



Santa Clara Valley Water District

File No.: 22-0985

Agenda Date: 9/13/2022

Item No.: *2.10.

BOARD AGENDA MEMORANDUM

SUBJECT:

Public Hearing - Consider Adoption of the First Amended and Restated Ordinance 22-02, A First Amended and Restated Ordinance of Santa Clara Valley Water District Adopting Drought Outdoor Water Conservation and Enforcement Measures to Provide Water Retailers Additional Opportunities to Undertake Enforcement Measures that Address Water Waste and to Restrict Irrigation of Commercial, Industrial, and Institutional Non-Functional Turf.

RECOMMENDATION:

- A. Conduct a Public Hearing to allow members of the public to provide comments on the need to consider adoption of the First Amended and Restated Ordinance 22-02, A FIRST AMENDED AND RESTATED ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT ADOPTING DROUGHT OUTDOOR WATER CONSERVATION AND ENFORCEMENT MEASURES, to enforce Santa Clara Valley Water District's mandatory water use restrictions;
- B. Close the Public Hearing; and
- C. Adopt the First Amended and Restated Ordinance 22-02, which provides water retailers additional opportunities to undertake enforcement measures that address water waste, and bans irrigation of commercial, industrial, and institutional (CII) non-functional turf.

SUMMARY:

On June 9, 2021, the Board adopted Santa Clara Valley Water District (Valley Water) Resolution 21-68, which declared a water shortage emergency condition pursuant to California Water Code §350, called for water use reduction of 15% compared to 2019, and urged the County of Santa Clara (County) to proclaim a local emergency. The County ratified its proclamation of a drought emergency on June 22, 2021. Valley Water Resolution 22-20 amended Valley Water Resolution 21-68 on April 12, 2022 to call for no more than 2 days of irrigation in a week for ornamental lawns and prohibit excessive runoff, midday irrigation, and irrigation after rainfall. On May 24, 2022, the Board approved Ordinance 22-02 to enforce these restrictions. Ordinance 22-02 went into effect on June 1, 2022.

In 2022, the County and California entered the third year of drought, and experienced the driest January, February and March on record. Valley Water's Federal and State imported water allocations were drastically reduced to historic lows. On March 28, 2022, Governor Gavin Newsom issued Executive Order N-7-22 to call on local water suppliers to move to at least Stage 2 of their water shortage contingency plans. The U.S. Drought Monitor Report from September 1, 2022, indicates

that the County is in severe drought.

Valley Water's water savings call of 15% compared to 2019 was exceeded in July 2022. Countywide water savings was 16% in July 2022 compared to July 2019. Santa Clara Countywide water savings was 19% in July 2022 compared to July 2020, which means the county achieved the Governor's call for conservation.

The County's cumulative water savings from June 2021 - July 2022 is 4%, compared to 2019. Countywide water savings is trending in the right direction, but more needs to be done to increase the cumulative savings. Thus, in Valley Water's First Amended and Restated Ordinance 22-02 under consideration, a restriction against watering commercial, industrial, and institutional (CII) non-functional turf has been added to the list of enforceable water use restrictions. This ban is consistent with regulations adopted by the State Water Resources Control Board on June 10, 2022 against watering of CII non-functional turf in California. Inclusion of this watering ban in the First Amended and Restated Ordinance 22-02 will enable Valley Water to enforce it.

In addition, the First Amended and Restated Ordinance 22-02 includes refined procedures to coordinate with retailers in Valley Water's enforcement process, in order to avoid duplication of enforcement steps by Valley Water or retailers.

The Water Conservation and Demand Management Committee reviewed the First Amended and Restated Ordinance 22-02 on August 29, 2022 and unanimously voted that the Board consider it for adoption.

The First Amended and Restated Ordinance will become effective upon its enactment by the Board.

ENVIRONMENTAL JUSTICE IMPACT:

Valley Water acknowledges that disadvantaged communities are disproportionately impacted by the effects of drought. To address these impacts, Valley Water promotes access to equitable and affordable water supplies (Water Supply Goal 2.6). Valley Water offers the Lawn Busters program to provide water-efficient landscapes to low-income, elderly, disabled or veteran homeowners and schools within disadvantaged communities. Valley Water currently provides the Low-Income Residential Water Rate Assistance Program to help low-income households impacted by the COVID-19 pandemic pay their water bills. To enable meaningful engagement in the decision-making process, Valley Water provides drought and conservation information in multiple languages, answers questions, and accepts feedback through Valley Water's BeHeard webpage, conservation and drought webpages, Speakers Bureau presentations, media outreach, public outreach presentations, hotlines, and email.

FINANCIAL IMPACT:

The implementation of the water use reduction enforcement plan may require additional funding. A budget adjustment will be brought to the Board for consideration if one is necessary.

CEQA:

The proposed water conservation and enforcement measures (proposed actions) are being adopted in accordance with Valley Water Resolution 22-20, amending Valley Water Resolution 21-68, to address a water shortage emergency condition in Valley Water's service area, and are also in accordance with the June 10, 2022 commercial, industrial, and institutional (CII) non-functional turf watering ban adopted by the State Water Resources Control Board. Accordingly, the proposed actions are intended to conserve scarce water supplies to ensure that near-term human health and safety needs can be met. Furthermore, the proposed actions are necessary to prevent or mitigate an immediate emergency and are not subject to the California Environmental Quality Act (CEQA) in accordance with Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the State CEQA Guidelines. In addition, the proposed actions are being taken in accordance with Executive Order N-7-22 issued by the Governor on March 28, 2022, which directs that all specific actions be taken in response to the extreme drought conditions in California. Lastly, as the proposed actions would be enacted in accordance with Stage 3 of Valley Water's Water Shortage Contingency Plan (WSCP), the proposed actions would be statutorily exempt per Water Code Section 10652, which exempts implementation of actions listed in and taken pursuant to an agency's WSCP.

ATTACHMENTS:

Attachment 1: Notice of Public Hearing
Attachment 2: Amended Ordinance
Attachment 3: PowerPoint

UNCLASSIFIED MANAGER:

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