

RESOLUTION NO. 3275

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT AUTHORIZING THE IMPLEMENTATION OF WATER CONSERVATION MEASURES AS DEFINED IN SECTION 8.60.050 F OF CHAPTER 8.60 OF THE DISTRICT CODE, ESTABLISHING FINES FOR VIOLATIONS OF THE DECLARATION OF WATER SHORTAGE EMERGENCY, AMENDING THE MASTER CITY/DISTRICT FEES AND SERVICE CHARGES SCHEDULE FOR FY 2014-15

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, On January 17, 2014, Governor Brown issued Proclamation No 1-17-2014 declaring a State of Emergency due to severe drought conditions; and

WHEREAS, On April 25, 2014, the Governor issued a proclamation of a continued State of Emergency based on continued drought conditions; and

WHEREAS, On July 15, 2014, the State Water Resources Control Board adopted Resolution No. 2014-0038 with the intent of providing urban water suppliers additional enforcement powers to achieve further water conservation savings and provided the ability for local suppliers to levy fines up to five-hundred dollars (\$500) for each day that a violation occurs; and

WHEREAS, On August 4, 2014, the Board of Directors of the Estero Municipal Improvement District adopted Resolution No. 3260 declared that a water shortage emergency condition exists and implemented water conservation measures as outlined in Section 8.60.050 A, B, C, E, and L of the District Code necessary to address the drought conditions; and

WHEREAS, based on the additional consideration of the severity of the drought, it is recommended that the Board of Directors include Section 8.60.050 F of the District Code to those measures adopted with Resolution No. 3260 declared that a water shortage emergency condition exists and implemented water conservation measures as outlined in Section 8.60.050 A, B, C, E, and L of the District Code necessary to address the drought conditions; and

WHEREAS, it is recommended that the Board of Directors approve the fines established for violations of the water conservation measures in Section 8.60.050 A, B, C, E, F, and L of the District Code per Section 8.60.070 Sub-section D. and E.1-E.3 of the District Code and amend the City/District Master Fees and Service Charges Schedule for FY 2014-15 as follows:

1. A charge of \$100 shall be paid prior to reactivating water service
2. A fine not exceeding \$100 for a first violation
3. A fine not exceeding \$200 for a second violation
4. A fine not exceeding \$500 for each additional violation within one year

WHEREAS, a Notice of Public Hearing has been published and posted and said public hearing was held on November 3, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Estero Municipal Improvement District does hereby:

1. add an additional water conservation measure per Section 8.60.050 F to those previously enacted per Resolution 3260 adopted on August 4, 2014; and
2. establish the fines outlined above per Section 8.60.070 Sub-section D. and E.1-E.3 of the District Code as necessary to address the drought conditions; and
3. amend the City/District Master Fees and Service Charges Schedule for FY 2014-15 to include the water conservation fines as follows:
 - 1) A charge of \$100 shall be paid prior to reactivating water service
 - 2) A fine not exceeding \$100 for a first violation
 - 3) A fine not exceeding \$200 for a second violation
 - 4) A fine not exceeding \$500 for each additional violation within one year.

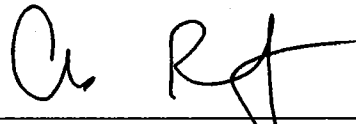
PASSED AND ADOPTED as a resolution of the Board of Directors of the Estero Municipal Improvement District at the regular meeting held on the 3rd day of November, 2014, by the following vote:

AYES: Directors Kiesel, Okamoto, Perez, Pollard and President Bronitsky

NOES: None

ABSENT: None

ABSTAIN: None



CHARLIE BRONITSKY, PRESIDENT

ATTEST:



DORIS L. PALMER, DISTRICT SECRETARY