



Legislation Details (With Text)

File #: ID#15-420 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 5/11/2015 **In control:** City Council

On agenda: 5/21/2015 **Final action:** 5/21/2015

Title: An Emergency Ordinance of the City of Fresno, California Amending Section 6-520 of the Fresno Municipal Code Relating To Regulations for Urban Water Conservation to Limit Water Waste.

Sponsors: Department of Public Utilities

Indexes:

Code sections:

Attachments: 1. Supplement - Corrected Ordinance.pdf, 2. Attachment 1 - Emergency Ordinance - Water.pdf, 3. Attachment 2 - Executive Order 04-01-15.pdf, 4. Attachment 3 - Water Board Resolution 2015-0032.pdf, 5. Attachment 4 - Water Board Emergency Regulations - 05-05-15.pdf

Date	Ver.	Action By	Action	Result
5/21/2015	1	City Council	adopted as amended	Pass

REPORT TO THE CITY COUNCIL

May 21, 2015

FROM: THOMAS C. ESQUEDA, Director
Department of Public Utilities

SUBJECT

An Emergency Ordinance of the City of Fresno, California Amending Section 6-520 of the Fresno Municipal Code Relating To Regulations for Urban Water Conservation to Limit Water Waste.

RECOMMENDATIONS

The Administration recommends that Council:

1. Adopt by Emergency Ordinance the proposed revisions to Fresno Municipal Code (FMC) Section 6-520 - Wastage of Water, which incorporate mandatory prohibition of the Water Board's Emergency Regulations from 2014 and 2015; and
2. Implement the measures outlined in FMC Section 6-520(c), based upon the State of Emergency declared by the Governor on January 17, 2014.

EXECUTIVE SUMMARY

On April 1, 2015, the Governor of the State of California issued an unprecedented Executive Order, mandating a 25% reduction in statewide water use beginning June 1, 2015. As required by the Executive Order, on April 18, 2015, the State Water Resources Control Board ("Water Board") issued draft regulations and a water use report segregating urban water suppliers into nine water reduction tiers based on self-reported residential per capita water consumption factors. The City of Fresno reported a residential per capita water consumption of 150.7 gallons per person, per day, placing the City in Tier 7 with a mandate to reduce water use by 28% compared to 2013. On May 6, 2015, the Water Board approved Article 22.5 - Drought Emergency Water Conservation ("Emergency Regulations"), which includes mandatory water reduction measures for urban water suppliers, including the City of Fresno, effective through February 2016.

Based on the water reduction measures specified in the Emergency Regulations published by the Water Board on May 6, 2015, the Administration recommends:

1. Council adopts by Emergency Ordinance the proposed revisions to Fresno Municipal Code (FMC) Section 6-520 - Wastage of Water, which incorporate the mandatory prohibition of the Water Board's Emergency Regulations from 2014 and 2015, pursuant to Charter Section 603, which specifies that, "Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced, adopted, and become effective at one and the same meeting if passed by at least five affirmative votes"; and
2. Council implement the measures outlined in FMC Section 6-520(c), based upon the State of Emergency declared by the Governor on January 17, 2014.

The last amendment to FMC Section 6-520 was approved by the Fresno City Council with an effective date of April 30, 1993. The proposed revisions to FMC Section 6-520 will incorporate the requirements of the Emergency Regulations published by the Water Board, and be employed by the City to achieve compliance with the 28% water use reduction mandated by the Water Board's Emergency Regulations.

The proposed revisions to FMC Section 6-520 will incorporate the requirements of the Emergency Regulations published by the Water Board, and be employed by the City to achieve compliance with the 28% water use reduction mandated by the Water Board's Emergency Regulations.

BACKGROUND

Governors Executive Order

On April 1, 2015, the Governor of the State of California issued an unprecedented Executive Order, mandating a 25% reduction in statewide water use beginning June 1, 2015. The objectives of the Executive Order include increasing water conservation, increasing enforcement to prevent wasteful water use, streamlining the state's drought response and investing in new technologies to make California more drought-resilient in the future. The Executive Order expresses concern that the current drought could extend to a fifth year, and that the drought presents urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta. The Governor's Executive Order from April 1 is included as Attachment 2 to this Staff Report.

The Executive Order contains thirty-one action items for state agencies including the Water Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, the Department of Community Housing and Development, the California Department of Forestry and Fire Protection, and the California Energy Commission, along with agricultural water suppliers and urban water suppliers. The City of Fresno is required to comply with the elements of the Executive Order targeted to urban water suppliers, as well as regulations adopted by state agencies as a result of the Executive Order which target urban water suppliers.

Emergency Drought Regulations

The Executive Order charges the Water Board with imposing restrictions on urban water suppliers to achieve a statewide 25% reduction in urban, potable water use through February 2016. Water Code Section 1058.5 grants the Water Board the authority to adopt emergency regulations in certain drought years in order to, “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”

On April 7, 2015, the Water Board issued a draft regulatory framework for urban water suppliers, which proposed increasing levels of required water use reductions based upon residential per capita water use factors. On April 18, 2015, the Water Board issued draft regulations and a water use report segregating urban water suppliers into nine water reduction tiers based on self-reported residential per capita water consumption factors. The City of Fresno reported a residential per capita water consumption of factor 150.7 gallons per person, per day, placing the City in Tier 7 with a mandate to reduce water use by 28% compared to 2013. Based upon the Executive Order issued by the Governor, the City is working with the community to reduce the City’s total water demand to 33.2 billion gallons for calendar year 2015, which represents a 28% reduction from the City’s total water demand during calendar year 2013.

On May 6, 2015, the Water Board approved Article 22.5 - Drought Emergency Water Conservation (See Attachment 3), which includes mandatory water reduction measures effective through February 2016. The water reductions measures include, but are not limited to, requirements for commercial, industrial, and institutional users to implement water efficiency measures to reduce water use by 25%; prohibitions on irrigating ornamental turf in public street medians with potable water; prohibitions on irrigating outdoor landscaping at newly constructed homes and buildings unless the water is delivered by drip or micro-spray systems; prohibition of outdoor watering within 48 hours after measurable rainfall; and prohibition for serving water at food service establishments unless requested by the patron.

The specific changes recommended for FMC 6-520 are presented in the body of the Emergency Ordinance (see Attachment 1) starting on Page 3. The recommended changes are presented in text revision mode (i.e. text strikethrough for deletions and text underline for insertions).

ENVIRONMENTAL FINDINGS

This is not a “project” for the purpose of CEQA pursuant to CEQA Guidelines § 15378.

LOCAL PREFERENCE

Local preference was not considered because the purchase of surface water does not include a bid or award of a construction or services contract.

FISCAL IMPACT

There is no financial obligation for the General Fund for this emergency regulation.

Attachments:

- (1) Emergency Ordinance
- (2) Governor Executive Order, April 1, 2015
- (3) State Water Resources Control Board Resolution Re: Emergency Regulations
- (4) SWRCB Emergency Drought Regulations