

# BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD

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## **CRITERIA FOR EXCEPTIONS FROM THE MANDATORY WATER RATION AMOUNT PER BCPUD RESOLUTION 680**

### **BCPUD Resolution 680, Section 5:**

Special Exceptions. If and when the mandatory water use prohibitions described in Section 3, above, take effect in the district, *written applications for exceptions to or adjustments of said water use prohibitions may be made to the BCPUD.* Upon receipt of such an application, the General Manager will schedule a duly noticed special meeting of the BCPUD Board of Directors to consider the request(s). The BCPUD Board of Directors *may* in its sole discretion, based on specific findings of fact about the customer's water use and reasons for the requested exception or adjustment, and considered in all cases within the context of the district's available water supply:

- a. grant exceptions for the uses of water otherwise prohibited in Section 4; or
- b. grant exceptions from the applicable mandatory ration amount if it is found that:
  - (i) to fail to do so would cause an emergency condition adversely affecting the *health, sanitation, fire protection, or safety of the customer or the public, or adverse impacts such as loss of production or jobs*; or
  - (ii) the customer has demonstrated to the satisfaction of the Board that circumstances have changed warranting a change in the customer's ration amount.

No exception shall be granted or ration amount adjusted by the BCPUD Board of Directors unless and until the requesting customer has adopted all practicable water conservation measures, has demonstrated to the BCPUD's satisfaction that there are no alternatives to the use of water from the BCPUD, and has demonstrated to the BCPUD's satisfaction that the BCPUD's water will be used efficiently and without waste. *The Board will not render a final decision on a customer's request for an exception until a water audit of the customer's water use is conducted by BCPUD staff and conveyed to the Board in a written report.* The Board's decision on an application submitted under this Section 5 for an exception or adjustment is final.

### **Criteria for Evaluation of Exception Requests:**

The BCPUD Board has developed the following criteria to guide its consideration of exception requests pursuant to the foregoing Section 5 of BCPUD Resolution 680:

- (1) Any customer requesting an exception must set forth in writing and in detail the reasons why he or she is requesting to be granted more water than the per meter ration amount set forth in Section 3 of BCPUD Resolution 680.
- (2) At the time the request is submitted, the customer must schedule a water audit with BCPUD staff in sufficient time for the audit to be completed prior to the special

Board meeting at which the exception will be considered and, during the audit, the customer must demonstrate to BCPUD staff's reasonable satisfaction that all practicable water conservation measures have been adopted at the property.

- (3) The BCPUD Board will prioritize requests for exceptions that document clear public health and safety reasons for the exception; specifically, that the number of people regularly relying on a single meter for drinking water and sanitation purposes will not have sufficient water for these purposes unless an exception is granted, or that a customer's medical condition requires the use of an amount of water in excess of the mandatory ration amount.
  - a. In general, public health and safety exceptions based on the number of people served by a single water meter shall not be granted unless there are more than five people regularly relying on a single meter for drinking water and sanitation purposes.
    - i. The customer requesting the exception must provide adequate proof (to BCPUD's reasonable satisfaction) of the number of people regularly relying on a single meter for drinking water and sanitation purposes.
    - ii. "Adequate proof" shall take the form of a written statement, signed under penalty of perjury by the property owner and a second person from among those persons regularly relying on the same single meter for drinking water and sanitation purposes, attesting to the total number of people regularly relying on that water meter for drinking water and sanitation purposes.
    - iii. As a general rule, no more than 20 gallons per person over the daily ration amount will be granted to customers requesting public health and safety exceptions.
  - b. Public health and safety exceptions based on a medical condition shall be granted upon submission of a confidential written statement, signed under penalty of perjury by the property owner and the person experiencing the medical condition, attesting to the existence of the medical condition and the amount of water needed in excess of the mandatory ration amount.
- (4) After taking into consideration the impact of any exceptions granted for public health and safety reasons on the overall ration amount established pursuant to Section 3 of BCPUD Resolution 680, the BCPUD Board may also consider requests submitted by customers with commercial businesses who attest that they will not have sufficient water for their business unless an exception is granted.
  - a. Customers requesting exceptions for their commercial business should provide detailed information, signed under penalty of perjury, for the Board's consideration as to the minimum amount of water needed in order to minimize adverse impacts to their business.

- b. Customers requesting exceptions for their short-term rental properties must provide documentation on the historic average occupancy of their units and their unit(s) must be on the County of Marin's public list of registered short-term rental operators.
    - i. As a general rule, no more than 20 gallons per person (as determined by the historic average occupancy of the short-term rental unit) over the ration amount will be granted to customers requesting an exceptions for short term rental properties.
5. In connection with all requests for exceptions from the ration amount:
- a. the BCPUD Board will consider the requesting customer's historic water use;
  - b. the BCPUD Board will consider whether the customer owns more than one property served by an active connection to the BCPUD's water distribution system; and
  - c. the required water audit must be completed to the BCPUD's reasonable satisfaction before any exceptions from the ration amount will be granted.