

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

RESOLUTION NO. 173

DECLARATION OF CONTINUED WATER SHORTAGE EMERGENCY CONDITION

Whereas, the BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT is a Public Utility District organized and existing under the laws of the State of California, situated and serving an area entirely within the County of Marin, State of California; and

WHEREAS, this District provides water service for agricultural, commercial, industrial, recreational and domestic uses within the District; and

WHEREAS, the Board of Directors of this District did on November 26, 1971, declare a water shortage emergency condition to exist within the area served by the District, by its Resolution No. 93; and

WHEREAS, the Board of Directors, in response to said water shortage emergency condition, did enact a water moratorium on new or additional service connections, on November 26, 1971, and has since continued said water moratorium to the present date; and

WHEREAS, the Board of Directors did affirm the continuation of said water shortage emergency condition on September 13, 1972, by Resolution No. 113, and again on January 2, 1974, by Resolution No. 130; and

WHEREAS, the Board of Directors has, ever since November 26, 1971, continued to review the status of said water shortage emergency condition and water moratorium and has during the same period of time done numerous things to increase its water storage capacity and to improve its water transmission and distribution system in order to alleviate said water shortage emergency condition, all as more fully set forth in the declaration of Director Paul Kayfetz filed July 5, 1977, in Marin Superior Court Action No. 81460, a copy of which is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the District has determined that a formal review of the status of said water shortage emergency condition and water moratorium would be appropriate at this time and has accordingly duly published, pursuant to Water Code §352, the notice attached hereto as Exhibit "B" in The Point Reyes Light, a newspaper of general circulation within the District's service area, on June 30, 1977; and

WHEREAS, said notice was also published in the Bolinas Hearsay News on July 6, 1977, and in the Great Western Pacific Coastal Post on July 8, 1977; and

WHEREAS the hearing specified in said notice has been duly held, and all interested persons have been given an opportunity to be heard to present their respective needs and to protest, support, or otherwise comment upon the propriety of a current declaration of a water shortage emergency condition, the continuation, modification, or repeal of the water moratorium, the projects being considered by the Board for major replacement of pipelines and construction of additional reservoirs, and the means of financing such projects; and

WHEREAS, the water supplies available to this District for distribution to its consumers are presently limited to that available from Arroyo Honda and Pine Gulch creek; and

WHEREAS, the total flow available to the District from Arroyo Honda has proven insufficient to meet the water demands of existing consumers during each of the past 6 summers; and

WHEREAS, the District's sole permanent functioning source of diversion and supply, at two points high in Arroyo Honda canyon, is subject to disruption caused by earth slides, as have occurred in varying degrees during 3 of the last 6 winters; and

WHEREAS, during each of the last 6 summers the District has been required to supplement its water supply through emergency pumping from Pine Gulch Creek from a diversion point at which the District possesses no permanent water rights; and

WHEREAS, the water so obtained from Pine Gulch Creek was and is contaminated so as to present a potential hazard to the health and safety of consumers within the District; and

WHEREAS, the District had to draw more than 22-1/2 acre feet of water last summer from the

said temporary emergency source on Pine Gulch Creek, and already has drawn approximately 25 acre feet of water this summer from Pine Gulch Creek; and

WHEREAS, that withdrawal of water from Pine Gulch Creek deprived downstream users of water to which their legal entitlement was superior to that of the District; and

WHEREAS, the District's emergency pumping of water from Pine Gulch Creek during 1977, has from time to time caused surface flows to completely disappear in said creek, thus depriving downstream users of water to which their legal entitlement was superior to that of the District; and

WHEREAS, at the present time the District has insufficient water from any source to prevent periodic reduction of storage tank levels below minimum fire safety needs; and

WHEREAS, an engineering study performed for the District by William Oswald, Ph.d., P.E., indicates that merely to provide a population of 1,100 (then projected for 1990) with a safe and adequate supply of water, the District should have available to it minimum total storage capacity in excess of 60 acre feet; and

WHEREAS, the population of the District already considerably exceeds 2,000 persons; and

WHEREAS, the District currently estimates that total District storage of 160 acre feet is needed, under present conditions, to satisfy the ordinary demands and requirements of District water consumers without depleting the District water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, even with the newly constructed reservoir now being filled, the present total storage capacity available to the District is less than 33 acre feet; and

WHEREAS, the majority of the transmission and distribution pipelines of the District, totaling more than thirty miles of pipe, are in a state of disrepair resulting in losses of from 10% to 50% of the total water carried therein; and

WHEREAS, the District currently estimates that, if the transmission lines from the Arroyo Honda were replaced, total District storage of 140 acre feet would be needed, under present conditions, to satisfy the ordinary demands and requirements of District water consumers without depleting the District water

supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the District currently estimates that, if its distribution system were completely repaired or replaced as needed, total District storage of 140 acre feet would be needed, under present conditions, to satisfy the ordinary demands and requirements of District water consumers without depleting the District water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the District currently estimates that, if both the transmission lines from the Arroyo Honda were replaced and the District distribution system were completely repaired or replaced as needed, total District storage of 120 acre feet would be needed, under present conditions, to satisfy the ordinary demands and requirements of District water consumers without depleting the District water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the District has, because of the water shortage emergency condition, placed into effect a voluntary rationing program which has been successful in that, for example, average water consumption during the critical 1976 summer period was reduced by more than 30% down to an average per capita consumption of approximately 35 gallons per person per day (less than 50% of the national average for domestic use) ; and

WHEREAS, unless the District is able to develop supplemental sources of water, rationing may be necessary for the District as a continuing procedure; and

WHEREAS, the evaluation and planning for supplemental sources of water necessarily has been and is a time-consuming process requiring long lead times before a supplemental water supply can be selected and developed; and

WHEREAS, the willingness of the residents of the District to approve further bond issues and higher water rates and/or taxes either for development of adequate storage capacity or other alternate means of obtaining sufficient water to end the water shortage emergency condition is unknown at this time.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BOLINAS COMMUNITY

PUBLIC UTILITY DISTRICT HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

1. The recitals hereinabove set forth are true and are hereby adopted as findings.
2. A water shortage emergency condition presently prevails within the area served by this District, caused by a present water shortage;
3. The ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of this District to the extent that there would be insufficient water for human consumption, sanitation and fire protection;
4. It is necessary to enact the prohibitions and restrictions on new or additional water service connections and other additions to the distribution system of the District hereinafter set forth in order to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection, and said prohibitions and restrictions will fulfill that purpose.
5. No new or additional service connections, meters, or other water hookups shall be made, allowed, approved, installed or accepted by the District except as set forth in paragraph 6 and in the following cases:
 - A. When the meter, application was made on or before November 25, 1971;
 - B. When the building to be served was under construction on November 26, 1971;
 - C. When a building permit or septic tank permit was issued or applied for on or before November 26, 1971, for the building to be served.
6. 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 of more than 50% of the service's average consumption over the prior 12 months period, or by 500 cubic feet per month, whichever is less. An expanded water service permit must be obtained 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 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.

As a part of its deliberations concerning any and all applications for expanded water service, the Board of Directors shall consider the impact of such expansion on the proper functioning of the applicant's septic system, and may require as a part of such deliberations that the applicant provide evidence as may be required by the Board of Directors that the existing system, or any and all proposed improvements to the existing system, will not create or cause a public health nuisance or hazard.

7. The District may discontinue service to anyone willfully violating the regulations and restrictions set forth hereinabove, or to any meter through which water flows to an expanded or modified service for which no permit has been issued or for which the permit has been revoked. In no case shall a customer extend water lines across a street or property line in order to furnish water service for an adjacent property through one meter.

8. Resolutions 93, 113, 121, 124 and 130 are rescinded and repealed.

9. The District declares its present intent to proceed with the following program in light of the existing water shortage emergency condition and water moratorium

- A. To continue said water moratorium until, but only until the water supply of the District is augmented and a water shortage emergency condition no longer exists;
- B. To continue its efforts to alleviate and end the water shortage emergency condition.
- C. To continue its voluntary rationing program during the water shortage emergency condition and be prepared to enact mandatory rationing if necessary.
- D. To continue to reasonably repair, maintain, and improve its water storage, transmission, and distribution system.
- E. To continue to reasonably augment its water supply and storage capacity.
- F. To continue its policy of seeking voter approval of major actions significantly - affecting water rates and/or real property taxes.

G. To carry out the above program with reasonable expedition and in accordance with time and budgetary constraints, the wishes of District voters, and the duties of the District.

10. Considering the results (Yes 51, No 78) of a District advisory poll held on July 19, 1977, asking the question "Should the BCPUD apply for a \$450,000 loan and a matching \$450,000 grant to replace the water transmission lines from Arroyo Honda to the Green tank?" and all other relevant factors the District has determined by a vote of 3-2 to apply for said loan and matching grant.

11. Consistent with the foregoing, the District has scheduled a bond election on November 8, 1977, to obtain authorization for sale of bonds for construction of a major new reservoir project to eliminate the District's water storage deficiency and provide for a reasonable amount of future growth.

PASSED and ADOPTED by the Board of Directors of the BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT on July 20, 1977, by the following roll call vote:

AYES: Warshall, Lowry, Riley, Kayfetz

NOES: Van Dusen

ABSENT: None

PAUL KAYETZ, President

ATTEST

Lyman Robinson, Secretary