

ORDINANCE NO.

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
REPEALING ORDINANCE NO. 730 DECLARING A WATER SHORTAGE
EMERGENCY AND A NECESSITY FOR A WATER CONSERVATION PROGRAM,
ADOPTING A WATER CONSERVATION PROGRAM AND FINDING THAT THE
ACTIONS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
IN COUNTY SERVICE AREA NO. 3-CASTELLA WATER AND REPEALING
ORDINANCE NO. 733**

WHEREAS, on August 15, 2017, the Shasta County Board of Supervisors adopted Ordinance No. 730 declaring a water shortage emergency and a necessity for a water conservation program, adopting a water conservation program and finding that the actions are exempt from the California Environmental Quality Act in County Service Area- No. 3-Castella Water; and

WHEREAS, the previous impending financial inability of County Service Area- No. 3-Castella Water to provide potable water changed with the adoption of a water rate increase effective November 2, 2017 and operative November 1, 2017; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment pursuant to CEQA Guidelines §15061(b)(3). This ordinance is also exempt pursuant to CEQA Guidelines 15301 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on November 14, 2017, the Board of Supervisors adopted Ordinance No. 733 with the intent to repeal Ordinance No. 730, but Ordinance No. 733 failed to expressly state the Board's intent that the repeal of Ordinance No. 730 would not impact any action or prosecution or imposition of penalties associated with Ordinance No. 730 that were committed prior to the operative date of Ordinance No. 733.

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION 1. Repeal

Ordinance Number 730 is hereby repealed in its entirety.

Ordinance Number 733 is hereby repealed in its entirety.

SECTION 2. Operative Date

This ordinance shall be operative November 1, 2017.

SECTION 3. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. Savings Clause

The adoption of this ordinance shall not in any manner affect any action or prosecution for violations of Ordinance No. 730, which violations were committed prior to the operative date hereof, or be construed as a waiver of any fee, charge, penalty or fine required by or resulting from any such violations of Ordinance No. 730.

This provision is declaratory of the existing intent of the Board of Supervisors and the intent of the Board of Supervisors in previously adopting Ordinance No. 733.

SECTION 5. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.).

SECTION 6. Effective Date

This ordinance shall take effect and be in full force and effect 30 days after passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this ____th day of December, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

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LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy