

RESOLUTION NO. 2469

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
LAS VIRGENES MUNICIPAL WATER DISTRICT AMENDING
RESOLUTION NO. 2468 (LAS VIRGENES CODE)
AS IT RELATES TO ESTABLISHING MONETARY PENALTIES FOR
WASTEFUL WATER USE**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT as follows:

1. Purpose.

This resolution amends Resolution No. 2468 (Las Virgenes Code) to establish penalties for water use that substantially exceeds a water budget.

2. Findings.

The Board finds, determines, and declares as follows:

(a) Water is a scarce resource that requires active management to ensure adequate supply. It is a declared policy of the State of California to conserve water supplies by ensuring that water is only put to reasonable and beneficial uses. Based on this policy, the District finds that it is reasonable and necessary for the District to adopt, implement and enforce a water conservation program to reduce the quantity of water used by consumers within the District to ensure that there is sufficient water for human consumption, sanitation and fire protection.

(b) Through this water conservation program, the District will establish a water budget for each customer that will provide a sufficient amount of potable water to meet the customer's needs, considering indoor and outdoor uses and adjustments for applicable special situations. The District has determined that potable water use in excess of a water budget is a discretionary and nonessential.

(c) California Water Code Section 106 declares that the use of water for domestic purposes is the highest use of water and the next highest use is for irrigation. California Water Code Section 375 authorizes the District to adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purposes of preserving water supplies. California Water Code Section 377 authorizes the District to establish penalties by resolution for overuse of water including the establishment of volumetric penalties.

(d) These penalties are to be established and enforced separately from the District water rates. The proceeds collected from these penalties shall not be used for the ordinary operating expenses of the District. Accordingly, the District intends these charges to be penalties as defined by the California Constitution.

3. Amendment.

Section 3-4-202 of Resolution No. 2466 (Las Virgenes Code) is hereby amended and reenacted to read as follows:

"3-4.202 PENALTIES FOR WASTEFUL WATER USE

(a) No customer shall knowingly permit waste or leaks of water. Where water is wastefully or negligently used on the customer's premises, the District may discontinue the service, if such conditions are not corrected within five days after the General Manager gives the customer written notice.

(b) A water budget shall be established for each customer of the District, and customers shall be notified of the basis for calculating their water budgets. Water use exceeding twice a customer's water budget is a waste of water, a violation of the District's rules and regulations, and shall be subject to escalating administrative penalties.

(c) For the first penalty, the customer shall receive a written warning from the District including the amount of the exceedance, the penalty that would have been levied absent the provision of a warning and notice that further exceedances will result in monetary penalties as described herein.

(d) For the second penalty, the amount shall be \$2.50 for each billing unit, or portion thereof, of water use exceeding twice the customer's water budget. The customer shall also receive a written warning from the District showing the amount of the penalty that will be levied on the same quantity of water in the event of a third exceedance.

(e) For the third penalty, and for each subsequent penalty that a customer receives for a property, the amount shall be \$5.00 for each billing unit, or portion thereof, of water use exceeding twice the property's water budget.

(f) Penalties shall be collected on the customer's water bill. Any penalties shall be the responsibility of the customer of record for the property where the violation

occurred and shall be paid in addition to the fees the District imposes for the cost of water service to the property. Non-payment of penalties imposed pursuant to this section shall be subject to the same remedies as available to the District for the non-payment of fees for water service. The receipt of a water bill with any applicable penalties shall serve as notice of violation.

(g) Penalties, including the written warning, may be appealed. A customer who wishes to appeal the imposition of a penalty shall: (1) pay all amounts stated on the bill except for the disputed penalties; and (2) submit a completed Appeal Request Form to the District within 15 calendar days of the date of the appellant's water bill for the billing cycle in which the penalty was imposed.

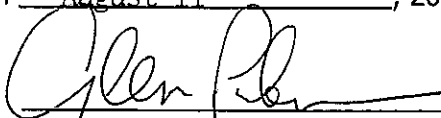
(h) An appeal will be granted if the District finds that competent evidence supports a reasonable conclusion that: (1) the excessive water use was the result of a malfunction of the District's water system or a billing error by the District; (2) the water was needed for health or safety reasons; or (3) a leak occurred on the property during the subject billing cycle.

(i) The District will respond to appeals within 30 calendar days of receipt. The District may require additional documentation prior to making a decision on an appeal. In the event an appeal is denied, the appellant shall pay the District within 10 days of denial of the appeal."

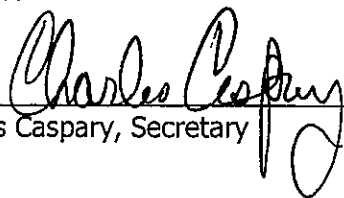
4. Other.

This provision shall be effective starting January 1, 2016. Except as provided herein, Resolution No. 2466 is hereby reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED on August 11, 2015.


Glen Peterson, President

ATTEST:


Charles Caspary, Secretary

[Seal]

APPROVED AS TO FORM:



Wayne Lemieux, District Counsel