



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: JULY 16, 2015
TO: PUBLIC WORKS & FACILITIES COMMITTEE
FROM: TOM Z. VARGA, PUBLIC WORKS DIRECTOR
AGENDA ITEM TITLE: Receive Report and Make Recommendation to City Council Regarding Amendment of Chapter 14.06 (Water Conservation) of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code

ISSUE:

Fort Bragg, along with all of California, has been struggling through a four-year drought that has been as bad as any in recorded history. The State of California has been moving aggressively in responding to dwindling water resources. On January 17, 2014, Governor Brown declared a drought state of emergency. Since then, Executive Orders issued on April 25, 2014 and December 22, 2014 further reinforced the importance of responding to the ongoing drought. To implement the Governor's directives, the State Water Resources Control Board adopted Resolutions on July 15, 2014 and March 17, 2015 providing specific measures and guidance for a statewide response to the drought. Most recently, the Water Board adopted Resolution 2015-0032, "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" on May 5, 2015.

Most of the provisions in these emergency regulations apply to urban water suppliers. The City of Fort Bragg is not quite large enough to meet the definition of an urban water supplier as its approximately 2,800 connections is just below the threshold of 3,000 connections. However, there are certain requirements that apply to all water suppliers. These mandates need to be incorporated into the Municipal Code. In addition, there are a few other clean up items that should be addressed at the same time.

SUMMARY:

The Water Board's most recent emergency regulations require all water providers to implement the following end use prohibitions:

- The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.

- The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- The application of potable water to driveways and sidewalks.
- The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
- The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
- The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
- The irrigation with potable water of ornamental turf on public street medians.
- The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

Other mandated water conservation provisions are:

- To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.
- All commercial, industrial and institutional properties that use a water supply, any portion of which is from a source other than supplied by the City, shall either:
 - > Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or
 - > Reduce potable water usage supplied by sources other than from the City by 25 percent for the months of June 2015 through February 2016 as compared to the amount used from those sources for the same months in 2013.
- To prevent waste and unreasonable use of water and to promote water conservation, outdoor irrigation of ornamental landscapes or turf with potable water supplied by the City shall be limited to no more than two days per week for all water users.

Finally, there are additional water usage prohibitions in the current Municipal Code that should be kept:

- The use of any hose or similar device, irrespective of whether a nozzle, valve, or other shut-off mechanism is attached thereto, for washing or cleaning the exterior surface of any dwelling, garage, commercial or industrial building, or appurtenance thereto, including, but not limited to, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or similar or like hard-surface areas by directing water at or upon the surface. Painting contractors shall be exempted from this provision when water is used in connection with the conduct of their business activities during a Stage 1 water conservation emergency.
- The use of water for filling or refilling any existing or new swimming pool. Replenishing existing pools which have lost water due to evaporation shall be permitted.
- The use of water in construction projects for backfill consolidation or compaction, or for dust control purposes; provided, however, that the City Manager may permit the use of water upon a determination by the City Manager that no other source of water for the

purpose is available, or that no other method of compaction, consolidation, or dust control is reasonably available. The reuse of water system flush water is permitted.

- The construction or installation of new irrigation facilities, or extension, expansion or enlargement of existing facilities. The installation of new irrigation facilities specifically designed to reduce water usage is exempted from this requirement.

Other amendments that are proposed for Chapter 14.06 – Water Conservation.

- Declarations of water emergencies should be made by the City Council. Given the community-wide importance of such an action, the Council is the appropriate body to consider and order such an action. This practice is consistent with other local agencies in the region.
- Current Section 14.06.040, regarding financial incentives for water conservation, is recommended for deletion in its entirety. These provisions may not be compliant with the requirements of Proposition 218 for implementing changes to water rates. It is also challenging to make such changes to our utility billing system.
- Water conservation goals for each Stage of water conservation should be retained: Stage 1 – 10%, Stage 2 – 20%, and Stage 3 – 30% are recommended. These goals approximately track State conservation goals for urban water suppliers: 8% for effective water conservers, a 25% overall Statewide goal, and 32% for water wasters.
- The new State mandates require a restriction of outdoor, landscape irrigation to no more than two days per week. Given the apparently modest number of outdoor irrigation systems, the amount of water involved is a relatively small portion of overall city-wide usage. Therefore, limiting irrigation to the same two days for all water users should not materially affect typical, daily water usage rates. The two days for outdoor irrigation are recommended to be Wednesday and Saturday. These are approximately equally spaced and include a weekend day. Staff recommends that enforcement be done on a complaint basis to avoid overwhelming limited staffing resources.
- Current Stage 3 restrictions focus on restaurants, hotels/motels, and laundromats. It is recommended that the ordinance be modified to have water conservation standards applied equally across all water users, including residential customers. Using the stated 30% water savings goal is a good way to accomplish this.
- An offense for tampering with water meters should be added to the list of water emergency offenses. Staff recommends treating this as a major offense during all stages of a declared water emergency, the same as is done for tampering with hydrants.
- The State-mandated requirement for enforcement fines of \$500 per day for each offense is already adequately included in the Code. No further changes are recommended.
- Consideration should be given to some sort of appeals protocol to address unusual circumstances or issues. Most notably would be the granting of exceptions when unacceptable economic harm would result from strict enforcement of the water conservation measures.

RECOMMENDATION:

Review and consider the attached Code amendments. Direct staff to make any appropriate corrections or modifications and forward to the City Council for final action. Given the current drought situation, staff recommends timely action by the Committee in anticipation of the likelihood of the need for a water emergency declaration by August.

ATTACHMENTS:

Redlined version of Chapter 14.06 – Water Conservation
SWRCB Resolution No. 2015-0032