



# Santa Clara Valley Water District

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**File No.:** 22-0690

**Agenda Date:** 5/24/2022

**Item No.:** \*2.10.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Public Hearing - Consider Adoption of an Ordinance to Enforce Valley Water's Mandatory Water Use Restrictions. \*PREVIOUSLY LISTED AS ITEM 2.8.

### **RECOMMENDATION:**

- A. Conduct a Public Hearing to allow members of the public to provide comments on the need to consider adoption of an Ordinance to enforce Valley Water's mandatory water use restrictions;
- B. Close the Public Hearing; and
- C. \*Discuss, make a finding, and adopt the Ordinance, **ADOPTING DROUGHT OUTDOOR WATER CONSERVATION AND ENFORCEMENT MEASURES** as recommended by the Water Conservation and Demand Management Committee on May 19, 2022.

### **SUMMARY:**

On June 9, 2021, the Santa Clara Valley Water District (Valley Water) Board declared a water shortage emergency condition pursuant to California Water Code §350, called for mandatory countywide water use reduction of 15% compared to 2019, and urged Santa Clara County to proclaim a local emergency. The County ratified its proclamation of a drought emergency on June 22, 2021. On April 12, 2022, the Board called for no more than 2 days of irrigation in a week for lawns and ornamental landscapes and prohibited midday irrigation and runoff.

Due to the record drought, historically low imported water allocations from the State Water Project (SWP) and Central Valley Project (CVP), and little progress towards meeting the Valley Water June 2021 call for 15 percent conservation compared to 2019, additional action is needed to ensure sufficient water supply for our community. An ordinance for Board consideration will allow Valley Water to enforce water use restrictions laid out in Valley Water Resolution 22-20, amending Valley Water Resolution 21-68, to help achieve Valley Water's mandatory call for conservation.

The first three months of Calendar Year 2022 were the driest on record for Santa Clara County, and no water savings were achieved. Given the alarming increasing trend in water use in the first three months of 2022, the 15 percent reduction is unlikely to be met without additional actions. The cumulative water savings are currently at only three percent. Enforcement will help ensure compliance of the restrictions in Valley Water's drought resolution to ensure that the 15% savings call can be achieved.

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The Water Conservation and Demand Management Committee (WCaDM) will discuss the proposed ordinance at its special meeting on May 19, 2022. The proposed ordinance will be added to the 3-day supplemental agenda item.

**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 a new water use reduction enforcement plan may require additional funding for which a budget adjustment will be brought to the Board for approval.

**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. 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:**

\*Original Board Agenda Memo

\*Original Attachment 1: Notice of Public Hearing

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\*Supplemental Agenda Memo

\*Supplemental Attachment 1: Ordinance

\*Supplemental Attachment 2: PowerPoint

**UNCLASSIFIED MANAGER:**

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