

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. WD-1267

2
3 A RESOLUTION OF THE BOARD OF WATER
4 COMMISSIONERS OF THE CITY OF LONG BEACH
5 ESTABLISHING THE PROHIBITED USE OF WATER
6 CHARGE

7
8 WHEREAS, a reliable, minimum supply of quality potable water is essential
9 to the welfare of the people and economy of the City of Long Beach ("City"); and

10 WHEREAS, responsible management of water supplies in non-shortage
11 conditions is wise and prudent for both water supply reliability and environmental
12 stewardship; and

13 WHEREAS, effective and equitable management of limited water supplies
14 during a water supply shortage minimizes the impact on the people and economy of the
15 City; and

16 WHEREAS, water conservation is an important component of California's
17 water policy for the future; and

18 WHEREAS, all reasonable efforts to conserve water should continue to be
19 a high priority; and

20 WHEREAS, the Board of Water Commissioners of the City of Long Beach
21 have adopted a Resolution amending and restating the Water Conservation and Water
22 Supply Shortage Plan (Plan); and

23 WHEREAS, in addition to the adoption the amended and restated Water
24 Conservation an Water Shortage Supply Plan the Board has approved certain
25 amendments to the Long Beach Water Department Rules, Regulations and Charges
26 Governing Potable Water, Reclaimed Water, Sewer Service, and the Water Conservation
27 and Water Supply Shortage Plan (Rules and Regulations); and

28 WHEREAS, the amended Rules and Regulations requires the Board of

1 Water Commissioners to establish the Prohibited Use of Water (PUoW) charges for
2 violations of the Plan; and

3 WHEREAS, the Board wishes to establish the Prohibited Use of Water
4 (PUoW) base charge as a necessary part of the Water Conservation and Water Supply
5 Shortage Plan;

6 NOW, THEREFORE, the Board of Water Commissioners of the City of
7 Long Beach resolves as follows:

8 Section 1. Prohibited Use of Water (PUoW) Base Charge.

9 A. The PUoW base charge is hereby established as follows:

10 (1) Prior to the effective date of a declared Stage 1 Water Supply
11 Shortage the PUoW Base Charge shall be One Hundred and Fifty Dollars
12 (\$150.00).

13 (2) After the effective date of a declared Stage 1 Water Supply
14 Shortage the PUoW Base Charge shall be Two Hundred Dollars (\$200.00).

15 3) After the effective date of a declared Stage 2 Water Supply
16 Shortage the PUoW Base Charge shall be Two Hundred and Fifty Dollars
17 (\$250.00).

18 (4) After the effective date of a declared Stage 3 Water Supply
19 Shortage the Base Charge shall be determined by the Board at the time a
20 Stage 3 Water Supply Shortage is declared.

21 Section 2. The PUoW Charge shall equal the number of Notices of
22 Violation, multiplied by the Base Charge. For example purposes only, if the PUoW base
23 charge established by the Board of Water Commissioners was One Hundred and Fifty
24 Dollars (\$150.00) for the period prior to the effective date of a declared Stage 1 Water
25 Supply Shortage then the PUoW Charge associated with a third Notice of Violation
26 issued for the same violation taking place prior to the effective date of a declared Stage 1
27 Water Supply Shortage would be Four hundred and Fifty Dollars (\$450.00). (3 x 150.00 =
28 \$450.00). If the PUoW base charge established by the Board of Water Commissioners

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1 was Two Hundred Dollars (\$200.00) for the period after the effective date of a declared
2 Stage 1 Water Supply Shortage then the PUoW Charge associated with a third Notice of
3 Violation issued for the same violation taking place after the effective date of a declared
4 Stage 1 Water Supply Shortage would be Six hundred Dollars (\$600.00). (3 x 200.00 =
5 \$600.00).

6 Section 3. Approval of this Resolution.

7 On the effective date of this Resolution all prior Resolutions relating to the
8 establishment of the PUoW Base Charge are hereby rescinded and superseded.

9 The Secretary of the Board of Water Commissioners shall certify to the
10 passage of this Resolution and cause a copy of the Resolution to be published pursuant
11 to Government Code Section 6061. This Resolution shall take effect thirty (30) days after
12 the Secretary's certification.

13 I hereby certify that this resolution was adopted by the Board of Water
14 Commissioners of the City of Long Beach at its meeting on 12/17/2009, by
15 the following vote:

16 Ayes: Commissioners: DALLMAN; CLARKE; ALLEN;
17 BLANCO

18
19 Noes: Commissioners: NONE

20 Absent: Commissioners: TOWNSEND

21
22 CERTIFIED AS A TRUE AND CORRECT COPY

23 **SECRETARY TO THE BOARD OF WATER COMMISSIONERS**
CITY OF LONG BEACH, CALIFORNIA

24 BY Frank Clarke
25 DATE: 12/17/2009

26
27
28 Frank Clarke
Secretary
BOARD OF WATER COMMISSIONERS