

**Meeting Date:** 6/21/2016

**Report Type:** Staff/Discussion

**Report ID:** 2016-00614

**Title:** Water Shortage Conservation Plan Transition from Stage 2 to Stage 1

**Location:** Citywide

**Recommendation:** Pass a Resolution modifying the water shortage stage condition.

**Contact:** Bill Busath, Director, (916) 808-1434; Jim Peifer, Principal Engineer, (916) 808-1416, Department of Utilities

**Presenter:** Jim Peifer, Principal Engineer, (916) 808-1416, Department of Utilities

**Department:** Department Of Utilities

**Division:** Government Affairs - Utilities

**Dept ID:** 14001071

**Attachments:**

1-Description/Analysis

2-Background

3-Resolution

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**City Attorney Review**

Approved as to Form

Joe Robinson

6/13/2016 10:34:33 AM

**Approvals/Acknowledgements**

Department Director or Designee: Bill Busath - 6/6/2016 4:22:40 PM

## Description/Analysis

**Issue Detail:** On January 14, 2014, in response to drought conditions, the Sacramento City Council adopted Resolution No. 2014-0018 declaring a water shortage condition, and implementing stage 2 of the City of Sacramento's Water Shortage Contingency Plan (WSCP). This put into place additional water conservation measures to achieve a 20% reduction in water use. As the drought continued, the City Council adopted additional resolutions that declared a continuing water shortage and implemented additional water conservation provisions to meet the State's 28% water use reduction mandate.

Recent winter and spring precipitation has improved water supply conditions but the drought may not be over. Governor Jerry Brown's emergency drought declarations remain in place, based on the persistence of drought in many areas of the State, which will become more severe if precipitation levels are reduced next winter. Although the City's local water supply conditions have improved, Folsom reservoir storage will be depleted if precipitation levels are reduced next winter, and as water currently stored in the Folsom reservoir is released for downstream water supply and environmental needs.

The State Water Resources Control Board has revised its emergency conservation regulations and the City is no longer subject to a mandatory usage reduction. To balance the continuing need to conserve with the need to maintain the integrity and health of the City's urban forest and landscapes, staff requests approval of the attached resolution, which declares a continuing water shortage, changes the shortage condition from stage 2 to stage 1, and lowers the call for water use reduction from 28 percent to 10 percent. The proposed resolution incorporates the State's prohibition on the irrigation of ornamental turf in public medians with potable water. Moving from stage 2 to stage 1 will increase the permitted watering days from two to three days per week, and reinstate a variance that allows daily watering of new landscapes.

**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 Urban Water Management Plan (UWMP), and Article XI (Outdoor Water Conservation) of Chapter 13.04 of the City Code.

**Economic Impacts:** None.

**Environmental Considerations:** The proposed action is part of the City's continuing implementation of the water shortage contingency provisions included in the City's Urban Water Management Plan (UWMP). Reductions in water use in response to water shortage conditions do not have a significant effect on the environment. The Master Environmental Impact Report (EIR) certified in connection with the adoption of the 2035 General Plan 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 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:** Implementation of the Plan 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, moving from stage 2 to a stage 1 water shortage condition potentially could increase the Department of Utilities' water revenues generated from its customers who are billed by volumetric consumption. However, any increase is expected to be very modest. Data from past droughts suggest that water consumption does not increase substantially after drought conditions abate or droughts are declared over. The Department will continue to closely monitor the cost and revenue impacts of WSCP implementation.

**Local Business Enterprise:** Not applicable.

## Background

The recent winter and spring rain has helped fill reservoirs in northern California, but very little rain and snow fell on the southern half of the State. Moreover, drought conditions may continue to exist into next year. With the deterioration of water supply conditions in late 2013, the City declared a water shortage in January 2014 and initiated stage 2 of its Water Shortage Contingency Plan.

Governor Brown has issued five Executive Orders directing actions to respond to the drought since declaring a drought in January 2014. On May 9, 2016, Governor Brown issued Executive Order (EO) B-37-16 requiring the State Water Resources Control Board (SWRCB) to recognize the differing water supply conditions across the state and to modify the emergency conservation regulations to reflect the differences.

On May 18, 2016, the SWRCB adopted a statewide water conservation approach that replaces the prior percentage reduction-based water conservation standard with an approach that mandates urban water suppliers self-certify that the agency has at least three years of water supply under drought conditions. Agencies that do not have three years of supplies will be required to achieve water use reduction mandates based on their projected water supply shortfall.

The previous SWRCB regulations required the City to conserve 25 percent (28 percent from June 2015 to February 2016). Under the new regulations, the City is no longer subject to a mandatory usage reduction, based on the projected water supply that will be available to the City under the City's water rights and entitlements, and its groundwater supply.

Drought conditions may intensify again next year and it is necessary that the City continue to conserve water. The Governor has not declared the drought to be over. In an effort to balance the need to conserve water with the need to maintain the health of the City's urban forest and landscapes, staff recommends the City Council recognize the ongoing need for increased water conservation while moving from stage 2 to stage 1 of the City's Water Shortage Contingency Plan.

The components of stage 1 will include the following elements:

1. The City Manager will ask customers to reduce their water use by 10 percent or more, using 2013 water usage as the baseline. Information will be provided on practical ways for customers to reduce their water usage and preserve trees.
2. The City Manager will continue the City's current public information campaign and continue to work with commercial, industrial, and institutional water service customers to identify ways to reduce water usage.

3. The City Manager will continue increased water waste patrols.
4. The City Manager will require a reduction of at least 20 percent in the irrigation of City parks and other City facilities, using 2013 water usage as the baseline.
5. Shut-off valves will continue to be required on all hoses used for irrigation purposes, car washing, or other uses of City water.
6. The irrigation of ornamental turf on public street medians with potable City water will remain prohibited.

The above provisions are in addition to the City's existing outdoor water use restrictions already specified in the City Code, including:

- Leaky fixtures or water lines prohibited
- No water runoff
- No irrigation during or within 48 hours after rainfall
- No washing down of sidewalks, driveways, or parking areas
- No decorative fountains without recirculating pumps
- Specified irrigation days and hours
- Penalties for violations

In addition to these measures, the City will continue to offer significant rebate programs to replace inefficient toilets and washers, and for river friendly landscapes (cash for grass), grey water systems, and rain barrels. The City will also continue efforts to develop non-potable water sources for irrigation.

**RESOLUTION NO.**

Adopted by the Sacramento City Council

\_\_\_\_\_, 2016

**DECLARING CONTINUING WATER SHORTAGE  
AND MOVING FROM STAGE 2 TO STAGE 1 OF THE  
CITY’S WATER SHORTAGE CONTINGENCY PLAN**

**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 water conservation. City Code section 13.04.910 authorizes the City Council, by Resolution, to declare the existence of a water shortage in response to any condition necessitating increased water conservation, and impose revised or additional limitations and restrictions on outdoor water use while the water shortage remains in effect.
- B. The City’s 2010 Urban Water Management Plan, adopted by the City Council in October 2011, includes a Water Shortage Contingency Plan that proposes four water conservation stages designed to reduce overall water usage during a water shortage as follows:

Water Conservation Stage	Water Use Reduction Goal
Stage 1	10 to 20%
Stage 2	20 to 30%
Stage 3	30 to 40%
Stage 4	40 to 50%

- C. California has experienced a multi-year drought, which has resulted in a variety of drought-related actions by the Governor, State agencies, and the City, as described in the chronological summary below.
- D. On January 14, 2014, based on 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.
- E. On January 17, 2014, Governor Jerry Brown signed a proclamation declaring a drought State of Emergency in California, and on April 25, 2014, the Governor signed a proclamation of a continued drought State of Emergency in California.
- F. In May of 2014, the State Water Resources Control Board (State Board) issued notices of

curtailment for surface water diversions made under post-1914 appropriative water rights in the Sacramento and San Joaquin River watersheds.

- G. On June 17, 2014, the Sacramento City Council adopted Resolution No. 2014-0209, declaring a continuing water shortage and adopting additional water use restrictions as part of the City's ongoing Stage 2 water shortage implementation.
- H. On July 15, 2014, the 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 a 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.
- I. The Sacramento City Code already prohibited these practices, except for the use of water in a fountain or decorative water feature without a recirculating pump. On August 7, 2014, the Sacramento City Council adopted Resolution No. 2014-0275, declaring a continuing water shortage and implementing the prohibition on the use of water in a fountain or decorative water feature without a recirculating pump.
- J. On March 17, 2015, the State Board readopted its drought-related emergency regulations for urban water conservation throughout the state.
- K. On April 1, 2015, Governor Jerry Brown issued Executive Order B-29-15, which recognized the continued existence of drought throughout the State, and ordered the implementation of additional water use restrictions and other measures intended to reduce potable urban water usage statewide by 25% through February of 2016. Executive Order B-29-15 also directed the State Department of Water Resources (DWR) to update the State's Model Water Efficient Landscape Ordinance (MWELo) through expedited regulation, to mandate and incentivize more efficient irrigation practices.
- L. On May 1, 2015, the State Board issued notices of curtailment for surface water diversions made under post-1914 appropriative water rights in the Sacramento River watershed.
- M. On May 5, 2015, the State Board amended its drought-related emergency regulations to implement additional restrictions, including the addition of prohibitions on outdoor irrigation during and within 48 hours after measurable rainfall, and the irrigation with potable water of ornamental turf on public street medians. The State Board also mandated tiered water use reductions by urban water suppliers, based on each supplier's

average residential gallons-per-capita-per-day (R-GPCD) usage during the July-September 2014 time period. The water use reduction mandated for the City of Sacramento was a 28% total reduction for the time period from June, 2015 through February, 2016, relative to the City's usage during the same months in 2013. The City exceeded this reduction mandate, achieving a 28.4 percent reduction in water use from June, 2015 through February, 2016.

- N. On May 12, 2015, the Sacramento City Council adopted Ordinance No. 2015-0011, which added provisions to Article XI of Chapter 13.04 of the Sacramento City Code prohibiting: (1) water runoff from non-irrigation uses; (2) the use of City water in a fountain or decorative water feature without a recirculating pump; and (3) outdoor irrigation during or within 48 hours after measurable rainfall.
- O. On June 2, 2015, the City Council adopted Resolution No. 2015-0162, declaring a continuing water shortage and adopting additional water use restrictions as part of the City's Stage 2 water shortage implementation.
- P. On July 15, 2015, the California Water Commission approved DWR's updated MWELO, and local agencies were required to adopt the MWELO or their own ordinance based on the MWELO not later than December 1, 2015.
- Q. On November 13, 2015, Governor Jerry Brown issued Executive Order B-36-15 directing the State Board, if drought conditions persisted through January 2016, to extend until October 31, 2016 restrictions to achieve a statewide reduction in potable usage.
- R. On November 24, 2015, the City Council adopted Ordinance No. 2015-0038, which repealed and reenacted Chapter 15.92 of the City Code to implement the State MWELO.
- S. On May 9, 2016, Governor Jerry Brown issued Executive Order B-37-16, which: (1) recognized the continued existence of severe drought conditions in many areas of the State despite recent winter precipitation; (2) ordered that the provisions of the Governor's prior proclamations and executive orders remained in full force and effect (except as modified by Order B-37-16); (3) directed the State Board to adjust and extend its emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions for many communities; and (4) ordered the State Board to permanently prohibit practices that waste potable water, such as:
- Hosing off sidewalks, driveways, and other hardscapes;
  - Washing automobiles with hoses not equipped with a shut-off nozzle;
  - Using non-recirculated water in a fountain or other decorative water feature;
  - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
  - Irrigating ornamental turf on public street medians.
- T. On May 18, 2016, the State Board adopted revised emergency regulations finding that the drought conditions that formed the basis of the Governor's emergency proclamations

continue to exist, and will likely continue for the foreseeable future necessitating additional action by both the State Board and local water suppliers to prevent waste and unreasonable use of water and to further promote water conservation. Under the revised emergency regulations, the State Board's mandated pre-determined percentage reductions in water usage are replaced by locally-developed conservation standards based on each urban water supply agency's specific water supply circumstances. Water use reduction continues to be measured by comparison to 2013 water usage levels.

- U. Despite near-average precipitation levels during the last winter, drought conditions persist in many areas of the state, and will become more severe if precipitation levels are reduced next winter. In addition, although the City's local water supply conditions have improved due to last winter's precipitation, water supply conditions continue to require increased water conservation efforts. Folsom reservoir, which stores water for local uses throughout the Sacramento region, currently is at normal storage levels due to last winter's precipitation, but Folsom storage will be depleted if precipitation levels are reduced next winter, and as water currently stored in Folsom reservoir is released for downstream water supply and environmental needs.

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

Section 1.

The Sacramento City Council hereby declares that a water shortage continues to exist, based on the on-going state-wide drought conditions, and the significant risk that both state-wide and local water supply conditions will worsen if precipitation levels are reduced next winter, and as water currently stored in Folsom reservoir is released for downstream water supply and environmental needs. This Resolution rescinds and supersedes Resolution No. 2015-0162.

Section 2.

Due to the improved local water supply conditions resulting from last winter's precipitation, and the State Board's removal of mandated pre-determined percentage reductions in water usage, (a) it is no longer necessary to implement Stage 2 of the City's Water Shortage Contingency Plan, and (b) the City is moving to Stage 1 of the City's Water Shortage Contingency Plan by implementing the measures described in Section 3 of this Resolution.

### Section 3.

The following water conservation measures and water use restrictions are adopted:

1. The City Manager shall ask customers to reduce their water use by at least 10 percent, using 2013 water usage as the baseline. Information will be provided on practical ways for customers to reduce their water usage and how to preserve trees.
2. The City Manager shall continue the City's current public information campaign and continue to work with commercial, industrial, and institutional water service customers to identify ways to reduce water usage.
3. The City Manager shall continue increased water waste patrols to enforce the provisions of Article XI of Chapter 13.04 of the City Code (Outdoor Water Conservation) and this Resolution.
4. The City Manager shall continue to require a reduction in the irrigation of City parks and other City facilities, with a goal of reducing the City's own water usage by at least 20 percent, using 2013 water usage as the baseline.
5. Shut-off valves are required on all hoses used for irrigation purposes, car washing, or other uses of City water.
6. The irrigation of ornamental turf on public street medians with potable City water is prohibited.

### Section 4.

The water conservation measures and water use restrictions described in Section 3 of this Resolution are in addition to the 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 this Resolution, the provisions of this Resolution shall govern while this Resolution remains in effect.

### Section 5.

The City Manager is authorized and empowered to delegate the City Manager's authority hereunder to such assistants, deputies, officers, employees, or agents of the City as the City Manager shall designate, and to establish such rules, regulations, and procedures, and to prepare or furnish such forms, as the City Manager deems necessary or appropriate to carry out the provisions of this Resolution.

### Section 6.

No person shall use, or cause to be used, City water in violation of any of the provisions of this

Resolution while the water shortage remains in effect, as specified in City Code § 13.04.870(G).

Section 7.

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 8.

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