

## BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

Resolution No. 655

Amending BCPUD Resolution 173, Paragraph 6, Rescinding BCPUD Resolution 627, and Modifying Process for Board of Directors' Determination of the Amount of Water Use Allowed For Conditional Expanded Water Use Permits.

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WHEREAS, the Bolinas Community Public Utility District ("BCPUD" or the "District") duly enacted Resolution 173, declaring a continuing water shortage emergency condition, in 1977;

WHEREAS, paragraph 6 of that resolution established a formula limiting water use allowances based on historical usage in cases where an existing customer modified their service in a way that could increase their demand for District water;

WHEREAS, in 2014, the BCPUD enacted Resolution 627 clarifying paragraph 6 of Resolution 173 to guide the BCPUD Board of Directors ("the Board") in circumstances where an expanded water use applicant's service did not have any consumption over the prior 12-month period, or where the service's water consumption over the prior 12-month period was significantly unrepresentative;

WHEREAS, the above-mentioned Resolution 627 reads, in pertinent part, as follows:

"When application is made to the District for an expanded water use permit for an expansion or modification of an existing service that would require a County building and/or use permit and which, in the judgment of the Board of Directors, could result in an increase in demand for District water, but where there either (i) was no water use at the subject service during the prior 12 months period, or (ii) was no representative water use at the subject service during the prior 12 months period, permits shall be granted in an annual amount of not more than 50% more than the community average water consumption (as determined by the General Manager as of January 1 of each calendar year) or 500 cubic feet per month, whichever is less. Permits may be conditionally granted subject to revocation if average water use in any 6-month period exceeds the above limits. Written notice of revocation must be mailed or delivered to the permittee at the billing address at least 60 days before such revocation is effected."

WHEREAS, the Board continues to find that the +50% allocation formula as incorporated in Resolution 627 is a fair and reasonable approach toward establishing Expanded Water Use Permit ("EWUP") water use allotments in cases where the historic water usage is absent or not representative, provided that such usage also is not already above the community (meaning District-wide) average;

WHEREAS, the Board finds that the formula of Resolution 627, when applied to customers whose usage is below the District-wide average, penalizes customers for whom that usage is deemed by the Board to be representative, relative to customers for whom that usage is not so deemed;

WHEREAS, it would further the District's efforts to encourage water conservation to avoid disadvantaging customers who have conserved water more carefully than other customers;

WHEREAS, the Resolution 173 formula for determining EWUP allowances unintentionally rewards profligate water users by allowing them an additional 500 cubic feet per month (1500 cubic feet per Quarter of a year) no matter how high their historical water usage or the reasons for that water usage;

WHEREAS, the Board recognizes that it is in the best interest of the district for the Board to reserve discretion to decide the amount of water use limits for expanded water use permits in order to avoid a hardship to a customer and/or the reduction of services to the public; and

WHEREAS, the range of allotted water use limits authorized by the Board for conditional EWUPs has varied widely over time due to the range of historical average use across the district and the Board wishes to achieve a more even and moderate distribution of EWUP allowances as it establishes future EWUP allowances

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bolinas Community Public Utility District as follows:

- 1. Resolution 627 is hereby rescinded.
- 2. Paragraph 6 of Resolution 173 is hereby modified to read as follows:

See Exhibit A.

- 3. Upon request by an affected customer, the district's General Manager is authorized to administratively adjust the maximum quarterly water use limit to 2,700 cubic feet for any EWUP with a limit below that amount, and the Board shall be so notified.

IT IS HEREBY CERTIFIED that this resolution was duly introduced and adopted by the Board of Directors of the Bolinas Community Public Utility District this 21st day of March, 2018, by the following vote:

AYES: AMOROSO, COMSTOCK, GODINO, SLEDMAN, SMITH

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

  
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 President, Board of Directors

attest:

  
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 Secretary

*As amended by the BCPUD Board of Directors on January 16, 2019.*

EXHIBIT A to BCPUD Resolution 655

Paragraph 6 of BCPUD Resolution 173 is hereby amended to read, in its entirety, as follows:

“Water will not be provided to any expansion or modification of an existing service which would require a County building and/or use permit and which, in the judgment of the Board of Directors, could result in an increase in demand for District water by more than 50% of the service's average consumption over the prior 12 Quarters (3-month periods), or by 1500 cubic feet per Quarter, whichever is less.

A Limited Water Use Permit must be applied for from the District for continued water delivery to an existing service in which there is expansion or modification of the service which would require a County building or use permit. Application must be made on a form provided by the District, and applicant must supply such information as the District may request to assist the District in evaluating the application, Permits will be granted upon a determination that the expansion or modification will not exceed the above limits. Permits are conditionally granted and subject to revocation if average water use in any one Quarter exceeds the permit limit granted, which shall be the highest of:

- a. 50% more than the annually averaged District-wide water consumption of 1,800 cubic feet per Quarter per service, as determined by the General Manager as of January 1st of 2017; or
- b. the service's average Quarterly water consumption over the prior 12 Quarters; or
- c. an amount determined by the Board of Directors to be appropriate, but not exceeding an additional 50% or 1500 cubic feet per Quarter, whichever is less, over the service's average consumption over the prior 12 Quarters, when the customer has documented, to the Board's satisfaction, that the allocation available to the customer under provisions (a) or (b) above, whichever is higher, would indeed result in a hardship to the customer or a reduction of services provided to the Bolinas community.

If the subject service's average Quarterly consumption over the prior 12-Quarter period exceeds 3,600 cubic feet, a permit will be granted only after District staff surveys such usage with the customer at the service site and makes written recommendations to the customer for water-saving measures. This limitation does not apply to permits granted under provision (c) above.

The District shall immediately notify the permittee if average water use in any one Quarter exceeds the applicable limit and require the permittee to reduce water use immediately and comply with the permit terms (“Permit Violation Notice”). The District shall further notify the permittee that failure to comply with the District's conditions, rules and regulations concerning water service (including but not limited to a failure to comply with a Limited Water Use Permit) is grounds for termination of the water service pursuant to BCPUD Resolution 312. The District will monitor the permittee's water usage to ensure compliance. If the permittee is not thereafter in compliance with the terms of the permit within thirty (30) days of the District's Permit Violation Notice, the District shall so notify the permittee and commence water service termination procedures pursuant to BCPUD Resolution 312.

*As amended by the Board of Directors at a regular meeting on August 26, 2020.*