

**ORDINANCE 10-01  
SUPERSEDING ORDINANCE 09-01**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF CONTRA COSTA  
WATER DISTRICT SUPERSEDING DROUGHT MANAGEMENT PROGRAM  
REGULATIONS AND AUTHORIZING CONSERVATION PROGRAM RULES  
AND REGULATIONS**

WHEREAS, the Contra Costa Water District (“District”) is a County Water District organized and existing pursuant to the County Water District Law, Division 12 of the California Water Code beginning with Section 30000, and is empowered thereunder to provide untreated and treated water service to its customers in northern, central and eastern Contra Costa County; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable methods of use of water be prevented, and the water be conserved for the public welfare, and further declares that it is self-executing; and

WHEREAS, the District is authorized pursuant to Sections 31024, 31026, 31027, 31028, 31029, and 31035 of the County Water District Law, to establish and enforce rules and regulations for the sale, distribution, and use of water; to enact rules and regulations to restrict the use of water during any water shortage condition caused by drought or other threatened or existing water shortage, and to prohibit the waste of District water or use of District water during such periods for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the District, and may prohibit use of such water during such periods for specific uses which the District may from time to time find to be non-essential; and

WHEREAS, District Regulations 5.04.020, 5.04.030, 5.04.060, and 5.04.070 are generally applicable to all District water service customers, and expressly provide for the District to adopt rules and regulations regarding the use of water delivered by the District, the prevention of waste or unreasonable use during times of water shortage or other regulatory conditions, and compliance with District rules and regulations; and

WHEREAS, on March 17, 2010 the District’s Board of Directors made the findings required under Water Code Sections 31026 and 31028, adopted Resolution No. 10-04, a copy of which is attached to this ordinance as Exhibit A and incorporated herein, to address regulatory conditions affecting the Delta that may impact the District’s available supply of water, and directed the General Manager to present a proposed ordinance for consideration and first reading by the Board on March 17, 2010; and

WHEREAS, the water shortage condition has improved compared to the 2009 water year and the United States Bureau of Reclamation (Reclamation) recently announced its initial 2010 water year allocations for the Central Valley Project and has

issued a median forecast of water supply to be available to Contra Costa Water District to be 100%, and

WHEREAS, despite the improved water supply outlook, there continues to be uncertainty regarding regulatory conditions in the Sacramento-San Joaquin Delta that affect the amount of water that can be legally moved from Reclamation's reservoirs to pumping plants in the Delta, including the District's, and

WHEREAS, encouraging continued conservation and taking steps to ensure efficient and reasonable methods of water use within the District are necessary to ensure that the available supply is sufficient to meet domestic, municipal and industrial water needs of the District's customers in 2010.

NOW THEREFORE BE IT ORDAINED by the Board of Directors of the Contra Costa Water District as follows:

1. The rules and regulations attached hereto as Exhibit B and incorporated herein are necessary to conserve water, promote effective water supply planning, assure reasonable and beneficial use of water, prevent waste and unreasonable use of water, and prevent unreasonable methods of use of water within the District, and said rules and regulations are necessary to assure that sufficient supplies of water will be available to meet the needs of, and to protect the health and safety of, the District's customers and other members of the public.
2. The rules and regulations adopted as part of this ordinance shall be implemented in accordance with the procedures set forth in applicable law.
3. If any provision of this ordinance, including the rules and regulations attached hereto as Exhibit B and incorporated herein, or any part thereof, is for any reason held to be *ultra vires*, invalid, unenforceable, or unconstitutional, the remaining provisions shall not be affected but shall remain in full force and effect, and to this end the provisions of this ordinance are severable.
4. This ordinance shall take effect immediately after its adoption, pursuant to Water Code Section 31027. A summary of this ordinance will be published in a newspaper of general circulation within the District at least five days prior to its adoption, and a summary of the adopted ordinance will be published in a newspaper of general circulation within the District within fifteen days following the Board of Directors adoption action. This ordinance shall remain in full force and effect until the Board of Directors acts by resolution to declare that the referenced regulatory conditions in the Sacramento-San Joaquin Delta have ended.

5. The General Manager is hereby authorized and directed to cause the rules and regulations established hereby to be inserted in Title 5 of the Contra Costa Water District Code of Regulations, to implement the immediate enforcement thereof, and to provide for their implementation throughout the period of regulatory conditions declared by a resolution of the Board of Directors to exist within the District.
6. Pursuant to Water Code Section 31027, modifications to the rules and regulations adopted hereby may be made by amendment to this ordinance.
7. Ordinance 09-01 is hereby superseded.

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The foregoing Ordinance was duly and regularly adopted at a meeting thereof held on April 7, 2010, by the Board of Directors of the Contra Costa Water District, by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Joseph L. Campbell, President

ATTEST:

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Sharon L. Burris  
District Secretary