

City of Hesperia

STAFF REPORT



DATE: January 18, 2022

TO: Mayor and Council Members
Chair and Board Members, Water District

FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**
REVISED EXHIBIT A REFLECTS COUNCIL/BOARD DIRECTION

BY: Rachel Molina, Assistant City Manager
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SUBJECT: Amendments to Title 14, Chapter 14.04 of the Hesperia Municipal Code related to water use, conservation and water shortage plan.

RECOMMENDED ACTION

It is recommended that the City Council and the Board of Directors of the Hesperia Water District introduce and place on first reading Ordinance No. 2021-08 regarding water use, water conservation and water shortage plan; amending Title 14, Chapter 14.04 of the Hesperia Municipal Code.

At the December 21, 2021 Council meeting the City Council and Board of Directors made a minor amendment to the wording of Stage 2, a. to reflect that mandatory consumption reduction methods may be in effect.

BACKGROUND

On January 17, 2014, California State Governor Edmund G. Brown Jr. issued drought emergency proclamation which was followed by further executive orders and emergency regulations enacting specific conservations requirements, prohibitions against wasteful water use practices, and requirements for water purveyors to report to the state monthly.

The drought restrictions were repealed in part February 17, 2017, with the remaining requirements expiring on November 25, 2017. However, the long-term framework to establish permanent conservation standards and improve urban water management planning had been placed into motion.

May 31, 2018, Governor Brown signed Assembly Bill (AB) 1668 and Senate Bill (SB) 606 which established guidelines for efficient water use and implementation of new standards intended to achieve long term conservation and provide water supply reliability to adapt to longer, more intense droughts experienced in California. In summary, the bills required the creation of new efficiency standards for indoor and outdoor use and leaks as well as establishes requirements for drought planning and water efficiency reporting. The plan for development and implementation of the new state regulations are collectively referenced in a document prepared by the California Department of Water Resources and State Water Resources Control Board titled "Making Water Conservation A California Way of Life".

Further, various components of water management planning are accomplished through an Urban Water Management Plan (UWMP) as required by the Urban Water Management Planning Act in

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connection with certain regulations from the above legislation. Development of the UWMP prepared by Tully & Young, Inc. that was accepted by the Board of Directors via Resolution No. 2021-013 on August 3, 2021 prompted the need to evaluate and update Title 14, Chapter 14.04, Sections 14.04.160 and 14.04.170 consist with current State regulations implemented subsequent to the Assembly and Senate Bills respectively.

Staff originally presented first reading of this ordinance to the Council and Board members on November 2, 2021. Since then, additional revisions have been made to the ordinance resulting in the recurrence of first reading.

ISSUES/ANALYSIS

California Water Code (CWC) Section 350 et seq. authorizes Hesperia Water District (District) to restrict the use of District water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the unreasonable use or waste of District water for any purpose other than household uses or such other restricted uses as may be determined to be necessary and may prohibit use of such water during such periods for specific uses which the District may from time to time find to be nonessential.

CWC Section 350 et seq. further authorizes the District to prescribe and define by ordinance those restrictions, prohibitions, and exclusions it may determine to be necessary in restricting the use of District water during threatened or existing water shortages.

CWC 16032 related to Urban Water Management Planning requires urban water suppliers to adopt a water shortage contingency plan containing certain elements such as six standard water shortage levels.

In comparison to State regulations related to water use and conservation, the existing Hesperia Municipal Code (HMC) is generally more restrictive due to existing mandatory conservation requirements. However, consistent with AB 1668, SB 606, and CWC 16032, the water shortage plan should have six stages along with additional conservations efforts while the current ordinance has only three. Subsequently, this resulted in the need for modifications and reformatting of HMC, Title 14, Chapter 14.04, Sections 14.04.160 and 14.04.170. Working in conjunction with Tully & Young, Inc. these chapters were evaluated, and a new proposed ordinance developed.

14.04.160 – Wasting water

The title of this section is “Unreasonable and Wasteful Water Use.”

This section was slightly modified to better clarify and identify the course of action that may be taken by the general manager for wasteful and unreasonable water use.

14.04.170 – Water conservation emergency plan

The new title of this section is “Water Conservation and Water Shortage Plan.”

This section was modified considerably to reflect consistency with State regulations and to allow for three additional stages within the water shortage plan. Stage 1 in the revised section is substantially consistent with HMC’s existing Stage 1 Normal Conditions -Mandatory conservation measures, with some of the measures being moved to Stage 2. Stage 6 in the revised ordinance is substantially consistent with the existing Stage 3 Water Shortage Emergency.

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Although almost all the existing language from these sections remains. Because the reorganization and addition of new language is so significant, this is essentially a new ordinance. Consequently, a red-line version of the existing ordinance is not provided. Instead, a copy of the existing version and the new version of these sections of Chapter 14.04 have been provided for reference.

As a result of the comments received by the Council and Board members during the first reading of the revised ordinance on November 2, 2021, staff made further revisions to the proposed Ordinance No. 2021-08 as indicated by the red-line version of the new ordinance in Attachment 3.

The State continues to develop regulations related to water use, conservation, and water supply management. Consequently, as further regulations are implemented, additional updates to the HMC may be warranted. Staff will continue to monitor the impacts of said regulations as they are carried out by the State and periodically revise the HMC as needed.

FISCAL IMPACT

There are no fiscal impacts associated with approval of the recommended action. However, it should be noted that in general, a reduction in water use through water conservation and the progression of the water shortage plan, subsequently results in a reduction of water sales revenue for the District.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance 2021-08
2. Attachment 2 – Existing Title 14, Chapter 14.04. Section 14.04.160 and 14.04.170
3. Attachment 3 – Redline Version with changes to New Ordinance 2021-08 as presented November 2, 2021
4. Attachment 4 – Exhibit “A” Municipal Code Title 14, Chapter 14.04. Section 14.04.160 and 14.04.170