

ORDINANCE NO. 2015- 007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 22.160, "WATER SERVICE RATES AND CHARGES," OF THE SAN BUENAVENTURA MUNICIPAL CODE AND AMENDING THE SAN BUENAVENTURA MUNICIPAL CODE BY THE ADDITION OF CHAPTER 22.171, "WATER SHORTAGE REGULATIONS AND RATES RELATING THERETO"

The Council of the City of San Buenaventura does ordain as follows:

Section 1. AMENDMENT TO THE CODE. Chapter 22.160, "Water Service Rates and Charges," is hereby amended to read as follows:

"Chapter 22.160

Water Service Rates and Charges

Sections:

- 22.160.010 Rates.
- 22.160.020 Private Fire Lines.
- 22.160.030 Payment of Bills.
- 22.160.040 Application of Funds.

22.160.010 Rates.

A. Applicability. The rates set out in this Chapter shall be charged for all water sold, supplied, distributed or transported by the City for all bills prepared after the effective dates, without proration, except as may be established by contract or elsewhere provided in this Code.

B. Inside and Outside City Limits. All rates for meters and water sold, supplied, distributed or transmitted to customers within or outside the city limits, unless otherwise herein specified, are specified in Appendix A, as adopted by Ordinance No. 2014-006 on May 19, 2014 and as the same may hereinafter be amended by Ordinance of the City Council, (hereinafter 'Appendix A').

C. Billing. Billing shall be on a bimonthly basis. A service charge shall be made for each account in each billing period and for each partial

billing period for new customers or customers terminating service as specified in Appendix A.

D. Service Determination. The charges for service types shall be determined as follows:

1. Single-family residential, MIII, untreated water, reclaimed, nonresidential and fireline water customers shall be charged as specified in Appendix A.

2. Multiple-family residential customers shall be charged by dividing the total number of dwelling units in that customer's complex into the total amount of water used for the billing period; a charge for the resulting average quantity of water used per dwelling unit is then calculated in the same manner as is done for single-family residential dwelling units.

3. During City Council declared Water Shortage Events, the rates shall be charged as specified in Chapter 22.171 of this Code.

E. Pass-Through Charges. The rates charged for all water supplied by the City shall be established by Ordinance of the City Council. Each customer receiving water service is liable for payment for such service at the rates so specified in Appendix A.

The City Council authorizes the imposition of future water rate increases when the water rates, pumping charges, or other utility charges for water purchased or used by the City, increase as a result of increased charges to the City from other agencies. Such increases shall be derived from and limited solely to the increases in the rates, pumping charges, or other utility charges that the City pays for the water purchased or used.

The General Manager shall provide written notice to the City Council and customers of any such rate increases not less than 30 days before the effective date of the rate increases. Any such notice may be provided in the City's regular billing statements.

This pass-through authority shall be of no further force and effect five years after the effective date of Ordinance No. 2012-016.

F. Billing adjustments. Billing adjustments may be made by the Ventura Water General Manager or designee once every five years for a premises in cases of abnormal high water usage. To qualify for a billing adjustment, a premises' water usage must be more than twice the two-year water consumption average for that premises as calculated by Ventura Water. If the abnormal high water usage is caused by one or more leaks, the leak(s) must be corrected prior to any billing adjustment. Any billing adjustment shall be made in accordance with policies established by Ventura Water.

22.160.020 Private Fire Lines.

A. Inside or Outside City Limits. Billing shall be on a bimonthly basis. The rate for standby water service, and any water consumed by private fire lines within the area serviced by Ventura Water and exclusively for fire protection, whether such lines be connected with automatic sprinkling systems or to hose attachments, shall be as specified in Appendix A.

22.160.030 Payment of Bills.

A. Generally. Bill for all charges for water sold, furnished, supplied or delivered by Ventura Water shall be due and payable at City Hall upon the date of mailing of the bill.

If not paid 19 days thereafter, the bill shall be deemed delinquent. If not paid within 30 days after the date of mailing to the customer, a ten-percent late payment assessment will be applied to all delinquent accounts, at which time a notice of delinquency and intent to discontinue service will be mailed to the customer of record.

Every notice of termination of service shall include all of the information required in Public Utilities Code Section 10010.1(d). If payment is not received

within 15 days from the mailing of the notice of delinquency and impending termination, a ten-day notice of intent to terminate water service will be delivered to the residence and placed in a conspicuous location at the premises. Charges, as specified in Appendix A, will be applied to the customer's account.

Service will then be discontinued if payment has not been received or arrangements made to pay the delinquent bill. If payment is not made within the specified time as identified above or for any other reason relating to nonpayment of an outstanding bill or charge, including the return of a check for nonsufficient funds, a service charge as specified in Appendix A shall be charged and due and payable with respect to each time service is discontinued.

Any customer having initiated a complaint or request for an investigation within five days of receiving the disputed bill, or who has, before termination of service, made a request for an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full within the normal period for payment, shall be given an opportunity for review of the complaint or request for investigation.

The review shall include consideration of whether the customer shall be permitted to amortize any unpaid balance of delinquent account over a reasonable time not to exceed 12 months. No termination of service shall be effected for any customer complying in full with the amortization agreement. If the customer fails to comply with the amortization, the City shall discontinue service at the premises.

Should an account not be paid in full by the sixtieth day after the mailing date on the original bill, an additional penalty assessment shall be added as specified in Appendix A.

Any debt older than seventy-five (75) days may be assigned to a collection agency. Any fees or

interest charged by the collection agency will be added to the debt and become part of the total due.

Except as provided in Section 10009 of the Public Utilities Code, where water has been shut off, service shall not be restored until all required payments (including, without limitations, arrearage, penalties, and service charges) have been paid in full.

Partial payments shall be credited to sewer charges, if any, with any balance being credited to water charges.

Whenever a consumer has been overcharged or undercharged for water or sewer service for any reason, required retroactive adjustment will be made for a maximum period of two years from the date that the error is first determined by the City. Any overpayment to be adjusted shall be credited to the next or succeeding bills, unless other arrangements are requested and agreed upon.

B. Opening, Transferring or Changing of Service Accounts. A service charge, as specified in Appendix A, shall be charged for opening a water service account, transferring a water service account, or changing water service account information.

Same day service, except in an emergency situation, to have water turned on or off during customary business hours (7:00 a.m. to 4:30 p.m., Monday through Friday, closed alternate Fridays) shall result in a charge as specified in Appendix A. To have the water turned on or off at any time after hours (this includes weekends and City-observed holiday), the charge shall be as specified in Appendix A.

C. Removal of Meter and Reinstallation. In the event a customer turns on the water service or permits or causes water service to be turned on after water service has been turned off for non-payment or noncompliance, Ventura Water shall again turn off the service and remove the meter. The customer shall pay a charge as specified in Appendix A in addition to other amounts due, before water service is restored.

22.160.040 Application of Funds.

Funds received from the collection of charges and rentals for water shall be deposited by the Ventura Water General Manager with the City Treasury in the Water Fund. Funds from the water fund shall be available, upon appropriation by the City Council, for the payment of the cost and expense of acquisition, construction, reconstruction, maintenance and operation of water facilities.”

Section 2. ADDITION TO CODE. The San Buenaventura Municipal Code is hereby amended by the addition of Chapter 22.171, “Water Shortage Regulations and Rates Relating Thereto,” to read as follows:

“Chapter 22.171

Water Shortage Regulations and Rates Relating Thereto

Sections:

- 22.171.010 Short Title.
- 22.171.020 General Provisions.
- 22.171.030 Definition of Water Waste.
- 22.171.040 Water Shortage Stages.
- 22.171.050 Determination of Water Shortage Staging.
- 22.171.060 Stage One and Two Water Shortage Restrictions (0-10% Reduction Goal [Voluntary/Mandatory]).
- 22.171.070 Stage Three Water Shortage Restrictions (20% Reduction [Mandatory]).
- 22.171.080 Stage Four Water Shortage Restrictions (30% Reduction Goal [Mandatory]).
- 22.171.090 Stage Five Water Shortage Restrictions (40% Reduction Goal [Mandatory]).
- 22.171.100 Stage Six Water Shortage Restrictions (50% Reduction Goal [Mandatory]).
- 22.171.110 Water Shortage Rates for Revenue Loss Recovery.
- 22.171.120 Violations.
- 22.171.130 Enforcement Authority.
- 22.171.140 Hearing.
- 22.171.150 Appeals.
- 22.171.160 Separate Offense for Each Day.

- 22.171.170 Public Nuisance.
- 22.171.180 Remedies Not Exclusive.
- 22.171.190 Judicial Review.

22.171.010 Short Title.

This Chapter may be cited as the 'Water Shortage Regulations and Rates Relating Thereto Ordinance.'

22.171.020 General Provisions.

A. Purpose. The purpose of this Chapter is to ensure compliance with all federal, state, and local requirements relating to water shortage mitigation for the protection of public health, safety, and welfare by:

1. Reducing the per capita water consumption throughout the City of San Buenaventura (the 'City') during years of normal precipitation and during years of drought;
2. Protecting and conserving the City's supply of water during specified times of emergency and/or crisis; and,
3. Minimizing and/or eliminating the waste of water through voluntary compliance or punitive action, if necessary.

B. Scope. The provisions of this Chapter shall apply to all customer, customers, and/or recipients (hereinafter 'customer') of the City's potable, untreated, and recycled or reclaimed water service(s) within the City's territorial limits or the service area of Ventura Water.

C. Administration and Enforcement. The City Manager, or designee, including, but not limited to, an enforcement officer as defined herein, shall administer, implement, and enforce the provisions of this Chapter. For purposes of this Chapter an 'Enforcement Officer' means any City employee or agent of the City with the authority to enforce any provision of this Chapter and the authority to make

any decision on behalf of the City Manager required or called for by this Chapter.

D. Compliance. All provisions of this Chapter are subject to the compliance procedures set forth in this Chapter unless otherwise expressly stated herein.

E. Notification. The City Manager, or designee, shall determine the means by which the City shall notify its water customers of water shortage stage determinations and any applicable upgrade or downgrade of such determinations or restrictions. Notification may be achieved through mass media, newspaper, public notice, mailings, utility billings, or by any combination of such notice, or by other means as determined by the City Manager, or designee.

22.171.030 Definition of Water Waste.

Any of the following acts or omissions, whether willful or negligent, shall constitute the waste of water:

A. Causing or permitting water to discharge, flow or run to waste into any gutter, sanitary sewer, watercourse, or storm drain, or to any adjacent property, from any tap, hose, faucet, pipe, sprinkler, or nozzle. In the case of irrigation, 'discharge,' 'flow,' or 'run to waste' means that the earth intended to be irrigated has been saturated with water to the point that excess water flows over the earth to waste. In the case of washing, 'discharge,' 'flow,' or 'run to waste' means that water in excess of that necessary to wash, wet, or clean the dirty or dusty object, such as an automobile, sidewalk, or parking area, flows to waste.

B. Allowing water fixtures or heating or cooling devices to leak or discharge.

C. Maintaining ponds, waterways, decorative basins or swimming pools without water recirculation devices.

D. Backwashing so as to discharge to waste swimming pools, decorative basins, or ponds in

excess of the frequency necessary to ensure the healthful condition of the water, or in excess of that required by standards for professionally administered maintenance, or to address structural considerations, as determined by the City Manager, or designee.

E. Operation of an irrigation system that applies water to an impervious surface or that is in disrepair.

F. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure is applied.

G. Irrigation of outdoor landscaping during rainfall and within 48 hours after measurable rainfall.

H. Overfilling of any pond, pool, or fountain which results in water discharging to waste, or use of any pond, pool, or fountain at drought stage mandated by the State of California.

I. The irrigation with potable water of ornamental turf on public medians.

J. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulation or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

22.171.040 Water Shortage Stages.

The City has developed a six-stage contingency plan to reduce demand up to 50 percent during a severe or extended water shortage event involving both voluntary and mandatory stages. The following water shortage stages are hereby established:

A. Normal Year Supply Projection - When the City's Water Shortage Event Contingency Plan is activated, the **Normal Year Supply Projection** number (identified from Table 4-1, 'Summary of Current Water Supply,' of the most recent

Comprehensive Water Resources Report) will be used to establish a baseline supply value to be used for comparison of water shortage response and stages of action. The baseline supply value will not change through the duration of the event.

B. Stage One. Advisory - Annual Supply Projection is 10% below Normal Year Supply Projection.

C. Stage Two Moderate - Annual Supply Projection is between 10% and 19% below Normal Year Supply Projection.

D. Stage Three Moderate - Annual Supply Projection is between 20% and 29% below Normal Year Supply Projection.

E. Stage Four Severe - Annual Supply Projection is between 30% and 39% below Normal Year Supply Projection.

F. Stage Five Severe - Annual Supply Projection is between 40% and 49% below Normal Year Supply Projection.

G. Stage Six – Critical - Annual Supply Projection is below 50% of Normal Year Supply Projection.

22.171.050 Determination of Water Shortage Staging.

A. Water Supply Conditions

The water supply conditions in Table 1 below, from the City's Water Shortage Event Contingency Plan, are based on available water supply compared to normal year water supply and will be used to consider if water shortage event restrictions shall be implemented. Other circumstances may also be considered, including but not limited to the time of year, weather forecasts, river flow forecast, rainfall, temperature, past experience and economic feasibility, the volume of water available from Lake Casitas, volume available from groundwater wells, and quality of the water produced from each source.

B. Stages of Water Use Restrictions

Each stage shall remain in effect until conditions indicate a more or less restrictive stage is necessary and action is taken by the City Council based on supply criteria identified in Table 1 below of the City's Water Shortage Event Contingency Plan. The City Council may determine that the facts before them require that they call for any stage, and need not proceed in order through the stages.

(1) Declaring water use restrictions:

Stages 2-6 of the Water Shortage Event Contingency Plan shall be called by the City Council declaring an emergency water restriction.

(2) Modifying and ending water use restrictions:

For each month that customer water use restrictions are in effect at Stage 4, 5, or 6 under this Water Shortage Event Contingency Plan the City Manager shall report to the City Council on the status of the shortage and water use changes in the Ventura Water system, including a recommendation to maintain, change, or end the water use restrictions. A water shortage event can be terminated by the City Council upon determination that 'normal year' supplies have been secured by rainfall, basin replenishment, or a new supply. A water shortage event involving sudden, unforeseen emergencies can be terminated by the City Manager or the designee thereof upon a determination that the emergency no longer exists. As soon as practicably possible or at the next scheduled City Council meeting, the City Manager or the designee thereof shall have this termination decision reviewed by the City Council.

**TABLE 1 - WATER SHORTAGE STAGES
TRIGGERS/DEMAND REDUCTION GOALS**

Advisory Stage 1	Trigger Annual Supply Projection is 10% below Normal Year Supply Projection	Demand Reduction Goal Based on Normal Year Supply 10% Voluntary
Moderate Stage 2	Annual Supply Projection is between 10% and 19% below Normal Year Supply Projection	10% Mandatory
Stage 3	Annual Supply Projection is between 20% and 29% below Normal Year Supply Projection	20% Mandatory
Severe Stage 4	Annual Supply Projection is between 30% and 39% below Normal Year Supply Projection	30% Mandatory
Stage 5	Annual Supply Projection is between 40% and 49% below Normal Year Supply Projection	40% Mandatory
Critical Stage 6	Annual Supply Projection is below 50% of Normal Year Supply Projection	50% Mandatory

Notes to Table 1:

1. The **Annual Supply Projection** is from Table 4.2 of the most recent Comprehensive Water Resources Report or Ventura Water General Manager in emergency conditions.
2. When the Water Shortage Event Contingency Plan is activated, the **Normal Year Supply Projection** number (identified from Table 4-1, "Summary of Current Water Supply", of the most recent Comprehensive Water Resources Report) will be used to establish a baseline supply value to be used for comparison of drought response and stages of action. The baseline supply value will not change through the duration of the event.

(3) Water Rate Structure:

Water rates will return to the rate structure prior to the water shortage event upon the termination of the event.

C. Other Water Conservation Actions by the City

The City shall comply with the restrictions similar to those implemented for the public to the extent possible and not inconsistent with the restrictions provided for the City in this Section. The City will encourage all water customers to cooperate with the water restrictions imposed by each stage.

(1) Limit use of potable water to irrigate newly planted street, park and/or golf course trees, street medians, and general irrigation on all City properties. Non-potable water from wastewater treatment shall be used by City personnel if available for such purposes. No new plantings shall be installed by the City during Stage 3 or higher Water Shortage Events.

(2) In stage 2 or 3 mandatory restrictions, ornamental fountains and waterfalls shall not be replenished unless water recirculates.

Take reasonable effort to preserve permanent trees, shrubs, and turf on City property. City parks have three priorities for watering during a shortage; comparable priorities apply to trees, shrubs, and turf in non-park City owned facilities.

(a) No or little reduction in watering of turf in sports fields shall be required where there are safety concerns due to continued use;

(b) 20-30% reduction in watering for visitor areas of the City that need to look welcoming to visitors; and,

(c) 30-40% reduction in passive use areas, these are the areas that will turn brown first.

The City Manager shall review City operations to identify feasible water use reductions with the goal of matching allocation reductions imposed on residential customers.

(3) Upon declaration of Stage 3 water shortage event Ventura Water will investigate importing water or other water purchase options.

(4) During Stages 4-6, the decision to fill or refill City swimming pools or continue operation of said pools in a manner that is safe and expeditious will be separate from the restrictions in the City's Water Shortage Event Contingency Plan. Changes shall be approved by the City Council with input from the Ventura Water General Manager and Parks, Recreation and Community Partnerships Director following written notification to all contracted user groups of the city pools.

(5) During Stage 5, the hydrant flushing maintenance program shall be limited except as deemed necessary by the Ventura Water General Manager and City Fire Chief to enhance water quality or to conduct fire flow and large meter tests. Jet flushing of sanitary sewers, storm sewer flushing, and street sweeping shall be limited except as deemed necessary for health, safety, sanitation, or general welfare purposes or required by a permit issued from a State or Federal agency.

22.171.060 Stage One and Two Water Shortage Restrictions (0-10% Reduction Goal [Voluntary/Mandatory]).

During a Stage 1 or Stage 2 water shortage event, the actions and restrictions of this Section shall apply in addition to and not in lieu of any other restrictions that may apply.

- A. The following actions apply to the City during a Stage 1 or a Stage 2 water shortage event:
1. Monitor conservation levels and increase public awareness.
 2. Notify customers of shortage conditions and disseminate water conservation information and kits.
 3. Publicize Water Shortage Event Contingency Plan stages and the possible actions per stage including water use reduction goals.
 4. Provide information on customer's bill as to what they should be using for the needed cutback.
 5. Maintain existing tiered rate structure to promote water conservation.
 6. Enforce mandatory water consumption reduction program for all customers and users.
 7. Enact water rate surcharge for water consumption over baseline amount. Enact surcharge review program, customers may appeal in writing for a waiver of penalties incurred due to a leak, break, or hardship.
 8. Give incentive for landscape changes to use less irrigation.
 9. Promote grey water use by education, incentives, and other actions.
 10. Enforce Water Waste provisions of this Code, Section 22.170.010.
 11. Inform new development applicants of Water Shortage Event Contingency Plan and its restrictions, including notice that if conditions worsen, issuance of permits and development approvals may be delayed until additional water supply becomes available or conditions significantly improve.
 12. Provide ways to increase use of recycled water to reduce potable water usage.
- B. The following actions apply to all Ventura Water customers during a Stage 1 or Stage 2 water shortage event:

1. Monitor own meter for usage.
2. Implement conservation measures to reduce usage.
3. Comply with City's Water Waste provisions in Section 22.170.010 of this Code.
4. Where feasible, use non-potable water to perform dust control, irrigate landscaping and other areas.
5. For customers who own and/or operate hotels and motels, the customer shall provide their guests with the option of choosing not to have towels and linens laundered daily. The customer shall prominently display notice of this option in each guest room using clear and easily understood language.

22.171.070 Stage Three Water Shortage Restrictions (20% Reduction [Mandatory]).

During a Stage 3 water shortage event, the actions and restrictions of this Section and Stages 1 and 2 shall apply in addition to and not in lieu of any other restrictions that may apply.

- A. The following actions apply to the City during a Stage 3 water shortage event:
 1. All actions required in Stages 1 and 2.
 2. Prepare a Resolution for City Council consideration that will initiate the appropriate mandatory conservation stage by prohibiting those actions and events defined in Section 22.171.030 hereof.
 3. Make reasonable efforts to provide low cost recycled water for irrigation and other non-potable uses as approved by regulatory agency.
 4. Municipal Irrigation Interruptible Rate Customers will reduce use of potable water by at least 20%.
 5. Use recycled water on City parks and landscaping using contract trucks or other equipment.

6. Encourage single metered multi-family units to install sub-meters.
 7. Send written notification of increase to Stage 3 to all development project applicants.
 8. Change outdoor watering limitations to specific days of the week to aid enforcement.
- B. The following actions apply to all Ventura Water customers during a Stage 3 water shortage event:
1. All actions required for Stages 1 and 2.
 2. Comply with mandatory water conservation regulations.
 3. Do not wash sidewalks, walkways, driveways, parking lots, or any other hard-surfaced areas by hose or flooding, except as otherwise necessary to prevent or eliminate conditions dangerous to the public health and safety or for other legitimate necessity.
 4. Bath, dish washing, and laundry water may be used for outside irrigation purposes to the extent allowed under local health and safety regulations.
 5. Comply with prohibited outdoor irrigation of ornamental landscape or turf with potable water through an irrigation system between the hours of 9:00 am and 6:00 pm and limiting the use of irrigation systems to two days a week.
 6. Not allowing or engaging in water waste as defined in Section 22.171.030 hereof.
 7. Do not allow water to run and be wasted during outdoor use. (Adjust or reduce sprinklers so the water does not run onto the pavement or street.)
 8. Do not allow leaks to persist past 48 hours.
 9. Handheld hoses used to wash a vehicle must have an automatic shutoff nozzle.
 10. Water service in all restaurants is by customer request only.
 11. Do not operate fountains unless the water is recirculating.
 12. Do not knowingly waste water in any way.

**22.171.080 Stage Four Water Shortage
Restrictions (30% Reduction Goal
(Mandatory).**

During a Stage 4 water shortage event, the actions and restrictions of this Section shall apply in addition to and not in lieu of any other restrictions that may apply.

- A. The following actions apply to the City during a Stage 4 water shortage event:
1. All actions required for Stages 1, 2, and 3.
 2. Prepare a Resolution for City Council consideration initiating the appropriate mandatory conservation stage addressed in this Code or the City's Water Shortage Event Contingency Plan.
 3. Limit use of potable water for street sweeping and other activities that otherwise consume potable water unless required by a permit issued by a state or federal agency.
 4. Municipal Irrigation Interruptible Rate Customers will reduce use of potable water by 30%.
 5. Implement baseline/use appeal process for hardship cases.
 6. New development, i.e., any proposed project that does not have all of the discretionary entitlements required, that does not have a water supply to serve their project which supplements the City's water supply will be required to offset any impact to water supply during this Stage or any higher Water Shortage Event if the project applicant wishes to continue in the entitlement process during a Water Shortage Event.
- B. The following actions apply to all Ventura Water customers during a Stage 4 water shortage event:

1. All actions required for Stages 1, 2, and 3.
2. Comply with mandatory water conservation regulations.

22.171.090 Stage Five Water Shortage
Restrictions (40% Reduction Goal
[Mandatory]).

During a Stage 5 water shortage event, the actions and restrictions of this Section shall apply in addition to and not in lieu of any other restrictions that may apply:

- A. The following actions apply to the City during a Stage 5 water shortage event:
 1. All actions required for Stages 1, 2, 3, and 4.
 2. Prepare a Resolution for City Council consideration initiating the appropriate mandatory conservation stage addressed in this Code or the City's Water Shortage Event Contingency Plan.
 3. Enforce mandatory water consumption goals and allocations for all customers and users.
 4. Municipal Irrigation Interruptible Rate Customers will reduce use of potable water by 40%.
 5. Prepare a Resolution for City Council consideration directing the Community Development Department to stop processing development approvals in order to conduct a public hearing regarding water allocation to development applications.
 6. Limit outdoor watering to one day per week.
- B. The following actions apply to all Ventura Water customers during a Stage 5 water shortage event:
 1. All actions required for Stages 1, 2, 3, and 4.
 2. Comply with mandatory water conservation regulations.

**22.171.100 Stage Six Water Shortage
Restrictions (50% Reduction Goal
[Mandatory]).**

During a Stage 6 water shortage event, the actions and restrictions of this Section shall apply in addition to and not in lieu of any other restrictions that may apply.

- A. The following actions apply to the City during a Stage 6 water shortage event:
1. All actions required for Stages 1, 2, 3, 4, and 5.
 2. Prepare a Resolution for City Council approval initiating the appropriate mandatory conservation stage addressed in this Code or the City's Water Shortage Event Contingency Plan.
 3. Enforce mandatory water consumption goals and allocations for all customers and users.
 4. No outdoor irrigation using potable water will be allowed.
 5. All water use not required for health and safety is prohibited.
 6. Suspend the issuance of any new development approvals and new water connections other than those required to be processed by state law. Building permits which do not create new demand for water or which are for emergencies, public safety, and water conservation may be exempted by the City Manager.
- B. The following actions apply to all Ventura Water customers during a Stage 6 water shortage event:
1. All actions required for Stages 1, 2, 3, 4, and 5.
 2. Comply with mandatory water conservation regulations.
 3. Prohibition of all outside water use unless necessary for the preservation of health, safety, and the public welfare.

4. Watering with hand-held five gallon maximum bucket, filled at exterior hose bib or interior faucet (not by hose) shall be allowed at any time. This will assist in preserving vegetable gardens or fruit trees.
5. The filling of swimming and wading pools is prohibited.

22.171.110 Water Shortage Rates for Revenue Loss Recovery.

A. Water Shortage Rates for Revenue Loss Recovery.

Water Shortage Rates would be implemented when mandatory stages are enacted by the City Council. A rate schedule has been created for each mandatory stage of this Chapter. The rates would resume to normal rates once the Water Shortage Event is terminated based on triggers in this Chapter.

1. Goals of Water Shortage Rates:

- a) Meet community expectations to provide safe and reliable water supply during shortages at rates that are fair and as low as possible.
- b) Maintain fiscal stability in the event of a sudden or long-term water shortage.
- c) Achieve state mandates and legal requirements.
- d) Be adopted into this Code to provide expediency and business continuity in the event of future shortages.

2. Principles of the Water Shortage Rates:

- a) The existing Tier 1 for residential customers will be split into two tiers to provide a protected range of water usage wherein the per hundred cubic foot (HCF) charge will not increase; thus, creating a four tier rate structure during a Water Shortage Event.

- b) The rates will be increased for each stage of mandatory conservation to ensure full revenue loss recovery.
- c) Non-residential customers will be expected to conserve half of the mandatory call for conservation; therefore, the per HCF charge will increase for full revenue recover at the relevant loss.
- d) Any additional expenses from the water wholesaler or regulatory agencies due to drought will be passed onto customers through a water shortage pass-through when the City's Water Enterprise is charged. For Stages 2 through 5 the pass-through will only affect Water Shortage Tiers 3 and 4 and for Stage 6 the pass through will affect Tiers 2 through 4.

3. Codifying the Water Shortage Rates:

- a) Listed in this Section are the rates of water shortage stages for fiscal years 2016, 2017, and 2018. If the regular water service rates are not re-evaluated for fiscal year 2019 and beyond, the FY 2018 water shortage rates stand only if another cost of service study is not done. The rates set forth below for each stage will be put into effect when a water shortage event is called by the City Council and a particular stage is identified.
- b) Customers will be given 30 days-notice prior to the rates going in effect unless the City Council takes extraordinary action.
- c) Tier 1 in the existing tiered structure is split into Tier 1 and Tier 2 in a Water Shortage Event so that low water users will experience no increase in water rates.
- d) The rates for each tier are detailed in the Water Shortage Rate Study dated May, 2015 and the Cost of Service and

Rate Design Study Report dated March 2012, copies of which are on file in the Office of the City Clerk.

- e) Upon review by Ventura Water that the water supply has improved or returned to normal conditions, the City Council shall consider rescinding the water shortage rates then applicable at the same time the recommendation is made to reduce them to a lower stage or to terminate the water shortage event or emergency.

FY 2015-2016							
Water Shortage Rates							
		FY 15-16	Water Shortage Rates - By Stages				
		Adopted Rate	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Single Family Residential Bi-Monthly Tiers, HCF							
Tier 1	0 to 6	2.40	2.40	2.40	2.40	2.40	2.40
Tier 2	7 to 14	2.40	2.70	3.25	3.49	4.09	5.04
Tier 3	15 to 30	3.35	4.00	5.55	6.99	9.99	16.99
Tier 4	>30	5.66	6.70	8.35	12.29	26.39	49.24
Multi-Family Residential Bi-Monthly Tiers, HCF							
Tier 1	0 to 6	2.40	2.40	2.40	2.40	2.40	2.40
Tier 2	7 to 10	2.40	2.70	3.25	3.49	4.09	5.04
Tier 3	11 to 16	3.35	4.00	5.55	6.99	9.99	16.99
Tier 4	>16	5.66	6.70	8.35	12.29	26.39	49.24
Non-Residential		3.09	3.44	3.61	3.71	3.92	4.03
Non-Residential Irrigation		3.09	3.68	4.93	6.58	11.30	20.51
Institutional/Interruptible Rate		2.39	2.85	3.85	4.86	6.89	11.86
Untreated Water Rate		2.49	2.97	4.01	5.06	7.17	12.36

FY 2016-2017							
Water Shortage Rates							
		FY 16-17	Water Shortage Rates - By Stages				
		Adopted Rate	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Single Family Residential Bi-Monthly Tiers, HCF							
Tier 1	0 to 6	2.58	2.58	2.58	2.58	2.58	2.58
Tier 2	7 to 14	2.58	2.90	3.50	3.75	4.40	5.42
Tier 3	15 to 30	3.60	4.30	5.97	7.51	10.74	18.26
Tier 4	>30	6.08	7.20	8.97	13.21	28.35	52.90
Multi-Family Residential Bi-Monthly Tiers, HCF							
Tier 1	0 to 6	2.58	2.58	2.58	2.58	2.58	2.58
Tier 2	7 to 10	2.58	2.90	3.50	3.75	4.40	5.42
Tier 3	11 to 16	3.60	4.30	5.97	7.51	10.74	18.26
Tier 4	>16	6.08	7.20	8.97	13.21	28.35	52.90
Non-Residential		3.32	3.70	3.88	3.99	4.21	4.33
Non-Residential Irrigation		3.32	3.95	5.30	7.07	12.14	22.04
Institutional/Interruptible Rate		2.57	3.07	4.14	5.23	7.41	12.75
Untreated Water Rate		2.68	3.20	4.32	5.45	7.72	13.30

FY 2017-2018							
Water Shortage Rates							
		FY 17-18	Water Shortage Rates - By Stages				
		Adopted Rate	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Single Family Residential Bi-Monthly Tiers, HCF							
Tier 1	0 to 6	2.77	2.77	2.77	2.77	2.77	2.77
Tier 2	7 to 14	2.77	3.12	3.75	4.03	4.72	5.82
Tier 3	15 to 30	3.87	4.62	6.41	8.08	11.54	19.63
Tier 4	>30	6.53	7.73	9.64	14.18	30.45	56.81
Multi-Family Residential Bi-Monthly Tiers, HCF							
Tier 1	0 to 6	2.77	2.77	2.77	2.77	2.77	2.77
Tier 2	7 to 10	2.77	3.12	3.75	4.03	4.72	5.82
Tier 3	11 to 16	3.87	4.62	6.41	8.08	11.54	19.63
Tier 4	>16	6.53	7.73	9.64	14.18	30.45	56.81
Non-Residential		3.57	3.98	4.17	4.29	4.53	4.66
Non-Residential Irrigation		3.57	4.25	5.70	7.60	13.06	23.70
Institutional/Interruptible Rate		2.76	3.29	4.45	5.61	7.96	13.70
Untreated Water Rate		2.88	3.44	4.64	5.86	8.29	14.30

22.171.120 Violations.

Penalty fines and water service actions may be levied and applied for each violation of a provision of the Chapter as follows:

A. **First Violation:** For the first violation of any of the provisions of this Chapter a written notice is to be given.

B. **Second Violation:** For the second violation of any of the provisions of this Chapter a surcharge penalty is hereby imposed in an amount equal to 50 percent of the most recent bimonthly water bill (exclusive of the sewer portion of the bill), or \$25.00, whichever is less, payable as part of the water bill, by the customer at the premises at which the violation occurred.

C. **Third Violation:** For the third violation of any of the provisions of this Chapter a surcharge penalty is hereby imposed in an amount equal to 25 percent of the most recent bimonthly water bill (exclusive of the sewer portion of the bill), or \$50.00, whichever is greater. This penalty is payable as part of the water bill, by the customer at the premises at which the violation occurred.

D. **Fourth Violation:** For a fourth violation of any of the provisions of this Chapter within 12 calendar months, the City will install a flow restricting device of one GPM capacity for services up to 1½ inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises at which the violation occurred for a period of not less than 48 hours. The charge for installing such a flow restricting device will be based upon the size of the meter and the actual cost of installation. The charge for removal of the flow restricting device and restoration of normal service shall be based on the actual cost involved. Said charges shall be payable by said customer as part of the water bill. Restoration of normal service will be performed during the hours of 8:00 a.m. to 4:00 p.m. on regular working days. In addition, a surcharge penalty of 50 percent of the most recent water bill shall be imposed for restoration of normal service, payable by said customer as part of the water bill.

E. Fifth and Subsequent Violations: For any subsequent violation after the fourth violation of any of the provisions of this Chapter within 12 calendar months, the City may discontinue water service to the customer at the premises at which the violation occurred.

22.171.130 Enforcement Authority.

A. Whenever the City Manager, or designee (including, but not limited to, an Enforcement Officer), determines that a customer and/or person has violated any provision of, or failed to meet a requirement of, this Chapter, an administrative citation pursuant to Chapter 2.50 of this Code or a written compliance order pursuant to Chapter 2.52 of this Code may be issued to any customer and/or person responsible for the violation.

B. Any compliance order issued may require without limitation any or all of the following:

1. The allocation of a particular amount of water to a given customer and/or person responsible for the violation;
2. The installation of a flow restriction device;
3. The performance of monitoring, analyses, and reporting;
4. That violations shall cease and desist; and/or,
5. The discontinuation of water service.

The compliance order shall set forth a deadline within which the requirements of the compliance order must be completed. Said compliance order shall further advise that, should the violator fail to comply with the compliance order within the established deadline, a hearing on the compliance order shall be set.

22.171.140 Hearing.

If full compliance is not achieved within the time specified in the compliance order, a hearing on the compliance order shall be set pursuant to Chapter 2.52 of this Code. All penalties and remedies authorized by Chapter 2.52 of this Code shall apply to violations of this Chapter.

22.171.150 Appeals.

Any customer against whom an administrative fine or water service action is levied pursuant to this Chapter shall have the right to appeal as follows:

A. The appeal must be in writing, legible, and received by the Water Resources Account Supervisor within fifteen (15) calendar days of the issuance of the notice of violation to the customer. The written request for appeal consideration shall include:

1. A description of the issue; and,
2. Evidence supporting the appeal; and,
3. A suggestion for resolution of the dispute, if any.

B. The Water Resources Account Supervisor will review the material submitted and make an independent determination of the issue.

C. The Water Resources Account Supervisor's determination may be appealed in writing within fifteen (15) calendar days of the mailing of the notice of determination. The appeal of the Water Resources Account Supervisor's determination shall be heard and considered by the General Manager. The General Manager may, in his or her discretion, affirm, reverse, or modify the determination.

22.171.160 Separate Offense for Each Day.

Any customer and/or person that violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such customer and/or person commits,

continues, permits, or causes a violation thereof, and shall be punished accordingly.

22.171.170 Public Nuisance.

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be initiated and/or taken by the City.

22.171.180 Remedies Not Exclusive.

Remedies under this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

22.171.190 Judicial Review.

Any decision of the hearing panel shall be final. Any customer and/or person aggrieved by an order of the hearing panel may obtain review of the order in the Superior Court by filing with the Court a petition for writ of mandate within 90 days pursuant to California Code of Civil Procedure Section 1094.6."

Section 2. Severability.

If any section, subsection, sentence, clause or phrase in this chapter is for any reason held invalid, the validity of the remainder of the chapter will not be affected. The City of San Buenaventura hereby declares it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

Section 3. CEQA Findings.

EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT.

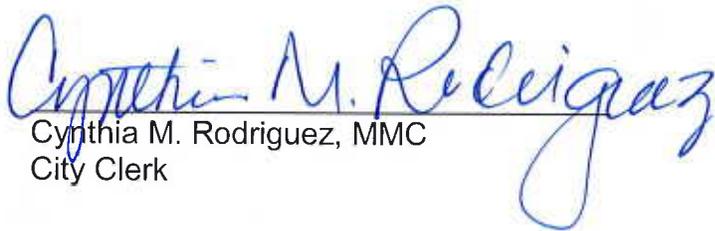
The City Council further finds that the enactment of the Water Shortage Regulations and Rates Relating Thereto pursuant to this Ordinance is determined to be exempt under Section 15273 of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") and Section 15308 of the State CEQA Guidelines because the adoption of these regulations implement ratemaking necessary to ensure the costs and expenses of the water enterprise are paid for at the time incurred to include meeting operating expenses including employee salary and benefits, purchasing or leasing of supplies, equipment, or materials; meeting financial reserve needs and requirements; obtaining funds for capital projects, necessary to maintain service within existing service areas.

PASSED and ADOPTED this 15 day of June 2015.



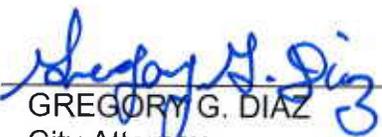
Cheryl Heitmann, Mayor

ATTEST:



Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM

By:  6/31/2015

GREGORY G. DIAZ
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, ROXANNE FIORILLO, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on June 15, 2015, by the following vote:

AYES: Councilmembers Morehouse, Tracy, Andrews, Deputy Mayor Nasarenko, and Mayor Heitmann.

NOES: Councilmembers Weir and Monahan.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on June 16, 2015.


Deputy City Clerk

