

**ORDINANCE NO. 90**

**ORDINANCE OF THE LOS ALAMOS COMMUNITY SERVICES  
DISTRICT RE-ADOPTING AND AMENDING ORDINANCE NO. 88  
TO FURTHER EXTEND LIMITATIONS ON OUTDOOR  
IRRIGATION OF ORNAMENTAL LANDSCAPES AND TURF**

**WHEREAS**, on July 15, 2014, the State Water Resources Control Board (the “SWRCB”) approved Resolution No. 2014-0038 adopting an emergency regulation for statewide urban water conservation. Resolution No. 2014-0038 enacted California Code of Regulations, Title 23, Sections 863, 864 and 865 (the “Emergency Regulation”). The Emergency Regulation is intended to conserve water by reducing outdoor urban water use. The Emergency Regulation went into effect on July 29, 2014 for a term of 270 days.

**WHEREAS**, on March 17, 2015, the SWRCB approved Resolution No. 2015-0013 to re-adopt, amend and extend the term of the Emergency Regulation. The re-adopted and amended Emergency Regulation went into effect on March 27, 2015 for a term of 270 days.

**WHEREAS**, on May 5, 2015, the SWRCB approved Resolution No. 2015-0032 to re-adopt and extend the term of the Emergency Regulation and to add new Section 866 thereto. The re-adopted and amended Emergency Regulation went into effect on May 18, 2015 for a term of 270 days.

**WHEREAS**, in order to comply with the Emergency Regulation, the District adopted Ordinance No. 88 on August 27, 2014 to limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week. By its terms, Ordinance No. 88 expired on April 25, 2015. On April 22, 2015, the District adopted Ordinance No. 89 to extend the term of Ordinance No. 88 to December 22, 2015.

**WHEREAS**, the District desires to re-adopt and extend the term of Ordinance No. 88 indefinitely so that it will remain in effect until repealed by the District.

**NOW, THEREFORE**, the Board of Directors of the Los Alamos Community Services District ordains as follows:

1. **Re-Adoption**. Ordinance No. 88 is hereby re-adopted.
2. **Expiration Date**. Section 6 of Ordinance No. 88, as amended by Ordinance No. 89, is hereby deleted in its entirety and is replaced with the following:

This Ordinance shall continue in full force and effect until repealed by the District.

3. **Findings**. The Board hereby adopts the Declaration of Facts attached hereto as Exhibit “A” and incorporated herein by reference to establish that this Ordinance is for the immediate preservation of the public health and safety within the meaning of Government Code

Section 25123(d). As such, this Ordinance shall take effect immediately upon its adoption and shall be passed by a vote of at least four-fifths of the Board of Directors of the District. Further, as an urgency ordinance within the meaning of Government Code Section 25131, this Ordinance may be passed immediately upon introduction at a regular or special meeting of the Board of Directors of the District, and a five day waiting period following introduction shall not be required.

4. **Effective Date.** Pursuant to Government Code Section 25123(d), this Ordinance shall take effect immediately upon its adoption.

5. **Continued Effect.** Except as specifically amended herein, all of the terms and provisions of Ordinance No. 88 shall continue in full force and effect.


**PASSED AND ADOPTED** this 27th day of January, 2016 by the following vote of the Board of Directors of the Los Alamos Community Services District:

**AYES:** Torres, Snell, Benedict, Gregg & Bileti

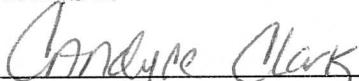
**NOES:** -0-

**ABSTENTIONS:** -0-

**ABSENT:** -0-

  
\_\_\_\_\_  
Larry A. Torres, President  
of the Board of Directors

**ATTEST:**

  
\_\_\_\_\_  
Candyce Clark, Secretary  
of the Board of Directors

## EXHIBIT "A"

### Declaration of Facts

The following facts support the finding by the Los Alamos Community Services District that the adoption of an ordinance extending the limitations on outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week is necessary for the immediate preservation of the public health and safety:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The executive order finds that the continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions continue into 2015. The National Integrated Drought Information System reported that nearly 80% of the state was reported to be under "extreme" drought conditions at the end of June.
2. The April 25, 2014 executive order refers to the Governor's Proclamation No. 1-17-2014, issued on January 17, 2014, declaring a State of Emergency to exist in California due to severe drought conditions. The January Proclamation notes that the state is experiencing record dry conditions, with 2014 projected to become the driest year on record. Since January, state water officials indicate that reservoirs, rainfall totals and the snowpack remain critically low. This follows two other dry or below average years, leaving reservoir storage at alarmingly low levels. The January Proclamation highlights the State's dry conditions, lack of precipitation and the resulting effects on drinking water supplies, the cultivation of crops, and the survival of animals and plants that rely on California's rivers and streams. The January Proclamation also calls on all Californians to reduce their water usage by 20 percent.
3. The State Water Resources Control Board ("SWRCB") has issued a Finding of Emergency stating that an emergency exists due to severe drought conditions. On July 15, 2014, the SWRCB adopted an emergency regulation requiring the conservation of water. On March 17, 2015, the SWRCB re-adopted and amended said emergency regulation and extended the term thereof for an additional 270 days. On May 5, 2015, the SWRCB again re-adopted and amended said emergency regulation and extended the term thereof for an additional 270 days.
4. There is no guarantee that winter precipitation will alleviate the drought conditions that the executive order addresses, which will lead to even more severe impacts across the state if the drought wears on.
5. As a result of the drought, over 400,000 acres of farmland are expected to be fallowed, thousands of people may be out of work, communities risk running out of drinking water, and fish and wildlife will suffer.

6. Although many Californians have taken bold steps over the years and in this year to reduce water use, the dire nature of the current drought requires additional conservation actions from residents and businesses.
7. Water conservation is the easiest, most efficient and most cost effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances that water rationing is required.
8. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.
9. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.