

Burney Water District



2022 HUDSON STREET, BURNEY, CA 96013 (530) 335-3582

ORDINANCE 2016 W-2

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BURNEY WATER DISTRICT, RESCINDING THE MANDATORY RESTRICTION ON OUTDOOR IRRIGATION OF ORNAMENTAL LANDSCAPING AND TURF WITH POTABLE WATER TO TWO DAYS A WEEK .

WHEREAS, the Board of Directors of the Burney Water District adopted Ordinance 2015 W-3 on June 23, 2015 to establish a two day per week limitation of outdoor irrigation of ornamental landscapes or turf with potable water for compliance with the State Water Resources Control Board (SWRCB) Emergency Regulation of May 5, 2015 and;

WHEREAS, on November 13, 2015, Governor Brown issued Executive Order B-36-15 calling for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist through January 2016. This Executive Order also directed the State Water Board to consider modifying the restrictions to incorporate insights gained from the existing restrictions and;

WHEREAS, on February 2, 2016, the State Water Board adopted Board Resolution No. 2016-0007 and a revised, extended Emergency Regulation to address specific provisions of Executive Order B-36-15. The Emergency Regulation established adjustments to reduce the conservation standards of urban water suppliers in consideration of the differences in climate affecting different parts of the state, growth experienced by urban areas, and significant investments that have been made by some suppliers towards creating new, local, drought-resilient sources of potable water supply and;

WHEREAS, on May 9, 2016, Governor Brown issued Executive Order B-37-16 and directed the State Water Board to adjust emergency water conservation regulations through the end of January 2017 in recognition of differing water supply conditions across the state and;

WHEREAS, after a brief comment period of the draft regulations, the SWRCB adopted "Adopted Text of Emergency Regulation, Article 22.5. Drought Emergency Water Conservation" on May 18, 2016 (attached) and;

WHEREAS, said emergency regulation was approved by the California Office of Administrative Law on May 31, 2016 and became effective immediately and;

WHEREAS, the SWRCB emergency regulation, specifically Section 865, establishes mandatory actions required by water suppliers. Burney Water District (BWD) is not an "urban water supplier" as defined in Section 865(a) because it has fewer than 3,000 service connections. However, BWD is a "distributor of a public water supply" under Water Code Section 350 and therefore is subject to Section 865(f).

WHEREAS, Section 865(g)(1)(A) and (B) specifying the two-day per week limitation of outdoor irrigation of ornamental landscapes or turf with potable water, or a 25 percent reduction of total potable water production relative to the amount produced in 2013 have been stricken from the Adopted Regulation and;

WHEREAS, the Board of Directors of the Burney Water District are no longer under the legal obligation to enforce a two-day per week limitation of outdoor irrigation of ornamental landscapes or turf with potable water for compliance with the SWRCB Emergency Regulation;

Now Therefore, Be It Ordained by the Board of Directors of the Burney Water District, in order to comply with the SWRCB Emergency Regulation, hereby adopts the following regulation:

Section 1:

Ordinance 2015 W-3, Restricting Outdoor Irrigation of Ornamental Landscapes or Turf with Potable Water,

is hereby rescinded.

Section 2. This regulation repealing a limitation on outdoor irrigation of ornamental landscapes or turf will be effective commencing on June 21, 2016, after adoption by the Board of Directors of the Burney Water District.

Section 3. Staff is directed to publish this Ordinance in a newspaper of general circulation throughout the District and to post this Ordinance at three conspicuous places throughout the District and on the District's website.

Section 4. All ordinances, parts of ordinances or agreements inconsistent or in conflict with this ordinance are hereby repealed.

Section 5. If any section, sub-section, sentence, clause, or phrase of this ordinance, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portion of this ordinance. The Board of Directors of the Burney Water District hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, or phrase if declared unconstitutional or invalid.

Duly adopted this 21st day of June 2016 by the following vote of the Board of Directors of the Burney Water District.

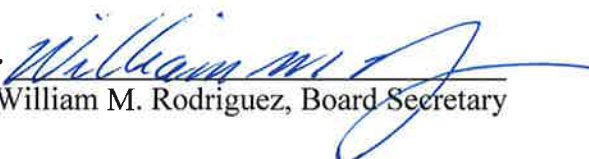
Ayes: Hamlin, Rogers, Taylor

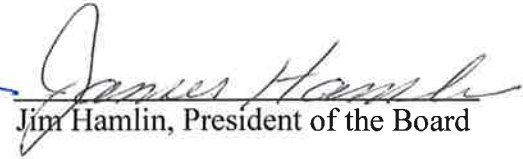
Noes: None.

Absent: Borkey, Ryness.

Abstain: None.

ATTEST:


William M. Rodriguez, Board Secretary


Jim Hamlin, President of the Board