

Before the Board of Supervisors of the County of Fresno, State of California

Resolution No. 16-100

**Resolution Declaring Water Conservation Stage in County Service Area No. 44D
for the 2016–2017 Water Year (Ord. Code, § 14.01.060)**

WHEREAS, under Fresno County Ordinance Code Section 14.01.040, the Director of Public Works and Planning (Director) has presented to this Board, and this Board has received, an annual water conservation report (Report) covering all of the County Service Areas, County Service Area Zones, and County Waterworks Districts whose governing body is this Board where the County supplies water for human consumption (Districts), including County Service Area No. 44D (CSA 44D); and

WHEREAS, the Report is based on all relevant information reasonably available to the Director regarding water demand and availability during 2016–2017 water year in each of the Districts, including CSA 44D;

WHEREAS, the Report includes a statement of whether and to what extent the Director anticipates limits on the availability of water resources or the ability of the County to supply water for human consumption, sanitation, and fire protection during the 2016–2017 water year in CSA 44D;

WHEREAS, the Report includes a recommendation regarding the duration of the conservation period in CSA 44D, namely the 2016–2017 water year, a recommendation regarding the appropriate water conservation stage for CSA 44D during that period, and a proposed resolution declaring the water conservation stage for CSA 44D during that period; and

WHEREAS, a copy of the Report is on file with the Clerk to this Board; and

WHEREAS, on January 4, 2016, under Ordinance Code Section 14.01.040, the Director caused a draft of the Report, along with instructions for submitting comments by January 25, 2016, to be emailed to all Citizens Advisory Committee (CAC) members for CSA 44D; and

WHEREAS, the Director caused notice of the time and place of a public hearing and the details of the recommendation for CSA 44D identified in the Report to be sent by United States Postal Service first-class mail on January 29, 2016, to each record owner of property in CSA 44D as shown on the last equalized assessment roll, and notice of the time and place of the public hearing was published in the Fresno Bee on February 23,

2016, as required by Ordinance Code Section 14.01.050 and Water Code section 352; and

WHEREAS, a public hearing was held on March 1, 2016, before this Board, at which time there was opportunity for all interested persons to protest the declaration of a water conservation stage, and to present their respective needs and any other relevant information to the Board, as provided in Ordinance Code Section 14.01.060 and Water Code Section 351; and

WHEREAS, this Board has considered the Report and all of the testimony and other information presented at the public hearing as to CSA 44D; and

WHEREAS, during the period from April 1, 2016, through March 31, 2017, limits on the availability of water resources or the ability of the County to supply water for human consumption are not expected to exceed the normal limits such that the ordinary demands and requirements of water consumers within CSA 44D would not be satisfied without depleting the water supply for CSA 44D to the extent that there would be a significant shortfall in the supply of water available for human consumption, sanitation, and fire protection within CSA 44D; however, in order to comply with State emergency drought regulations, Water Conservation Stage Two (Significant Water Shortage Emergency Condition) would be appropriate; and

WHEREAS, this Board on March 1, 2016, determined that the residents of CSA 44D should have the opportunity to avoid the imposition of Water Conservation Stage Two (Significant Water Shortage Emergency Condition) by, over a period of two months from March 1, 2016, through April 30, 2016, reducing their potable water usage by at least 25 percent during those two months compared to the same months in 2013.

Therefore, be it resolved:

1. This Board finds that all of the recitals above are true and correct.
2. The Director shall monitor CSA 44D's potable water usage during the period of March 1, 2016, through April 30, 2016, compare that usage to the same months in 2013, and on Monday, May 2, determine the percentage change. In making that determination, the Director shall adjust for new development as required by State regulations, and shall apply rounding principles ordinarily applied by the Director in determining usage comparisons for purposes of State regulations. Immediately upon making that determination, the Director shall give written notice of the determination to this Board and to the CAC.
3. If the percentage change determined under section 2 of this resolution is a reduction of 25 percent or greater, then CSA 44D shall remain at Normal Water

Conservation and subject to regulations provided in section 14.01.070 of the Fresno County Ordinance Code.

4. If the percentage change determined under section 2 of this resolution is not a reduction of 25 percent or greater, then:
 - a. Based on that determination, and based on the Report and all of the testimony and other information presented at the public hearing as to CSA 44D, this Board finds that declaring Water Conservation Stage Two (Significant Water Shortage Emergency Condition) (Ord. Code, § 14.01.090) in CSA 44D for the 2016–2017 water year (April 1, 2016, through March 31, 2017) will conserve the water supply to CSA 44D for the greatest public benefit for that period, with particular regard to domestic use, sanitation, and fire protection, and will enable compliance with State emergency drought regulations; and
 - b. The regulations for Water Conservation Stage Two (Significant Water Shortage Emergency Condition), under Ordinance Code Section 14.01.090, shall be in effect in CSA 44D from May 1, 2016, through March 31, 2017.
5. The Director is authorized and directed to send by United States Postal Service first-class mail, postage prepaid, to all property owners in CSA 44D, as shown on the last equalized assessment roll, a copy of the regulations that may be imposed under this resolution, Ordinance Code Section 14.01.090, and Water Code Section 353, together with a copy of this resolution.

The foregoing resolution was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 1st day of March, 2016:

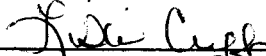
Ayes: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian

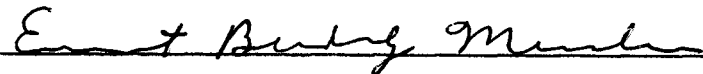
Noes: None

Absent: None

ATTEST:

BERNICE E. SEIDEL, Clerk
Board of Supervisors

By 
Deputy



Chair, Board of Directors