

## **RESOLUTION NO. 2015-002**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MIGUELITO MUTUAL WATER COMPANY AMENDING AND REAFFIRMING STAGE II WATER CONSERVATION PROGRAM**

**WHEREAS**, the San Miguelito Mutual Water Company (“SMMWC”) is a water company incorporated under the laws of the State of California and is in the business of providing potable water and wastewater conveyance and treatment services to its shareholders and contracted customers; and

**WHEREAS**, pursuant to Article VI, Section 2 of the SMMWC Bylaws, entitled Powers to Establish Rates, Charges, Rules and Regulations, the SMMWC Board of Directors (“Board”) has the specific power to make and enforce all rules and regulations permitted by law; and

**WHEREAS**, on April 27, 2009, the SMMWC Board adopted Resolution 2009-001 establishing a Water Conservation Policy including specific permanent prohibitions on wasting water and a three (3) stage water conservation program to address drought conditions or reductions in the water supply; and

**WHEREAS**, on January 15, 2014 SMMWC established and implemented a Stage I Water Conservation Program to address the drought; and

**WHEREAS**, on January 17, 2014, the Governor of the State of California declared a state of emergency (the “Proclamation”) due to record dry conditions and concerns over the State’s dwindling water supplies. In addition to the Proclamation, Governor Brown called on all Californians to reduce water use by twenty percent (20%); and

**WHEREAS**, in an effort to meet the Governor’s call to action of a 20 percent reduction in water use statewide, the State Water Resources Control Board on July 15, 2014, adopted Emergency Resolution No. 2014-38, which mandates minimum actions by water providers to curb water waste and conserve water; and

**WHEREAS**, on September 17, 2014, SMMWC adopted Resolution 2014-001, which established and implemented a Stage II Water Conservation Program to address the drought; and

**WHEREAS**, on April 1, 2015, the Governor issued an Executive Order directing the imposition of further restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable water usage through

February 2016, and on May 5, 2015 the State Water Resources Control Board adopted implementing regulations that mandate that smaller water suppliers (serving fewer than 3,000 connections) must either reduce water use by 25 percent, or restrict outdoor irrigation to no more than two days per week.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN MIGUELITO MUTUAL WATER COMPANY AS FOLLOWS:**

**SECTION 1. WATER CONSERVATION STAGE II AMENDMENT.**

Section 2 of Resolution 2014-001 is hereby amended in its entirety as follows:

**SECTION 2. STAGE II WATER CONSERVATION PROGRAM.** Based upon the Proclamation, existing water supply conditions and extreme drought, the Board of Directors hereby enacts, establishes and implements a Stage II Water Conservation Program.

Customers of SMMWC are required to mandatorily reduce the overall amount of water used by at least twenty percent (20%). This shall be achieved by reducing Residential use at least ten percent (10%), Commercial use at least ten percent (10%), and Irrigation use at least fifty percent (50%).

In addition to the prohibitions contained in Section 3 of Resolution 2009-001, the following prohibitions shall apply:

- i. Use of potable water for outdoor irrigation of landscaping, turf areas and gardens shall occur only on Tuesdays and Fridays between the hours of five (5) p.m. and ten (10) a.m. and must utilize hand held hoses, drip irrigation or permanently installed automatic sprinkler systems.
- ii. Use of potable water for planting of turf and other new landscaping unless it consists of low water using, drought tolerant plants.
- iii. Use of potable water for soil compaction or dust control purposes in construction activities is prohibited.
- iv. Use of Fire Hydrants shall be limited to fire suppression and/or other activities immediately necessary to maintain health, safety and welfare of SMMWC customers.
- v. Operation of any ornamental fountain unless the water is re-circulated.
- vi. Emptying and refilling swimming pools or spas except to maintain water levels or to prevent structural damage and/or to provide for the public health and safety.
- vii. Water service to patrons by any eating establishment unless specifically requested.

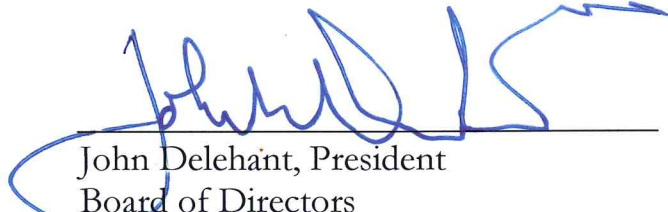
**SECTION 2. REAFFIRMATION.** Except as modified herein, the remainder of Resolution 2014-001 remains in full force and effect.

**SECTION 3. SEVERABILITY.** If any provision of this Resolution or the applicability thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid portion or application, and to that end the provisions of this Resolution are severable.

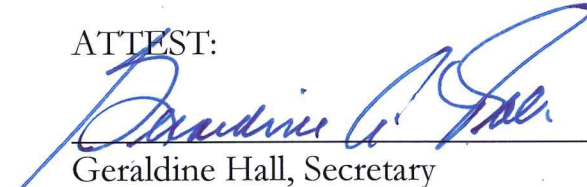
**SECTION 4. EFFECTIVE DATE.** This Resolution shall become effective immediately upon adoption.

**SECTION 5. RECITALS.** The above recitals are true and correct and are incorporated herein by this reference.

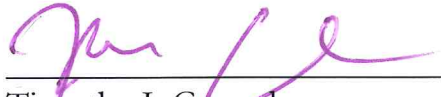
**PASSED AND ADOPTED** this 17<sup>th</sup> day of June, 2015.

  
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John Delehant, President  
Board of Directors

ATTEST:

  
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Geraldine Hall, Secretary

APPROVED AS TO FORM:

  
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Timothy J. Carmel  
General Counsel