

**TO:** James L. App, City Manager  
**FROM:** Doug Monn, Public Works Director  
**SUBJECT:** Water Conservation & Water Shortage Contingency Plan Amendment  
**DATE:** October 6, 2009

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**NEEDS:** For City Council to consider revisions to the Water Conservation & Water Shortage Contingency Plan (Ordinance No. 956 N.S.) to allow for specific exceptions during a Level 1 or Level 2 Water Supply shortage.

- FACTS:**
1. City water production capacity is highly dependent on factors such as precipitation, as well as local and regional demands for groundwater.
  2. The City's water storage capacity is approximately 12 MGD, roughly 50% of which is allocated for emergency and fire-fighting storage capacity. Water shortage conditions can deplete storage.
  3. Without mandatory water conservations measures, (a) fire-fighting capacity could be depleted within three days of prolonged hot weather, and (b) there is a risk of possible water outages, thereby creating potential threats to public health and safety.
  4. The adoption and enforcement of the Water Conservation & Water Shortage Contingency Plan (Ordinance No. 956) was necessary to manage water demand and supply so as to minimize the risks of water shortages.
  5. The City is currently in a Level 2 supply shortage. Without the mandatory conservation measure currently in effect the disparity between demand and supply would be at least 20%.
  6. It is expected that the Level 2 supply shortage will continue through summer of 2010.
  7. Currently, Level 2 supply shortage restrictions limit landscape watering to three days per week between the hours of 7pm to 9am.
  8. The City Council Requested that Ordinance No. 956 be revised to allow limited exceptions to the prescribed watering restrictions during a Level 2 Shortage.

**ANALYSIS &**

**CONCLUSION:**

The following amendments to Ordinance No. 956 pertaining to Level 2 supply shortage watering restrictions are presented for consideration:

1. Modify 14.02.060 Paragraph B to Read:

*“During the period of a declared Level 2 Condition, all water customers shall be required to comply with all Level 1 Condition measures, set forth in Section 14.020.050, and also shall comply with the following conservation measure:*

*The City may establish and post a schedule for the months in which all landscape irrigation shall be limited to no more than three assigned days per week and on an every other day basis. Such schedule shall also specify any limited exceptions to such restrictions.”*

This modification will allow the City to define the specific months in which watering restrictions will be applicable. For example, during extended periods of supply shortage it may be appropriate to relieve water use restrictions during the non-peak season.

2. Modify the third sentence of 14.02.090 Paragraph B to read:

*“The existence of a Level 2 or Level 3 Condition may be declared upon recommendation by the City Manager and notification of the City Council. The mandatory conservation measures applicable to Level 2 or Level 3 Condition, as applicable, will take effect on the tenth day after the date the shortage level is declared. Within five days following the declaration of the applicable Condition, the City Manager or his designee will publish a notice providing the extent, terms and conditions, and any applicable exceptions respecting the use and consumption of water. In addition, the City shall provide 30 days notice of any changes to such water use measures and exceptions. Notices shall be published, at a minimum, for three consecutive days in the newspaper used for official City notices. The City may also post notice of the Condition and applicable water use measures on its website and/or include it in its regular billing statement.”*

For extended periods of supply shortage (such as the one the City is currently experiencing) these changes will allow flexibility to minimize mandatory code enforcement and/or provide appropriate exceptions.

If the above ordinance revisions are approved, it is recommended that the Level 2 mandatory conservation requirements be converted to voluntary restrictions for the non-peak season beginning Oct 15<sup>th</sup> 2009 extending through April 2010. The Level 2 supply shortage usage restrictions will again become mandatory beginning May 1<sup>st</sup> 2010. Prior to recommencement of the mandatory Level 2 watering restrictions a list of the peak season exception options will be provided to Council for consideration.

**POLICY**

**REFERENCE:** California Water Code Section 10610 (Urban Water Management Planning Act), Ordinance NO 956 N.S.

**FISCAL**

**IMPACT:** None

**OPTIONS:**

- a. **Adopt the Ordinance (XX-XX) amending Ordinance No 956 N.S.**
- b. **Amend, modify, or reject the above options.**

Prepared by: Christopher Alakel, P.E., Water Resources Manager

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
MAKING CERTAIN REVISIONS TO CHAPTER 14.02 TO THE MUNICIPAL CODE  
OF THE CITY OF EL PASO DE ROBLES REGARDING A WATER CONSERVATION  
AND WATER SHORTAGE CONTINGENCY PLAN AND DECLARING THAT THIS  
IS AN ORDINANCE NECESSARY FOR THE PRESERVATION OF THE PUBLIC  
HEALTH, SAFETY AND WELFARE

**WHEREAS**, the City Council adopted urgency Ordinance No. 956 on June 2, 2009, which adopted a water conservation and water shortage contingency plan; and

**WHEREAS**, the adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City of El Paso de Robles' water demand and supply to minimize the effects of water shortages within Paso Robles. Such program is essential to ensure a reliable minimum supply of water for the public health, safety, and welfare; and

**WHEREAS**, the City Council has determined that certain provisions of the water conservation and supply shortage program should be clarified.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS::**

**SECTION 1.** Paragraph B. of Section 14.02.060 of Title 14 of the Municipal Code of the City of El Paso de Robles is hereby revised to read as follows:

**"14.02.060            Level 2 Water Supply Shortage – Mandatory Reductions**

....

B. During the period of a declared Level 2 Condition, all water customers shall be required to comply with all Level 1 Condition measures, set forth in Section 14.020.050, and also shall comply with the following conservation measure:

1. The City may establish and post a schedule for the months in which all landscape irrigation shall be limited to no more than three assigned days per week and on an every other day basis. Such schedule shall also specify any limited exceptions to such restrictions."

**Section 2.** Paragraph B of Section 14.02.090 of title 14 of the Municipal Code of the City of El Paso de Robles is hereby revised to read as follows:

**"14.02.090            Procedures for Determination and Notification of Water Supply Shortage Level**

...

B. The existence of a Level 2 or Level 3 Condition may be declared upon recommendation by the City Manager and notification of the City Council. The mandatory conservation measures applicable to Level 2 or Level 3 Condition, as applicable, will take effect on the tenth day after the date the shortage level is declared. Within five days following the declaration of the applicable Condition, the City Manager or his designee will publish a notice providing the extent, terms and conditions, and any applicable exceptions respecting the use and consumption of water. In addition, the City shall provide 30 days notice of any changes to such water use measures and exceptions. Notices shall be published, at a minimum, for three consecutive days in the newspaper used for official City notices. The City may also post notice of the Condition and applicable water use measures on its website and/or include it in its regular billing statement."

**SECTION 3.** Severability

If any action, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 4.** Publication

The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause the same to be published once in a newspaper of general circulation, published and circulated in the City of El Paso de Robles.

**SECTION 5.** Effective Date.

This Ordinance will take effect thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council held on October 6, 2009 for first reading by the City Council of the City of El Paso de Robles, and adopted on the \_\_\_ day of October, 2009 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

Duane Picanco, Mayor

ATTEST:

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Cathy David, Deputy City Clerk