



To: Mayor and City Council
From: Tim Tucker, City Engineer
Subject: Rescinding Drought Resolutions
Date: June 8, 2016

Recommendation

Adopt resolution rescinding mandatory water conservation Resolutions 091-15 (25% Drought Plan) and 092-15 (Temporary Price Adjustment) and establishing permanent prohibitions on water waste and maintain fines for violations in support of long-term water conservation.

Background

On May 9, 2016, the Governor issued Executive Order B-37-16 stating that, despite winter precipitation, drought conditions may persist in some parts of the state into 2017 and beyond; and directing the State Water Resources Control Board (State Board) to update its temporary, emergency water restrictions and transition to permanent, long-term improvements in water use.

The State Board has released a proposal to replace the existing state-imposed mandatory conservation standards with locally-developed standards, and require local urban water agencies to self-certify sufficient water supply availability to meet local demands, or comply with revised mandates. Self certification assumes adequate water supply during three additional dry years, and customer demands based on average use in 2013 and 2014. In addition, the State Board will consider permanent prohibitions against water waste. Based on current projections, the Contra Costa Water District, the City’s provider of raw water, intends to self-certify that water supplies are sufficient to meet customer demands, including all retail and wholesale customers based on criteria contained in the draft State Board regulations, and allow continued filling of Los Vaqueros Reservoir.

Discussion

Martinez residents have done a great job conserving water over this past year. There was over a 30% overall reduction in water use. Many residents took advantage of incentives and rebates. CCWD and City staff are confident that by implementing long term water conservation there will be adequate water supplies to meet our customer’s needs over the next three years.

As a result, it is recommended that the City rescind the Drought Management Program (City of Martinez 25% Drought Management Plan), as established on July 15, 2015 under resolution 091-15. Instead, it is proposed that the City transition to encouraging conservation and establish permanent prohibitions. It is also proposed fines for water waste remains in effect.

Fines for water waste predate the 25% Drought Management Plan.

On July 15, 2015 the City Council adopted resolution 092-15 amending the City's Water Regulations by establishing section 14.3.15, Temporary Pricing Adjustment of \$0.50 per hundred cubic feet (748 gallons) of water used. The proposed resolution will terminate the pricing adjustment. The City has several billing cycles over a two month period. Price adjustments will be phased out starting with the first monthly billing cycle on June 30, 2016 and the first bi-monthly billing cycle starting July 12, 2016. The phasing out of the rationing program is consistent with the original phasing in of the program.

Water conservation will remain essential in California. Exhibit "A" to the resolution establishes on-going water conservation requirements, incentives and fines for violations. Staff will continue to provide conservation information on our web site and through direct mailings to our customers. We will continue rebate and voucher programs along with providing conservation kits on request.

Fiscal Impact

The current budget includes funding for a Water Rate Study. The study will evaluate revenues and expenditures during the drought period. These results will be presented to Council at the conclusion of the Study.

APPROVED BY:



Acting City Manager

RESOLUTION NO. -16

RESCINDING MANDATORY WATER CONSERVATION RESOLUTIONS 091-15 (25% DROUGHT PLAN) AND 092-15 (TEMPORARY PRICE ADJUSTMENT) AND ESTABLISHING PERMANENT PROHIBITIONS ON WATER WASTE AND MAINTAIN FINES FOR VIOLATIONS IN SUPPORT OF LONG-TERM WATER CONSERVATION

WHEREAS, Article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare, and further declares that it is self-executing; and

WHEREAS, the City is authorized pursuant to Water Code sections Water Code §350 et seq., §375 et seq., §31021 et seq., § et seq., and §31026 et seq., to establish and enforce rules and regulations for the sale, distribution, and use of water; and to enact rules and regulations to restrict the use of water during any water emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of City water or the use of City water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the City and may prohibit use of such water during such periods for specific uses which the City may from time to time find to be non-essential; and

WHEREAS, the California Governor formally declared a condition of statewide drought related emergency conditions on January 17, 2014, encouraging local water agencies to promote water conservation, and on April 25, 2014, by Executive Order, Governor Brown announced that he was strengthening the State's ability to respond to ongoing drought conditions and directed the State Water Resources Control Board (SWRCB) to notify urban water suppliers not already implementing drought contingency plans to limit outdoor irrigation and other wasteful practices; and

WHEREAS, on July 15, 2014, the SWRCB approved emergency regulations mandating that residents and water suppliers take certain action relative to water use and use of potable water for irrigation purposes and on March 17, 2015, the SWRCB, in light of California entering a fourth year of extraordinary drought conditions, reauthorized the emergency regulations adopted in 2014, and approved additional mandates requiring water suppliers and businesses to take certain further actions relative to water use and use of potable water for irrigation purposes, including the imposition of fines of up to \$500 per day for each violation of the SWRCB emergency regulations, and the imposition of fines of up to \$10,000 per day against urban water suppliers found to be non-compliant with the SWRCB rules and regulations; and

WHEREAS, On May 9, 2016, the Governor issued Executive Order B-37-16 stating that, despite winter precipitation, drought conditions may persist in some parts of the state into 2017 and beyond; and directing the State Water Resources Control Board (State Board) to update its temporary, emergency water restrictions and transition to permanent, long-term improvements in water use; and

WHEREAS, Contra Costa Water District, the City’s provider of raw water, intends to self-certify that water supplies are sufficient to meet customer demands, including all retail and wholesale customers based on criteria contained in the draft SWRCB regulations, and allow continued filling of Los Vaqueros Reservoir; and

WHEREAS, on July 15, 2015 the City Council of the City of Martinez did adopt Resolution No. 091-15, establishing The City of Martinez 25% Drought Management Plan; and

WHEREAS, on July 15, 2015 the City Council of the City of Martinez did adopt Resolution No. 092-15, Amending Section 14, Schedule of Fees and Rates, of the City of Martinez Regulations Governing Water Service to add a \$0.50 Per Unit Temporary Pricing Adjustment to Water Quantity Charge; and

WHEREAS, said Resolutions were adopted pursuant to the mandatory reduction of 25% by the State of California enforceable through severe monetary penalties; and

WHEREAS, long term water conservation is need, and required by the State, to ensure the availability of drinking water now and in the future; and

WHEREAS, the City has established permanent water use prohibitions, including those established by the State Water Board, to prevent wasteful water use of City-furnished water, which are listed in “Exhibit A”, Water Conservation Plan; and

WHEREAS, The City Council delegates to the City Manger the authority to impose additional prohibitions, or to suspend enforcement of any prohibition, depending on water supply conditions or actions of the Governor or State Water Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez, that Temporary Pricing Adjustment of \$0.50 per hundred cubic feet (748 gallons) of water used will terminate starting with the first monthly billing cycle on June 30, 2016 and the first bi-monthly billing cycle starting July 12, 2016.

BE IT FURTHER RESOLVED by the City Council of the City of Martinez that the “Violations” section of the “City of Martinez 25% Drought Plan”, shall remain in effect; and

BE IT FURTHER RESOLVED by the City Council of the City of Martinez in consideration of the above, Resolutions No. 092-15 is hereby rescinded at the conclusion of the temporary pricing adjustment billing cycles described above and Resolutions No. 091-15 is hereby rescinded, excluding the Violations section of the “City of Martinez 25% Drought Plan”, effective upon the adoption of this resolution; and

BE IT FURTHER RESOLVED, the City Council establishing permanent prohibitions on water waste and maintain fines for violations in support of long-term water conservation as indicated in Exhibit A, “Water Conservation Plan.”

* * * * *

I HEREBY CERTIFY the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 15th day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

Exhibit "A"

Water Conservation Plan (Plan)

I PROHIBITED PRACTICES

The following uses of water supplied by the City of Martinez have been determined to be wasteful and are prohibited at any time:

- a. failing to repair a leak in a customer's water system;
- b. permitting excess water run-off; watering outdoor landscapes in a manner that causes runoff;
- c. watering outdoor landscapes during or within 48 hours after measurable precipitation;
- d. watering of outdoor landscapes between the hours of 9:00 a.m. and 5:00 p.m.;
- e. washing vehicles with hoses not equipped with a shutoff valve;
- f. washing sidewalks, driveways, and other hard surfaces (except as required for health and safety);
- g. using potable water in non-recirculating fountains or decorative water features;
- h. irrigating ornamental turf on public street medians with potable water;
- i. irrigating landscapes of newly constructed homes/buildings in a manner inconsistent with state regulations; and
- j. otherwise failing to put water received from the City to reasonable and beneficial use.

II CITY INCENTIVES

In accordance California Governor Executive Order B-29-15 the City shall:

Mandatory

- a. In coordination with the Department of Water Resources and Contra Costa Water District (CCWD) the City shall provide incentives for customers to convert lawns and ornamental turf to drought tolerant landscapes.
- b. In coordination with the California Energy Commission, jointly with the California Department of Water Resources and the Water Board and CCWD provide appliance rebate programs for the replacement of inefficient household devices.

Current/Optional Programs

- a. Coupons for mulch for use in landscaping and for local car washes using recycled water
- b. Free conservation site surveys
- c. Outreach programs, workshops, and educational materials.
- d. Rebates for water efficient fixtures and landscape conversions
- e. Recycled water fill stations offered free of charge by local sanitary districts

III VIOLATIONS

Remedies for the prevention of water waste shall be in accordance with Chapter 7 of the Regulations Governing Water Service (Regulations). In addition to the remedies in the Regulations, and in order to enforce the water use prohibitions, the City has the discretionary ability to impose fines for the wasteful use of City treated water as follows:

- a. First offence: At the City's discretion the City will issue a Warning Notice and at the City's option fines up to \$250 for each offence.
- b. Second offence: At the City's discretion the City will issue a Warning Notice and at the City's option fines up to \$500 for each offence.
- c. Subsequent offences: At the City's discretion the suspension of service under existing City of Martinez Regulations Governing Water Service Chapter 7, Section 7.6, Prevention of Waste.
- d. Fines may be appealed to the City Manager of the City of Martinez.

If a customer fails to take action to stop wasteful use, the City may suspend delivery of water or install a device to restrict the flow of water to the customer, or terminate service until the City determines that there will be no further waste. All applicable fees for the installation or removal of a water restricting device or for disconnection or reconnection of service shall be borne by the customer.

IV EXCEPTIONS

Under extraordinary circumstances such as for medical purposes the City of Martinez Water Superintendent may wave all or portions of this Plan for customers on a case-by-case basis.