

**Meeting Date:** 8/7/2014

**Report Type:** Public Hearing

**Report ID:** 2014-00579

**Title:** Amendment of Water Shortage Restrictions

**Location:** Citywide

**Recommendation:** Conduct a public hearing and upon conclusion, pass a Resolution amending the City's water shortage restrictions to prohibit the use of water in non-recirculating fountains.

**Contact:** Dave Brent, Director, (916) 808-1420; Terrance Davis, Program Manager, (916) 808-1868, Department of Utilities

**Presenter:** Dave Brent, Director, (916) 808-1420; Terrance Davis, Program Manager, (916) 808-1868, Department of Utilities

**Department:** Department Of Utilities

**Division:** Office of the Director Admin

**Dept ID:** 14001011

**Attachments:**

1-Description/Analysis

2-Background

3-Resolution

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**City Attorney Review**

Approved as to Form

Joe Robinson

7/28/2014 1:52:28 PM

**Approvals/Acknowledgements**

Department Director or Designee: Dave Brent - 7/23/2014 11:10:57 AM

## Description/Analysis

**Issue Detail:** Calendar year 2013 was the driest year on record for much of Northern and Central California. On January 14, 2014, the Sacramento City Council adopted Resolution No. 2014-0018 declaring a water shortage as authorized under City Code section 13.04.910, and implemented Stage 2 of the City of Sacramento Water Shortage Contingency Plan (WSCP), establishing a mandatory 20% reduction in water use. Subsequently, on January 17, 2014, Governor Jerry Brown declared a State of Emergency due to critical drought conditions. On April 25, 2014, Governor Brown issued an additional proclamation redoubling drought mitigation efforts. Specifically, the Governor's order calls on Californians and California businesses to take specific actions to avoid wasting water. The Sacramento City Council adopted Resolution No. 2014-0209 on June 17, 2014, declaring a continuing water shortage and implementing additional water conservation provisions.

The State Water Resources Control Board (State Board) adopted drought-related emergency regulations on July 15, 2014 for urban water conservation throughout the state, which include provisions prohibiting specific uses of water, except where necessary to address an immediate health and safety need. The City has been implementing and enforcing numerous measures to reduce water use and increase water conservation and water use efficiency, which already include the prohibitions specified in the State Board's emergency regulations, with one exception relative to the use of potable water in fountains and other decorative water features. To make the City's regulation of this use consistent with the recent State Board regulations, staff is proposing an amendment to the City's water shortage restrictions that explicitly prohibits use of a fountain or other decorative water feature that is not equipped with a recirculating system.

**Policy Considerations:** The City's ongoing drought mitigation actions are consistent with the requirements of Section 10632 of the California Water Code, Chapter 5 of the City's 2010 UWMP, and Article XI (Outdoor Water Conservation) of Chapter 13.04 of City Code.

**Economic Impacts:** Prohibiting the use of water in non-recirculating fountains is not expected to have any economic impacts.

**Environmental Considerations:** Prohibiting the use of City water in non-recirculating fountains is consistent with the City's Urban Water Management Plan (UWMP), and the Master Environmental Impact Report certified in connection with the adoption of the 2030 General Plan, which evaluated water supply and cumulative effects. The proposed action is exempt from review under CEQA as part of the City's continuing administrative activities to implement the UWMP (CEQA Guidelines section 15378(b)(2)), and because it can be seen with certainty that the action would have no significant effect on the

environment (CEQA Guidelines section 15061(b)(3)). A reduction in water usage will reduce potential environmental effects associated with water use, by reducing surface water diversions, as well as reducing energy consumption and other impacts associated with water production and distribution and the collection and treatment of this water after it has been used. A reduction in surface water diversions also will increase the availability of surface water for maintenance and protection of natural resources and the environment.

**Sustainability:** Continued implementation of the WSCP supports the City's sustainability goals of reducing greenhouse gases and conserving resources.

**Commission/Committee Action:** Not applicable.

**Financial Considerations:** Under the current rate structure, continued or expanded implementation of the Water Shortage Contingency Plan will likely decrease the Department of Utilities' water revenues generated from its customers who are billed by volumetric consumption. The Department will continue to closely monitor the cost and revenue impacts of sustained and expanded implementation of the WSCP.

**Local Business Enterprise:** Not applicable.

## Background

Calendar year 2013 was the driest year on record for much of Northern California. This condition was preceded by two consecutive years of below normal precipitation in the Sacramento region and snow pack in the Sierra Nevada Mountains. On January 17, 2014 Governor Brown declared a Drought State of Emergency for the State of California. Preceding the State's pronouncement, on January 14, 2014 the Sacramento City Council adopted Resolution No. 2014-0018 declaring a water shortage, pursuant to City Code section 13.04.910, and implemented Stage 2 of the Water Shortage Contingency Plan (WSCP) as outlined in the City's 2010 Urban Water Management Plan (UWMP).

On April 25, 2014, Governor Brown issued an additional proclamation redoubling drought mitigation efforts. Specifically, the order calls on Californians and California businesses to take specific actions to avoid wasting water, including limiting lawn watering and car washing; recommends that schools, parks and golf courses limit the use of potable water for irrigation; and asks that hotels and restaurants give customers options to conserve water by only serving water upon request and other measures. The order also prevents homeowner associations from fining residents that limit their lawn watering and take other conservation measures. On June 17, 2014, the Sacramento City Council adopted Resolution No. 2014-0209, declaring a continuing water shortage and implementing additional water conservation provisions.

On July 15, 2014, the State Water Resources Control Board (State Board) adopted drought-related emergency regulations for urban water conservation throughout the state, which include provisions prohibiting the following actions, except where necessary to address an immediate health and safety need:

- Washing down driveways and sidewalks;
- Watering of outdoor landscapes that cause excess runoff;
- Using a hose to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle; and
- Using potable water in a fountain or decorative water feature, unless the water is recirculated.

The City of Sacramento is implementing and enforcing numerous measures to reduce water use and increase water conservation and water use efficiency, which already include the prohibitions specified in the State Board's emergency regulations, with one exception relative to the use of potable water in fountains and other decorative water features. The City's current measure, set forth in subsection A of Section 2 of Resolution No. 2014-0209, requires the City Manager to encourage City residents and business to turn off fountains and other decorative water features that do not use recycled water or grey water.

To be consistent with the State Board's emergency regulations adopted on July 15, 2014, staff proposes a further amendment to the City's water conservation provisions relative to the use of potable water in fountains and other decorative water features, to prohibit this use unless the water is recirculated.

**RESOLUTION NO.**

Adopted by the Sacramento City Council

\_\_\_\_\_, 2014

**AMENDMENT OF WATER SHORTAGE RESTRICTIONS TO PROHIBIT USE OF WATER IN NON-RECIRCULATING FOUNTAINS**

**BACKGROUND**

- A. Article XI of Chapter 13.04 of the Sacramento City Code (Outdoor Water Conservation) specifies outdoor water use limitations and restrictions to promote efficient water use and increase water conservation. City Code section 13.04.910 authorizes the City Council, by Resolution, to declare the existence of a water shortage and impose revised or additional limitations and restrictions on outdoor water use while the water shortage remains in effect.
- B. On January 14, 2014, based on critical drought conditions, the Sacramento City Council adopted Resolution No. 2014-0018, declaring a water shortage and implementing Stage 2 of the City's water shortage contingency plan, which enacted water conservation measures and water use restrictions in addition to those already included in the City Code with the goal of reducing water use by 20% or more.
- C. On June 17, 2014, the Sacramento City Council adopted Resolution No. 2014-0209, declaring a continuing water shortage and implementing additional water use provisions.
- D. The water shortage previously declared by the Sacramento City Council continues to exist, necessitating a continuation of the City's water conservation measures and water use restrictions.
- E. On July 15, 2014, the State Water Resources Control Board (State Board) adopted drought-related emergency regulations for urban water conservation throughout the state, which include provisions

prohibiting the following uses of potable water, except where necessary to address an immediate health and safety need:

- Washing down driveways and sidewalks;
- Watering of outdoor landscapes that cause excess runoff;
- Using a hose to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle; and
- Using water in a fountain or decorative water feature, unless the water is recirculated.

F. The City of Sacramento is implementing and enforcing numerous measures to reduce water use and increase water conservation and water use efficiency, which already include the prohibitions specified in the State Board’s emergency regulations, with one exception relative to the use of potable water in fountains and other decorative water features. The City’s current measure, set forth in subsection A of Section 2 of Resolution No. 2014-0209, requires the City Manager to encourage City residents and business to turn off fountains and other decorative water features that do not use recycled water or grey water.

G. To be consistent with the State Board’s emergency regulations, this Resolution amends the City’s water conservation provisions relative to the use of potable water in fountains and other decorative water features, to prohibit this use unless the water is recirculated.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1.

Subsection A of Section 2 of Resolution No. 2014-0209 is amended to read as follows:

- A. No person shall use, or cause to be used, any City water in a fountain or other decorative water feature unless it uses a recirculating system.

Section 2.

Resolution No. 2014-0209, as amended in Section 1 of this Resolution, shall remain in full force and effect.

Section 3.

The water use restriction described in Section 1 of this Resolution is in addition to the provisions of Resolution No. 2014-0018 and Resolution No. 2014-0209 (as amended by this Resolution), and the existing provisions of Article XI of Chapter 13.04 of the City Code (Outdoor Water Conservation); in the event of any conflict between any provision of Article XI and Resolution No. 2014-0018 or Resolution No. 2014-0209 (as amended by this Resolution), the provisions of Resolution No. 2014-0018 and Resolution No. 2014-0209 (as amended by this Resolution) shall govern while these Resolutions remain in effect.

Section 4.

No person shall use, or cause to be used, City water in violation of any of the provisions of Resolution No. 2014-0018 or Resolution No. 2014-0209 (as amended by this Resolution) while the water shortage remains in effect, as specified in City Code § 13.04.870(G).

Section 5.

This Resolution shall be effective upon its adoption, and shall remain in effect until rescinded or otherwise modified by subsequent resolution of the City Council.

Section 6.

This Resolution shall be published within ten days after its adoption, pursuant to California Water Code § 376(a).