective and operative, this Ordinance, and the water shortage stages described in Exhibit "A" and Exhibit "B" shall supersede in full all previously approved water shortage states, and actions described therein, previously approved by any prior ordinance, resolution, or other action of the Board of Directors.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 21st of September, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary

Chapter 4.10
GENERAL USE REGULATIONS AND PROTECTIVE MEASURES

Sections:

- 4.10.010** Definitions.
- 4.10.020** Purpose and policy.
- 4.10.030** Regulation of water usage.
- 4.10.040** Provision of water service.
- 4.10.050** Account required for service.
- 4.10.060** Point of delivery – Responsibility for handling and risk of loss.
- 4.10.070** Ownership of and access to mains, water meters and service lines.
- 4.10.080** Damage to District facilities or property.
- 4.10.090** Prohibition of cross-connections – Backflow prevention.
- 4.10.100** Obstruction of water facilities prohibited.
- 4.10.110** State laws.
- 4.10.120** Suspension or termination of deliveries.
- 4.10.130** Interference with District employees.

4.10.010 Definitions.

In the construction of this title, the general definitions set forth in DSRSDC 1.20.080, Definitions, shall apply except where contrary definitions are set forth in this chapter or as otherwise stated in DSRSDC 1.20.080, Definitions. The following definitions shall apply to this title, unless such definitions would be inconsistent with the manifest intent of the Board of Directors or the context clearly requires otherwise.

“Alameda County Environmental Management Department (Alameda County EMD)” refers to the local health protection agency for most areas of Alameda County.

“Approved backflow prevention device” means a device that has been approved by the California Department of Health Services and is on the District’s current list of approved backflow prevention devices.

“Approved backflow prevention device tester” means a tester who possesses a current and valid American Water Works Association (AWWA) certificate as a general backflow prevention device tester.

“Approved use” means an application of recycled water in a manner, and for a purpose, designated in a recycled water use license issued by the District and in compliance with all applicable regulatory agency requirements.

“Back pressure” means the flow of water or other liquid, mixture or substances under pressure into the District’s potable water distribution system caused by a higher pressure in the customer’s facilities relative to the pressure in the District’s facilities.

“Back siphonage” means the flow of water or other liquid, mixture or substances from the customer’s facilities into the District’s water distribution system, caused by a sudden pressure drop in the District’s facilities.

“Contra Costa County Environmental Management Department (Contra Costa County EMD)” refers to the local health protection agency for most areas of Contra Costa County.

“Greenbelt areas” means the area that includes, but is not limited to, golf courses, cemeteries, parks, and landscaping.

“Normal supply conditions” means that District water supplies are adequate or more than adequate to meet the ordinary demands and requirements of District’s water customers and users for that year and for a reasonable planning time horizon.

“On-site supervisor” means the customer’s representative, who is available to the District at all times, has the authority to carry out any requirements of the District, and is responsible for the installation, operation and maintenance of the recycled and potable water systems. The on-site supervisor is also responsible for prevention of potential hazards.

“Recycled water use license” means a license issued by the District to the customer, which outlines monitoring, self-inspection, reporting, and site-specific requirements, as required by the California Regional Water Quality Control Board. This license allows the customer to use recycled water in accordance with the Dublin San Ramon Services District Code, standards, ordinances, policies, guidelines and all applicable regulatory agency requirements.

“Secondary effluent” means treated wastewater that meets the requirements of the District NPDES discharge permit governing wastewater disposal, as it may be amended from time to time.

“State of California Department of Public Health (state DPH)” refers to the State of California Department of Public Health, Division of Drinking Water and Environmental Management – San Francisco District.

4.10.020 Purpose and policy.

This title sets forth uniform requirements for the use of water, potable and recycled, furnished by the District. The objectives of this title are to:

- A. Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety, or detrimental to the environment, from developing from or in connection with the distribution of water.
- B. Prevent the introduction of contaminants into the District’s water system.
- C. Maintain conformance to regulatory requirements regarding water use.
- D. Provide for fees that equitably distribute the cost of operation, maintenance, and improvement of the District’s water system to those who benefit.

This chapter shall govern the use of all water furnished by the District and shall apply to all users thereof. The District may establish classes of service and may change such classifications as circumstances warrant, in the District’s sole discretion. This chapter provides for monitoring, compliance and enforcement activities resulting from or in connection with the use of water furnished by the District; and provides for the setting of rates, charges and fees for the equitable distribution of costs resulting from the District’s water system. [Ord. 329, 2012. Prior legislation: Ord. 298, 2003; Ord. 327, 2010.]

4.10.030 Regulation of water usage.

- A. All water furnished by the District or used within the water service area of the District shall be subject to the regulations set forth in this title, in this chapter, and other provisions of this code

from time to time in effect except those that are determined by the General Manager to be inapplicable. By applying for or receiving water service from the District, each user of water furnished by the District covenants and agrees to comply with and to be bound by such regulations.

- B. The District Engineer and the officers and agents of the District shall have unrestricted access at reasonable hours to all premises to which the District provides services to inspect water facilities, meters or other measuring apparatus, and to see that the rules and regulations of the District regarding the installation of water facilities, the taking and use of water are being observed.
- C. No person, except one authorized by the District, shall turn on or turn off the water at any connection or open or close any gate valve or other device for regulating the flow measurement of water on the water mains or other District facilities.
- D. No customer or other user of the District's water system shall use, or permit the use of, water for service to or upon any land other than that described in, and permitted under, the application made by the customer or user for water service. In addition, the use of the water connection is limited to the units covered by the water service application. Continued use of water in violation of this section after notice given in the manner, if any, required by law to the customer may result in discontinuance of water service.
- E. Except as provided in DSRSDC 4.40.160, Submetering for tenants, no customer within the District boundaries may enter into a contract to resell any water purchased from the District without the special permission of the Board, and, except as provided in DSRSDC 4.40.160, Submetering for tenants, the price of any water to be sold shall be at no more than the rate for such service fixed by the Board. The District shall have the right but not the duty to audit the records of anyone reselling water purchased from the District. No customer outside of the District will be permitted to resell water purchased from the District under any condition. Continued sales of water after service of notice by registered mail to the customer may result in discontinuance of water service.

4.10.040 Provision of water service.

- A. Service Delivery. The District shall undertake to deliver a continuous and sufficient supply of water of suitable quality within a pressure range sufficient for its efficient utilization by its customers. By accepting water service from the District, water customers are deemed to have accepted all conditions of water quality, pressure, and flow. The District makes no warranty, express or implied, about any aspect of such service and shall not be liable for interruptions in supply or variations in water quality or pressure. To the extent practical, the District shall undertake to give advance notice of such interruptions or variations. The District reserves the right at any time to shut off delivery for the purpose of maintaining, repairing, altering, or changing the size of its facilities.
- B. Water Pressure. The District Engineer shall from time to time establish water pressure ranges for all customers, and the District shall undertake to furnish water within the range thus established. In accepting water, water customers are deemed to have accepted all conditions of pressure and flow. In circumstances where, as solely and conclusively determined by the District Engineer, it is not reasonably feasible to provide service within the pressure range as thus determined, the District may furnish water service on the additional terms and conditions described in the following sentence. To obtain water service in such circumstances, each customer shall install and maintain, at his or her sole expense, a pump or other pressure-adjusting device and such other facilities sufficient to maintain pressure within an acceptable

pressure range at each intended point of use, and shall present to the District appropriate evidence of the installation.

- C. **Water Meter Reading.** Water meters shall be read by the District on a regular basis, usually bimonthly. Special meter readings may be taken because of change of customer, changes of water meter or water meter size, or at other times as determined necessary by the District. The District shall estimate the quantity of water used in whatever manner it considers most appropriate if a water meter cannot be read or in the event that a water meter has not registered or has registered incorrectly.
- D. **Water Meter Testing.**
 - 1. **Testing Initiated by Customer.** Any customer may request that the water meter be examined and tested by the District for the purpose of ascertaining whether it is registering correctly, if the customer believes the water meter is over-registering the amount of water being delivered. The procedures therefor shall be as established by the District. Cost of testing and adjustment of charges for water meters shall be in accordance with DSRSDC 4.40.170, Meter testing – Charges.
 - 2. **Testing Initiated by District.** The water meter may be examined and tested by the District for the purpose of ascertaining whether or not it is registering correctly. The procedures therefor shall be as established by the District. Cost of testing and adjustment of charges for water meters shall be in accordance with DSRSDC 4.40.170, Meter testing – Charges. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.050 Account required for service.

- A. **Need for an Account.** Except as provided in DSRSDC 4.30.070, Sale of recycled water at recycled water treatment facilities, the District shall furnish water only to a customer who has a current account, including a current address and the name of the person responsible for making payments on the account.
- B. **Requests for Water Service.** Approval of an application for service in accordance with Chapter 3.40 DSRSDC, Application for Services, is required to initiate service for the first time to a particular parcel. Requests for water service to parcels that have previously received water service shall be made during the District office’s regular posted business hours. In case of an emergency (as determined by the District), the District shall accept requests during nonregular business hours.
- C. **Need for Water Meter.** Water service will be provided only through a water meter assigned to a particular account. A water meter may be moved by the District at the request of a customer from one location to another on the property, upon payment of the cost of a new meter assembly fee in accordance with DSRSDC 3.70.060, Meter assembly installation fee – Water, plus a labor and materials charge for reinstallation of the meter assembly in the new location.
- D. **Reinstatement.** If the District, for any reason authorized by this code or by applicable law, terminates water service, service shall not be reestablished until all charges described in Chapter 4.40 DSRSDC, Rates and Charges, have been paid for services rendered by the District with respect to the premises for which service has been terminated.
- E. **Liability of Owner and Tenant.** An owner, tenant, or other user of property with respect to which such charges are delinquent are jointly and severally liable for payment to the fullest extent permitted by law. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 148, 1979; Ord. 212, 1987; Ord. 238, 1991; Ord. 239, 1991; Ord. 247, 1992; Ord. 273, 1997; Ord. 299, 2003; Ord. 327, 2010.]

4.10.060 Point of delivery – Responsibility for handling and risk of loss.

- A. The point of delivery of water delivered by the District shall, except as set forth in the next sentence, be the discharge side of the District’s water meter, or at the point of connection of a fire service line to the District’s water main. The District Engineer shall determine, in his or her discretion, the point of delivery of water that does not pass through a water meter.
- B. The District is responsible for the handling and transmission of water up to the designated point of delivery of water to the customer. Each customer shall bear the risk of loss, and shall be responsible for the carriage, control, handling, storage, distribution and use of all water furnished by the District from and beyond the point of delivery.
- C. By applying for or receiving water service from the District, each customer served by the District shall hold the District harmless from any damage suffered by the District and shall indemnify the District from liability or claim of liability for property damage or personal injury, including death, resulting from the carriage, control, handling, storage, distribution or use of water after it passes the point of delivery.
- D. By applying for or receiving water service from the District, each customer served by the District agrees that the District and its officers, agents, or employees shall not be liable for damages resulting from the control, carriage, handling, use, disposal, or distribution of water supplied by the District to a customer, after such water has been delivered to the point of connection of such customer, or in the case of delivery to customers who are water purveyors or truck haulers, after such water has left the District’s distribution facilities. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.070 Ownership of and access to mains, water meters and service lines.

- A. The District retains the ownership of water mains, water meters, and connecting service lines on the “upstream” (street) side of the water meter. The customer owns, operates, and maintains all water piping and appurtenances on the customer side of the water meter, including backflow prevention device, pressure-regulating valve, and shut-off valve. For services to fire sprinkler systems, the customer owns water piping from the point of connection of the fire service at the water main, downstream of the isolation valve, to the building structure. No additional charge will be made upon change of ownership of the property unless the character of the service is changed.
- B. A fire hydrant on a District main is the property of the District. The cost of installation or removal is the responsibility of the property owner who requests such installation or removal, except by prior specific agreement with the District.
- C. The District shall provide a shut-off valve on the District’s side of the water meter. The property owner shall install, for his ordinary usage and at his own expense, a shut-off valve and/or a pressure-regulating valve on the property side of the water meter. The property owner’s shut-off valve and/or pressure-regulating valve shall not be installed within the District’s meter box.
- D. The General Manager and other officers, employees, and agents of the District shall have unrestricted access to all District facilities described in this section, and to premises to which water service is supplied by the District, and may periodically inspect the supply system, water meters or other measuring apparatus to see that the rules and regulations of the District regarding the taking, use or waste of water are being observed. General penalties and other provisions for enforcement of violations of the Dublin San Ramon Services District Code are set forth in Chapter 1.30 DSRSDC, Enforcement.
- E. Operation and inspection of all of the District facilities, up to and including the water meter, shall be under the management and control of the District. No persons except authorized employees, agents, or contractors of the District shall have the right to enter upon, inspect,

operate, adjust, change, alter, move, or re-locate any portion of the District facilities or any of the District's property.

- F. The District is the sole owner of the District facilities, and of equipment, supplies, warranties, rights-of-way, encroachment permits, and licenses that are acquired therefor. Water meters shall be owned by the District. All facilities on the customer side of the point of connection to the water meter shall be owned, operated, and maintained by the water customer. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 90, 1971; Ord. 118, 1975; Ord. 129, 1977; Ord. 273, 1997; Ord. 327, 2010.]

4.10.080 Damage to District facilities or property.

- A. No user of water from the District's water system shall create conditions that result in damage to or reduced life of the District's distribution facilities, or impairment of water quality in the District's system. Customers or other users of water from the District's water system shall reimburse the District for costs of repair to the District facilities and other damages resulting from the operations or other activities of the customer.
- B. It shall be unlawful and a violation of this Code for any person to tamper with, alter, destroy, or otherwise render inoperative any flow restricting device, service valve, meter, hydrant, or any other water system facility, equipment or device installed, operated or maintained by District. Any damage occurring to a water meter or other appliances, including without limitation flow restricting device, service valve, hydrant, or any other water system facility, equipment or device, pipes or any other property of the District caused directly or indirectly by lack of due care by the customer is the sole responsibility of the customer, who must pay for the damage on presentation of a bill.
- C. Before beginning planting operations or construction work, the owner or his or her agent shall ascertain from the District Engineer the location of mains, structures, and other facilities belonging to the District. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.090 Prohibition of cross-connections – Backflow prevention.

- A. A cross-connection, or any type of connection which permits a back pressure or back siphonage from an outside source into the District's mains, is prohibited. A connection between recycled water and potable water lines is prohibited. If both recycled water and potable water lines are present at the customer's facilities, the customer shall install a backflow prevention device on the customer's potable water system. The District may require the customer to install a backflow prevention device approved by the District on the customer's side of the pertinent water meter(s), at the expense of the customer. The General Manager may reduce or suspend deliveries to any customer or other user of water if the General Manager determines that the customer or other user of water has failed to install and appropriately maintain required devices to protect the District's facilities, and that a substantial risk of damage exists, whether or not the customer's failure was willful or negligent.
- B. A District water connection to a source of possible cross-connection or contamination from back pressure or back siphonage shall be provided with an approved backflow prevention device. The type of device required shall be as specified in the District's most current Standard Procedures, Specifications and Drawings, and an approved certified backflow testing organization recognized and accredited by the California Department of Public Health pursuant to Health and Safety Code, Division 1, Part 2, Chapter 7.5, Section 1010 et seq.

- C. The approved backflow prevention device shall be installed in conformance with the installation requirements contained in the District's most current Standard Procedures, Specifications and Drawings, and in a location accessible at all times to District personnel for inspection.
- D. The costs of the approved backflow prevention device, its maintenance and inspection are the responsibility of the customer. Testing of the device must be performed by an approved backflow prevention device tester, who is on the District's current list of approved testers.
- E. In a case where the water supply to a customer cannot be interrupted for backflow prevention device testing and maintenance, the District may require the customer to supply two backflow prevention devices of the same design and type in parallel.
- F. A previously installed device which does not conform to current standards may remain in operation until such time as it requires replacement, any incidents of backflow have occurred, any changes are to be made to the premises it serves, or any change in use of the premises occurs. Should any one of the aforementioned events occur, the previously installed device shall be replaced with a current approved device. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]

4.10.100 Obstruction of water facilities prohibited.

No person shall place upon or about any District valve box, manhole, blowoff, air relief valve, water meter, meter box or vault, or any distribution or delivery facilities or appurtenances, any object, materials, debris, landscaping, planting or structure of any kind so as to prevent free access to said items, facilities, or appurtenances at all times. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.110 State laws.

For the protection of public water supplies, many offenses are, by state law, made misdemeanors for which the offender may be criminally prosecuted. These include, but are not necessarily limited to: Section 374.7, Penal Code: Littering or dumping waste matter into any reservoir or other body of water. Section 498, Penal Code: Diverting utility services, preventing a water meter from accurately measuring, tampering with District property, making an unauthorized connection or receiving water service through one of the preceding acts.

Section 592, Penal Code: Stealing water, taking water without authority or by making unauthorized connections.

Section 607, Penal Code: Injuring tanks, flumes, reservoirs, etc.

Section 624, Penal Code: Breaking, cutting or obstructing pipes, etc.

Section 625, Penal Code: Taking water after works have been closed or meter sealed.

Section 117000, Health and Safety Code: Fouling or polluting ponds and reservoirs.

In addition, the District may, under Sections 1882 through 1882.6 of the Civil Code, file suit in civil court to enjoin those who divert utility services, make an unauthorized reconnection, tamper with District property, or receive water service through one of the preceding activities, and/or to recover three times the amount of actual damages, plus the cost of the suit and reasonable attorney's fees. [Ord. 329, 2012. Prior legislation: Ord. 69, 1969; Ord. 118, 1975; Ord. 273, 1997; Ord. 327, 2010.]

4.10.120 Suspension or termination of deliveries.

- A. Whenever the General Manager determines maintenance of the District's facilities requires suspension of delivery of water at any point or points of connection or at any other location, such delivery may be suspended without liability on the part of the District; provided, except in cases of emergency, advance notice of such suspension of service shall be given in the manner, if any, required by law to the affected customer or customers. The District will attempt to

schedule interruptions of service at such times as will provide the least inconvenience to the customer.

- B. The General Manager may order the suspension or termination of water deliveries to any customer when any of the following conditions occur:
 - 1. When so ordered by health or regulatory authorities having jurisdiction.
 - 2. When, in the judgment of the General Manager:
 - a. The customer has failed to satisfy all requirements of the Dublin San Ramon Services District Code or has in any way endangered the public health and safety or the safety and integrity of the distribution facilities, or has violated a California Department of Health Services order or operating permit, a Regional Water Quality Control Board order, a recycled water use license, any California Department of Public Health reuse criteria, or any law, regulation, agreement, order, permit, guideline, or standard relative to water; or
 - b. The District is unable to deliver properly and adequately treated potable or recycled water, whether or not due to a shortage; or
 - c. The requirements of the California Department of Public Health, and any amending or superseding provisions related to the quality of potable water or recycled water, are not being met.
 - 3. If the Regional Water Quality Control Board or other authority changes the requirements for treating or delivering recycled water to a level the District determines it cannot reasonably meet or cannot reasonably meet without costly additional treatment.
- C. Water service shall not be reinstated unless and until the General Manager determines that adequate measures or means have been taken by the user to comply with the Dublin San Ramon Services District Code, prevent recurrence of such endangerment or violation, or of any other such endangerment or violation. Water service shall be reinstated at the customer's expense except when the service or wastewater collection was suspended for the reasons specified in subsection (B)(2)(b) of this section. [Ord. 329, 2012. Prior legislation: Ord. 327, 2010.]

4.10.130 Interference with District employees.

It shall be unlawful and a violation of this Code for any person to interfere with, harass, intimidate, or otherwise obstruct any employee, officer or agent of District in lawfully carrying out any duty under, or performing any act pursuant to this Code. [Ord. 329, 2012.]

Chapter 4.20
POTABLE WATER USE REGULATIONS AND PROTECTIVE MEASURES

Sections:

- 4.20.010** Purpose and policy.
4.20.020 Provision of potable water service.
4.20.030 Prohibition of water waste.
4.20.040 Water emergencies and shortages.
4.20.050 Water use violations and enforcement.
4.20.060 Definitions.

4.20.010 Purpose and policy.

This chapter sets forth uniform requirements, in addition to those set forth in Chapter 4.10 DSRSDC, General Use Regulations and Protective Measures, for the use of water furnished from the District's potable water system. The objectives of this chapter are to:

- A. Maintain conformance to regulatory requirements regarding potable water use.
- B. Limit use of water furnished by the District to what is reasonable and beneficial under the circumstances, to prevent the waste of water and to promote conservation of potable water.

This chapter shall govern all use of potable water furnished by the District. This chapter provides for monitoring, compliance and enforcement activities resulting from the use of potable water furnished by the District. [Ord. 327, 2010.]

4.20.020 Provision of potable water service.

Water furnished from the District's potable water system is subject to the following provisions in addition to the provisions set forth in DSRSDC 4.10.050, Account required for service, which apply to all water service furnished by the District.

- A. Pursuant to the affirmative vote on Measure K directing the District to initiate fluoridation of the District's potable water supply in the November 5, 1974, general election, and the enactment of District Resolution No. 44-74, the General Manager shall take the necessary steps and means to add sufficient amounts of an approved fluoride compound to all potable water for consumers served by the District, to produce and maintain as far as possible at all times in all parts of the distribution system a level of fluoride acceptable under the federal Safe Drinking Water Act, as amended, pursuant to California Health and Safety Code Section 116430(b)(1).
- B. Analysis and design of potable water distribution systems shall be based upon requirements as determined, on a case-by-case basis if need be, by the fire department(s) or district(s) with jurisdiction over the general area to be served thereby. The District shall undertake to maintain a minimum of 20 psi residual pressure at each hydrant under appropriate conditions as determined by the District Engineer. [Ord. 69, 1969; Ord. 110, 1974; Ord. 118, 1975; Ord. 204, 1986; Ord. 270, 1996; Ord. 273, 1997; Ord. 327, 2010.]

4.20.030 Prohibition of water waste.

The recipients of water delivered by the District shall put the water only to reasonable and beneficial use at all times. No customer or other user of the District's potable water system shall knowingly waste or permit the waste of water including but not limited to:

- A. Waste through leakage of defective or inoperable plumbing, piping, or other water-use equipment.
- B. Landscape irrigation in a manner that causes runoff.
- C. Single-pass cooling systems in new construction.
- D. Non-recirculating systems in a new conveyor car wash and commercial laundry systems.
- E. Non-recycling decorative water features.
- F. Use of water suitable for potable domestic use for non-potable uses, including irrigation of cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, when suitable recycled water is available to an area, for which the District has recycled water purveyor authority.

4.20.040 Water Emergencies

- A. Water Emergency. Pursuant to California Water Code Section 350 and Subsection (C) of this section, the Board of Directors may declare a water shortage emergency following a public hearing. Notwithstanding the foregoing, in the event of a wildfire or a breakage or failure of any dam, pump, pipeline, conduit, or other condition, described in DSRSDC 4.20.060, causing an immediate emergency or water shortage, the General Manager is hereby authorized to declare a water emergency and, if so declared, shall initiate implementation of the appropriate and necessary provisions of the District's emergency response plan and/or Water Shortage Contingency Plan. As soon as possible after such a declaration, the General Manager shall make a full report on the water emergency to the Board. During any such water emergency, the General Manager and his/her designees may take all steps necessary to protect and preserve the District's water system, and to protect the health and safety of District water customers and users, including but not limited to locking out nonessential water services, obtaining and making available temporary water supplies, and temporarily relocating facilities connecting to District water customers and users.
- B. Consistent with the authorities in this section, the District also reserves the right at anytime to allocate its available water supply among its customers in a manner that it determines to be in the public interest in the event a water shortage condition exists for any reason.
 - 1. If the General Manager determines that the quantity of water available at anytime is, or is expected to be, less than the total demand, and such shortage is expected to be of a duration less than 30 calendar days, the General Manager may prescribe and enforce rules governing allocation and use of water.
 - 2. In implementing subsection (B)(1) of this section, the General Manager shall be guided by the following guidelines applicable to the allocation of supply during shortages:
 - a. No service shall be extended to new customers until the Board determines that the shortage no longer exists;
 - b. Service to critical community service facilities, including, without limitation, hospitals and emergency shelters, shall take precedence over service to residential, commercial, institutional, and industrial customers;

- c. Potable water service to residential, commercial, institutional, industrial and non-irrigation customers shall take precedence over service to irrigation customers in accordance with the Water Shortage Contingency Plan adopted by the Board;
- d. Once residential customers are receiving a supply sufficient to meet their minimal health and safety requirements, potable water service to commercial, institutional, and industrial customers (for non-irrigation uses) shall take precedence over other uses of such water;
- e. Service to customers within the District boundaries shall take precedence over service outside the District boundaries.

C. Water Shortage Emergency. The District's Board of Directors is authorized, pursuant to California Water Code Section 350, to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the District will not be able to or cannot satisfy the normal demands and requirements of water consumers without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

- 1. The Board, by resolution, will declare a water shortage emergency indicating the water shortage stage consistent with the District's Urban Water and Water Shortage Contingency Plan and implement water use regulations and enforcement actions and penalties as generally described in DSRSDC 4.20.030, 4.20.040, and 4.20.050 and as more specifically declared by the resolution and the then-current Water Shortage Contingency Plan. The Board may also adopt water shortage rates per DSRSDC 4.40.020.
- 2. It shall not be necessary to implement any water shortage stage prior to another; the water shortage stages may be implemented in any reasonable order and shall continue to be in effect until the Board makes a determination to terminate the applicable water shortage stage.
- 3. A Stage 1 Water Shortage will be declared when the District has determined that the water supply is not sufficient to meet normal demand and a reduction in water use up to 10 percent is required. The customers shall strive to reduce water use by 10 percent and the following regulations on water use shall be applicable.
 - a. Any and all use of potable water in violation of District Code Section 4.20.030.
 - b. Automatic Shut-off valves are required for any washing of hard surfaces, buildings, fences, vehicles or machinery from a hose. Customers shall repair or stop all water leaks within the customers' plumbing system upon discovery or within 24-hours of notification by the District.
 - c. Landscape irrigation during and within 48-hours after measurable rainfall is prohibited.
- 4. A Stage 2 Water Supply Shortage will be declared when the District has determined a reduction in water use up to 20 percent is required. The following regulations on water use shall be applicable.
 - a. All of the prohibitions and restrictions required under a Stage 1 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Landscape irrigation is limited to occur between the hours of 6:00 p.m. and 9:00 a.m. the following day.

- c. Potable landscape irrigation shall be limited to no more than three non-consecutive days per week. The Board, by resolution, may set forth additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded.
 - d. The use of potable water for construction and dust control is prohibited. All potable water construction meters are required to be replaced by recycled water construction meters.
 - e. Washing of hard surfaces, buildings, fences, vehicles or use of potable water for washing and/or machinery is prohibited, except for building exteriors and fences for the sole purpose of repainting or making repairs. Pressurized washers are required to be equipped with a quick action shut-off nozzle.
 - f. Cleaning of windows using a direct connection to the potable water supply is prohibited.
 - g. Lodging establishments must offer to opt-out of daily linen service.
 - h. Restaurants, cafés, cafeterias, or other public places where food is sold, served, or offered for-sale shall only serve water upon request.
 - i. Commercial kitchens are required to use pre-rinse spray valves.
5. A Stage 3 Water Supply Shortage will be declared when previous water conservation targets have not been met or when the District has determined a reduction in water use up to up to 30 percent is required. The following regulations on water use shall be applicable.
- a. All of the prohibitions and restrictions required under a Stage 2 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Potable landscape irrigation shall be limited to no more than two non-consecutive days per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.
 - c. Residential customers water use will be limited to a weekly amount as declared by resolution of the District Board to achieve the required conservation target for the shortage.
6. A Stage 4 Water Supply Shortage will be declared when previous water conservation targets have not been met or when the District has determined a reduction in water use up to 40 percent is required. The following regulations on water use shall be applicable.
- a. All of the prohibitions and restrictions required under a Stage 3 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Potable landscape irrigation shall be limited to no more than one day per week. The Board, by resolution, may set forth an additional limitations on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by present irrigation professionals who remain on-site directly observing the system are excluded. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during

- non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.
 - c. The initial filling of the pools, spas, or ponds using potable water is prohibited.
 - d. Pools, spas, or ponds are allowed to drain and refill only for health or structural needs.
 - e. Pools must be covered when they are not used to prevent evaporation and should be equipped with recirculating pump(s).
 - f. Vehicle washing at commercial facilities is limited to washing without direct connection to the water supply or a recirculating water system.
- 7. A Stage 5 Water Supply Shortage will be declared when water conservation targets have not been met or when the District has determined a reduction in water usage up to 50 percent is required.
 - a. All of the prohibitions and restrictions required under a Stage 4 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. Use of Potable water for filling or refilling decorative ponds, basins, lakes, waterways, and fountains is prohibited.
 - c. Spray irrigation for new developments or replacement projects is prohibited. District's Board, as declared by resolution, may consider a moratorium or net-zero demand increase on new potable connections.
- 8. A Stage 6 Water Supply Shortage will be declared when water conservation targets have not been met or when the District has determined a reduction in water use greater than 50 percent is required.
 - a. All of the prohibitions and restrictions required under a Stage 5 Water Supply Shortage shall all be in effect and shall be mandatory.
 - b. No landscape irrigation is allowed. Golf courses, sport fields, and other water-dependent industries shall work with District to identify water use for sensitive areas during non-daylight hours and only to the extent necessary to maintain minimum levels of biological viability.

4.20.050 Water use violations and enforcement.

- A. A District customer who intentionally or unintentionally violates water use regulations of this Chapter will be subject to the following penalties and enforcement provisions, in accordance with DSRSDC 1.30.010.
 - 1. When there is evidence that a customer is using water in a manner that appears likely to lead to a violation of this Chapter, that customer may be issued either an oral or written warning. Notwithstanding the foregoing, a warning is not a prerequisite to the issuance of a Notice of Violation.
 - 2. The water use violation and the assessment of penalty will be communicated to the customer via a written Notice of Violation.
 - 3. For first violations, customers shall be subject to a penalty of \$250.
 - 4. For second violations, customers shall be subject to a penalty of \$500.
 - 5. For third violations, customer shall be subject to a penalty of \$1,000.

6. For fourth and subsequent violations, customer shall be subject to reductions in the amount of water delivered to the customer, as determined by the District, at its sole discretion.
 - a. If feasible and if sufficient to prevent a reoccurrence if the violation, a flow restrictor or other physical limitation shall be installed on the customer's meter connection to limit the water delivered to meet minimum health and safety needs.
 - b. If a flow restrictor or other physical limitation is not feasible, as determined by the District at its sole discretion, then the customer's service connection shall be disconnected from the District water system.
- B. The District may also seek damage and/or remedies, including fees or fines and the amount of costs incurred by the District to investigate and correct the violation. Full payment of all outstanding penalties and certification by the customer that the violation has been corrected shall be required before the flow restrictor or other physical limitation will be removed or service restored.
- C. Violations of more than one regulation are separate violations each of which shall be subject to separate and independent enforcement in accordance with the provisions of this Section.
- D. Waiver of Violation. A customer may submit a written application for Waiver of Violation related to water use violations on the District's form to the District's General Manager or designee. The General Manager or designee may grant a waiver of a particular violation if the customer's justification is deemed to be reasonable and if the customer has mitigated the cause of the violation.
 1. A customer may appeal a denial of an application for a Waiver of Violation within ten (10) calendar days by submitting a written appeal to the Board of Directors. The Board of Directors shall consider written appeals of a denial of an application for a Waiver of Violation and make the final determination regarding the waiver request at a regular Board of Directors meeting.
- E. Administrative penalties pursuant to this section are to be imposed pursuant to the authority provided in California Government Code section 53069.4, or such additional authority as may later be approved by the Governor pursuant to the California Emergency Services Act or Executive Order, or by action of the California Legislature. The purpose of any administrative penalties assessed pursuant to this section is to assure future compliance by customers through the imposition of increasingly significant fines and penalties so as to create a meaningful disincentive to commit future violations of the rules and regulations contained and referenced herein.
- F. The General Manager is authorized and directed to establish appropriate administrative procedures consistent with the provisions of this Section, and to take reasonable and appropriate action to fully implement the provisions of this Section.

4.20.060 Definitions

"Emergency Response Plan" means the emergency response plan, as amended from time to time and approved by the General Manager for implementation, required pursuant to the "California Emergency Services Act," codified as Chapter 7, California Emergency Services Act, of Division 1, General, of Title 2, Government of the State of California, of the Government Code, beginning with Section 8550.

“Water Emergency” means that, as declared by the General Manager, a specific identifiable discrete event or sudden unexpected occurrence, including without limitation a storm, flood, fire, or an unexpected equipment outage, the failure of a dam, levee, treatment plant, pump, pipeline or other conduit, or a catastrophic event, including, but not limited to, a regional power outage, an earthquake, or other disaster, has occurred that causes a disruption, or creates an imminent threat of disruption, in the water supply to all or a group of District water customers and users.

“Water Shortage Contingency Plan” means the planning document, as amended from time to time and adopted by the Board, setting forth an urban water shortage contingency analysis comprising a required component of the urban water management plan as specified in the “Urban Water Management Planning Act,” codified as Part 2.6, Urban Water Management Planning, of Division 6, Conservation, Development, and Utilization of State Water Resources, in the Water Code, beginning with Section 10620. The water shortage contingency plan is comprised of analysis required to be included in the urban water management plan adopted by the Board from time to time. [Ord. 329, 2012. Prior legislation: Ord. 150, 1980; Ord. 273, 1997; Ord. 281, 1998; Ord. 327, 2010.]



TITLE: Approve Declaration of a Stage 2 Water Shortage Emergency

RECOMMENDATION:

Staff recommends the Board of Directors approve, by Resolution, the declaration of a Stage 2 Water Shortage Emergency.

SUMMARY:

On September 1, 2021, Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7), the District’s water wholesaler, declared a Stage 2 Water Shortage Emergency and asked the water retailers for 15% mandatory conservation. Staff is recommending the Board declare a Stage 2 Water Shortage Emergency and implement the demand reduction measures per the District’s Water Shortage Contingency Plan and regulations on water use per the District Code Chapter 4.20.

DISCUSSION:

On May 10, 2021, Governor Newsom issued a Proclamation of a State of Emergency due to drought conditions in 41 counties, including the Sacramento-San Joaquin Delta Counties and Alameda County, and on July 8, 2021, issued Executive Order No. N-10-21, which called for 15% voluntary water conservation statewide.

Calendar year 2021 is a critically dry year and is the second dry year in a row. Ninety-three percent (93%) of California is in severe drought with 45% in an exceptional drought, according to the latest information from the U.S. drought monitor. Oroville Reservoir, the State Water Project’s largest reservoir, is at 22% of capacity as of September 13, 2021, the lowest in the reservoir’s history. San Luis Reservoir, a joint federal and state facility that is critical for storing and delivering water south of the Sacramento-San Joaquin Delta is at 12% of capacity.

The District’s potable water wholesaler, Zone 7, which receives 90% of its water supply from the State Water Project, anticipates a low initial State Water Project allocation for 2022 based on the water supply in Oroville and San Luis Reservoirs and assuming dry hydrologic conditions continue for the remainder of calendar year 2021 and into 2022. The initial allocation will be released in December of this year. If conditions are severe, there could be periods of Delta outages, greatly reducing Zone 7 options for providing water supply.

Although the Tri-Valley has abundant supply of water in the Kern County groundwater banking program, if there are Delta outages, there would be no way to access that stored water. Moreover, water transfer opportunities would not be available. During Delta outages, Zone 7 must rely on the groundwater basin and limited supplies in Lake Del Valle. Although the groundwater basin storage has well over two years of water supply, there are constraints in the rate of withdrawal from the groundwater basin. Additionally, the Zone 7 transmission system was designed to move water from east to west. With Delta outages, the groundwater pumps must operate at higher pressures to move water from west to east, which reduces well production capacity.

Based on current conditions and a review of reasonable water supply scenarios for 2022, on September 1, 2021, the Zone 7 Board of Directors declared a drought emergency and a Stage 2 Water Shortage Emergency asking for mandatory conservation from the water retailers of 15% as compared to 2020.

Originating Department: Engineering Services	Contact: J. Zavadil	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Stage 2 Water Shortage Emergency Water Use Regulations Attachment 2 – DSRSD Drought and Water Conservation Messaging March to September 2021	

Stage 2 Water Shortage Emergency

The Board is authorized, pursuant to California Water Code Section 350, to declare a water shortage emergency condition to prevail whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

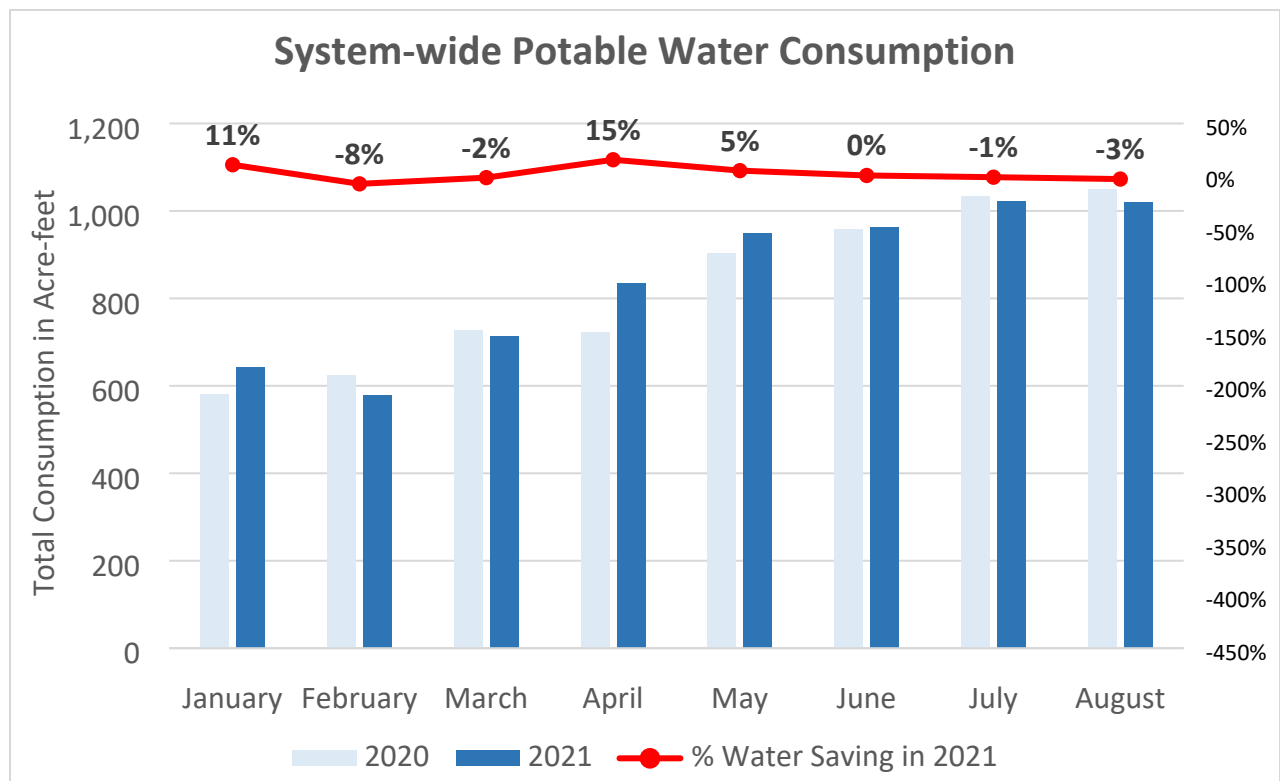
In response to the direction by Zone 7 to begin mandatory 15% conservation, District staff is recommending the Board declare a Stage 2 Water Shortage Emergency and implement the demand reduction measures per the District's Water Shortage Contingency Plan and regulations on water use per the District Code Chapter 4.20 as amended by ordinance at the September 21, 2021, Board of Directors meeting. Although the newly adopted ordinance will not be in effect for 30 days, staff will continue to message the need for water conservation to the District's customers and will review customer usage and notify customers of overuse. A summary of the water use regulations under a Stage 2 Water Shortage Emergency are provided in Attachment 1.

The most significant regulation of water use in a Stage 2 Water Shortage Emergency is limiting landscape irrigation to three non-consecutive days per week. Staff is recommending that the Board, through the Stage 2 Water Shortage Emergency Declaration resolution, further limit landscape irrigation from November through February to no more than one day per week and authorize the General Manager, without further action from the Board, to determine a maximum irrigation application rate to be enforced if needed to meet the 15% water conservation target. The General Manager would also be authorized, without further action from the Board, to increase outdoor irrigation during this period to up to two nonconsecutive days per week if water supply conditions change.

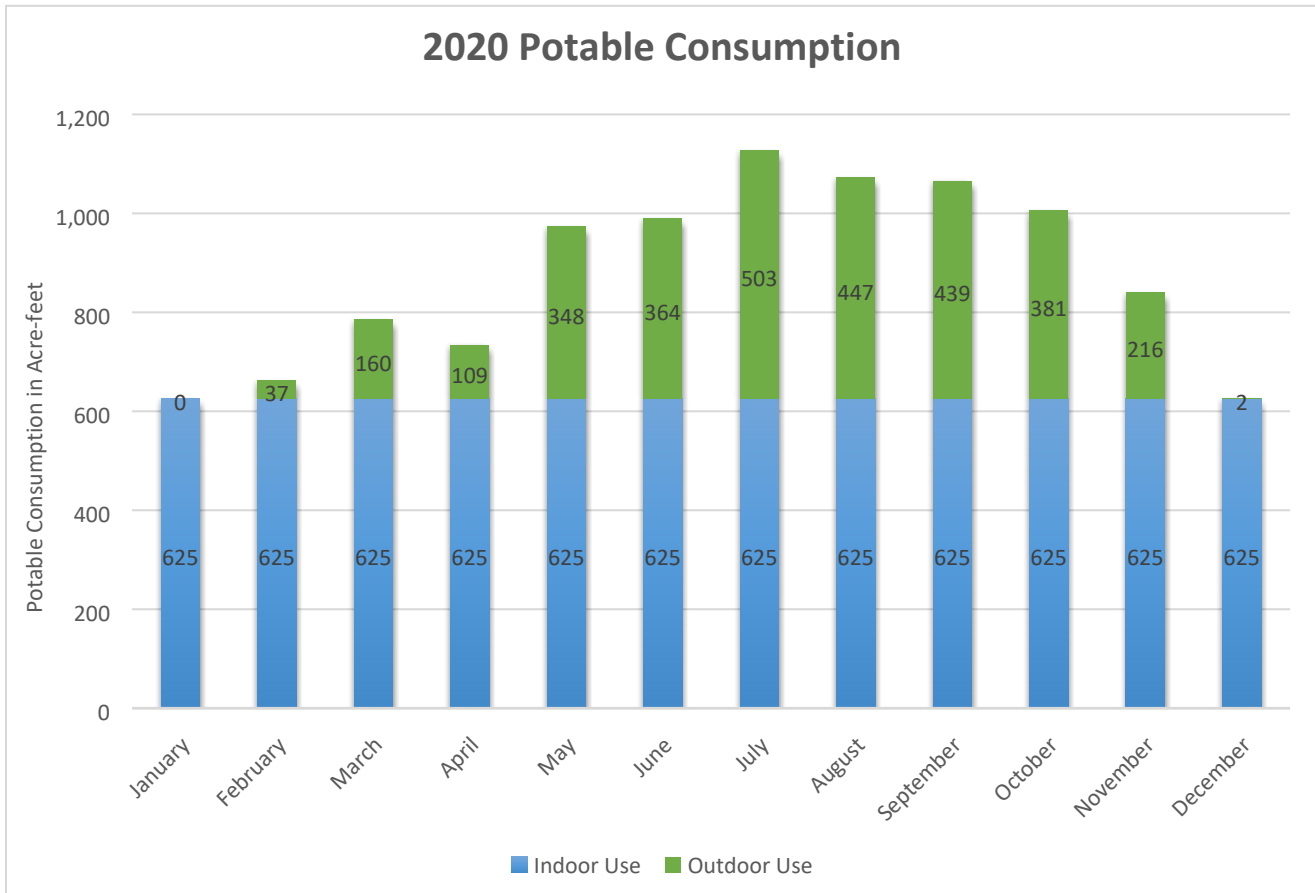
The Board may also adopt water shortage rates per District Code Section 4.40.030 to incentivize water conservation. A recommendation on implementation of water shortage rates will be provided to the Board as a future agenda item on October 5, 2021.

Current Water Use and Conservation Targets

Zone 7 has requested a mandatory 15% reduction in water use as compared to 2020. A comparison of the monthly 2020 water use to current year water use through August is provided below. It should be noted that year-over-year comparisons of summer months can vary significantly due to difference in weather and corresponding changes in outdoor irrigation. Overall, the District's water use in 2021 from January through August is 2% higher than 2020.



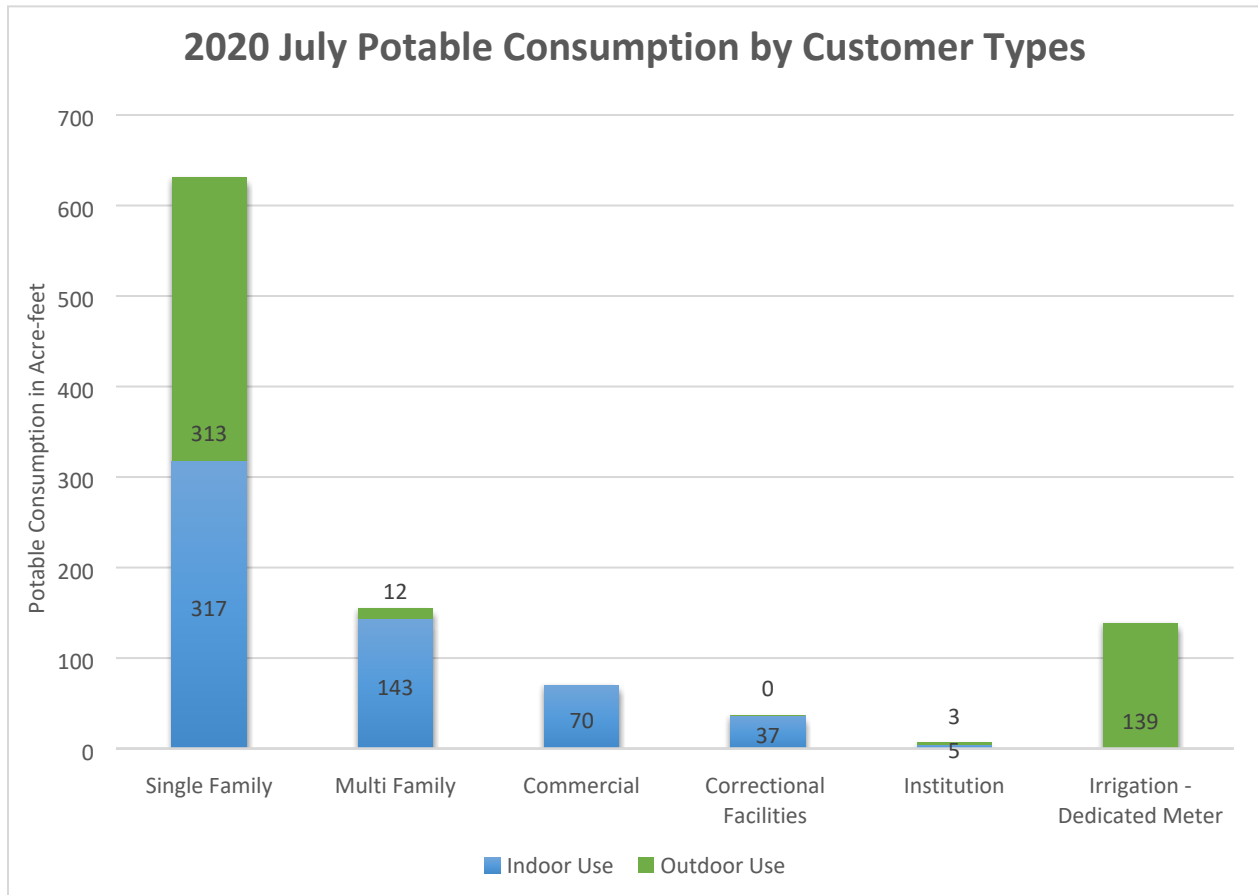
As noted above, the most significant water use restriction under the Stage 2 Water Shortage Emergency is limiting outdoor irrigation. Because the District provides a significant amount of recycled water for irrigation of parks, schools, neighborhood common areas, and street medians, the outdoor potable water use is considerably less than water retailers without recycled water. To understand the District’s ability to comply with a 15% reduction in demand on an annual basis as compared to 2020, staff reviewed indoor versus outdoor water use in 2020. A graphic of the 2020 customer water use is provided below. The indoor water use was assumed to be the water use in the lowest demand month. It should be noted that this assumption overestimates the indoor water use because there will always be some outdoor irrigation use in those months.



In 2020, 71% of the District-wide potable water demand was indoor use and 28% was outdoor use. In the month of July, during the peak irrigation season, approximately 44% of the water was used outdoors. Based on the 2020 water use, to meet the 15% reduction target on an annual basis, if customers reduce indoor use by 5%, then outdoor use would need to be reduced by 40%. If customers reduce indoor use by 10%, then outdoor use would need to be reduced by 27% to meet the 15% reduction goal.

Heading into the fall, outdoor water use will drop off in the months ahead. Unless there is 10 to 15% indoor conservation, it may be difficult to meet the 15% conservation target in the next few months. If the indoor use is reduced by 10%, then the outdoor use would need to be reduced by 83%. Hence, the staff recommendation is to limit irrigation to one day per week from November through February to boost outdoor water savings significantly.

The graphic below provides the relative water use among different customer classes in July 2020, the peak water use month. The graphic shows that most of the outdoor water use is by single-family residential users and dedicated irrigation meters that typically serve common areas in multifamily or commercial developments. In 2020, approximately 50% of residential use was outdoors. This graphic also indicates the District will get the greatest conservation savings by focusing on residential customers and dedicated irrigation accounts.



Water Conservation Messaging and Programs

Although the District has been messaging on the need to conserve water, requests for voluntary conservation have not yielded water savings. Beginning in March 2021, Zone 7 requested 10% voluntary conservation relative to 2020 water demands, and the District along with the other retailers and Zone 7 increased water conservation messaging through news releases, bill messages, social media posts, and information on the website. On July 12, 2021, the Tri-Valley water retailers and Zone 7 issued a second joint news release calling for 15% voluntary conservation to conform with the Governor’s executive order. As summary of the District’s water conservation messaging efforts in 2021 is provided in Attachment 2.

The District found in the last drought (2014–2016) that the AquaHawk customer portal was an important tool to promote water conservation. AquaHawk allows customers to see hourly data on their water use and set up personalized alerts to inform them of a water leak or high-water use. The District can also use AquaHawk to alert customer of leaks and to identify high water use customers.

Aside from messaging to encourage conservation, the District works with Zone 7 to administer rebates for high-efficiency clothes washers, smart irrigation controllers, and conversion of lawns to water efficient landscaping. These rebates are promoted through the District website.

The District, in concert with the three other retailers and Zone 7, will coordinate a public education and outreach plan to meet the mandatory conservation goal. This plan will build on the lessons learned during the 2014–2016 drought. If the drought conditions do not improve and the conservation target is not met by early spring, the District may need to advance the Water Shortage Emergency Stage from Stage 2 to Stage 3 and impose residential water budgets.

STAGE 2 WATER SHORTAGE EMERGENCY WATER USE REGULATIONS

- Customers shall repair or stop all water leaks within the customers' plumbing system upon discovery or within 24-hours of notification by the District.
- Landscape irrigation during and within 48-hours after measurable rainfall is prohibited.
- Landscape irrigation is limited to occur between the hours of 6 p.m. and 9 a.m. the following day.
- Potable landscape irrigation shall be limited to no more than three non-consecutive days per week. The Board, by resolution, may set forth additional limits on irrigation duration or application rates. Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded.
- The use of potable water for construction and dust control is prohibited. All potable water construction meters are required to be replaced by recycled water construction meters.
- Washing of hard surfaces, buildings, fences, vehicles, or use of potable water for washing and/or machinery is prohibited, except for building exteriors and fences for the sole purpose of repainting or making repairs. Pressurized washers are required to be equipped with a quick action shut-off nozzle.
- Cleaning of windows using a direct connection to the potable water supply is prohibited.
- Lodging establishments must offer to opt-out of daily linen service.
- Restaurants, cafés, cafeterias, or other public places where food is sold, served, or offered for-sale shall only serve water upon request.
- Commercial kitchens are required to use pre-rinse spray valves.

DSRSD DROUGHT AND WATER CONSERVATION MESSAGING, MARCH TO SEPTEMBER 2021**March**

- Participated in “Gardening with Natives” webinar with Zone 7 and Tri-Valley water retailers; virtual event with the California Native Plant Society
- Posted on social media about snow surveys by DWR being 61% of average; linked to DSRSD’s Water Conservation website section
- Issued two *Fix a Leak Week* social media posts – Water Wise Wendy video about replacing toilet flappers and one about finding outdoor leaks
- Issued save water social media posts about Zone 7’s request for the Tri-Valley to voluntarily reduce water – tips to find/repair leaks, when to water lawns, and use a broom instead of hose to clean

April

- Issued *DSRSDtoday*: Board Adopts Water Resiliency Policy – messaging on managing future droughts
- Posted on social media regarding DWR snowpack 59% average for the date. Encouraged installing water-efficient irrigation, running dishwashers/washing machines only when full, and fixing leaks
- Posted on social media regarding Zone 7 Board Member Olivia Sanwong’s editorial in *Pleasanton Weekly* on water supply

May

- Issued *DSRSDtoday*: Zone 7 Evaluating All Water Supply Options: potable reuse, conveyance, Sites Reservoir, desalination, Los Vaqueros expansion, and water transfers
- Shared *The Independent* editorial on social media that encouraged lawn conversion to water-wise garden, with info on rebates
- *DSRSDtoday* shared on social media—Zone 7 Evaluating All Water Supply Options
- Posted link to *2020 Urban Water Management Plan* available for review, mentioning it addresses a diversified portfolio that includes recycled water and conservation
- Posted on social media Memorial Day sales for high-efficiency clothes washers – rebate share/Zone 7

June

- Issued joint news release with Zone 7/retailers on 10% voluntary water conservation
- Issued *DSRSDtoday*: Central San Diverts 1M Gallons Sewage to DSRSD – messaging on saving potable water by making more recycled irrigation water when hot and needed most
- Provided information to *The Independent* on *Urban Water Management Plan* and water supply
- Shared on social media Zone 7 post on Tri-Valley rainfall shortage, plus link for tips how to save water
- Posted Water Wise Wendy video on watering outdoors at the right times on social media
- UN’s Drought and Desertification Day post – reminder to use water wisely; link to water-saving tips
- Central San diversion on social media – using more wastewater for irrigation of parks, schools, and golf courses

- June issue of customer eNewsletter, *Pipeline*, asked customers to reduce water use by 10%, and explained how Zone 7 will need to transfer more costly water, 10,000 acre feet, to meet 2021 demands

July

- Distributed a Joint Zone 7/Tri-Valley retailers news release on 15% water conservation
- Gave information to *Pleasanton Weekly* on Central San diversion for making recycled water
- Shared Zone 7 post on outdoor watering being 60-70% average home's water use; message to irrigate between 9pm and 7am and reduce length and frequency
- Social media promotion to watch Assistant General Manager Jan Lee on San Ramon's City virtual Update about Drought Conditions and Water Conservation
- Posted on social media the "We Love Water" Scavenger Hunt by Zone 7 for photo contest of water-wise locations in Tri-Valley during this time of drought
- July issue of customer eNewsletter, *Pipeline*, encouraged customers to sign up for the free software, AquaHawk so they can monitor their water use in real time and receive alerts when they have a leak

August

- Virtual Town Hall on Drought and Water Conservation – General Manager Dan McIntyre with other local water experts, hosted by Alameda County Supervisor David Haubert
- Shared YouTube video recording on social media of Jan Lee joining the City of San Ramon and EBMUD in the City's virtual update on Drought Conditions and Water Conservation
- Post promoting virtual Town Hall with Supervisor Haubert with local water experts – link to sign up for Zoom event on Drought and Conservation
- Reminder social media post to register for Town Hall event on Zoom
- August issue of customer eNewsletter, *Pipeline*, mentioned that the DSRSD Board adopted a policy for a resilient and sustainable water future, explained how the cost of water varies with the weather (water costs more in dryer years), and promoted Zone 7's Water Wise Wendy photo-fun activity

September

- Gave information to *Pleasanton Weekly* on article about drought emergency
- DSRSD/Chamber booth at Dublin High football game/Chamber Business Expo to promote careers as water/wastewater operators and to pass out water conservation devices (Sept 7th)
- Shared Zone 7 post about high-efficiency washer rebate increase to \$200
- Linked to video recording of Supervisor Haubert Town Hall on Drought and Water Conservation to share on social media
- September issue of customer eNewsletter, *Pipeline*, provided tips on how to save water which also saves money, and encouraged customers to sign up for the free software, AquaHawk so they can track their water use in real time and receive alerts when nearing a water use or dollar limit
- Insert in biennial report mailed to all customers contains water saving tips
- Distributed Water conserving devices at the Dublin Chamber/Business Expo at the Dublin High School Football Game (Dublin vs Pleasanton).

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT DECLARING STAGE 2 WATER SHORTAGE EMERGENCY AND APPROVING WATER USE REGULATIONS

WHEREAS, calendar year 2021 is a critically dry year and is the second dry year in a row; and

WHEREAS, 93% of California is in severe drought with 45% in an exceptional drought, according to the latest information from the U.S. drought monitor; and

WHEREAS, on May 10, 2021, Governor Newsom issued a Proclamation of a State of Emergency due to drought conditions in 41 counties, including the Sacramento-San Joaquin Delta and Alameda Counties; and

WHEREAS, on July 8, 2021, Governor Newsom issued Executive Order No. N-10-21, which called for 15% voluntary water conservation statewide; and

WHEREAS, the Dublin San Ramon Services District (District) potable water supply is provided by Zone 7 of Alameda County Flood Control and Water Conservation District (Zone 7); and

WHEREAS, on average 90% of the Zone 7 water supply is from the California State Water Project (SWP); and

WHEREAS, the SWP's largest reservoir, Oroville Reservoir, is at 22% of capacity, the lowest in the reservoir's history; and

WHEREAS, the combination of extremely low storage in the SWP water system and continuing dry conditions may limit the amount of water available to Zone 7 from the SWP. Further, if conditions are severe, there could be periods of Delta outages; and

WHEREAS, the Zone 7 has determined that water shortage emergency conditions are likely to exist in Zone 7's service area based on current and projected conditions; and

WHEREAS, on September 1, 2021, Zone 7 declared a State 2 Water Shortage Emergency asking retailers to reduce potable water usage by 15% as compared to the year 2020; and

WHEREAS, the District is authorized pursuant to California Water Code section 350 to declare a water shortage emergency condition whenever it finds and determines that the ordinary demands and requirements of customers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water supply for human consumption, sanitation, and fire protection; and

WHEREAS, the District is further authorized pursuant to California Water Code sections 350 and 375 to adopt and enforce measures and programs to reduce the quantity of water used by customers for the purpose of conserving and preserving water supplies for human consumption, sanitation, and

Res. No. _____

fire protection; and

WHEREAS, the District has defined Water Shortage Stages and corresponding demand reduction actions in its Water Shortage Contingency Plan and District Code Chapter 4.2; and

WHEREAS, current conditions as detailed in this Resolution warrant the District declaration of a Stage 2 Water Shortage Emergency and mandatory conservation measures to achieve a 15% reduction in potable water use.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

A Stage 2 Water Shortage Emergency is hereby declared and the water use regulations and actions as provided in the District's Water Shortage Contingency Plan and District Code Chapter 4.2 applicable to a Stage 2 Water Shortage are put into effect immediately in order to achieve a mandatory 15% reduction in potable water use; and

In addition to the measures identified for a Stage 2 Water Shortage, landscape irrigation during the months of November through February is limited to no more than one day per week, and the General Manager is authorized, without further action from the Board, to determine a maximum irrigation application rate to be enforced if needed to meet the mandatory 15% potable water use reduction consistent with the goals of the State and Zone 7. The General Manager is further authorized, without further action from the Board, to allow landscape irrigation during this period to be increased to up to two nonconsecutive days per week based on changing water supply conditions.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 21st day of September, 2021, and passed by the following vote:

AYES:

NOES:

ABSENT:

Ann Marie Johnson, President

ATTEST: _____
Nicole Genzale, District Secretary



TITLE: Receive Update on District’s Emergency Response to COVID-19 and Provide Direction on Resuming In-Person Board Meetings, and Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

RECOMMENDATION:

Staff recommends the Board of Directors receive a verbal update on the District’s emergency response to COVID-19 and provide direction on resuming in-person Board meetings, and approve, by Motion, a continuation of the State of Emergency response to the COVID-19 pandemic, as declared by the General Manager and confirmed and ratified by Resolution No. 26-20 and find that there exists a need for continuing the District's COVID-19 emergency which the Board last confirmed on September 7, 2021.

DISCUSSION:

On March 16, 2020, the General Manager, as the District’s Emergency Manager per the Emergency Response Plan policy (P300-16-2), declared a District State of Emergency in response to the COVID-19 pandemic and state and local public health orders that limited the operations of certain businesses and activities to protect public health and slow the spread of the virus. District emergency plans were aggressively implemented to allow for operational flexibility in meeting the challenges of COVID-19, while providing essential water and wastewater services. On March 25, 2020, the Board of Directors approved Resolution No. 26-20, which confirmed the continuation of the District State of Emergency and directed the General Manager to report on progress at least at every regularly scheduled meeting until the State of Emergency is terminated.

Since the first Bay Area Shelter-in-Place order was issued on March 16, 2020, the State of California, Alameda County Health Officer, and California Division of Occupational Safety and Health (Cal/OSHA) have implemented and modified several COVID-19 restrictions that affect DSRSD’s safety practices and operations. These COVID-19 restrictions have evolved based on changing pandemic conditions. The District is in compliance with all applicable COVID-19 regulations for the workplace.

On June 15, 2021, Governor Newsom ended the statewide Stay-at-Home order and tier system of COVID-19 restrictions, allowing the economy to fully reopen. In June, Governor Newsom also issued an executive order with a timeline for rescinding many of the executive orders issued during the pandemic emergency. Executive Order No. N-29-20, which provides for Board meetings to be held virtually, currently terminates on September 30. Staff will update the Board on the latest requirements for virtual and in-person Board meetings on September 21 and seek direction from the Board.

The California State of Emergency for COVID-19 remains in effect. Although COVID-19 and hospitalization rates are noticeably declining, community transmission of COVID-19 remains high within our service area. To assure proper staffing and support of critical operational functions, staff is requesting the Board find that there still exists a need to continue the COVID-19 State of Emergency reflected by Resolution No. 26-20.

Originating Department: Office of the General Manager	Contact: J. Lee	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: N/A	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)		
		78 of 78