Agenda Item

DATE: September 26, 2019

TO: Templeton Community Services District Board of Directors

FROM: Jeff Briltz, General Manager

SUBJECT: Introduction of Ordinance No. 2019-3 – Minor Revisions to the Water Code - Service to Address Failing Water Wells

RECOMMENDED ACTION:
That the Board of Directors, by motion, waive the first reading and introduce Ordinance No. 2019-3, making minor revisions to the Water Code relating to Service to Address Failing Water Wells.

FISCAL IMPACT:
Legal and publishing costs are estimated at $2,500.

BACKGROUND:
At the September 3, 2019 Board Meeting, the Board held a discussion regarding a request from Santa Lucia School to connect to the District’s water system due to problems with the School’s well.

Following that discussion, staff was directed to pursue two parallel paths in an effort to assist the School with a connection. One path was to determine whether or not Santa Lucia could enter into a Riparian Agency Agreement with the District, and have the District serve them water using their rights to Paso Robles Creek. We have been advised that the School is currently having a chain of title performed on the site to ensure the property has rights to the water in the creek.

The second path relates to amending the District’s Water Code. Currently, Section 2.2.6.4 provides for a property owner to apply for an exception to the District’s Water Service Wait List if the well serving the property is failing, and is no longer adequate to meet health, safety, sanitation and fire prevention needs. However, this Section specifically applies to an applicant’s “residence” and therefore not applicable to non-residential uses.

Staff was directed to bring back to the Board for consideration an Ordinance that would amend the water code so that schools and other public serving
entities (but not traditional commercial establishments) would be able to apply for the same sort of exception as a residence with a failing well.

Staff, in consultation with legal counsel, reviewed the existing Water Code and prepared an ordinance to make minor changes to expand use types which could qualify for an exception under Section 2.2.6.4. Ordinance No. 2019-3 (attached) makes minor modifications to Section 2.2.6.4 by adding institutional uses to become eligible for exceptions under that section. Institution uses would include schools, hospitals, churches, and other similar, public service entities. The Ordinance was also written to clarify that should an exception be granted under this section, the applicant would be responsible for the fees and charges associated with connecting to the water system.

Ordinance No. 2019-3 also make one modification to Section 2.2.6.7 for the purposes of clarifying the priority for unit assignment on the Water Service Wait List when units are issued as a result of a new supply or newly available units or use. The Ordinance removes the reference to Section 2.2.6.4 to make it clear that connections approved under that section are treated as an exception, and not as a result of new supplies being made available. Currently, the Water Code has a conflict in this area, and we recommend this clean up so there is not confusion when interpreting the Code in the future.

The Draft Ordinance has been prepared in Redline/Strikethrough format. Text that is in Red Underline are proposed additions to the Water Code, while text in Strikethrough are proposed deletions from the existing Code.

Staff was also asked to notify owners of property on the Water Service Wait List that the Board was considering making changes to the Water Code that could have an impact on those on the wait list. Staff prepared the attached letter and mailed it to all property owners on the Water Service Wait List inviting them to comment on the proposed minor amendment to the Water Code.

Additionally, Santa Lucia School has informed the parents of their students that this item will be considered at the October 1st Board Meeting.

If the Ordinance is introduced on October 1st, it can be placed on the agenda for approval on October 15th, and if approved, would become effective on November 14th. Santa Lucia School could then formally apply for an exception under Water Code Section 2.2.6.4, for the Board’s consideration.
ORDINANCE NO. 2019-3

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TEMPLETON COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT WATER CODE

BE IT ORDAINED by the Board of Directors of the Templeton Community Services District as follows:

SECTION ONE. PURPOSE AND AUTHORITY.

This Ordinance amends various provisions in the Templeton Community Services District ("District") Water Code. The authority for this Ordinance is found at Government Code sections 61000 through 61226.5, and other applicable law.

SECTION TWO. AMENDMENTS TO DISTRICT WATER CODE.

The following sections of the District Water Code are hereby amended as set forth below:

Section 2.2.6.4 is hereby amended to read as follows:

2.2.6.4 Service to Address Failing Water Wells. In considering application for water service, the Board of Directors of the District may allow exceptions to the allocation system in this Section 2.2.6 when the Board finds that an applicant's current water supply for the applicant's residence existing residential or institutional use is failing and no longer adequate to provide the water supply necessary to meet health, safety, sanitation and fire protection needs. If the Board of Directors grants such an exception, the applicant shall disconnect the well serving potable water to any structure on the Premises from the residence and install a District approved backflow prevention device on the customer side of the District meter. District water service to the residence Premises shall not commence until such disconnection and installation have occurred. The applicant, at its cost, shall be responsible for the operation, maintenance, repair and replacement of the backflow prevention device. The District shall have the right to
periodically test the device at the applicant's cost. If the device is not functioning properly, the District shall so notify the applicant and may disconnect service until the applicant repairs or replaces the device to the satisfaction of the District. The applicant shall also be responsible for any and all other applicable fees and charges, including, but not limited to, connection fees, inspection fees, and meter installation charges.

Section 2.2.6.7 is hereby amended to read as follows:

2.2.6.7 Priority of Water Service. If the District's waiting list contains pending applications for service pursuant to more than one of the above-referenced sections providing a priority for service (Sections 2.2.6.3, 2.2.6.4, and 2.2.6.5), then when allocating a new supply or newly available water units of use, the District shall make such allocation in the following order of priority: 2.2.6.5, 2.2.6.4, and 2.2.6.3.

SECTION THREE. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after its adoption.

SECTION FOUR. INCONSISTENCY.

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District ordinances, resolutions, rules, or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules, or regulations are hereby repealed.

SECTION FIVE. VALIDITY.

If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, no other provision of this Ordinance shall be affected thereby.

SECTION SIX. PUBLICATION.

The Secretary of the Board of Directors is directed to publish this Ordinance once with the names of the members voting for and against the Ordinance, in a newspaper published in the District within 15 days after the adopting of this Ordinance. A complete copy of the Water Code is available for public inspection and copying at the District's office in accordance with the California Public Records Act. (Government Code section 6250 through 6276.48.)

{00150576.1}
INTRODUCED by the Board of Directors of the Templeton Community Services District on the 1st day of October, 2019.

PASSED AND ADOPTED by the Board of Directors of the Templeton Community Services District on the 15th day of October, 2019, by the following vote:

AYES: 
NOES: 
ABSTAIN: 
ABSENT: 

By: Debra Logan
President, Board of Directors

ATTEST:

__________________________
Laurie Ion
Secretary, Board of Directors

CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2019-3, duly and regularly adopted by the Board of Directors of TEMPLETON COMMUNITY SERVICES DISTRICT, County of San Luis Obispo, on the 15th day of October, 2019.

__________________________
Laurie Ion
Secretary, Board of Directors
TEMPLETON COMMUNITY SERVICES DISTRICT

{00150576.1}
September 24, 2019

RE: Minor Policy Change Related to Providing Water Service to Address Failing Water Wells

Dear Property Owner:

Templeton Community Services District records indicate that property/s you own is/are on the District’s Water Service Waiting List, meaning that you or a prior owner of the property/s applied for water service to be provided to your parcel/s once it was available, as new sources of water supply are developed. We are writing owners of property/s who are on the Water Service Wait List to inform them that the Templeton Community Services District Board of Directors will be considering an Ordinance that may impact those on the List.

Currently, there is a provision in the Water Code (Section 2.2.6.4 Service to Address Failing Water Wells) that permits a property owner to apply for an exception to the Water Service Wait List and connect to the District’s Water System if the private domestic well that serves an existing residence is failing, and can no longer provide the water supply necessary to meet health, safety, sanitation, and fire protection needs.

The District Board of Directors will be considering amending this section so it applies not only to residences, but also institutional uses (such as schools, churches, etc.). This is being considered because the District has learned that there is a small (equivalent to a residential unit) private, non-profit school located within Templeton CSD boundaries that is currently served by a private well, which is failing, and the school desires to apply for an exception to the priority established under the Water Service Wait List, to allow for an immediate connection.

The District’s records indicate that there are only a handful of residences and institutional uses within the Templeton CSD boundaries that are served by private, domestic (potable) wells and are not connected to the District’s water system. These

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private, domestic (potable) wells were put in decades ago, prior to the County’s prohibition of new domestic (potable) wells within boundaries of a community water system. If a change to the Water Code is made, and one or more exceptions to the Water Service Wait List allocation system are approved, it could result in fewer water units of use being released in the future and/or delaying water service connections to other properties on the Water Service Wait List.

The Board of Directors is scheduled to consider an Ordinance to make the above-described minor change to the District’s Water Code at its regularly scheduled Board Meeting on Tuesday, October 1, 2019 at 7:00 PM. The Board of Directors is inviting any comments you may have regarding this Water Code Amendment under consideration. Comments may be provided in-person at the meeting, to be held at Templeton CSD Board Meeting Room, 206 5th Street, Templeton. Comments may also be provided in writing by mailing them to Templeton CSD Board of Directors, P.O. Box 780, Templeton, CA 93465 or by email to Laurie Ion, Board Secretary at ion@templetoncsd.org. All written comments must be received by 4:00 pm on Tuesday, October 1, 2019 in order to have them shared with the Board of Directors.

You may review the staff report and draft Ordinance for this agenda by visiting www.templetoncsd.org and selecting the Agenda button, click on the October 1 meeting. Click on the “Download” button to review the agenda after Friday, September 27, 2019.

Thank you,

Jeff Britlz
General Manager