

RESOLUTION NO. 2021-16
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT
IMPOSING STAGE ONE MANDATORY RESTRICTIONS ON WATER USE

WHEREAS, on February 17, 2016, the Board of Directors ("Board") of the Phelan Pinon Hills Community Services District ("District") adopted Ordinance No. 2016-01 which, among other things, established several water conservation measures in a continuing effort to achieve compliance with various regulations of the State Water Resources Control Board and the provisions of the District's Water Shortage Contingency Plan that was implemented as part of the District's revised 2010 Urban Water Management Plan.

WHEREAS, on February 17, 2016, the Board adopted Resolution No. 2016-02 which declared that a threatened water supply shortage condition existed and thereby implemented the mandatory level of water use reduction as described in Stage 2 of Ordinance No. 2016-01 and implemented the corresponding conservation measures set forth therein.

WHEREAS, on June 4, 2021, the Court in City of Barstow v. City of Adelanto, Riverside County Superior Court Case No. 208568, issued an Order stating that the District's Free Production Allowance for Water Year 2021-22 will be reduced to 60% in the Oeste Basin and 55% in the Alto Basin pursuant to the terms and conditions of the Court's continuing jurisdiction under the Stipulated Judgment entered in the Mojave Basin Area groundwater adjudication.

WHEREAS, on June 16, 2021, the Board adopted Resolution No. 2021-13 which established the District's updated 2020 Urban Water Management Plan ("UWMP") and Water Shortage and Water Shortage Contingency Plan ("WSCP").

WHEREAS, on July 8, 2021, Governor Newsom issued Executive Order N-10-21 which calls on all Californians to voluntarily reduce water use by 15% to prepare for potential continued dry conditions during Water Year 2021-22.

WHEREAS, on July 21, 2021, the Board adopted Ordinance No. 2021-02 which established the District's new water conservation measures and water supply shortage restrictions and regulations in light of various water supply developments occurring subsequent to the Board's adoption of Ordinance No. 2016-01, including but not limited to the District's updated UWMP and WSCP.

WHEREAS, the purpose of this Resolution is to move the District to the mandatory level of water use reduction as mandated in Stage 1 of the conservation measures set forth in Ordinance No. 2021-02 in response to the findings set forth above and in the District's staff report attached hereto and incorporated herein by this reference.

WHEREAS, the District is authorized by Government Code Section 61100(a) and Water Code Sections 375-377, 1009, and 71610.5 to restrict the use of water during any emergency caused by overdraft, drought, or other threatened or existing water shortage, and to prohibit the waste of District water or the 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 nonessential. The District has the authority to impose monetary fines and penalties and take other applicable actions pursuant to Government Code Sections 61100(a), 61045(b), 61060(a)-(b), and 25120 et seq., and Water Code Sections 350-358, 375-377, 1009, and 71276-71281.

WHEREAS, in accordance with the Plan and the above statutory provisions, a Notice of Public Hearing was published in the Mountaineer Progress, a newspaper of general circulation, at least ten (10) days before consideration of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Phelan Pinon Hills Community Services District as follows:

1. Incorporation of Recitals. All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

2. Public Hearing. The Board conducted a public hearing on July 21, 2021, at 6:00 p.m., or as soon thereafter as practicable, at the Phelan Community Center located at 4128 Warbler Road, Unit B, Phelan, California, as part of the Regular Meeting of the Board.

3. Stage 1. The Board hereby declares that a water supply shortage condition exists and thereby implements Stage 1 of Ordinance No. 2021-02. The District shall notify the public of this determination by public proclamations. For example, and not by way of limitation, such proclamations may be made by way of press releases, brochures, mail-outs, and/or water bills. Upon such proclamation, due and proper notice shall be deemed to have been given to each and every person supplied water within the District. The Board is adopting such Stage 1 restrictions pursuant to its legal authority as set forth herein.

4. Mandatory Restrictions and Prohibitions. Effective immediately upon adoption of this Resolution, the mandatory Stage 1 restrictions set forth in Ordinance No. 2021-02 (which are incorporated in full herein by this reference) shall be in effect in order to promote conservation, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.

5. Enforcement. The enforcement of this Resolution and the procedures for written notice, imposition of fines and/or penalties, termination of service, and appeal rights shall be the same such procedures as set forth in Ordinance No. 2021-02. The regulatory purposes of imposing the requirements and financial penalties,

as set forth in this Resolution, are to conserve water, deter waste and unreasonable use of water, encourage efficiency, and to help cover the costs incident to the investigation, inspection, and administration of the enforcement of this Resolution.

6. Environmental Review. The Board finds that adopting and enforcing mandatory restrictions on water use in order to comply with SWRCB requirements is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15268 and Public Resources Code Section 21080(b)(1) as a ministerial action. The Regulations mandate that each urban water supplier implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation. Therefore, an action to implement a particular phase of a water shortage contingency plan is not a discretionary action and as such it is statutorily exempt from CEQA.

7. Severability. If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

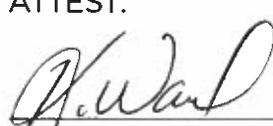
8. Effective Date. This Resolution supersedes Resolution No. 2016-02 adopted by the Board on February 17, 2016, and shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 21st day of July, 2021, by the following vote:

Ayes: Hoffman, Johnson, Kujawa, Philips, Roberts
Noes:
Abstain:
Absent:



President, Board of Directors

ATTEST:


Secretary, Board of Directors