

RESOLUTION NO. 26-6-5

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ADOPTING THE EL TORO WATER DISTRICT
WATER SHORTAGE CONTINGENCY RESPONSE
ORDINANCE NO. 2026-1**

WHEREAS, the general welfare of the people in the El Toro Water District ("District") requires that the water available to the District be utilized in a manner which maximizes beneficial use and that the waste and unreasonable use, or unreasonable method of use of water be prevented; and

WHEREAS, pursuant to Section 34000 *et seq.* of the Water Code of the State of California, the District has the authority to adopt rules and regulations for the provision of water service and facilities; and

WHEREAS, Section 375 *et seq.* of the Water Code of the State of California permits public entities which supply water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity; and

WHEREAS, Section 350 *et seq.* of the Water Code of the State of California permits the governing body of a distributor of a public water supply to declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, on November 23, 2010, the District adopted Ordinance No. 2010-1 which amended and replaced in its entirety, Ordinance No. 2009-1 in order to: (1) incorporate the District's recently implemented Water Budget Based Tiered Rate Structure (WBBTRS) inclusive of the Drought Factor which could be applied during local, regional and statewide water shortage situations; and (2) recognize that the WBBTRS serves as the primary water reduction monitoring and enforcement mechanism for Permanent Mandatory Conservation Measures and Water Supply Shortage Declarations; and

WHEREAS, Ordinance No. 2010-1 identified the "Drought Factor" as a component of water budget calculations that modifies (reduces) the indoor and/or outdoor budget of residential and irrigation customers to further encourage conservation in times of water supply shortage and provides a financial incentive for adhering to budgeted amounts; and

WHEREAS, on March 26, 2015, the District adopted Ordinance No. 2015-1 which amended and replaced in its entirety, Ordinance No. 2010-1 in order to provide specific guidance for the utilization of the Drought Factor as well as how the District will deal with Commercial, Industrial and Institutional Customers; and

WHEREAS, on June 9, 2015, the District adopted Ordinance No. 2015-3 which amended and replaced in its entirety, Ordinance No. 2015-1 in order to create a stand-alone enforcement mechanism (Administrative Penalty pursuant to Government Code Section 53069.4) that may be implemented at the Board's discretion, in times of emergency, as deemed necessary to further encourage water usage cutbacks, in order to comply with State Mandated Objectives; and

WHEREAS, on March 24, 2022, the District adopted Ordinance No. 2022-1 which amended and replaced in its entirety, Ordinance No. 2015-3 for the purpose of updating, amending and clarifying various provisions and in order to revise the defined three shortage levels to six shortage levels in alignment with the District's Water Shortage Contingency Plan and the State Department of Water Resources mandated shortage levels; and

WHEREAS, it is in the best interest of the District and the welfare of the people it serves, to amend and replace Ordinance No. 2022-1 in its entirety for the purpose of updating, amending and clarifying various provisions; and

WHEREAS, the District held a noticed public hearing on June 25, 2026 to review staff's recommendations and to consider public comments regarding the adoption of Ordinance No. 2026-1 in the form and content attached to this Resolution and marked Exhibit "A" entitled "El Toro Water District Water Shortage Contingency Response Ordinance No. 2026-1";

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the El Toro Water District hereby determines and finds that the above recitals, determinations and findings of necessity are true and correct statements and are fully incorporated herein;

RESOLVED FURTHER, that the maintenance of the general welfare of the District's customers necessitates the adoption of Ordinance No. 2026-1 in the form and content set forth in Exhibit "A" attached hereto, which exhibit, by this reference, is fully incorporated herein;

RESOLVED FURTHER, that Ordinance No. 2026-1, in the form and content set forth in Exhibit "A" attached hereto, is hereby adopted, effective June 25, 2026;

RESOLVED FURTHER, that Ordinance No. 2026-1, amends and replaces Ordinance 2022-1 in its entirety;

RESOLVED FURTHER, that the District's General Manager is hereby directed to publish notice of the adoption of this resolution and the subject matter therein in compliance with Section 376(b)(2) of the Water Code of the State of California within 15 days of June 25, 2026.

ADOPTED, SIGNED AND APPROVED this 25th day of June 2026, by the following vote:

AYES: President Freshley, Vice President Havens, Director Gaskins, Director Monin
Director McClean

NOES: None


KATHRYN FRESHLEY, President
El Toro Water District and of
the Board of Directors
thereof

ATTEST:


DENNIS P. CAFFERTY, Secretary
El Toro Water District and of
the Board of Directors thereof