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ORDINANCE NO. 54

**AN ORDINANCE OF THE
BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
DEFINING PHASE I WATER USE RULES**

ORDINANCE

Section One: Statement of Purpose

This ordinance defines standards for Phase I of the present water supply emergency which has been declared in accord with Section 332 of the District Law. This ordinance establishes the Phase I response for the continuing water supply emergency first declared by the District in Ordinance No. 35, and sets limits upon water waste and non-essential uses of water. This ordinance supersedes water use limits set by prior ordinances addressing water rationing and shall supersede the rationing standards set forth in Ordinances 49 and 50. The hearing process set forth in Ordinance 49, however, shall be republished by this ordinance.

For reference, prior ordinances affecting this water supply emergency have been published as Ordinances 35, 37, 38, 42, 43, 49, and 50. All but Ordinances 49 and 50 have been repealed, and those two have been partially superseded by this ordinance. In all other respects this ordinance shall be read in conjunction with and complement provisions of the District's Rules and Regulations.

The purpose of this ordinance is to ensure that water use during the drought which precipitated this water supply emergency shall not exceed existing water supplies and that supply reserves are reasonably sufficient to meet anticipated future demand. This ordinance is required to meet the health and safety requirements of the communities served by the District.

Section Two: Phase I Conservation Standard

The water conservation standard set by this Phase I is intended to reduce potable water use by ten (10%) percent from that of the base

year. Phase I conservation standards shall apply to potable water users within the Monterey Peninsula Water Management District who derive water from any Water Distribution System or private well as listed in paragraphs A or C below. Systems in paragraph B are exempt from the standards of Phase I, but shall nonetheless comply with the water use limitations required by Section 6 of this ordinance.

A. Water Distribution Systems deriving their source of supply from the Monterey Peninsula Water Resource System.

- California-American
- Water West
- Seaside Municipal
- Carmel Valley Road
- Riverside Park
- Saddle Mountain
- Rancho Fiesta Road 1 & 2
- Rancho San Carlos Road

B. Water Distribution Systems not deriving their source of supply from the Monterey Peninsula Water Resource System.

- Ryan Ranch
- Country Club Rd.
- Los Robles Road
- P & M Ranch
- Rancho Fiesta Mutual
- Carmel Valley Mutual
- Schulte Road
- Sleepy Hollow
- Tao Woods Mutual
- Cachagua Rd. 1
Brannan
- Prince's Camp
- Cachagua Rd. I
Jones
- Jensen Mobile Home
- Moro Mini
- Nason Road
- Los Ranchitos de Aguajito
- Bishop Water Company

C. Private wells classified as deriving their source of supply from the Monterey Peninsula Water Resource System include:

- All wells perforated in the Carmel Valley alluvium, and
- All wells perforated in the Seaside Coastal Subbasin.

D. As used in this ordinance, the phrase "Monterey Peninsula

Water Resource System" shall mean the ground water and surface water supplies which serve major water distribution systems within the District, including the surface water and groundwater resources of the Carmel Valley (both the Carmel River and the Carmel Valley aquifer) and the resources of the Seaside Coastal groundwater subbasin. The Monterey Peninsula Water Resource System shall exclude resources of the Seaside Inland groundwater subbasin, and the Carmel Valley upland formation.

Section Three: Water Conservation Standard for Phase I.

A. Conservation on All Potable Water Use

During Phase I of this water supply emergency, all commercial, industrial, public authority, golf course, and residential water users shall use their best efforts to limit current potable water use to ninety (90%) percent of the water use recorded for that site for the equivalent billing period in the base year. The base year shall be the water year for bills issued between October 1, 1987, and September 30, 1988, unless this period has been modified by variance. Water users who do not have established water use billing records for the base year, including individual (non water distribution system) well users, may access prior water use records from that site to determine a base year for calculating the applicable conservation goal for their water use.

The General Manager shall administer this conservation standard in accord with guidelines promulgated by motion of the Board of Directors, and shall provide a courtesy notice when any water user exceeds the conservation objective established by this Section. Those guidelines shall address water users which do not have a full history of water use in the base year, water systems which do not utilize water meters, and individual wells which are not metered. Those guidelines shall also address the need for select water users to monitor a conservation goal based upon a per capita standard, or other variant, in lieu of the base year.

B. No Penalty for Non-Attainment

The ninety percent (90%) conservation standard set forth in Section 3 A above shall be a non-punitive standard during this Phase I. No penalty shall be imposed upon any water user if the water conservation standard required by that section is not attained. Nonetheless, fees and penalties may be imposed for non-compliance with the mandatory water conservation and water waste provisions set forth in Section 4 below.

C. Notification to All Water Users.

The General Manager shall notify each water user of the water conservation standard and water waste requirements by Phase I of

this water supply emergency. This notice shall be mailed to the address shown on the user's water bill.

Section Four: Mandatory Limits On Water Waste.

A. Water Waste Prohibition. This ordinance shall prohibit water waste. All Water Distribution Systems and private wells listed in Section Two, subparts A, B and C, and the consumers they serve, shall cease and desist wasteful uses of water within the District. "Water waste" is defined as the indiscriminate, unreasonable, or excessive running or dissipation of potable water. "Non-Essential Water Use" is defined as the indiscriminate or excessive dissipation of potable water which is unproductive, or does not reasonably sustain economic benefits or lifeforms, given the present shortage of potable water.

B. List of Prohibited Water Uses. The following activities shall be defined as a non-inclusive list of water waste which shall be prohibited during this Phase I.

1. Water waste; Indiscriminate or excessive potable water use which allows excess to run to waste. Water Waste shall include all water use activities which fail to incorporate Required Conservation Measures under the Phase I guidelines.
2. Operation of fountains, ponds, lakes, or other ornamental use of potable water without recycling.
3. Use of potable water to wash sidewalks or roadways.
4. Individual washing of cars, buildings, or exterior surfaces without use of quick acting positive shut-off nozzles.
5. Use of potable water for dust control or earth compaction without prior written approval of General Manager where non-potable water or other alternatives are readily available or satisfactory.
6. Water waste caused by easily correctable leaks, breaks, or malfunctions after a reasonable time within which to correct.
7. Use of potable water to irrigate turf, lawns, gardens or ornamental landscaping between 9:00 a.m. and 5:00 p.m. by means other than drip irrigation, or hand watering without quick acting positive shut-off nozzles.
8. Use of unmetered fire hydrant water by individuals other than fire department or public utility officials for fire suppression or utility system maintenance purposes, except upon prior approval of General Manager.

C. Mandatory Conservation Measures. This ordinance shall further impose the following conservation measures.

1. Commercial. In each area of high water use, each commercial establishment shall conspicuously display messages to explain the local policy regarding water conservation; this message may be conveyed by placard, decal, menu message, or any appropriate medium to promote water conservation.

2. Commercial. Each commercial establishment shall conspicuously display messages in each public restroom, hotel or motel room (placard or decal) providing information concerning the need to conserve water, and shall use Required Conservation Measures as defined by the Guidelines which implement Phase I. At the time of check-in, each hotel and motel shall provide the guest a printed message respecting water conservation standards prepared and supplied by the Water Management District.

3. Commercial. Every restaurant and convention facility shall serve water only upon request, and shall use Required Conservation Measures as defined by the Guidelines which implement Phase I. Information respecting this limitation shall be appropriately disseminated.

4. Construction. The construction trades shall avoid use of potable water for dust control or earth compaction without prior written approval of General Manager where non-potable water or other alternatives are readily available or satisfactory.

5. Government and Schools. Each governmental office and school shall place messages in each restroom (placard or decal) providing information concerning the need to conserve water.

6. Government and Schools. Government entities shall minimize consumptive water use in training exercises and rely instead upon Cal-Am sites where water shall not be wasted.

7. Government and Schools. Food service shall serve water only upon request.

8. Government and Schools. Water conservation information shall be provided to each occupant of residential quarters.

9. Government. Sewer line flushing shall be from subpotable water to the extent such supplies are available.

10. Public Utilities. Each public utility or water distribution system listed in Section Two shall implement an annual information campaign (billing insert or other means) disseminating conservation advice and advising of water waste prohibitions to customers, clients, and owners of those systems.

11. Nursery/Gardening. Nurseries and gardeners shall promote messages concerning the need to conserve water to clients and customers.

12. Nursery/Gardening. Nurseries and gardeners shall promote the use of drought tolerant plants for new planting purposes, and shall discourage installation of lawns or other high water use plant types.

13. Nursery/Gardening. Nurseries and gardeners shall promote expanded irrigation practices and hardware which conserve potable water and avoid water waste.

14. Nursery/Gardening. Nurseries and gardeners shall promote expanded use of non-potable water for irrigation uses.

15. Nursery/Gardening. All gardeners shall practice efficient outdoor irrigation and use Required Conservation Measures as defined by the Guidelines which implement Phase I. The General Manager shall promulgate an exception to the water waste provisions of Section 4 B 7 for all outdoor gardening trades provided the irrigation experience for each property shows a minimum of ten (10%) percent reduction in potable water consumption for that property as compared to base year water use.

16. Mobile Water Distribution Systems. Each Mobile Water Distribution System shall obtain a permit as required by Rule 106 of the District Regulations.

17. Swimming Pools. The swimming pool and spa trade shall use Required Conservation Measures to conserve potable water and avoid water waste.

Section Five: Administrative Implementation

A. Implementation The General Manager shall implement the water conservation standard, and water waste restriction requirements of this ordinance in accord with the Phase I water conservation guidelines promulgated by motion of the Board of Directors. Those Guidelines shall also define Required Conservation Measures as referenced in Section Four of this ordinance. Each Guidelines adopted to implement Phase III under prior rationing ordinances shall have continuing effect under Phase I unless modified by Board action.

B. Emergency Powers During this water supply emergency a possibility exists that an unexpected decrease in water supply, or an unexpected increase in water demand, or an interruption of distribution facilities may be experienced to such an extent that delivery of water supplies for potable use, or for fire suppression needs is threatened. If an imminent threat to public health and safety does occur, the General Manager is hereby delegated

temporary authority to increase limits on water use beyond those set by Phase I to meet the immediate requirements of the community-at-large. In the event this authority is exercised, the General Manager shall make every good faith effort to first consult with the Director of Environmental Health for Monterey County, and the Manager of the California American Water Company as to the means, magnitude, and length of time that extraordinary reductions of water use shall be required. The exercise of this emergency power may cause temporary interruption of water service to select users. The exercise of emergency powers shall be disclosed immediately, and each member of the Board shall be given prompt notice. The Board shall thereafter convene a public meeting, upon proper notice, to review and ratify or modify the action taken.

C. Water Emergency User Fee This ordinance shall extend the collection of the Water Emergency Surcharge first established by Ordinance 37, and as amended and extended by Ordinances 49 and 51. The General Manager shall continue collection of the water emergency user fee by the California American water distribution system from each water customer within that public utility system without change. Those proceeds shall continue to be used exclusively to underwrite costs of administration, enforcement, education, and other necessary activities relating to the water supply emergency. Collection of the water emergency user fee shall extend only for the exact period of time necessary to cause full funding of the District's actual incurred costs of administration, enforcement, education, and other activities relating to the water supply emergency. Thereafter this user fee shall no longer be collected.

The period for collection of the 2.05% Water Emergency Surcharge first authorized by Ordinance 37 of the Monterey Peninsula Water Management District shall be extended and shall continue to be collected for a period of eighteen (18) months after the sunset of water use restrictions, unless this surcharge is earlier terminated in full or in part by Resolution of the Board of Directors. Thereafter that surcharge shall no longer be collected.

The period for collection of the 3.95% Water Emergency Surcharge first authorized by Ordinance 51 of the Monterey Peninsula Water Management District shall be extended and shall continue to be collected for a period of eighteen (18) months after the sunset of water use restrictions, unless this surcharge is earlier terminated in full or in part by Resolution of the Board of Directors. Thereafter that surcharge shall no longer be collected.

Each surcharge authorized by this ordinance is collected in order to fund costs of administration, enforcement, education, and other necessary activities relating to the water supply emergency. The General Manager shall cause an equivalent value surcharge (per unit of water) to be collected for these purposes by every other public utility or water distribution system within the District. Each public utility or water distribution system shall collect this amended water emergency surcharge from each water user for an

equivalent period of time.

D. Modification of P.U.C. Rationing Standards The General Manager shall notify the California Public Utilities Commission of the modifications effected by this Phase I.

Section Six: Water Waste Hearings

A. Compliance Process. Section Seven of Ordinance 49 shall be republished by this ordinance, and shall govern the administration and management of any appeal or compliance proceeding required by the mandatory provisions of Section Four of this ordinance.

B. Continued Enforcement of Phase III Standards for Water Use before May 1, 1991. The General Manager shall continue enforcement of Phase III restrictions and fee collection efforts under Ordinance 49 for all water use which occurred in billing periods completed on or before May 1, 1991. Compliance hearings and any fees, penalties, or enforcement activity respecting the rationing standard imposed by Phase III shall also be governed by Section Seven of Ordinance 49.

C. Enforcement of Mandatory Water Waste Rules. In any enforcement proceeding where the hearing panel has determined that a water user has wasted water by indiscriminate, unreasonable, or excessive running or dissipation of potable water, or has failed to comply with the mandatory water use restrictions imposed by Section Four of this ordinance, one or more of the following penalty options may be imposed:

- (1) Use Fee for Water Waste - for each unit of water wasted (or used in excess or violation of the limits set forth in Section 4 B of this ordinance), or for each instance of failure to comply with mandatory conservation measures required by Section 4 C of this ordinance, a use fee shall be assessed as follows: (i) \$50.00 (first rationing offense during any Phase of this water supply emergency), or (ii) \$150.00 (second or subsequent offense during any Phase of this water supply emergency).
- (2) Penalty Assessments - In addition to the use fee for water waste noted in (1) above, the hearing panel may impose an additional penalty assessment not to exceed \$500 for each instance of flagrant water waste, or each flagrant refusal to cease water use prohibited by Section 4 B above, or each flagrant refusal to comply with conservation measures mandated by Section 4 C. Factors used to calculate this fee shall be based upon the quantity of water wasted and the reasonableness (or lack) of the water user's action to halt the waste of water.
- (3) Abatement Action - The hearing panel may also refer any

instance of water waste, or failure to comply with the mandatory provisions of this ordinance for prosecution as a misdemeanor or abatement as a civil nuisance for continued water waste.

Section Seven: Sunset of Water Use Restrictions

A. Sunset of Restrictions on Water Use. All Phase I water use restrictions shall have continuous force and effect until suspended by Resolution of the Board of Directors upon a finding that the present water use restrictions are no longer necessary to meet the water supply requirements of the community.

The Board shall review the provisions of this ordinance once each year during this water supply emergency. The Board shall also review water use reductions by use category (residential, commercial, golf course, and public sector) each calendar quarter to determine the effect of the Phase I conservation standards.

B. Sunset for Collection of the Water Emergency Surcharge. This ordinance republishes the provisions of Ordinances 49 and 51 which require each water distribution system to collect a water emergency surcharge from each water customer within that system in order to fund costs of administration, enforcement, education, and other necessary activities relating to the water supply emergency. This provision allows collection of the water emergency surcharge only for the exact period of time necessary to cause full funding of the District's actual incurred costs of administration, enforcement, education, and other activities relating to the water supply emergency. Thereafter this surcharge shall no longer be collected.

Section Eight: Review of Water Use Restrictions

This ordinance shall not set criteria for subsequent reductions in potable water consumption beyond the ten (10%) percent standard set by Phase I, or to alter any trigger mechanism set forth in the Interim Relief Plan.

Pursuant to that plan, the Board of Directors shall convene a special public hearing within seven calendar days after the District is informed that Cal-Am is unable to meet the minimum cubic feet per second (CFS) discharge into the Carmel River at the San Clemente Dam as may be required by any then existing Memorandum of Understanding (MOU) between Cal-Am, the California Department of Fish and Game, and the District, or, that Cal-Am is pumping water for supply purposes from production wells east of the Narrows.

Following public testimony and upon a determination that one or more of the above factors has occurred and shall continue, the Board shall cause a change from the existing phase to one which

causes a greater reduction in water consumption. The Board, however, may postpone the acceleration of any phase change upon a finding that the triggering event was short term.

Section Nine: Review of Water Meter Connection Restrictions

Ordinance 52 limits the issuance of water connection permits until new supplies of water have been developed which augment the available supply from the Monterey Peninsula Water Resource System. This ordinance shall republish that standard without change. Until new supplies of water are developed, the provisions of Ordinance 52 shall govern any application for a new or intensified water uses.

Section Ten: Publication

The provisions of this ordinance shall be published in a newspaper of General Circulation within the District, but shall not be bound in the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

Section Eleven: Effective Date

The water conservation standard effected by Phase I shall apply to each water consumer upon the first complete water use period (established by the date the water utility reads the water user's meter) in which all water use began on or after May 1, 1991. For any period wherein some water use took place prior to May 1, 1991, the Phase III provisions as set forth in Ordinances 49 or 50 (as applicable) shall continue to be enforced.

If the consent of the individual water user has been received, however, the General Manager may give retrospective effect to provisions of this ordinance.

Section Twelve: Conjunctive Application

This ordinance is intended to compliment and to be read conjunctively with the Rules and Regulations and other ordinances of the Water Management District. All definitions used in the District Rules and Regulations shall apply to this ordinance.

Section Thirteen: Severability

If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would

have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases may be declared invalid.

On motion of Director Hughes, and second by Director Franco, the foregoing ordinance is adopted this 22 day of April, 1991, by the following vote:

AYES: Directors Long, Davis, Hughes, Heuer, Strasser Kauffman, Franco, Hekhuis

NAYS: None

ABSENT: None

I, Jim Cofer, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted this 22 day of April, 1991.

Witness my hand and seal of the Board of Directors this 30 day of April, 1991.



Jim Cofer, Secretary to the Board

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Attached to this ordinance are Guidelines for Administering Phase I Conservation Standards which are referenced in the ordinance.

GUIDELINES FOR ADMINISTERING PHASE I CONSERVATION STANDARDS

1. Identification of Customers with No Water Record.

The General Manager shall secure from each water system a listing of new connections and changes in account billing since the beginning of the base period, October 1, 1987 through September 30, 1988. Additionally, the General Manager shall obtain a listing of new connections and changes in account billing for each new month during the duration of Phase I. For each such residential customer, the General Manager shall ascertain the number of residents and the character of the residence. For each such commercial customer, the General Manager shall ascertain the type and character of the land use. A "census" form will be utilized to obtain information from both residential and commercial water users.

2. Establishment of Conservation Standard (CS) for Water System Customers.

- A. Customers that occupy an existing property with a water record from the base period shall receive a CS based on 90% of base usage for each billing cycle, or b. (below), whichever is greater.
- B. Water users which do not have a full history of water use in the base year shall receive a Conservation Standard based on the total number of residents per residence as follows:

| <u>Type Dwelling</u> | <u>Number of Residents</u> | |
|-------------------------------------|----------------------------|-----------------------|
| | <u>One</u> | <u>Two or More</u> |
| House (Single family detached) | 137 gallons 11 units | 92 gallons 8 units |
| Apartment/Townhouse Condominiums | 87 gallons 7 units | 63 gallons 5 units |

(Gallons per person per day/Units per person per billing period)

- C. New commercial, industrial or public authority users with no water baseline record shall comply with the informal variance procedure. A Conservation Standard shall be determined by the commercial standard work sheet.

3. Conservation Standard for Water Systems without Individual Customer Meters.

Water systems without individual customer meters shall have a Conservation Standard equal to 90% of system production during the equivalent production period in the base year. Each and/or operator of a well which derives its source of supply from the Monterey Peninsula Water Resource System shall adhere to the Conservation Standard provisions of Ordinance 54 and shall report that well's use to the Water District according to the Water Meter Method described in District Rule 56, the Power-Correlation Method, or the Land-Use Method.

4. Conservation Standards for Individual Well Users Reporting Under the Land-Use Method.

The General Manager shall advise each well owner reporting under the land-use method to reduce consumption by 10% from previous semi-annual production statements of the same period.

5. Professional Landscape Gardening - The General Manager shall grant an exception to the water waste provisions of Ordinance 54, Section 4.B (7) for outdoor gardening provided the irrigation use shows a minimum of ten (10%) percent reduction in water consumption for that property as compared to base year water use. (See Ordinance 54, Section 4.C (15))

6. Variances: Application will be Submitted by Variance Request to the Conservation Office.

A. Alternate Year - Water users without established water use billing records for the base year, including well users, may utilize prior water use records from that site to determine a base year for calculating the CS for their water use.

B. Multiple Meters - The General Manager may take action to consolidate the administration of water conservation for persons or entities (private or public) who utilize more than one water meter for a single purpose or site. Only water meters read in the same billing period shall be consolidated for this purpose.

C. Change in Business Activity - The General Manager shall adjust the CS of water as a function of increased business if the magnitude of that business activity is fully documented by the customer. Requires approved visual inspection by staff for compliance with conservation measures.

7. Enforcement of Conservation Standards

- A. Conservation office personnel shall investigate water waste complaints for violations. Violation notices and citations shall be issued in the name of the water account owner or holder. Violation of any provision of Ordinance 54, Section Four may subject the user to criminal prosecution for a misdemeanor, and shall subject said persons to the assessment of the following penalty for each and every violation.
1. First Violation - A fine of \$50.00
 2. Second or Subsequent Violation - A fine of \$150.00
- B. If fines imposed are not paid within fifteen (15) days from the date assessed the violator shall be referred to a compliance hearing under the provisions of Ordinance 54, Section Six.

8. Required Conservation Measures

- A. Flush sewers with sub-potable or reclaimed water except in cases of emergency.
- *B. New Construction: Plumbing fixtures must meet or exceed the following water conservation requirements: toilets shall use no more than 1.6 gallons per flush maximum; urinals shall use no more than 1.0 gallon per flush; showerheads and faucets shall use no more than 2.5 gallons per minute maximum irrespective of the pressure in the water supply line; hot water systems must be instant-access; drip irrigation must be installed for all shrub and tree areas unless plant material or site conditions preclude drip as the most appropriate choice (Ordinance Nos. 30 and 47).
- *C. Additions and remodels must meet the following conservation requirements: If you are adding plumbing fixtures, and/or expanding more than 25% of the existing square footage, new construction requirements must be met throughout the structure with the exception of instant-access hot water systems. Retrofitting to instant-access and/or drip irrigation is not required. For the purposes of these guidelines, instant-access shall be defined as providing hot water at the point of service within five (5) seconds.
- *D. Transfer of title: Must replace all toilets using over 1.6 gallons per flush and replace them with a maximum 1.6 gallon per flush models. Similarly, all showerheads must be replaced with maximum of 2.5 gallon per minute types.

*Previously adopted District program or law.

- *E. Existing Business/Public Authority land uses: All existing commercial, industrial, and public authority land uses must meet the following standards as of March 30, 1988:

Showerheads: 2.5 gallons per minute maximum
Faucets: 2.5 gallons per minute maximum (may use aerator)
Toilets: All toilets with a flush capacity greater than 3.4 gallons per flush be fitted with a reduction device capable of saving one gallon per flush.

- F. Transportation of water from the Monterey Peninsula Water Resources System without prior written authorization from the MPWMD shall be deemed water waste. Emergency or health related situations are exempt from this provision.
- G. Verified water waste as determined by the District will serve as prima facie evidence that the water conservation goal (allocation) assigned to the water account is excessive; therefore, the amount of the allocation of water will be subject to review and possible reduction.
- H. On new construction, multiple shower and lavatory installations within non-residential facilities shall be equipped with self-closing valves, except where necessary to protect the public health and safety.
- I. Overhead sprinkler irrigation systems in new median strips less than ten feet wide shall be reviewed closely. If concerns regarding overspray can not be resolved, then a more efficient irrigation system will be required.
- J. Any water account with a base year's usage of 50 units or greater per billing period (as established under Phases I or III), and which uses 125% or more of its conservation goal (allocation) within any billing period, shall be reviewed by District staff to determine the reason for the excessive usage. If staff cannot find satisfactory reason(s) for the excessive water use, such use shall be deemed water waste. Staff will administer process as established under Phase I (Ordinance No. 54, Section 4), including sending a notice to the appropriate parties. Staff decision may be appealed to the hearing panel.

*Previously adopted District program or laws.