

RESOLUTION NO. 3197-15

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
IMPLEMENTING THE STATE WATER RESOURCES CONTROL BOARD'S
MANDATE ON URBAN WATER SUPPLIERS TO ACTIVATE THOSE PORTIONS OF
THEIR WATER SHORTAGE CONTINGENCY PLANS RELATED TO MANDATORY
RESTRICTIONS ON WATER USE AND SETTING VIOLATION RECONNECTION
FEES FOR ENFORCEMENT OF MANDATORY RESTRICTIONS PER TOWN OF
WINDSOR CODE SECTION 12-3-845.**

WHEREAS, on January 17, 2014, Governor Brown declared a statewide drought in California and called for a 20 percent voluntary reduction in water use; and

WHEREAS, the Town of Windsor is a retail water purveyor and a Sonoma County Water Agency Water Contractor; and

WHEREAS, on February 3, 2014, the Water Advisory Committee for the Restructured Water Supply Agreement for the Russian River project adopted a resolution that encourages residents to increase water use efficiency and urged water customers to heed the Governor's declaration to reduce water use by 20%; and

WHEREAS, on February 19, 2014, the Town Council adopted Resolution 3057-14 in support of the call to voluntarily reduce water use by 20%; and

WHEREAS, Water Code Section 10617 defines "urban water supplier" as a supplier for municipal purposes that serves 3,000 customers or more than 3,000 acre feet annually. Pursuant to Section 10617, the Town is an urban water supplier; and

WHEREAS, on July 15, 2014, the State Board adopted Article 22.5 entitled "Drought Emergency Water Conservation Regulations" (California Code of Regulations, Title 23, sections 863, 864, and 865) which makes drought related findings and imposes mandatory requirements on urban water suppliers state-wide; and

WHEREAS, on August 6, 2014, the Town Council adopted Resolution 3118-14 terminating the Stage 1 water shortage emergency and declaring a Stage 2 water shortage emergency, with an overall mandatory rationing requirement of 20 percent, and declaring certain water uses to be non-essential, all as specified in Section 12-3-800 *et seq.* of the Town of Windsor Code; and

WHEREAS, on March 17, 2015 the State Board amended and re-adopted the Drought Emergency Water Conservation Regulations; and

WHEREAS, Section 863 of Article 22.5 of the State's emergency regulations made the following factual findings related to the current state of drought in California and the Governor's proclamations of emergency related thereto:

1. On January 17, 2014, the Governor proclaimed a state of emergency under the California Emergency Services Act (Act) based on drought conditions;

2. On April 25, 2014, the Governor issued a proclamation of continued state of emergency under the Act based on continued drought conditions existing statewide;
3. The drought conditions forming the base of the Governor's proclamations still exist;
4. The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years;
5. The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation; and

WHEREAS, Section 864 of Article 22.5 of the State's emergency regulations promotes conservation by prohibiting the following outdoor activities, 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 dispensed 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 recirculation system;
5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
6. 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;
7. 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; and

WHEREAS, Section 865 of Article 22.5 of the State's emergency regulations requires urban water suppliers statewide to:

1. Implement all requirements and actions of the stage of its water shortage contingency

plan that includes mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed, or shall amend its water shortage contingency plan to include mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed and implement these restrictions within forty-five (45) days;

2. Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-users exclusive control;
3. Prepare and submit to the State Board by the 15th of each month a monitoring report that includes the amount of potable water produced, including potable water provided by a wholesaler, in the preceding calendar month compared to the amount produced in the same calendar month in 2013 and estimate the gallons of water per person per day used by the residential customers it serves. The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Windsor hereby revises the Town's Water Shortage Contingency Plan identified in the Town of Windsor Code as Section 12-3-800 *et seq.* as follows:

1. The Stage 2 overall mandatory rationing requirement shall be a twenty (20) percent reduction from the corresponding billing period in 2013.
2. The ETo adjustment factor, used as a percent reduction for landscape irrigation, shall be set at twenty five (25) percent or (0.25).
3. Landscape irrigation for residents living west of Highway 101 shall be limited to Wednesday, Friday, and Sunday.
4. Landscape irrigation for residents living east of Highway 101 shall be limited to Tuesday, Thursday, and Saturday.
5. No residential irrigation is allowed on Monday.
6. Commercial customers, including multi-family customers with three or more units, and institutional customers may water no more than three (3) days per week and not on consecutive days. Exemptions may be granted for publicly owned recreational landscape areas provided a 25% reduction in water use compared to the corresponding billing period in 2013 is maintained.
7. 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.

8. The following additional use (s) is declared to be non-essential and is prohibited during a Stage 2 or greater shortage emergency:
 - a. Use of potable water to irrigate outdoor landscapes during and within forty eight (48) hours after measureable rainfall.
 - b. Use of potable water to irrigate outdoor landscapes in homes and buildings constructed after April 1, 2015 except where drip or micro spray irrigation is used.
 - c. Use of potable water to irrigate ornamental turf on public street medians as defined in adopted regulations of the State Water Resources Control Board.
9. Consistent with the requirements of Town Code section 12-3-845 (f), the Violation Reconnection Fee and Second Violation Reconnection Fee are to be equal to the Water Waste Fee in the Town's currently adopted Master Fee Schedule.

BE IT FURTHER RESOLVED that Town staff is directed to do what is necessary and appropriate to implement the Stage 2 water shortage emergency through education and outreach, by monitoring customer water use and encouraging customers to increase water use efficiency measures, by inspection of outdoor water waste prohibitions and mandatory restrictions, and by enforcement thereof.

PASSED, APPROVED AND ADOPTED this 6th day of May 2015, by the following vote:

**AYES: COUNCILMEMBERS FOPPOLI, FUDGE, MILLAN, SALMON AND
MAYOR OKREPKIE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



BRUCE OKREPKIE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK