



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JULY 22, 2014

FROM: PUBLIC UTILITIES DEPARTMENT WARDS: ALL

SUBJECT: ADOPTION OF URGENCY ORDINANCE AND RESOLUTION IMPLEMENTING CALIFORNIA STATE WATER RESOURCES CONTROL BOARD MANDATORY EMERGENCY DROUGHT RESPONSE REGULATIONS, REVISING WATER SHORTAGE CONTINGENCY PLAN AND AMENDING CERTAIN SECTIONS OF THE RIVERSIDE MUNICIPAL CODE

ISSUES:

The issues for City Council consideration are: 1) approval of revisions to the City’s Water Shortage Contingency Plan; 2) amend certain sections of Chapter 14.22 of the Riverside Municipal Code through the adoption of an urgency ordinance; and 3) adopt a resolution implementing certain mandatory water restrictions of Chapter 14.22, all necessary to comply with the California State Water Resources Control Board’s (SWRCB) emergency regulations related to the drought.

RECOMMENDATIONS:

That the City Council:

1. Adopt revisions to the City’s Water Shortage Contingency Plan as outlined in the attached document;
2. Adopt an urgency ordinance, effective immediately, amending portions of Riverside Municipal Code Chapter 14.22, “Water Conservation,” in order to implement the State Water Resources Control Board’s emergency drought regulations issued on July 15, 2014;
3. Adopt a resolution implementing Stages 1 and 2 of the City’s Water Shortage Contingency Plan, as set forth in Riverside Municipal Code Chapter 14.22; and
4. Authorize the City Manager or his designee to exempt large institutional, educational or other public facilities from compliance with Stages 1 and 2 upon a showing of conservation savings of at least 15%.

BOARD RECOMMENDATION:

This item is scheduled to be presented at the July 18, 2014 Public Utilities Board meeting.

BACKGROUND:

California is currently in the third year of a significant drought resulting in severe impacts to California's water supplies and its ability to meet all of the demands for water in the State. On January 17, 2014 Governor Edmund G. Brown, Jr. declared a drought state of emergency. On April 25, 2014 the Governor signed an Executive Order stating, among things, "...that severe drought conditions continue to present urgent challenges: water shortages in communities across the state, greatly increased wildfire activity, diminished water for agricultural production, degraded habitat for many fish and wildlife species, threat of saltwater contamination of large fresh water supplies conveyed through the Sacramento-San Joaquin Bay Delta and additional water scarcity if drought conditions continue into 2015."

The April 25, 2014 Executive Order directs the SWRCB to adopt emergency regulations as it deems necessary, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices.

Water Code section 1058.5 grants the SWRCB the authority to adopt emergency regulations in years when the Governor has issued a proclamation of emergency based upon drought conditions or when in response to drought conditions that exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry or critically dry years.

On July 8, 2014 the SWRCB issued a notice of proposed emergency rulemaking to enact emergency regulations for urban water suppliers. The SWRCB formally adopted the proposed regulations at its meeting on July 15, 2014. The regulations consist of three requirements: 1) a prohibition on certain types of water use; 2) an order for all urban water suppliers to implement mandatory conservation measures; and 3) an order for water suppliers with 3,000 or more service connections to provide monthly data on water production.

Riverside Public Utilities (RPU) is in a unique position relative to the statewide drought picture. Because RPU's water sources are groundwater, primarily from adjudicated basins, conservation action by Riverside residents does not create additional statewide water supply per se. In fact, much of Riverside's water resource is available on a "use-it or lose-it" basis. The structure of the court adjudication does not allow water to be saved and "banked" for future years. Furthermore, while groundwater levels have declined in recent years, RPU is not in a position to declare Moderate or Severe water shortages as required to implement current conservation ordinances. A more viable strategy is to allow agencies like RPU to produce adjudicated supplies and share with neighboring agencies.

In recognition of the SWRCB's action, staff recommends modifications to the Water Conservation Program subchapter of the Water Shortage Contingency Plan contained in the adopted 2010 Urban Water Management Plan (UWMP). In summary, the revised changes will do the following:

- Shift Stage 2 actions from voluntary to mandatory;
- Mandatory Stage 2 restrictions would be modified to limit non-agricultural irrigation restrictions from three times per week to no more than four times per week between the hours of 8:00 p.m. – 8:00 a.m.;
- All other elements of the Stage 1 and Stage 2 restrictions would remain in effect;

- Mandatory Stage 3 restrictions would be modified to limit non-agricultural irrigation restrictions from twice per week to no more than three times per week between the hours of 8:00 p.m. – 8:00 a.m.; and
- No changes are recommended for Stage 4 restrictions.

In order to implement the revised Stage 1 and Stage 2 restrictions, the City Council is required to adopt a resolution. The alternative to these actions is to default to the City's current Water Shortage Contingency Plan which would restrict outdoor watering to two times per week.

Certain other activities are prohibited by the State under the adopted regulations, including:

- Watering of outdoor landscapes in a manner that causes runoff;
- Washing of hard surfaces such as driveways and sidewalks except to preserve public health and safety;
- Washing a motor vehicle, unless the hose is fitted with a shut-off nozzle; and
- Use of decorative fountains or water features except where the water is recirculated.

These prohibitions could impact the operations of other City departments. Staff has met with the Department Heads of all potentially impacted departments to discuss the regulations.

Staff has developed a comprehensive customer outreach program to communicate the new state regulations and impact to Riverside, further educate RPU's customers on water conservation rebates and programs and continue RPU's drought and conservation messaging.

Sections 14.22.020, 14.22.040 and 14.22.050 must be amended to reflect the changes in the revised Water Shortage Contingency Plan. **In order to remain in compliance with the emergency regulations issued by the SWRCB, staff recommends that the City Council implement an emergency Water Conservation Ordinance.** Staff will provide an update on the SWRCB July 15 actions in an oral report at the Board meeting.

FISCAL IMPACT:

Measurable effects from customer response to the recommended conservation measures could negatively impact future Fiscal Year 2015 and potentially Fiscal Year 2016 revenues. Additionally, there will be some non-de-minimus costs associated with enhanced customer outreach and communication. **These costs will be absorbed within the approved budget and rate plans.**

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Attachments:

1. Emergency Water Shortage Contingency Plan
2. Urgency Ordinance
3. Resolution