

**RESOLUTION NO. 15530**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY ADOPTING A WATER SHORTAGE CONTINGENCY PLAN AND WATER CONSERVATION PROGRAM**

**WHEREAS**, in California, water is a precious and limited resource that must be used wisely; and

**WHEREAS**, California is currently facing one of the most severe droughts on record; and

**WHEREAS**, the City of Redwood City's 2015 Urban Water Management Plan ("UWMP") was approved in June 2016, and includes a Water Shortage Contingency Plan ("WSCP") that sets forth stages of action for water conservation at increased levels of water shortages; and

**WHEREAS**, California Water Code Section 10632(a) requires urban water suppliers to adopt a Water Shortage Contingency Plan, which includes stages of action to be undertaken in response to water supply shortages, by resolution or ordinance; and

**WHEREAS**, on August 2, 1993 the City Council of the City of Redwood City adopted Ordinance No. 2062 enacting prohibitions on certain uses of potable water and penalties for the violation thereof; and

**WHEREAS**, on January 17, 2014, Governor Brown proclaimed a drought state of emergency, calling on local urban water suppliers and municipalities to implement their local water shortage contingency plans immediately and calling on all Californians to reduce their water usage by 20 percent; and

**WHEREAS**, on April 25, 2014, Governor Brown issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on Californians to redouble their efforts to conserve water; and

**WHEREAS**, the State Water Resources Control Board adopted emergency regulations for urban water conservation at its meeting on July 15, 2014; and

**WHEREAS**, on August 25, 2014, the City Council of the City of Redwood City adopted Resolution No. 15362, implementing restrictions on outdoor water use in compliance with State Water Resources Control Board regulations; and

**WHEREAS**, the State Water Resources Control Board adopted additional emergency regulations for urban water conservation at its meeting on March 17, 2015; and

**WHEREAS**, on April 1, 2015, Governor Brown signed an executive order imposing additional drought restrictions and directed the State Water Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016; and

**WHEREAS**, on June 8, 2015, the City Council of the City of Redwood City adopted Resolution No. 15418, implementing stricter prohibitions on outdoor water use in compliance with State Water Resources Control Board regulations; and

**WHEREAS**, on May 9, 2016, Governor Brown signed an executive order extending drought restrictions through the end of January 2017 and permanently prohibiting the use of potable water for specific outdoor water uses; and

**WHEREAS**, Ordinance No. 2062 no longer meets the requirements set forth by the State of California for water shortage emergencies, or the actions set forth in the water shortage contingency plan in the 2015 UWMP; and

**WHEREAS**, on October 17, 2016, concurrent herewith, the City Council introduced an Ordinance Rescinding Ordinance No. 2062 Regarding Voluntary Water Conservation Program, Enacting Regulations Prohibiting Certain Uses of Water, Establishing Penalties for Violation Thereof, and Providing for Implementation of Water Conservation Landscape and Irrigation Guidelines (“Ordinance Regulating Water Use”); and

**WHEREAS**, the City has determined that it is in the best interest of the City to adopt additional regulations and restrictions on the delivery and consumption of water within the City's service area that are needed to comply with the Governor's executive order and state regulations; and

**WHEREAS**, pursuant to California Water Code Section 375 et. seq., the City Council is authorized to adopt a Water Conservation Program (“WCP”) to prohibit nonessential water use, water waste, and conserve the City's water supplies of the public entity; and

**WHEREAS**, the City has prepared a WSCP and a WCP to prohibit nonessential water use, water waste, and conserve the City's water supplies.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REDWOOD CITY, AS FOLLOWS:**

**Section 1.** The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**Section 2.** The City Council hereby finds that the proposed WSCP and WCP are in the public interest and necessary for the purposes of anticipating increased levels of water shortages and conserving the water supplies of the public entity.

**Section 3.** The proposed WSCP and WCP have been reviewed with respect to the applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.). The proposed WSCP and WCP are categorically exempt from CEQA under CEQA Guidelines 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) because they are actions authorized by state or local ordinance to assure the maintenance of a natural resource.

**Section 4.** The City hereby adopts the WSCP, attached as Exhibit A and incorporated herein, and the WCP, attached as Exhibit B and incorporated herein contingent upon the effectiveness of the Ordinance Regulating Water Use.

**Section 5.** Contingent upon adoption of this Resolution, Resolutions No. 15362 and 15418 are hereby rescinded, effective immediately.

**Section 6.** This Resolution shall go into effect immediately upon its adoption.

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## EXHIBIT A

### Water Shortage Contingency Plan (WSCP)

#### 1. WATER SHORTAGE DECLARATION

The City Manager may recommend the City Council adopt a resolution to declare a water shortage when there is a reasonable probability that there will be a supply shortage necessitating a demand reduction in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon declaration of a water shortage emergency, the Public Works Director of the City of Redwood City shall take action to implement the prohibitions identified in this WSCP, as applicable to the declared water shortage stage. The declared water shortage shall remain in effect until rescinded or otherwise modified by subsequent resolution of City Council.

- A. Stage 1 water shortage (up to ten (10) percent reduction).
- B. Stage 2 water shortage (up to fifteen (15) percent reduction).
- C. Stage 3 water shortage (up to twenty (20) percent reduction).
- D. Stage 4 water shortage (up to thirty (30) percent reduction).
- E. Stage 5 water shortage (greater than thirty (30) percent reduction).

#### 2. DEFINITIONS

The following terms are defined for purposes of this Water Shortage Contingency Plan (WSCP):

- A. CITY: means the City of Redwood City, a charter city.
- B. DIRECTOR: means the Public Works Services Director of the City of Redwood City, or his/her designee or representative.
- C. CUSTOMER: means any individual, firm, partnership, unincorporated association, corporation, company, organization or governmental entity or agency, whether within or without the geographic boundaries of the City of Redwood City who uses water supplied by the city.
- D. BAWSCA: the Bay Area Water Supply and Conservation Agency.
- E. SFPUC: the San Francisco Public Utilities Commission and the City's potable water supplier.
- F. POTABLE WATER: Means water which conforms to the federal, state and local standards for human consumption.

#### 3. WATER SHORTAGE STAGES

##### 3.1 STAGE 1 WATER SHORTAGE

A Stage 1 water shortage exists when the City Council declares that a water supply shortage exists and a demand reduction of up to ten (10) percent is necessary to appropriately respond to existing supply conditions. Upon declaration of a Stage 1 water shortage by the City Council, the Director shall instruct staff to:

- A. Increase public education and outreach efforts to increase public awareness of the prohibited water uses as defined in Sec. 38.62; and
- B. Encourage voluntary reduction in water use through the City's Water Allocation Program; and
- C. Coordinate with BAWSCA and SFPUC.

The following actions are prohibited during a declared Stage 1, water shortage.

- A. Irrigation of ornamental landscapes or turf not supplied through a dedicated irrigation meter with potable water not more than 3 days per week as follows:
  - i. Addresses ending with an odd number shall only irrigate on Mondays, Thursdays, and Saturdays;
  - ii. Customers with no address shall only irrigate on Mondays, Thursdays, and Saturdays; and
  - iii. Addresses ending with an even number shall only irrigate on Tuesdays, Fridays, and Sundays.
- B. Irrigation of ornamental landscapes or turf supplied with potable water through a dedicated irrigation meter billed by Redwood City to customers through budget based water rates, the customer shall reduce irrigation usage of potable water by 10% and not exceed 90% of their allotted irrigation water budget.
- C. 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.
- D. 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.

### 3.2 STAGE 2 WATER SHORTAGE

A Stage 2 water shortage exists when the City Council declares that a water supply shortage exists and a demand reduction of up to fifteen (15) percent is necessary to appropriately respond to existing supply conditions. Upon declaration of a Stage 2 water shortage by the City Council, the Director shall instruct staff to:

- A. Continue with actions and measures from Stage 1;
- B. Increase public education and outreach efforts;
- C. Accelerate water conservation program implementation; and
- D. Cut back flushing of water distribution mains for water quality purposes.

In addition to the actions in Stage 1 except where superseded by more stringent requirements the following actions are mandatory during a declared Stage 2, water shortage.

- A. Irrigation of ornamental landscapes or turf not supplied through a dedicated irrigation meter with potable water not more than 2 days per week as follows:
  - i. Addresses ending with an odd number shall only irrigate on Mondays and Thursdays;
  - ii. Customers with no address shall only irrigate on Mondays and Thursdays; and
  - iii. Addresses ending with an even number shall only irrigate on Tuesdays and Fridays.
- B. Irrigation of ornamental landscapes or turf supplied with potable water through a dedicated irrigation meter billed by Redwood City to customers through budget based water rates, the customer shall reduce irrigation usage of potable water by 35% and not exceed 65% of their allotted irrigation water budget.

### 3.3 STAGE 3 WATER SHORTAGE

A Stage 3 water shortage exists when the city council declares that a water supply shortage exists and a demand reduction of up to twenty (20) percent is necessary to appropriately respond to existing supply conditions. Upon declaration of a Stage 3 water shortage by the City Council, the Director shall instruct staff to:

- A. Continue with actions and measures from Stage 2;
- B. Implement mandatory Water Allocation Program with moderate rate incentives;
- C. Schedule staff for customer service and enforcement;
- D. Accelerate water conservation program implementation; and
- E. Increase public outreach, including information regarding fines or penalties for non-compliance.

In addition to the actions in Stage 2 except where superseded by more stringent requirements the following actions are mandatory during a declared Stage 3, water shortage.

- A. Irrigation of ornamental landscapes or turf supplied with potable water through a dedicated irrigation meter billed by Redwood City to customers through budget based water rates, the customer shall reduce irrigation usage of potable water by 50% and not exceed 50% of their allotted irrigation water budget.
- B. Filling Swimming pools or spas with potable water is prohibited.
- C. Operating a commercial car wash system that does not utilize recycled or water recirculating technologies is prohibited.
- D. Water use shall not exceed Water Allocations for all water users

### 3.4 STAGE 4 WATER SHORTAGE

A Stage 4 water shortage exists when the City Council determines that a water supply shortage exists and a demand reduction of up to thirty (30) percent is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon declaration of a Stage 4 water shortage by the City Council, the Director shall instruct staff to:

- A. Continue with actions and measures from Stage 3;
- B. Implement mandatory Water Allocation Program with significant rate incentives;
- C. Increase enforcement and water waste patrols;
- D. Suspend flushing of water mains except when necessary to address immediate health or safety concerns;
- E. Moratorium on new water connections.

In addition to the actions in Stage 3 except where superseded by more stringent requirements the following actions are mandatory during a declared Stage 4, water shortage.

- A. Irrigation of ornamental landscapes or turf supplied with potable water through a dedicated irrigation meter billed by Redwood City to customers through budget based water rates, the customer shall reduce irrigation usage of potable water by 70% and not exceed 30% of their allotted irrigation water budget.
- B. Washing of vehicles except at facilities using recycled or recirculating water is prohibited.

### 3.5 STAGE 5 WATER SHORTAGE

A Stage 5 water shortage exists when the City Council determines that a water supply shortage exists and a demand reduction greater than thirty (30) percent is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon declaration of a Stage 5 water shortage by the City Council, the Director shall instruct staff to:

- A. Continue with actions and measures from Stage 4;
- B. Implement mandatory Water Allocation Program with severe rate incentives;
- C. Increase enforcement and water waste patrols;
- D. Reduce water system pressures as applicable in a manner not to endanger public health or safety;

In addition to the actions in Stage 4 except where superseded by more stringent requirements the following actions are prohibited during a declared Stage 5, water shortage.

- A. Watering or irrigating of lawn, landscape or other vegetated area with potable water, except for the following uses is prohibited:
  - i. Maintenance of existing landscape necessary for fire protection.
  - ii. Maintenance of existing landscape for soil erosion control.
  - iii. Maintenance of plant materials identified to be rare or essential to the well-being of protected species.
  - iv. Maintenance of landscapes or turf not supplied through a dedicated irrigation meter with potable water within active public parks and playing fields, day-care centers, golf course greens and school grounds, provided that such irrigation does not exceed one (1) day per week and does not occur between 9:00 a.m. and 5:00 p.m.
    - a. Addresses ending with an odd number shall only irrigate on Mondays;
    - b. Customers with no address shall only irrigate on Mondays;
    - c. Addresses ending with an even number shall only irrigate on Tuesdays.
  - v. Maintenance of landscapes or turf that are supplied with potable water through a dedicated irrigation meter billed by Redwood City to customers through budget based water rates, the customer shall reduce irrigation usage of potable water by 90% and not exceed 10% of their allotted irrigation water budget.
  - vi. Actively irrigated environmental mitigation projects.

## 4. EXCEPTIONS AND APPEALS

The procedures for exceptions and appeals shall be as set forth below.

### 4.1 EXCEPTIONS

Written applications for an exception to the provisions of this article shall be made to the director. A written determination will be made on all requests for exceptions within ten (10) business days from receipt of an application for an exception and mailed to the applicant.

The director's determination shall consider the following criteria:

- A. Whether all practical water conservation measures have been previously adopted;

- B. Whether failure to grant the application would cause an emergency condition adversely affecting the health, sanitation, fire protection or safety of the customer or the public; or
- C. Whether undue hardship would result to the applicant if the application were denied or the flow-restricting device were installed, including adverse economic impact such as loss of production or loss of jobs.

**4.2 APPEALS**

Denials of any application for an exception or a decision of the Director to install a flow-restricting device or discontinue water service may be appealed to the City Manager, or his/her designee, whose decision shall be final. An application for an appeal shall be filed with the City Clerk in writing within seven (7) calendar days after the Director's decision and shall state the specific grounds for the appeal. The City Manager shall issue a written decision within fifteen (15) calendar days after the appeal has been filed with the City Clerk.

**5. ENFORCEMENT**

The enforcement of the water conservation provisions of this article shall be as set forth below.

**5.1 INSTALLATION OF FLOW-RESTRICTING DEVICES AS ENFORCEMENT**

- A. Upon the receipt of reliable information confirming an alleged violation of this article, the Director shall issue a written warning to the suspected violator. The director may, after one (1) or more written warnings, determine whether to require installation of a flow-restricting device on the service line of any customer violating any of the provisions of this article.
- B. If the Director determines installation of a flow-restricting device is necessary, written notification of the director's decision shall be mailed to the customer. The customer shall have ten (10) calendar days from the decision to contest the Director's decision by submitting written documentation to the Director. If the customer does not contest the decision, the decision will become final without further notification. If the customer contests the Director's decision, the Director shall have ten (10) business days to issue a final written decision. If the customer contests the Director's decision, he/she may appeal the Director's decision pursuant to Section 4.2 Appeals.
- C. Charges for installation or removal of flow restricting devises is as follows:

Charges for Installation or Removal of Flow Restricting Devises		
Meter Size	Installation Charge	Removal Charge
5/8" to 1", inclusive	\$50	\$50
1-1/2" to 2", inclusive	\$100	\$100
3" or larger	Actual Cost	Actual Cost

**5.2 DISCONTINUANCE OF WATER SERVICE**

Continued water use in violation of any of the provisions of this article, after written warning by the Director and installation of flow-restricting devices, may result in the discontinuation of water service by the City of Redwood City. The Director shall mail a written notice of discontinuation of water service. A customer may appeal pursuant to Section 4.2 Appeals. The charge for reactivating or restoring water service shall be fixed by resolution of the city council, based on the city's cost for labor, equipment, materials and overhead.

### 5.3 USE OF POTABLE WATER THROUGH DEFECTIVE EQUIPMENT

- A. Use of potable water through any meter when written notice has been given by the director to repair broken or defective plumbing, sprinkler, watering or irrigation systems and has failed to effect such repairs. The failure of any customer to effect said repairs within the applicable time period after said written notification by director shall constitute grounds for immediate discontinuance of water service.
- B. The time period within which repair shall be made of the broken or defective plumbing, sprinkler, watering or irrigation systems after receiving written notice is determined by the water supply condition as follows:
  - i. A maximum of ten (10) days under normal supply conditions.
  - ii. A maximum of ten (10) days during a Stage 1 water shortage.
  - iii. A maximum of five (5) days during a Stage 2 water shortage.
  - iv. A maximum of three (3) days during a Stage 3 water shortage.
  - v. A maximum of twenty-four (24) hours during a Stage 4 water shortage.
  - vi. A maximum of twenty-four (24) hours during a Stage 5 water shortage.

### 5.4 PENALTIES

The taking of any action prohibited in this article is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. Prior to issuance of a fine, the City shall follow the enforcement procedures set forth below:

- A. 1st Violation: notice of violation door hanger/email/phone call to customer, resident or business;
- B. 2nd Violation: certified letter from City notifying customer, resident or business of violation and potential future fines;
- C. 3rd Violation: one hundred dollars (\$100) for a third violation of the same provision within one (1) year;
- D. 4th Violation: two hundred dollars (\$200) for a fourth violation of the same provision within one (1) year;
- E. Five hundred dollars (\$500) for all subsequent violations of the same provision within one (1) year; and
- F. Each day in which a violation occurs shall be considered a separate offense. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

## EXHIBIT B

### Water Conservation Program

#### 1. DEFINITIONS

The following terms are defined for purposes of this Water Conservation Program (WCP):

- G. CITY: means the City of Redwood City, a charter city.
- H. DIRECTOR: means the Public Works Services Director of the City of Redwood City, or his/her designee or representative.
- I. CUSTOMER: means any individual, firm, partnership, unincorporated association, corporation, company, organization or governmental entity or agency, whether within or without the geographic boundaries of the City of Redwood City who uses water supplied by the city.
- J. BAWSCA: the Bay Area Water Supply and Conservation Agency.
- K. SFPUC: the San Francisco Public Utilities Commission and the City's potable water supplier.
- L. IRRIGATION STATION: means an area of irrigated landscape controlled by a single irrigation valve.
- M. HARD-SURFACED AREAS: means sidewalks, walkways, driveways, parking areas, tennis courts, patios, alleys or other paved areas.
- N. SINGLE-PASS COOLING SYSTEM: means equipment where water is circulated only once to cool equipment before being disposed.
- O. DECORATIVE WATER FEATURE: means a design element where open water performs an aesthetic function, including, but not limited to, ponds, fountains, waterfalls and artificial streams.
- P. RECYCLED WATER: Non-potable tertiary treated water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or controlled use that would not otherwise occur. (See California Water Code section 13050(n).)
- Q. POTABLE WATER: Means water which conforms to the federal, state and local standards for human consumption.
- R. ARCHITECTURAL OR LANDSCAPING GUIDELINES OR POLICIES: includes any formal or informal rules other than the governing documents of a common interest development.
- S. HOMEOWNERS' ASSOCIATION: means an "association" as defined in section 4080 of the Civil Code.
- T. COMMON INTEREST DEVELOPMENT: has the same meaning as in section 4100 of the Civil Code.
- U. COMMUNITY SERVICE ORGANIZATION OR SIMILAR ENTITY: has the same meaning as in section 4110 of the Civil Code.
- V. GOVERNING DOCUMENTS: has the same meaning as in section 4150 of the Civil Code.
- W. SEPARATE INTEREST: has the same meaning as in section 4185 of the Civil Code.

#### 2. GENERAL PROVISIONS AND PROHIBITED WATER USES

At all times to prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited. In the event of a declared water shortage, any prohibited water uses imposed by this article in which two (2) or more prohibitions apply to the same water use, the most restrictive prohibition shall apply.

- A. The following actions are prohibited at all times and in a declared water shortage except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.
1. 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;
  2. 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;
  3. The application of potable water to driveways and sidewalks;
  4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
  5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
  6. The irrigation with potable water of ornamental turf on public street medians;
  7. 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.
  8. Use of potable water through broken or defective plumbing and irrigation systems.
  9. Use of potable water in single-pass cooling systems.
- B. To prevent the waste and unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:
1. Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivision (a) of the Civil Code; or
  2. Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared water shortage, as described in section 4735, subdivision (c) of the Civil Code.

Passed and adopted by the Council of the City of Redwood City at a  
Joint City Council/Successor Agency Board/Public Financing Authority Meeting  
thereof held on the 17<sup>th</sup> of October 2016 by the following votes:

Council Members: Aguirre, Bain, Borgens, Gee, Howard, Masur, and  
Mayor Seybert

NOES: None

ABSENT: None

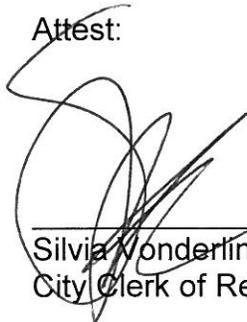
ABSTAINED: None



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John D. Seybert  
Mayor of the City of Redwood City

Attest:



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Silvia Wonderlinden  
City Clerk of Redwood City

I hereby approve the foregoing  
resolution this 18<sup>th</sup> day of October 2016.



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John D. Seybert  
Mayor of the City of Redwood City