



AGENDA REPORT

CITY OF SAN CLEMENTE

City Council Meeting

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: 4/18/2023

Agenda Item: 6I

Department: Utilities
Prepared By David Rebensdorf

Subject:
RESOLUTION TO RESCIND WATER SHORTAGE LEVEL 2 WATER ALERT, RESOLUTION NO. 22-27

Summary:

Staff recommends rescinding Resolution No. 22-27 to end the Water Shortage Level 2 Water Alert due to Governor Gavin Newsom's rollback of emergency drought restrictions, including the requirement that local water agencies implement Level 2 of their Water Shortage Contingency Plans, by Executive Order on March 23, 2023. The City's Water Conservation Ordinance will continue to require mandatory water waste prohibitions, but removing Level 2 demand reduction actions will result in the reduction of enhanced public outreach and water waste patrols, the elimination of designated watering days for residents and businesses, and removal of the Demand Management Rate drought surcharge from customer water bills.

Background:

Due to drought conditions in both the Colorado Basin and the State Water Project, the State Water Resources Control Board (SWRCB) adopted its first set of recent emergency regulations on January 4, 2022, which prohibited a series of wasteful water use practices, such as using water to wash off driveways and irrigating within 48 hours of measureable rainfall. The SWRCB then adopted another set of emergency regulations on May 24, 2022. These regulations included a ban on irrigation of non-functional turf outside of residential and recreational settings and required all urban retail water agencies, including the City of San Clemente Utilities Department, to implement all conservation actions listed under Level 2 of their Water Shortage Contingency Plans. In response to the emergency regulations, the City Council adopted Resolution No. 22-27, declaring a Level 2 Water Alert on June 7, 2022. On the same date, the City Council also introduced Ordinance No. 1731 to Amend the Water Conservation Ordinance (Section 13.12.010-13.12.110 of the Municipal Code) to be consistent with the City's current Water Shortage Contingency Plan and the SWRCB's water waste prohibitions, for which the emergency regulation has been extended through December 2023.

Discussion:

The recent historic drought in California has been significantly mitigated by record levels of precipitation throughout the state of California, in particular during the 2022-2023 water year. However, as a retail water agency whose primary water supplier is the Metropolitan Water District of Southern California, the City of San Clemente is also heavily reliant on Colorado River deliveries in the long term. The Colorado Basin has also benefited from recent high levels of precipitation, but by the best available water supply projections, will still require several more years of above-normal snowfall to be brought out of a shortage status.

The City of San Clemente's customers have responded to the call for conservation, both under voluntary requests from the Governor early in the drought and during the Level 2 Water Alert drought restrictions. Conservation averaged 24% compared to 2013 since the declaration of the Level 2 Water Alert, which is also attributable to long-term investments in water use efficiency made by our customers during this and previous drought periods, and to continuous outreach by staff to customers on permanent water waste restrictions, as well as water efficient practices. Should the City rescind the Level 2 Water Alert, and water supply conditions worsen again, its Water Shortage Contingency Plan allows the City Council to easily re-implement demand reduction actions and ensure water supply reliability for its customers in the long-term.

Council Options:

- Direct staff to return with a resolution that only rescinds the implementation of Demand Management Rates and has the City otherwise remain in a Level 2 Water Alert, including the increased public outreach and water waste patrols, and designated watering days for residents and businesses.
- Deny adoption of a resolution to rescind any demand reduction actions at this time and remain in a Level 2 Water Alert.
- Direct staff to return with a resolution that rescinds Level 2 Water Alert and implements a Level 1 Water Watch with increased public outreach for voluntary conservation and with or without the first level of demand management rates.
- Continue the item with direction to staff to provide additional information.

Fiscal Impact:

Reduction in revenues to the Water Fund due to removal of Demand Management Rate drought surcharge, but offset or minimized by the return to normal water sales/use.

Recommended Actions:

Staff Recommendation

Staff recommends that the City Council adopt Resolution No. 23-20 rescinding the Level 2 Water Alert, Resolution No. 22-27, including elimination of designated watering days and the Demand Management Rate drought surcharge.

Attachment:

1. Resolution No. 23-20 Rescinding Water Shortage Level 2 Water Alert Resolution No. 22-27.
2. Resolution No. 22-27.

Notification:

None

RESOLUTION NO. 23-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE,
CALIFORNIA, RESCINDING WATER SHORTAGE LEVEL 2 WATER ALERT,
RESOLUTION NO. 22-27

WHEREAS, on June 7, 2022, the City Council of the City of San Clemente adopted the current Water Conservation Ordinance to enable the City to maximize the beneficial use of its available water resources and allow the City to respond to emergency water supply shortage conditions and comply with water use restrictions imposed by federal, state, or regional water agencies; and

WHEREAS, the City adopted the Water Conservation Ordinance pursuant to the authority in California Water Code section 375 and consistent with the water conservation policies declared in California Constitution article X, section 2, and California Water Code sections 100 and 106; and

WHEREAS, on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, Governor Newsom proclaimed States of Emergency to exist due to drought conditions; and

WHEREAS, on March 28, 2022, Governor Newsom signed Executive Order N-7-22, requiring the State Water Resources Control Board to consider adopting emergency regulations that ban the irrigation of non-functional non-residential turf and require retail water agencies to implement the requirements of Level 2 of their Water Shortage Contingency Plans; and

WHEREAS, the State Water Resources Control Board adopted emergency regulations on May 24, 2022, requiring, among other restrictions, a ban the irrigation of non-functional non-residential turf and that retail water agencies to implement the requirements of Level 2 of their Water Shortage Contingency Plans; and

WHEREAS, on June 7, 2022, the City Council of the City of San Clemente adopted Resolution No. 22-27 declaring a Level 2 Water Alert and directing staff to implement all demand reduction actions within Level 2 of the City's Water Shortage Contingency Plan; and

WHEREAS, on March 24, 2023, Governor Newsom signed Executive Order N-5-23, terminating the requirement, among others, that the State Water Resources Control Board mandate the implementation of Level 2 of retail water agencies' Water Shortage Contingency Plans; and

WHEREAS, since the implementation of its Level 2 Water Alert demand reduction actions, the City's water customers have demonstrated an average of 24% reduction in

aggregate monthly water use compared to water use data from 2013; and

WHEREAS, regardless of Water Shortage level, the City’s water customers are required to abide by the permanent water waste prohibitions listed within its current Water Conservation Ordinance; and

WHEREAS, the City’s recycled water production and distribution system, which meets approximately 50% of all landscape irrigation demands in its service area, and for which another expansion is being planned, ensures that the City is better prepared to address the next drought.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. The City finds and determines that the foregoing Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

Section 2. The City of San Clemente hereby rescinds a Water Shortage Level 2 Water Alert, Resolution No. 22-27. All water conservation measures and practices as set forth in the City’s Water Conservation Ordinance are still hereby in effect.

Section 3. The City Manager and his authorized designees are hereby authorized and directed to take such actions as shall be necessary to effectuate the purposes of this Resolution.

Section 4. This Resolution shall supersede all other previous city resolutions that may conflict with, or be contrary to, this Resolution, and shall take effect immediately upon its adoption.

Section 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

RESOLUTION NO. 22-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE,
CALIFORNIA, DECLARING A WATER SHORTAGE LEVEL 2 WATER ALERT

WHEREAS, on June 15, 2021, the City Council of the City of San Clemente adopted its 2020 Urban Water Management Plan, including its 2020 Water Shortage Contingency Plan (WSCP), which provides a newly revised set of water shortage levels and corresponding shortage response actions to help guide the City Council and Staff in addressing future water shortages; and

WHEREAS, pursuant to the City's WSCP and its Ordinance No. [INSERT], the City may take action by resolution or ordinance to declare, change, and rescind, as applicable, the particular level of a water supply shortage; and

WHEREAS, the State of California is now in its third consecutive abnormally dry year, with the annual rainfall and the water content in the Sierra snowpack being significantly below the amounts needed to fill California's storage reservoir system or support delivery of supplies requested by Metropolitan Water District of Southern California (Metropolitan) and other export contractors; and

WHEREAS, rainfall levels in the Orange County area were only 43% of average for the 2020-2021 water year ending on September 30, 2021, and statewide, the 2021 water year was the second driest on record; and

WHEREAS, on July 8, 2021, Governor Newsom called on all Californians to voluntarily reduce their use by 15% compared to 2020; and

WHEREAS, Governor Newsom issued a Proclamation of a State of Emergency on October 19, 2021 in response to the entirety of the State of California experiencing drought conditions; and

WHEREAS, on December 1, 2021, the State of California Department of Water Resources announced its initial allocations to State Water Project (SWP) Contractors, including Metropolitan, to be as low as 0%, the first time in the history of the SWP for this to occur, subsequently increasing allocations to 15% and then back down to 5% by March 18, 2021; and

WHEREAS, the State Water Resources Control Board (SWRCB) adopted emergency regulations in response to the drought on January 4, 2022; and

WHEREAS, the watersheds that provide much of the State's water supply have recently endured their driest January and February on record; and

WHEREAS, Governor Newsom issued Executive Order N-7-22, acknowledging the increasing severity of the current drought, and ordering the SWRCB to consider adopting emergency regulations that include requiring urban water suppliers, such as the City, to implement shortage response actions prescribed by their water shortage contingency plans for a water shortage of up to 20%; and

WHEREAS, on May 24, 2022, the SWRCB adopted Emergency Regulations for urban drought response actions, specifically requiring all urban water suppliers who submitted a Water Shortage Contingency Plan to the Department of Water Resources to implement at a minimum, all demand reduction actions identified in the supplier's Water Shortage Contingency Plan for a shortage level of ten to twenty percent by June 10, 2022; and

WHEREAS, the City's recycled water production and distribution system, which meets approximately 50% of all landscape irrigation demands in its service area, ensures that the City is better prepared to address drought conditions, but further reductions in potable water use may be necessary; and

WHEREAS, during the emergency Californians need to work together to reduce water usage, and extend water reserves; and

WHEREAS, the City's WSCP enumerates the following shortage response actions for a Level 2 Water Alert to effect a 10-20% reduction in demand: the expansion of its public information campaign, the implementation of a potable water demand management variable rate surcharge of an additional \$0.30 per cubic centric foot and fixed rate surcharge of an additional \$0.74 per meter equivalent, the restriction of irrigation to specific days of the week, and the increase of water waste patrols. From March through November, irrigation would be permitted on Mondays, Wednesdays, and Fridays for even-numbered residential addresses; on Tuesdays, Thursdays, and Saturdays for odd-numbered residential addresses; and on Sundays, Tuesdays, and Fridays for commercial and irrigation accounts. From December through February, irrigation would be permitted on Mondays for even-numbered residential addresses; on Saturdays for odd-numbered residential addresses; and on Thursdays for commercial and irrigation accounts.

NOW, THEREFORE, The City Council of the City of San Clemente does hereby resolve as follows:

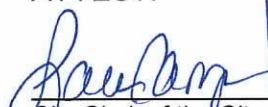
Section 1. The City finds and determines that the foregoing Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

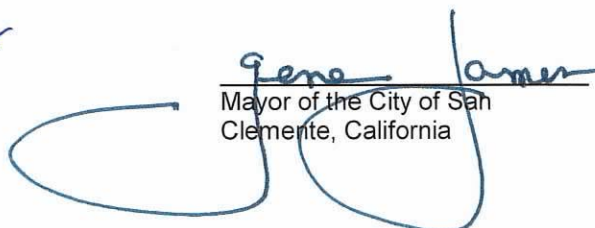
Section 2. The City of San Clemente hereby declares a Water Shortage Level 2 Water Alert and implements all demand reduction actions identified in its WSCP Level 2 Water Alert in compliance with the May 24, 2022 SWRCB Emergency Regulations.

Section 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this 7 day of June , 2022.

ATTEST:

 Legislative Administrator
City Clerk of the City of San Clemente, California

 Mayor of the City of San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)


I, LAURA CAMPAGNOLO, Legislative Administrator of the City of San Clemente, California, do hereby certify that Resolution No. 22-27 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 7 day of June , 2022, by the following vote:

AYES: DUNCAN, KNOBLOCK, WARD, MAYOR JAMES

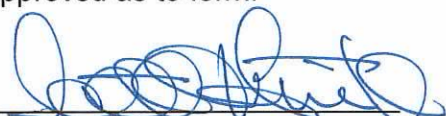
NOES: NONE

ABSENT: FERGUSON

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 20th day of June, 2022.

 Legislative Administrator
CITY CLERK of the City of San Clemente, California

Approved as to form:


City Attorney