



PO Box 675 • 61750 Chollita Road • Joshua Tree CA 92252  
Phone (760) 366-8438 • Fax (760) 366-9528 • [www.jbwd.com](http://www.jbwd.com)  
An Equal Opportunity Provider

JOSHUA BASIN WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
WEDNESDAY AUGUST 20, 2014 7:00 PM  
61750 CHOLLITA ROAD, JOSHUA TREE, CALIFORNIA 92252  
AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF QUORUM
4. APPROVAL OF AGENDA
5. PUBLIC COMMENTS:

This public comment portion of this agenda provides an opportunity for the public to address the Board of Directors on items not listed on the agenda that *are of interest to the public at large* and are within the subject matter jurisdiction of this Board. The Board of Directors is prohibited by law from taking action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Board does not respond to public comments at this time. Comments that concern individual customer accounts are welcome, however we encourage doing so only after other administrative avenues for redress have been fully exhausted. In all cases, your concerns will be referred to the General Manager for review and a timely response.

Comments are to be limited to three minutes per speaker and shall not exceed a total of 20 minutes. All comments are to be directed to the Board of Directors and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. Public input may be offered on an agenda item when the item comes up for discussion and/or action. Members of the public who wish to speak shall proceed to the podium when called by the President of the Board. Please state your name and community of residence for the record.

6. CONSENT CALENDAR: Items on the Consent Calendar are considered routine in nature and will be adopted in total by one action of the Board of Directors unless any Board Member or any individual or organization interested in one or more consent calendar items wishes to be heard.

A. Approve Draft Minutes of the July 16, 2014 Regular Meeting of the Board of Directors

7. PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED WATER CONSERVATION ORDINANCE

Recommend that the Board adopt the Ordinance as is or as amended.

- A. Hearing opened by Presiding Officer
- B. Staff presentation
- C. Questions of Staff by Board
- D. Public testimony Hearing closed
- E. Question by Board
- F. Discussion by Board
- G. Action by Board

Pg. 1-3

Pg. 4-14

Pg. 15-16

8. RECEIVE INFORMATION ABOUT PROBABLE RECHARGE PROJECT COSTS  
Recommend that the Board receive information.

Pg. 17-19

9. D3 BOOSTER PUMP STATION REPLACEMENT PROJECT – AUTHORIZATION TO FILE NOTICE OF COMPLETION  
Request that Board authorize the General Manager to execute and file the notice of completion for the D3 Pump Station Replacement Project completed by Cora Constructors Inc. of Palm Desert California.

10. COMMITTEE REPORTS:  
AD HOC:

- A. HOSPITAL WASTEWATER PROJECT: Director Luckman and President Fuller – no meeting/no report
- B. MOJAVE WATER AGENCY INTEGRATED REGIONAL WATER MANAGEMENT PLAN COMMITTEE: Director Luckman and President Fuller – no meeting/no report
- C. TANK RESTORATION PROJECT: Director Wilson and Director Johnson – no meeting/no report
- D. SOLAR PROJECT REVIEW COMMITTEE: President Fuller and Director Luckman – no meeting/no report

11. STANDING:

- A. PUBLIC INFORMATION COMMITTEE: Director Luckman and President Fuller: Kathleen Radnich, Public Outreach Consultant to report.
- B. FINANCE COMMITTEE: President Fuller and Director Johnson

12. PUBLIC COMMENT

At this time, any member of the public may address the Board on matters within the Board's jurisdiction that are not listed on the agenda. Please use the podium microphone. The Board may not discuss at length or take action on items not on the agenda.

13. DISTRICT GENERAL COUNSEL REPORT

14. GENERAL MANAGER REPORT

15. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES

- A. 2014 SBC Water Conference on August 22, 2014
- B. Mojave Water Agency Board of Directors - August 28, 2014

16. INDIVIDUAL DIRECTOR REPORTS ON MEETINGS ATTENDED

17. DIRECTORS COMMENTS/REPORTS

18. FUTURE AGENDA ITEMS

19. ADJOURNMENT

## INFORMATION

The public is invited to comment on any item on the agenda during discussion of that item.

Any person with a disability who requires accommodation in order to participate in this meeting should telephone Joshua Basin Water District at (760) 366-8438, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the District's office located at 61750 Chollita Road, Joshua Tree, California 92252 during normal business hours.

*This meeting is scheduled to be broadcast on Time Warner Cable Channel 10 on August 27 at 7:00 pm and September 3 at 7:00 pm. DVD recordings of Joshua Basin Water District Board meetings are available at the District office and at the Joshua Tree Library*

JOSHUA BASIN WATER DISTRICT  
Minutes of the  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
July 16, 2014

1. CALL TO ORDER: 7:00 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

Victoria Fuller	Absent
Bob Johnson	Present
Mickey Luckman	Present
Mike Reynolds	Present
Gary Wilson	Present

STAFF PRESENT:

Curt Sauer	General Manager
Marie Salsberry	Human Resources Manager/Administrative Specialist

CONSULTANTS PRESENT:

Gil Granito	District Counsel
Kathleen Radnich	Public Outreach Consultant

GUESTS 11

4. APPROVAL OF AGENDA

MSC Reynolds/Luckman 4/0 (1 Absent) to approve the agenda for the July 2, 2014 Regular Meeting of the Board of Directors.

Fuller	Absent
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

5. PUBLIC COMMENTS

Tom Floen of Joshua Tree described how District staff recently handled a routine item well, complimenting Lead Customer Service Representative Peggy Jimenez and Jeremiah Nazario, Construction & Maintenance II on their response when Mr. Floen called the District office about a water leak in his neighborhood.

6. CONSENT CALENDAR

MSC Luckman/Johnson 4/0 (1 Absent) to approve the Check Audit Report for March 2014; to approve the Check Audit Report for April 2014; to approve the Check Audit Report for May 2014; to Adopt Resolution #14-920 Establishing the Appropriation Limit for Fiscal Year 2014/2015; and to approve the Investment Policy.

Fuller	Absent
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

7. PUBLIC HEARING TO CONSIDER THE WATER AVAILABILITY (STANDBY) CHARGES FOR

FISCAL YEAR 2014/2015

General Manager Curt Sauer presented the staff report, noting that the proposed rates have not changed since 1996, and no change is proposed at this time. Vice President Reynolds opened the public hearing and asked if there were any questions from the Board; there were none. Vice President Reynolds asked for public comment and there were no public comments. Vice President Reynolds closed the public hearing and the following action was taken:

MSC Luckman/Johnson 4/0 (1 Absent) to adopt Resolution 14-919, establishing a water availability charge for fiscal 2014-2015 and authorizing the collection thereof by the County of San Bernardino.

8. CONSIDER A RESOLUTION ADOPTING THE FINAL 2014 MOJAVE REGION INTEGRATED REGIONAL WATER MANAGEMENT PLAN

GM Sauer presented the staff report, describing the purpose of the Plan and how it was developed. Director Luckman commented that there has been a lot of community input for the plan and she recommended its adoption. Director Johnson asked about projects included in the plan; Director Luckman named the two projects that Prop 84 drought funding is being sought for.

MSC Luckman/Johnson 3/1 (1 Absent) to adopt Resolution 14-921, adopting the Mojave Integrated Regional Water Management Plan pursuant to the Safe Drinking water, Water quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

Fuller	Absent
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

9. COMMITTEE REPORTS, AD-HOC COMMITTEES:

- A. ADMINISTRATION CODE UPDATE PROJECT: President Fuller and Director Luckman: No report.
- B. HOSPITAL WASTEWATER PROJECT: Director Luckman and President Fuller: No report.
- C. MOJAVE WATER AGENCY INTEGRATED REGIONAL WATER MANAGEMENT PLAN COMMITTEE: Director Luckman and President Fuller: No report.
- D. RULES AND REGULATIONS COMMITTEE: President Fuller and Vice President Reynolds: No report.
- E. TANK RESTORATION PROJECT: Director Wilson and Director Johnson: No report.
- F. SOLAR PROJECT REVIEW COMMITTEE: President Fuller and Director Luckman: No report.

10. STANDING COMMITTEES:

- A. PUBLIC INFORMATION COMMITTEE: Director Luckman and President Fuller. Public Outreach Consultant Kathleen Radnich reported that on July 29<sup>th</sup> volunteers will meet for native seed collection; seed cleaning will take place on August 22<sup>nd</sup>.
- B. FINANCE COMMITTEE: President Fuller and Director Johnson: Director Johnson reported the committee continues to meet with staff and appreciates their input and guidance through the process.

11. PUBLIC COMMENT

None.

12. DISTRICT GENERAL COUNSEL REPORT

District Counsel Gil Granito reported on groundwater legislation, AB 1739 and SB 1168, noting both are supported by the Association of California Water Agencies. He also reported on a lawsuit filed in Sacramento Superior Court alleging that the State's new Chromium-6 standard is baseless, and he

reported on the recent regulations restricting water use due to the drought.

13. GENERAL MANAGER REPORT

GM Sauer reported on plans to schedule a Strategic Planning Meeting; noise complaints received due to Well 15. He reported an emergency purchase of booster pumps which had to be replaced after being affected by lightning strikes, at a cost of about \$15,000. Director Wilson asked if the District still has a diesel water pump purchased in 1971 and used in the past for emergencies. GM Sauer reported an expenditure of over \$10,000 needed to repair a service line.

He reported on progress of the D3 Booster and the Recharge Pond Project, noting he expects the District will receive water starting around October 1<sup>st</sup>. He suggested that an additional monitoring well be used to determine nitrate depths near the apartment complex neighboring the Recharge Pond site.

GM Sauer reported on emergency regulations passed yesterday by the state water board.

Richard Fountain of Joshua Tree commented that in the past, a poly service line would be scheduled for replacement after one leak; he asked if water quality monitoring is planned in Well 11, for the recharge ponds; he stated that the county building department office would have information regarding the apartment complex septage system.

14. FUTURE DIRECTOR MEETINGS AND TRAINING OPPORTUNITIES

Vice President Reynolds reported the Association of San Bernardino County Special Districts meeting will be held next Monday.

15. INDIVIDUAL DIRECTOR REPORTS ON MEETINGS ATTENDED

Director Luckman reported attending the Morongo Basin Pipeline Commission meeting where Kirby Brill of Mojave Water Agency presented information on the state water project and the Bay Delta Conservation Plan. Director Johnson reported on participating in a field tour of the District with the General Manager and District staff, noting he was impressed. Vice President Reynolds reported he also went on the field tour and was impressed watching District staff's teamwork on the emergency pump replacement.

16. DIRECTORS COMMENTS/REPORTS

Vice President Reynolds commented on the power of lobbyists and stated the District will one day need a lobbyist.

17. FUTURE AGENDA ITEMS

Director Luckman asked that the Board consider a state, rather than federal lobbyist.

18. ADJOURNMENT 8:03 PM

MSC Luckman/Johnson 4/0 (1 Absent) to adjourn the July 16, 2014 Regular Meeting of the Board of Directors.

Fuller	Absent
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

Respectfully submitted:

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Curt Sauer, General Manager and Board Secretary

JOSHUA BASIN WATER DISTRICT  
MEETING AGENDA REPORT

Meeting of the Board of Directors

August 20, 2014

Report to: President and Members of the Board

Prepared by: Curt Sauer 

TOPIC: Public Hearing to Consider Adoption of a proposed Water Conservation Ordinance

RECOMMENDATION: Adopt the Ordinance as is or as amended.

ANALYSIS:

It is common knowledge, and the District's various planning documents discuss the fact that a water shortage condition exists within the JBWD due to ongoing overdraft of our aquifer. In order to assist with long term, economical availability of water, certain non-essential water use practices may be prohibited or restricted. Such conservation requirements are common practice among many water districts, including our neighboring districts of Hi Desert and 29 Palms and throughout the Coachella Valley. As the Board knows very well, many residents of Joshua Tree work diligently to minimize their consumption of water, either for economic or conservation reasons. Many of the proposed conservation measures are already commonly practiced by Joshua Tree residents and businesses.

On June 15, 2011 the Board adopted our Urban Water Management Plan. The resolution adopting the plan specifically mentioned that the General Manager was to implement the Plan, including but not limited to the JBWD's Water Conservation Program and its Water Shortage Contingency Plan.

As recently as July 17, 2013 the Board considered possible adoption of a Water Use Efficiency and Prevention of Water Waste resolution, receiving a report from Deb Bollinger. The Board asked the CAC to provide input on the resolution. Minutes from the CAC meeting of November 12 indicate that the CAC supported the resolution.

Our discussion tonight could be seen as a follow up to these previous actions. However, in response to the Statewide drought, and the State Water Board's adoption of emergency regulations, which became effective July 29<sup>th</sup> it is now imperative that the Board move forward with an adoption of an ordinance. To not do so places the District in violation of the state regulations.

The State's emergency regulations require that urban water suppliers (JBWD) take actions to: 1) mandate specific requirements, and 2) encourages suppliers to take further conservation measures to reduce the use of water within their respective areas. The specific mandated requirements are covered in Section 1 of the proposed ordinance, items a thru d. The remaining items address the intent of the UWMP to promote water conservation, were all reviewed by the CAC in November, but are not mandated at this time.

It is important to note, however, that Sec 863 (a) (5) of the emergency regulation states: "The drought

conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.” Therefore I encourage the Board to thoughtfully consider not just the 4 mandated restrictions, but the other proposed items as well.

The Board should be aware of several items in the state’s emergency regulations. First, the resolution adopting the regulations specifically states that “the Water Code does not impose a mandatory penalty for violations of the regulations adopted by this regulation and local agencies retain their enforcement discretion in enforcing the regulations, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.”

The state’s emergency regulations are in effect for up to 270 days, or may be extended if the drought continues.

Finally, the State Water Board staff is directed to condition funding upon compliance with the emergency regulations, to the extent feasible.

STRATEGIC PLAN ITEM:

FISCAL IMPACT: Although it appears that there will be no additional cost to the District, this unfunded mandate will affect work load due to monthly reporting requirements and additional educational activities with customers.

# WATER DISTRICT SURVEY:

## Emergency Water Conservation Regs of 2014

Updated August 14, 2014

				MANDATORY PROHIBITIONS							ENFORCEMENT					COMMENTS				
DISTRICT	Enacted	Date of planned action		Washing	Carwash	Nursery	Park	Lawn	Construction	Restaurant	Recirc	Irrigation	Voluntary	Local	Fines	Approved	Staff	Report	Website	
				hardscape	shut off	irrig hrs	Golf	School	hrs	meter	water	Fountains	days	only	municipality	Not enforced	enforcement	water	waste	notice
M O R O N G O	San Bernardino County Special Districts	X	8/1	X	X		X	X			X	X							X	Stage not identified
	Golden States		?										X							
	Hi-Desert Water District	X		X	X			X		X	X					X				1992 Ord. 68
	Twentynine Palms Water District		?																	
	Victorville (MWA service area) <sup>2</sup>	X		X				?									X			Enacted in 2005
C O A C H E L L A	Desert Water Agency	X	8/5 PubH	X	X	X	X	X	X	X				?				X	X	Stage 2. PS updating ord
	Mission Springs Water District		8/18																X	Ref to Atty <sup>1</sup>
	Coachella Valley Water District <sup>3</sup>	X	8/12	X	X			X		X	X				X		X	X		Incr cons \$540K
	Indio Water Authority	X											X						X	Voluntary. Incr incentives
OT HE R	See ACWA's updated list of water district responses: <a href="http://www.acwa.com/content/local-drought-response">http://www.acwa.com/content/local-drought-response</a>																			

<sup>1</sup> Fact sheet coming soon

<sup>2</sup> Unlawful to allow water waste after receiving notice.

<sup>3</sup> Additional actions: Hotels asked to place messages in guest rooms; prevent runoff; repair sprinklers within 24 hrs of notification.



**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Government Code Sections 11346.1 and  
11349.6**

**Adopt sections: 863, 864, 865**

**Amend sections:**

**Repeal sections:**

**OAL File No. 2014-0718-01 E**

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The State Water Resources Control Board (Board) submitted this emergency action to adopt three sections and a new article in title 23 of the California Code of Regulations pertaining to drought emergency water conservation. The proposed action addresses severe impacts on California's water supplies and its ability to meet all water demands in the state due to the current drought, which was declared to be a state of emergency by Governor Brown in two executive orders issued in 2014. The second executive order, issued April 25, 2014, directed the Board to adopt emergency regulations, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 7/28/2014 and, pursuant to section 1058.5 of the Water Code, will expire on 4/25/2015. The Certificate of Compliance for this action is due no later than 4/24/2015.

Date: 7/28/2014



Richard L. Smith  
Senior Attorney

For: DEBRA M. CORNEZ  
Director

Original: Thomas Howard  
Copy: Carlos Mejia

# EMERGENCY

instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2014-0718-018</b>	ENDORSED FILED THE OFFICE OF
For use by Office of Administrative Law (OAL) only			2014 JUL 28 PM 1:30	
NOTICE		REGULATIONS		
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board				AGENCY FILE NUMBER (if any)

2014 JUL 18 PM 12:09  
 OFFICE OF ADMINISTRATIVE LAW

*Debra Bowen*  
 DEBRA BOWEN  
 SECRETARY OF STATE


**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Drought Emergency Water Conservation	TITLE(S) 23	FIRST SECTION AFFECTED 863	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Carlos Mejia	TELEPHONE NUMBER (916) 341-5184	FAX NUMBER (Optional) (916) 341-5199
<b>OAL USE ONLY</b>	<b>ACTION ON PROPOSED NOTICE</b>	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Drought Emergency Water Conservation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 863, 864, 865		
	AMEND		
TITLE(S) 23 via 7/10/14	REPEAL		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <b>Emergency (Wat. Code, §1058.5)</b> <i>RS</i>			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) <i>request RS</i>			
7. CONTACT PERSON Carlos Mejia	TELEPHONE NUMBER (916) 341-5184	FAX NUMBER (Optional) (916) 341-5199	E-MAIL ADDRESS (Optional) carlos.mejia@waterboards.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE  
  
 TYPED NAME AND TITLE OF SIGNATORY  
 Caren Trgovcich, Chief Deputy Director, State Water Resources Control Board

DATE  
 7-17-2014

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 28 2014

Office of Administrative Law

## **PROPOSED TEXT OF EMERGENCY REGULATIONS**

### **Article 22.5. Drought Emergency Water Conservation.**

#### **Section 863. Findings of Drought Emergency.**

**(a) The State Water Resources Control Board finds as follows:**

**(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;**

**(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;**

**(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;**

**(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and**

**(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.**

**Note:**

**Authority: Section 1058.5, Water Code.**

**Reference: Sections 102, 104 and 105, Water Code.**

#### **Section 864. Prohibited Activities in Promotion of Water Conservation.**

**(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:**

**(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;**

**(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;**

**(3) The application of potable water to driveways and sidewalks; and**

**(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.**

**(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.**

**Note:**

**Authority: Section 1058.5, Water Code.**

**Reference: Sections 102, 104 and 105, Water Code.**

#### **Section 865. Mandatory Actions by Water Suppliers.**

**(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to**

## PROPOSED TEXT OF EMERGENCY REGULATIONS

suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15<sup>th</sup> of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. Beginning October 15, 2014, the monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104, 105, 350, 10617 and 10632, Water Code.

## **ORDINANCE NO. 14-8**

### **AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT (“DISTRICT”) REQUIRING WATER USE EFFICIENCY MEASURES AND THE PREVENTION OF WATER WASTE PURSUANT TO CALIFORNIA WATER CODE SECTION 375 et seq.**

#### **Recitals, Findings, and Determinations.**

- A. On January 17, 2014, Governor Brown declared a drought state of emergency and on April 25, 2014, the Governor signed an Executive Order (“Executive Order”) calling on the State Water Resources Control Board (“State Water Board”) to adopt emergency regulations to ensure that urban water suppliers implement drought response plans to limit outdoor potable water irrigation and prohibit other wasteful water practices; and
  
- B. On July 15, 2014, the State Water Board adopted Emergency Regulations (“State Regulations”) effective July 29, 2014 that prohibit certain outdoor water uses and require urban water agencies to implement mandatory outdoor water use restrictions under their local water shortage contingency plans. The State Regulations will remain in effect for a minimum of 270 days or nine months. The State Regulations require urban water agencies to report monthly water production data, GPCD (Gallons per Capita per Day), conservation-related implementation measures and/or enforcement actions by the 15<sup>th</sup> of each month starting with August. With regard to reporting GPCD, the State Water Board acknowledged that the GPCD reporting requirement will be delayed to October 15 in order for the state to develop guidance on how the GPCD should be calculated. Water production data for each preceding month will be compared to a similar month in 2013. The State will develop an electronic reporting portal that will include applicable data fields. Nothing in the State Regulations or in the enforcement provisions of the State Regulations, preclude a local agency from exercising its authority to adopt more stringent conservation measures; and
  
- C. The water conservation measures and restrictions on water use identified by this Ordinance provide certainty to water users and enable the District to control water use and plan and implement water measures and restrictions in a fair and orderly manner for the benefit of the public. This Ordinance is further intended to comply with the mandates of the State Water Board Regulations applicable to the District.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Conservation Water Use Restrictions and Measures.**

Except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency, the following water use restrictions and conservation measures shall apply:

- a) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited;
- b) The use of a hose that dispenses potable water to wash a motor vehicle is prohibited, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- c) The application of potable water to driveways and sidewalks is prohibited;
- d) The use of potable water in a fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system;
- e) Water shall not be permitted to leak from any water line, faucet or other facility on any premises. Any leak shall be repaired in a timely manner.
- f) All conventional (overhead) spray irrigation systems shall be scheduled to run between the hours of 8 pm and 9 am.
- g) Water for construction purposes, including but not limited to debrushing of vacant land, compaction of fills and pads, trench backfill and other construction uses, shall be used in an efficient manner.
- h) All new construction, including residential, commercial and industrial, shall be equipped with low flow toilets and fixtures.
- i) All new model homes and commercial and industrial development, when landscaped, shall include low water use, drought tolerant or native plant material, and matched precipitation rate, low-gallonage sprinkler heads, bubblers, and drip irrigation systems. Irrigation systems shall include a smart irrigation controller or equivalent technology.
- j) Dedicated (separate) landscape water meters shall be installed for all irrigated landscape areas in excess of 2500 square feet, except for single family residences.

- k) Water used for cooling systems must be recycled to the extent possible.
- l) Evaporation resistant covers are required for all new swimming pools and hot tubs and are encouraged on existing pools.
- m) Hotels/motels and vacation rentals are encouraged to post notices urging guests to conserve water.
- n) Restaurants or other public places where food is served are encouraged to provide glasses of drinking water to customers only when specifically requested.
- o) All water customers are encouraged to install flow reducers and faucet aerators.

## **SECTION 2. Non-Compliance Charges and Penalties.**

The District intends to achieve customer compliance with the water use restrictions and measures of this Ordinance through the District's educational and communication efforts. The District will not initiate enforcement action, except in those instances where the customer demonstrates intentional or gross negligent disregard for the water use restrictions and measures set forth in this Ordinance.

Non-Compliance Charges: The following will apply to persons or entities failing to comply with any provision of this Ordinance.

1. First Instance of Non-Compliance: The District will issue a written warning and send it along with an explanation of the violation.
2. Second Instance of Non-Compliance: A second instance of non-compliance with this Ordinance within the preceding twelve (12) calendar months is subject to a non-compliance charge of twenty five dollars (\$25.00) on the water bill.
3. Third Instance of Non-Compliance: A third instance of non-compliance with this Ordinance within the preceding twelve (12) calendar months is subject to a non-compliance charge of one hundred dollars (\$50.00) on the water bill.
4. Subsequent instances of non-compliance are each subject to a non-compliance charge of \$100.

## **SECTION 3. Appeals.**

- A. Any person or entity wishing to appeal a non-compliance charge, action or

penalty shall do so in writing to the District's General Manager.

- B. The District's General Manager and/or his designee shall review and make a decision on the appeal.
- C. If the applicant disagrees with the decision, the applicant may appeal the decision to the District's Board of Directors for consideration.

**SECTION 4. Purpose and Intent.** It is the purpose and intent of this Ordinance to limit the use of water to beneficial purposes only and to prohibit and restrict the unnecessary and wasteful use of water.

**SECTION 5. Ordinance Controlling.** The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and any other rule, regulation or code of this District, except as later amended by resolution or emergency rule.

**SECTION 6. Effective Date.** This Ordinance shall be effective upon its adoption.

**SECTION 7. Publication.** The District's General Manager or his designee is hereby directed to publish this Ordinance in full within 10 days of August 20, 2014 pursuant to Section 376 of the Water code of the State of California.

**ADOPTED, SIGNED, AND APPROVED** by the following vote this 20<sup>th</sup> day of August, 2014.

AYES:

NOES:

ABSTAIN:

ABSENT:

**JOSHUA BASIN WATER DISTRICT**

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VICTORIA FULLER, President  
Joshua Basin Water District and the  
Board of Directors thereof

ATTEST:

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CURT SAUER, General Manager/Secretary  
Joshua Basin Water District and the  
Board of Directors thereof



JOSHUA BASIN WATER DISTRICT  
MEETING AGENDA REPORT

Meeting of the Board of Directors

August 20, 2014

Report to: President and Members of the Board

Prepared by: Susan Greer 

TOPIC:  
RECEIVE INFORMATION ABOUT PROBABLE RECHARGE PROJECT COSTS

RECOMMENDATION:  
Information Only

ANALYSIS:  
Our Recharge Project is nearing completion, with the pipeline portion complete except for testing (possible once the ponds can receive water) and the ponds portion approximately 80% complete.

This project is substantially funded with grants and the District deserves to be very proud of the amount of outside funding that has been committed to the project. The information below provides the estimated probable costs for the project, including grant funding from four different sources.

Description	EPA	MWA	DWR	CDPH	JBWD	TOTAL
Engineering	\$95,858			\$493,508		\$589,366
Construction	84,416	\$1,368,385	\$3,000,000	2,179,000		6,631,801
Environmental	110,726	231,615		493,436	\$1,067,936	1,903,713
Administration				44,056		44,056
Land					241,880	241,880
<b>TOTAL</b>	<b>\$291,000</b>	<b>\$1,600,000</b>	<b>\$3,000,000</b>	<b>\$3,210,000</b>	<b>\$1,309,816</b>	<b>\$9,410,816</b>
<b>% OF TOTAL</b>	<b>3%</b>	<b>17%</b>	<b>32%</b>	<b>34%</b>	<b>14%</b>	<b>100%</b>

In total, we are projecting costs of \$9,411,000 while total costs were originally estimated at \$10,359,000, including contingency. While we have not had to use the contingency money due to favorable bids and good project management, we have been able to incorporate funding for other costs incurred in the past, such as our USGS studies. While we paid most of those costs years ago anyway, we had a cost share requirement, meaning that we had to pay a share of the costs for the project as a condition of some of the grants, so we applied our share towards those study costs. That is the reason for the environmental costs of \$1,904,000.

The District's share of the cost is \$1,310,000, or 14% of the total. The District's costs were estimated at \$2,261,000, so we are projecting the District's total costs to be 42% less than originally estimated.

This estimate of probable costs indicates that the District will pay for this \$9.4M project with over \$8.1M in grant funds, resulting in 86% of the total cost funded by grants; quite an accomplishment.

100% of the EPA and MWA funds, as well as most of the DWR funds have already been received. The District is still working with CDPH on their grant, delayed due to the re-bidding and the coordination required between the various funding sources as well as the CDPH/State Water Resources Control Board reorganization, and no funding has yet been received from that grant.

STRATEGIC PLAN ITEM:

N/A

FISCAL IMPACT:

N/A, Information only

JOSHUA BASIN WATER DISTRICT

Regular Meeting of the Board of Directors

August 20, 2014

Report to: President and Members of the Board  
From: Michael Metts, PE, District Engineer

TOPIC: D3 BOOSTER PUMP STATION REPLACEMENT PROJECT –  
AUTHORIZATION TO FILE NOTICE OF COMPLETION

RECOMMENDATION: Request that Board authorize the General Manager to execute and file the notice of completion for the D3 Pump Station Replacement Project completed by Cora Constructors Inc. of Palm Desert California.

ANALYSIS: The Board of Directors authorized advertisement of the new D3 Booster Pump Station on June 5, 2013. The project was placed out to bid on October 1, 2013 and bids were received on November 14, 2013. Three bids were received and the lowest apparent bidder was Cora Constructors with a bid of \$145,360.

As part of this project two items were supplied or installed by other contractors, the booster pump package and the pre-manufactured steel building. To avoid receiving an undesired contractor supplied pump, the District has decided to pre-purchase the pump package from Barrett Engineered Pumps. To save cost, the District opted to recycle a previously salvaged pre-fabricated metal building from the E1-D2 pump station project and have it installed by Luna Pacific Construction.

To date, all work required of Cora Constructors has been completed warranting filing of the notice of completion. Minor controls adjustments remain for the pre-purchased pump package, which are independent of the work completed by Cora Constructors and are scheduled to be resolved August 26<sup>th</sup>.

FISCAL IMPACT: Cora Construction was the lowest responsive bidder with a bid price of \$145,360. The pump package was supplied by Barrett Engineered Pumps at a total cost of \$31,777.20. Forshock provided SCADA and telemetry services for a total cost of \$4,286.60. Construction of the pre-fabricated metal building by Luna Pacific Construction was \$6,000. Engineering and testing

services were provided by Dudek, Rockwell and Heider Engineering for a total cost of \$17,719.38. The total cost of construction for the project was \$205,143.18. The project is included in the District strategic plan with a budget of \$250,000.

Project retention, in the amount of \$7,268, originally removed from the total contract price of \$145,360 will be paid to Cora Construction after the required 35-day waiting period, barring the resolution of any sub-contractor payment requests.

Recording Requested by (and mail to):

JOSHUA BASIN WATER DISTRICT  
61750 Chollita Road  
Joshua Tree, CA 92252

Exempt from filing fees per  
G.C. Section 6103

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NOTICE OF COMPLETION

Notice is given that work was completed on that certain work of improvement known as The D3 Booster Pump Station Replacement Project, for the owner, **Joshua Basin Water District, 61750 Chollita Road Joshua Tree, CA 92252**, on or before August 14, 2014 and that said work was accepted by the District on August 14 ,2013.

The original Contractor on said work was Cora Constructors Inc., 75140 St. Charles Place #A, Palm Desert, California 92211 and the surety of said Contractor is Western Surety Company of 101 S. Reid Street #300. Sioux Falls, SD, 57103. Said work of improvement was constructed at (and/or) Assessor's Parcel Number 60407125.

JOSHUA BASIN WATER DISTRICT

Date \_\_\_\_\_

By: \_\_\_\_\_  
General Manager

STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by

\_\_\_\_\_ ,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

Signature: \_\_\_\_\_

Signature of Notary Public